



Rule of Law

A report from the 2nd FDRI/Berkeley conference on
Indian Democracy

by

Sanchita Saxena, Ph.D
University of California at Berkeley



foreword

Democracy has never been easy and as we look around us, we see that all around the world, democracies slip and fall, emerge, and are vanquished, and yet the desire for some form or other of democratic governance constantly re-emerges. Democracies are not always efficient. Indeed that is why so many middle class people are sometimes somewhat impatient with it.

Raka Ray
Sarah Kailath Chair of India Studies
Professor, Sociology and South & Southeast Asian Studies
Chair, Center for South Asia Studies
University of California, Berkeley

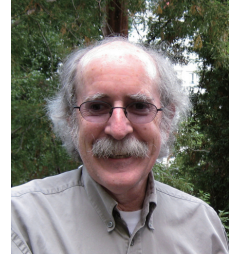
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about the conference

In September of 2008, the Center for South Asia Studies at Berkeley, in conjunction with the FDRI, held the second seminar on Indian Democracy, which focused on the role of law.

Without mechanisms in place to ensure safety, justice and certainty, a democracy cannot survive. India has had an independent judiciary for decades, but how effectively does it function and is able to truly deliver impartial justice to its citizens? How do other state actors like the police and army function to uphold the law? What recourse is available when these instruments of the state themselves break the law? Civil society, like citizens groups and even the private sector, are often involved in promoting justice and just practices. How does civil society work with the average citizen when he or she does not feel that justice has been served? What alternate forms of dispute resolution mechanisms are available? What lessons can we learn from successful examples of effective and democratic legal environments? Luminaries from government, the judiciary, civil society, the media, academia, and the corporate world were invited to address these and other vital questions through a series of panel presentations, breakout sessions, and keynote lectures.



“It may be that rule of law is necessary for democracy, but rule of law is based on a kind of authority...the rule of law concept is very authoritarian...”

- David Gilmartin



“...we feel the schizophrenia about Indian democracy that the practices of popular idealization and popular authorization are deeply entrenched, representative democracy is powerful and there is a certain intensity about politics. Yet, when we look back at the policies and decisions and laws enacted, we say, ‘I don’t think these are the policies or laws or decisions we would have chosen as free and equal citizens.’”

- Pratap Bhanu Mehta



“...the law then becomes a manipulating institution, justice then can be bought or sold at a particular premium...justice for one could be injustice for another”

- Flavia Agnes

conference themes

Democracy and the Rule of Law

The first conference, which focused on Governance and Empowerment, highlighted the paradox inherent in India's democracy—the disconnect between the high voting numbers, on the one hand, and the lack of improvement in livelihoods of citizens on the other. In this conference, we see similar paradoxes: citizens participate in politics, yet the laws that are passed and the policies that are enacted are not what citizens would have chosen. As Pratap Bhanu Mehta points out, democracy seems to be disengaged from legitimacy—India's citizens vote in large numbers, but if these same citizens were truly engaged in the process of making laws, laws would be seen



as legitimate and there would be minimal need for enforcement. In reality, many enacted policies are not geared towards improving the livelihoods of common people, but rather, some make it more difficult for the average citizen to eke out a living.

Strong and long established legal institutions and legal traditions are in place in India, but the average citizen has limited access to real or meaningful justice. Citizens often lack the knowledge or know-how that is necessary to maneuver the legal system. Even when courts do deliver, what is the “quality” of justice that is attained? As the conference made clear, law and justice are not always synonymous concepts. Perhaps, as David

Gilmartin argues, the ultimate disconnect is actually between the rule of law and democracy itself. Does the rule of law actually require non-democratic means to enforce authority? Is the rule of law inherently undemocratic?

How do we bridge these gaps between democracy and legitimacy, on the one hand and democracy and justice, on the other? There needs to be reform of both institutions and attitudes. Institutional reforms are required to make the system of justice more smooth, efficient, and accessible. Public attitudes about what constitutes justice, how it should be enforced, and who has the right to influence the law making process, need also to be carefully re-examined.

Access to Justice

Formal Legal Institutions

The most important question that arises when discussing justice and the law in India is access to justice, or the lack thereof. India has had formal institutions in place for several decades, but common citizens are not able to use these institutions to ensure they receive justice. The delays, the expense, and the onerous structure of the courts seem designed to dissuade those who have neither the means nor the ability to maneuver the system. Often times ordinary citizens may drop the case or look for alternative methods of dispute resolution, which, as will be discussed later, are plagued by similar problems. If mainly the elite, well-connected, well-educated sections of the population are able to take advantage of the legal system, then can justice be said to have been achieved?



"...courts are very formal, even the lower judiciary is very formal, very intimidating, very alien, very cumbersome, this kind of structure is beyond the reach of a large number of our population, they do not go there."

– Flavia Agnes



"One, the judiciary is among the most important institutions that dispense or apply the coercive power of the state. Second, the judiciary is the most important institution for adjudicating and resolving social disputes, which promotes or preserves not only a kind of order, but also the distribution or redistribution of resources..."

– Mark Brandon



Law and Justice

A Look at the Role and Performance of the Indian Judiciary

The Indian Judiciary consists of the Supreme Court with 26 judges (proposed to be increased to 30), 21 High Courts with a sanctioned strength of 725 justices (proposed to be increased by another 100 to 150 judges) and 14,477 subordinate courts / judges. For a variety of reasons the working strength at all the three levels is short by 15 to 30 per cent. Compared to India's population this is admittedly an inadequate number. According to the Law Commission (120th Report, 1987) the number of judges per million population in India was 10.5 which may have gone up to between 13 or 14 per million by now. In the All India Judges' Association Case [(2002) 4 SCC 247], the Supreme Court directed the Central and State governments to consider increasing the number of judges five-fold in a phased manner over a five year period in order to achieve the judge to population ratio as 50 per million. The proposal was not acted upon, inter alia, due to financial constraints.

In terms of the volume of work, it is estimated that nearly 30 million cases are pending in the Court system in India at any given point of time.

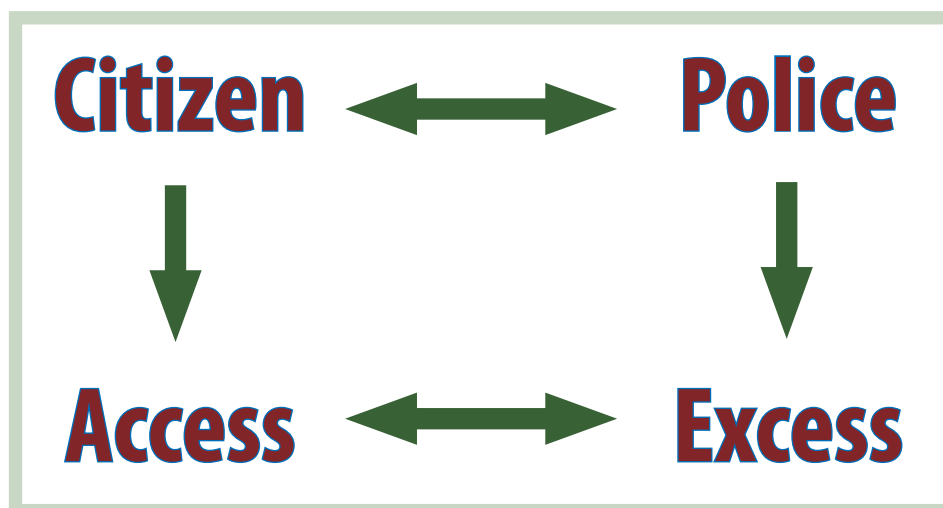
- The average fresh filing every year varies between 15 to 18 million cases which figure is steadily on the rise. The average disposal more or less matches with the filing.
- On an average the 14,000 subordinate courts decide nearly 13 million cases every year, perhaps the highest figure in the judicial world.
- The 21 High Courts decide on an average 1.5 million cases per year while the Supreme Court decide well over 50,000 cases every year.
- Despite this impressive output, the arrears / pendency keep on increasing, though marginally, every year. In 2006, the cases pending in the dockets of different courts in the country stood at a staggering figure of 36 million cases in spite of the rate of disposal increasing nearly 30 per cent between 1999 and 2006. It may be of interest to the outside world to note that the average judge in the High Courts decide 2374 cases while in the trial courts the average judge manages to decide over 1350 cases every year despite poor infra-structural support. Applying this average, India needs another 1500 High Court judges and 20,000 subordinate judges to clear the mounting arrears within a year or two.

“With such an overcrowded docket, there is unacceptable delay, I can see it in the delivery of justice. It adversely affects the citizen’s right to access of justice because if you were to take your complaint to a court, you must be expecting a delay of 3 to 5 years before your matter is taken up...the worst sufferers in this sort of dispensation are the poor and marginalized sections.”

– N.R. Madhava Menon

Justice and Instruments of the State

While various instruments of the state do make efforts to uphold justice, there is a distinct division, as Anasuya Sengupta points out, between *access* to law and justice on the one hand, and *excess* of power and authority, on the other. In the name of providing security or protection, there may be an abuse of authority and a misinterpretation or even an ignorance of the very laws they are trying to uphold. Indeed the police often focus on control, discipline, and the enforcement of morality rather than on the promotion of justice, especially for marginalized groups. Police are often trained in an atmosphere of violence, which they then go out and unleash onto citizens. Citizens may not understand their basic rights and may not have ways of recourse in cases of abuse. Many, with the hope of protection from violence or terrorism, support some of the more extreme tactics taken by the State to uphold law and order.



I would like to ... give you an example, a rather dramatic one, of the massacre which happened of Sikh villagers in Chittisinghpura in Jammu and Kashmir on the eve of President Bill Clinton's visit to India. You may recall that 35 innocent Sikh men were essentially taken from their homes in the village of Chittisinghpura in the Anantnag district, lined up outside the village, and shot in cold blood. Since the massacre happened on the eve of Clinton's visit, this gave rise to recrimination between India and Pakistan. India blamed Pakistan, and Pakistan said that the Indian state had itself done it in order to blame Pakistan. The upshot was that there was enormous amount of pressure brought to bear on the army and the police in Jammu and Kashmir to solve this crime, and predictably, within 72 hours the sensational news came that this case was solved on the basis of a lead from an informant. The Rashtriya Rifles and the Jammu Kashmir Police claimed to have stumbled upon five dreaded terrorists of the Lashkar-e-Toiba and a gun battle ensued. These five terrorists were held up in a hut which then caught fire. The bodies were burnt beyond recognition and buried in an unmarked grave...case solved. There has been no active investigation of Chittisinghpura. This I find shocking, since it was one of the worst terrorist massacres to happen in India. It has been now nearly nine years and the investigation into that case closed 72 hours after it happened, because the police said they had solved the case. Of course, we now know that the five people who were killed had nothing to do with the Lashkar-e-Toiba. Their identities have been proven, beyond doubt, as basically random villagers who were picked up from in and around Anantnag. Of course the police made a mistake in this case. The "mistake" was to kill people that they had picked up in the same area. Had they perhaps kidnapped somebody from another district and bumped them off in Anantnag, that might not have made the local villagers suspicious. But the disappearance of these five villagers, and the announcement of five terrorists having been killed, triggered a set of suspicions and protests by villagers which led to the entire case unraveling. It took three or four years to unravel. Bodies were exhumed. DNA tests proved that these individuals were in fact innocent villagers. ...What this case of Chittisinghpura underlines in a sense, is two things. First, the power that civil society and the law gives to the law enforcement agencies to essentially stage managed encounters is actually counter-productive from the point of view of national security because it leads to the actual perpetrators of these crimes getting off. Second, the manner in which it criminalizes the soldiers and policemen and offers the victims of their crimes absolutely no redress is something which essentially generates the kind of resentment that results into an unmanageable political problem, as we have seen in Jammu & Kashmir over the last two months...



"I think it is high time that the kind of legal architecture which the Indian Armed Forces and the police enjoy be really seriously questioned...from the moral human rights or humanitarian law point of view...these laws are generating the problem of the crisis of authority that you see in the Indian state where none of the machineries of the state that are meant to enforce law and order or meant to protect the citizen from whether it is extremist violence or mob violence or bomb blasts is actually able to do the job."

– Siddharth Varadarajan

Informal Methods

Because the courts deliver so little in terms of justice for many people, how do people seek solutions and remedies for the situations they find themselves in? Where do they turn? Those left out of the traditional system of law often pursue informal methods of dispute resolution, many which have themselves become just as clogged and congested as their formal counterparts. They are also at the mercy of particular groups providing this informal justice who can later use this as a form of blackmail and extortion.



“...the lower civil courts are in an eroding sector, they’re avoided, where possible by the bulk of potential users, they’re bypassed by the entrepreneurs and innovators who might reform that sector. And the result is that you get a scattered array of alternatives and rivals that themselves suffer from many maladies, the same delay and expense that afflict the lower courts turned up in many of these alternatives to the same ineffectual discounted remedies.”

“It’s that lawyers and courts are able to deliver so little in the way of remedy, protection, and dedication. Generally, the courts benefit those who...benefit from delay and the non-implementation of legal norms.”

– Marc Galanter

Justice for Whom?

Ultimately, who benefits from the judicial system in India? Marc Galanter argues that there may be delays injected into the system on purpose, in order to ensure that justice is not served for one party, but for the other. Often the party with the most money or power can influence this process. But there are also hierarchies other than class at play.



There is, according to Flavia Agnes, an unspoken “Hierarchy of Rights” in the eyes of the courts, which ranks citizens based on religion, gender, and caste. For example, she suggests, Hindu women are in a “higher” position than Muslim women. Even though women in general may have a difficult time accessing the judicial system, in a case between a Hindu and a Muslim woman, it is much more likely that the judgment will favor the Hindu woman. Clearly one’s social position and stature strongly influences whether justice will be achieved or not.

The situation is similar, argues Colin Gonsalves, for Dalits and Scheduled Tribes. While on paper it may appear that Dalits and Scheduled castes do in fact get issues they take to court settled within a reasonable period of time, Gonsalves suggests that this is because most Dalits are coerced into settlements. In other words, a case involving Dalits may be quickly “resolved” in a year and a half, but justice may not have been served.

Quality of Justice



Have the laws that have been passed been worth passing? Are they seen as legitimate among citizens? Clearly, various segments of society have varying levels of influence on the kinds of laws that are passed or not. Manoj Mate argues that political and professional elites are the key constituents of the court, and courts will feel confident to challenge the government if they feel that elite opinion is on their side. However, as Madhu Kishwar highlights, rickshaw pullers and street vendors in India do not have the same influence in shaping laws, and often times, laws that are passed are to their detriment.

The quality of justice is also very inconsistent and facts seem to continue to change, based on who is in charge, who is investigating the case, and who the victims are. Forensics results are often manipulated to support a particular kind of "justice"....



"It's very easy to see this capture by local political elites who use the rule of law or the name of the institution, the rule of law to target it and wheel it subjectively against one group or another group."

– Manoj Mate



"I think our challenge is fundamental that we become a democracy where not only is everybody entitled to their opinion, they are also now increasingly entitled to their own facts, and the blunt truth is that there is no political or civil society agency that has the ability to transcend this divide."

– Pratap Bhanu Mehta



I have an example of an absurd and corrupt municipal law that impacts on the right to livelihood of the urban poor, and how it is made even more absurd and more corrupt, thanks to the “wisdom” of the Supreme Court intervening in the matter. As you know, in India, more than 93% of the people are engaged in the informal sector; less than 7% earn their livelihood in the organized sectors of the economy. Most countries have this misconception that liberalization was needed only for the corporate sector because government laws affect only the corporate sector, and the informal sector is outside of the formal bureaucracy. To the contrary, my work in dealing with the farming sector and the informal sector over the last 15 years demonstrates that the laws and policies sanctioned by the Supreme Court that affect the lives and livelihoods of the informal sector

workers are far more vicious. To give you this example: cycle rickshaw pulling is one of the few means of instant livelihood in the urban areas. Somebody comes from a village by the night train, reaches Delhi or Kanpur, hires a rickshaw, and by the afternoon, he has earned 50 rupees...by the evening he has already earned 100 or 150 rupees and saved half of that money or more for sending back home to the village. It is also on the most inexpensive and eco-friendly form of transport for short distance travel; rickshaws don't guzzle petrol or diesel, they are very convenient, and provide passengers with door-to-door service. Yet if you look at the “license quota raj” imposed on this sector and sanctified by the Supreme Court, you will see how absurd it really is. First, in India, you can own any number of trucks, buses, cars, airplanes, but the law states that you can own only one cycle rickshaw. Not only that, but the punishment for owning more than one cycle rickshaw is confiscation and destruction of the vehicle. Second, the law states that the owner must be the puller. If I own a jet or a truck, I can hire whomever I want to be the driver or the pilot of those vehicles, no problem. But, if I own a cycle rickshaw, I must also be the puller and if I don't, the punishment is also confiscation and destruction of the vehicle. There is in every city in India, a very unrealistic quota on the number of cycle rickshaw licenses that can be issued. For example in Delhi, the quota is 99,000, though less than 89,000 licenses have been given. The municipality itself admits that there are at least 600,000 cycle rickshaws, including trolleys for carrying goods and garbage, and of course for commuting...I have interviewed thousands of rickshaw pullers by now, and 99.99% of cycle rickshaws are taken on rent from fleet owners who own may be five or ten or 500 cycle rickshaws. So in effect, because owners are not pullers, every single one of these rickshaws ends up being illegal. Third, unlike truck and motor and other licenses, rickshaw license applications are not accepted year-round. Once every three years, they will accept your application, but the whole process is so difficult that I have heard a rickshaw puller say that it is easier to get a ticket to contest an MP election than to get a rickshaw license. The municipality very proudly admits that it destroys, actually junks the rickshaws by beating them, and a minimum of 60,000 rickshaws are destroyed on the pretext of checking rickshaw licenses...It is a very high risk venture to own a cycle rickshaw in Delhi. Not surprisingly, it yields at least bribes worth 200 crores a year.

– Madhu Kishwar

“Justice” gone Awry: Who will guard the guardian?

Salwa Judum, which literally translates into a “purification hunt,” is a anti-Naxalite movement in Chhattisgarh, India, which started in 2005 as a “civilian movement amongst the tribals of the region”, and later evolved into a militia as a counter-insurgency strategy in the state to bring the area dominated by Naxalites, back under government control.* There is disagreement as to whether this is a “spontaneous” movement by citizens to protect themselves, or whether it is a state sanctioned armed militia. There is evidence that the state of Chhattisgarh has trained a number of SPOs or ‘Special Police Officers’, many of them who are children, to carry out attacks against anyone suspected of being a Naxalite.

Bastar and Dantewada districts of Chhattisgarh have traditionally been sparsely populated, rich in natural resources, and yet some of the poorest tribal regions. Here the Maoist rebels (Naxalites) have continued to enlarge their base over the past two decades, and by the 1990s, had formed a parallel government in the region.** As the situation further escalated in the coming years, Human Rights Watch reported atrocities at both ends, and reported large scale displacement of the civilian population caught in the conflict between the Naxalites and Salwa Judum activists with at least 100,000 people moving to various camps in southern Chhattisgarh or fleeing to neighboring Andhra Pradesh as of early 2008. By mid-2008 the figure grew to 150,000 tribals being displaced.***



The link between state sanctioned vigilante groups was the topic of this special session at the conference. Is Indian democracy hurt or strengthened by such state sponsored groups? Does the end (imposing law and order) justify the means (arming citizens, many of them children, to carry out attacks)? How do citizens determine who is guilty and who is not?

*Inside India's Hidden War. The Guardian, May 9, 2006.

**The Saga of Salwa Judum in Chhattisgarh. The Hindu, Jun 26, 2006.

***How the Salwa Judum Experiment Went Wrong. The Mint, Jul 10, 2008.



“Is the state entitled to arm the citizens and say, ‘Go ahead, kill them, eliminate the nuisance?’ Or is the state abdicating its constitutional authority by subcontracting out to a militia, private militia of this kind? ...As far as I can see, that is not permissible at all...who has decided that the Naxal is a Naxal? Who has decided that the Naxal is guilty? Who has decided that the Naxal is a person who deserves to be shot down? These are again judicial functions...the state has no business to say, ‘I am deciding that these fellows are all guilty, so let us eliminate them.’”

– Justice Srikrishna



“Salwa Judum is like a Frankenstein of urban democracy. I consider it a big failure or at least a tragedy of democracy in this state that there was no voice against the Salwa Judum in the state assembly.”

– Sunil Kumar

Lokniti Survey

Introduction:

A major challenge that the governments in the Indian states face is their capacity to fulfil the needs and aspirations of its citizens. The level of trust reposed by the citizens in the capacity of the state has often been a subject of animated debate. Some state governments in India, however, are better at addressing people's needs than others. For instance, in Tamil Nadu the National Rural Employment Guarantee Scheme is implemented with far fewer leakages than in Uttar Pradesh.

In collaboration with FDRI and other partners we propose to develop an index of democratic empowerment and governance for the Indian States. By democratic empowerment we mean the extent to which citizens have a say in how they are governed and by democratic governance we mean the capacity of the government to deliver its policies equitably and in an accountable manner. This index will have four aims: first, to showcase which states are doing better than others; second, to help develop best practices across the states; third, to assess whether different groups in the states – such as the middle classes; Dalits; Muslims; women etc. have varying perceptions of the working of state governments and fourth, to develop a globally bench-markable index of governance.

Methodology:

Unlike other indices of empowerment this index will be unique in two ways. First, it will examine issues related to empowerment and governance from the perspective of the citizen. Second, where possible, it will use field experiments to ascertain more accurately the quality of governance across various demographic segments of citizens and in different policy arenas across the states.

A major shortcoming of contemporary studies of governance is that they do not measure governance indicators appropriately. For instance, a survey may show that law and order is perceived to be a larger problem in Kerala than in Bihar. While these citizen perceptions may indeed be accurate the extent of the law and order problem in Bihar may still be actually far higher than in Kerala – except that in Kerala there may have been a temporary uptick in crime. In other words, there is a dramatic variation in citizen perceptions as to what constitutes improvement or deterioration in governance and empowerment. An analogy may, perhaps, clarify the matter. A healthy person with a flu may respond to a survey saying that her health has not been good whereas another with chronic illness who has temporary respite may say that her health is far better. In other words, before we can assess whether citizen responses to a survey are measuring what we seek to measure it is important that we develop a baseline level of governance indicators for the various states and assess whether there are any salient inter-group differences in a state. Once we have developed a baseline we will then know for sure the level from which government performance is being judged.

To address this challenge we seek to approach the development of the governance index in two phases.

Phase One: (completed)

Phase one was recently completed. In phase one we established baselines for how the various state governments are performing on a series of indicators. This was composed of two elements: first, we collected available data from published sources on the various elements of

governance - data that has been collected by government agencies and other statutory bodies. Second, in collaboration with CNN/IBN we carried out a large national survey with over 17000 respondents in all 28 states that has helped us establish the baseline from which we will then develop the second phase of the study. An example of the questionnaire for the survey that was used is included at the end of this section. It was developed with the help of citizen focus groups and in depth interviews with 'stake-holders' i.e. NGOs such as Janagraaha, Parivartan, and MKSS. We are currently analyzing the data and findings from this survey will be released in January 2011.

Phase Two:

The second phase of the study will involve three elements. The first will be to establish the baseline for the various elements of governance. This will be accomplished using the aforementioned survey and any aggregate data we have collected. Once we have established the baseline we will conduct a series of field experiments to assess differences across states in the interaction of citizen and the state. For instance, we could seek to determine how long it takes to get a drivers license, a BPL card etc, in the various states and whether different social groups in a state have different experiences with the state government. This would be accomplished not by asking people how long it takes them to get such certificates but by actually sending people to get these certificates. The experimental data will be supplemented by a large national survey conducted in all states that will ask citizens their perceptions of how their governments are performing but – since we will already have a baseline established we will not be making any serious measurement errors that can undermine the legitimacy of the entire study. This survey will be a more conventional and representative survey of Indian citizens about empowerment and governance. The results of the two surveys and the aggregate data will be combined to generate an index of governance that will rank the states on the various elements related to empowerment and governance.

International Validity:

The index we develop will be a defining document for two reasons. First, before beginning the fieldwork in India we will consult widely with scholars concerned with issues of governance in other parts of the world and also with survey researchers and methodologists. Some of this consultation has already begun and the head of the Survey Research Center at UC Berkeley has agreed to help us design the experimental element in the study. A more formal meeting on the Berkeley campus will be held once the various elements of the survey have been decided. Second, we will consult widely with stakeholders – i.e. NGOs working in areas of governance – to ensure we are indeed measuring what needs to be measured and that any index we develop does have value for civil society activists as well.

Dissemination of Results:

We propose, with our media partners, to disseminate the results as broadly as possible. Ideally, a media partner would carry a lead story on the index that will be telecast nationally. We would propose holding a large public event in Delhi to recognize the state government that governs and empowers best. At some period after the large public event that will also, hopefully, be nationally telecast we will produce a detailed report on empowerment and governance in India. This report will also acknowledge the contribution of FDRI to the development of this index. The format of the report will be similar to the report on the State of Democracy in South Asia.

An example of the questionnaire that was used in this survey

State Code <input type="text"/>	A.C. No. <input type="text"/>	P.S. No. <input type="text"/>	Respondent S.No. <input type="text"/>
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Centre for the Study of Developing Societies
 29, Rajpur Road, Delhi-110054, India

**Field Study on Index of Democratic Governance in Indian States -
The Court System**

INTERVIEWERS INTRODUCTION:
I come from Centre for the Study of Developing Societies (also give your University's reference), a social science research organization located in Delhi. We are studying the Court System In India and are meeting several people who come to the courts in connection with cases they are involved with . The findings of this interview will be used for for research purposes. The name of the respondents interviewed in this study will be kept strictly confidential. The study is an independent study and is not linked with any political party or government agency. Kindly spare some time for this interview and answer my questions, as I need your active cooperation for making this study successful.

INTERVIEW BEGINS:

A1. What is the nature of the case that brings you to the court

1. Civil case 2. Criminal Case

A2. When was this case filed ? _____ (month) _____ (year)

A3. Are you the one who has filed the case/ (represent those who have filed the case) or are you the defendant (represent the defendant)

1. One who has filed the case 2. Defendant

A4. How many times have you come to court in connection with this case _____

A5. How many times has the case been adjourned without a hearing _____

A6. How did you choose your lawyer (answer categories not to be read out)

1. Lawyer is someone known to me
 2. Lawyer is a close relation
 3. He/She is the family lawyer
 4. Lawyer was recommended by a close friend/ relation/colleague
 5. He/She is a very well known lawyer in the area
 6. He/she was the only lawyer available
 7. Any other (specify)

A7. Have you changed your lawyer after this case was filed

1. Yes 2.No

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A7.a (If Yes) Why did you change your lawyer (**answer categories not to be read out**)

1. He/she was not pleading my case effectively
2. He/she was corrupt / unethical
3. He/she was directly/indirectly supporting the opponent
4. He/she was demanding more fees
5. He/she was prolonging the case/hearing
6. Any other (specify)

A8. Are you satisfied with the way the hearing is proceeding

1. Yes I am satisfied
2. No, I am dissatisfied

A9. (if the respondent is the one who has filed the case) Have you been granted any interim relief

1. Yes
2. No

A10. Has the same judge heard the case since it was filed

1. Yes the same judge has been hearing the case
2. No, the judge has changed

A10.a (If changed) How many judges have so far heard the case _____

A11. Was your file/ papers ever misplaced in the court office

1. Yes, they were misplaced
2. No, They were not misplaced,

A12. Other than the court and lawyer fees, did you have to make any other payments connected to this case (**answer categories not to be read out**)

1. Yes, I have had to make other payments
2. Bribes to Court officials
3. Bribes to Government officials
4. Other (specify)

A13. Do you think an out of court settlement would have been a good option

1. Yes it would have been a good option
2. No it would not have been a good option

A14. Do you think you will get justice in this case

1. Yes I will get justice
2. No I will not get justice
3. Depends

(Each of the answer categories would require one box for coding)

BACKGROUND DATA					
<input style="width: 100%; height: 100%;" type="checkbox"/>	B1. What is your age? (<i>In completed years</i>) _____				
<input style="width: 100%; height: 100%;" type="checkbox"/>	B2. Gender: 1. Male 2. Female				
<input style="width: 100%; height: 100%;" type="checkbox"/>	B3. What is your marital status? 1. Married 2. Unmarried 3. Living with someone, but unmarried 4. Divorced/Separated 5. Widowed				
<input style="width: 100%; height: 100%;" type="checkbox"/>	B4. Till what level have you studied? _____ (<i>Record exactly and consult code book</i>)				
<input style="width: 100%; height: 100%;" type="checkbox"/>	B5. What is your main occupation? _____ (<i>Record exactly and consult code book & if retired, try to ascertain his/her previous occupation</i>)				
<input style="width: 100%; height: 100%;" type="checkbox"/>	B6. What is your Caste/Jati-biradari/Tribe name? (<i>Probe further, if Respondent mentions ambiguous surname</i>) _____ (<i>Please consult code book for coding</i>)				
<input style="width: 100%; height: 100%;" type="checkbox"/>	B6a. And what is your caste group? (<i>Ascertain and consult SC/ST/OBC list for the state</i>) 1. Scheduled Caste (SC) 2. Scheduled Tribe (ST) 3. Other Backward Caste (OBC) 4. Other				
<input style="width: 100%; height: 100%;" type="checkbox"/>	B7. Which religion do you follow? 1. Hindu 2. Muslim 3. Christian 4. Sikh 5. Buddhist 6. Jain 7. Parsi 8. Other (<i>Specify</i>) _____				
<input style="width: 100%; height: 100%;" type="checkbox"/>	B8. Total monthly household income? (In Indian rupees) _____				
<input style="width: 100%; height: 100%;" type="checkbox"/>	<table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 25%; height: 20px;"></td> <td style="width: 25%; height: 20px;"></td> <td style="width: 25%; height: 20px;"></td> <td style="width: 25%; height: 20px;"></td> </tr> </table>				

conclusions

The Necessity of Institutional and Cultural Reform



While many institutions exist in the Indian justice system -- both formal and informal -- they need to be reformed to better enforce their own mandates. What obstacles stand in the way of the reform of these institutions? Erik Jensen argues that there may be a collective action problem or an incentive issue. For example, the extreme backlog in the courts allows judges to pick the easier, less consequential cases and avoid the more difficult ones. Lack of reform does benefit a certain group of people, many of whom are controlling these institutions, so there is very little incentive to stray from the status quo.

Existing institutions lack accountability both within themselves or to society at large. The lack of accountability could be attributable at least in part to the limited capacity and resources of the state. As many pointed out, India's state is still growing and developing and its capacity being tested everyday.

Several speakers did however point to certain practical changes that could occur right away to bring certain basic injustices to an end. These include better forensics testing, so that facts are not in dispute and left up to those in power, and better conditions for lower level police who have become henchmen of the state.

Finally, long held attitudes about class, caste, gender, etc. are reflected in the current administration of justice in India. We can improve the quality and capacity of institutions, but until these attitudes change, it will be very difficult to ensure justice for all segments in the population.



"...there's a multiplicity of institutions, but institutions that are not being held accountable to each other or to a democratic process...within institutions, accountability is being reduced which means that the top guy is not necessarily accountable to the institution itself."

– Pradeep Chhibber

bios of speakers

Amit Ahuja



Amit Ahuja is Assistant Professor of Political Science, Department of Political Science, UC Santa Barbara. He is a specialist in South Asian politics whose research focuses on the politics of marginalized minorities--those who have been left out of social, political, and economic progress by virtue of their racial and ethnic characteristics, as well as their economic and religious status. His dissertation research specifically focuses on the Dalits (untouchables) of India, and how such groups become politically mobilized.

Flavia Agnes

Flavia Agnes is a lawyer at the Bombay High Court and founder of Majlis, a legal and cultural resource centre in Mumbai, India. Flavia Agnes is a relentless advocate of gender equality through the law and a staunch critic of the Uniform Civil Code. She has written and published extensively, including in the journals *Subaltern Studies*, *Economic and Political Weekly*, and *Manushi* on the themes of minorities and the law, feminist jurisprudence, gender and law, and law in the context of women's movements. Her books are widely acclaimed and are popular among advocates, paralegal workers, law students and women who have been victims of domestic violence. She is author of the book, *Law and Gender Inequality: the Politics of Women's Rights in India*, published by the Oxford University Press (1999).



Pranab Bardhan



Pranab Bardhan is Professor of Economics at the University of California, Berkeley, and co-chair of the MacArthur Foundation-funded Network on the Effects of Inequality on Economic Performance. He has done theoretical and field studies research on rural institutions in poor countries, on political economy of development policies, and on international trade. He was Chief Editor of the *Journal of Development Economics* for 1985-2003. Widely published and cited, Professor Bardhan's most recent publications include *International Trade, Growth and Development; Poverty, Agrarian Structure, and Political Economy in India; Scarcity, Conflicts and Cooperation; Essays in Political and Institutional Economics of Development; Globalization and Egalitarian Redistribution, Inequality, Cooperation, and Environmental Sustainability, and (co-edited), Decentralization and Local Governance in Developing Countries: A Comparative Perspective*.

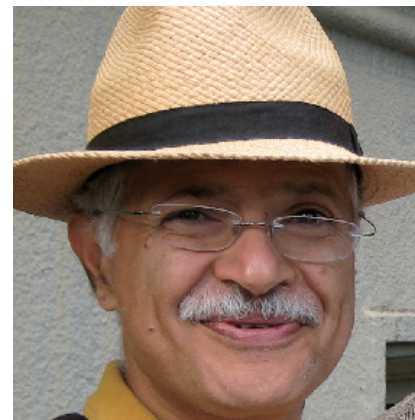


Mark Brandon

Mark Brandon is Professor of Law, Professor of Political Science & Director, Program in Constitutional Law & Theory in Vanderbilt University Law School. His research interests are Problems of constitutional history, theory and interpretation; constitutional failure; family and the Constitution; war. Professor Brandon's scholarship focuses on problems of constitutionalism. He is the author of *Free in the World* (Princeton University Press), on American slavery and constitutional failure. He has also written on secession, federalism, limits to the amending power, and war in the American constitutional order. His current scholarship includes a forthcoming book on Family and the American Constitutional Order, in which he investigates relations among family, law and the Constitution in the United States. The book explores the ways in which family might participate in creating, maintaining and changing a constitutional order, how that order might try to shape or use family, and how effective law can be in achieving either goal. During the 2008-09 academic year, he will be working on this book as a Visiting Senior Research Scholar in the Program in Law and Public Affairs at Princeton University. In addition to the book, Professor Brandon is working on an essay on War and Constitutional Change and an article on The Preamble in American Constitutional Interpretation.

Pradeep Chhibber

Pradeep Chhibber studies party systems, party aggregation, and the politics of India. His research examines the relationship between social divisions and party competition and conditions that lead to the emergence of national or regional parties in a nation-state. Pradeep received an M.A. and an M.Phil. from the University of Delhi and a Ph.D. from UCLA. He is currently the Indo-American Community Chair in India Studies and the Chair of the Department of Political Science at the University of California, Berkeley.



Lawrence Cohen

Lawrence Cohen teaches in the departments of Anthropology and of South Asian Studies at the University of California at Berkeley. Cohen is a medical anthropologist, author of *No Aging in India: Modernity, Senility, and the Family* and editor of *Thinking about Dementia*. His current work on surgical ethics and the so-called kidney racket has closely engaged practices of policing and law.



Rajeev Dhavan

Rajeev Dhavan is a senior advocate at the Supreme Court and other Courts in India, having fought many cases on affirmative action, human rights, secularism and constitutional governance. He is also the Director of a Public Interest law firm, Public Interest Legal Support and Research Centre (PILSARC). Rajeev is an Honorary Professor of the Indian Law Institute in New Delhi. He has taught at Queens University Belfast and the University of West London. He has also had teaching assignments at London and Delhi Universities and the Universities of Madison (Wisconsin) and of Austin (Texas). Rajeev was elected to the International Commission of Jurists in June 1998 and to the ICJ's Executive Committee in October 2003. He is a regular columnist in India's leading newspaper and has written and edited many publications including books on the judiciary, the media, human rights and public law.



Christopher Edley, Jr

Christopher Edley, Jr. joined Boalt Hall at the University of California, Berkeley as dean and professor of law in 2004, after 23 years as a professor at Harvard Law School. He earned a law degree and a master's degree in public policy from Harvard University, where he served as an editor and officer of the Harvard Law Review. Edley's academic work is primarily in the areas of civil rights and administrative law. He has also taught federalism, budget policy, Defense Department procurement law, national security law, and environmental law. Edley was co-founder of the Harvard Civil Rights Project, a renowned multidisciplinary research and policy think tank focused on issues of racial justice. His publications include *Not All Black And White: Affirmative Action, Race And American Values* and *Administrative Law: Rethinking Judicial Control Of Bureaucracy*. Following graduation, Edley joined President Carter's administration as assistant director of the White House domestic policy staff, where his responsibilities included welfare reform, food stamps, child welfare, disability issues, and social security. He served as national issues director throughout the 1987-88 Dukakis presidential campaign, and then as a senior adviser on economic policy for President Bill Clinton's transition team in 1992. In the Clinton administration, he worked as associate director for economics and government at the White House Office of Management and Budget from 1993 to 1995. In 1995 he was also special counsel to the President, directing the White House review of affirmative action. He later served the Clinton White House in 1997 as a consultant to the President's advisory board on the race initiative. From 1999-2005, Edley served as a congressional appointee on the bipartisan U.S. Commission on Civil Rights. In 2001, he was a member of the Carter-Ford National Commission on Federal Election Reform. In March 2006, Dean Edley was named to a national nonpartisan commission created to conduct an independent review of the No Child Left Behind (NCLB) Act.

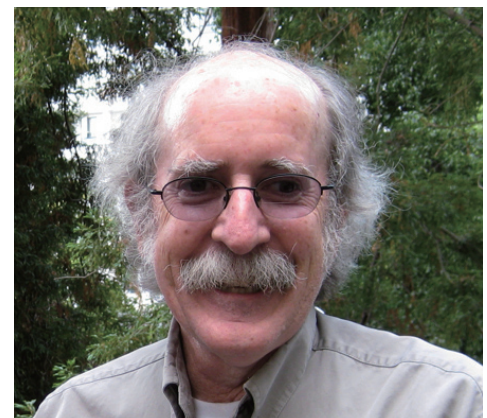


Marc Galanter

Marc Galanter, the John and Rylla Bosshard Professor of Law and South Asian Studies at the University of Wisconsin - Madison and LSE Centennial Professor at the London School of Economics and Political Science, studies litigation, lawyers, and legal culture. He is the author of a number of highly regarded and seminal studies of litigation and disputing in the United States (including "Why the 'Haves' Come Out Ahead: Speculations on the Limits of Legal Change," one of the most-cited articles in the legal literature. His work includes pioneering studies on the impact of disputant capabilities in adjudication, the relation of public legal institutions to informal regulation, and patterns of litigation in the United States. He is also co-author of *Tournament of Lawyers* (with Thomas Palay, 1991) which is widely viewed as the most robust explanation of the growth and transformation of large law firms. He is an outspoken critic of misrepresentations of the American civil justice system and of the inadequate knowledge base that makes the system so vulnerable to misguided attacks. Much of his early work was on India. He is recognized as a leading American student of the Indian legal system. He is the author of *Competing Equalities: Law and the Backward Classes in India* (1984, 1991) and *Law and Society in Modern India* (1989, 1992). He is an Honorary Professor of the National Law School of India, served as advisor to the Ford Foundation on legal services and human rights programs in India, and was retained as an expert by the government of India in the litigation arising from the Bhopal disaster. He is currently engaged in research on access to justice in India. A leading figure in the empirical study of the legal system, he has been editor of the *Law & Society Review*, President of the Law and Society Association, Chair of the International Commission on Folk Law and Legal Pluralism, a Guggenheim Fellow, and a Fellow of the Center for Advanced Study in the Behavioral Sciences. He is a member of the American Law Institute and a Fellow of the American Academy of Arts and Sciences. He received degrees in philosophy and law from the University of Chicago. In addition to the University of Wisconsin and the London School of Economics, he has taught at Chicago, Buffalo, Columbia, and Stanford.

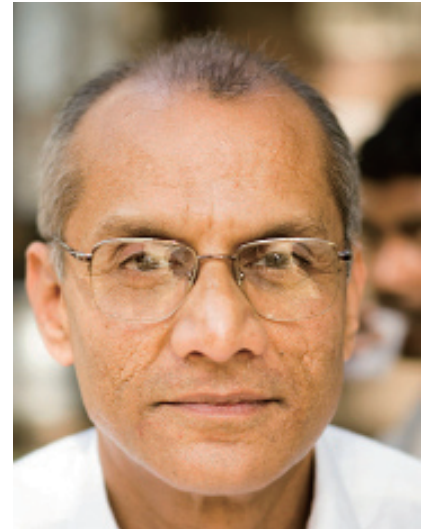
David Gilmartin

David Gilmartin is Professor of History at North Carolina State University. He received his Ph.D. in History at Berkeley in 1979. He has published *Empire and Islam: Punjab and the Making of Pakistan* (1988) and *Beyond Turk and Hindu: Rethinking Religious Identities in Islamicate South Asia* (2000, coedited w/ Bruce Lawrence). His most recent project focuses on the history of law and voting in India. He has co-authored an article (with Jonathan Ocko) comparing the "rule of law" in 19th-20th century India and China, which will appear in early 2009 in the *Journal of Asian Studies*.



Colin Gonsalves

Colin Gonsalves is the Founder Director of the Human Rights Law Network (HRLN) and a Senior Advocate, Supreme Court of India. Mr. Gonsalves specializes in human rights protection, labour law and public interest law. A graduate of the Indian Institute of Technology, Bombay, Mr. Gonsalves started his professional life as a civil engineer but was drawn to the law through his work with the mill-workers' union in Bombay. He commenced formal legal study in 1979 and litigated his first case on behalf of 5,000 million workers locked out of their jobs while still in law school. Upon graduation in 1983, Mr. Gonsalves co-founded the India Center for Human Rights and Law in Bombay and developed it into a national network of over 200 lawyers and paralegals under the auspices of The Human Rights Law Network (HRLN). One of Mr. Gonsalves' most significant achievements has been his co-development of the Indian People's Tribunal (IPT), an independent organization directed by retired Supreme Court and High Court Judges that investigates human rights violations. Its discoveries have spurred public interest litigation, formed social movements, and led to concrete policy changes. Mr. Gonsalves has written, edited and co-edited numerous articles and books on a range of human rights law issues. Additionally, he co-founded and serves as Editor of "Combat Law", a Human Rights Law Magazine, aimed at increasing awareness of rights, connecting legal initiatives, providing accurate and timely information and enabling access to justice for the poor.



Erik Jensen

Erik Jensen is a lecturer at the Stanford Law School, co-director of the law school's Rule of Law Program, and a CDDRL faculty member. A lawyer trained in Britain and the United States, he has, for the last 20 years, taught, practiced and written about the field of law and development in 20 countries. He has been a Fulbright scholar, a consultant to the World Bank and the Asian Development Bank, and a representative of The Asia Foundation, where he currently serves as a senior law advisor. His teaching and research activities explore various dimensions of reform aimed at strengthening the rule of law, including the political economy of reform; the connections between legal systems and the economies, politics and societies in which they are situated; and the relationship of Islam to the rule of law. Among his recent publications are "Confronting Misconceptions & Acknowledging Imperfections: A Response To Khaled Abou El Fadl's 'Islam And Democracy'" published in the *Fordham International Law Review* (2003), and *Beyond Common Knowledge: Empirical Approaches to the Rule of Law* (Stanford University Press, 2003), which he edited with Thomas C. Heller. Nobel Laureate Joseph Stiglitz endorsed *Beyond Common Knowledge* with the admonition, "No scholar or policymaker should utter the words 'rule of law' without first reading this volume." Jensen holds a JD degree from the William Mitchell College of Law and an LLM degree from the London School of Economics.





Madhu Kishwar

Madhu Kishwar is the founder and editor of “Manushi: a journal on women and society”. Kishwar is one of India’s foremost thinkers in the arena of women’s rights, social justice, collective responsibility and perspectives on social change. As an activist scholar, Kishwar advocates the politics of engagement. She has made prolific editorial contributions to Manushi since its inception in 1979, and her work has appeared in several anthologies. Her writing is appreciated worldwide for its incisiveness and thought-provoking, challenging quality, and she is an invigorating speaker. Kishwar is currently a senior fellow at the Centre for Studies in Developing Societies in New Delhi, India. She also makes documentary films on a variety of themes in order to mobilise opinion on important issues. These include, Dowry: Compulsion vs. Need. The social and economic dynamics behind the spread of the culture of dowry despite stringent legislation; The Disinheritance of Women from Family Property; License Permit Raj: a View from Below (Study of street vendors and rickshaw pullers in Delhi). Her latest work for Doordarshan was commissioned under the Agenda for India series; it includes thirteen episodes entitled “Kisse Kanoon Ke” reviewing the actual workings and impact of various laws enacted ostensibly to protect or strengthen women’s rights in India.

Sunil Kumar

is Editor, Chhattisgarh & Itwari Akhbar and has worked as a journalist in Madhya Pradesh and Chhattisgarh for 29 years. In 2005, he along with a group of journalists, launched a daily newspaper Chhattisgarh and a weekly magazine Itwari Akhbar, available both in print and on the internet. He is the author of a book titled Aajkal (These Days) -- a compilation of all his journalistic writings. It is named after his weekly opinion-column Aajkal, which is reproduced in many newspapers in different parts of India. Mr Kumar has conceived and made a documentary film titled Narbali (Human Sacrifice), on the ruthless displacement of patients in hospitals by the state government who needed space during the formation of the capital of the new state of Chhattisgarh.

Mr Kumar has also started an audio-visual documentation unit, ‘Discovery Chhattisgarh’ and is developing archival material, doing contemporary history writing, recording culture of the state along with folk and tribal life, art forms etc. As a part of this effort, has completed two documentary films on two primitive tribes of Chhattisgarh Baiga and Pahari Korva.



N.R. Madhava Menon

Architect of the five-year integrated LL.B. program and the Founder Vice-Chancellor of two of the leading law universities of India (National Law School of India University, Bangalore and National University of Juridical Sciences, Kolkata), Prof. (Dr.) N.R. Madhava Menon has endeavored for nearly five decades to put Indian legal education at par with those of the developed countries. In recognition of these efforts he was awarded the "Living Legend of Law" Award by the International Bar Association in 1994. In 2003 he became the first ever law teacher to receive the Padma Shree. Dr. Menon has been a Member of the Law Commission of India, Member of several Expert Committees including the one on Legal Aid (1973), Civil Services Examination Reform (2000-'01), Criminal Justice Reform (2002-'03), Police Act Drafting Committee (2005-'06) and the Committee on Draft National Policy on Criminal Justice (2006-'07) appointed by the Government of India. He has been the Chairman of the Indian Statistical Institute, Kolkata and of the Centre for Development Studies, Trivandrum. Author of several books, articles and monographs on a variety of legal subjects, Prof. Menon has taught law in over a dozen universities in India and abroad during a long academic career spanning nearly five decades. Presently, Dr. Menon devotes his time on human rights promotion, law and judicial reforms and on professional advancement programmes for young lawyers under an NGO called Menon Institute of Legal Advocacy Training (MILAT), Trivandrum of which he is the Chairperson.



Manoj Mate

Manoj Mate is the William O. Douglas Fellow in Comparative Law at Berkeley Law School. Mate is a graduate of Harvard Law School, and will receive his Ph.D. in Political Science in 2008 from the Department of Political Science at the University of California, Berkeley. Mate's research interests center on international and comparative law, judicial politics, election law, and civil rights and equality from an interdisciplinary perspective. Prior to joining Berkeley Law, Mate was a Mellon-Sawyer fellow at the Center for the Study of Law and Society at Berkeley in 2007-2008. Mate's dissertation, "Popular Institutionalism and the Post-Emergency Indian Supreme Court," examines the conditions under which constitutional courts are able to expand their role in governance and assert power in challenging political regimes, through a study of judicial decision-making in the Indian Supreme Court. Mate's current scholarship also grapples with core issues of constitutional and administrative law in a comparative perspective. In 2008, Mate co-authored "The 2000 Election Controversy" (with Matthew Wright) in *Public Opinion and Constitutional Controversy*, N. Persily, J. Citrin, and P. Egan, eds (Oxford Univ. Press 2008). As a Douglas Fellow, Mate is currently working on a study analyzing judicial decision-making in the State High Courts of India that focuses on issues of police and custodial violence, criminal justice and the rule of law.



Pratap Bhanu Mehta



Pratap Bhanu Mehta is President, Center for Policy Research, New Delhi. He was previously Visiting Professor of Government at Harvard University. He was also Professor of Philosophy and of Law and Governance at Jawaharlal Nehru University, and has held a visiting appointment at the University of Pennsylvania. His areas of research include, political theory, constitutional law, society and politics in India, governance and political economy and international affairs. Mehta has a B.A. in Philosophy, Politics and Economics from Oxford University (St. John's College); and a Ph.D in Politics from Princeton University. Mehta has published widely in leading journals in the fields of political theory, constitutional law, political in India. His most recent books include, *The Burden of Democracy* and an edited volume *India's Public Institutions* (with Devesh Kapur). His forthcoming work includes a book *Constitutionalism in Modern India* and a book on *India's Great Transformation*. He is also co editor (with Niraja Jayal) of the *Oxford Companion to Politics in India*. He has also done extensive public policy work. He was Member-Convenor of the Prime Minister of India's National Knowledge Commission; Member of the Supreme Court appointed Lyngdoh Committee on Regulating Elections in Indian Universities and has authored a number of papers and reports for leading Government of India and International Agencies, including the World Bank, UNRISD, DFID. He has advised a number of institutions in Higher Education. He is on the Board of Governors of International Development Research Council (IDRC), and numerous other academic institutions, including National Institute of Finance and Public Policy. He is also a member of the WEF's Global Governance Council. He is a prolific columnist and editorial consultant to the Indian Express. His columns have also appeared in a number of national and international dailies including the Financial Times, Telegraph, International Herald Tribune, The Hindu, Outlook etc. He is also on the Editorial Board of numerous journals including the American Political Science Review, Journal of Democracy and India and Global Affairs. He is a prolific columnist and editorial consultant to the Indian Express. His columns have also appeared in a number of national and international dailies including the Financial Times, Telegraph, International Herald Tribune, The Hindu, Outlook etc. He is also on the Editorial Board of numerous journals including the American Political Science Review, Journal of Democracy and India and Global Affairs.

Irfan Nooruddin

Irfan Nooruddin is presently Assistant Professor of Political Science at The Ohio State University in Columbus, Ohio. His research focuses on questions of economic development, and how political competition shapes government policy. He has published articles on these topics in *International Organization*, *Comparative Political Studies*, *Politics & Gender*, and *International Interactions*.

Born in Bombay, Irfan received his BA in Economics and International Studies from Ohio Wesleyan University and his PhD in Political Science from the University of Michigan.



Vikram Raghavan

Vikram Raghavan is senior counsel in the World Bank's Legal Vice-Presidency, where he works in two different practice groups. As a member of the East Asia and South Asia group, Vikram is "country lawyer" for the World Bank's operations in India, Myanmar, and Korea. In that capacity, he provides legal and transactional advice on a variety of constitutional, operational, and local law issues that arise in World Bank-financed projects in those areas. Previously, Vikram worked as country lawyer for World Bank portfolios in Sri Lanka, Afghanistan, Bangladesh, India, Nepal, and Pakistan. Most recently, he focused on Iraq, Iran, and the West Bank and Gaza. In the Operations Policy practice group, Vikram's responsibilities include handling various legal and policy issues affecting post-conflict situations and fragile states. He serves on the World Bank's State and Peace Building Fund committee. He also provides legal advice regarding dealings with de-facto governments, loan conditionality, development policy operations, expenditure eligibility, conditionality, and breach-of-governmental-contract questions. Before joining the World Bank in 2001, Vikram was an associate in the New York office of O'Melveny & Myers. There, he worked on several transactional, litigation, and international-arbitration matters. Vikram is a graduate of the National Law School of India in Bangalore, and he obtained his masters in international law from NYU Law School. He is admitted to practice law in the State of New York and was enrolled as an advocate in the Bar Council of Tamil Nadu, India. He is the author of a legal treatise, *Communications Law in India: Legal Aspects of Telecom, Broadcasting, and Cable Services* (LexisNexis 2006). He is presently co-authoring a text book on comparative constitutional law that focuses on India, South Africa, Germany, Canada, and the United States. Vikram created and contributes to a much-visited blog on the Indian Supreme Court, constitutional law, and legal developments: www.lawandotherthings.blogspot.com.



Vishwa Ranjan

Vishwa Ranjan is the Director General of Police (DGP) of Chhattisgarh. He joined the Indian Police Service in 1973 at the age of 21 and began his career as a police officer with the Madhya Pradesh cadre. He has held different posts including that of Superintendent of Police, Bastar. From 1985 to 2007 he worked for the Government of India as specialist on Maoist groups, such as Maoist Coordination Centre (MCC), CPI Marxist-Leninist (Party Unity) and Peoples War Group, all of which later merged to form CPI-Maoist, and was in charge of the internal security of the country. Since 2007 he has been DGP, Chhattisgarh ¾the highest ranking police officer of the state. Vishwa Ranjan is also an established poet in Hindi, writer of critical articles about art, theatre and literature. As DGP Chhattisgarh, he has written a series of articles on Maoists strategy & tactics for different newspapers. He also paints. He has a BA (Hons) in History from Patna University.



Raka Ray

Raka Ray is Professor of Sociology and South and Southeast Asia Studies, and Chair of the Center for South Asia Studies at the University of California, Berkeley. She grew up in Calcutta, India, but has moved steadily west since then, receiving her AB from Bryn Mawr College, and her PhD from the University of Wisconsin, Madison. She has been at Berkeley since 1993. Professor Ray's areas of specialization are gender and feminist theory, domination and inequality, cultures of servitude and social movements. Publications on social movements include *Fields of Protest: Women's Movements in India* (University of Minnesota, 1999; and in India, *Kali for Women*, 2000), "Women's Movements in the Third World: Identity, Mobilization and Autonomy" with Anna Korteweg (*Annual Review of Sociology*, 1999) and *Social Movements in India: Poverty, Power, and Politics*, co-edited with Mary Katzenstein (Rowman and Littlefield, 2005). Her book, *Cultures of Servitude: Modernity, Domesticity and Class in India*, co-authored with Seemin Qayum, was published by Stanford University Press earlier this year. Articles from that project include "Masculinity, Femininity And Servitude: Domestic Workers in Calcutta in the Late Twentieth Century" (*Feminist Studies* 2000), and (with Seemin Qayum) "Grappling with Modernity: Calcutta's Respectable Classes and the Culture of Domestic Servitude" (*Ethnography* 2003).

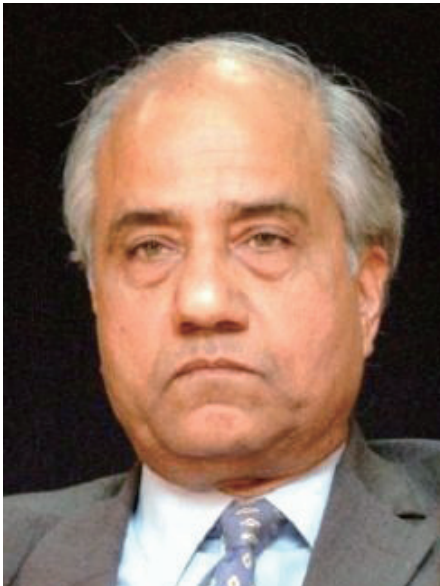
Ananya Roy

Ananya Roy is Professor in the Department of City and Regional Planning where she teaches in the fields of comparative urban studies and international development. She also serves as Education Director of the Blum Center for Developing Economies and as co-Director of the Global Metropolitan Studies Center. In 2006, Roy was awarded the Distinguished Teaching Award, the highest teaching honor UC Berkeley bestows on its faculty. Also in 2006, Roy was awarded the Distinguished Faculty Mentors award, a recognition bestowed by the Graduate Assembly of the University of California at Berkeley. Most recently, in 2008, Roy was the recipient of the Golden Apple Teaching award, the only teaching award given by the student body. Roy holds a B.A. (1992) in Comparative Urban Studies from Mills College, a M.C.P. (1994) and a Ph.D. (1999) from the Department of City and Regional Planning at the University of California at Berkeley. She is the author of *City Requiem, Calcutta: Gender and the Politics of Poverty* (University of Minnesota Press, 2003), co-editor of *Urban Informality: Transnational Perspectives from the Middle East, South Asia, and Latin America* (Lexington Books, 2004) and co-editor of *The Practice of International Health* (Oxford University Press, 2009). Her upcoming book is titled *Poverty Capital: Microfinance and the Frontiers of Millennial Development* (Routledge). This research project has received several prestigious awards including the Hellman Faculty Award and the Prytanean Faculty Award, as well as a multi-year research grant from the National Science Foundation. Roy is now working on a co-edited book (with Aihwa Ong) titled *Worlding Cities: Asian Experiments and the Art of Being Global*.



Anasuya Sengupta

From her childhood spent in north Karnataka, Anasuya Sengupta has had a political commitment to issues of equality and social justice. After an Economics (Honours) degree from Delhi University, she returned to Raichur to work as a Programme Officer for Samuha, a rural development organisation. She went on to do an M.Phil. in Development Studies, as a Rhodes Scholar at the University of Oxford, and is currently writing her doctoral dissertation on formal and informal structures and practices within the police in Karnataka, for a D.Phil. in Politics from Oxford. She is located at the University of California, Berkeley, as a Visiting Student Researcher. She was State Coordinator of the Gender Sensitisation and People-friendly Police (GSPP) Project, a UNICEF partnership with the Karnataka Police on issues of violence against women and children, from 2001 to 2007. As Program Associate and researcher with Gender at Work, an international knowledge network for gender equality, she supported the action learning processes of social change organisations in South Africa and India, till early 2007. She has worked with different organisations across India and elsewhere, on sexual and reproductive rights, HIV/AIDS and feminist advocacy and multi-generational leadership. She is associated with Development Alternatives for Women in a New Era (DAWN) and the Association of Women's Rights in Development (AWID): networks committed to advancing women's rights across the world, particularly the global South. She is co-editor of the publication, *Defending Our Dreams: global feminist voices for a new generation* (AWID and Zed Books, 2006); arguably the first international anthology of young feminist analyses and experience.



B N Srikrishna

Justice B.N. Srikrishna (born May 21, 1941) is an Indian jurist and a retired Judge of the Supreme Court of India. From 1993-98, he headed the well-known Commission of Inquiry, the "Srikrishna Commission" as it became known, which investigated causes and apportioned blame for the Bombay Riots of 1992-93. He was appointed Chief Justice of the High Court of Kerala on 6.9.2001. He was appointed as Judge of the Supreme Court of India on 3.10.2002, which office he demitted on 21.05.2006. He was appointed the Chairman of the Sixth Central Pay Commission, which recently submitted its report in March 2008. His deep interest in philosophy, culture, music and education made him a much-respected figure in all the music sabhas, religious organisations, cultural and education institutions. He was a trustee of the Shanmukhanda Fine Arts and Sangeeta Sabha, Mumbai. He studied how to play Carnatic music on the violin. His abiding interest in music and musicology led to his being invited by the Veena foundation of India to deliver a lecture on Veena in Delhi. He was an office bearer of many such institutions in Mumbai. He holds M.A. in Sanskrit from the Mysore University, a Diploma in Urdu, and a post-graduate Diploma in Indian Aesthetics from Mumbai University. He speaks at least seven languages fluently.



Nandini Sundar

Nandini Sundar is Professor of Sociology, Delhi School of Economics, Delhi University, and Co-editor, Contributions to Indian Sociology. She has previously worked at the Centre for the Study of Law and Governance, Jawaharlal Nehru University, the Institute of Economic Growth, Delhi and the University of Edinburgh. She is the author of *Subalterns and Sovereigns: An Anthropological History of Bastar* (2nd ed. OUP, 2007), and the co-author of *Branching Out: Joint Forest Management in India* (OUP, 2001). She is also co-editor of *Anthropology in the East: The founders of Indian sociology and anthropology* (Permanent Black, 2007) and *A New Moral Economy for India's Forests: Discourses of Community and Participation* (Sage Publications, 1999).

Siddharth Varadarajan

Siddharth Varadarajan is Deputy Editor of The Hindu newspaper in New Delhi. He is the editor of *Gujarat: The Making of a Tragedy* (Penguin, 2002), a book about the anti-Muslim violence which took place in the Indian state of Gujarat in 2002. In the more than 10 years he has worked as a journalist, he has reported on the crisis in Kashmir, the Nato war against Yugoslavia and the situation in Afghanistan during the Taliban years. In November 2005, the United Nations Correspondents Association awarded him the Elizabeth Neuffer Memorial Prize Silver Medal for Print Journalism for a series of articles on Iran and the International Atomic Energy Agency. Varadarajan studied economics at the London School of Economics and Columbia University and taught at New York University for several years before returning to India to work as a journalist.



Arvind Verma

Arvind Verma has been a member in the Indian Police Service [IPS] and has served for seventeen years in the State of Bihar, holding several senior level positions in the organization. His first degree was in Engineering Mathematics from the Indian Institute of Technology- Kanpur and he earned his doctoral degree in Criminology from Simon Fraser University- Canada. His doctoral work was concerned with analysis of criminal justice data using a variety of mathematical techniques such as Fuzzy Logic, Topology and Fractals. He has served as the Managing Editor of *Police Practice and Research: An International Journal* and he has also been an advisor to the Bureau of Police Research and Development in India. His current research interests are in Data Analysis and Visualization, Criminal Justice in India and Comparative Policing. His recent publications include a book titled *The Indian Police: A Critical Review*; and journal articles- *Anatomy of Riots: A Situational Prevention Approach*; *Measuring Police Performance in India: An application of Data Envelopment Analysis*; *The State and Coercive Power in India*; and *Visualization of Criminal Activity in an Urban Population*. He is currently on the faculty of the Department of Criminal Justice and has been the Director of India Studies Academic Program at Indiana University- Bloomington.



about the organizers

Center for South Asia Studies, University of California, Berkeley

The Center for South Asia Studies (CSAS) supports teaching, research, and outreach activities relating to South Asia at UC Berkeley. The only US Department of Education-funded National Resource Center for South Asia in California, CSAS is committed to enhancing knowledge of the region among students, academics, and the public at large. UC Berkeley has been a premier site for the study of South Asia in general, and India in particular, for the past century (Sanskrit courses date back to 1906). With close to 50 faculty members conducting research in the area of South Asia studies, Berkeley offers 85 to 120 courses with significant India content every semester, and instruction in over seven Indian languages. The University of California, Berkeley, is recognized as one of the top universities in the United States and was recently ranked as the second greatest university in the world by the Times Higher Education Supplement.

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The Foundation for Democratic Reforms in India (FDRI) is a US based non-profit organization dedicated to the study of the democratic and constitutional institutions of India, and evaluation and promotion of reforms of these institutions. FDRI believes that key reforms in the Indian governance structure can afford all citizens the opportunity to reach their full potential and lead to a renaissance of the Indian Republic, making it a confident, prosperous leader in the global arena.

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about the author

Sanchita Saxena is the Associate Director of the Center for South Asia Studies (CSAS) at UC Berkeley. Prior to joining CSAS, Sanchita was the Assistant Director of Economic Programs at the Asia Foundation, where she co-authored *The Phase-Out of the Multi-Fiber Arrangement: Policy Options and Opportunities for Asia*.

Sanchita is currently the Lead Researcher on an Asia Foundation funded project titled "Competitiveness in the Garment and Textiles Industry: A Case Study of Bangladesh." This research extends her earlier work on the Multi-Fiber Arrangement, and focuses on the effects of trade liberalization in garments and textiles in the context of Bangladesh.

Sanchita received her Ph.D. in Political Science (focus on Comparative Political Economy) from UCLA in 2002. Her dissertation focused on the effects of decentralization on the enactment and implementation of economic reforms. Sanchita has taught courses in Comparative Politics, The Politics of Developing Countries, and the Politics of Economic Reform in Asia and Latin America at UCLA, UC Davis, and the University of San Francisco. She serves on the Board of Directors of the Center for the Pacific Rim at USF, and is a trustee of the American Institute of Indian Studies and the American Institute of Bangladesh Studies.

about the editor

Puneeta Kala is the Program Director of the Center for South Asia Studies. She is an East Asianist who specialized in Japanese studies. She holds one M.Phil and three M.A. degrees with the most recent from Harvard University. She has taught at the University of Vermont and the University of San Francisco and has been involved in a number of programming and fund raising initiatives at Harvard and elsewhere.

Center for South Asia Studies

10 Stephens Hall

University of California at Berkeley

Berkeley, CA 94270

Tel: (510) 642-3608

Fax: (510) 643 5793

southasia.berkeley.edu