

Guneet Kaur, Isha Khandelwal and Parijata Bhardwaj: Bringing law to the land

by Samar Srivastava | Feb 18, 2015

Guneet Kaur, 24, Isha Khandelwal, 25, and Parijata Bhardwaj, 26, are providing much-needed legal help to undertrials in the Maoist-infested regions of Chhattisgarh. Working in the heart of Maoist territory in Chhattisgarh is not for the faint-hearted. Routine tasks, like getting information about undertrials, can take months. The administration is openly hostile. Sample this: “Aap phir se aa gaye? Inka bail nahi ho sakta (You are back? They cannot get bail).” That is the standard refrain in courts when bail applications are filed.

Then there is the geographical challenge of moving around in South Chhattisgarh, across the Bastar and Dantewada districts, where making it to a five-minute court hearing can mean a back-breaking six-hour bus ride. But Guneet Kaur, 24, Isha Khandelwal, 25, and Parijata Bhardwaj, 26, are not faint-hearted. Far from it. They, along with colleague Shalini Ghera, 44, in 2013 set up the Jagdalpur Legal Aid Group, which provides legal representation to people in Bastar and Dantewada. Senior advocate Rajeev Dhawan and the Human Rights Law Network headed by Colin Gonsalves provided the initial funding. (The total running expenses—including rent, salaries, etc—is Rs 8 lakh a year.)

It is an unusual step but the motivation for this all-woman group was undeniable: Chhattisgarh has the highest incarceration rate in the country, more than even Kashmir or Manipur, and people are held for long periods without trial. According to Sudha Bharadwaj of the People’s Union for Civil Liberties (PUCL) in Chhattisgarh, “while across the country inmates are 16 times more likely to get bail than get acquitted, in South Chhattisgarh their chances of getting bail are 0.8 times their chance of getting acquitted.” “Most of the time, they are put in jail for grave offences, not given bail and their trials take over five years to complete,” says Khandelwal, who graduated from the Faculty of Law at the University of Delhi. She narrates an instance in which an undertrial for eight years had not even seen his state-appointed lawyer. His main plea was to move from Bastar to Dantewada so that he could meet his lawyer.

This, among many others, determined the path taken by Khandelwal, along with colleagues Bhardwaj, who has studied law at Symbiosis Law School, Pune, and then earned a Master’s in Social Work in Dalit and Tribal Studies from the Tata Institute of Social Sciences, Mumbai, and Kaur, a graduate from the Hidayatullah National Law University, Raipur. A turning point was the Soni Sori case, one that prompted civil society members in Chhattisgarh to start considering legal aid services. The police alleged that Sori, an adivasi teacher working with NGOs in the Dantewada district, and her nephew Lingaram Kopodi were ferrying extortion money between the Essar Group and Maoists. She was arrested in Delhi and, despite her pleas, was brought back to Chhattisgarh and tortured in jail. Charges against her were never framed and she is now out on

bail. Human rights lawyers felt the acute need for a formalised legal aid set up. “This [need] was born out of a realisation that the justice system in Bastar is dominated by a ‘security-minded’ approach,” says PUCL’s Bharadwaj. “The judiciary is unable to check the excesses of the police. As a result, the police are not accountable,” says Kaur. She cites this as her motivation for moving to Jagdalpur. Kaur, who comes from Punjab, says other states at least seem to have a strong civil society network that allows courts to keep the police in check. “In Chhattisgarh, probably because the state was new, when the conflict began, the courts were afraid to take a stand against the police,” she says.

The group spent much of 2013 visiting jails and filing RTIs on the number of undertrials to help prisoners secure bail. Later, when they realised that most cases were weak (due to lack of evidence), they started working on outright dismissals. That was easier said than done as case numbers would often not match the names in jail records. Bhardwaj narrates a heart-breaking story of a man who was picked up during a routine police raid and held for five years. The trial kept getting postponed as the CRPF jawans who had detained him would never show up with evidence. Finally, even the prosecution agreed that he should be released.

According to the National Crime Records Bureau, the acquittal rate in Dantewada stood at 95.7 percent between 2005 and 2012. “Why then are people kept in jail for so long when often, the evidence is insufficient?” asks Kaur. “They (Ghera, Kaur, Khandelwal and Bhardwaj) are working to protect the rights of some of the most vulnerable people in India,” says Vrinda Grover, a lawyer and activist.

For the most part, their work is a slow grind. For instance, all court applications are filed in Hindi. So they had to learn to type on a Hindi keyboard. The group files bail applications and, once they get rejected, the cases are taken to the high court. This is a major departure for the undertrials who do not have the wherewithal to take this step and lawyers, employed by the state, are apathetic to their plight. Getting them to work alongside the group has proved to be a challenge. The group has long been perceived as an encroacher. The women even point to the ludicrous case of a judge pulling them up for not wearing a black coat when local lawyers show up in court in jeans. There is also the fear of being branded a Maoist sympathiser. Bhardwaj was once asked by a judge if she had heard that “judges were also on the Maoist hit list”.

Local people, however, have been overwhelmingly supportive. And this appreciation is spreading. The Jagdalpur Legal Aid Group is slowly getting recognised across the country and its resilience has attracted young interns. “In an ideal scenario, their work should be as well funded as the advocate general’s offices in various states,” says PUCL’s Bharadwaj. Because, in just a short time, the group has already made a difference: Garnering more resources should be a lesser challenge in the years to come.

[Here is the full list of 30 Under 30 for 2015 and its methodology](#)

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