

The logo for iProbono, featuring a stylized 'i' in blue and green, followed by 'Probono' in blue. The background is a black and white photograph of a thatched-roof structure with two women peeking over a woven fabric barrier.

iProbono

INDIA

IMPACT REPORT

ENABLING A JUST SOCIETY

2023

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Disclaimer

Consent was taken for all the photographs taken by the iProbono team

Photos © iProbono

*Names of all children mentioned in the report have been changed to protect their identity.

Introduction

This report shares a snapshot of iProbono India's impact in 2023 – a year that started with our 10-year anniversary. We celebrated with a day of curated legal workshops delivered by some of the sharpest minds from across the country, including retired Supreme Court judge Madan Lokur and novelist Vikram Seth, co-chair of iProbono's Justice Leila Seth Fellowship. We brought together partners working on the most pressing legal and social justice issues in the country -- including child protection, juvenile justice, and housing rights. This inspired our team to create collaborations and drive substantive change throughout the year, across all sectors of our work.

You will see that this year iProbono's direct legal representation at court changed the lives of over 4122 people. 213 children received comprehensive care from our in-house team of social workers and 2275 people were empowered by iProbono-led capacity-building initiatives. We also strengthened our current pro bono community of lawyers with over 500 new volunteers.

Recognition by the Delhi Commission for the Protection of Child Rights (DCPCR) with the 'Children's Champion Award' is a testament to our work in this field for nearly a decade. You will read in detail about how we continued this trend

in Reena Jha and Another v Union of India and Others, a landmark judgement ensuring a child survivor is heard. Or Arjun's case in which we expedited decision-making in a serious case of child sexual abuse. Our team has delivered results across the country from Srinagar to Bengaluru. In the latter, we initiated a judicial culture that grants interim compensation to child survivors of abuse.

You will also learn about how our comprehensive care program changed Ruchi, Neera, Akanksha and Alfiza's lives. For an insight into how iProbono's lawyers are impacting children who are often forgotten by the law, look out for Rahul's story.

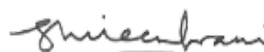
Before we leave you to read these inspiring stories, we want to set the tone with the first stanza of a poem written by Justice Leila Seth in 'We the Children', her book on the Constitution of India:

'Let's be equal, just and free
Strong in our diversity:
Free in thought and free in prayer,
Free to dream and free to dare,
Free to love and free to care.'

As the CEO and the Founder of a women-led organisation that strives to enable people to access their rights, Equality, Justice and Freedom are not just words but guiding principles that allow us to dream of change and to dare to make that change happen in pursuit of a just society.



Mariam Faruqi
CEO, iProbono &
Director, Justice Leila
Seth Fellowship



Shireen Irani
Co-Founder,
iProbono India &
Co-Chair, Justice
Leila Seth Fellowship



From the Chair of Our India Board

As Chair of the India Board, it is my privilege to introduce you to iProbono India's Annual Impact Report for 2023. This was a year in which we connected communities, empowered individuals, and created lasting impact. In the following pages, you will see how our programs, partnerships, and advocacy efforts have grown. We also share how our team has deepened existing areas of work to impact the lives of vulnerable people.

This report marks a significant milestone in iProbono's journey towards creating positive change in the communities we serve. It is a testament to what is possible when the passion of our team comes together with the dedication of our supporters, with a shared vision and purpose. Our work transformed the lives of child survivors of sexual violence and offered comprehensive care to children in conflict with the law. We witnessed remarkable progress and achievements across various programs and initiatives. This includes our policy and advocacy work and supporting our clients in their efforts to secure housing rights. As always, the human stories behind these projects matter the most. In these pages, you will discover the impact of these projects, the lives they have touched, and the transformative outcomes that are made possible through the collective generosity and commitment of our supporters. Together, we have made a meaningful difference, and we are excited to share these accomplishments with you.

At iProbono India, we firmly believe that behind every success story lies a team of dedicated individuals who work tirelessly to make a difference. Our team members are the heartbeat of our organisation, and their unwavering commitment and passion drive us to take our work forward. We also recognise the invaluable contributions of our funders, partner organisations, panel lawyers, volunteers and interns.

I invite you to explore the impact we have made as well as the opportunities that lie ahead of us, as we continue our journey of building a just and equitable society.

Binita Modi

Binita Modi
Operations Director
& Chair of the Board



From Our India Program Director

The past year has seen iProbono's work grow from strength to strength. The DCPCR awarded us a Children's Champion Award, in recognition of our contribution to strengthening child rights in India. We now have a team of social workers providing comprehensive care to child survivors of abuse, alongside our legal team and panel lawyers who represent them in court. Through this holistic approach, we can identify issues in the child protection ecosystem, which we then address through advocacy and strategic litigation. For instance, recognising the need for interim compensation to be granted to child sexual abuse survivors, we repeatedly moved applications in Bengaluru trial courts till we achieved an institutional shift towards this relief.

We continue to advocate for the rights of children in conflict with the law. Ignored or demonised by society, these children often find themselves in adult jails, facing trials that last for years, with no hope of effective rehabilitation. Our research indicates that over 8000 such children have been incarcerated in adult prisons across the country between 2016 and 2021, where they are likely to face abuse, rub shoulders with hardened criminals, and lose faith in the justice system. Not only do we provide legal representation to these children before courts and juvenile justice boards (JJBs), we also push the system where it falls short through their cases. For instance, in a recent case, we faced pressure from the JJB to have our child client "plead guilty" and conclude the case. Despite this, we insisted on representing her best interests by arguing for the charges against her to be dropped and were successful.

To maximise our impact, we consistently engage with government stakeholders and our civil society partners.

We do this through projects like working with the Directorate of Prosecutions in Bengaluru to ensure increased accountability of public prosecutors in special courts, and by advising the Department of Justice on how to optimise its Nyay Bandhu program.

Our flagship initiative, the 'Legal A-Z' series, which is designed to maximise the performance of partners and allies working in the social sector, saw two more knowledge convening sessions. These sessions covered tax compliance issues, best practices in NGO governance, and the implications of the Digital Personal Data Protection Act. All these are essential primers for the thousands of NGOs trying to keep up with the complex civil society space that exists today.

To enhance the capacities of lawyers and law students, we launched a course on "Laws Relating to Children - In Theory and Practice". Our goal is to create a generation of lawyers who are sensitive to these issues and are interested in engaging with them.

The second batch of Justice Leila Seth Fellowship gained the necessary awareness and expertise to advocate for children and improve the child protection system. One of our fellows, Gowri Reghunath, has now joined the Delhi Judicial Services. We are certain that this knowledge will benefit the many children she will encounter in the course of her career.

Finally, we welcomed new colleagues in Mumbai, Bengaluru, and Delhi, and doubled the size of our comprehensive care team.

We look forward to our continued growth and impact in the new year and are grateful to our partners, donors, and team for making our work possible.



Deeksha Gujral
India Program Director



10 YEARS OF iProbono INDIA

iProbono celebrated a decade of impact in India with partners and allies who have stood by us, worked alongside us, and championed our shared vision of justice for all. We brought together 150 changemakers from civil society, government, and the legal community to engage in a day-long collaborative event. We advanced the public conversation around the unlawful incarceration of children in adult jails, the role of counsels and support persons in child sexual abuse cases, and the illegal eviction of residents from informal settlements. We also discussed the promise and potential of the growing pro bono lawyering movement in India. Speakers at this event included retired Supreme Court judge Madan Lokur, former Chairperson of the Delhi Commission for the Protection of Child Rights Anurag Kundu, Senior Advocate Trideep Pais, former Child Welfare Committee Chairperson Vaidehi Subramani, and Co-Chair of iProbono's Justice Leila Seth Fellowship, novelist Vikram Seth.

For our achievements in advocating for quality legal aid and justice, iProbono was awarded the Delhi Commission for Protection of Child Rights (DCPCR) Children's Champion Award. We shared this honour with 39 other individuals and organisations.



The Delhi Commission for Protection of Child Rights conferring the Children's Champion Award to iProbono



Hon'ble Justice Madan Lokur delivering the keynote speech at the closing session of our anniversary celebrations



Justice Leila Seth Fellowship Co-Chair Vikram Seth with fellows Gowri Reghunath, Krishna Sharma, and Shalanki Prasad

OUR IMPACT



4122

people directly impacted by legal support



213

children provided with psychosocial support



2275

people empowered via capacity-building



16

NGOs provided with direct legal support

OUR NETWORK



51

CSOs



136

panel advocates



500+

community lawyers

Advocating for Change

Interactions with clients and stakeholders in the justice ecosystem provide us with insight into systemic challenges hindering access to justice in India. We use a variety of tools like strategic litigation, in-person delegations, and written submissions to expose these gaps and engage those who hold the power to enact change. This includes judges, public prosecutors, statutory bodies, and others.



As a member of the Delhi Housing Rights Task Force, iProbono regularly interacts with community members to support them with their housing needs

Instigating a Judicial Culture of Granting Compensation in POCSO Cases

According to the Protection of Children from Sexual Offences Act (POCSO), 2012, and POCSO Rules, 2020, child survivors are entitled to compensation (or monetary relief) to support their immediate and long-term well-being. The advantages of this compensation cannot be overstated. With monetary relief, a child survivor can, for example, relocate from the place of abuse to avoid further traumatising. In Bengaluru, we observed that interim compensation - payable to a child survivor while the case is ongoing - was not being granted. It was often assumed that families would lose interest in prosecution if they received financial relief in the middle of the legal process.

Applications filed by our team under the Right to Information Act, 2005 confirmed that no interim compensation had been granted in Bengaluru since the enactment of POCSO legislation in 2012. With support from our panel advocates, and drawing on our collective learning and experiences in Delhi courts, we filed several well-researched and robustly argued interim compensation applications before a particular POCSO court judge in Bengaluru. When this judge began to allow these applications, we filed similar applications before other POCSO court judges, invoking these successful interim compensation orders as precedents to inspire action. In 2023, we secured interim compensation for three child survivors of sexual abuse in Bengaluru. By accelerating an institutional shift towards granting interim compensation, we ensure that survivors and their families can rely on the implementation of one of the most impactful protection measures outlined in the POCSO Act.

iProbono and its energetic team is taking steady and significant steps towards changing the very landscape in which practitioners, judges, the police, and survivors of child sexual abuse operate. Trial courts in Bengaluru, which until two years ago seldom heard victim's counsel, are now increasingly aware of their voice and recognise its difference from that of the state's. Substantial credit for that must go to iProbono. I cannot think of a more tangible and satisfactory intervention than this."

Rohan Kothari,
iProbono Panel Advocate

Deepening Accountability Among Public Prosecutors

The effective functioning of Public Prosecutors is vital for the administration of justice. Our team in Bengaluru observed firsthand how certain public prosecutors appointed to the special courts dealing with POCSO cases were failing to deliver on their mandates. This included refusing to file interim compensation applications on behalf of the child survivor, failing to apply for bail cancellation if the accused had violated the conditions of bail release, and consistently arriving late to court. We noted that many public prosecutors displayed a disturbing level of unfamiliarity with the POCSO Act and Rules, which inhibited their capacity to advocate for the rights of child survivors under their care. iProbono and Enfold Proactive Health Trust flagged these issues in a written submission and during follow-up meetings with the Director and Deputy Director at the Directorate of Prosecutions. In the months that followed, we observed a change in the behaviour of certain public prosecutors. Not only had some of them begun to appear in court on time, they had also started to raise objections to aggressive questioning by the defence counsels.

Developing Model Guidelines

» Strengthening the Role of Support Persons

Child survivors often re-experience trauma when recounting their ordeal at various junctures in the legal process. While the POCSO Rules provide for the appointment of support persons to assist them during the investigation and trial process, their roles and responsibilities are only partially outlined.

A Supreme Court order issued in August 2023 directed the National Commission for the Protection of Child Rights (NCPCR) to draft a report outlining

states' progress on formulating guidelines for support persons. In a consultation convened by iProbono with key stakeholders in the child protection space, the importance of establishing guidelines reflecting the real-life experiences of support persons was emphasised. iProbono approached the Supreme Court for permission to submit recommendations on behalf of certain support person organisations working in Delhi, Bengaluru, and Mumbai. The court directed the NCPCR to draft model guidelines on the roles and responsibilities of support persons in consultation with state governments and invited iProbono to contribute to this process.

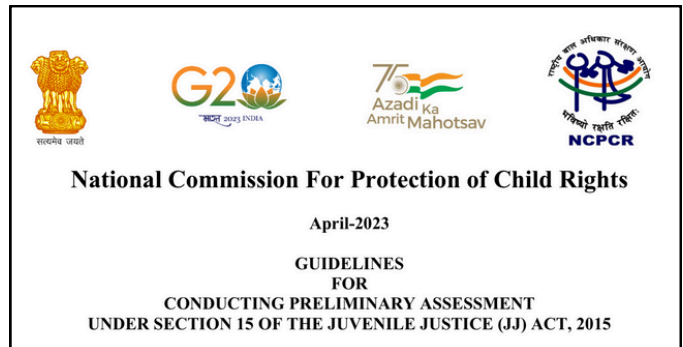
» Protecting Children in POCSO Bail Hearings

In a landmark judgement resulting from a Public Interest Litigation (PIL) jointly filed by HAQ - Centre for Child Rights and iProbono - Reena Jha and Another v the Union of India and Others - the Delhi High Court issued guidelines in 2020 making it mandatory for child survivors, or their representatives, to be heard during bail application proceedings in POCSO trials. While these guidelines allowed child survivors to be represented by their counsel during bail application hearings, we observed that in practice, trial courts and the police often insisted on their presence in court. In some cases, survivors were even directed to appear in person despite having legal counsel to represent them. Subjecting survivors to an intimidating courtroom experience, and forcing them to take repeated leaves of absence from school, derails the rehabilitation process. Our team and panel advocate filed recommendations before the Delhi High Court to protect child survivors from re-experiencing trauma during POCSO trial proceedings. These included:

- ❑ Ensuring that a child survivor is not repeatedly called to court to testify
- ❑ Providing access to arrangements allowing the child survivor to testify in court virtually
- ❑ Allowing the child survivor to appear in court with a trusted guardian or relative
- ❑ Reinstating the Delhi High Court's 2020 order allowing the child survivor to be represented by counsel

Developing Guidelines to Conduct 'Preliminary Assessments' Under the Juvenile Justice Act

Under Section 15 of the Juvenile Justice Act, 2015, a 'preliminary assessment' is to be carried out by the Juvenile Justice Board (JJB) to determine whether a child of 16-18 years accused of committing a heinous crime should be tried as an adult. In early 2023, the NCPCR issued a call soliciting expert inputs from the wider community. This was in response to the Supreme Court's directions to formulate guidelines on procedures to be adopted while conducting preliminary assessments. iProbono submitted a number of recommendations, several of which were reflected in the NCPCR's guidelines issued in April 2023. These included providing psychologists with the opportunity to interact with the child, training JJB-enlisted experts to conduct preliminary assessments effectively, and ensuring that reports submitted by the JJB to the Children's Court (where a matter is transferred once it is decided that a child should be tried as an adult) do not contain incriminating information.



iProbono: Submission of representation on Prohibition of Child Marriage (Amendment) Bill, 2021
17 February 2020

SUBMISSION

At the outset, we appreciate the intention of the Government of India to respond to the problem of child marriage through legal and policy interventions. We also appreciate that in the Statement of Objects and Reasons of the Prohibition of Child Marriage (Amendment) Bill, 2021 (hereinafter referred to as "the Bill"), the government has categorically identified the Constitutional mandate of gender equality. In that direction, some of the reforms proposed in the Bill are welcome but we would also like to lodge our strong opposition to some of the provisions of the Bill.

In support:

- **The amendments which seek to align existing personal laws with the Prohibition of Child Marriage Act, 2006 (PCMA)**
 - **The extension of period for annulment of child marriage after attaining majority.**
- We recommend permitting either party to annul the child marriage anytime after attaining majority but before turning 26.

In our submission below we provide alternate language for this provision alongside our rationale for the same.

In opposition:

We strongly and unequivocally oppose the proposed change to increase the marriageable age of girls from 18 to 21 years in the PCMA as well as the laws mentioned in the Schedule of the Bill.

Our reasons for opposing this, in brief, are as follows:

1. **It takes away the agency of 18 year old girls** who are legally considered 'women' and as major / adults for the purpose of exercising their right to vote, entering into contracts, obtaining a driver's license etc. A woman who can legally enter into consensual sexual relations with another person at 18 should also have the freedom to marry who she wants to.
2. **The proposed change will criminalize marriage between two consenting adults.** Criminalization may not always have the intended impact and instead can cause stigma, ostracization, push prohibited practices underground and place financial burden on families involved without deterring the practice. It can particularly be harmful to young boys without necessarily helping young girls.
3. **Investment in education and health of girls can prevent child marriages,** but the other way around is not necessarily true. Simply increasing the marriageable age of girls and criminalizing child marriages is not likely to improve girls' access to socio-economic rights including education, health, work opportunities etc.
4. **Other related factors will remain unchanged.** Child marriage is a consequence of varied social factors and the prevalence of patriarchal practices. Oppressive practices like dowry, one of the reasons for child marriage, will continue even if marriageable age of girls is increased. There is also evidence of a substantial increase in child marriages during natural and humanitarian crises like a pandemic. Child marriage is a complex and

At the Delhi High Court, I appeared on behalf of the accused in a POCSO case. The victim, a four year-old girl, was standing in court, with the accused also present. I told the judge that it was inappropriate for her to be there after she had already suffered the traumatic experience of deposing before the trial court. The judge asked me if I could provide a note on how we might avoid such situations in the future. That is when I called up the iProbono team. This was at 1.15 pm when the court rose for lunch. I had the note in my inbox at 1.45pm. The quality of research and data we can expect from iProbono is phenomenal. The note they produced, together with those developed by the Delhi Legal Services Authority and the Delhi High Court Legal Services Committee, ultimately got us a good set of guidelines to prevent survivors from having to appear in court with the accused present."

Adit Pujari, iProbono Panel Advocate

Legal Counsel

iProbono's model ensures high-quality legal representation to vulnerable individuals before various courts in the country. Case referrals from partners alert us to situations where legal intervention is necessary. We assign the case to a panel advocate with specialist expertise and relevant experience. iProbono co-counsels on all matters, advising advocates with strategy, drafting, and advocacy. We often appear in court when panel advocates are unable to. Finally, we provide legal advisory support to our clients and engage alternative grievance redressal mechanisms where litigation is not the most appropriate path forward.

In 2023, iProbono's legal counsel affected 4122 child survivors of sexual abuse, children in conflict with the law, residents of informal settlements, unorganised and migrant labour, and people with disabilities, across India.

Expediting Justice

Although POCSO law mandates the completion of trials within one year, cases have been known to drag on for over a decade. **This year, iProbono secured justice for a child survivor of sexual abuse, Arjun*, in just two and a half years - our fastest trial till date.** Strategic and high-quality legal counsel - including a simplified explanation of the legal process - ensured that Arjun and his mother felt empowered to testify in court in Delhi. In line with best practices outlined in POCSO legislation, we also appeared in bail hearings on his behalf and protected him from facing the accused.

Securing Sizeable Compensation

Lavanya* is a four year-old girl who was sexually abused by her neighbour. We ensured that Lavanya testified in court only when she felt comfortable and emotionally ready. We also represented her at bail hearings. **Not only did our intervention result in the conviction of the accused on all charges, and a sentence of imprisonment up to 12 years, we also secured compensation of Rs. 12.5 lakh for Lavanya.** This is the highest compensation amount secured by iProbono in a 'POCSO case' in its ten-year history and is consistent with a progressive Delhi High Court order entitling child survivors to a minimum compensation of Rs. 10.5 lakh. The court's approval of a sizeable sum also attests to growing judicial awareness of how financial relief can irreversibly alter the life of a survivor. Today, Lavanya is thriving in school and is no longer defined by her trauma.

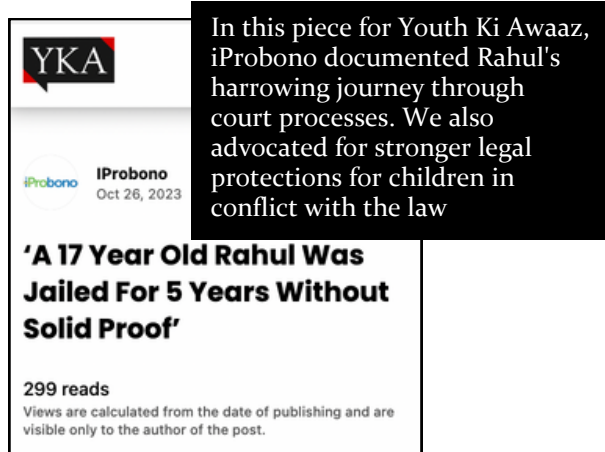
iProbono has established its credentials as a sanctuary for those who have experienced unspeakable horrors. It has treated them with compassion, understanding, and empathy, creating a safe space where survivors can heal, grow, and reclaim their lives. iProbono's dedication extends beyond providing support to individuals. They also tirelessly advocate for policy changes to prevent sexual abuse and to ensure survivors receive the justice they deserve. If anyone is in need of a helping hand, guidance, or even a listening ear, iProbono is the go-to organisation as one will find a community that understands, validates, and supports you every step of the way."

Harshita Mishra, Secretary, Principal Magistrate, South West Delhi

Securing Bail for Wrongful Detention

Rahul* was forced to live on the streets from a very young age after his father passed away. In 2018, when he was 17 years old, he was accused of trespassing and killing a guard at the site of an under construction building. Rahul was arrested despite the absence of incriminating evidence. The preliminary assessment conducted by the JJB found that he should be tried as an adult and his case was transferred to the Children's Court. For the next five years, Rahul was detained in a place of safety - a facility reserved for children in conflict with the law - where he received no meaningful institutional support to advance his case. The legal aid lawyer assigned to Rahul by the state did not move a single bail application on his behalf during this time, nor did he appeal against the JJB's decision to conduct a preliminary assessment in the first place.

When the case came to iProbono's attention, we engaged our panel advocate to file a bail application on Rahul's behalf. Although he was granted bail, Rahul was denied immediate relief by the court. The judge insisted that a surety be provided for Rahul even though the law does not make this a mandatory criteria for granting bail. Even after our team successfully and expeditiously identified a surety for Rahul, the judge went on to impose a number of additional conditions. iProbono ensured that each of these conditions were met, and Rahul was finally released on bail.



The image shows a screenshot of a social media post. At the top left is the YKA logo. The main text of the post reads: "In this piece for Youth Ki Awaaz, iProbono documented Rahul's harrowing journey through court processes. We also advocated for stronger legal protections for children in conflict with the law". Below this is a date stamp: "iProbono Oct 26, 2023". The headline of the post is "'A 17 Year Old Rahul Was Jailed For 5 Years Without Solid Proof'". At the bottom, it says "299 reads" and "Views are calculated from the date of publishing and are visible only to the author of the post."

Securing Acquittal for Wrongful Conviction

Ajay* was 17 years old when he was falsely implicated in an offence involving the sexual harassment of a young girl. Although the survivor herself did not indict Ajay in her statement, he was nevertheless apprehended by the police. In order to conceal the fact that Ajay was a minor, the police incarcerated him in a prison designated for adults above the age of 21 years, in violation of the Juvenile Justice Act. Our panel advocate, while representing Ajay before the JJB, emphasised wrong doing by the police. The JJB ruled in favour of Ajay's acquittal.

Tackling Legal Complexity

Kiran* is a 10 year-old child who suffered repeated sexual abuse by her father. Her mother, the complainant in the case, refused to consent to her daughter's medical examination since she had not yet reached puberty. Despite the absence of medical proof to establish a case of sexual assault, our panel advocate demonstrated that Kiran's testimony was trustworthy. The court sentenced the accused to three years imprisonment and awarded Kiran Rs. 4 lakh as compensation.

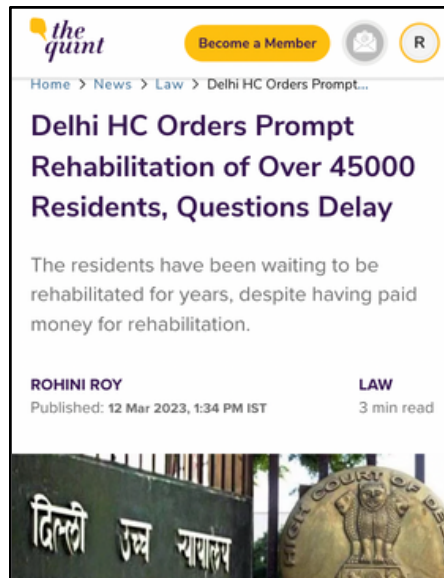
Legal Advice for a Visually Impaired Student

Prakash* is a visually impaired university student in Delhi. He approached iProbono for legal advice when the administration failed to provide him with a teaching assistant and a scribe to support him with his studies. This was in violation of a legal requirement to provide reasonable accommodation under the Rights to Persons with Disabilities Act, 2016 as well as recent guidelines issued by the University Grants Commissions (UGC). We briefed Prakash and his mother about his legal entitlements and redressal options. We also drafted a formal letter of complaint to the institute, highlighting Prakash's needs and his legal entitlements. After an in-person meeting with the administration, the Dean committed to providing Prakash with a teaching assistant and other accessible resources.

Accelerating Justice for Basti Residents in Delhi

Justice can often seem elusive in cases involving the right to housing. For some time now, iProbono has been providing legal protection to the residents of two different bastis in Delhi threatened with eviction. We intervened to ensure that the residents of East Kidwai Nagar and Rajiv Camp bastis were not displaced without rehabilitation by the Delhi Urban Shelter Improvement Board (DUSIB), securing rehabilitation orders for them in 2017 and 2019 respectively. We noted, however, DUSIB's egregious non-compliance with both orders. Although flats had been earmarked for eligible residents, and many had in fact spent a substantial portion of their savings to pay DUSIB the financial deposits needed to secure flat ownership, the rehabilitation process did not progress. In the aftermath of the migrant crisis in 2020, the Ministry of Housing and Urban Affairs directed that these flats be converted into Affordable Rental Housing Complexes (ARHCs) for Delhi's migrant labourers and urban poor populations. The residents of East Kidwai Nagar and Rajiv Camp were left in limbo. With no efforts made towards the residents' rehabilitation, iProbono filed contempt petitions on their behalf.

In a hearing of the two cases in late 2022, the Delhi High Court directed the Delhi Government and DUSIB to convene a meeting and find a resolution. In March 2023, the Delhi High Court directed DUSIB to transfer flat ownership to basti residents in possession of allotment letters without further delay. **The handover of over 9,000 flats is expected to change the lives of approximately 45,000 people.**



In a suo moto case in September 2023, the Delhi High Court issued an order for the immediate handover of flats to eligible residents who had made financial contributions towards their rehabilitation. The court also passed a directive to establish a High-Powered Committee that would streamline and expedite the handover process. iProbono impleaded in the matter on behalf of our clients in East Kidwai Nagar and Rajiv Camp bastis and drafted submissions before the High-Powered Committee to ensure the swift handover of flats to our clients.

iProbono is a rare combination of passion, rigour, technical know-how and ethical commitment. This is an institution that works well beyond the usual approaches to working with the law, and, in the end, is motivated by justice."

Gautam Bhan,
Associate Dean, Indian Institute
for Human Settlements

Providing an All-round Approach: Comprehensive Care

The POCSO Rules, 2012 and Amendment 2020 encourage the appointment of ‘Support Persons’ to assist child survivors during the investigation and trial process. iProbono has been appointed a Support Person Organisation with Child Welfare Committees (CWCs) in two districts in Delhi: CWC South East and CWC South. Our Comprehensive Care team builds strong links between the POCSO Courts, the CWCs and child survivors, and is often approached by CWCs for advice on appropriate intervention strategies. In 2023, 213 survivors of sexual abuse across Delhi benefited from iProbono’s comprehensive care.

Pallavi*

Pallavi is a four year-old survivor of sexual assault. In 2022, the court awarded her interim compensation. However, documents submitted by her mother to facilitate the transfer of funds were misplaced by the authorities. Although Pallavi’s mother resubmitted the paperwork, she did not receive compensation. Our team intervened to support her with the documentation process. Meanwhile, without access to sufficient funds, Pallavi’s mother was unable to pay her daughter’s school fees. iProbono provided financial support to cover this. We also escalated the issue of non-payment of compensation by appealing to the DSLSA Secretary for direct intervention. This resulted in the immediate transfer of compensation into Pallavi’s bank account.

Ruchi*

Ruchi, a seven year-old child, was sexually abused by her father’s colleague. Faced with intimidation by acquaintances of the accused, Ruchi

and her family were forced to leave their home. iProbono provided financial assistance to help the family relocate. We also filed a complaint with the police. When no action was taken, iProbono approached the court with a report highlighting the family’s vulnerability and the police’s ineffectiveness. The court then directed the Deputy Commissioner of Police (DCP) to take immediate action and a complaint was finally registered. Following the family’s relocation, our team supported Ruchi with her school admission process. When she was denied admission, we reminded the principal of their obligation to admit Ruchi as per the CWC’s order. After she was admitted, our team handled all aspects of the enrollment.



The role of the Support Person is highly appreciated. Their efforts towards the rehabilitation of the family made the police officials take action”

CWC order, Ruchi’s case

Neera*

Neera is a 16 year-old girl who was sexually abused by her cousin and became pregnant. Neera and her family approached iProbono with an urgent request for support to terminate the pregnancy legally which, at 26 weeks, had crossed the 24-week threshold permissible for abortion. Our team filed a Writ Petition before the High Court of Karnataka seeking permission to terminate the pregnancy and requesting financial relief to support Neera. The High Court granted an order for termination. In a departure from established practice where compensation is generally reserved for POCSO cases, the court directed the Karnataka State Legal Services Authority to provide Neera with compensation of Rs. 75,000.

Our team coordinated with the Karnataka State Legal Services Authority to ensure the timely transfer of compensation to Neera. Within just a month of the High Court's order, Neera received the full compensation amount.

Live Law Account [Subscribe Premium](#)

Karnataka High Court Allows Minor Rape Survivor To Medically Terminate 26-Week Pregnancy

Mustafa Plumber
11 Dec 2023 9:40 AM

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JUSTICE H. NAGESHANNA

The Karnataka High Court has permitted a 16-year-old victim of sexual assault to terminate her 26-week-old pregnancy. A

Akansha*

iProbono received a request from the CWC to intervene in Akansha's case. She was a 13 year-old survivor of sexual abuse seeking termination of her pregnancy that had exceeded 25 weeks. Our team gathered all the documentation needed to draft a Writ Petition and filed it before the Delhi High Court within 48 hours. The court, taking into account iProbono's petition, as well as the opinion of the medical board, allowed for the termination of Akansha's pregnancy. The procedure was carried out successfully, bringing tremendous relief to Akansha and her family.

the quint [Become a Member](#) [R](#)

Abortion for Survivors of Sexual Assault: What Are the Delhi HC Guidelines?

The Medical Termination of Pregnancy Act is now to be read with the guidelines issued by the Delhi High Court.

AISHANI MENON **GENDER**
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Wherever the timeline is exceeded which is beyond 24 weeks and there is a minor or adult survivor of sexual assault, they will have to approach the High Court seeking permission for the termination."

Aishwarya Sinha, a senior social worker at iProbono, told The Quint

Alfiza*

Our team intervened in a case involving an eight year-old child, Alfiza, who had been subjected to repeated sexual assault resulting in severe medical problems. The accused were minors themselves and had been granted bail by the JJB. Alfiza's father refused to allow her treatment until they were taken into custody again. Our team sought direct intervention by the CWC and the District Child Protection Unit (DCPU) to counsel Alfiza's father. While he eventually agreed to her treatment, he could not attend to Alfiza personally. iProbono engaged the CWC to issue directions allowing the hospital to diagnose and treat her. Our team facilitated the medical process on Alfiza's behalf.

Strengthening the Justice Ecosystem

iProbono's capacity enhancement initiatives aim to advance legal education, strengthen civil society, and deepen the accountability of justice institutions. **In 2023, our initiatives reached over 2000 students, community members, and representatives from judicial and state bodies.**



iProbono collaborated with the community-based organisation, Astha India, to deliver a legal awareness session on domestic violence laws for a group of 40 women. Their insights informed the data we used to update Jagrit's FAQs

Unlocking AI for Legal Empowerment

The role of generative AI in accelerating access to justice is an evolving and promising field in India. iProbono collaborated with Agami, a legal justice non-profit, to co-create Jagrit - a chatbot that aims to address citizens' legal queries over WhatsApp, Telegram, and voice or text messages, in their preferred language. Since Jagrit's responses are determined by the knowledge it is provided, supplying it with accurate, reliable and nuanced legal information is vital. iProbono was brought in as a knowledge partner to curate content in relation to the Protection of Women from Domestic Violence Act, 2005. We drew on the collective expertise of our team, panel advocates, and grassroots partners Shakti Shalini and Astha India, to generate an exhaustive list of FAQs demystifying the Act. We tested the prototype of the chatbot and appeared alongside Agami to present it before the Supreme Court's e-committee.

iProbono played a pivotal role in developing extensive knowledge bases focused on Domestic Violence (DV) and Motor Vehicle Accident cases, ensuring these databases were continually updated to feed Jagrit with accurate information. What truly sets iProbono apart is not only their technical expertise but also the remarkable support from their expansive community of volunteers and social workers. Collaborating to bring Jagrit to life represents a collective effort to democratise legal knowledge. Together, we have created a tool that not only informs and educates but also seeks to inspire others in taking an important step towards reducing the access to justice gap in our country."

Rashika Narain, Curator, Agami

Deepening State Capacity to Safeguard the Rights of Children

iProbono is frequently invited to deliver capacity enhancement programmes on behalf of state and judicial bodies operating in the child protection space. In 2023, our programmes reached 460 state and judicial representatives of differing roles and responsibilities. We received multiple invitations from the National Institute of Public Cooperation and Child Development (NIPCCD) – a government agency tasked with building the capacities of functionaries working on child development and adjacent issues – to provide specialised legal education on child protection laws, protocols, and best practices. On behalf of the NIPCCD, our team deepened the capacities of 170 JJB members, Superintendents of Child Care Institutions, Protection Officers, District

Child Protection Officers, social workers and newly recruited Chairpersons and Members of CWCs, representing 11 different jurisdictions. In Karnataka, at the request of three separate police training schools, we briefed 285 child welfare police officers and head constables on best practices to follow while working with children in conflict with the law.

Curating Specialised Legal Content for Higher Education Institutions

Law schools are uniquely placed to transform their students into future ambassadors of social justice. Many law schools in India want to integrate a social justice lens into their curricula by deepening their students' understanding of social welfare laws and their real-life application. Keeping in mind this pedagogical need, iProbono designed and launched a certificate course, 'Laws Relating to Children - In Theory and Practice.' We delivered this pilot certificate course at three universities in Ranchi, Bengaluru, and Chennai, impacting nearly 160 students.

It gives us immense pleasure to have collaborated and completed the certificate course on "Laws Relating to Children: In Theory and Practice" at the School of Law, CHRIST (Deemed to be University) Bengaluru. The course gave a fantastic educational base and it prepared students to carry out skills in the real world. The instructors did a good job by sharing real life experiences around the assignments and it was a tremendous learning experience for our students."

**Dr. Valarmathi and Dr. Chaitra RB,
Faculty Members**

I got to know about different provisions of the POCSO Act along with the trial procedure and how POCSO and JJ Acts intersect with each other when the accused is a child in conflict with the law."

A law student, CHRIST, Bengaluru



iProbono partnered with the Center for Child Rights - National University of Study and Research in Law (NUSRL), Ranchi to conduct a session on the Juvenile Justice Act, 2015 as part of our newly launched certificate course

'Legal A to Z': Strengthening the Capacities of NGOs

An authoritative source of information on legal, policy, and financial compliance can greatly help NGOs enhance their overall efficacy. iProbono's flagship 'Legal A to Z for NGOs' series grew from an explicitly articulated demand by partners to provide such insight. Launched in 2021, iProbono has been collaborating with industry experts to provide up-to-date legal, operational, and technical guidance to Indian NGOs. In 2023, we conducted two knowledge convening sessions for the Indian NGO community. Industry experts Noshir Dadrawala and Anil K. Goyal delivered sessions on tax compliance issues and best practices in NGO governance. In partnership with the law firm Touchstone Partners, we also convened a session to examine the implications of the Digital Personal Data Protection Act, 2023, for NGO data collection practices. Together, these sessions reached 250 civil society representatives.

Building Capacity to Tackle Sexual Harassment in the Workplace

Among our most popular initiatives is our programme to build and address gender-based discrimination in workplace settings. According to the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, better known as POSH, an organisation with 10 or more employees is required to establish a POSH policy and an Internal Complaints Committee. iProbono supports NGOs and institutions of higher education with their formulation of POSH policies, and empowers staff and students to identify sexual harassment in the workplace, and take action when it occurs.

Nearly 600 NGO staff members and students benefited from these training sessions in 2023.

We approached iProbono to develop our POSH policy and conduct a gender-sensitisation training for our office staff and community workers. Their practical and participatory approach - grounded in easy to understand case studies and pop culture references - has helped our workforce with necessary insights on this topic and made them more attentive towards everyday gendered power imbalances."

Abir Biswas, Member - Extended Board, Mukti



iProbono team members conducting a POSH training workshop for over 35 staff members of the India Vision Foundation



Our team leading gender sensitisation workshops for over 50 students of Udyam Trust

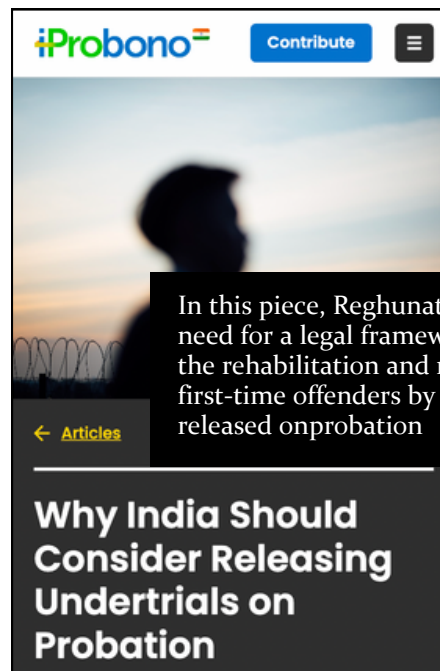
The Justice Leila Seth Fellowship

The decision to establish the Justice Leila Seth (JLS) Fellowship in 2021 was sparked by the shared vision of iProbono and Justice Leila Seth's family members to honour her remarkable legacy. Our alumni have gone on to pursue careers at the intersection of law and social justice, attesting to the JLS Fellowship's role in transforming legal professionals into public servants of justice.

Our 2023 graduate, Gowri Reghunath, currently serves as a Trainee Officer at the Delhi Judicial Service. During her time with iProbono, Reghunath engaged deeply with POCSO casework in a range of capacities - from producing thought leadership on child protection issues to providing research support to our panel advocates. It was during her time as a fellow that Reghunath was invited to interview for a position with the Delhi Judicial Service. A secondment opportunity with one of iProbono's panel advocates specialising in criminal law provided Reghunath with a robust foundation on which to build her legal career.

The learnings at iProbono proved to be extremely valuable while responding to the questions [related to the POCSO Act and the Juvenile Justice Act] posed by the interview board [of the Delhi Judicial Service]. The sustained and holistic model of interventions, coupled with an unwavering commitment to quality legal representation that I have witnessed at iProbono, particularly at the stage of trial, is something that I value deeply and intend to carry with me as I embark on this next stage of my professional journey."

Gowri Reghunath, JLS Fellow 2023-24



"Her [Reghunath's] research skills were phenomenal. She thought through the work that was assigned to her and in doing so, would often come up with new discussion points. Her analytical approach towards all tasks was most impressive."

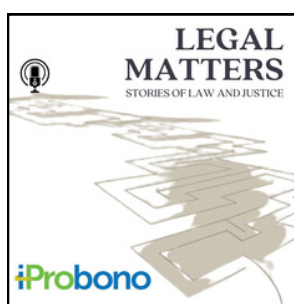
Faraz Maqbool, iProbono Panel Advocate and advisor, Justice Leila Seth Fellowship

Our second 2023-2024 JLS Fellow, Shalanki Prasad, similarly gained exposure to the workings of India's trial courts by assisting panel advocates representing child survivors of sexual abuse. A secondment with iProbono panel advocate Aditya Wadhwa allowed Prasad to examine the law from the perspective of the defending counsel. Exposure to best practices in crafting robust legal arguments, and interactions with senior lawyers, contributed to a well-rounded fellowship experience.

Bringing the Law to You: Select Resources

iProbono launched two series to demystify the work of pro bono lawyering and its impact on the everyday lives of vulnerable people.

Our multimedia series, "Legal Matters: Stories of Law and Justice," is an audio explainer that explores the human impact of legal processes. We delved into various themes such as the unfair incarceration of minors despite the law discouraging the institutionalisation of children and the implications of iProbono's fastest POCSO trial so far.



'Pro Bono Profiles' is a podcast series that showcases the work of our panel lawyers across the country.

Juvenile Justice Act: Statute and Recent Amendments

The Juvenile Justice (Care and Protection of Children) Amendment Act, 2021, introduced 29 amendments to the Juvenile Justice (Care and Protection of Children) Act, 2015. In this publication, we compare and contrast these changes with language from the law's previous iteration. In 2023, the Madhya Pradesh Legal Services Authority (MPLSA) in Jabalpur requested iProbono for over 200 copies of the publication to include in their training programmes for judicial officers.

Guidelines: Appearance of Survivors in POCSO Bail Hearings

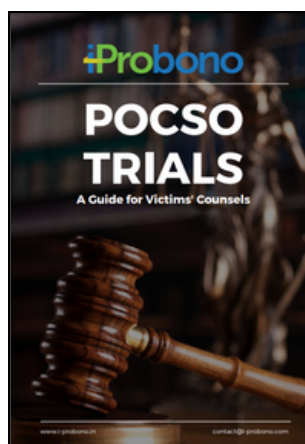
This factsheet provides an overview of new guidelines established by Delhi High Court to ensure that child survivors are not retraumatised as a result of the legal process. These recommendations were informed by contributions from iProbono.

POCSO Trials: A Guide for Victim's Counsels

Aimed at lawyers working on POCSO cases, this guide offers best practices in acting as counsel and draws on select Supreme Court and High Court judgements which make reference to the stages of a POCSO trial.

Witness Protection Scheme, 2018: A Summary

The Witness Protection Scheme, 2018 aims to protect witnesses from intimidation to ensure that investigation, prosecution, and trial of criminal offences is not prejudiced. We identify the different categories of witnesses and the protections available to them.



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