



**Closing Date: 26<sup>th</sup> July 2010**

**(Reference NO. UNDP/2010/006)**

**Request for Quotation**

**“For preparing a training module for judges on laws and issues relating to the Marginalised Communities”**

The Government of India (GOI) and United Nations Development Programme (UNDP) are inviting proposals from consultants/organisations including Non-Governmental Organizations (NGOs) and academic/training/research institutions for preparing a module/manual for training subordinate judges (both newly recruited and in-service) on laws and issues relating to the women and men belonging to the marginalised communities. The module/manual will be administered through the State Judicial Academies of Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Orissa, Rajasthan and Uttar Pradesh and must be developed and finalised in consultation with them as well as Department of Justice, Government of India and UNDP.

**Selection criteria**

- Justification
- Expertise and experience in preparing training modules/manuals on laws and legal issues
- Coverage given to all the people belonging to the marginalised groups - women, children, scheduled castes, scheduled tribes, people living with disability, religious minorities
- An in-depth understanding of laws relating to marginalised people and problems faced by them in accessing justice through courts
- Measurable impact on target group
- Proposed methodology for training
- Proposed team for preparing the manual
- Sustainability
- Replicability
- Feasibility
- Equity –Gender sensitive and inclusive design

**Outputs**

- A needs assessment report that also reviews and shares the existing material for trainings of judges

- Training module/manual covering laws, case-laws and case studies relating to marginalised people.
- Testing the training module through trainings at the State Judicial Academies in Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Orissa, Rajasthan and Uttar Pradesh
- National conference to discuss and validate the training module/manual.

### **Project duration**

6 - 8 months

### **Proposal format**

#### **A. Technical proposal**

- Brief background of the organisation/individual
- Experience in preparing training modules/manuals on laws and legal issues
- List the laws to be covered for each category of marginalised people.
- Indicate how will the module/manual cover laws, cases and case-studies so as to ensure interest and interactive sessions
- Indicate how will the module/manual cover common problems faced by judges in implementing the laws and rights of the marginalised people, and ways of dealing with these
- Indicate how will the judges be sensitised on issues relating to the marginalised communities
- Methodologies to be used in developing the module including a needs assessment
- Qualifications and experience for preparing module/manual
- Collaborating partners, if any

**B. Financial bid:** Total proposed budget with a detailed breakup of the costs for every component must be provided in a separate sealed envelope.

#### **How to Apply:-**

**Quotations should be preferably sent by email to [bids.india@undp.org](mailto:bids.india@undp.org) Or addressed to the Procurement Division, United Nations Development Programme, 55, Lodi Estate, New Delhi-110003.**

**Deadline for submission is 1700 hrs India Time on 26<sup>th</sup> July 2010.**

**Note: Bidders are requested to mention the RFQ Title / RFQ Reference No. in their mail.**

## **Terms of Reference**

### **Terms of Reference for** **Preparing a Training Module/Manual for judges**

**Government of India – UNDP Project**

**Access to Justice for Marginalized People**



## Background

Access to justice is now recognized as being essential to human development, for ensuring democratic governance, in reducing poverty and for the purpose of conflict prevention. Access to Justice may be defined as, “the ability of people to seek and obtain a remedy through the formal or informal institutions of justice, and in conformity with human rights standards”<sup>1</sup> and recognizes that access to justice includes the ability to access the judicial system but has a broader scope than mere litigation. It is a right to live within an environment of rights where such rights are effectively protected. Within this broad paradigm, the term ‘access to justice’ includes two major concerns - guaranteeing human rights and ensuring capacity development of state institutions and citizens to ensure the protection of those rights.<sup>2</sup>

## The Project on Access to Justice for Marginalized People

The Department of Justice, Government of India and United Nations Development Programme (UNDP) are implementing a project on Access to Justice for Marginalized People. The Project seeks to strengthen access to justice for the disempowered, particularly women, Scheduled Tribes, Scheduled Castes, children, people living with disabilities and minorities by supporting strategies and initiatives that seek to address the barriers they face in social, economic and political domains. The interventions focus on the seven states of Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Orissa, Rajasthan and Uttar Pradesh, as well as at national level with key institutions.

## Judiciary in the forefront of rights protection

The judiciary is obliged to protect the legal and constitutional rights of the people. The Supreme Court has also accepted that the judiciary is also bound by the Beijing Statement of Principles of the Independence of the judiciary.<sup>3</sup> The objectives and functions of the judiciary mentioned in the Beijing Statement include following:

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<sup>1</sup> UNDP, ‘Programming for Justice Access for All. A Practitioner’s Guide to a Human Rights-Based Approach to Access to Justice’, UNDP, Bangkok, 2005. p. 4

<sup>2</sup> Ibid

<sup>3</sup> Vishaka and others V. State of Rajasthan and others (AIR 1997 SUPREME COURT 3011)

- (a) to ensure that all persons are able to live securely under the Rule of Law;
- (b) to promote, within the proper limits of the judicial function, the observance and the attainment of human rights; and
- (c) to administer the law impartially among persons and between persons and the State..

### **The need for training**

Adequate training is a must for judicial officers to discharge their duties. In recent years, the expectations from Judiciary have increased manifold. Widening the scope of *locus standi*, public interest litigation, relaxing considerably the mandate of procedural laws, legal aid and *Lok Adalats*, have all contributed to expanding the horizon of judicial duties and functions. Union and State Governments, accepting the mandate of part IV of the Constitution, have enacted number of legislations with a view to improving status of the marginalised sections of our society. Members of the Judiciary aiming to translate into action, the concept of socio-economic justice within the framework of the Constitution must be fully equipped to meet the challenges facing the Judiciary. This can come from institutional training that comprehends and covers all these aspects.

At present, judicial officers are provided induction training as well as in-service training by the State Judicial Academies. However, there is a great need to support the State Judicial Academies. The Access to Justice Project seeks to support training programmes for judicial officers on laws and issues related to the marginalised communities, i.e. women, Scheduled Castes, Scheduled Tribes, children, people living with disabilities and minorities. Although a few in-service (refresher) trainings do cover some aspects of laws relating to these communities, it may be valuable to have focused trainings on these issues.

### **Training Module/Manual**

Any training program, to be effective, useful and result-oriented, must have a comprehensive Training Module/Manual. It is proposed to create a training module/manual that, *inter alia*, covers:

- a. all the constitutional and legal provisions relating to the target groups;
- b. international law provisions and their relevance to the Indian Legal System and the subordinate judiciary;
- c. case-law and case studies pertaining to the problems faced by judicial officers when interpreting and applying the relevant legal provisions;
- d. sensitisation to the issues and problems of the target group.

The training module/manual will be created after a needs assessment report that reviews the existing material for training the judges on laws/issues relating to the marginalised people.

### **Training Methodology to be covered in module**

The module must list a variety of methodologies and techniques for imparting the training, such as

- Presentations and discussions
- Short films and discussions
- Group exercises and presentations
- Case studies, experience sharing and/or sharing best practices
- Evaluation and follow up

**Reporting and Monitoring Arrangements** – The selected organisation will be required to produce the following reports.

1. A needs assessment report within a month of the contract.
2. A mid-term report after 3 months on the progress of the module/manual would be submitted by the organisation. The report would highlight the status of the training module/manual and workplan for the next three months.
3. A workshop report
4. Project Completion Report within a month of the completion of the Project.