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## Measuring the Rule of Law in India: A Volunteer Lawyer's Experience

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## MEASURING THE RULE OF LAW IN INDIA: A VOLUNTEER LAWYER'S EXPERIENCE

*Linda D. McGill\**

When I set off for New Delhi, India in January 2003 to serve as a volunteer with the International Senior Lawyers Project (ISLP),<sup>1</sup> nation-building was not in my mission statement. After all, India is the world's largest democratic country, sustaining that status for sixty years from its violent birth by partition through the curtailment of individual freedoms in the 1975 "emergency"<sup>2</sup> to its recent emergence as a "giant" of economic development and intellectual capital.<sup>3</sup> India's hold on democracy is all the more impressive given the religious and cultural differences among its vast population and the legacy of still-simmering resentments from centuries of social and economic stratification under the caste system.<sup>4</sup> Except for cross-border tensions with Pakistan, India has been at relative peace with itself and the world since its independence in 1947. It has a functioning and independent judicial system, free elections, civilian police force, parliamentary government, and numerous robust political parties. The Constitution of India, the longest of any in the world, is an admirable document. The statutes and common law are comprehensive and based on well-accepted legal norms. In short, and in contrast with its neighbors Myanmar, Sri Lanka, Pakistan, Nepal, and China, India has built a democratic nation that has endured.

Rather than nation-building, the rule of law was the framework for my volunteer service. Consistent with ISLP's mission, I was volunteering in order to support and advance the rule of law in India. My specific assignment was to provide "senior lawyer" assistance to a group of public interest lawyers who handled human rights cases on behalf of the poor. Given the facially healthy appearance of India's democratic institutions, I assumed that the rule of law issues embedded in that work would be somewhat nuanced and subtle, well along a continuum of rights and principles that had already been established. However, as I was to discover, many rule of law principles in India are at a more nascent stage of development. It is true that virtually all of the fundamental legal principles associated with a democratic system of law are eloquently articulated in India's Constitution, codes, and judicial opinions. However, many of these laws—especially those affecting individual rights and protections—are so unevenly and inadequately enforced that they effectively do not exist for large segments of India's population. The size of the gap between the law on the books and its access by and application to all levels of a society is one crucial

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1. Founded in 2000, ISLP provides volunteer legal services by experienced attorneys with the goal of advancing democracy and the rule of law, protecting human rights, and promoting equitable economic development worldwide. *See generally* ISLP Home Page, <http://www.islp.org>.

2. Following a period of economic and political stability in India in the wake of the 1971 war with Pakistan, Prime Minister Indira Gandhi imposed a state of emergency that included the imposition of press censorship and the curtailment of other fundamental freedoms. The Emergency ended with the defeat of Gandhi's party in 1977. *See* SUNIL KHILNANI, *THE IDEA OF INDIA* 45-48 (Penguin Books 1999) (1997).

3. *See generally* ARVIND PANAGARIYA, *INDIA: THE EMERGING GIANT* (2008).

4. For an analysis of why democracy in India has prevailed and is likely to continue, see generally KHILNANI, *supra* note 2.

indicator of a country's progress on the rule of law continuum. By that measure the nation of India, while not outside intervention or fundamental restructuring, is still in the building process.

My volunteer assignment was for a period of five months, the length of a semester at the American Embassy School in New Delhi for my fourteen year-old daughter and a sabbatical from my law firm for me. Even today, with the benefit of hindsight, I would not be able to articulate an entirely logical rationale for the decision to trade our comfortable, small-town lifestyle in Maine and my satisfying and busy practice, however temporarily, for the considerable uncertainties of living and working in India. For my daughter, the lure was the opportunity to live in another culture and have classmates from around the world. For me, the motivation was less certain. It is easier to identify the decision point, which came shortly after I learned about ISLP and discovered the potential for using years of legal experience in a very different setting from my management-side employment practice at home.

In the fall of 2002—at the same time my daughter and I were beginning to discuss the feasibility (or lack of it) of spending a few months together living out of the country and musing on India as a place that interested us both—ISLP had been contacted by the Human Rights Law Network (HRLN), a collective of lawyers and social activists headquartered in New Delhi who provide pro bono legal representation and other advocacy for those who have little or no access to the justice system in India.<sup>5</sup> When I found the ISLP site on the Internet and made a spur-of-the-moment application, I did not know this. But from my first contact and interview with ISLP's executive director, the die seemed cast. HRLN needed a volunteer lawyer in India, and I was a lawyer who wanted to do volunteer work in India. In surprisingly short order, I arranged a leave of absence from my firm, transferred files to my partners, and obtained the airline tickets and visas. On New Year's Day we stumbled through customs and out into the air of New Delhi, acrid with the warming fires of street dwellers and the exhaust of thousands of vehicles, all apparently competing for a single traffic lane. After a few days of rough adjustment, during which we nearly decided to return home without unpacking, my daughter went off to school in an embassy bus and I took a rickshaw to HRLN's office to explore my new identity: volunteer lawyer and a handmaiden to India's rule of law.

HRLN, based in New Delhi, operates throughout India. It began in 1989 as a law firm of three activist lawyers in Mumbai who represented the poor on a day-to-day basis. Recognizing the need for impact litigation as the only way to effect real change, the firm began identifying public interest issues, networking with like-minded lawyers in other parts of the country, and joining with other advocacy groups under an inclusive banner of human rights law. Today its staff of lawyers and activists handles a staggering array of human rights and related issues on an impossibly small budget and is recognized as a major force for law reform and access to justice throughout the country.

At HRLN's modest offices, I learned fairly quickly to function without the luxuries of my small law firm, such as clients whose needs were readily apparent to me, an

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5. For more on HRLN and their role in advancing human rights, see Human Rights Law Network, Home Page, <http://www.hrln.org>.

assistant, research tools, dependable Internet access, workable telephone, and a thermostat. Instead of an office, I used a corner of another lawyer's desk, quickly cleared for me as soon as I arrived and climbed the stairs to HRLN's third floor quarters. It helped that English was the language (though not necessarily the first one) of most of my HRLN colleagues, as well as of the pleadings and proceedings in the Delhi High Court and Supreme Court of India where HRLN's senior advocates practiced. But learning how to add value to HRLN's work was more challenging. Many of the issues that were the focus of HRLN's advocacy—the continuing, sometimes violent, oppression of Dalits (known better in the west as “untouchables”), slave labor, child marriage, the clash between secular and religious law, dowry crimes—had no obvious counterparts in United States jurisprudence, let alone in my practice experience. Despite the excellent groundwork done by ISLP to prepare the way for its first on-the-ground volunteer in India, I harbored doubts about whether my years of experience in private practice in the United States could in fact be translated into any kind of meaningful contribution to the work of HRLN. Fortunately, within a relatively short time of my arrival at HRLN, and after many hours of sipping chai, attending meetings, and being introduced as the “Senior Lawyer from America,” an issue emerged on which I, and ISLP, could in fact be useful. Moreover, the issue was a compelling one that portrayed graphically the gap between the facially enlightened system of laws and justice in India and the darker side of failed application and enforcement.

Colin Gonsalves, HRLN's founder and executive director who has gained international recognition for his work in human rights law,<sup>6</sup> had agreed that HRLN would take the appeal of Mohammed Afzal, a Muslim indigent who had been convicted and sentenced to death for conspiring to bomb the Indian Parliament in December 2001.<sup>7</sup> The representation was a legal challenge: it was also a political and social anathema. The attack on Parliament, which was ultimately unsuccessful, involved five suicide bombers who drove a vehicle packed with explosives through the gates of the Parliament building. The would-be attackers were killed by police just inside the gates, but six members of the security forces and two innocent by-standers died in the shoot-out. The incident was profoundly shocking to the nation, provoking a tense stand-off with Pakistan based on the wide-spread belief that the Pakistani government covertly supported the perpetrators.<sup>8</sup> Afzal was a surrendered militant who had trained at a terrorist camp in Pakistan, had “confessed” on national television to an active role in the bomb plot, and had openly identified himself with a high profile Kashmiri terrorist group.<sup>9</sup> He was without resources. His three convicted co-conspirators had secured prominent criminal lawyers for their appeals, but until HRLN stepped into the breach, Afzal was alone on a one-way trip to the gallows, with most of India glad for the ticket.

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6. See Nora Boustany, *India's Pioneer of Public Interest Law*, WASH. POST, Oct. 24, 2003, at A22.

7. See Rahul Bedi, *Three to Die for Attack on Indian Parliament*, DAILY TELEGRAPH (London), Dec. 19, 2002, at 12, available at <http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2002/12/19/wkash19.xml>.

8. See Rajiv Chandrasekaran & Rama Lakshmi, *New Delhi Lays Blame*, WASH. POST, Dec. 29, 2001, at A1.

9. *Id.*

Whatever the “facts” of the alleged conspiracy, it was immediately apparent that Afzal’s legal rights had been trampled. The investigation, collection, and handling of evidence against him by the police and the State were cursory, even corrupt: his guilt had apparently been presumed.<sup>10</sup> The televised confession, which was shown repeatedly all over the country before trial, had been arranged and perhaps scripted by the police, in spite of India’s requirement that an accused is remanded to the protection of a magistrate within twenty-four hours after arrest<sup>11</sup> and that a magistrate must ensure that any confession by the accused is voluntary.<sup>12</sup> Afzal’s request for a senior counsel experienced in capital cases was denied by the judge. The court-appointed counsel did not meet with or prepare his client in any meaningful way, even though the prosecution announced its drive for the death penalty before the trial began. During the trial, counsel sometimes did not appear at all or did not stay for the whole proceeding, did not cross-examine adverse witnesses, and seemed to agree with statements prejudicial to Afzal made by the trial judge. The Prevention of Terrorism Act (POTA),<sup>13</sup> which had been passed (like the post-September 11 Patriot Act in the United States) as a reaction to the Parliament incident and as a measure to control cross-border terrorism, was used by the trial court to justify the death sentence even though there was no evidence of actions by Afzal that fit the statutory definition of a “terrorist act” punishable by death.<sup>14</sup> Moreover, POTA was in theory vulnerable to constitutional challenges.<sup>15</sup> The exclusive method of execution in capital cases in India was (and remains) the barbaric means of hanging, a basis for attacking the death sentence in any case. In short, Afzal’s case, regardless of its context of terrorism, posed the question of whether fundamental rule of law principles such as the presumption of innocence, due process, fair trial, and judicial impartiality would be enforced and applied in a difficult case—or whether considerably rougher “justice” would be upheld and condoned by the courts.

Besides its political unpopularity, the case posed additional problems for HRLN. Capital cases are not standard fare for human rights lawyers, and HRLN’s resources were already stretched over hundreds of other cases and causes. Moreover, although nearly all the principles at stake were articulated in the Constitution of India or the criminal code, there was no well-developed jurisprudence in India on many of these points.

Fortunately, no criminal law background was required to recognize the glaring failures of procedural and substantive law presented by the Afzal appeal. In contrast with the relatively few on-point passages of dictum and general pronouncements in Indian jurisprudence, United States and European law were obviously thick with

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10. See Somini Sengupta, *Death Sentence in Terror Attack Puts India on Trial*, N.Y. TIMES, Oct. 10, 2006, at A3, available at <http://www.nytimes.com/2006/10/10/world/asia/10india.html>.

11. INDIA CODE OF CRIM. PROC. § 57 (1973), available at <http://mha.nic.in/acts-rules/ccp1973.pdf>.

12. *Id.* § 164.

13. Prevention of Terrorism Act, 2002, No. 15 Acts of Parliament, 2002, available at <http://mha.nic.in/poto-02.htm>.

14. *Id.* ch. II § 3(2)(a).

15. Although upheld as constitutional by the Supreme Court in 2003, POTA was repealed by the newly elected government in 2004. Human Rights Watch, *India: POTA Repeal a Step Forward for Human Rights* (2004), <http://hrw.org/english/docs/2004/09/22/india9370.htm>.

decisions that provided a blueprint and direct citations for many of HRLN's legal positions. Working closely with ISLP's office in New York, I reviewed as much of the record as we could reconstruct, acquired grounding in Indian criminal law and procedure, and prepared memoranda describing the case and identifying the points for research. ISLP's executive director then assembled a team of lawyers from leading firms in Boston, Washington, New York, and London who located and digested relevant opinions, provided legal analysis, and even drafted sections to be used in the appellate brief.

It was satisfying to brainstorm with lawyers at HRLN to identify legal arguments that we hoped would be considered seriously by the appellate court and then to see those arguments developed through the joint efforts of lawyers in distant countries. While I had the benefit and stimulation of being part of the action, the other ISLP volunteers willingly gave their time and resources to assist human rights lawyers whom they would likely never meet, in defense of an individual whose case and cause were difficult and unpopular, even reviled. In our focus on the case at hand, none of us mentioned the rule of law as an abstract principle. But our common commitment to the bedrock issues involved was both the animating force and the bond among the members of the legal team, no matter the differences in our practices and indeed our lives.

The 250-page appellate brief was filed in March 2003. Oral arguments, which play a more prominent part in appeals in India than in the United States, began in May 2003 and lasted for more than three weeks. In September 2003, Afzal's conviction and death sentence were upheld by the Delhi High Court; in August 2005, a two-judge panel of the Supreme Court of India followed suit.<sup>16</sup> Much of the evidence against Afzal and other co-defendants was thrown out by the Supreme Court as shoddily collected or even falsified, and defects in the trial were duly noted. However, Afzal's "confession" on television was held to be voluntary and, combined with the record of calls to his mobile phone from the mobile phones of the dead attackers, was held to be sufficiently incriminating to outweigh the procedural deficiencies.

Although Afzal was scheduled to be hanged in October 2006, he is still alive. The arguments raised in the briefs failed to sway the appellate courts, but these same arguments have now been taken up by media sources, human rights activists, and advocates both within and outside of India.<sup>17</sup> Through protests, demonstrations, and petitions to the executive, there are ongoing calls for commutation of Afzal's death sentence and even for his release, based on the miscarriage of justice detailed in the court record and briefs. In short, the rule of law issues made by HRLN and ISLP, although discounted by the judiciary, have leapt from the courtroom to the street, where they are recognized as too compelling and fundamental to be swept aside. At

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16. Mohammed Afzal v. Nat'l Capital Territory of Delhi, Criminal Appeal No. 381 of 2004, 2005 SCCL.Com 461, available at <http://www.judis.nic.in/supremecourt/qrydisp.aspx?filename=27092>.

17. See, e.g., Hasan Suroor, *Afzal Guru: British Rights Activists' Plea to Kalam*, THE HINDU, Apr. 25, 2007, available at <http://www.hinduonnet.com/2007/04/25/stories/2007042501871500.htm> (noting that the European Parliament, as "a standard bearer for human rights," has been pressured to raise Afzal's case with Indian President Kalam); Karan Thapar, *Should Mohammad Afzal be Hanged?*, HINDUSTAN TIMES, Oct. 15, 2006, available at <http://www.hindustantimes.com/storypage/storypage.aspx?id=a7a186c4-b306-46a7-9ab5-cc0c7b257f8b>.

this date Afzal's ultimate fate is unknown. Work on the Afzal case wound down in April as the temperatures in New Delhi went up, reaching 110 degrees Fahrenheit on most days. Although it was only early summer, there were already water shortages in numerous neighborhoods, including ours. My next assignment involved the devastating consequences of a different kind of water shortage and provided both a distraction from the heat and another lens on life and law in India.

Beginning in the late 1990s, the heavily populated states of Rajasthan, Madhya Pradesh, Uttar Pradesh, and Andhra Pradesh had experienced successive years of sustained drought. As a result, tens of millions of people were chronically on or over the brink of starvation, unable to feed themselves through their traditional subsistence farming or to find marginal jobs that might allow them to buy an adequate food supply. The famine conditions were compounded by a rash of suicides among farmers, attributed by the human rights community to the psychological and spiritual depression of crushing debt and the shame of failure.

In India, elaborate government-run food distribution programs exist on paper and as line items in the federal and state budgets. In reality, a large percentage of these food programs are inept, corrupt, or even fictitious.<sup>18</sup> In 2001, using the law reform vehicle of Public Interest Litigation (PIL),<sup>19</sup> HRLN and other activist groups had petitioned the Supreme Court of India to mandate that the government effectively address the problem of rural starvation.<sup>20</sup> The Court had responded by directing the central and state governments to implement immediately and fully the food security programs that already existed, under which grain was supposed to be provided to those below the poverty line and others qualifying for ration cards; to provide mid-day meals to primary students; and to give food support to destitute elderly, pregnant women, and children up to the age of six. The Court also ordered that the governments properly operate "work for food" programs aimed at paying villagers in drought-affected areas in rupees or grain for work on water conservation or other small scale projects to make village life more sustainable. As is typical with PILs, the Supreme Court retained indefinite jurisdiction and held periodic hearings to monitor compliance and to direct other relief as warranted.

By the spring of 2003, HRLN was receiving increasingly frequent and credible reports from rural villages of people starving to death literally on the steps of locked or empty government "go-downs" or grain storehouses. In mid-April, in preparation for an upcoming right to food compliance hearing, I went with HRLN's director and a small group of other activists and advocates to the state of Andhra Pradesh to gather facts and evidence on reported starvation deaths. We left from Hyderabad at dawn on

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18. See PANAGARIYA, *supra* note 3, at 361 (noting that in 2000 only 3.7 percent of the national food subsidy actually reached the intended population).

19. PIL is a device created and recognized by the Supreme Court of India in the 1980s to allow "any member of the public" to maintain on behalf of a disadvantaged person or determinate class of disadvantaged persons "an application for an appropriate direction, order or writ" in the Supreme Court when "breach of any fundamental right of such person or class of person" is alleged and when, because of their "disadvantaged" position, such persons are unable to approach the court for relief. *M.C. Mehta v. Union of India*, A.I.R. 1987 S.C. 1086 ¶4 (citing *S.P. Gupta v. Union of India*, (1982) 2 S.C.R. 365, A.I.R. 1982 S.C. 149).

20. *People's Union for Civil Liberties v. Union of India & Ors.* (S.C. 2001), Writ Petition (Civil) No. 196/2001, available at <http://www.righttofoodindia.org/case/petition.html>.

a Saturday morning. In the space of two days we traveled by jeep to nine successively remote villages. Within the group, I was the only woman and the only one who did not speak either Hindi or Telugu. Some of the villagers had never seen a Caucasian, and the mere sight of my face caused numerous children to hide in fear or giggle uncontrollably.

The villages we visited were chosen as investigation sites because each was reported to have experienced one or more recent starvation deaths. The reports proved for the most part to be true. As we learned from the gentle but probing interviews with the villagers conducted with the help of translators, the deceased were often elderly women whose younger relatives had been forced to migrate in search of food and work, leaving behind the mother, grandmother, aunt, or cousin who was too old and weak to travel. Typically the victim, suffering from emotional as well as physical deprivation, quickly became too weak to beg for food from neighbors (who themselves had barely enough to eat) and died in isolation shortly after the departure of her family. Not all who starved to death were elderly women, but most of the victims were in similarly vulnerable situations. The “non-starving” villagers routinely reported that they existed on an average of a handful of rice a day, eaten at the one daily meal.

The final site, which we reached by driving to the outer boundary of a tiger preserve and hiking through trackless undergrowth after the jeep could go no further, was home to a remote tribe, locally known as “forest people.” The tribe’s existence is intertwined with the gum trees that rise in groves around the perimeter of their village. They harvest gum and other forest-based materials, taking them to market in a town a day’s walk away. Their wooden huts were simple but finely-crafted; a row of tin shacks erected by the central government under a “village improvement” program stood empty, a rusting eyesore. Through one of our translator-guides, the tribal members recounted the devastating effects of the prolonged drought, the two years in which there had been no teacher for the village school, and the futile efforts to get the government to supply grain for the empty go-down. They explained that whenever there was rice, they ate it with roots and tubers from the forest. When there was no rice, they boiled the roots and tubers and added tree gum to the water. There had been no rice for a long time.

As we moved from village to village, the information on hunger and starvation was gathered systematically and meticulously in preparation for the legal proceedings. But no one on the trip looked only with lawyers’ eyes. The local men who were our guides were nearly all members of the People’s War party, a militant leftist group. Their lives were spent in constant and often violent opposition to both the state and central authorities, and they prescribed different remedies for the failures of government than petitions to the Supreme Court. Still, they respected HRLN and its mission and treated Colin Gonsalves as a colleague. They readily provided rare access and insight to life in the remote villages with full appreciation of the end goal of our investigation.

Thanks to these anti-government guerillas and to the courageous villagers who were willing to tell their stories to strangers and let their words be written down and carried away on a legal pad, the next compliance hearing was riveting. Faced with HRLN’s compelling evidence of starvation, death, and official inaction, the Court issued its most strongly worded order on May 2, 2003, mandating increased food allotments and observing that “[m]ere schemes for food are of no use. What is



important is that the food must reach the hungry.”<sup>21</sup> The Court for the first time articulated a right to food and stated that it should be the highest priority for both the government and the bench. The investigation led to new legal rights, and hopefully a better food supply, for some of India’s poorest people. The rule of law was served by putting the teeth of court enforcement into long-existing provisions, with the help from some unlikely sources.

Watching from afar and witnessing on occasional visits India’s steady climb up the ladder of relative prosperity in the four years since I served as an ISLP volunteer, I have often reflected on my trip to the far reaches of Andhra Pradesh, and it remains a vivid and paradoxical experience. On the one hand, the mission and lessons of the trip were clear and, notwithstanding its fascinating terrain, even conventional. The purpose was to collect compelling evidence that would persuade the judiciary to more effectively remedy a legal wrong: starvation and hunger among the poor in violation of the legal obligation of the government to address and prevent it. In this sense, the mission and outcome were successful. On the other hand, the trip and its mission were rooted in complex issues that cannot be reduced to a single legal wrong nor resolved by a single remedy, regardless of how sweeping or effective. Starvation in India’s rural villages, while exacerbated by drought and government indifference, is a symptom and product of more than hunger. Regardless of India’s rising fortunes on the world stage, as of 2005 nearly 840 million people lived on less than twenty Rupees, a half dollar a day.<sup>22</sup> About thirty percent of children in India receive no form of primary education. Nearly 350 million people are illiterate and tens of millions lack access to drinking water, decent sanitation, and basic medicines.<sup>23</sup> The lowest caste members are still shunned and mistreated, often relegated to living on the outskirts of villages and forbidden to use common wells or obtain even the most menial jobs. The continuing caste oppression spawns regular violent clashes between Dalits and government authorities. While there is indisputably a burgeoning middle class and other salutary “trickle down” effects from the new prosperity, especially in urban areas, on India’s current trajectory it seems unlikely that the roar of the tiger economy will be heard by the forest people of Andhra Pradesh or by most of the other millions of India’s poor who live, figuratively and literally, off the track.

The keys to these disparities and extremes of life in present-day India may at first blush seem to lie less in law or law reform and more in social and economic action. Certainly public health initiatives, literacy programs, job training, more and better schools, agricultural reforms, and other interventions by both the government and private sectors must be increased and delivered effectively in a form that is culturally

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21. *People’s Union for Civil Liberties v. Union of India & Ors.* (S.C. 2001), Writ Petition (Civil) No. 196/2001, Interim Order (May 2, 2003), available at <http://www.righttofoodindia.org/orders/may203.html>. For an excellent description of the legal and political history and impact of the Right to Food case, including the full text of the interim orders through 2005, see Right to Food Campaign, *Supreme Court Orders on the Right to Food: A Tool for Action* (Oct. 2005), <http://www.righttofoodindia.org/data/scordersprimer.doc>.

22. NATIONAL COMMISSION FOR ENTERPRISES IN THE UNORGANISED SECTOR, REPORT ON CONDITIONS OF WORK AND PROMOTION OF LIVELIHOODS IN THE UNORGANISED SECTOR 1 (2007), available at [http://nceus.gov.in/Condition\\_of\\_workers\\_sep\\_2007.pdf](http://nceus.gov.in/Condition_of_workers_sep_2007.pdf). The number is likely significantly larger, since the very poor are undercounted.

23. *Id.* at 1-13.

compatible with the lives of the intended beneficiaries. However, as the work of public interest and human rights lawyers like those at HRLN shows, the law does provide a potent vehicle to attack social and economic inequities and create change at a fundamental level. Indeed, the United Nations, international development agencies, and economists have recognized that the strength of the rule of law within a country correlates strongly with the degree of shared growth and prosperity among its population.<sup>24</sup> In India, numerous sources of law already on the books are currently the focus of PILs and other legal actions, and these could be even further expanded, keeping judicial pressure on the state and central governments to enforce and implement existing law.<sup>25</sup> For example, the Constitution of India contains directives on providing equitable education opportunities, minimizing income disparities, providing for the welfare of children, and securing a social order built on social, economic, and political justice.<sup>26</sup> Enforcing existing laws in India may be a route to social change on a larger scale than would be true in many nations in which the legal constructs are not yet as well developed. Moreover, as both the Afzal and right to food cases illustrate, educating people about legal rights may have an effect beyond formal legal channels, building awareness and alliances among groups whose power to effectuate change is magnified by their joint efforts both within and without the legal system.

On a personal note, my volunteer experience—whatever small value it was to my colleagues in New Delhi—was of immense value to me both personally and professionally. I re-learned that it is a privilege to be a lawyer anywhere in the world. I was reminded viscerally that the rule of law is never settled but is always perched on a slippery slope, with lawyers as crucial determinants in whether the direction will be forward or backward. Additionally, I witnessed the rule of law being tended and advanced by those outside of the traditional legal system with great force and effect. Perhaps the most important lesson was that the power of the shared belief in the rule of law cannot be underestimated. As ISLP has recognized, there is a need and opportunity for effort by lawyers everywhere in the world to help translate that power into action.

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24. See, e.g., *Order in the Jungle: Economics and the Rule of Law*, THE ECONOMIST (Mar. 13, 2008).

25. See Chief Justice Y.K. Sabharal, Inaugural Address in Golden Jubilee Regional Seminar of Indian Law, Institute at Cuttack, Access to Justice: Role of Law in the Alleviation of Poverty and Deprivation (Sept. 9, 2006), available at [http://www.supremecourtfindia.nic.in/new\\_links/CUTTACK.pdf](http://www.supremecourtfindia.nic.in/new_links/CUTTACK.pdf).

26. See generally INDIA CONST. Part III (Fundamental Rights) & Part IV (Directive Principles of State Policy), available at <http://lawmin.nic.in/coi.htm>.