Bharti Enterprises to launch initiative to provide legal and financial assistance including awareness to underprivileged undertrials

Nyaya Bharti – Sabka Nyaya

▪ *'Nyaya Bharti' initiative to help underprivileged undertrials languishing in jails across the country for minor offences by assisting them with legal and financial assistance and also create awareness*

▪ *First of its kind national level corporate initiative in India to further every individual's constitutional right to legal defense*

▪ *In line with the Hon'ble Prime Minister's Vision of 'Sabka Nyaya' - Access to Justice for all*

▪ *Bharti Airtel to contribute Rs.10 crores annually on an ongoing basis; Sunil Bharti Mittal to take a voluntary cut of Rs.5 crores from his annual salary towards this cause*

▪ *Board consisting of eminent persons led by Justice A.S. Anand (Retired Chief Justice of India) to provide oversight and guidance to the initiative*

▪ *Panel of young public spirited lawyers to provide pro-bono services towards the initiative; AZB & Partners to provide legal and administrative support, EY to be the auditors*

New Delhi, November 26, 2015: Bharti Enterprises is rolling out a first of its kind corporate initiative to provide legal assistance & aid and awareness / literacy to underprivileged undertrials across the country. In very deserving cases, Nyaya Bharti will help the undertrials by paying the bail and surety amounts. The initiative will be solely focused on District Courts where criminal cases are initiated.

Recently, the Hon'ble Prime Minister had also emphasised the importance of 'access to justice for all', as well as the need for free legal aid and assistance to people.

It is estimated that there are over 280,000 undertrials in approx.1387 jails in India constituting nearly 68% of the total prisoner population. This proportion is amongst the world's ten worst (Data Source: NCRB reports). Many of these undertrials have been in custody for periods longer than the prison term had they had been convicted. Most of these undertrials suffer in jails simply because of their ignorance of the law and their rights to liberty, their inability to pay the meagre amounts required for bails and bonds and lack of persons to stand surety.

'Nyaya Bharti' aims to help the deserving undertrials exercise their fundamental right to legal defense and present their case before the Courts. The initiative will supplement the good work being done by NALSA and SLSAs under the statutory framework created under the Legal Services Authorities Act of 1987. It will have a screening committee of independent persons that will identify the cases that need to be taken up.

Nyaya Bharti will be ready to start functioning in the coming months and ensure that the Board, screening committee and the team of young lawyers are all in place to start giving its first grant from 1st April 2016.

Bharti Airtel will provide an annual grant of Rs.10 Crores on an ongoing basis towards this initiative. Sunil Bharti Mittal, Chairman, Bharti Enterprises, will take a voluntary cut of Rs.5 Crores from his annual salary towards this cause. Several leading lawyers from across the country have extended their support to the initiative and will provide pro-bono services. Top Law firm AZB & Partners and EY will also provide pro-bono legal, administrative and governance support respectively.

The Nyaya Bharti initiative will work under the aegis of Bharti Foundation, the philanthropic arm of Bharti Enterprises, and will have a separate Governing Board. It will be headquartered in New Delhi and will be headed by Justice A.S. Anand (Retired Chief Justice of India) **[Refer Governing Board details below].**

The initiative will focus on Delhi & NCR and Punjab initially and will gradually expand presence to cover the entire North India through smaller regional offices. It will seek partnerships with like-minded corporates to have similar initiatives in the other parts of the country.

Sunil Bharti Mittal said, "Just because a poor individual cannot afford the services of a lawyer or cannot stump up a small amount for bail bond or surety, he or she should not be denied justice. We are making a small start with Nyaya Bharti and hope more people, in particular, from the legal fraternity and Corporate India will come forward to support this noble cause."

Mr. Fali Nariman, Senior Advocate, Supreme Court of India, said, "Congratulations to Sunil Mittal. John D. Rockefeller's tutor once told him that "if you do not part with your wealth whilst living you will be crushed by it." That was when the world's richest man got transformed into the world's greatest philanthropist!

The Fund that is to be set up will greatly help hundreds of thousands of indigent under trials (languishing in crowded jails in India) whose guilt for the alleged offence for which they are charged has not yet been established. It is by his munificence that Mittal has now given hope and meaning to that well-worn legal maxim: that you are presumed innocent until proven guilty!"

Mr. Harish N Salve, Former Solicitor General of India and Senior Advocate, Supreme Court of India, said "The Rule of law, which is the cornerstone of a constitutional democracy, remains a chimera to the poor who languish in jails, at times interned without trial for terms longer than that they would suffer as a sentence upon conviction. The legal aid movement in India remains unequal to the enormity of the task. A corporate initiative to partner the efforts of the State in this area of governance will serve a long standing need and be a step towards achieving the constitutional dream of a just society."

Bharti Foundation, the philanthropic arm of Bharti Enterprises, is already running over 250 village primary schools under its **Satya Bharti School** programme and providing free quality education to over 50,000 children. The Foundation, under its **Satya Bharti Abhiyan**, has committed upto Rs 100 cr to construct 30,000 toilets across Ludhiana district in Punjab. Over 8000 toilets have already been constructed and handed over as part of this initiative. **Nyaya Bharti** will thus be the third major initiative undertaken by **Bharti Foundation**.

Supporting notes to Editors

The Supreme Court over the years (Maneka Gandhi Vs Union of India) and High Courts have held that the inability of an under trial to get bail was a denial of the fundamental right under Article 21 to liberty and freedom.

As per Article 22 (1) read with 39 (A) of the Constitution, every person has the right of legal defense and the State is directed to provide the same to those who cannot afford it. However, these are enshrined in the Directive Principles and not enforceable in a court of law, hence no incentive to the State to comply with the same.

As per Section 167 (2) of the Criminal Procedure Code, an under trial has to be released within 60/90 days of detention if a charge sheet is not filed within this time but it does not cast any obligation of a speedy trial and an indigent under trial continues to be in prison because he is too poor to pay the bail or does not know the law and has no one to defend him and apply for bail. The law provides that bail is available in bailable offences not punishable with death or life imprisonment and for women even for such bailable offences.

In a landmark judgement in Bhim Singh v. Union of India (2014), the Supreme Court issued a series of directives to state authorities to facilitate the release of undertrial prisoners who have served half of their probable maximum prison term. While the directive is largely a reiteration of earlier judicial measures (SC Legal Aid Committee v. Union of India ; Rama Murthy v. State of Karnataka ; introduction of section 436A in Cr PC) , it is highly significant in that the SC set a deadline – two months – and directed district judges and prison officials to oversee the process . Section 436A was inserted way back in 2005 which stated that should an accused be detained for more than half the maximum period of imprisonment associated with the crime (not being an offence for which the punishment of death has been specified as one of the punishments under the law), he /she has the right to be released on the presentation of a personal bond.

Since a vast majority of the undertrials are poor , illiterate , belonging to lower castes and religious minorities , most radical measures including bail provisions via personal bond or surety have fallen flat as most of them are either unaware of the new measures or too poor to arrange for personal bond or even sureties from someone to secure bails . Given this, most undertrials are in need of a system of public defenders and legal aid to secure bails. Sadly, India lacks competent and adequate legal representation for the accused. In the absence of strong culture of legal aid, thousands of undertrials spend years behind the bars, notwithstanding radical provisions inserted in Cr PC in 2005.

The Board of Nyaya Bharti:

Justice A.S. Anand (Retired Chief Justice of India), Chairman
Mr. Harish N Salve, Former Solicitor General of India and Senior Advocate, Supreme Court of India
Mr. Maninder Singh, Senior Advocate, Supreme Court of India
Ms. Shobhana Bhartia, Chairperson & Editorial Director, Hindustan Times Group
Dr. Sanjaya Baru, Director for Geo-Economics and Strategy, International Institute of Strategic Studies (IISS)
Mr. Ajay Bahl, Founder & Senior Partner, AZB & Partners
Mr. Rajiv Memani, Chairman of the Global Emerging Markets Committee, EY
Mr. Gopal Jain, Senior Advocate, Supreme Court of India
Mr. Sunil Bharti Mittal, Founder & Chairman, Bharti Enterprises
Mr. Rakesh Bharti Mittal, Vice Chairman, Bharti Enterprises
Mr. Deven Khanna, Group Director - Chairman's Office, Bharti Enterprises
Ms. Vijaya Sampath, Senior Partner, Lakshmikumaran & Sridharan

About Bharti Enterprises:

Bharti Enterprises is one of India's leading business groups with interests in telecom, agri business, financial services, retail and manufacturing. Bharti has been a pioneering force in the Indian telecom sector with many firsts and innovations to its credit. Bharti Airtel Limited, the group's flagship company, is a leading global telecommunications company with operations in 20 countries across Asia and Africa. The Company ranks amongst the top third mobile service providers globally in terms of subscribers.

Other business ventures of the group include Bharti SoftBank - a JV between Bharti Enterprises and SoftBank Corp. for mobile internet. Beetel Teletech – a JV between Bharti Enterprises and US based Brightstar, is India's leading manufacturer and distributor of telecom and allied products. The group has a JV – FieldFresh Foods – with Del Monte Pacific Ltd, to offer fresh and processed fruits and vegetables in the domestic as well as international markets. Bharti has JVs with AXA, world leader in financial protection and wealth management, for Life Insurance and General Insurance. The group has presence in the retail sector through Bharti Retail which operates multi brand retail stores in various formats under the 'easyday' brand.

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