

**Better laws** |  
**better governance**

**V I D H I** | **Centre for  
Legal Policy**

**IMPACT REPORT**

2019-2020

**The Vidhi Centre for Legal Policy (‘Vidhi’)**  
**is an independent think-tank** | doing legal  
research to make better laws and improve  
governance for the public good.



IMPACT REPORT 2019-2020

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DESIGN: ODDWORKS



## Contents

4

Vidhi's Footprint: 2019–2020

5

The Vidhi Virtuous Impact Cycle

6

Foreword

9

Smart and Responsible Use  
of Technology to tackle the  
COVID-19 Pandemic

13

Continued Strengthening of the  
Insolvency System

18

Promoting Tech Innovation  
in Karnataka

21

Changing the Discourse on Violence  
Against Healthcare Workers

25

Justice Access and Lowering Delays  
in India — The JALDI Mission

31

Unpacking the Management of  
the Environment Relief Fund

34

Protecting Dignity at  
the End of Life

38

The Idea of Vidhi

39

Vidhi's Team

42

Vidhi's Board

43

Vidhi's Patrons

44

Why an Impact Report?

**15** BLOGS

## Vidhi's Footprint: 2019–2020

**1** BOOK

**2** BRIEFING BOOKS

**16** CONFERENCES  
ORGANISED BY VIDHI

**64** CONFERENCES ATTENDED  
AND TALKS GIVEN BY VIDHI

**26** GOVERNMENT PROJECTS  
(CENTRAL, STATE, COMMITTEES, COMMISSIONS ETC.)  
TO WHICH VIDHI HAS PROVIDED RESEARCH ASSISTANCE

**1** INTERNATIONAL PARTNERSHIP

**16** JOURNAL ARTICLES

**152** OP-EDS

**3** PARLIAMENTARY COMMITTEES  
TO WHICH VIDHI HAS MADE DEPOSITIONS

**16** PODCASTS

**30** REPORTS

**14** RULES AND REGULATIONS  
VIDHI ASSISTED THE GOVERNMENT IN DRAFTING

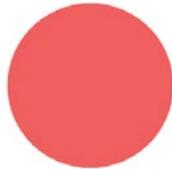
**11** STATUTES VIDHI ASSISTED THE GOVERNMENT  
IN DRAFTING

# The Vidhi Virtuous Impact Cycle



Original research leads to new law

Original research shapes public narrative on issues with significant public impact



Original research leads to change in existing law

Engagements with governments or public institutions to draft law with significant public impact



Original research leads to active consideration of new law or changes to existing law by governments

Engagements with governments or public institutions to shape public discussion on issues with significant public impact



[BACK TO CONTENTS PAGE](#)

What is impact in law and policy research? For many years, this fundamental question has provoked deep introspection and robust discussions at Vidhi. After nearly seven years of contemplation and action, today we are in a position to articulate what impact means for us:

**Being actively engaged in making better laws for India and shaping the public narrative while doing so.**

Take a recent example — the Aarogya Setu app is one of the world’s leading contact tracing applications. Yet in India, it was marred by widespread concerns regarding privacy and security of data. We worked with the designers of the app and the Ministry of Electronics and IT, Government of India to develop a privacy protocol that would assuage legitimate concerns. We put out explainers on what the app does and does not do, actively engaged with concerned citizens and provided regular feedback to the app’s developers. Today, Aarogya Setu has over 15 crore users who use it on a voluntary basis and all legitimate concerns have been addressed.

Real-world governance impact of this kind is the reason why Vidhi exists. But as a mentor recently told me, having impact is like “being in the kitchen all the time, you’ve got to get used to the fire.” Vidhi has received critical coverage, apart from constructive engagement and widespread support for its work. No impact, after all, is meaningful if its effects are not felt widely. We welcome all feedback and draw from it to further our mission of making better laws for India.

Having arrived at our crystallised understanding of impact, I am delighted to present to you Vidhi’s first Impact Report. In our understanding, this is the first Impact Report of any think-tank in India. It is intended to provide you a snapshot of how we have actively engaged with governments as independent experts and shaped public narratives on reform in the last year. Some work has been done, much more remains. After all our journey will only be complete when each and every law in India, as Gandhiji said, “leads to swaraj for the hungry and spiritually starving millions.”

Warm regards,



**Arghya Sengupta**

FOUNDER AND RESEARCH DIRECTOR,  
VIDHI CENTRE FOR LEGAL POLICY



[BACK TO CONTENTS PAGE](#)



## Drafting Good Laws

Vidhi is committed to combining legal principles with evidence-based research to draft laws that work for everyone and promote socio-economic progress of the country.



photo: Prabhat Kumar Verma/ Shutterstock

## SMART AND RESPONSIBLE USE OF TECHNOLOGY TO TACKLE THE COVID-19 PANDEMIC

**Successful consultation and assistance in drafting of the Aarogya Setu (Data Access and Knowledge Sharing) Protocol, providing legal status to an application critical to India's battle against COVID-19**

### Context

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Even as it has triggered an unprecedented public health crisis, the COVID-19 pandemic has provided the opportunity to pursue solutions with novel approaches. The Aarogya Setu application developed by the Government of India's Empowered Group on Technology and Data Management ('**Empowered Group**') for contact tracing is one such example.

The Vidhi Centre for Legal Policy provided key inputs to this Group under the Ministry of Electronics and Information Technology of India in drafting Aarogya Setu's legal framework – the Data Access and Knowledge Sharing Protocol, 2020 ('Aarogya Setu Protocol').

## Importance of the Aarogya Setu Protocol

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The Aarogya Setu app creates a framework for analysing data related to contact between citizens in an effort to slow the spread of the pandemic. This requires collection of large amounts of personal data, which expectedly raises concerns about the possibility of its misuse, if not governed properly. However, by being open-source and non-mandatory, the Aarogya Setu application puts privacy first in its intent.

To translate intent into tangible measures, the Protocol, to which Vidhi was a key contributor, contains specific safeguards to ensure the privacy and protection of data collected by the application. It sets clear limitations on the purpose of data collection, the use of data and the retention of data. It achieves this primarily through the principle of data minimisation.

- For example, personal information of patients is meant to be deleted after 60 days of them being cured, thus striking a delicate balance between pragmatic data needs of a public health system and the individual's right to privacy.

- Similarly, for data sharing, four key pieces of information are meant to be recorded at each step. These include the time at which data was accessed, the persons who accessed any data, the categories of data accessed by them and the purpose for which they accessed such data. This ensures an audit trail, which can be examined in case of any misuse.

Even with the Protocol in place, Vidhi firmly believes that India requires a comprehensive data protection law to supplement such efforts, and that gaps in inclusivity need to be addressed going forward.

*While contact tracing to contain the spread of the coronavirus pandemic was imperative, addressing the concerns of people around the privacy of their data was just as necessary. Aarogya Setu achieved this balance in an unprecedented situation, and Vidhi's support in developing the privacy protocol was well thought-out and thorough. Its approach in mitigating the challenges was mature and reassuring, much like its previous work with MEITY in internet governance and legally strengthening the Aadhaar ecosystem.*

– **AJAY SAWHNEY, Secretary, MEITY  
(Ministry of Electronics and Information  
Technology)**

## **Impact of the Aarogya Setu app**

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- The application touched 100 million user downloads within a period of 40 days and notified over 9,00,000 users that they were at heightened risk of transmission.

- Among the users recommended for testing by the Aarogya Setu app, around 24% were found to be COVID-19 positive, a considerable improvement on the national positive rate of 4.65%, thus establishing early success of contact tracing.

[BACK TO CONTENTS PAGE](#)





VIDHI

## CONTINUED STRENGTHENING OF THE INSOLVENCY SYSTEM

### Facilitating effective implementation of the Insolvency & Bankruptcy Code, 2016

#### Context

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Vidhi played an instrumental role in supporting the government from ideation through enactment and implementation of the Insolvency and Bankruptcy Code (IBC or Code), 2016. After IBC became law, Vidhi continued to advise the Ministry of Corporate Affairs (MCA) on the design and drafting of several amendments to the Code to iron-out implementation-related issues, including two significant amendment bills enacted in August 2019 and March 2020, respectively.

In the last year, Vidhi also advised the government on:

- Developing the legal framework for insolvency resolution of financial service providers;
- Operationalisation of the personal insolvency provisions of the Code.

## Importance of the legal framework for financial service providers

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The IBC specifically excludes 'financial service providers' from the purview of 'corporate persons' that can be resolved under Part II of the Code, owing to the unique nature and business structure of such entities, which require special consideration. Yet, Section 227 of the Code empowers the Central Government to notify categories of financial service providers for the purpose of their insolvency resolution and liquidation under the IBC (in consultation with sectoral regulators) with appropriate modifications to the process.

Vidhi advised a sub-committee of the Insolvency Law Committee and the MCA for designing and drafting the Insolvency and Bankruptcy (Insolvency and Liquidation Proceedings of Financial Service Providers and Application to Adjudicating Authority) Rules, 2019 – notified in November 2019 – to provide an enabling framework for insolvency resolution and liquidation of financial service providers.

This is seen as one of the most unique legal frameworks for resolution of distressed financial service providers anywhere in the world. It is currently being used for insolvency resolution of a large non-banking finance company.

## Importance of personal insolvency provisions

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Even before Vidhi began to advise the government on this reform, it drew focus on the need to overhaul India's personal insolvency regime in July 2014, which had received little attention earlier. Eventually, the IBC (2016) was drafted to include a separate framework for dealing with personal insolvencies.

This was finally implemented in November, 2019 as the government notified all relevant provisions of the Code for insolvency resolution of individuals who are personal guarantors to corporate debtors. This set into motion, the process for replacing India's colonial and outdated personal insolvency Acts which have been in place for more than a hundred years despite being highly ineffective in practice.

*Vidhi's research assistance and independent advice on the design and drafting of several amendments to the IBC, including their work on developing a special resolution framework for financial service providers, cross-border insolvency and personal insolvency, among other areas, was very useful to the government.*

— **INJETI SRINIVAS**

**Former Corporate Affairs Secretary, GOI  
Currently Chairperson, IFSCA**

## Impact of Vidhi's work on the IBC

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*When Vidhi started work on this reform in 2014, India was at the 137th position on the World Bank's Doing Business project, which ranks economies on the basis of the business friendliness of their legal systems, and the reported recovery rate was around 26 cents on the dollar. In its 2019 survey, the World Bank ranked India's insolvency system at the 52nd position (out of 190 countries) and the recovery rate was reported at about 71 cents on the dollar, which is better than the average recovery rates reported for the OECD high-income countries.*

– **DEBANSHU MUKHERJEE, Co-founder, Vidhi Centre for Legal Policy**, who led Vidhi's work on this reform

Vidhi organised a joint conference on [Insolvency and Bankruptcy Code, 2016: Impact on Markets and the Economy](#) with the Insolvency and Bankruptcy Board of India (IBBI) in partnership with the Faculty of Law and Commercial Law Centre at the University of Oxford in December, 2019.

Speakers included Dr Bibek Debroy (Chairman, Economic Advisory Council to the Prime Minister), Mr Ajay Tyagi (Chairman, Securities and Exchange Board of India), Mr UK Sinha (former Chairman of the Securities and Exchange Board of India), Dr M S Sahoo (Chairperson, IBBI) and Dr Kristin van Zwieten (Clifford Chance Associate Professor of Law and Finance, University of Oxford) among others.

Videos from the conference can be accessed [here](#).



## Strengthening Public Institutions

Vidhi is committed to working with governments, courts and regulators to improve their functioning.



photo: Erik Isakson/ Getty

# PROMOTING TECH INNOVATION IN KARNATAKA

**A legal intervention to help remove roadblocks to the application of innovative technology in real life and encourage the growing startup sector in the State of Karnataka**

## Context

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The city of Bengaluru has long been acknowledged as one of the world's leading start-up hubs. As of 2018, Bengaluru was home to the third highest number of tech start-ups among all cities in the world. The start-up sector in India has created more than 4 lakh jobs in India overall and added 60,000 in 2019 alone. Despite this, legal barriers have prevented start-ups from applying innovations in their businesses.

For example, start-ups which sought to bring the on-demand aggregator model to public transport to ease traffic congestion in Bengaluru found that they were in breach of state laws, which were used to regulate public transport vehicles. Thus, legislation made to address the needs of a different technological paradigm was hindering the further development and use of technology.

To address this shortcoming, Vidhi Karnataka supported the Karnataka State Government in introducing the Karnataka Innovation Authority (KIA) from ideation through enactment.

## Importance of the Karnataka Innovation Authority Bill

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The idea was conceptualised by Vidhi in its first briefing book for the state in 2018, which focused on 15 Legal reforms that Karnataka needed. One among these was to introduce a regulatory sandbox law for start-ups. This led to Vidhi providing expert advice to the state government on drafting the Karnataka Innovation Authority Bill, which after being introduced as an Ordinance first, was passed as a law in 2020.

Once established, the KIA will give innovators an opportunity to test their creations in the open without the impediment of burdensome legal regulation. This will encourage more entities and persons to set up shop in the state of Karnataka and will spur the growth of innovative startups across the state – with not just Bengaluru (the second largest startup hub in India) but also other regions such as Mysuru, Mangaluru and Hubli-Dharwad getting a boost.

**W**e're looking at providing regulatory exemption for a year, which can be extended by one more year. So, innovators will get up to two years to test their products or technologies in a controlled environment. The innovation under the sandbox will be confined to a geographic area. Once it becomes successful, we will have to bring a new law to do away with the regulatory barrier that existed.

— **C N ASHWATH NARAYAN**  
Deputy Chief Minister, Karnataka



[BACK TO CONTENTS PAGE](#)

## Navigating Doctor-Patient Relationships in India

15-16 February 2020

UChicago Center in Delhi

This two-day symposium seeks to better understand and examine the trust deficit in the doctor-patient relationship in India. The program will focus on building trust and building networks through a series of discussions with patients' rights groups, doctors, other healthcare practitioners, researchers, and policy makers.

Day 1: Building Trust  
Sessions 1-4  
9:00-18:40

Day 2: Building Networks  
Sessions 5-6  
10:00-13:15

#DiagnosingTrust

## Navigating Doctor-Patient Relationships in India

15-16 February 2020

UChicago Center in Delhi



photo: VIDHI

# CHANGING THE DISCOURSE ON VIOLENCE AGAINST HEALTHCARE WORKERS

**In-depth research by Vidhi on the efficacy of laws criminalising violence against healthcare workers and moving the conversation towards structural solutions for their protection**

## Context

The last few years have seen a rise in reports of violence against healthcare workers, prompting public outrage and demands from medical professionals for strong criminal action.

Moreover, an increased number of attacks against healthcare workers since the outbreak of the COVID-19 pandemic led some State Governments as well as the Central Government to introduce emergency legislation mandating harsher criminal punishment.

Vidhi conducted in-depth research on this issue and found that criminalising violence was not an effective solution. Instead, it proposed structural reforms and an occupational health and safety law for healthcare workers, making employers accountable.

Vidhi's research has been cited by the Jammu & Kashmir High Court in its judgment, and researchers are continuing to take the conversation forward through discussions with key stakeholders and shaping the public narrative through media engagement.

## **Vidhi's research on violence against healthcare workers finds criminalisation ineffective**

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In January, 2020, Vidhi published [\*Violence against Healthcare Professionals in India: Recent Legal and Policy Issues\*](#), a report that analysed key media reports at the time and the effectiveness of 19 state laws that specifically criminalised violence against healthcare workers. It found that –

- In at least half the incidents, the death of a patient appeared to be the most immediate trigger for such violence, thus making criminalisation an unlikely deterrent to behaviour that was the result of sudden emotions.
- The evidence for criminalisation was discouraging. For instance, in Karnataka, of the 173 cases that had been registered under its state act from 2010-2017, only three had resulted in conviction.

## Way forward

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Vidhi alternatively proposed –

- Structural reforms in medical education and stronger healthcare regulation to rebuild trust between healthcare workers and patients.
- An occupational health and safety law for healthcare workers, which imposes obligations on employers to create a safe working environment.

## Impact

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- In February 2020, Vidhi organised a Symposium on Doctor-Patient Relationships in collaboration with the Forum for Medical Ethics Society, the University of Chicago Center in Delhi, the Bucksbaum Institute of Clinical Excellence, and the MacLean Center for Clinical Medical Ethics. At this conference, key reforms were discussed by both doctors and patient rights groups, thus starting a dialogue among stakeholders. In response to increased attacks on doctors during the pandemic, Dhvani Mehta, co-founder of Vidhi, participated in an [India Today discussion](#), while the authors of the report, Akshat Agarwal and Shreya Shrivastava, [wrote](#) in The Wire highlighting the recommendations of the study – with a special focus on an occupational health and safety law for healthcare workers.

- In April 2020, a Division Bench of the Jammu and Kashmir High Court, headed by Chief Justice Gita Mittal, took up a case of its own motion to look into the needs of healthcare workers during the pandemic. The Court's order (dated 3 April 2020) cited Vidhi's report extensively and ordered the Government of Jammu and Kashmir to ensure that healthcare workers were provided with adequate personal protective equipment and that their dependents' needs were looked after. Although the Court differed from Vidhi's recommendation in some respects, it brought to the attention of the Government the existence of the need for occupational health and safety legislations to protect healthcare workers.

*An elaborate study stands conducted by the Vidhi Centre for Legal Policy...[which] has undertaken an incisive examination of the matter from legal, sociological and academic aspects.... The first chapter puts together data on trends in violence against the healthcare professionals in India, the second undertakes examination of the provisions of criminal law...[T]he third discusses solutions aimed at addressing the violence as also systemic causes.*

– **From the Jammu and Kashmir High Court order**

[BACK TO CONTENTS PAGE](#)



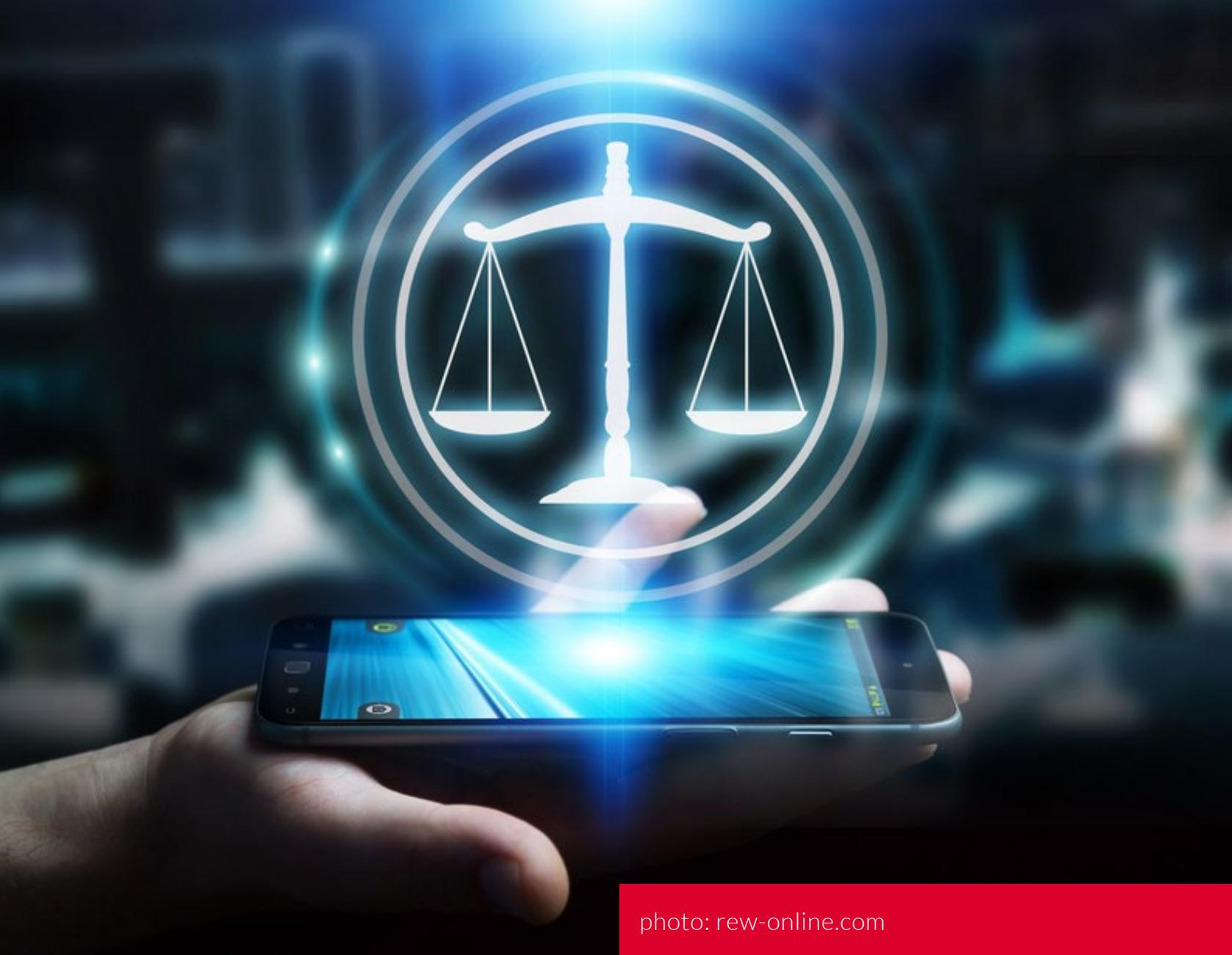


photo: rew-online.com

## JUSTICE ACCESS AND LOWERING DELAYS IN INDIA — THE JALDI MISSION

**Data-driven approach by Vidhi provides specific, actionable solutions to the decades-old problem of judicial delays**

### Context

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Legal research in India has tended to scoff at research based on data. While only a handful of academics from mostly foreign universities have, in the past, attempted to take a data driven approach to understanding India's courts, the Vidhi Centre for Legal Policy has made it the cornerstone of its research on the Indian judiciary.

The Justice, Access and Lowering Delays in India (JALDI) Mission's data driven studies have focused on the Delhi High Court, the Karnataka High Court, gender representation in the subordinate judiciary and High Courts, infrastructure in the subordinate judiciary, and perceptions of advocates about the judicial system.

## Integrating technology in the functioning of the Indian legal system

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### E-COURTS

JALDI has consistently worked on the theme of technology and its integration in the functioning of the judiciary. It has, in the past, evaluated Phase I and II of the eCourts project in India. In October 2019, it published [Open Courts in the Digital Age](#), a report which urged the judiciary to adopt an open data policy for different classes of legal information.

More recently, it published [Virtual Courts: A Strategy Paper](#), which provides decision makers and other stakeholders perspectives on how to approach technology integration and adoption in the Indian legal system.

For the purposes of the strategy paper the team conducted a consultation with key stakeholders, including Justice (Retd.) Madan Lokur who was pivotal to the eCourts project, Justice Gautam Patel, Justice B.D. Ahmed, Mr Mukul Rohatgi, among others.

## IMPACT

As a result of JALDI's consistent efforts, Arghya Sengupta was made a member of the E-Committee of the Supreme Court which is tasked with preparing the policy action plan for Phase III of the eCourts project.

*The right to speedy justice is a part of the right to life of every individual under Article 21 of the Constitution. To provide speedy justice, courts need data in terms of where processes are slow and deficient, requiring reform. Vidhi has in its last 5 years produced a number of very well-researched reports and worked with the judiciary and the governments to make speedy justice a reality. Particularly its exhaustive data driven research will be very useful in finding solutions to upgrade India's legal system and make e-courts function effectively in the interest of the ordinary litigant.*

– JUSTICE AK SIKRI

Former Judge, Supreme Court of India

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## MAINSTREAMING ONLINE DISPUTE RESOLUTION (ODR)

JALDI has been focused on mainstreaming ODR in the Indian legal system, and its [strategy document](#) outlines steps to achieve this. The document suggests ways in which mediation and arbitration can be strengthened to alleviate the existing burden on the courts.

Additionally it provides a phased action plan for adoption of ODR in the public courts system – while the first phase could focus on catering to the urgency presented by the COVID 19 pandemic, in the long run, measures to develop a robust dispute management system where public and private ODR work in harmony have been detailed.

## IMPACT

JALDI has been asked to assist the NITI Aayog which is working towards mainstreaming ODR in India. It is working with relevant authorities to build the system.

*Vidhi has, for the last five years through its JALDI mission, shone a light on the need for the Indian judiciary to be faster, more efficient, and effective in resolving disputes. At NITI Aayog, we are working with Vidhi to implement several suggestions to make the judiciary world-class, particularly through online dispute resolution – an idea whose time has truly come. Vidhi's approach to online dispute resolution through the COVID crisis has been futuristic and I am truly confident that NITI Aayog, with Vidhi's partnership, will ensure that online dispute resolution is here to stay long after the pandemic.*

– AMITABH KANT, CEO, NITI Aayog

## Transparency in the High Courts

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High Courts in India are public authorities under the Right to Information Act (RTI), 2005. JALDI undertook a study to assess the performance of High Courts under the Act.

For this, it developed indices to rank High Courts on the legality of the rules made under the Act. The Government of India's RTI Rules were the benchmark against which the convenience of these rules was assessed.

Additionally, the report evaluated the performance of Public Information Officers in replying to RTI applications with respect to the quality and timeliness of information supplied, amongst other criteria.

Importantly, Vidhi specifically identified rules that could be amended for each High Court to ensure these were compatible with the spirit of the RTI Act.

## Impact

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The Registrar, Delhi High Court, acknowledged the report saying that all amendments were being considered by the administration. In March 2020, the Delhi High Court publicly notified the amended rules, which were based on the recommendations made in the report.

[BACK TO CONTENTS PAGE](#)





## Realising Fundamental Rights

Vidhi is committed to articulating the content of rights and creating strong and implementable frameworks for their realisation.



photo: ASSAM OIL SPILL | Biju Boro/ AFP

# UNPACKING THE MANAGEMENT OF THE ENVIRONMENT RELIEF FUND

**First-ever study on tracking funds to provide relief to victims of industrial disasters**

## Context

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The Public Liability Insurance (PLI) Act, 1991 was a landmark legislation. For the first time, law in India made industries dealing with hazardous substances absolutely liable for accidents, with no excuses permitted whatsoever.

The PLI Act requires industries dealing with hazardous substances to subscribe compulsorily to public liability insurance. While part of the relief provided to victims is provided by the insurance companies, the rest is covered through the Environment Relief Fund (ERF), which was also set up under the Act. The ERF is supposed to receive an amount equal to the insurance premium as contribution from all industries subscribing to insurance under the PLI Act. Additionally, all compensation awarded by the National Green Tribunal (NGT) is directed to be deposited to the ERF.

Despite the legal mechanisms in place, no systematic study of the utilisation and effectiveness of the ERF has ever been conducted – not even by the Comptroller and Auditor General of India.

Vidhi carried out a first-ever *detailed assessment* of the management of the Environment Relief Fund, analysing information collected from the Ministry of Environment, Forest & Climate Change (MoEFCC), the NGT, the fund manager of the ERF, and the United India Insurance Company Limited (UIICL).

The study has taken on new significance in the wake of the recent Vizag gas leak and Assam oil spill. Vidhi's continuing objective is to create awareness and start a conversation with the aim of ensuring that victims of industrial disasters get their due as promised by law.

## Highlighting the gaps

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- Vidhi's report found that even though from November 2008, when the ERF was notified, to March 2019, the fund grew from Rs 283 crore to Rs 810 crore, it continued to remain entirely unutilised.
- Out of the Rs 645 crore awarded by the NGT to be deposited to the ERF in orders passed between 2014 and 2019, only Rs 2 crores reflected in the fund, and the accounts were poorly maintained.
- Administrative irregularities on the part of the industries meant to contribute to the ERF has made it difficult for the fund manager to maintain clear up-to-date records, and no punitive action has been taken so far for non-compliance, even though such measures exist.

## Impact of the research

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- The report, released in March, 2020 was covered extensively by the Indian Express, New Indian Express and Hindustan Times.
- Following the Vizag gas leak, Vidhi submitted a representation to the Ministry of Environment, Forest and Climate Change to implement the recommendations of its report.
- Vidhi was invited by the current Chairperson of the Parliamentary Standing Committee on Science and Technology, Environment and Forests, for a personal meeting to explain the findings of the report.
- The research team is now working on a longer study, which highlights both hard-won successes and the challenges faced when implementing environmental judgments with a view to informing the gaps in the implementation of the ERF as well. The draft report is due to be completed by September 2020.

*The report is an eye-opener and questions the existence of the Environment Relief Fund. It leaves us wondering whether compensation money awarded by the National Green Tribunal ever reached the victims of environmental disasters.*

– **DR BHARAT JHUNJHUNWALA, Economist**

[BACK TO CONTENTS PAGE](#)





photo: Javier Matheu/ Unsplash

## PROTECTING DIGNITY AT THE END OF LIFE

**Successful Supreme Court intervention  
legalising advance medical directives and  
advocating for a model end of life care law**

### Context

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In 2015, India ranked 67th out of 80 countries in a Quality of Death Index released by The Economist Intelligence Unit, which compared palliative care services across countries. While the principal reason for India's poor showing on this front is the lack of access to palliative care services - India's shaky legal framework on end of life care has also proved to be a major stumbling block.

In many countries, withholding or withdrawing life-sustaining treatment from patients, who have refused consent to such treatment or in whom it is not considered potentially beneficial, is legal. In India, however, it was not until 2011, in [\*Aruna Shanbaug v Union of India\*](#), that the Supreme Court confirmed that such withholding or withdrawal did not violate provisions of Indian criminal law.

Despite this decision, India has struggled to give effect to the rights to autonomy and dignity at the end of life. In this respect, Vidhi's interventions in a Supreme Court petition which led to a 2018 judgment legalising advance medical directives - legal instruments that allow persons to refuse life-sustaining treatment at a time in the future when they might lose decision-making capacity - is a significant step forward.

In the last year Vidhi has continued to work with patients and healthcare workers to raise awareness about appropriate ethical and legal practices at the end of life, as well as advocate for a model end of life care law.

## Vidhi's work on ensuring dignity in end of life care

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Vidhi's work on end of life care spans judicial, legislative and capacity-building interventions.

- In 2014, Vidhi filed an [\*intervention application\*](#) in the Supreme Court of India in [\*Common Cause v Union of India\*](#), in support of the main petition's argument to legalise advance medical directives, providing information on best practices across other jurisdictions.
- Vidhi also responded to a bill published by the Ministry of Health and Family Welfare in 2016, critiquing its refusal to recognise advance medical directives, and identifying ethical principles to guide a legal framework on end of life care.

- Vidhi has since built on this work by working closely in collaboration with the End of Life Care in India Task Force (ELICIT) to:
  - I. Develop, through a consultative process, a [model legal framework](#) on end of life care to recognise the autonomy of patients, remove legal uncertainty surrounding the withholding or withdrawal of life-sustaining treatment and provide safeguards against bad faith end of life care decisions.
  - II. Conduct approximately 30 sessions with hospitals and medical professional associations across the country to educate them about legal and ethical issues at the end of life.

## Impact

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- The Supreme Court of India, in *Common Cause v Union of India*, took note of Vidhi's submissions, and granted legal recognition to advance medical directives. People around the country now have the right to decide the kind of life-sustaining treatment they receive at the end of life.
- Hospitals, including the All India Institute of Medical Sciences (AIIMS), New Delhi and the Manipal Group of Hospitals used the expertise of Vidhi and ELICIT to frame end of life care policies for their institutions. This has instilled confidence in medical professionals to take ethical end of life care decisions. The AIIMS policy also recognises, for the first time, that persons who have a relationship in the nature of a spouse or friends of long standing can act as surrogate decision-makers for those who may have lost decision-making capacity.

- The Indian Council of Medical Research (ICMR) appointed Dr Dhvani Mehta, co-founder, Vidhi Centre for Legal Policy, to their expert group on Do Not Attempt Resuscitation. The group has framed the first of its kind guidelines in India to guide medical professionals on withholding cardio-pulmonary resuscitation when its harms are likely to outweigh the benefits.
- Vidhi continues to engage with this issue in the Supreme Court and has drafted an application for clarification on behalf of the Indian Society of Critical Care Medicine to modify the guidelines laid down by the Court for withholding/withdrawing life-sustaining treatment. The Court, on the basis of this application, has directed the Ministry of Health and Family Welfare, to conduct a meeting with all relevant stakeholders to discuss the issue.

*Your inputs for the ICMR document on definitions on EOL (End of Life) Care and Palliative Care have been very important and will go a long way in ensuring that we understand the various definitions and that there will be consistency. Further, the ELICIT work (End of Life Care India Task Force) where you have been preparing our response to the Supreme Court, will be very crucial if the concept of ADs (advance directives) is to be accepted. Society must be thankful to you and Vidhi for all this.*

– **NAGESH SIMHA, Medical Director,**  
Karunashraya, and member of the steering committee of the End of Life Care in India Task Force

[BACK TO CONTENTS PAGE](#)





*The idea of Vidhi came about in 2009-10 when India was caught up in the controversy around the Indo-US nuclear liability bill. We were a group of graduate students who felt that there was room for significant improvement in the bill and sent in an unsolicited report to the standing committee of the Parliament. Many of our suggestions were accepted by the standing committee and the Government of India and are the law of the land. The rest as they say is history.*

*This approach of high quality research and sustained engagement to drive real change is at the core of Vidhi. It has been an incredible journey so far where we have contributed significantly to a range of reforms, such as the creation of the new bankruptcy ecosystem, drafting of the data protection bill, repealing of 119 laws that discriminate against persons affected by leprosy etc. and intend to continue to deepen our impact.*

— ARGHYA SENGUPTA, Founder and Research Director,  
Vidhi Centre for Legal Policy

# Vidhi's Team

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## COMPETITION

Vedika Mittal

SENIOR RESIDENT FELLOW  
AND LEAD

Manjushree RM

RESEARCH FELLOW

## CONSTITUTION

Ritwika Sharma

SENIOR RESIDENT FELLOW  
AND LEAD

Kevin James

RESEARCH FELLOW

Lalit Panda

SENIOR RESIDENT FELLOW

## CORPORATE LAW AND FINANCIAL REGULATION

Akash Chandra Jauhari

RESEARCH FELLOW

Oitihya Sen

RESEARCH FELLOW

Kriti Pradhan

PROJECT FELLOW

Manmayi Sharma

RESEARCH FELLOW

Astha Pandey

SENIOR RESIDENT FELLOW

Aishwarya Satija

RESEARCH FELLOW

## CRIMINAL JUSTICE

Naveed Ahmad

RESEARCH FELLOW

Neha Singhal

SENIOR RESIDENT FELLOW AND LEAD

## INCLUSIVE EDUCATION

Shreya Shrivastava

RESEARCH FELLOW

Naina S

PROJECT FELLOW

Pooja Pandey

PROJECT FELLOW

## ENVIRONMENT

Yogini Oke

RESEARCH FELLOW

Shyama Kuriakose

SENIOR RESIDENT FELLOW

Debadityo Sinha

SENIOR RESIDENT FELLOW

Esha Rana

PROJECT FELLOW

## FINTECH

Shehnaz Ahmed

SENIOR RESIDENT FELLOW AND LEAD

Kritika Chavaly

PROJECT FELLOW

## HEALTH

Yogini Oke

RESEARCH FELLOW

Shreya Shrivastava

RESEARCH FELLOW

Kim D'Souza

RESEARCH FELLOW

Akshat Agarwal

RESEARCH FELLOW

# Vidhi's Team

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## JUDICIAL REFORMS

Vaidehi Misra

RESEARCH FELLOW

Tarika Jain

RESEARCH FELLOW

Shreya Tripathy

RESEARCH FELLOW

Reshma Sekhar

RESEARCH FELLOW

Deepika Kinhal

SENIOR RESIDENT FELLOW

AND LEAD

Chitrakshi Jain

RESEARCH FELLOW

Ameen Jauhar

SENIOR RESIDENT FELLOW

Aditya Ranjan

RESEARCH FELLOW

## LEGAL DESIGN AND REGULATION

Sunetra Ravindran

SENIOR RESIDENT FELLOW

Pranay Modi

RESEARCH FELLOW

Jinaly Dani

RESEARCH FELLOW

Damini Ghosh

SENIOR RESIDENT FELLOW

AND LEAD

## LAW, FINANCE AND DEVELOPMENT

Shreya Garg

SENIOR RESIDENT FELLOW AND LEAD

## LAW AND TECHNOLOGY

Trishi Jindal

PROJECT FELLOW

Aniruddh Nigam

RESEARCH FELLOW

## NYAAYA

Sumeysh Shrivastava

SENIOR RESIDENT FELLOW

Shonotra Kumar

RESEARCH FELLOW

Malavika Rajkumar

RESEARCH FELLOW

## TAX

Yeesha Shriyan

RESEARCH FELLOW

Vinti Agarwal

RESEARCH FELLOW

Vidushi Gupta

SENIOR RESIDENT FELLOW AND LEAD

Nikhil Kapoor

RESEARCH FELLOW

## VIDHI KARNATAKA

Sneha Visakha

RESEARCH FELLOW

Sneha Yanappa

RESEARCH FELLOW

Shashank Atreya

RESEARCH FELLOW

Akhileshwari Reddy

RESEARCH FELLOW

Akriti Bopanna

RESEARCH FELLOW

# Vidhi's Team

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## COMMUNICATIONS TEAM

Sonali Verma

COMMUNICATIONS OFFICER

Richa Bansal

HEAD OF COMMUNICATIONS

## FUNDRAISING TEAM

Himani Baid

ASSOCIATE, DEVELOPMENT

## ADMINISTRATION TEAM

Shyamal Mukherjee

CHIEF ADMINISTRATIVE OFFICER

Raju

OFFICE ASSISTANT

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OFFICE ASSISTANT

Amit Chindaliya

OFFICE ASSISTANT

Abhishek Kumar Pyase

HR MANAGER

## FINANCE TEAM

Bhavya Arora

SENIOR ACCOUNTANT

Archana Khanduri

ACCOUNTANT

Alakto Majumdar

CHIEF FINANCIAL OFFICER

## RESEARCH DIRECTOR'S OFFICE

Sreyan Chatterjee

RESEARCH FELLOW

Kadambari Agarwal

RESEARCH FELLOW

## FOUNDING TEAM

Arghya Sengupta

FOUNDER AND RESEARCH DIRECTOR

Dhvani Mehta

CO-FOUNDER AND LEAD, HEALTH

Alok Prasanna

CO-FOUNDER AND LEAD,  
KARNATAKA

Debanshu Mukherjee

CO-FOUNDER AND LEAD,  
CORPORATE LAW AND FINANCIAL  
REGULATION

[BACK TO CONTENTS PAGE](#)



# Vidhi's Board

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Former Union Finance Secretary & Joint Secretary, Ministry of Human Resource Development



**ARVIND P DATAR**

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Senior Advocate, Supreme Court of India



**IREENA VITTAL**

Member

Agriculture and Urban Development Specialist



**GOVINDRAJ HEGDE**

Member

Associate Professor, National Law School of India University

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*Research on public policy issues is a public good to be used for public service. Too often though, it ends up becoming an end in itself — shared only in academic circles — instead of making a real world impact. The purpose of this impact report is two-fold: to demystify the assumption that knowledge is elite; and to reiterate that it is imperative for public policy research to try and contribute to better policy outcomes for all. Vidhi was founded on this belief and this annual impact report captures how Vidhi has done so year-on-year.*

— **RICHA BANSAL**, Head of Communications,  
Vidhi Centre for Legal Policy



[BACK TO CONTENTS PAGE](#)



[VIDHILEGALPOLICY.IN](https://VIDHILEGALPOLICY.IN)

[VCLP@VIDHILEGALPOLICY.IN](mailto:VCLP@VIDHILEGALPOLICY.IN)