



PROJECT 39A
EQUAL JUSTICE
EQUAL OPPORTUNITY

**NATIONAL LAW UNIVERSITY, PROJECT 39A
SECTOR 14, DWARKA -110078**

November 3, 2023

Mitigation investigations in death penalty cases in Kerala

About Project 39A

Project 39A is a criminal justice initiative based out of the National Law University in Delhi. Project 39A draws inspiration from Article 39-A in the Indian Constitution on equal justice and signals the broadening of our work on the criminal justice system in India. We undertake litigation, research and outreach relating to forensics, torture, legal aid, mental health and criminal justice, and death penalty (for more information, visit www.project39a.com).

Role of a Mitigation Investigator

The law as settled by the Supreme Court of India in death penalty cases states that guilt determination and imposition of punishment are two distinct phases in a criminal proceeding. After a person is pronounced guilty, a separate and detailed hearing on punishment is required to be conducted in which the defence can lead evidence and present additional materials which are different from what was considered for the determination of guilt. Mitigation investigation is a part of the legal representation for the accused, in order to place relevant sentencing information before the court, such that a proper assessment on sentencing can be done. Mitigation investigators work on collecting information, analysis of information and developing a life history of the accused by meaningfully engaging with the accused, their family and acquaintances as well as finding documents relating to the accused's childhood, social context, physical and mental health etc. Such investigations require constant contact to be maintained with the prisoner, their family and acquaintances in order to build a working relationship of trust. Presenting such information before courts aids them in developing a better understanding of the circumstances related to the accused and in deciding the appropriate punishment. Project 39A will be conducting mitigation investigations in death penalty cases in Kerala, pending before the Kerala High Court.

Project 39A is seeking to engage on a contractual basis, five (5) mitigation investigators or professionals with a masters degree in social work, psychology, criminology, development studies, anthropology, sociology or any allied discipline based out of Kerala, to conduct mitigation investigations investigations in these cases. This will involve travelling to different parts of Kerala.

Qualifications

1. Postgraduate with a degree in social work, psychology, criminology, development studies, anthropology , sociology or any allied discipline.
2. Two (2) years of work experience in a qualitative interview, field work, ethnography and research would be preferred.

3. Any previous field work experience involving an emphasis on ethnographic research, qualitative interviewing, investigative capacities and/or mental health will be considered an advantage.
4. Working proficiency in reading, writing and speaking Malayalam is essential.

Responsibilities and deliverables expected

1. Undertake all the work with respect to either one or more death sentence references pending before the High Court of Kerala. The prisoners sentenced to death in these cases are currently incarcerated in Poojappura Central Jail, Thiruvananthapuram and Viyyur Central Jail, Thrissur. The mitigation investigation investigation work will be conducted under the supervision of Project 39A.
2. Undertake field visits with family of the accused, the accused, teachers, employers, neighbours, co-inmates and any other relevant informants, analyse the information collected, conduct detailed debriefing sessions with Project 39A mitigation team, prepare mitigation investigation reports and affidavits (where required) to be submitted before court.
3. Mandatorily attend training programmes and debriefing sessions on cases with Project 39A. There will be regular debriefing sessions conducted on each case by Project 39A to supervise the work on the cases.
4. Engage in extensive travel in different parts of Kerala to meet and conduct detailed qualitative interviews with the informants, and to the prisons to interview the prisoner/s. Collect relevant oral and documentary information using the tools and techniques for communication and obtaining information.
5. Engage with mental health professionals and other allied experts in order to obtain their professional opinion about individual cases, if required.
6. The contract shall be considered completed once the following deliverables are submitted: a. Mitigation Investigation Report, b. Family and community affidavits, c. Supporting expert opinions (if required).

Compensation: A one-time remuneration of Rs. 30,000 -35,000 per case will be offered on the completion of the mitigation investigation and submission of the deliverables. The travel and accommodation expenses will be separately borne by Project 39A, in compliance with the Project 39A travel policy.

Period of Engagement: A three-month contract will be drawn up for each case and may be extended, if required.

Application Process: Interested persons may send their resumé and a statement of purpose, explaining their interest in working on the death penalty and the contribution that they see themselves making through this position. The statement of purpose must not exceed 750 words. Applications and documents will be accepted only through the form available here <https://www.project39a.com/associate-mitigation-nov-2023>.

Deadline and Selection Process: Applications must reach us no later than midnight of **November 19, 2023** after which the applications will not be accepted.

Note:

A. Only shortlisted candidates will be contacted via email. If you do not hear from us within 4 weeks after the deadline, please assume that your application has not succeeded. Unfortunately, we cannot reply to individual queries about the status of applications.

B. National Law University, Delhi is an equal opportunity employer and P39A ensures access to legal representation for prisoners regardless of the offence.

C. National Law University, Delhi reserves the right to not fill the position or vary the number of positions vacant for this call. Also, we shall be unable to cover the costs of attending interviews.

D. National Law University, Delhi reserves the right to conduct additional rounds of interviews/ written tests/ simulation exercises.

E. The position shall be paid under the grants received by P39A, National Law University Delhi.