



For Private Circulation only

LEGAL SERVICES MANUAL

A Comprehensive Compilation
of Act, Rules, Regulations, Schemes, Guidelines
Standard Operating Procedures, Campaigns
and Formats related to Legal Services

Prepared by:

JHARKHAND STATE LEGAL SERVICES AUTHORITY

Nyaya Sadan, Near A.G. Office, Doranda, Ranchi

Email : jhalsaranchi@gmail.com, Website : www.jhalsa.org

This book is also available on the official website of
JHALSA “www.jhalsa.org”

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Foreword



I am happy to know that JHALSA has prepared this Manual for the benefit of Judges, Advocates, Law Students and common people.

Legal Services Institutions have been set up under the Legal Services Authority Act 1987 to implement the constitutional mandate of ensuring access of all the weaker sections of the Society to Courts of Law and Justice.

*The meaning of **Access, Legal Service and Justice** is much more than what the law or Statute provides. It is very important for the officers and other human resources of Legal Services to know their duties along with ways and means to discharge their duties.*

Brother Justice H.C. Mishra has made every effort to include all the relevant materials in the Manual. I find this work very useful for one and all.

I congratulate the entire JHALSA team for this wonderful work.

A handwritten signature in black ink, appearing to read 'R. Ranjan'.

(Justice Dr. Ravi Ranjan)

Chief Justice, High Court of Jharkhand

Cum

Patron-in-Chief, JHALSA

Preface



I am happy to present this work for the benefit of one and all. Over the time, the nature and scope of Legal Services have expanded manifold. National Legal Services Authority has prepared three Regulations, ten Guidelines, three Campaigns, twelve Schemes and a number of formats for streamlining the legal services administration in the Country.

Likewise, JHALSA has its Rules, Regulation, Scheme, Guidelines, SOPs and Modules.

All the Officers and work force of Legal Services are supposed to know the law, Rules, Regulation, Schemes, Guidelines and SOPs. Our Panel Advocates and PLVs must know the formats for reporting their works.

We have made every effort to include all the relevant materials in the Manual. I hope and trust that this work will be useful for Bar, Bench, law students and common people alike.

Any suggestion for improvement is highly solicited for incorporation in future editions. We are going to put it on our website - www.jhalsa.org for use by all.

(Justice H.C. Mishra)
Judge, High Court of Jharkhand
❧
Executive Chairman, JHALSA

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I. ACT

01	THE LEGAL SERVICES AUTHORITIES ACT, 1987	1-26
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THE LEGAL SERVICES AUTHORITIES ACT, 1987

(No. 39 of 1987)

[As amended by the Legal Services Authorities (Amendment)

Act, 1994 (No. 59 of 1994)]

and

[Legal Services Authorities (Amendment) Act, 2002 (No. 37 of 2002)]

The 11th October, 1987

The 29th October, 1994

An Act to constitute legal services authorities to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities, and to organise Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity.

Be it enacted by Parliament in the Thirty-eighth year of the Republic of India as follows:-

CHAPTER I - PRELIMINARY

Section 1. Short title, Extent and Commencement

- (1) This Act may be called the Legal Services Authorities Act, 1987.
- (2) It extends to the whole of India, except the State of Jammu & Kashmir.
- (3) It shall come into force on such date as the Central Government may by notification, appoint and different dates may be appointed for different provisions of this Act and for different States and any reference to commencement in any provision of this Act in relation to any State shall be construed as a reference to the commencement of that provision in that State.

Section 2. Definitions

- 1) In this Act, unless the context otherwise requires,-
 - (a) 'Case' includes a suit or any proceeding before a court.
 - (aa) 'Central Authority' means the National Legal Services Authority constituted under Section 3.
 - (aaa) 'court' means a civil, criminal or revenue court and includes any tribunal or any other authority constituted under any law for the time being in force to exercise judicial or quasi-judicial functions.

- (b) 'District Authority' means a District Legal Services Authority constituted under Section 9.
 - (bb) 'High Court Legal Services Committee' means a High Court Legal Services Committee constituted under Section 8A.
 - (c) 'Legal Service' includes the rendering of any service in the conduct any case or other legal proceeding before any court or other Authority or tribunal and the giving of advice on any legal matter.
 - (d) 'Lok Adalat' means a Lok Adalat organised under Chapter VI.
 - (e) 'Notification' means a notification published in the Official Gazette.
 - (f) 'Prescribed' means prescribed by rules made under this Act.
 - (ff) 'Regulations' means regulations made under this Act.
 - (g) 'Scheme' means any scheme framed by the Central Authority, a State Authority or a District Authority for the purpose of giving effect to any of the provisions of this Act.
 - (h) 'State Authority' means a State Legal Services Authority constituted under Section 6.
 - (i) 'State Government' includes the administrator of a Union territory appointed by the President under article 239 of the Constitution.
 - (j) 'Supreme Court Legal Services Committee' means the Supreme Court Legal Services Committee constituted under Section 3A.
 - (k) 'Taluk Legal Services Committee' means a Taluk Legal Services Committee constituted under Section 11A.
- 2) Any reference in this Act to any other enactment or any provision thereof shall, in relation to an area in which such enactment or provision is not in force, be construed as a reference to the corresponding law or the relevant provision of the corresponding law, if any, in force in that area.

CHAPTER II - THE NATIONAL LEGAL SERVICES AUTHORITY-

Section 3. Constitution of the National Legal Services Authority

- (1) The Central Government shall constitute a body to be called the National Legal Services Authority to exercise the powers and perform the functions conferred on, or assigned to the Central Authority under this Act.
- (2) The Central Authority shall consist of -

-
-
- (a) The Chief Justice of India who shall be the Patron-in-Chief.
 - (b) A serving or retired Judge of the Supreme Court to be nominated by the President, in consultation with the Chief Justice of India, who shall be the Executive Chairman; and
 - (c) Such number of other members, possessing such experience and qualifications, as may be prescribed by the Central Government, to be nominated by that government in consultation with the Chief Justice of India.
- (3) The Central Government shall in consultation with the Chief Justice of India, appoint a person to be the Member-Secretary of the Central Authority, possessing such experience and qualifications as may be prescribed by that Government, to exercise such powers and perform such duties under the Executive Chairman of the Central Authority as may be prescribed by that Government or as may be assigned to him by the Executive Chairman of that Authority.
 - (4) The terms of office and other conditions relating thereto, of Members and the Member-Secretary of the Central Authority shall be such as may be prescribed by the Central Government in consultation with the Chief Justice of India.
 - (5) The Central Authority may appoint such number of officers and other employees as may be prescribed by the Central Government in consultation with the Chief Justice of India, for the efficient discharge of its functions under this Act.
 - (6) The officers and other employees of the Central Authority shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the Central Government in consultation with the Chief Justice of India.
 - (7) The administrative expenses of the Central Authority, including the salaries, allowances and pensions payable to the Member-Secretary, officers and other employees of the Central Authority, shall be defrayed out of the Consolidated Fund of India.
 - (8) All orders and decisions of the Central Authority shall be authenticated by the Member Secretary or any other officer of the Central Authority duly authorised by the Executive Chairman of that Authority.
 - (9) No act or proceeding of the Central Authority shall be invalid merely on the ground of the existence of any vacancy in or any defect in the constitution of the Central Authority.

Section 3A. Supreme Court Legal Services Committee

- (1) The Central Authority shall constitute a Committee to be called the Supreme Court Legal Services Committee for the purpose of exercising such powers and performing such functions as may be determined by regulations made by the Central Authority.
- (2) The Committee shall consist of -

- (a) A sitting judge of the Supreme Court who shall be the Chairman; and
 - (b) Such number of other members possessing such experience and qualifications as may be prescribed by the Central Government to be nominated by the Chief Justice of India.
- (3) The Chief Justice of India shall appoint a person to be the Secretary to the Committee, possessing such experience and qualifications as may be prescribed by the Central Government.
- (4) The terms of office and other conditions relating thereto, of the Members and Secretary of the Committee shall be such as may be determined by regulations made by the Central Authority.
- (5) The Committee may appoint such number of officers and other employees as may be prescribed by the Central Government, in consultation with the Chief Justice of India, for the efficient discharge of its functions.
- (6) The officers and other employees of the Committee shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the Central Government in consultation with the Chief Justice of India.

Section 4. Functions of the Central Authority

The Central Authority shall perform all or any of the following functions, namely:-

- (a) Lay down policies and principles for making legal services available under the provisions of this Act.
- (b) Frame the most effective and economical schemes for the purpose of making legal services available under the provisions of this Act.
- (c) Utilise the funds at its disposal and make appropriate allocations of funds to the State Authorities and District Authorities.
- (d) Take necessary steps by way of social justice litigation with regard to consumer protection, environmental protection or any other matter of special concern to the weaker sections of the society and for this purpose, give training to social workers in legal skills.
- (e) Organise legal aid camps, especially in rural areas, slums or labour colonies with the dual purpose of educating the weaker sections of the society as to their rights as well as encouraging the settlement of disputes through Lok Adalats.
- (f) Encourage the settlement of disputes by way of negotiations, arbitration and conciliation.
- (g) Undertake and promote research in the field of legal services with special reference to the need for such services among the poor.

- (h) To do all things necessary for the purpose of ensuring commitment to the fundamental duties of citizens under Part IVA of the Constitution.
- (i) Monitor and evaluate implementation of the legal aid programmes at periodic intervals and provide for independent evaluation of programmes and schemes implemented in whole or in part by funds provided under this Act.
- (j) Provide grants-in-aid for specific schemes to various voluntary social service institutions and the State and District Authorities, from out of the amounts placed at its disposal for the implementation of legal services schemes under the provisions of this Act.
- (k) Develop, in consultation with the Bar Council of India, programmes for clinical legal education and promote guidance and supervise the establishment and working of legal services clinics in universities, law colleges and other institutions.
- (l) Take appropriate measures for spreading legal literacy and legal awareness amongst the people and, in particular, to educate weaker sections of the society about the rights, benefits and privileges guaranteed by social welfare legislations and other enactments as well as administrative programmes and measures.
- (m) Make special efforts to enlist the support of voluntary social welfare institutions working at the grass-root level, particularly among the Scheduled Castes and the Scheduled Tribes, women and rural and urban labour; and
- (n) Coordinate and monitor the functioning of State Authorities, District Authorities, Supreme Court Legal Services Committee, High Court Legal Services Committees, Taluk Legal Services Committees and voluntary social service institutions and other legal services organisations and give general directions for the proper implementation of the Legal Services programmes.

Section 5. Central Authority to Work in Coordination with Other Agencies

In the discharge of its functions under this act, the Central Authority shall, wherever appropriate, act in coordinating with other governmental and non-governmental agencies, universities and others engaged in the work of promoting the cause of legal services to the poor.

CHAPTER III - STATE LEGAL SERVICES AUTHORITY

Section 6. Constitution of State Legal Services Authority

- (1) Every State Government shall constitute a body to be called the Legal Services Authority for the State to exercise the powers and perform the functions conferred on or assigned to, a State Authority under this Act.
- (2) A State Authority shall consist of -

- (a) The Chief Justice of the High Court who shall be the Patron-in-Chief.
 - (b) A serving or retired Judge of the High Court, to be nominated by the Governor, in consultation with the Chief Justice of the High Court, who shall be the Executive Chairman; and
 - (c) Such number of other Members, possessing such experience and qualifications, as may be prescribed by the State Government, to be nominated by that Government in consultation with the Chief Justice of the High Court.
- (3) The State Government shall, in consultation with the Chief Justice of the High Court, appoint a person belonging to the State Higher Judicial Service not lower in rank than that of a District Judge, as the Member-Secretary of the State Authority, to exercise such powers and perform such duties under the Executive Chairman of the State Authority as may be prescribed by that Government or as may be assigned to him by the Executive Chairman of that Authority.

Provided that a person functions as Secretary of a State Legal Aid & Advice Board immediately before the date of constitution of the State Authority may be appointed as Member-Secretary of that Authority, even if he is not qualified to be appointed a such under this sub-section, for a period not exceeding five years.

- (4) The terms of office and other conditions relating thereto, of Members and the Member-Secretary of the State Authority shall be such as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.
- (5) The State Authority may appoint such number of officers and other employees may be prescribed by the State Government, in consultation with the Chief Justice of the High Court, for the efficient discharge of its functions under this Act.
- (6) The officers and other employees of the State Authority shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.
- (7) The administrative expenses of the State Authority, including the salaries, allowances and pensions payable to the Member-Secretary, officers and other employees of the State Authority shall be defrayed out of the Consolidated Fund of the State.
- (8) All orders and decisions of the State Authority shall be authenticated by the Member-Secretary or any other officer of the State Authority duly authorised by the Executive Chairman of the State Authority.
- (9) No act or proceeding of a State Authority shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of the State Authority.

Section 7. Functions of the State Authority

- (1) It shall be the duty of the State Authority to give effect to the policy and directions of the Central Authority.
- (2) Without prejudice to the generality of the functions referred to in sub-section (1), the State Authority shall perform all or any of the following functions, namely:-
 - (a) Give legal service to persons who satisfy the criteria laid down under this Act.
 - (b) Conduct Lok Adalats, including Lok Adalats for High Court cases.
 - (c) Undertake preventive and strategic legal aid programmes; and
 - (d) Perform such other functions as the State Authority may, in consultation with the Central Authority, fix by regulations.

Section 8. State Authority to Act in Coordination with Other Agencies, etc., and be Subject to Directions given by Central Authority

In the discharge of its functions the State Authority shall appropriately act in co-ordination with other governmental agencies, non-governmental voluntary social service institutions, universities and other bodies engaged in the work of promoting the cause of legal services to the poor and shall also be guided by such directions as the Central Authority may give to it in writing.

Section 8A. High Court Legal Services Committee

- (1) The State Authority shall constitute a Committee to be called the High Court Legal Services Committee for every High Court, for the purpose of exercising such powers and performing such functions as may be determined by regulations made by the State Authority.
- (2) The Committee shall consist of :-
 - (a) A sitting Judge of the High Court who shall be the Chairman; and
 - (b) Such number of other Members possessing such experience and qualifications as may be determined by regulations made by the State Authority, to be nominated by the Chief Justice of the High Court.
- (3) The Chief Justice of the High Court shall appoint a Secretary to the Committee possessing such experience and qualifications as may be prescribed by the State Government.
- (4) The terms of office and other conditions relating thereto, of the Members and Secretary of the Committee shall be such as may be determined by the regulations, made by the State Authority.

- (5) The Committee may appoint such number of officers and other employees as may be prescribed by the State Government in consultation with the Chief Justice of the High Court for the efficient discharge of its functions.
- (6) The officers and other employees of the Committee shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.

Section 9. District Legal Services Authorities

- (1) The State Government shall in consultation with the Chief Justice of the High Court, constitute a body to be called the District Legal Services Authority for every District in the State to exercise the powers and perform the functions conferred on, or assigned to the District Authority under this Act.
- (2) A District Authority shall consist of :-
 - (a) The District Judge who shall be its Chairman; and
 - (b) Such number of other Members, possessing such experience and qualifications as may be prescribed by the State Government, to be nominated by that Government in consultation with the Chief Justice of the High Court.
- (3) The State Authority shall, in consultation with the Chairman of the District Authority appoint a person belonging to the State Judicial Service not lower in rank than that of a Subordinate Judge or Civil Judge posted at the seat of the District Judiciary as Secretary of the District Authority to exercise such powers and perform such duties under the Chairman of that Committee as maybe assigned to him by such Chairman.
- (4) The terms of office and other conditions relating thereto, of Members and Secretary of the District Authority shall be such as may be determined by regulations made by the State Authority in consultation with the Chief Justice of the High Court.
- (5) The District Authority may appoint such number of officers and other employees as may be prescribed by the State Government in consultation with the Chief Justice of the High Court for the efficient discharge of its functions.
- (6) The officers and other employees of the District Authority shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.
- (7) The administrative expenses of every District Authority, including the salaries, allowances and pensions payable to the Secretary, officers and other employees of the District Authority shall be defrayed out of the Consolidated Fund of the State.

- (8) All orders and decisions of the District Authority shall be authenticated by the Secretary or by any other officer of the District Authority duly authorised by the Chairman of that Authority.
- (9) No Act or proceeding of a District Authority shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the District Authority.

Section 10. Functions of District Authority

- (1) It shall be the duty of every District Authority to perform such of the functions of the State Authority in the District as may be delegated to it from time to time by the State Authority.
- (2) Without prejudice to the generality of the functions referred to in sub-section (1) the District Authority may perform all or any of the following functions, namely:-
 - (a) Co-ordinate the activities of the Taluk Legal Services Committee and other legal services in the District.
 - (b) Organise Lok Adalats within the Districts; and
 - (c) Perform such other functions as the State Authority may fix by regulations.

Section 11. District Authority to Act in Coordination with Other Agencies and be Subject to Directions given by the Central Authority, etc

In the discharge of its functions under this Act, the District Authority shall, wherever appropriate, act in co-ordination with other governmental and non-governmental institutions, universities and others engaged in the work of promoting the cause of legal services to the poor and shall also be guided by such directions as the Central Authority or the State Authority may give to it in writing.

Section 11A. Taluk Legal Services Committee

- (1) The State Authority may constitute a Committee, to be called the Taluk Legal Services Committee, for each Taluk or Mandal or for group of Taluks or Mandals.
- (2) The Committee shall consist of -
 - (a) The Senior Civil Judge operating within the jurisdiction of the Committee who shall be the ex-officio Chairman and
 - (b) Such number of other Members, possessing such experience and qualifications, as may be prescribed by the State Government, to be nominated by that Government in consultation with the Chief Justice of the High Court.

- (3) The committee may appoint such number of officers and other employees as may be prescribed by the State Government in consultation with the Chief Justice of the High Court for the efficient discharge of its functions.
- (4) The officers and other employees of the Committee shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.
- (5) The administrative expenses of the Committee shall be defrayed out of the District Legal Aid Fund by the District Authority.

Section 11B. Functions of Taluk Legal Services Committee

The Taluk Legal Services Committee may perform all or any of the following functions, namely:-

- (a) Co-ordinate the activities of legal services in the taluk.
- (b) Organise Lok Adalats within the taluk and
- (c) Perform such other functions as the District Authority may assign to it.

CHAPTER IV - ENTITLEMENT LEGAL SERVICES-

Section 12. Criteria for giving legal services

Every person who has to file or defend a case shall be entitled to legal services under this Act if that person is :-

- (a) A member of a Scheduled Caste or Scheduled Tribe.
- (b) A victim of trafficking in human beings or beggar as referred to in Article 23 of the Constitution.
- (c) A woman or a child.
- (d) A mentally ill or otherwise disabled person.
- (e) A person under circumstances of undeserved want such as being a victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster or
- (f) An industrial workman or
- (g) In custody, including custody in a protective home within the meaning of clause (g) of Section 2 of the Immoral Traffic (Prevention) Act, 1956(104 of 1956); or in a juvenile home within the meaning of clause(j) of Section 2 of the Juvenile Justice Act, 1986 (53

of 1986); or in a psychiatric hospital or psychiatric nursing home within the meaning of clause (g) of Section 2 of the Mental Health Act, 1987(14 of 1987) or

- (h) In receipt of annual income less than rupees nine thousand or such other higher amount as may be prescribed by the State Government, if the case is before a court other than the Supreme Court, and less than rupees twelve thousand or such other higher amount as may be prescribed by the Central Government, if the case is before the Supreme Court. (g) in custody, including custody in a protective home within the meaning of clause(g) of Section 2 of the Immoral Traffic (Prevention) Act, 1956(104 of 1956); or in a juvenile home within the meaning of clause(j) of Section 2 of the Juvenile Justice Act, 1986 (53 of 1986); or in a psychiatric hospital or psychiatric nursing home within the meaning of clause (g) of Section 2 of the Mental Health Act, 1987(14 of 1987);or (h) in receipt of annual income less than rupees nine thousand or such other higher amount as may be prescribed by the State Government, if the case is before a court other than the Supreme Court, and less than rupees twelve thousand or such other higher amount as may be prescribed by the Central Government, if the case is before the Supreme Court.

Section 13. Entitlement to Legal Services

- (1) Persons who satisfy all or any of the criteria specified in Section 12 shall be entitled to receive legal services provided that the concerned Authority is satisfied that such person has a prima-facie case to prosecute or to defend.
- (2) An affidavit made by a person as to his income may be regarded as sufficient for making him eligible to the entitlement of legal services under this Act unless the concerned Authority has reason to disbelieve such affidavit.

CHAPTER V - FINANCE, ACCOUNTS AND AUDIT

Section 14. Grants by the Central Government

The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Central Authority, by way of grants, such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

Section 15. National Legal Aid Fund

- (1) The Central Authority shall establish a fund to be called the National Legal Aid Fund and there shall be credited thereto:-
 - (a) All sums or money given as grants by the Central Government under Section 14.
 - (b) Any grants or donations that may be made to the Central Authority by any other person for the purposes of this Act.

- (c) Any amount received by the Central Authority under the orders of any court or from any other source.
- (2) The National Legal Aid Fund shall be applied for meeting :-
 - (a) The cost of legal services provided under this Act including grants made to State Authorities.
 - (b) The cost of Legal services provided by the Supreme Court Legal Services Committee.
 - (c) Any other expenses which are required to be met by the Central Authority.

Section 16. State Legal Aid Fund

- (1) A State Authority shall establish a fund to be called the State Legal Aid Fund and there shall be credited thereto:-
 - (a) All sums of money paid to it or any grants made by the Central Authority for the purposes of this Act.
 - (b) Any grants or donations that may be made to the State Authority by the State Government or by any person for the purposes of this Act.
 - (c) Any other amount received by the State Authority under the orders of any court or from any other source.
- (2) A State Legal Aid Fund shall be applied for meeting :-
 - (a) The cost of functions referred to in Section 7.
 - (b) The cost of legal services provided by the High Court Legal Services Committees.
 - (c) Any other expenses which are required to be met by the State Authority.

Section 17. District Legal Aid Fund

- (1) Every District Authority shall establish a fund to be called the District Legal Aid Fund and there shall be credited thereto :-
 - (a) All sums of money paid or any grants made by the State Authority to the District Authority for the purposes of this Act.
 - (b) Any grants or donations that may be made to the District Authority by any person, with the prior approval of the State Authority, for the purposes of this Act.
 - (c) Any other amount received by the District Authority under the orders of any court or from any other source.
- (2) A District Legal Aid Fund shall be applied for meeting :-

-
-
- (a) The cost of functions referred to in Sections 10 and 11 B.
 - (b) Any other expenses which are required to be met by the District Authority.

Section 18. Accounts and Audit

- (1) The Central Authority, State Authority or the District Authority (hereinafter referred to in this Section as 'the Authority'), as the case may be, shall maintain proper accounts and other relevant records and prepare an annual statement or accounts including the income and expenditure account and the balance sheet in such form and in such manner as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.
- (2) The accounts of the Authorities shall be audited by the Comptroller and Auditor General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority concerned to the Comptroller and Auditor-General of India.
- (3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the auditing of the accounts of an Authority under this Act shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the auditing of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Authorities under this Act.
- (4) The accounts of the Authorities, as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon, shall be forwarded annually by the Authorities to the Central Government or the State Governments, as the case may be.
- (5) The Central Government shall cause the accounts and the audit report received by it under sub-section (4) to be laid, as soon as may be after they are received, before each House of Parliament.
- (6) The State Government shall cause the accounts and the audit report received by it under sub-section (4) to be laid, as soon as may be after they are received, before the State Legislature.

CHAPTER VI - LOK ADALATS

Section 19 - Organization of Lok Adalats

- (1) Every State Authority or District Authority or the Supreme Court Legal Services Committee or every High Court Legal Services Committee or, as the case may be, Taluk

Legal Services Committee may organise Lok Adalats at such intervals and places and for exercising such jurisdiction and for such areas as it thinks fit.

- (2) Every Lok Adalat organised for an area shall consist of such number of :-
 - (a) Serving or retired judicial officers and
 - (b) Other persons, of the area as may be specified by the State Authority or the District Authority or the Supreme Court Legal Services Committee or the High Court Legal Services Committee, or as the case may be, the Taluk Legal Services Committee, organising such Lok Adalats.
- (3) The experience and qualifications of other persons referred to in clause (b) of sub-section (2) for Lok Adalats organised by the Supreme Court Legal Services Committee shall be such as may be prescribed by the Central Government in consultation with the Chief Justice of India.
- (4) The experience and qualifications of other persons referred to in clause (b) of sub-section (2) for Lok Adalats other than referred to in sub-section (3) shall be such as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.
- (5) A Lok Adalat shall have jurisdiction to determine and to arrive at a compromise or settlement between the parties to a dispute in respect of :-
 - (i) Any case pending before or
 - (ii) Any matter which is falling within the jurisdiction of, and is not brought before, any court for which the Lok Adalat is organised.

Provided that the Lok Adalat shall have no jurisdiction in respect of any case or matter relating to an offence not compoundable under any law.

Section 20. Cognizance of Cases by Lok Adalats

- (1) Where in any case referred to in clause (i) of sub-section (5) of Section 19-(i)
 - (i) (a) The parties thereof agree or
 - (i) (b) One of the parties thereof makes an application to the court, for referring the case to the Lok Adalat for settlement and if such court is prima facie satisfied that there are chances of such settlement or
 - (ii) The court is satisfied that the matter is an appropriate one to be taken cognizance of by the Lok Adalat, the court shall refer the case to the Lok Adalat: Provided that no case shall be referred to the Lok Adalat under sub-clause (b) of clause (i) or clause (ii) by such court except after giving a reasonable opportunity of being heard to the parties.

- (2) Notwithstanding anything contained in any other law for the time being in force, the Authority or Committee organising the Lok Adalat under sub-section (1) of Section 19 may, on receipt of an application from any, one of the parties to any matter referred to in clause (ii) of sub-section (5) of Section 19 that such matter needs to be determined by a Lok Adalat, refer such matter to the Lok Adalat, for determination; Provided that no matter shall be referred to the Lok Adalat except after giving a reasonable opportunity of being heard to the other party.
- (3) Where any case is referred to a Lok Adalat under sub-section (1) or where a reference has been made to it under sub-section (2), the Lok Adalat shall proceed to dispose of the case or matter and arrive at a compromise or settlement between the parties.
- (4) Every Lok Adalat shall, while determining any reference before it under this Act, act with utmost expedition to arrive at a compromise or settlement between the parties and shall be guided by the principles of justice equity, fair play and other legal principles.
- (5) Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, the record of the case shall be returned by it to the court, from which the reference has been received under sub-section (1) for disposal in accordance with law.
- (6) Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, in a matter referred to in sub-section (2), that Lok Adalat shall advice the parties to seek remedy in a court.
- (7) Where the record of the case is returned under sub-section (5) to the court, such court shall proceed to deal such reference under sub-section (1).

Section 21. Award of Lok Adalat

- (1) Every award of the Lok Adalat shall be deemed to be a decree of a civil court or, as the case may be, an order of any other court and where a compromise or settlement has been arrived at, by a Lok Adalat in a case referred to under sub-section (1) of Section 20, the court-fee paid in such case shall be refunded in the manner provided under the Court Fees Act, 1870 (7 of 1870).
- (2) Every award made by a Lok Adalat shall be final and binding on all the parties to the dispute, and no appeal shall lie to any court against the award.

Section 22. Powers of Lok Adalat or Permanent Lok Adalat

- (1) The Lok Adalat shall, for the purposes of holding any determination under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit in respect of the following matters, namely:-

- (a) The summoning and enforcing the attendance of any witness and examining him on oath.
 - (b) The discovery and production of any document.
 - (c) The reception of evidence on affidavits.
 - (d) The requisitioning of any public record or document or copy of such record or document from any court or office and
 - (e) Such other matters as may be prescribed.
- (2) Without prejudice to the generality of the powers contained in sub-section (1), every Lok Adalat shall have the requisite powers to specify its own procedure for the determination of any dispute coming before it.
- (3) All proceedings before a Lok Adalat shall be deemed to be judicial proceedings within the meaning of Sections 193, 219 and 228 of the Indian Penal Code (45 of 1860) and every Lok Adalat shall be deemed to be a civil court for the purpose of Section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973(2 of 1974).

CHAPTER VI A - PRE-LITIGATION CONCILIATION AND SETTLEMENT

Section 22A. Definitions

In this chapter and for the purposes the Section 22 and 23, unless the context other requires.

- (a) “Permanent LokAdalat” means a Permanent LokAdalat established under sub-section (1) of Section 22 B.
- (b) “public utility service” means any –
 - (i) Transport services for the carriage of passengers or goods by air, road or water or
 - (ii) Postal telegraph or telegraph or telephone service or
 - (iii) Supply of power, light or water to the public by any establishment or
 - (iv) Postal telegraph or telegraph or telephone service or
 - (v) Service in hospital or dispensary or
 - (vi) Insurance service,

and includes any service which the Central Government or the State Government, as the case may be, may in the public interest, by notification, declare to be a public utility service for the purposes of this Chapter.

Section 22B. Establishment of Permanent Lok Adalats

- (1) Notwithstanding anything contained in section 19, the Central Authority or, as the case may be, every State Authority shall, by notification, establish Permanent LokAdalat at such places and for exercising such jurisdiction in respect of one or more public utility services and for such areas as may be specified in the notification.
- (2) Every Permanent LokAdalat established for an area notified under sub-section (1) shall consist of :-
 - (a) A person who is, or has been, a district judge or additional district judge or has held judicial office higher in rank than that of a district judge, shall be the Chairman of the Permanent LokAdalat and
 - (b) Two other persons having adequate experience in public utility services to be nominated by the Central Government or, as the case may be, the State Government on the recommendation of the Central Authority or, as the case may be, the State Authority, establishing such Permanent LokAdalat and the other terms and conditions of the appointment of the Chairman and other persons referred to in clause (b) shall be prescribed by the Central Government.

Section 22C. Cognizance of cases by Permanent LokAdalat

- (1) Any party to a dispute may, before the dispute is brought before any court, make an application to the Permanent LokAdalat for the settlement of dispute; Provided that the Permanent LokAdalat shall not have jurisdiction in respect of any matter relating to an offence not compoundable under any law; Provided further that the Permanent LokAdalat shall also not have jurisdiction in the matter where the value of the property in dispute exceeds ten lakh rupees;

Provided also that the Central Government, may, by notification, increase the limit of ten lakh rupees specified in the second proviso in consultation with the Central Authority.

- (2) After an application is made under sub-section (1) to the Permanent LokAdalat, no party to that application shall invoke jurisdiction of any court in the same dispute.
- (3) where an application is made to a Permanent LokAdalat under sub-section (1), it
 - (a) shall direct each party to the application to file before it a written statement, stating therein the facts and nature of dispute under the application, points or issues in such dispute and grounds relied in support of, or in opposition to, such points or issues, as the case may be, and such party may supplement such statement with any document and other evidence which such party deems appropriate in proof of such facts and grounds and shall send a copy of such statement together with a copy of such document and other evidence, if any, to each of the parties to the applicant;

- (b) may require any party to the application to file additional statement before it at any stage of the conciliation proceedings;
 - (c) shall communicate any document or statement received by it from any party to the application to the other party, to enable such other party to present reply thereto.
- (4) When statement, additional statement and reply, if any, have been filed under sub-section (3), to the satisfaction of the Permanent LokAdalat, it shall conduct conciliation proceedings between the parties to the application in such manner as it thinks appropriate taking into account the circumstance of the dispute.
- (5) The Permanent LokAdalat shall, during conduct of conciliation proceedings under sub-section (4), assist the parties in their attempt to reach an amicable settlement of the dispute in an independent and impartial manner.
- (6) It shall be the duty of every party to the application to cooperate in good faith with the Permanent LokAdalat in conciliation of the dispute relating to the application and to comply with the direction of the Permanent LokAdalat to produce evidence and other related documents before it.
- (7) When a Permanent LokAdalat, in the aforesaid conciliation proceedings, is of opinion that there exist elements of settlement in such proceedings which may be acceptable to the parties, it may formulate the terms of a possible settlement of the dispute and give to the parties concerned for their observations and in case the parties reach at an agreement on the settlement of the dispute, they shall sign the settlement agreement and the Permanent LokAdalat shall pass an award in terms thereof and furnish a copy of the same to each of the parties concerned.
- (8) Where the parties fail to reach at an agreement under sub-section (7), the Permanent LokAdalat shall, if the dispute does not relate to any offence, decide the dispute.

Section 22D. Procedure of Permanent Lok Adalat

The Permanent LokAdalat shall, while conducting conciliation proceedings or deciding a dispute on merit under this Act, be guided by the principles of natural justice, objectivity, fair play, equity and other principles of justice, and shall not be bound by the Code of Civil Procedure, 1908 and the Indian Evidence Act, 1872.

Section 22E. Award of Permanent Lok Adalat to be Final

- (1) Every award of the Permanent LokAdalat under this Act made either on merit or in terms of a settlement agreement shall be final and binding on all the parties thereto and on persons claiming under them.

- (2) Every award of the Permanent LokAdalat under this Act shall be deemed to be a decree of a civil court.
- (3) The award made by the Permanent LokAdalat under this Act shall be by a majority of the persons constituting the PermanentLokAdalat.
- (4) Every award made by the Permanent LokAdalat under this Act shall be final and shall not be called in question in any original suit, application or execution proceedings.
- (5) The Permanent LokAdalat may transmit any award made by it to a Civil Court having local Jurisdiction and such civil court shall execute tgeirder as if it were a decree made by that court.

CHAPTER VII - MISCELLANEOUS

Section 23. Members and Staff of Authorities, Committees and Lok Adalats to be Public Servants.

The Members including Member-Secretary or, as the case may be, Secretary , of the Central Authority, the State Authorities, the District Authorities, the Supreme Court Legal Services Committee, High Court Legal Services Committees, Taluk Legal Services Committees and officers and other employees of such Authorities, Committees and the Members of the Lok Adalats shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code (45 of 1860)

Section 24. Protection of Action taken in Good Faith-No Suit.

Prosecution or other Legal Proceeding shall Lie Against

- (a) the Central Government or the State Government;
- (b) the Patron-in-Chief, Executive Chairman, Members or Member-Secretary or officers or other employees of the Central Authority;
- (c) Patron-in-Chief, Executive Chairman, Members, Member-Secretary or officers or other employees of the State Authority;
- (d) Chairman, Secretary, Members or officers or other employees of the Supreme Court Legal Services Committee, High Court Legal Services Committees, Taluk Legal Services Committees or the District Authority; or
- (e) Any other person authorised by any of the Patron-in-Chief, Executive Chairman, Chairman, Member, Member-Secretary referred to in sub-clauses (b) to (d),

for anything which is in good faith done or intended to be done under the provisions of this Act or any rule or regulation made there under.

Section 25. Act to have overriding Effect

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Section 26. Power to remove Difficulties

- (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty; Provided that no such order shall be made after the expiry of a period of two years from the date on which this Act receives the assent of the President.
- (2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Section 27. Power of Central Government to make rules

- (1) The Central Government in consultation with the Chief Justice of India may, by notification, make rules to carry out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-
 - (a) the number, experience and qualifications of other Members of the Central Authority under clause (c) of sub-section (2) of Section 3.
 - (b) the experience and qualifications of the Member-Secretary of the Central Authority and his powers and functions under sub-section (3) of Section 3,
 - (c) the terms of office and other conditions relating thereto, of Members and Member-Secretary of the Central Authority under sub-section (4) of Section 3;
 - (d) the number of officers and other employees of the Central Authority under sub-section (5) of Section 3;
 - (e) the conditions of service and the salary and allowances of officers and other employees of the Central Authority under sub-section (6) of Section 3;
 - (f) the number, experience and qualifications of Members of the Supreme Court Legal Services Committee under clause (b) of sub-section (2) of Section 3A;
 - (g) the experience and qualifications of Secretary of the Supreme Court Legal Services Committee under sub-section (3) of Section 3A;

- (h) the number of officers and other employees of the Supreme Court Legal Services Committee under sub-section (5) of Section 3A and the conditions of service and the salary and allowances payable to them under sub-section (6) of that section;
- (i) the upper limit of annual income of a person entitling him to legal services under clause (h) of Section 12, if the case is before the Supreme Court;
- (j) the manner in which the accounts of the Central Authority, the State Authority or the District Authority shall be maintained under Section 18;
- (k) the experience and qualifications of other persons of the Lok Adalats organised by the Supreme Court Legal Services Committee specified in sub-section (3) of Section 19;
- (l) other matters under clause (e) of sub-section (1) of Section 22;
- (l)(a) the other terms and conditions of appointment of the Chairman and other persons under sub-section (2) of Section 22B;
- (m) any other matter which is to be, or may be, prescribed.

Section 28. Power of State Government to make rules.

- (1) The State Government in consultation with the Chief Justice of the High Court may, by notification, make rules to carry out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-
 - (a) the number, experience and qualifications of other Members of the State Authority under clause (c) of sub-section (2) of Section 6;
 - (b) the powers and functions of the Member-Secretary of the State Authority under sub-section (3) of Section 6;
 - (c) the terms of office and other conditions relating thereto, of Members and Member-Secretary of the State Authority under sub-section (4) of Section 6;
 - (d) the number of officers and other employees of the State Authority under sub-section (5) of Section 6;
 - (e) the conditions of service and the salary and allowances of officers and other employees of the State Authority under sub-section (6) of Section
 - (f) the experience and qualifications of Secretary of the High Court Legal Services Committee under sub-section (3) of Section 8A;

- (g) the number of officers and other employees of the High Court Legal Services Committee under sub-section (5) of Section 8A and the conditions of service and the salary and allowances payable to them under sub-section (6) of that Section;
- (h) the number, experience and qualifications of Members of the District Authority under clause (b) of sub-section (2) of Section 9;
- (i) the number of officers and other employees of the District Authority under sub-section (5) of Section 9;
- (j) the conditions of service and the salary and allowances of the officers and other employees of the District Authority under sub-section (6) of Section 9;
- (k) the number, experience and qualifications of Members of the Taluk Legal Services Committee under clause (b) of sub-section (2) of Section 11A;
- (l) the number of officers and other employees of the Taluk Legal Services Committee under sub-section (3) of Section 11A;
- (m) the conditions of service and the salary and allowances of officers and other employees of the Taluk Legal Services Committee under sub-section (4) of Section 11A;
- (n) the upper limit of annual income of a person entitling him to legal services under clause (h) of Section 12, if the case is before a court, other than the Supreme Court;
- (o) the experience and qualifications of other persons of the Lok Adalats other than referred to in sub-section (4) of Section 19;
- (p) any other matter which is to be, or may be, prescribed.

Section 29. Power of Central Authority to make regulations.

- (1) The Central Authority may, by notification, make regulations not inconsistent with the provisions of this Act and the rules made thereunder, to provide for all matters for which provision is necessary or expedient for the purposes of giving effect to the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:-
 - (a) the powers and functions of the Supreme Court Legal Services Committee under sub-section (1) of Section 3A;
 - (b) the terms of office and other conditions relating thereto, of the Members and Secretary of the Supreme Court Legal Services Committee under sub-section (4) of Section 3A.

Section 29A. Power of State Authority to make regulations.

- (1) The State Authority may, by notification make regulations not inconsistent with the provisions of this Act and the rules made thereunder, to provide for all matters for which provisions is necessary or expedient for the purposes of giving effect to the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:-
 - a) the other functions to be performed by the State Authority under clause (d) of sub-section (2) of Section 7;
 - (b) the powers and functions of the High Court Legal Services Committee under sub-section (1) of Section 8A;
 - (c) the number, experience and qualifications of Members of the High Court Legal Services Committee under clause (b) of sub-section (2) of Section 8A;
 - (d) the terms of office and other conditions relating thereto, of the Members and Secretary of the High Court Legal Services Committee under sub-section (4) of Section 8A;
 - (e) the terms of office and other conditions relating thereto, of the Members and Secretary of the High Court Legal Services Committee under sub-section (4) of Section 9;
 - (f) the number, experience and qualifications of Members of the High Court Legal Services Committee under clause (b) of sub-section (2) of Section 8A;
 - (g) other functions to be performed by the District Authority under clause (c) of sub-section (2) Section 10;
 - (h) the terms of office and other conditions relating thereto, of Members and Secretary of the Taluk Legal Services Committee under sub-section (3) of Section 11A.

Section 30. Laying of rules and regulations.

- (1) Every rule made under this Act by the Central Government and every regulation made by the Central Authority thereunder shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session, and if, before the expiry of the session immediately following the session or the successive sessions or in two or more successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may

be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

- (2) Every rule made under this Act by a State Government and every regulation made by a State Authority thereunder shall be laid, as soon as may be after it is made, before the State Legislature.



II. RULES

01.	THE NATIONAL LEGAL SERVICES AUTHORITY RULES, 1995	29
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The National Legal
Services Authority Rules, 1995

THE NATIONAL LEGAL SERVICES AUTHORITY RULES, 1995

In exercise of the powers conferred by section 27 of the Legal Services Authorities Act, 1987 (39 of 1987), the Central Government hereby makes the following rules, namely:—

- 1. Short title and commencement.**—(1) These rules may be called the National Legal Services Authority Rules, 1995.

(2) They Shall come into force on the date of their publication in the Gazette of India.
- 2. Definitions.**—In these rules unless the context otherwise requires,—
 - (a) “Act” means the Legal Services Authorities Act, 1987;
 - (b) “Central Authority” means the National Legal Services Authority constituted under section 3 of the Act;
 - (c) “member” means the members of the Central Authority nominated under clause (c) of sub-section (2) of section 3 of the Act;
 - (d) “Member-Secretary” means the Member-Secretary of the Central Authority appointed under sub-section (3) of section 3 of the Act;
 - (e) all other words and expressions used in these rules but not defined shall have the same meaning assigned to them in the Act.
- 3. The number, experience and qualifications of other members of the Central Authority.**—(1) The Central Authority shall consist of not more than twelve members.

(2) The following shall be the ex-officio members of the Central Authority, namely:—
 - [(i) Secretary in the Department of Justice, Ministry of Law and Justice, Government of India or any of his nominee;]
 - (ii) Secretary, Department of Expenditure, Ministry of Finance, Government of India or any of his nominee; and
 - (iii) two Chairmen of the State Legal Services Authorities as may be nominated by the Central Government in consultation with the Chief Justice of India: Provided that the Patron-in-Chief of the Central Authority may nominate, until the constitution of State Authorities under the Act, Chairman of any two of the State Legal Aid and Advice Boards or Committees, by whatever name called, existing prior to such constitution.

- (3) The Central Government may nominate, in consultation with the Chief Justice of India, other members from amongst those possessing the experience and qualifications prescribed in sub-rule (4) of this rule.
- (4) a person shall not be qualified for nomination as a member of the Central Authority unless he is—
 - (a) an eminent person in the field of law; or
 - (b) a person of repute who is specially interested in the implementation of the Legal Services Schemes; or
 - (c) an eminent social worker who is engaged in the upliftment of the weaker sections of the people including Scheduled Castes, Scheduled Tribes, women, children, rural and urban labour.

4. Appointment of Member-Secretary.—The Central Government shall in consultation with the Chief Justice of India appoint a person to be the Member-Secretary of the Central Authority, possessing experience and qualifications as prescribed in rule 5.

5. The experience and qualifications of the Member-Secretary of the Central Authority and his powers and functions.—A person shall not be qualified for appointment as Member-Secretary unless he is—

- (a) an officer of the Indian Legal Service who has held a post not below the rank of Additional Secretary to the Government of India; or
- (b) a member of the State Higher Judicial service who has held the post of District Judge at least for three years; or
- (c) an officer of other organised Central Services who has held a post of Joint Secretary to the Government of India or equivalent for a minimum period of three years; or
- (d) an officer of the organised State Services who has held a post equivalent to the Joint Secretary to the Government of India for a minimum period of five years. Preference will be given to persons possessing administrative, financial and legal aid experience.

6. Powers and functions of the Member-Secretary.—The powers and functions of the Member-Secretary, inter alia, shall be—

- (a) to work out modalities of the Legal Services Schemes and Programmes approved by the Central Authority and ensure their effective monitoring and implementation throughout the country;
- (b) to exercise the powers in respect of administrative, finance and budget matters as that of the Head of the Department in a Central Government;

- (c) to manage the properties, records and funds of the Central Authority;
- (d) to maintain true and proper accounts of the Central Authority including checking and auditing in respect thereof periodically;
- (e) to prepare Annual Income and Expenditure Accounts and Balance-sheet of the Central Authority;
- (f) to liaise with the Social Action Groups and the State Legal Services Authorities;
- (g) to maintain up-to-date and complete statistical information, including progress made in the implementation of various Legal Services Programmes from time to time;
- (h) to process project proposals for financial assistance and issue Utilisation Certificates thereof;
- (i) to convene meetings/seminars and workshops connected with Legal Services Programmes and preparation of Reports and follow-up action thereon;
- (j) to produce video/documentary films, publicity material, literature and publications to inform general public about the various aspects of the Legal Services Programmes; and
- (k) to perform such other functions as may be expedient for efficient functioning of the Central Authority.

7. The terms of office and other conditions relating thereto of members and Member-Secretary of the Central Authority.—(1) The members of the Central Authority nominated by the Central Government under sub-rule (3) of rule 3, shall hold office for a term of two years and a retiring member shall be eligible for renomination for not more than one term.

- (2) A member of the Central Authority nominated by Central Government under sub-rule (3) of rule 3 may be removed by the Central Government if in the opinion of the Central Government, it is not desirable to continue him as a member.
- (3) If any member nominated under sub-rule (3) of rule 3 ceases to be a member of the Central Authority, for any reason such as registration or death, the vacancy shall be filled up in the same manner as the original nomination and the person so nominated shall continue to be a member for the remaining term of the member in whose place he is nominated.
- (4) All members nominated under sub-rule (3) of rule 3 shall be entitled to payment of travelling allowance and daily allowance in respect of journeys performed in connection with the work of the Central Authority and shall be paid by the Central

Authority in accordance with the rules as are applicable to Grade “A” officers, as amended from time to time.

- (5) If a nominated member is a government employee, he shall be entitled to only one set of travelling allowance and daily allowance either from his parent department, or, as the case may be, from the Central Authority.
- (6) The Member-Secretary shall hold office for a term not exceeding five years or till the age of 62 years, whichever is earlier.
- (7) In all matters like pay, allowances, benefits and entitlements, the Member-Secretary shall be governed by rules as are applicable to the persons holding equivalent posts in the Central Government.
- (8) If an officer of the State Higher Judicial Service or, as the case may be, of other organised Central/State Services, is appointed as Member-Secretary he shall be governed by the service conditions of his parent cadre, in so far as disciplinary matters are concerned.
- (9) The appointment of the Member-Secretary may be on deputation basis.

8. The number of officers and other employees of the Central Authority.—The Central Authority shall have such number of officers and other employees for rendering secretarial assistance and for its day-to-day functions as are set out in Schedule to these rules or as may be notified by the Central Government from time to time.

9. The conditions of services and the salary and allowances of officers and other employees of the Central Authority under sub-section (6) of section 3.—(1) The officers and other employees of the Central Authority shall be entitled to draw pay and allowances in the scale of pay indicated against each post in the Schedule to these rules or at par with the Central Government employees holding equivalent posts.

- (2) In all matters like age of retirement pay and allowances benefits and entitlements and disciplinary matters, the officers and other employees of the Central Authority shall be governed by the Central Government as are applicable to persons holding equivalent posts.
- (3) The officers and other employees of the Central Authority shall be entitled to such other facilities and benefits as may be notified by the Central Government from time to time.

10. The number, experience and qualifications of members of the Supreme Court Legal Services Committee under clause (b) of sub-section (2) of section 3A.—(1) The Supreme Court Legal Services Committee shall consist of not more than nine members.

- (2) The following shall be the ex-officio members of the Supreme Court Legal Services Committee:—

- (i) Attorney-General of India;
 - (ii) Joint Secretary, Department of Justice, Ministry of Law and Justice, Government of India;
 - (iii) Additional Secretary in the Department of Expenditure, Ministry of Finance, Government of India or his nominee; and
 - (iv) Registrar-General of the Supreme Court of India.
- (3) The Central Government may nominate, in consultation with the Chief Justice of India, other members from amongst these possessing the qualification and experience prescribed in sub-rule (4) of this rule.
- (4) A person shall not be qualified for nomination as a member unless he is—
- (a) an eminent person in the field of law; or
 - (b) a person of repute who is specially interested in the implementation of the Legal Services Schemes; or
 - (c) an eminent social worker who is engaged in the upliftment of the weaker sections of the people including Scheduled Castes, Scheduled Tribes, women, children, rural and urban labour.

11. The experience and qualifications of Secretary of the Supreme Court Legal Services Committee under clause (b) of sub-section (2) of section 3A.—A person shall not be qualified for appointment as Secretary unless he is—

- (i) an officer of the Supreme Court Registry not below the rank of Joint Registrar; or
- (ii) officers of the rank of Director from the Central Government, possessing a degree of Law.

12. The upper limit of annual income of a person entitling him to legal services under clause (h) of section 12, if the case is before the Supreme Court.—Any citizen of India whose annual income from all sources does not exceed Rs. 50,000/- (fifty thousand rupees) shall be entitled to legal services under clause (h) of section 12 of the Act.

[12A.] The Central Authority, State Authorities and the District Authorities, shall maintain their accounts and prepare their annual statement of accounts in the forms appended to these rules.]

13. The experience and qualifications of other persons of the Lok Adalats organised by the Supreme Court Legal Services Committee specified in sub-section (3) of section 19.—A person shall not be qualified to be included in the Lok Adalat unless he is—

- (a) a member of the legal profession; or

- (b) a person of repute who is specially interested in the implementation of the Legal Services Schemes and Programmes; or
- (c) an eminent social worker who is engaged in the upliftment of the weaker sections of the people, including Scheduled Castes, Scheduled Tribes, women, children, rural and urban labour.

Schedule
Proposed strength of the Staff of the National Legal Services Authority
consequent upon the enforcement of the Legal Services Authorities Act

S. No.	Designation	Scale of pay	No. of posts
I.	OFFICERS		
1.	Member-Secretary	Rs. 7300-7600	1
2.	Deputy Secretary	Rs. 3700-5000	2
3.	Private Secretary	Rs. 3000-4500	3
4.	Section Officer	Rs. 2000-3500	4
	TOTAL :		10
II.	ESTABLISHMENT		
1.	Accountant	Rs. 1640-2900	1
2.	Assistant	Rs. 1640-2900	2
3.	Steno Gr. 'C'	Rs. 1640-2900	3
4.	Social Science Research Assistant	Rs. 1400-2600	1
5.	Printing Assistant	Rs. 1400-2600	1
6.	Librarian	Rs. 1200-2040	1
7.	Steno Typist	Rs. 1200-2040	4
8.	Cashier	Rs. 1200-2040*	1*
9.	Lower Division Clerk	Rs. 950-1500	8
10.	Staff Car Driver	Rs. 950-1500	4
11.	Jamadar	Rs. 775-1025	3
12.	Daftry	Rs. 775-1025	2
13.	Gestetner / Plain Paper Copier Operator	750-940*	1
14.	Peon	Rs. 750-940	6
15.	Farash	Rs. 750-940	2
16.	Safaiwala	Rs. 750-940	2
	TOTAL :		42
	GRAND TOTAL OF OFFICERS AND STAFF		52

* With Special pay.

⁴FORM 1A

Appendix Forming part of Income and Expenditure for the Period/Year ended.....

Name of Authority/Committee.....

(Amount Rs.)

<i>Income</i>	Appendix	Current year	Previous year
Income From Sales/Service			
Grants/Subsidies	12	....	....
Fees / Subscriptions	13	....	....
Income from Investments (Income on Investment from earmarked / endowment Funds transferred to Funds)	14	....	....
Income from Royalty, Publication, etc.	15	....	....
Interest earned	16	....	....
Other Income	17	....	....
Increase / (decrease) in stock of finished goods and works-in-progress	18	....	....
	19	....	....
Total (A)			
<i>Expenditure</i>			
Establishment Expenses, etc.	20	....	....
Other Administrative Expenses, etc.	21	....	....
Expenditure on Grants, Subsidies, etc.	22	....	....
Interest	22	....	....
Depreciation (Net total at the end of year corresponding to Appendix 8)	23	....	....
Total (B)	....	....
Balance being excess of Income over Expenditure (A-B)	....	....
Transfer to Special Reserve (Specify each)	....	....
Transfer to / from General Reserve	....	....
Balance being Surplus/Deficit, Carried to Corpus/Capital Fund	....	....
Significant Accounting Policies	24		
Contingent Liabilities and Notes on Accounts	25		

4. Added by G.S.R. 86(E), dated 22-2-2006 (w.e.f. 22-2-2005).

FORM 1-A

Appendix forming part of Income and Expenditure for the period/Year ended
Name of Authority/Committee

(Amount Rs.)

	Current Year	Previous Year
APPENDIX 12 – INCOME FROM SALES/SEVICES		
1. Income from Sales		
(a) Sale of Finished Goods		
(b) Sale of Raw Material		
(c) Sale of Scraps		
2. Income from Services		
(a) Labour and Processing Charges		
(b) Professional/Consultancy Services		
(c) Agency Commission and Brokerage		
(d) Maintenance Services (Equipment/Property)		
(e) Others (Specify)		
Total		

FORM 1-B

Appendix forming part of Income and Expenditure for the period/Year ended
Name of Authority/Committee

(Amount Rs.)

	Current Year	Previous Year
APPENDIX 13 – GRANTS / SUBSIDIES		
1. Central Government		
2. State Government(s)		
3. Government Agencies		
4. Institutions/Welfare Bodies		
5. International Organisations		
6. Others (Specify)		
Total		

FORM 1-C

Appendix forming part of Income and Expenditure for the period/Year ended

Name of Authority/Committee

(Amount Rs.)

	Current Year	Previous Year
APPENDIX 14 – FEES / SUBSCRIPTIONS		
1. Entrance Fees		
2. Annual Fees / Subscriptions		
3. Seminar / Program Fees		
4. Consultancy Fees		
5. Others (Specify)		
Total		
Note.— Accounting Policies towards each item are to be disclosed.		

FORM 1-D

Appendix forming part of Income and Expenditure for the period/Year ended

Name of Authority/Committee

(Amount Rs.)

APPENDIX 15 – INCOME FROM INVESTMENTS (Income on Invest from Earmarked/ Endowment Funds transferred to Funds)	Investment from earmarked Fund		Investment Others	
	Current Year	Previous Year	Current Year	Previous Year
1. Interest (a) On Government Securities (b) Other Bonds / Debentures				
2. Dividends : (a) On Shares (b) On Mutual Fund Securities				
3. Rents				
4. Others (Specify)				
Total				
Transferred to Earmarked / Endowment Funds				

FORM 1-E

Appendix forming part of Income and Expenditure for the period/Year ended

Name of Authority/Committee

(Amount Rs.)

APPENDIX 12 – INCOME FROM ROYALTY, PUBLICATION, ETC.	Current Year	Previous Year
1. Income from Royalty		
2. Income from Publications		
3. Others (Specify)		
Total		

FORM 1-F

Appendix forming part of Income and Expenditure for the period/Year ended

Name of Authority/Committee

(Amount Rs.)

APPENDIX 17 – INTEREST EARNED	Current Year	Previous Year
1. On Term Deposits		
(a) With Scheduled Banks		
(b) With Non-Scheduled Banks		
(c) With Institutions		
(d) Others		
2. On Savings Accounts :		
(a) With Scheduled Banks		
(b) With Non-Scheduled Banks		
(c) Post Office Savings Accounts		
(d) Others		
3. On Loans :		
(a) Employees / Staff		
(b) Others		
4. Interest on Debtors and Other Receivables		
Total		
Note.— Tax deducted at source to be indicated		

FORM 1-G

Appendix forming part of Income and Expenditure for the period/Year ended

Name of Authority/Committee

(Amount Rs.)

APPENDIX 18 – OTHER INCOME	Current Year	Previous Year
1. Profit on Sale/Disposal of Assets : (a) Owned assets (b) Assets acquired out of grants, or received free of cost		
2. Export Incentives realized		
3. Fees for Miscellaneous Services		
4. Miscellaneous Income		
Total		

FORM 1-H

Appendix forming part of Income and Expenditure for the period/Year ended

Name of Authority/Committee

(Amount Rs.)

APPENDIX 19 – INCREASE/DECREASE IN STOCK OF FINISHED GOODS AND WORK- IN-PROGRESS	Current Year	Previous Year
(a) Closing stock — Finished Goods — Work-in-progress		
(b) Less: Opening Stock — Finished Goods — Finished Goods		
Net Increase / Decrease (a-b)		

FORM 1-I

Appendix forming part of Income and Expenditure for the period/Year ended

Name of Authority/Committee

(Amount Rs.)

APPENDIX 20 – ESTABLISHMENT EXPENSES	Current Year	Previous Year
(a) Salaries and Wages		
(b) Allowances and Bonus		
(c) Contribution to Provident Fund		
(d) Contribution to Other Fund (specify)		
(e) Staff Welfare Expenses		
(f) Expenses on Employees' Retirement and Terminal Benefits		
(g) Others (Specify)		
Total		

FORM 1-J

Appendix forming part of Income and Expenditure for the period/Year ended

Name of Authority/Committee

(Amount Rs.)

APPENDIX 21 – OTHER ADMINISTRATIVE EXPENSES, ETC.	Current Year	Previous Year
(a) Purchases		
(b) Labour and Processing expenses		
(c) Cartage and Carriage Inwards		
(d) Electricity and Power		
(e) Water Charges		
(f) Insurance		
(g) Repairs and Maintenance		
(h) Excise Duty		
(i) Rent, Rates and Taxes		
(j) Vehicles Running and Maintenance		
(k) Postage, Telephone and Communication Charges		
(l) Printing and Stationery		
(m) Travelling and Conveyance Expenses		
(n) Expenses on Seminal/Workshops		
(o) Subscription Expenses		
(p) Expenses on Fees		
(q) Auditors Remuneration		
(r) Hospitality Expenses		
(s) Professional Charges		
(t) Provision for Bad and Doubtful Debts / Advances		
(u) Irrecoverable Balance Written-off		
(v) Packaging Charges		
(w) Freight and Forwarding Expenses		
(x) Distribution Expenses		
(y) Advertisement and Publicity		
(z) Others (Specify)		
Total		

FORM 1-K

Appendix forming part of Income and Expenditure for the period/Year ended

Name of Authority/Committee

(Amount Rs.)

APPENDIX 22 – EXPENDITURE ON GRANTS, SUBSIDIES, ETC.	Current Year	Previous Year
(a) Grants given to Institutions / Organisations		
(b) Subsidies given to Institutions / Organisations		
Total		
Note.—Name of the entities, their activities alongwith the amount of Grants/Subsidies are to be disclosed.		

FORM 1-L

Appendix forming part of Income and Expenditure for the period/Year ended

Name of Authority/Committee

(Amount Rs.)

APPENDIX 23 – INTEREST	Current Year	Previous Year
(a) On Fixed Loans		
(b) On Other Loans (Including Bank Charges)		
(c) Others		
Total		

FORM 2

Balance Sheet as on

Name of Authority/Committee.....

(Amount Rs.)

<i>Corpus/Capital Fund and Liabilities</i>	Appendix	Current year	Previous year
Corpus / Capital Fund			
Reserves and Surplus	1	....	....
Earmarked / Endowment Funds	2	....	....
Secured Loans and Borrowings	3	....	....
Unsecured Loans and Borrowings	4	....	....
Deferred Credit Liabilities	5	....	....
Current Liabilities and Provisions	6	....	....
	7	....	....
Total (A)			
<i>Assets</i>			
Fixed Assets	8	....	....
Investments-from Earmarked/Endowment Funds	9	....	....
Investments-Others	10	....	....
Current Assets, Loans, Advances, etc.	11	....	....
Miscellaneous Expenditure (to the extent not written off or adjusted			
Total			
Significant Accounting Policies	24		
Contingent Liabilities and Notes on Accounts	25		

FORM 2-A

Appendix forming part of Balance Sheet as on

Name of Authority/Committee.....

	Current year		Previous year	
APPENDIX 24—CORPUS / CAPITAL FUND:				
Balance on the beginning of the year
Add Contributions towards Corpus/Capital Fund				
Add/(Deduct): Balance of net income (expenditure) transferred from the Income and Expenditure Account.
Balance as on the end of the Year				

FORM 2-B

Appendix forming part of Balance Sheet as on
Name of Authority/Committee.....

	Current year		Previous year	
APPENDIX 25—RESERVES AND SURPLUS:				
1. Capital Reserves :				
As per last Account				
Addition during the year				
Less deductions during the year				
2. Revaluation Reserve:				
As per last Account				
Addition during the year				
Less deductions during the year				
3. Special Reserves:				
As per last Account				
Addition during the year				
Less deductions during the year				
4. General Reserve:				
As per last Account				
Addition during the year				
Less deductions during the year				
Total				

FORM 2-C

Appendix forming part of Balance Sheet as on
 Name of Authority/Committee.....

APPENDIX 26—EARMARKED/ENDOWMENT FUNDS:	Fund-Wise break up				Total	
	Name of Fund	Name of Fund	Name of Fund	Name of Fund	Current Year	Previous Year
<i>(a) Opening balance of the Fund</i>						
<i>(b) Additions to the Funds:</i>						
(i) Donations / grants						
(ii) Income from Investments made on account of Funds						
(iii) Other additions (specify nature)						
Total (a + b)						
<i>(c) Utilisation/Expenditure towards objectives of Funds</i>						
<i>(i) Capital Expenditure</i>						
— Fixed Assets						
— Others						
— Total						
<i>(ii) Revenue Expenditure</i>						
— Salaries, Wages and Allowances, etc.						
— Rent						
— Other Administrative expenses						
— Total						
Total (c)						
Net Balance as on the end of the Year (a + b + c)						

Note 1.—Disclosures shall be made under relevant heads based on conditions attaching to the grants.

Note 2.—Plan Funds received from the Central/State Governments are to be shown as separate Fund and not to be mixed up with any other Fund.

FORM 2-D

Appendix forming part of Balance Sheet as on

Name of Authority/Committee.....

(Amount-Rs.)

	Current year		Previous year	
APPENDIX 27—SECURED LOANS AND BORROWINGS:				
1. Central Government				
2. State Government				
3. Financial Institutions				
(a) Term Loans				
(b) Interest accrued and due				
4. Banks				
(a) Term Loans				
— Interest accrued and due				
(b) Other Loans				
— Interest accrued and due				
5. Other Institutions and Agencies				
6. Debentures and Bonds				
7. Others				
Total				
Note.—Amounts due within one year.				

FORM 2-E

Appendix forming part of Balance Sheet as on

Name of Authority/Committee.....

(Amount Rs.)

	Current Year	Previous Year
APPENDIX 28 – UNSECURED LOANS AND BORROWINGS:		
1. Central Government		
2. State Government		
3. Financial Institutions		
4. Banks		
(a) Term Loans		
(b) Other Loans		
5. Other Institutions and Agencies		
6. Debentures and Bonds		
7. Fixed Deposits		
8. Others		
Total		
Note.—Amounts due within one year.		

FORM 2-F

Appendix forming part of Balance Sheet as on

Name of Authority/Committee.....

(Amount Rs.)

	Current Year	Previous Year
APPENDIX 29 – DEFERRED CREDIT LIABILITIES:		
(a) Acceptances Secured by hypothecation of capital equipment and other assets.		
(b) Others		
Total		
Note.—Amounts due within one year.		

FORM 2-G

Appendix forming part of Balance Sheet as on
 Name of Authority/Committee.....

(Amount Rs.)

	Current Year	Previous Year
APPENDIX 30 – CURRENT LIABILITIES AND PROVISIONS:		
<i>A. Current Liabilities</i>		
1. Acceptances		
2. Sundry Creditors:		
(a) For Goods		
(b) Others		
3. Advances received		
4. Interest accrued but not due on:		
(a) Secured loans/borrowings		
(b) Unsecured loans/borrowings		
5. Statutory Liabilities:		
(a) Overdue		
(b) Others		
6. Other Current Liabilities		
Total (A)		
<i>B. Provisions</i>		
1. For Taxation		
2. Gratuity		
3. Superannuation/Pension		
4. Accumulated Leave Encashment		
5. Trade Warranties/Claims		
6. Others		
Total (B)		
Total (A + B)		

FORM 2-H

Appendix forming part of Balance Sheet as on
 Name of Authority/Committee.....

APPENDIX 31—FIXED ASSETS: Description								(Amount Rs.)	
			Gross Block			Depreciation		Net Block	
	Cost/ valuation as on beginning of the year	Additions during the year	Deductions during the year	Cost/ valuation at the end of the year	As on the beginning of the year	On additions during the year	Total up to the end of the year	As on the end of Current Year	As on the end of Previous Year
A. Fixed Assets:									
1. Land									
(a) Freehold									
(b) Leasehold									
2. Buildings :									
(a) On Freehold Land									
(b) On Leasehold Land									
(c) Ownership Flats/Premises									
(d) Superstructures on Land not belonging to the entry									
3. Plant, Machinery and Equipment									
4. Vehicles									
5. Furniture, Fixtures									
6. Office Equipment									
7. Computer/Peripherals									
8. Electric Installations									
9. Library Books									
10. Tubewells and Water Supply									
11. Other Fixed Assets									
Total of Current Year									
Total of Previous Year									
B. Capital Work-in-Progress									
Total									
Note.— To be given as to cost of assets on hire-purchase basis included above.									

FORM 2-I

Appendix forming part of Balance Sheet as on
Name of Authority/Committee.....

(Amount Rs.)

APPENDIX 32—INVESTMENTS FROM EARMARKED/ENDOWMENT FUNDS:	Current Year	Previous Year
1. In Government Securities		
2. Other Approved Securities		
3. Shares		
4. Debentures and Bonds		
5. Subsidiaries and Joint Ventures		
6. Others		
Total		

FORM 2-J

Appendix forming part of Balance Sheet as on
Name of Authority/Committee.....

(Amount Rs.)

APPENDIX 33—INVESTMENTS—OTHERS	Current Year	Previous Year
1. In Government Securities		
2. Other Approved Securities		
3. Shares		
4. Debentures and Bonds		
5. Subsidiaries and Joint Ventures		
6. Others		
Total		

FORM 2-K

Appendix forming part of Balance Sheet as on
 Name of Authority/Committee.....

(Amount-Rs.)

APPENDIX 34—CURRENT ASSETS, LOANS, ADVANCES, ETC:	Current year		Previous year	
A. Current Assets				
1. Inventories:				
(a) Stores and Spares				
(b) Loose Tools				
(c) Stock-in-trade				
Finished Goods				
Work-in-progress				
Raw Materials				
2. Sundry Debtors:				
(a) Debts Outstanding for a period exceeding six months				
(b) Others				
3. Cash balances in hand (including cheques/drafts and imprest)				
4. Bank Balances				
(a) With Scheduled Bank:				
— On Current Accounts				
— On Deposit Accounts (includes margin money)				
— On Savings Accounts				
(b) With non-Scheduled Banks:				
— On Current Accounts				
— On Deposit Accounts				
— On Saving Accounts				
5. Post Office-Savings Accounts				
Total (A)				
B. Loans, Advances and Other Assets				
1. Loans:				
(a) Staff				
(b) Other Entities engaged in activities/objectives similar to that of the Entity				
(c) Other (Specify)				
2. Advances and other amounts recoverable in cash or in kind or for value to be received:				
(a) On Capital Account				
(b) Repayments				
(c) Others				
3. Income Accrued:				
(a) On Investments from Earmarked/Endowment Funds				
(b) On Investments—Others				
(c) On Loans and Advances				
(d) Others				
(includes income due unrealised-Rs.)				
4. Claims Receivable				
Total (B)				
Total (A + B)				

FORM 3

Appendix forming part of Balance Sheet as on
Name of Authority/Committee.....

Significant Accounting Policy Certificates**1. Accounting Convention**

The financial statements are prepared on the basis of historical cost convention, unless otherwise stated and on the actual method of accounting.

2. Inventory Valuation

1. Stores and Spares (including machinery spares) are valued at cost.
2. Raw materials, semi-finished goods and finished goods are valued at lower of cost and net realizable value. The costs are based on weighed average cost. Cost of finished goods and semi-finished goods is determined by considering material, labour and related overhead.

3. Investments

- (1) Investments classified as "long term investments" are carried at cost. Provision for decline, other than temporary, is made in carrying cost of such investments.
- (2) Investments classified as "Current" are carried at lower of cost and fair value. Provision for shortfall on the value of such investments is made for each investment considered individually and not on a global basis.
- (3) Cost includes acquisition expenses like brokerage, transfer stamps.

4. Excise Duty

Liability for excise duty in respect of goods produced by the entity, other than for exports, is accounted upon completion of manufacture and provision is made for excisable manufactured goods as at the year-end.

5. Fixed Assets

- (1) Fixed Assets are stated at cost of acquisition inclusive of inward freight, duties and taxes and incidental and direct expenses related to acquisition in respect of projects involving construction, related pre-operational expenses (including interest on loans for specific project prior to its completion), form part of the value of the assets capitalized.
- (2) Fixed Assets received by way of non-monetary grants (other than towards the Corpus Fund), are capitalised at values stated, by corresponding credit to Capital Reserve.

6. Depreciation

- (1) Depreciation is provided on straight-line method as per rates specified in the Income-tax Act, 1961, except depreciation on cost adjustments arising on account of conversion of foreign currency liabilities for acquisition of fixed assets, which is amortized over the residual life of the respective assets.

(2) In respect of additions to/deductions from fixed assets during the year, depreciation is considered on pro-rata basis.

(3) Assets costing Rs. 5,000 or less each are fully provided.

7. Miscellaneous Expenditure

Deferred revenue expenditure is written off over a period of 5 years from the year it is incurred.

8. Accounting for Sales

Sales include excise duty and are net of sales returns, rebate and trade discount.

9. Government Grants/Subsidies *

(1) Government grants of the nature of contribution towards capital cost of setting up projects are treated as Capital Reserve.

(2) Grants in respect of specific fixed assets acquired are shown as a deduction from the cost of the related assets.

(3) Government grants/subsidy are accounted on realisation basis.

10. Foreign Currency Transactions

(1) Transactions denominated in foreign currency are accounted at the exchange rate prevailing at the date of the transaction.

(2) Current assets, foreign currency loans and current liabilities are converted at the exchange rate prevailing as at the year end and the resultant gain/loss is adjusted to cost of fixed assets, if the foreign currency liability relates to fixed assets, and in other cases is considered to revenue.

11. Lease

Lease rentals are expensed with reference to lease terms.

12. Retirement Benefits

(1) Liability towards gratuity payable on death/retirement of employees is accrued based on actuarial valuation.

(2) Provision for accumulated leave encashment benefit to the employees is accrued and computed on the assumption that employees are entitled to receive the benefit as at each year end.

FORM 4

Appendix forming part of Balance Sheet as on
.....

Name of Authority/Committee.....

Certificates in respect of Contingent Liabilities and Notes on Accounts (Illustrative)

1. Contingent Liabilities

(1) Claims against the Entity acknowledged as debts—Rs. (Previous Year Rs.....)

- (2) In respect of
- Bank Guarantees given by/on behalf of the Entity—Rs.....(Previous Year Rs.....)
 - Letters of Credit opened by Bank on behalf of the Entity Rs. (Previous Year Rs.....)
 - Bills discounted with Banks Rs.....(Previous Year Rs.....)
- (3) Disputed demands in respect of
- Income-tax Rs.(Previous year Rs.....)
 - Sales-tax Rs.(Previous year Rs.....)
 - Municipal Tax(Previous year Rs.....)
- (4) In respect of claim from parties for non-execution of orders, but contested by the Entity Rs.....
.....(Previous year Rs.)

2. Capital Commitments

Estimated value of contracts remaining to be executed on capital account and not provided for (net of advances) Rs..... (Previous year Rs.....)

3. Lease Obligations

Future obligations for rentals under finance lease arrangements for plant and machinery amount to Rs.....(Previous year Rs.....)

4. Current Assets, Loans and Advances

In the opinion of the management, the current assets, loans and advances have a value on realisation in the ordinary course of business, equal at least to the aggregate amount shown in the Balance Sheet.

5. Taxation

In view of there being no taxable income under Income-tax Act, 1961, no provision for Income tax has been considered necessary.

6. Foreign Currency Transactions

(Amount-Rs)

- | | Current Year | Previous |
|--|--------------|----------|
| (1) Value of Imports Calculated on C.I.F. Basis | | |
| Year | | |
| —Purchase of finished Goods | | |
| —Raw Materials & Components (including in transit) | | |
| —Capital Goods | | |
| —Stores, Spares and Consumables | | |
| (2) Expenditure in foreign currency * | | |
| (a) Travel | | |
| (b) Remittances and Interest payment to Financial Institutions/Banks in Foreign Currency | | |
| (c) Other expenditure | | |
| —Commission on Sales | | |

—Legal and Professional Expenses

—Miscellaneous Expenses

(3) Earnings:

Value of Exports on FOB basis

(4) Remuneration to auditors:

As Auditors

—Taxation matters

—For Management services

—For certification Others

7. Corresponding figures for the previous year have been regrouped / rearranged, wherever necessary.

8. Appendix 1 to 23 are annexed to and form an integral part of the Balance Sheet as atand the Income and Expenditure Account for the year ended on that date.

FORM 5

Receipts and Payments for the period/Year ended
 Name of Authority/Committee.....

(Amount-Rs.)

Receipts	Curr- ent Year	Previ- ous Year	Payments	Curr- ent Year	Previ- ous Year]
I Opening Balances (a) Cash in hand (b) Bank Balances (i) In current accounts (ii) In deposit accounts (iii) Saving accounts II Grants Received (a) From Government of India (b) From State Government (c) From Other sources (details) (Grants for capital & revenue expenditure— To be shown separately) III Income on Investments from (a) Earmarked /Endowment Funds (b) Own Funds (Other Investment) IV Interest Received (a) On Bank deposits (b) Loans, Advances, etc., V Other Income (Specify) VI Amount Borrowed VII Any other receipts (give details)			I Expenses (a) Establishment Expenses (Corresponding to Schedule 20) (b) Administrative Expenses (Corresponding to Schedule 21) II Payments made against funds for various Projects (Name of the fund or project should be shown alongwith the particulars of payments made for each project). III Investments and deposits made (a) Out of Earmarked/Endowment funds (b) Out of Own Funds (Investment others) IV Expenditure on Fixed Assets & Capital Work-in-progress. (a) Purchase of Fixed Assets. (b) Expenditure on Capital Work-in- progress. V Refund of surplus money/Loans (a) To the Government of India (b) To the State Government (c) To other providers of funds VI Finance Charges (Interest) VII Other Payments (Specify) VIII Closing Balances (a) Cash in hand (b) Bank Balances (i) In current accounts (ii) In deposit accounts (iii) Savings accounts		
Total			Total		

The Supreme Court Legal
Services Committee Rules,
2000

THE SUPREME COURT LEGAL SERVICES COMMITTEE RULES, 2000

In exercise of the powers conferred by section 27 of the Legal Services Authorities Act, 1987 (39 of 1987), the Central Government in consultation with Chief Justice of India, hereby makes the following rules, namely:—

1. Short title and commencement.—

- (a) these rules may be called the Supreme Court Legal Services Committee Rules, 2000.
- (b) They shall come into force on the date of their publication in the Gazette of India.

2. Definitions.—In these rules unless the context otherwise requires—

- (a) “Act” means the Legal Services Authorities Act, 1987 (39 of 1987);
- (b) “Member” means the Members of the Supreme Court Legal Services Committee nominated under clause (b) of sub-section (2) of section 3A of the Act;
- (c) “Secretary” means the Secretary of the Supreme Court Legal Services Committee appointed under sub-section (3) of section 3A of the Act;
- (d) all other words and expressions used in these rules but not defined shall have the same meaning as assigned to them in the Act.

3. The number, experience and qualifications of Members of the Supreme Court Legal Services Committee under clause (b) of sub-section (2) of section 3A.—

- (a) The Supreme Court Legal Services Committee shall consist of not more than nine Members.
- (b) The following shall be the ex officio Members of the Supreme Court Legal Services Committee:—
 - (i) Attorney General of India;
 - (ii) Additional Secretary in the Department of legal Affairs, Ministry of Law, Justice and Company Affairs, Government of India or his nominee;
 - (iii) Additional Secretary in the Department of Expenditure, Ministry of Finance, Government of India or his nominee; and
 - (iv) Registrar General of the Supreme Court of India.

- (c) The Chief Justice of India may nominate other Members from amongst those possessing the qualification and experience prescribed in sub-rule (4) of the rules.

(4) A person shall not be qualified for nomination as a Member unless he is—

- (a) an eminent person in the field of law; or
- (b) a person of repute who is specially interested in the implementation of the Legal Services Schemes; or
- (c) an eminent social worker who is engaged in the upliftment of the weaker sections of the society including Scheduled Castes, Scheduled Tribes, women, children, rural and urban labour.

5. The number of officers and other employees of the Supreme Court Legal Services Committee under sub-section (5) of section 3A.—

The Supreme Court Legal Services Committee shall have such number of officers and other employees for rendering secretarial assistance and for its day-do-day functions as are set out in the Schedule to these rules or as may be notified by the Central Government from time to time.

6. The conditions of service and the salary and allowances payable to the officers and employees of the Supreme Court Legal Services Committee under sub-section (6) of section 3A.—

- (a) The officers and other employees of the Supreme Court Legal Services Committee shall be entitled to draw pay and allowances in the scale of pay indicated against each post in the Schedule to these rules or at par with the Central Government employees holding equivalent posts.
- (b) In all matters like age of retirement, pay and allowances, benefits and entitlements and disciplinary matters, the officers and employees of the Supreme Court Legal Services Committee shall be governed by the Central Government rules as are applicable to persons holding equivalent posts.
- (c) The officers and other employees of the Supreme Court Legal Services Committee shall be entitled to such other facilities and benefits as may be notified by the Central Government from time to time.

Explanation.—The words “benefits”, “allowances”, “entitlements”, “facilities” occurring in these rules shall be deemed to include, the entitlement to gratuity, provident fund, housing, medical benefits, pension, group insurance, and all other benefits as are available to employees of the Central Government holding equivalent posts.

7. The upper limit of annual income of a person entitling him to legal services under clause (h) of section 12, if the case is before the Supreme Court. —

A person whose annual income from all sources does not exceed [Rs. 1,25,000 (Rupees one lakh twenty-five thousand)] per annum shall be entitled to legal services under clause (h) of section 12 of the Act.

8. The experience and qualifications of other persons of the Lok Adalats organised by the Supreme Court Legal Services Committee specified in sub-section (3) of section 19.—

A person shall not be qualified to be included in the Lok Adalat unless he is—

- (a) a member of the legal profession; or
- (b) a person of repute who is specially interested in the implementation of the Legal Services Schemes and Programmes; or
- (c) an eminent social worker who is engaged in the upliftment of the weaker sections of the society, including Scheduled Castes, Scheduled Tribes, women, children, rural and urban labour.

SCHEDULE*(See Rules 5 and 6)***SANCTIONED STRENGTH OF THE STAFF OF THE SUPREME COURT LEGAL SERVICES COMMITTEE**

Sl. No.	Designation	Scale of pay	No. of Posts
I.	OFFICERS		
1.	Secretary	Rs. 14300-400-18300	1
2.	Legal Service Counsel-cum-Consultant	Rs. 12000-375-16500	1
3.	Superintendent	Rs. 6500-200-10500	1
		TOTAL	3
II.	ESTABLISHMENT		
1.	Assistant	Rs. 5500-175-9000	2
2.	Upper Division Clerk	Rs. 4000-100-6000	2
3.	Upper Division Clerk-cum-Accountant	Rs. 4000-100-6000	1
4.	Junior Stenographer	Rs. 4000-100-6000	1
5.	Lower Division Clerk	Rs. 3050-75-3950-80-4590	4
6.	Daftry	Rs. 2610-60-3150-65-3540	1
7.	Peon	Rs. 2550-55-2660-60-3200	3
8.	Farash	Rs. 2550-55-2660-60-3200	1
		TOTAL	15
		GRAND TOTAL of Officers and staff	18



The Jharkhand State Legal
Services
Authority Rules, 2001

THE JHARKHAND STATE LEGAL SERVICES AUTHORITY RULES, 2001

- 1. Short title and commencement.**—(1) These Rules may be called the Jharkhand State Legal Services Authority Rules, 2001.

(2) It shall come into force on such date as the State Government may, by notification, published in Official Gazette, appoint.
- 2. Definitions.**—In these Rules unless the context otherwise requires.—
 - (a) “Act” means the Legal Services Authorities Act, 1987;
 - (b) “Chairman” means the Executive Chairman of the State Authority or as the case may be, of the High Court Legal Services Committee, District Legal Services Authority and the Sub-divisional Legal Services Committee;
 - (c) “High Court” means the High Court of Jharkhand, Ranchi;
 - (d) “High Court Committee” means a High Court Legal Services Committee;
 - (e) “Member” means the Member of the State Legal Services Authority, or as the case may be, member of the High Court Legal Services Authority, or, as the case may be, member of the District Legal Services Authority, as the case may be, member of the Sub-divisional Legal Services Authority;
 - (f) “Secretary” means the Member Secretary of the State Legal Services Authority or, as the case may be, Secretary of the High Court Legal Services Committee, or as the case may be, Secretary of the District Legal Services Authority;
 - (g) “State Government” means the State Government of Jharkhand;
 - (h) “Sub-divisional Authority” means the Sub-divisional Legal Services Authority;
 - (i) All words and expressions used in these Rules but not defined shall have the same meaning as assigned to them in the Act.
- 3. Constitution of the State Legal Services Authority.**— Besides the Chief Justice of High Court as its Patron-in-Chief, a serving or retired Judge of a High Court nominated by the Governor in consultation with the Chief Justice of the High Court as its executive Chairman, the State Legal Services Authority shall consist of the following :
 - (A) *Ex-officio* Members :
 - (i) Advocate-General, Jharkhand,
 - (ii) President, State Bar Council, as and when constituted,
 - (iii) Secretary to Government of Jharkhand, Department of Home Affairs,

- (iv) Secretary, Finance Department,
- (v) Secretary, Law Department,
- (vi) Director-General of Police, Jharkhand,
- (vii) Director, Tribal Research Institute, Ranchi.

(B) The following other members to be nominated by the State Government in consultation with the Chief Justice of the High Court (hereinafter referred to as the nominated members):—

- (i) Two chair-persons of the District Authority or two District Judges or Addl. District Judges,
- (ii) Three eminent Social Workers, of which one shall be a woman engaged in the upliftment of the weaker, sections of the society, such as scheduled castes, scheduled tribes, backward classes, women, children and rural and urban labour or peasants;
- (iii) One woman member of the Bar;
- (iv) One representative of industrial workers: and
- (v) Such other person or persons as the State Government in consultation with the Chief Justice may think fit

(C) An Officer of the State Higher Judicial Services, not lower in rank than a District Judge to be appointed by the State Government in consultation with the Chief Justice of the High Court, shall be the Member-Secretary of the State Authority.”

4. Powers and Functions of the Member Secretary.—(1) The Secretary shall be the Chief Executive Officer of the State Authority and shall under the control of the State Authority exercise all the administrative and financial powers in respect of the affairs of the State Authority are vested in the Head of Office under the Jharkhand Service Code, the Jharkhand Financial Rules and other Rules, Codes, Circulars or resolutions of the State Government.

(2) Without prejudice to the generality of the foregoing provisions, the powers and functions of the Secretary inter-alia, shall be—

- (a) to be custodian of, and to manage the properties, records and funds of the State Authority;
- (b) to maintain or cause to be maintained, proper accounts of the State Authority;
- (c) shall get the accounts of the State Authority to be audited annually by proper Authority;

- (d) to prepare annual Budget of the State Authority and shall send it to the State Government for approval;
- (e) to work out modalities of the Legal Services Schemes and programmes approved by the State Authority and ensure their effective monitoring and implementation;
- (f) to inform the general public about the various aspects of the Legal Services Schemes and Programmes;
- (g) to lay stress on the resolution of rural dispute and to take measures to draw up schemes for legal services for settling rural disputes;
- (h) to liaise with Social Acting Groups and District Authority and Subdivisional Authority;
- (i) to maintain up-to-date and complete statistical information including progress made in the implementation of various legal services programmes from time-to-time;
- (j) to process proposals for financial assistance and issue utilisation certificates thereof;
- (k) to perform such other functions as the Member Secretary may deem fit and proper for the advancements of the objects of the Act or as may be assigned to him under the Scheme by the State Authority.

5. Terms and conditions of Office Members and Member Secretary.—(1) The Secretary shall be an officer of the State Higher Judicial Service, not lower in rank than that of District Judge in super time scale who shall be appointed by the State Government in consultation with the Chief Justice of the High Court.

- (2) The Secretary shall be a whole time Officer and shall hold office for a period of three years.
- (3) The Secretary shall be entitled to such salary, allowances and other benefits as are admissible to a District Judge and shall also be governed by the Bihar Superior Judicial Service Rules.
- (4) The term of the member of the State Authority, High Court Legal Services Committee, District Legal Services Authority and Sub-divisional Legal Services Committee shall be for a period of two years and shall be eligible for renomination.
- (5) A nominated member of the State Authority may be removed by the State Government on the advice of the Chief Justice of the High Court, if his continuance as a Member is not desirable.

- (6) Any nominated member of the State Authority may resign his membership by communication in writing signed by him and addressed to the Chief Justice of the High Court.
- (7) Any vacancy caused by any Member resigning or being removed or otherwise shall be filled up in the same manner as the original nomination and the person so nominated shall continue to be member for the remaining term of the member in whose place he is nominated.
- (8) A member shall be entitled to draw travelling allowance and daily allowance for attending the meeting of the State Authority in accordance with rules as are applicable to Class I Officers of the State Government.
- (9) Whenever a retired Judge of the High Court is nominated to perform the functions of the Executive Chairman, he shall be entitled to all the emoluments and other benefits admissible to a sitting Judge of the High Court,

6. Staff of the State Authority.—The State Authority shall have such number of officers and other employees for its day to day functions as are set out in the Schedule of these rules. The Schedule shall, however, be amended by the State Government on the advice of the Chief Justice.

7. Pay, allowances, and other facilities to the Officers and employees of the State Authority,—(1) In all matters like age of retirement, pay and allowances, benefits and entitlements and disciplinary matters, the Member Secretary shall be governed by the Jharkhand Superior Judicial Service Rules and other judicial officers below the rank of Additional District & Sessions Judge shall be governed by the rules of their parent departments and they shall be on deputation to the State Authority.

- (2) The other employees of the State Authority shall be governed by Jharkhand Service Code and the rules and circulars applicable to the State Government employees. However such employees who are on deputation to the State Authority / shall be governed by the respective rules and circulars applicable to them of their A parent department.
- (3) The Officers and other employees of the State Authority shall be entitled to such other facilities, and benefits as. may be notified by the State Government from time to time.

8. Appointment of the Secretary of the High Court Legal Services Committee.—A person shall not be qualified for appointment as Secretary of the High Court Legal Services Committee unless he is an officer of the High Court not below the rank of Joint Registrar.

- 9. Staff of the High Court Legal Services Committee and their salary and allowances.—**
- (1) The High Court Legal Services Committee shall have such number of officers and employees for its day-to-day functions as are set out in Schedule of these rules. The schedule shall, however, be liable to be modified on the advice of the Chief Justice.
 - (2) Such pay and allowances to the staff of the High Court Legal Services Committee admissible shall be as may be determined by the State Government from time to time.
 - (3) The Officers and other employees of the High Court Legal Services Committee governed by the Jharkhand Service Code and rules and circulars applicable to the State Government employees, or, as the case may be, by the Staff Rules of the High Court of Jharkhand.

10. Constitution of District Authority.—The District Authority shall consist of—

- (a) District Judge—*Chairman*.
- (b) District Magistrate—*Vice-Chairman*.

Members

- (c) Superintendent of Police.
- (d) District Government Pleader.
- (e) District Public Prosecutor.
- (f) President, District Bar Association.
- (g) One social worker, who is engaged in upliftment of the weaker sections shall be nominated by the State Government in consultation with the Chief Justice of High Court.
- (h) One S.C./S.T. member of the District Bar to be nominated by the State Government in consultation with the Chief Justice of the High Court.
- (i) An officer belonging to the State Judicial Service not lower in rank than that of a Sub-ordinate Judge of the District to be appointed by the State Authority in consultation with the Chief Justice—*Secretary*.

Notification

[No. 3-Memo No. 123A/2002 dated 31st May, 2002—in exercise of the powers conferred under the provisions of section 9(3) of the Legal Services Authorities Act, 1987 (Act No. 39 of 1987) as amended by the Legal Services Authority (Amendment Act No. 59 of 1994) read with Rule 10(1) of the Jharkhand State Legal Services Authority Rules, 2001 and in consultation with the Chairman of the District Legal Services Authority of every District, wherever necessary

to give effect to the provisions of the Act, the Jharkhand State Legal Services Authority does hereby appoint the Subordinate Judge I posted at the seat of the District Judiciary at each District within the State of Jharkhand, as Secretary of the District Legal Services Authority of his District to exercise such powers and perform such duties under the Chairman of the District Authority as may be assigned to him by such Chairman.]

- 11. Staff of the District Authority.**—The District Authority shall have such number of staff for its day-to-day functions as are set out in the schedule of these rules or as may be notified by the State Government from time to time in consultation with the Chief Justice.
- 12. Allowance to the staff of the District Authority.**—(1) The staff of the District Authority shall be appointed by the Chairman from amongst the Civil Court employees of the District on deputation.
- 13. Constitution of Sub-divisional Legal Services Committee.**—The Sub-divisional Legal Services Committee shall consist of—
 - (a) Senior-most Judicial officer of the Sub-division—*Chairman*.
 - (b) Sub-divisional Magistrate—*Vice-chairman*.

Members

- (c) One Asstt. Government Pleader.
 - (d) One member of the Local Bar Association to be nominated by the State Government in consultation with the Chief Justice of the High Court.
 - (e) One member of the Scheduled Castes/Scheduled Tribes to be nominated by the State Government in consultation with the Chief Justice of the High Court.
 - (f) Sub-divisional Judicial Magistrate or in case the Cadre S.D.J.M. is Chairman the next Judicial officer posted at the Station—*Secretary*.
- 14. Staff of the Sub-divisional Committee.**—The Sub-divisional Legal Services Committee shall have such number of staff for its day-to-day functions as are set out in the Schedule of these rules or as may be notified by the State Government from time to time.
- 15. Allowance to the staff of the Sub-divisional Committee.**—The staff of the Sub-divisional legal services committee shall be appointed by the Chairman of the District Authority from amongst the staff of the civil court on deputation.
- 16. Persons eligible for Legal Services.**—Persons who are bonafide residents of Jharkhand having income of not more than Rs. 1,00,000 per annum under Section 12 (h) of the Act shall be eligible for legal services under the Act.
- 17. Constitution of Lok Adalats.**—A person shall not be qualified to be included in the Bench of LokAdalat unless he is—

- (a) A serving or retired Judicial officer.
- (b) A distinguished social worker who is engaged in the upliftment of the weaker sections of the people including Scheduled Castes/Scheduled Tribes, Women, Children, Rural and Urban Labour.
- (c) A lawyer of standing.
- (d) A person of repute who is specially interested in the implementation of the legal services schemes and programmes.

SCHEDULE-1
State Authority

Sl.No.	Post	No. of Posts.	Scale
1	2	3	4
1.	Member-Secretary	— 1	5900-6700 (Un-revised) (Senior Judicial Service in Supertime Scale)
2.	Joint Registrar	— 1	3700-5000 (Un-revised) (Senior Judicial Service)
3.	Section Officer	— 1	6500-10500/-
4.	Senior P.A.	— 1	6500-10500/-
5.	P.A.	— 2	5500-9000/-
6.	Assistant (Shall perform the duty of the Routine Clerk in addition to his duty)	— 4	5500-9000/- (Required proficiency in Typing as well as Computer)
7.	Accountant	— 1	4000-6000/-
8.	Treasury Sarkar	— 1	2650-3540/-
9.	Driver	— 1	3050-4590/-
10.	Sweeper (Shall perform the duty in Authority & Services Committee at the same time)	— 1	on the basis of contract
11.	Peon	— 4	2550-3200/-
12.	Night Guard	— 4	2550-3200/-

High Court Legal Services Committee Ranchi

1.	Secretary	— 1	3700-5000/- (Un-revised) Senior Judicial Service as District
2.	Section Officer	— 1	6500-10500/-
3.	P.A.	— 1	5500-9000/-
4.	Assistant (Shall perform the duty of Routine Clerk in addition to his duty)	— 3	5500-9000/- (Required proficiency in Typing and Computer)
5.	Peon	— 2	2550-3200/-

District Legal Services Authority

1.	Clerk	— 1	4000-6000/-
2.	Typist	— 1	400-6000/-
3.	Peon	— 1	2550-3200/-
4.	Sweeper	— 1	2550-3200/-

Subdivisional Legal Services Committee

1.	Clerk-cum-Typist	— 1	4000/-6000/-
2.	Peon	— 1	2550-3200/-
3.	Sweeper	— 1	2550-3200/-

III. REGULATIONS

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National Legal
Services Authority
(Lok Adalats)
Regulations, 2009

NATIONAL LEGAL SERVICES AUTHORITY (LOK ADALATS) REGULATIONS, 2009

(As amended vide notification F.No. L/28/09/NALSA dated 28.08.2019 published in the Gazette of India on 6.9.2019)

In exercise of the powers conferred by section 29 of the Legal Services Authorities Act, 1987 (39 of 1987), the Central Authority hereby makes the following regulations, namely:

- 1. Short title and commencement.** — (1) These regulations may be called The National Legal Services Authority (Lok Adalats) Regulations, 2009.
(2) They shall come into force on the date of their publication in the Official Gazette.
- 2. Definitions.** — In these regulations, unless the context otherwise requires,—
 - (a) ‘Act’ means the Legal Services Authorities Act, 1987 (39 of 1987);
 - (b) ‘Lok Adalats’ means Lok Adalats to be organised under section 19 of the Act;
 - ¹(ba) ‘Pre-Litigation matter’ means a dispute between the parties which is not filed before the court.
 - (c) all other words and expressions used but not defined in these regulations and defined in the Legal Services Authorities Act, 1987 (39 of 1987) or the National Legal Services Authority Rules, 1995 shall have the meanings respectively assigned to them in the said Act or rules.
- 3. Procedure for organising Lok Adalats.**— (1) Lok Adalats may be organised by the State Authorities or District Authorities or Supreme Court Legal Services Committee or High Court Legal Services Committee or, as the case may be, the Taluk Legal Services Committees at regular intervals and such Lok Adalats shall be organised for a definite geographical area as the aforesaid Authorities or Committees think fit :

Provided that, special Lok Adalats shall be organised for all Family Courts at regular intervals.
(2) The Member-Secretary or Secretary of the High Court Legal Services Committee or District Authority or, as the case may be, the Chairman of the Taluk Legal Services Committee may associate the members of the legal profession, college students, social organisations, charitable and philanthropic institutions and other similar organisations for organising the Lok Adalats.

¹ Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

4. Intimation to the State Authority. — The Secretary of the High Court Legal Services Committee or District Authority or Chairman of the Taluk Legal Services Committee, as the case may be, shall inform the State Authority about the proposal to organise the Lok Adalat, well before the date on which the Lok Adalat is proposed to be organised, and furnish the following information to the State Authority, namely: —

- (i) the place and the date on which the Lok Adalat is proposed to be organised;
- (ii) whether any of the organisations as referred to in sub-regulation (2) of regulation 3 above have agreed to associate themselves with Lok Adalat;
- (iii) categories and nature of cases, viz. pending cases or pre-litigation disputes, proposed to be placed before the Lok Adalat;
- (iv) number of cases proposed to be brought before the Lok Adalat in each category;
- (v) any other information relevant to the convening and organising of the Lok Adalat.

5. Notice to parties concerned. — The Member-Secretary or Secretary of the High Court Legal Services Committee or District Authority or, as the case may be, the Chairman of the Taluk Legal Services Committee convening and organising the Lok Adalat shall inform every party concerned whose case is referred to the Adalat, well in time so as to afford him an opportunity to prepare himself for the Lok Adalat:

Provided that such notice may be dispensed with, if the court while referring the case to the Lok Adalat fixes or informs the date and time of the Lok Adalat in the presence of the parties or their advocates:

Provided further that if a party is not willing to refer their case to Lok Adalat, the case may be considered on its merits by the court concerned.

6. Composition of Lok Adalat. — (a) **At State Authority Level.**— The Member Secretary organising the Lok Adalat shall constitute benches of the Lok Adalats, each bench comprising of a sitting or retired Judge of the High Court or a serving or retired judicial officer and any one or ²two of the following:-

- (i) a member of the legal profession;
- (ii) a social worker of repute who is engaged in the upliftment of the weaker sections of the people, including the Scheduled Castes, the Scheduled Tribes, women, children, rural and urban labour and interested in the implementation of legal services schemes or programmes.
- ³(iii) a professional from the field related to the subject matter of the Lok Adalat; and

² Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

³ Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

⁴(iv) a mediator or a professional or a serving or retired senior executive.

- (b) **At High Court Level:-** The Secretary of the High Court Legal Services Committee organizing the Lok Adalat shall constitute benches of the Lok Adalats, each bench comprising of a sitting or retired Judge of the High Court or a serving or retired Judicial Officer and any one or ²two of the following: -

(i) a member of the legal profession;

(ii) a social worker belonging to the category as mentioned in item (ii) of sub-para (a) above;

³(iii) a professional from the field related to the subject matter of the Lok Adalat; and

⁴(iv) a mediator or a professional or a serving or retired senior executive.

- (c) **At District Level :-** The Secretary of the District Authority organizing the Lok Adalats shall constitute benches of the Lok Adalats, each bench comprising of a sitting or retired judicial officer and any one or ²two of the following:-

(i) a member of the legal profession;

(ii) a social worker belonging to the category as mentioned in item(ii) of sub-para (a) above or a person engaged in para-legal activities of the area, preferably a woman;

³(iii) a professional from the field related to the subject matter of the Lok Adalat; and

⁴(iv) a mediator or a professional or a serving or retired senior executive.

- (d) **At Taluk Level :-** The Chairman of the Taluk Legal Services Committee organizing the Lok Adalat shall constitute benches of the Lok Adalat, each bench comprising of a sitting or retired judicial officer and any one or two of the following:-

(i) a member of the legal profession;

(ii) a social worker belonging to the category as mentioned in item(ii) of sub-para (a) above or a person engaged in para-legal activities of the area, preferably a woman;

³(iii) a professional from the field related to the subject matter of the Lok Adalat; and

⁴(iv) a mediator or a professional or a serving or retired senior executive.

4 Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

⁵6A. Payment of Special Duty Allowance:— If the Lok Adalat is organised on a holiday or organised beyond court hours on a working day, the ⁶presiding judges, other members and staff assisting the Lok Adalat shall be paid Special Duty Allowance as may be fixed by the concerned State Legal Services Authority:

Provided that such Special Duty Allowance shall not be less than the allowance recommended by the National Legal Services Authority.

7. Allotment of cases to Lok Adalats:— (1) The Member Secretary, the Secretary of the High Court Legal Services Committee, the District Authority or Chairman of the Taluk Legal Services Committee, as the case may be, shall assign specific cases to each bench of the Lok Adalat.

(2) The Member Secretary, the Secretary of the High Court Legal Services Committee or the District Authority or Chairman of the Taluk Legal Services Committee, as the case may be, may prepare a cause list for each bench of the Lok Adalat and intimate the same to all concerned at least two days before the date of holding of the Lok Adalat.

(3) Every bench of the Lok Adalat shall make sincere efforts to bring about a conciliated settlement in every case put before it without bringing about any kind of coercion, threat, undue influence, allurements or misrepresentation.

8. Holding of Lok Adalats. — Lok Adalats may be organised at such time and place and on such days, including holidays as the State Authority, High Court Legal Services Committee, District Authority, or the Taluk Legal Services Committee, as the case may be, organising the Lok Adalat deems appropriate.

9. Jurisdiction of Lok Adalats.— Lok Adalats shall have the power only to help the parties to arrive at a compromise or settlement between the parties to a dispute and, while so doing, it shall not issue any direction or order in respect of such dispute between the parties.

10. Reference of cases and matters. — (1) Lok Adalat shall get jurisdiction to deal with a case only when a court of competent jurisdiction orders the case to be referred in the manner prescribed in Section 20 of the Act or under Section 89 of the Code of Civil Procedure, 1908 (5 of 1908).

⁷(1A) A pre-litigation matter may be referred to the Lok Adalat by the concerned Legal Services Institution on the request of any of the parties after giving a reasonable opportunity of being heard to the other party.

5 Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

6 Substituted vide notification dated 28/08/2019, published in the Gazette of India on 06/09/2019.

7 Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

- (2) A mechanical reference of pending cases to Lok Adalat shall be avoided and the referring court shall, prima facie satisfy itself that there are chances of settlement of the case through Lok Adalat and the case is appropriate to be referred to Lok Adalat:

Provided that matters relating to divorce and criminal cases which are not compoundable under the Code of Criminal Procedure, 1973 (2 of 1974) shall not be referred to Lok Adalat.

- (3) In a pending case where only one of the parties had made application to the court for referring the case to Lok Adalat, or where the court suo motu is satisfied that the case is appropriate to take cognizance by Lok Adalat, the case shall not be referred to the Lok Adalat except after giving a reasonable opportunity of being heard to the parties.

- ⁸(4) The need based continuous Lok Adalats may be constituted in order to facilitate regular reference and timely disposal of cases.

11. Summoning of records and the responsibility for its safe custody.— (1) The Member Secretary, the Secretary of the High Court Legal Services Committee, the District Authority or, as the case may be, the Chairman of the Taluk Legal Services Committee may call for the judicial records of pending cases which are referred to the Lok Adalat under Section 20 of the Act from the courts concerned.

- (2) The officer duly authorised by the Member Secretary, the Secretary of the High Court Legal Services Committee, the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, shall be responsible for the safe custody of records from receiving of the same from court till they are returned.

- (3) The judicial records shall be returned within ten days of the Lok Adalat irrespective of whether or not the case is settled by the Lok Adalat with an endorsement about the result of proceedings:

Provided that wherever it is appropriate, the court concerned from where the records are called may permit the records to be retained beyond the period often days.

- (4) Every judicial authority is expected to co-operate in transmission of the judicial records.

12. Pre-litigation matters.— (1) In a pre-litigation matter it may be ensured that the court for which a Lok Adalat is organised has territorial jurisdiction to adjudicate in the matter.

8 Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

- (2) Before referring a pre-litigation matter to Lok Adalat the Authority concerned or Committee, as the case may be, shall give a reasonable hearing to the parties concerned:

Provided that the version of each party, shall be obtained by the Authority concerned or, as the case may be, the Committee for placing it before the Lok Adalat,

- (3) An award based on settlement between the parties can be challenged only on violation of procedure prescribed in section 20 of the Act by filing a petition under articles 226 and 227 of the Constitution of India.

13. Procedure in Lok Adalats.— (1) Members of Lok Adalat have the role of statutory conciliators only and have no judicial role and they, mutatis mutandis, may follow the procedure laid down in sections 67 to 76 of the Arbitration and Conciliation Act, 1996 (26 of 1996).

- (2) Members of Lok Adalat shall not pressurise or coerce any of the parties, to compromise or settle cases or matters, either directly or indirectly.
- (3) In a Lok Adalat the members shall discuss the subject matter with the parties for arriving at a just settlement or compromise and such members of Lok Adalat shall assist the parties in an independent and impartial manner in their attempt to reach amicable settlement of their dispute:

Provided that if it found necessary the assistance of an independent person or a trained mediator may also be availed by the Lok Adalat.

- (4) Members of Lok Adalat shall be guided by principles of natural justice, equity, fairplay, objectivity, giving consideration to, among other things, the rights and obligations of the parties, custom and usages and the circumstances surrounding the dispute.
- (5) The Lok Adalat may conduct the proceedings in such a manner as it considers appropriate taking into account the circumstances of the case, wishes of the parties including any request by a party to the Lok Adalat to hear oral statements, and the need for a speedy settlement of the dispute.
- (6) The Lok Adalat shall not determine a reference, at its own instance, but shall determine only on the basis of a compromise or settlement between the parties by making an award in terms of the compromise or settlement arrived at:

Provided that no Lok Adalat has the power to hear the parties to adjudicate their dispute as a regular court:

Provided further that the award of the Lok Adalat is neither a verdict nor an opinion arrived at by any decision making process.

- 14. Administrative assistance.—** Administrative assistance for facilitating Lok Adalat proceedings may be arranged by suitable institutions or persons engaged in providing legal services.
- 15. Formulating compromise or settlements.—** The Lok Adalat may, at any stage of the proceedings, make proposal for a settlement of the dispute and such proposal need not be accompanied by a statement of the reasons therefor.
- 16. Communication between Lok Adalat and parties.—** (1) A Lok Adalat may invite the parties to meet it or may communicate with it orally or in writing and it may meet or communicate with the parties together or with each of them separately. The factual information concerning the dispute received from a party may be disclosed to the other party in order that the other party, may have the opportunity to present any explanation:

Provided that the Lok Adalat shall not disclose any information, if one of the party desires to keep it confidential.
 - (2) Each party may on its own initiative or at the invitation of the Lok Adalat, submit suggestions for settlement of the dispute.
 - (3) When it appears to the Lok Adalat that there exists elements of a settlement which may be acceptable to the parties, the terms of a possible settlement may be formulated by the Lok Adalat and given to the parties for their observations and modifications, if any, suggested by the parties can be taken into consideration and terms of a possible settlement may be re-formulated by the Lok Adalat.
 - (4) If the parties reach a compromise or settlement of the dispute, the Lok Adalat may draw up or assist the parties in drawing up the terms of such compromise or settlement.
- 17. Award.—** (1) Drawing up of the award is merely an administrative act by incorporating the terms of settlement or compromise agreed by the parties under the guidance and assistance from Lok Adalat.
 - (2) When both parties sign or affix their thumb impression and the members of the Lok Adalat countersign it, it becomes an award, (see a specimen at Appendix-I) Every award of the Lok Adalat shall be categorical and lucid and shall be written in regional language used in the local courts or in English. It shall also contain particulars of the case, viz., case number, name of court and names of parties, date of receipt, register number assigned to the case in the permanent register (maintained as provided under regulation 20) and date of settlement. Wherever the parties are represented by counsel, they should also be required to sign the settlement or award before the members of the Lok Adalat affix their signature.
 - (3) In cases referred to Lok Adalat from a court, it shall be mentioned in the award that the plaintiff or petitioner is entitled to refund of the court fees remitted.

- (4) Where the parties are not accompanied or represented by counsel, the members of the Lok Adalat shall also verify the identity of parties, before recording the settlement.
- (5) Member of the Lok Adalat shall ensure that the parties affix their signatures only after fully understanding the terms of settlement arrived at and recorded. The members of the Lok Adalat shall also satisfy themselves about the following before affixing their signatures:
 - (a) that the terms of settlement are not unreasonable or illegal or one-sided; and
 - (b) that the parties have entered into the settlement voluntarily and not on account of any threat, coercion or undue influence.
- (6) Members of the Lok Adalat should affix their signatures only in settlement reached before them and should avoid affixing signatures to settlement reached by the parties outside the Lok Adalat with the assistance of some third parties, to ensure that the Lok Adalats are not used by unscrupulous parties to commit fraud, forgery, etc.
- (7) Lok Adalat shall not grant any bail or a divorce by mutual consent.
- (8) The original award shall form part of the judicial records (in prelitigation matter, the original award may be kept with the Legal Services Authority or Committee, concerned) and a copy of the award shall be given to each of the parties duly certifying them to be true by the officer designated by the Member-Secretary or Secretary of the High Court Legal Services Committee or District Legal Services Authority or, as the case may be, the Chairman- of Taluk Legal Services Committees free of cost and the official seal of the Authority concerned or Committee shall be affixed on all awards.

18. Confidentiality. — (1) The members of the Lok Adalat and the parties shall keep confidential all matters relating to the proceedings in the Lok Adalat and the members of the Lok Adalat shall not be compelled to disclose the matters which took place in the Lok Adalat proceedings before any court of law, except where such disclosure is necessary, for purposes of implementation and enforcement of the award.

- (2) The views expressed and discussions made by parties during the proceedings of Lok Adalat in respect of the possible settlement of a dispute and the proposals made by the members of Lok Adalat or admission made by any party or the conduct of the parties in the course of the proceeding before Lok Adalat shall not be brought in evidence or made use of in other court or arbitral proceedings.
- (3) Members of the Lok Adalat shall not record the statement of any of the parties or record any conduct of the parties or express any opinion in such a manner as it would prejudice such party in any other proceedings before a court or arbitrator.

- (4) If any member of the Lok Adalat violates the confidentiality and the ethical concerns which are akin to any other judicial proceedings, such member shall be removed from the panel of members of Lok Adalat.

19. Failure of Lok Adalat proceedings. — If a pre-litigation matter is not settled in the Lok Adalat, the parties may be advised to resort to other Alternative Dispute Resolution (ADR) techniques or to approach a court of law and in appropriate cases they may be advised about the availability of legal aid.

20. Compilation of results. — At the conclusion of session of the Lok Adalat, the officer designated by the Member Secretary, the Secretary of the High Court Legal Services Committee, the District Authority or the Chairman of the Taluk Legal Services Committee, as case may be, shall compile the results for submission to the State Authority in the proforma given in Appendix-11.

21. Maintenance of panel of names of Lok Adalat members.—The Member Secretary or Secretary of the High Court Legal Services Committee or District Authority or, as the case may be, the Chairman of the Tahik Legal Services Committee shall maintain a panel of names of retired judicial officers, advocates and social workers to work in Lok Adalats.

22. Procedure for maintaining record of cases referred under section 20 of the Act.or otherwise.— (1) The officer designated by the Member Secretary, the Secretary of the High Court Legal Services committee, the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, shall maintain a permanent register wherein all the cases and pre-litigation matters received by him by way of reference to the Lok Adalat shall be entered giving particulars of:

- (i) date of receipt;
 - (ii) nature of the case or pre-litigation matter;
 - (iii) other particulars, if any;
 - (iv) date of compromise or settlement and the manner in which the case or matter was finally disposed of; and
 - (v) date of return of the case file.
- (2) A copy of the award, if passed, duly certified in the manner stated in regulation 17 shall be kept in the office of the Authority or Committee, as the case may be, as a permanent record.
- (3) Records other than the original of the awards of pre-litigation Lok Adalats may be destroyed after a period of three years from the date of disposal of the matter by Lok Adalat.

- 23. Appearance of lawyers and the procedure to be followed in the cases before Lok Adalats.**—The appearance of lawyers on behalf of the parties at the Lok Adalat shall not be barred and an effort shall be made to encourage the parties to be present personally. The lawyers may be advised to avoid wearing their robes and bands during the proceedings before the Lok Adalat
- 24. Application of regulations.**—The above regulations shall be applicable in the same manner with appropriate changes to the Lok Adalats organised by the National Legal Services Authority and the Supreme Court Legal Services Committee.

BEFORE THE LOK ADALAT
HELD AT _____

[Organised by Authority/..... Committee under Section 19,
of the Legal Services Authorities Act, 1987(Central Act)]

Petitioner/Plaintiff/Complainant :

Defendant/Respondent :

No. of proceedings of the Court/Authority/Committee

Present:-

Name of Judicial Officer / :

Retired Judicial Officer

Name of Members : (1)

(2)

AWARD

The dispute between the parties having been referred for determination to the Lok Adalat and the parties having compromised/settled the case/matter, the following award is passed in terms of the settlement:

.....
.....
.....
.....

The parties are informed that the court fee, if any, paid by any of them shall be refunded.

Petitioner/Plaintiff/Complainant

Defendant/Respondent

Judicial Officer

Member

Member

Date:

(Seal of the Authority/Committee)

PROFORMA
DISPOSAL OF CASES IN LOK ADALAT

Place :			Date :		
			Nature of Cases disposed of		
Sl. No.	Case No.	Name of Parties	Civil	Claims	Criminal
Total					

□□□

National Legal
Services Authority,
(Free And Competent Legal
Services)
Regulation, 2010

THE NATIONAL LEGAL SERVICES AUTHORITY (FREE AND COMPETENT LEGAL SERVICES) REGULATIONS, 2010

(As amended vide notification F.No. L/61/10/NALSA dated 28.08.2019 and Addendum dated 18.9.2019 published in the Gazette of India on 06.09.2019 and 19.9.2019 respectively)

- In exercise of the powers conferred by section 29 of the Legal Services Authorities Act, 1987 (39 of 1987) and in pursuance of the provisions in section 4 of the Act to make available free and competent legal services to the persons entitled thereto under section 12 of the said Act, the Central Authority hereby makes the following regulations, namely: -

- 1. Short title, extent and commencement.** — (1) These regulations may be called the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.
 - (2) They shall be applicable to Supreme Court Legal Services Committee, State Legal Services Authorities, High Court Legal Services Committees, District Legal Services Authorities, and Taluk Legal Services Committees in India.
 - (3) They shall come into force from the date of their publication in the Official Gazette.
- 2. Definitions.** — (1) In these regulations, unless the context otherwise requires, -
 - (a) “Act” means the Legal Services Authorities Act, 1987 (39 of 1987);
 - (b) “Form” means a Form annexed to these Regulations;
 - (c) “Front Office” means a room in the Legal Services Institution where legal services are made available;
 - (d) “Legal Practitioner” shall have the meaning assigned to it in clause (i) of section 2 of the Advocates Act, 1961 (25 of 1961);
 - (e) “Legal Services Institution” means the Supreme Court Legal Services Committee, a State Legal Services Authority, the High Court Legal Services Committee, District Legal Services Authority or the Taluk Legal Services Committee, as the case may be;
 - ¹(ea) “Monitoring and Mentoring Committee” means the Committees set up under regulation 10;
 - (eb) “Panel Lawyer” means a legal practitioner empanelled as a Panel lawyer under regulation 8;

¹ Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

(f) “Para-Legal Volunteer” means a para-legal volunteer trained ²under the ‘National Legal Services Authority Scheme for Para Legal Volunteers’ and empanelled by a Legal Services Institution;

³(fa) “Retainer Lawyer” means a Panel Lawyer designated as the Retainer Lawyer under sub-regulation (9) of regulation 8;

(g) “Secretary” means the Secretary of the Legal Services Institution;

(h) “Section” means the section of the Act;

(i) “State regulation” means regulation made by the State Authorities under the Act.

2. All other words and expressions used but not defined in these regulations shall have the same meanings assigned to them in the Act.

3. Application for legal services. — (1) An application for legal services may be presented preferably in Form-I in the local language or English.

(2) The applicant may furnish a summary of his grievances for which he seeks legal services, in a separate sheet along with the application.

(3) An application, though not in Form-I, may also be entertained, if reasonably explains the facts to enable the applicant to seek legal services.

(4) If the applicant is illiterate or unable to give the application on his or her own, the Legal Services Institutions may make arrangement for helping the applicant to fill up the application form and to prepare a note of his or her grievances.

(5) Oral requests for legal services may also be entertained in the same manner as an application under sub-regulation (1) and (2).

(6) An applicant advised by the para-legal volunteers, legal aid clubs, legal aid clinics and voluntary social service institutions shall also be considered for free legal services.

(7) Requests received through e-mails and interactive on-line facility also may be considered for free legal services after verification of the identity of the applicant and on ensuring that he or she owns the authorship of the grievances projected.

4. Legal Services Institution to have a front office.— (1) All Legal Services Institutions shall have a front office to be manned by ⁴[a Retainer Lawyer on rotational basis and] one or more para-legal volunteers available during office hours.

² Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

³ Inserted vide notification dated 31/07/2012, published in the Gazette of India on 25/8/2012.

⁴ Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

⁵Provided that persons with the qualification of Masters degree in Social Work or Diploma or Masters' degree in psychiatry or psychology from any recognised institute or university may also be called to the front office as and when necessary.

⁶(1A) The Front Offices shall act as one stop centres for legal aid seekers to receive legal aid and advice and all information about their cases and all legal services provided by the Legal Services Institutions.

⁷(2) *****

⁸(3) *****

⁹(4) The Para-Legal Volunteers or the panel lawyer or the retainer lawyer, as the case may be, in the front office may obtain secretarial assistance from the staff of the Legal Services Institutions.

¹⁰(5) *****

¹¹5. Proof of entitlement of free legal services. — A self-certificate of the applicant, along with self-attested copy of relevant documents or certificates, if any, that he falls under the categories of persons entitled to free legal services under Section 12 of the Act shall ordinarily be sufficient.

¹²(2) *****

¹³(3) *****

6. Consequences of false or untrue details furnished by the applicant. — The applicant shall be informed that if free legal services have been obtained by furnishing incorrect or false information or in a fraudulent manner, the legal services shall be stopped forthwith and that the expenses incurred by the Legal Services Institutions shall be recoverable from him or her.

5 Inserted vide notification dated 31/07/2012, published in the Gazette of India on 25/8/2012.

6 Inserted vide notification dated 28/08/2019, published in the Gazette of India on 06/09/2019.

7 Omitted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

8 Omitted vide addendum dated 18/09/2019, published in the Gazette of India on 19/09/2019.

9 Inserted vide notification dated 31/7/2012, published in the Gazette of India on 25/8/2012.

10 Omitted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

11 Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

12 Omitted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

13 Omitted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

- 147. Scrutiny and evaluation of the application for free legal services.** — (1) The application for legal services, for eligibility of the applicant and existence of a prima facie case to prosecute or to defend, shall be scrutinised by the Member-Secretary or Secretary, as the case may be, or any officer, deputed by him:

Provided that a defendant in a civil case and an accused or a convict in a criminal case shall be deemed to have prima facie case to defend or to file an appeal against his conviction and sentence:

Provided further that in case, there is some difficulty to determine the prima facie case to prosecute, the Member-Secretary or Secretary may for this purpose, seek opinion from a panel lawyer having more than seven years standing at the Bar:

Provided further that in case of the Supreme Court Legal Services Committee, the Secretary shall seek opinion from an Advocate having more than fifteen years standing at the Bar.

- (2) A decision on application for legal services shall be taken immediately, but not more than seven days from the date of receipt of the application.
 - (3) If the applicant is not covered under the categories mentioned in section 12, he or she shall be advised to seek assistance from any other body or person rendering free legal services either voluntarily or under any other scheme.
 - (4) The Legal Services Institution shall maintain a list of such agencies, institutions or persons who have expressed willingness to render free legal services.
 - (5) Any person aggrieved by the decision or order of the Member-Secretary or the Secretary, as the case may be, he may prefer appeal to the Executive Chairman or Chairman of the Legal Services Institution and the decision or order in appeal shall be final.
 - (6) In case the Member-Secretary or Secretary of the Legal Services Institution decides to provide legal services through a panel lawyer, the choice of the panel lawyer, if expressed by the applicant, may be considered.
- 158. Selection of legal practitioners as panel lawyers.** — (1) Every Legal Services Institution shall invite applications from legal practitioners for their empanelment as panel lawyers and such applications shall be accompanied with proof of the professional experience with special reference to the type of cases which the applicant-legal practitioners may prefer to be entrusted with.
- (2) The applications received under sub-regulation (1) shall be scrutinised and selection of the panel lawyers shall be made by the Executive Chairman or Chairman of the Legal Services Institution in consultation with the Attorney General [for

14 Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

15 Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

the Supreme Court], Advocate General [for the High Court], District Attorney or Government Pleader [for District and Taluka level] and the Monitoring and Mentoring Committee set up under regulation 10:

Provided that the Executive Chairman or Chairman of the Legal Services Institution may also suo moto empanel any legal practitioner;

¹⁶Provided further that the size of panel should be optimised so that each lawyer can be allotted sufficient cases.

- (3) No legal practitioner having less than three years' experience at the Bar shall ordinarily be empanelled.
- (4) District Legal Services Authorities and Taluk Legal Services Committees shall get the panel approved from the Executive Chairman of the State Legal Services Authority.
- (5) The Executive Chairman or Chairman of the Legal Services Institution shall take into consideration the competency, integrity, suitability, and experience of lawyers for the empanelment.
- (6) There may be representation of the Scheduled Castes, the Scheduled Tribes, women and differently abled lawyers in the panel.
- (7) The Executive Chairman or Chairman of the Legal Services Institution may maintain separate panels for dealing with different types of cases like Civil, Criminal, Constitutional Law, Environmental Law, Labour Laws, Matrimonial disputes, Juvenile Justice, etc.
- (8) The Member-Secretary or Secretary, as the case may be, may assign a case to a panel lawyer of a subject matter other than for which he has been empanelled.
- (9) The Chairman of the Legal Services Institution may, in consultation with the Executive Chairman of the State Legal Services Authority or National Legal Services Authority, as the case may be, prepare a list of legal practitioners from among the panel lawyers to be designated as Retainers.
- (10) The Retainer lawyers shall be selected for a period fixed by the Executive Chairman on rotation basis or by any other method specified by the Executive Chairman.
- ¹⁷(11) The number of Retainer lawyers in the panel of each Legal Services Institution, should not exceed the minimal requirement as determined by the Executive Chairman or the Chairman, as the case may be.
- (12) The honorarium payable to Retainer lawyer shall not be less than, -

16 Inserted vide notification dated 28/08/2019, published in the Gazette of India on 06/09/2019.

17 Substituted vide notification dated 28/08/2019, published in the Gazette of India on 06/09/2019.

- (a) rupees forty thousand per month in the case of Supreme Court Legal Services Committee;
- (b) rupees twenty five thousand per month in the case of State Legal Services Authority or High Court Legal Services Committee;
- (c) rupees fifteen thousand per month in the case of District Legal Services Authority;
- (d) rupees ten thousand per month in the case of the Taluk Legal Services Committee;

Provided that the honorarium specified in this sub-regulation is in addition to the honorarium or fee payable by the Legal Services Institution for each case entrusted to the Retainer lawyer.

¹⁸Provided further that the State Legal Services Authority may decide to make the payment of honorarium to the Retainer Lawyers on the basis of number of days they man the Front Office. In such cases the honorarium so payable shall not be less than Rs. 1500 per day of sitting at the district and taluka court level and Rs. 2500 at the High Court level.

- (13) The panel prepared under sub-regulation (2) for the period of three years shall also be reviewed and updated periodically by the Executive Chairman or the Chairman, as the case may be, keeping in view the performance of the panel lawyers.
- (14) The Legal Services Institution shall be at liberty for withdrawing any case from a Retainer Panel Lawyer during any stage of the proceedings.
- (15) If a panel lawyer is desirous of withdrawing from a case he shall state the reasons thereof to the Member-Secretary or the Secretary, as the case may be, and the panel lawyer may be permitted to do so by an order.
- (16) The panel lawyers shall not ask for or receive any fee, remuneration or any valuable consideration in any manner, from the person to whom he has rendered legal services under these regulations.
- (17) If the panel lawyer engaged is not performing satisfactorily or has acted contrary to the object and spirit of the Act and these regulations, the Legal Services Institution shall take appropriate steps including withdrawal of the case from such lawyer and his removal from the panel.
- (18) The panel lawyers shall undergo training periodically as per modules prepared by the National Legal Services Authority and the State Legal Services Authority.

18 Inserted vide notification dated 28/08/2019, published in the Gazette of India on 06/09/2019.

- (19) The participation in the training programme shall be a relevant consideration for the retention or continuation of panel lawyers.

¹⁹9. Legal services by way of legal advice, consultation, drafting and conveyancing. — (1)

The Executive Chairman or Chairman of the Legal Services Institution may maintain a separate panel of senior lawyers, law firms, retired judicial officers, mediators, conciliators and law professors in the law universities or law colleges for providing legal advice and other legal services like drafting and conveyancing.

- (2) The Executive Chairman or Chairman of the Legal Services Institution, as the case may be, may maintain a separate panel of retired senior bureaucrats, senior executives, retired police officials, doctors, engineers, psychiatrists, marriage counsellors, chartered accountants, educationists and other experts of the specialised field for legal services and honorarium payable to them shall be decided by the Executive Chairman of State Legal Services Authority or the Chairman of the Supreme Court Legal Committee, as the case may be.
- (3) The Member-Secretary may send a request to Senior Advocates to volunteer their pro bono professional services for rendering advice as and when required.”

²⁰10. Monitoring and Mentoring Committee. — (1) Every Legal Services Institution shall set up a Monitoring and Mentoring Committee for close monitoring of the court based legal services rendered and the progress of the cases in the legal aided matters and to guide and advise the panel lawyers.

- (2) The Monitoring and Mentoring Committee at the level of the Supreme Court shall consist of, -
- (i) ²¹a Senior Advocate or an Advocate of at least 15 years of standing as nominated by the Chairman, Supreme Court Legal Services Committee;
 - (ii) Secretary, Supreme Court Legal Services Committee;
 - (iii) a renowned Academician or an Advocate-on-Record having ten years of practice to be nominated by the Chairman of the Supreme Court Legal Services Committee;
 - (iv) The Legal Service Counsel-cum-Consultant, Supreme Court Legal Services Committee.
- (3) The Monitoring and Mentoring Committee at the level of the High Court shall consist of, -

¹⁹ Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

²⁰ Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

²¹ Substituted vide notification dated 28/08/2019, published in the Gazette of India on 06/09/2019.

- (i) ²²a Senior Advocate or an Advocate of at least 15 years of standing as nominated by the Chairman, High Court Legal Services Committee;
 - (ii) Secretary, High Court Legal Services Committee.
- (4) The Monitoring and Mentoring Committee at the State or District Legal Services Authority shall consist of, -
- (i) Member-Secretary or Secretary of the Legal Services Institution, as the case may be;
 - (ii) one serving judicial officer from the State Higher Judicial Service;
 - (iii) one retired judicial officer or one Advocate of fifteen years' standing or more.
- (5) The Monitoring and Mentoring Committee at the Taluk Legal Services Committee shall consist of, -
- (i) Chairman of the Taluk Legal Services Committee;
 - (ii) one retired judicial officer ²³or;
 - (iii) one advocate of 10 years standing or more.
- (6) The members of the Monitoring and Mentoring Committee shall render their services on the days as may be required and fixed by the Executive Chairman or Chairman of the Legal Services Institution and the members except serving Judicial Officers shall be paid the honorarium as fixed by the Executive Chairman.
- ²⁴11. Procedure of the Monitoring and Mentoring Committee. —** (1) Whenever court based legal aid is provided to an applicant, the Member-Secretary or Secretary as the case may be, shall send the details in Form II to the Monitoring and Mentoring Committee at the earliest.
- (2) The Legal Services Institution shall provide adequate staff and infrastructure to the Monitoring and Mentoring Committee for maintaining the records of the day-to-day progress of the legal aided cases.
 - (3) The Monitoring and Mentoring Committee shall assist the Legal Services Institution in organising training programmes for panel lawyers from time to time to enhance the skill of the panel lawyers.
 - (4) The Monitoring and Mentoring Committee shall mentor the panel lawyers and guide them in providing quality legal services.

22 Substituted vide notification dated 28/08/2019, published in the Gazette of India on 06/09/2019.

23 Inserted vide notification dated 28/08/2019, published in the Gazette of India on 06/09/2019.

24 Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

- (5) The Monitoring and Mentoring Committee shall maintain a register for legal aided cases for monitoring the day-to-day progress of the case and the end result (success or failure) in respect of cases for which legal aid is allowed and the said register shall be scrutinised every month by the Member-Secretary or Secretary or the Chairman, as the case may be.
- (6) The Legal Services Institution may request the Presiding Officer of the court to allow access to the registers maintained by the court for ascertaining the progress of the cases.
- (7) The Monitoring and Mentoring Committee shall keep a watch on the progress of the case by calling for reports from the panel lawyers within such time as may be determined by the Committee.
- (8) If the progress of the case is not satisfactory, the Committee may advise the Legal Services Institution to take appropriate steps.
- (9) The Committees shall meet at least once in a fortnight.
- (10) The Monitoring and Mentoring Committee may meet as and when the meeting is convened by the Member-Secretary or the Secretary as the case may be.

12. Monitoring and Mentoring Committee to submit bi-monthly reports.— (1) The Monitoring and Mentoring Committee shall submit bi-monthly reports containing its independent assessment on the progress of each and every legal aid case and the performance of the panel lawyer or Retainer lawyer, to the Executive Chairman or Chairman of the Legal Services Institution.

- (2) After evaluating the reports by the Committee, the Executive Chairman or Chairman of the Legal Services Institution shall decide the course of action to be taken in each case.
- (3) It shall be the duty of the Member-Secretary or Secretary of the Legal Services Institution to place the reports of the Monitoring Committee before the Executive Chairman or Chairman of the Legal Services Institution and to obtain orders.

13. Financial assistance. — (1) If a case for which legal aid has been granted requires additional expenditure like payment of court fee, the fee payable to the court appointed commissions, for summoning witnesses or documents, expenses for obtaining certified copies etc., the Legal Services Institution may take urgent steps for disbursement of the requisite amount on the advice of the panel lawyer or Monitoring and Mentoring Committee.

- (2) In the case of appeal or revision the Legal Services Institution may bear the expenses for obtaining certified copies of the judgment and case records.

- 14. Payment of fee to the panel lawyers.** — (1) Panel lawyers shall be paid fee in accordance with the Schedule of fee, as approved under the State regulations.
- (2) The State Legal Services Authority and other Legal Services Institution shall effect periodic revision of the honorarium to be paid to panel lawyers for the different types of services rendered by them in legal aid cases.
- (3) As soon as the report of completion of the proceedings is received from the panel lawyer, the Legal Services Institution shall, without any delay, pay the
- 15. Special engagement of senior advocates in appropriate cases.** — (1) If the Monitoring and Mentoring Committee or Executive Chairman or Chairman of the Legal Services Institution is of the opinion that services of senior advocate, though not included in the approved panel of lawyers, has to be provided in any particular case the Legal Services Institution may engage such senior advocate.
- (2) Notwithstanding anything contained in the State regulations, the Executive Chairman or Chairman of the Legal Services Institution may decide the honorarium of such senior advocate.
- ²⁵ [*****]
- 16. Evaluation of the legal aid cases by the National Legal Services Authority and State Legal Services Authorities.** — (1) The Supreme Court Legal Services Committee shall send copies of the bi-monthly reports of the Monitoring and Mentoring Committee of the Supreme Court Legal Services Committee to the Central Authority.
- (2) The High Court Legal Services Committees, the State Legal Services Authorities shall submit copies of the bi-monthly reports of their Monitoring and Mentoring Committees to their Patron-in-Chief.
- (3) The District Legal Services Authorities and Taluk Legal Services Committees shall submit copies of the bi-monthly reports of their Monitoring and Mentoring Committees to the Executive Chairman of the State Legal Services Authority.
- (4) The State Legal Services Authorities shall also send consolidated half- yearly reports of the Monitoring Committees, indicating the success or failure of each of the legal aided cases, to the Central Authority.
- (5) In appropriate cases, the Executive Chairman of the National Legal Services Authority may nominate and authorise the members of its Central Authority to supervise, monitor or advise the Legal Services Institution for effective and successful implementation of these regulations.

²⁵ Omitted vide notification dated 6/8/2014, published in the Gazette of India on 18/10/2014.

FORM -I

National Legal Services Authority (Free and Competent Legal Services) Regulations, -2010
(see regulation-3)

The Form of Application for Legal Services
(This may be prepared in the regional language)

Registration No.

1. Name :
2. Permanent Address :
3. Contact Address with phone no. if any, e-mail ID, if any :
4. Whether the applicant belongs to the category
of persons mentioned in section -12 of the Act :
5. Monthly income of the applicant :
6. Whether proof has been produced in support of
income/eligibility u/s 12 of the Act :
7. Nature of legal aid or advise required :
8. A brief statement of the case, if court based legal services
is required :

.....
Signature of the applicant

Place:

Date:

Form-II

*National Legal Services Authority
(Free and Competent Legal Services) Regulation, 2010
(see regulation-11)*

*Information furnished to the Monitoring and Mentoring Committee
about the legal Services provided*

- (i) Name of the Legal Services Institution :
- (ii) Legal aid application number and date on which legal aid was given. :
- (iii) Name of the legal aid applicant :
- (iv) Nature of case :
(civil, criminal, constitutional law etc.).
- (v) Name and roll number of the lawyer assigned to the applicant :
- (vi) Name of the Court in which the case is to be filed/defended :
- (vii) The date of engaging the panel lawyer :
- (viii) Whether any monetary assistance like, court fee, advocate commission fee, copying charges etc. has been given in advance? :
- (ix) Whether the case requires any interim orders or appointment of commission? :
- (x) Approximate expenditure for producing records, summoning of witnesses etc. :
- (xi) The expected time for conclusion of the proceedings in the Court :

MEMBER-SECRETARY / SECRETARY

Dated:

The National Legal Services Authority (Legal Services Clinics) Regulations, 2011

THE NATIONAL LEGAL SERVICES AUTHORITY ([LEGAL SERVICES CLINICS]) REGULATIONS, 2011*

In exercise of the powers conferred by section 29 of the Legal Services Authorities Act, 1987 (39 of 1987) and in pursuance of the provisions in section 4 of the said Act the Central Authority hereby makes the following regulations, namely.—

1. Short title and commencement.—

- (1) These regulations may be called The NATIONAL LEGAL SERVICES AUTHORITY ([¹LEGAL SERVICES CLINICS]) REGULATIONS, 2011.
- (2) They shall come into force from the date of their publication in the Official Gazette.

2. Definitions.—

- (1) In these regulations, unless the context otherwise requires,—
 - (a) “Act” means the Legal Services Authorities Act, 1987 (39 of 1987);
 - ¹[(b) “District ADR Centre” means the District Alternative Dispute Resolution Centre established under the 13th Finance Commission and includes any other similar facilities like Nyaya Seva Sadans at the district level where facilities for Counselling, Mediation, Lok Adalat and Legal Services are provided under a single roof;]
 - ¹[(c) “legal services clinic” means the facility established by the District Legal Services Authority to provide basic legal services to the people with the assistance of para-legal volunteers or lawyers, as the point of first contact for help and advice and includes legal services clinics set up under regulation 3 and regulation 24;]
 - (d) “legal services institution” means a State Legal Services Authority, District Legal Services Authority or the Taluk Legal Services Committee, as the case may be;
 - (e) “panel lawyer” means the panel lawyer selected under regulation 8 of the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010;
 - (r) “para-legal volunteer” means a para-legal volunteer trained as such by a legal services institution;

* Vide Noti. No. L/08/11 NALSA, dated 10-8-2011, published in the Gazette of India, Ext. Pt. III, S. 4, dated 18-8-2011

¹ Substituted by Noti. No. L/08/11 NALSA, dated 18-11-2014 (w.e.f. 6-12-2014)

(g) “retainer lawyer” means a retainer lawyer selected under regulation 8 of the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010;

(h) “section” means the section of the Act.

(2) All other words and expressions used in these regulations but not defined shall have the same meanings as assigned to them in the Act.

¹[3. Establishment of legal services clinic.—Subject to the financial resources available, the District Legal Services Authority shall establish legal services clinics in,—

- (a) all villages, or for a cluster of villages, depending on the size of such villages, which shall be called the Village Legal Care and Support Centre; and
- (b) jails, educational institutions, community centres, protection homes, Courts, juvenile justice boards and other areas, especially where the people face geographical, social and other barriers for access to the legal services institutions.]

4. Eligibility criteria for free legal services in the ‘[legal services clinic].—

Every person who fulfils the criteria specified in section 12 shall be eligible to get free legal services in the ‘[legal services clinics].

5. The personnel manning the ‘[legal services clinic].—

- (1) Every ‘[legal services clinic] established under regulation 3 shall have at least two para-legal volunteers available during the working hours of the ¹[legal services clinics].
- (2) The legal services institution having territorial jurisdiction or the District Legal Services Authority may depute trained para-legal volunteers to the ¹[legal services clinics].
- (3) When lawyers are deputed to the ¹[legal services clinic], it shall be the duty of the para-legal volunteers engaged in such clinic to assist the lawyers in drafting petitions, applications, pleadings and other legal documents.
- (4) The State Legal Services Authority may encourage para-legal volunteers to obtain diploma or degree in law for betterment of their prospects in the long run.

6. Deputing lawyers to the ¹[legal services clinic].—

- (1) The nearest legal services institution having territorial jurisdiction may depute its panel lawyers or retainer lawyers to the legal services clinic].

1. Substituted by Noti. No. L/08/11 NALSA, dated 18-11-2014 (w.e.f. 6-12-2014)

- (2) If the matter handled by any such lawyer requires follow-up and continuous attention for a long duration, the same lawyer who had handled the matter maybe entrusted to continue the legal services.

7. Frequency of visit by lawyers in the ¹[legal services clinic].— Subject to the local requirements and availability of financial resources, the legal services institution having territorial jurisdiction may decide the frequency of the lawyers' visit in the ¹[legal services clinics] and if the situation demands for providing continuous legal services, such legal services institution may consider arranging frequent visits of lawyers in the ¹[legal services clinic].

8. Selection of lawyers for manning the ¹[legal services clinics].—

- (1) The Panel lawyers or retainer lawyers with skills for amicable settlement of disputes, shall alone be considered for being deputed to the ¹[legal services clinic]:

Provided that preference shall be given to women lawyers having practice of at least three years.

9. Legal services in the ¹[legal services clinic].—

- (1) Legal services rendered at the ¹[legal services clinic] shall be wide ranging in nature.
- (2) The ¹[legal services clinic] shall work like a single-window facility for helping the disadvantaged people to solve their legal problems whenever needed.
- (3) Besides legal advice, other services like preparing applications for job card under the Mahatma Gandhi National Rural Employment Guarantee (MGNREG) Scheme, identity card for different Government purposes, liaison with the Government offices and public authorities, helping the common people who come to the clinic for solving their problems with the Government officials, authorities and other institutions also shall be part of the legal services in the ¹[legal services clinic]:

Provided that the ¹[legal services clinic] shall provide assistance by giving initial advice on a problem, assistance in drafting representations and notices, filling up of forms for the various benefits available under different Government schemes, public distribution system and other social security schemes:

Provided further that, in appropriate cases, the legal services sought for by the applicants in the ¹[legal services clinic] shall be referred to the legal services institutions for taking further action.

1. Substituted by Noti. No. L/08/11 NALSA, dated 18-11-2014 (w.e.f. 6-12-2014)

10. Functions of para-legal volunteers in the ¹[legal services clinic].—

- (1) The para-legal volunteers engaged in the ¹[legal services clinic] shall provide initial advice to the persons seeking legal service, help such people, especially the illiterate, in drafting petitions, representations or notices and filling-up the application forms for various benefits available under the Government schemes.
- (2) para-legal volunteers shall, if necessary, accompany the persons seeking legal services to attend the Government offices for interacting with the officials and for solving the problems of such persons.
- (3) If services of a lawyer is required at the ¹[legal services clinic], the para-legal volunteers shall, without any delay, contact the nearest legal services institution to make available the services of a lawyer.
- (4) In case of emergency, the para-legal volunteers may take the persons seeking legal services in the ¹[legal services clinic] to the nearest legal services institutions.
- (5) para-legal volunteers shall distribute pamphlets and other materials in aid of legal education and literacy to the persons seeking legal services in the ¹[legal services clinic].
- (6) para-legal volunteers shall take active part in the legal awareness camps organised by the legal services institutions in the local area of the ¹[legal services clinic].

11. Location of '[legal services clinic]'.—

- (1) ¹[legal services clinics] shall be located at places where the people of the locality can have easy access.
- (2) The legal services institutions may request the local body institutions, such as the village panchayat, to provide a room for establishing ¹[legal services clinics]:

Provided that if no such rooms are available, the District Legal Services Authority may take a room on rent till alternative accommodation is available for establishing the '[legal services clinic].

12. Assistance of the local body institutions in obtaining a convenient room for the ¹[legal services clinic].—

- (1) The State Legal Services Authority shall call upon the local body institutions like the village panchayat, mandal or block panchayat, municipality and corporation etc, to provide space for the functioning of the ¹[legal services clinic].

1. Substituted by Noti. No. L/08/11 NALSA, dated 18-11-2014 (w.e.f. 6-12-2014)

- (2) Since the ¹[legal services clinic] is for the benefit of the people in the locality, the State Legal Services Authority may impress upon the local body institution and the district administration the need to co-operate with the functioning of the ¹[legal services clinics].

¹[13. Signboard exhibiting name of legal services clinic.—

- (1) There shall be a signboard, both in English and in the local language, depicting the name of the legal services clinic including as Village Legal Care and Support Centre, wherever applicable, working hours and the days on which the legal services clinic will remain open.
- (2) Working hours of the legal services clinic shall be regulated by the legal services institution having territorial jurisdiction, in consultation with the District Legal Services Authority:

Provided that subject to the local conditions and requirements of the people in the locality, legal services clinics shall function on all Sundays and holidays.]

14. Infrastructure in the ¹[legal services clinic].—

- (1) Every ¹[legal services clinic] shall have at least the basic and essential furniture like a table and 5 to 6 chairs.
- (2) If the ¹[legal services clinic] is established in the building of the local body institutions, such local bodies may be requested to provide the essential furniture for use in the ¹[legal services clinic].
- (3) If the ¹[legal services clinic] is established in hired premises, the District Legal Services Authority may provide the furniture required in the ¹[legal services clinic]:

Provided that if the District Legal Services Authority has its own building to establish ¹[legal services clinic], the infrastructural facilities shall be provided by such. Authority.

15. Publicity—

- (1) Local body institutions shall be persuaded to give adequate publicity for the ¹[legal services clinic].
- (2) The elected representatives of the local body institutions may be persuaded to spread the message of the utility of ¹[legal services clinic] to the people in his or her constituency or ward.

1. Substituted by Noti. No. L/08/11 NALSA, dated 18-11-2014 (w.e.f. 6-12-2014)

16. Para-legal volunteers or lawyers in the ¹[legal services clinic] shall attempt to resolve disputes amicably.—

- (1) The para-legal volunteers or the lawyers engaged in the ¹[legal services clinics] shall attempt to amicably resolve the prelitigation disputes of the persons brought to the ¹[legal services clinics].
- (2) If the para-legal volunteers or the lawyers feel that such dispute can be resolved through any of the ADR mechanisms, they may refer such disputes to the legal services institution having territorial jurisdiction or to the District ADR centre.

17. Honorarium for the lawyers and para-legal volunteers rendering services in the ¹[legal services clinics].—

- (1) Subject to the financial resources available, the State Legal Services Authority in consultation with the National Legal Services Authority may fix the honorarium of lawyers and para-legal volunteers engaged in the ¹[legal services clinics]:

Provided that such honorarium shall not be less than Rs. 500 per day for lawyers and Rs. 250 per day for the para-legal volunteers.

- (2) Special consideration may be given in cases where the ¹[legal services clinic] is situated in difficult terrains and in distant places where transport facilities are inadequate.

18. The nearest legal services institutions to organise lok adalats at the ¹[legal services clinic] or near to its premises.—

- (1) The nearest legal services institution having territorial jurisdiction or the District Legal Services Authority may organise ¹[lok adalats for pending and for pre-litigation disputes] at the ¹[legal services clinic] or in its vicinity.
- (2) The lok adalats organised for pre-litigation settlement of the disputes sent from the ¹[legal services clinic] shall follow the procedure prescribed in sub-section (2) of section 20 and also the provisions in the National Legal Services Authority (Lok Adalats) Regulations, 2009.

19. Administrative control of the ¹[legal services clinic].—

- (1) ¹[legal services clinics] shall be under the direct administrative control of the District Legal Services Authority.
- (2) The State Legal Services authority shall have the power to issue instructions and guidelines on the working of the ¹[legal sendees clinics].

1. Substituted by Noti. No. L/08/11 NALSA, dated 18-11-2014 (w.e.f. 6-12-2014)

20. Maintenance of records and registers.—

- (1) Lawyers and para-legal volunteers rendering service in the ¹[legal services clinic] shall record their attendance in the register maintained in the ¹[legal services clinic].
- (2) There shall be a register in every ¹[legal services clinic] for recording the names and addresses of the persons seeking legal services, name of the lawyer or para-legal volunteer who renders services in the ¹[legal services clinic], nature of the service rendered, remarks of the lawyer or para-legal volunteer and signature of persons seeking legal services.
- (3) The records of the ¹[legal services clinics] shall be under the control of the Chairman or the Secretary of the legal services institution having territorial jurisdiction over it.
- (4) The District Legal Services Authority may require the ¹[legal services clinic] to maintain other registers also, as may be required.
- (5) It shall be the duty of the para-legal volunteers and the lawyers in the ¹[legal services clinic] to hand over the registers to the legal sendees institution having territorial jurisdiction as and when called for.

21. Use of mobile lok adalat vehicle—

- (1) The lawyers rendering legal services in the ¹[legal services clinic] or the para-legal volunteers may request the District Legal Services Authority to send the mobile lok adalat van with members of the lok adalat bench to the ¹[legal services clinic] for settlement of the disputes identified by them.
- (2) The mobile lok adalat van fitted with the facilities for conducting the proceedings of the lok adalat may also be used for conducting lok adalat at the ¹[legal services clinic] or at a place near to it or even at village congregations such as melas and other festive occasions.

22. ¹[legal services clinics] run by the law students.—The above regulations shall mutatis mutandis be applicable to the student ¹[legal services clinics] set up by the law colleges and law universities:

Provided that students of law colleges and law universities also may make use of the ¹[legal services clinics] established under these regulations with the permission of the District Legal Services Authority.

1. Substituted by Noti. No. L/08/11 NALSA, dated 18-11-2014 (w.e.f. 6-12-2014)

23. Law students may adopt a village for legal aid camps.—

- (1) Law students of the law colleges or law universities may adopt a village, especially in the remote rural areas and organise legal aid camps in association with the ¹[legal services clinic or Village Legal Care and Support System Centre] established under these regulations.
- (2) The law students may, with the assistance of the para-legal volunteers engaged in the ¹[legal services clinics], conduct surveys for identifying the legal problems of the local people.
- (3) The surveys referred to in sub-regulation (2) may include gathering information relating to the existing litigations and unresolved pre-litigation disputes also.
- (4) The surveys referred to sub-regulation (2) may also focus on the grievances of the local people which would enable the National Legal Services Authority to take necessary steps by way of social justice litigation as provided in clause (d) of section 4.
- (5) The law students conducting such surveys shall send reports to the State Legal Services Authorities with copies to the legal services institutions having territorial jurisdiction and also to the District Legal Services Authority.

24. ¹[legal services clinics] attached to the law colleges, law universities and other institutions.—

- (1) The law colleges, law universities and other institutions may set up ¹[legal services clinics], as envisaged in clause (k) of section 4 attached to their institutions as a part of the clinical legal education.
- (2) The law colleges, law universities and other institutions establishing such ¹[legal services clinic] shall inform the State Legal Services Authority about the establishing of such ¹[legal services clinic].
- (3) The State Legal Services Authority shall render the required technical assistance for the operation of such ¹[legal services clinics] and shall take measures to promote the activities of such ¹[legal services clinics].
- (4) The law students in the final year classes may render legal services in such ¹[legal services clinics] under the supervision of the faculty member of their institution.
- (5) The State Legal Services Authority may organise alternative dispute resolution camps, including lok adalats, to resolve the problems of the people who seek legal aid in such ¹[legal services clinics].

1. Substituted by Noti. No. L/08/11 NALSA, dated 18-11-2014 (w.e.f. 6-12-2014)

- (6) The District Legal Services Authority may issue certificates to the students who complete their assignment in such ¹[legal services clinics].

25. Services of para-legal volunteers trained by the Legal Services Authorities may be made available in the [legal services clinics] run by the Law Colleges, Law Universities, etc.—Trained para-legal volunteers may be deputed to the ¹[legal services clinics] established under regulation 24 for assisting the persons seeking free legal services and for interacting with the students and the members of the faculty.

26. The State Legal Services Authorities to conduct periodical review of the functioning of [legal services clinics].—

- (1) The State Legal Services Authority shall collect monthly reports from the District Legal Services Authorities, law colleges and law universities on the functioning of ¹[legal services clinics] working in their jurisdiction.
- (2) The State Legal Services Authority shall conduct periodical review of the working of such ¹[legal services clinics] at least once in three months or more frequently.
- (3) The State Legal Services Authority may issue directions from time to time for improving the services in the ¹[legal services clinics] to ensure that members of the weaker sections of the society are provided legal services in an efficient manner.
- (4) The State Legal Services Authority shall send quarterly reports about the functioning of the ¹[legal services clinics] within their jurisdiction to the National Legal Services Authority.

1. Substituted by Noti. No. L/08/11 NALSA, dated 18-11-2014 (w.e.f. 6-12-2014)

The Jharkhand State Legal
Services
Authority,
Regulation, 2002

THE JHARKHAND STATE LEGAL SERVICES AUTHORITY, REGULATION, 2002

Notification No. 2 — dated 16.03.2002. — In exercise of the powers conferred under the provisions of section 29A of the Legal Services Authority Act, 1987 (Act No. 39 of 1987) as amended by the Legal Services Authorities (Amendment Act No. 59 of 1994) and in consultation with Hon'ble chief Justice, Jharkhand High Court, wherever necessary to give effect to the provisions of the Act, Jharkhand State Legal Services Authority is pleased to make the following regulations, namely :

JHARKHAND LEGAL SERVICES AUTHORITY REGULATION, 2002

(As Amended by)
Amendment Notification No. 12 dated 21.02.2013 and
Amendment Notification No. 13 dated 18.06.2013

CHAPTER-1

- 1. Title and commencement.**—These Regulations may be called the Jharkhand State legal services Authority Regulations and they shall come into force from such date as may be fixed by the Authority.
- 2. Definitions**— In these Regulations, unless the context otherwise requires :
 - (a) “Act” means the Legal Services Authorities Act, 1987(No. 39 of 1987).
 - (b) “State Authority” means the Jharkhand Legal Services Authority.
 - (c) “High Court Committee” means the Jharkhand High Court Legal Services Committee constituted under section 8A of Legal Services Authority Act.
 - (d) “District Authority” means the District Legal Services Authority constituted under section 9 of Legal Services Authority Act.
 - (e) “Sub-divisional Committee” means the Sub-divisional Legal Services Committee constituted under section 11A of Legal Services Authority Act for each sub-division of the District in the State.
 - (f) “Rules” means the Jharkhand Legal services Authorities Rules, 2001.
 - (g) “Legal Practitioner” shall have the meaning assigned to that expression in the Advocates Act, 1961.

- (h) “Member” means a member of the State Authority, High Court Committee, District Authority or the Sub-divisional Committee as the case may be.
- (I) “Nominated Member” means a member nominated to the State Authority, High Court Committee, District Authority or the Sub-divisional Committee as the case may be.
- (j) All other words and expressions used in these Regulations but not defined shall have the meaning respectively assigned to them in the Act and the Rules framed thereunder.

CHAPTER-II

- 3. Power and Functions of the Patron-in-Chief—** (1) The Patron-in-Chief shall have overall Supervision and control over the functioning of the State Legal Services Authority, High Court Legal Services Committee, District legal Services Authority and Sub-divisional Legal services Committees.
- (2) The Patron-in-Chief shall at any time call upon the Member Secretary of the State Legal Services Authority, Secretary of the High Court Legal Services Committee, the Chairman and the Secretary of the District Legal Services Authority and the Sub-divisional Committee, as the case may be and give such instruction from time to time to implement the Schemes of the Act.
 - (3) The Patron-in-Chief may undertake such tour throughout the State for promoting the Legal Services Programmes and the Schemes of the Act and to implement in the perspective manner. The expenses incurred by Patron-in-Chief, in respect of the tour and of other programmes, shall be met out by the funds of Jharkhand State Legal Services Authority.
 - (4) The Executive Chairman may also undertake such tour throughout the State for promoting the Legal Services Programmes and Schemes of the Act as proposed in the agenda of the meeting of the Authority or as desired by the Patron-in-Chief. The State Authority shall meet the expenses in respect of such tour and other programmes.

CHAPTER-III

- 4. Meetings of State Legal Services Authority—** 1. The State Authority shall meet atleast once in 3 months at the place, date and time specified by the Executive Chairman of the Authority.
- 2. The meetings of the State Authority shall be presided over by the Executive Chairman or in his absence by any member chosen by the members present and

the quorum of the meeting of the State Authority shall be nine and no quorum shall be necessary for adjourning the meeting.

3. All the subject matter of the agenda shall be decided in the meeting by the majority of the votes of the members present and in case of equal number of votes, the person presiding shall have a second or casting vote.
4. Any 10 Members of the Authority may give a requisition in writing addressed to the Member- Secretary for convening a meeting of the Authority for consideration of the subjects or matters specified therein. On receipt of such requisition, the Member-Secretary shall, after obtaining the orders of the Executive Chairman, convene a meeting of the Authority within a month from the date of receipt of such requisition to consider the subjects or matters specified in the requisition.
5. Any member of the State authority desiring consideration of any subject or matter at ant meeting of the State Authority, may intimate in writing such subject or matter to the Member-Secretary. If such intimation is received before issue of the notice of the meeting, the subject or matter shall if so directed by the Executive Chairman, be included in the Agenda of the meeting. If such intimation is received after issue of the notice, the subject or matter may be considered at the meeting with the permission of the person presiding at the meeting.
6. The Member-Secretary of the State Authority shall prepare the Agenda of the meeting of the State Authority with final approval by the Executive Chairman. The notice of every meeting of the State Authority shall be given in writing by the Member-Secretary to the Members, at least 7 clear days before the date of the meeting. However, in urgent matters, the notice of only three days may be given or if necessary, may be communicated telephonically.
7. The Agenda of the meetings shall be sent to the members alongwith the notice.
8. The Member-Secretary shall draw up the minutes of the meeting of the State Authority and after it is approved by the Executive Chairman, send it to the other members of the Authority, as soon as possible but not later than the date of dispatch of the notice of the next meeting. Any member after receipt of the minutes of previous meeting may give any suggestion in the next meeting, which shall be considered accordingly.
9. The minutes shall contain a record of the decisions taken and resolutions passed at the meeting and the discussions at the meeting shall not ordinarily form part of the minutes, unless the Chairman of the meeting so directs. The minutes shall be recorded in a separate register maintained for that purpose in the office of the State Authority.

10. The Member-Secretary shall, at the commencement of the next meeting of the State Authority inform the Members, the action taken on the decisions taken in the previous meeting.
11. The signature of the Members present at the meeting shall be obtained in a register maintained for that purpose.
12. The Member-Secretary with the approval of the Executive Chairman may pass the T.A. Bills of all the Members of the State Authority and the Committees and also of others who have attended the meetings or programmes of the State Authority.
13. The State Authority shall meet the expenses of every meeting, which will be held quarterly as aforesaid or at any time.

5. Allowances payable to the Members of the State Authority — 1. The sitting fee payable to the non-official Members of the State Authority for attending the meeting or of any Committee thereof as may be fixed by the Executive Chairman.

2. No allowances is payable to the Patron-in-Chief, Executive Chairman and the Member-Secretary of the State Authority attending the meeting of the State Authority or of any Committee thereof, provided that any such meeting of any Committee thereof, provided that any such meeting of any Committee is held at Ranchi.

6. Removal of Member from Office in certain circumstances — 1. On recommendation of the Executive Chairman, in consultation with the Patron-in-Chief of the State Authority, the State Government shall remove any nominated member of the State Authority, who—

- (a) fails, without sufficient cause, to attend three consecutive meetings of the State Authority; or
 - (b) has been adjudged insolvent; or
 - (c) has been convicted of an offence which in the opinion of the Executive Chairman, involved moral turpitude; or
 - (d) has become physically or mentally incapable of acting as a member; or
 - (e) has so abused his position as to render his continuance in the State Authority prejudicial to the public interest.
2. Notwithstanding anything contained in Clause (1) of this Regulation, no Member shall be removed unless the recommendation for his removal has been made on any of the grounds mentioned above and only after affording him reasonable opportunity to be heard.

- 7. Other functions to be performed by the State Authority—** In addition to the functions to be performed by the State Authority, as laid down by Section 7(1) and 7(2)(a)(b)(c) of the Act, the State Authority may also perform the following functions :
1. The State Authority may conduct legal literacy camps in different parts of the State, with a view to transmitting knowledge about the legal aid schemes conducted in the State, or with a view to spreading consciousness about the legal rights and duties of citizens with special reference to tribal and rural populations, women, children, handicapped and the weaker sections of the society.
 2. The State Authority may finance public interest litigations before appropriate Courts in the State if it is satisfied that such litigations are for the general benefit of large body or class of persons who cannot by themselves take recourse to law due to poverty, illiteracy or other similar reasons.
 3. The State Authority may conduct legal aid clinics in different parts of the State in collaboration with Law Colleges, Universities and other social service organisations.
 4. The State Authority may also establish or the direct the District Authority to establish conciliation Committees at various Centers in the State with a view to providing permanent or quasi-permanent infrastructure for resolving legal disputes between the parties, whether they may be pending in Courts or may be in offing. For establishing such Committee it will be open to the State Authority or the District Authority to take active assistance/support of such social service organisations that have zeal for legal aid work.
 5. The State Authority may review the cases where legal services are refused by the District Authority, on application or suo moto.
- 8. Funds, Budget Accounts and Audit of the State Authority —** 1. The funds of the State Authority shall consist of such funds and grants as may be allotted and granted to it by the State Government, the Central Government and the National Legal Services Authority and also such other amount, grant received by way of donations or otherwise as provided under Section 16 of the Act.
2. The fund of the State Authority other than those provided under section 6(7) of the Act shall be maintained in a Nationalised Bank in the Name of Jharkhand State Legal Services Authority, Ranchi. The Member-Secretary shall operate the bank account of the Authority with the prior approval and direction of the Executive Chairman.
 3. All expenditures of the State Authority including legal aid and services and other expenses for carrying out the various functions of the Authority, shall be met out of the funds of the State Authority. For this purpose, the State Authority shall prepare its annual budget before the beginning of the financial year and no expenditure

shall be met out of the fund of the Authority unless it is provided for in the annual budget of the Authority;

Provided that in exceptional circumstances, the Patron-in-Chief and/or the Executive Chairman may permit any expenditure even if it is not provided in the annual budget of the Authority.

CHAPTER-IV

9. Constitution of the Jharkhand High Court Legal Services Committee— The State Authority shall constitute a Committee called the High Court Legal Services Committee consisting of a sitting Judge of the High Court who shall be nominated by the Patron-in-Chief as Chairman and the following members to be nominated by the Patron-in-Chief.

- (i) Secretary as defined under Sub-Section 3 of Section 8A of the Act.
- (ii) The President of the Jharkhand High Court Advocates' Association.
- (iii) One Member of the Jharkhand High Court Advocates' Association having not less than 15 years of standing practice at the Bar.
- (iv) One Lady Member of the Jharkhand High Court Advocates' Association having not less than 5 years of standing practice at the Bar.
- (v) Additional Legal Remembrancer(in Cadre of Addl. D.J.).
- (vi) I.G./D.I.G.(Human Rights), Ranchi City.
- (vii) State Public Prosecutor or the Government Advocate.
- (viii) One serving or retired eminent Law Teacher of a University.
- (ix) An eminent social worker engaged in the upliftment of the weaker sections of the people, including Scheduled Castes, Scheduled Tribes, Women, Children and Rural Labour.
- (x) A person of repute, who is specially interested in the implementation of the Legal Services Schemes.

10. Term of Office of the Members and Secretary of the high Court Legal Services Committee— 1. The term of the office of the Secretary and members of the High Court Committee shall be for a period of two years unless earlier terminated by the Patron-in-Chief.

All members of the Committee except the Secretary shall function in honorary capacity.

2. If any member including the Chairman ceases to be the member of the High Court Committee for any reason, the vacancy shall be filled up in the same manner as the original nomination and the person so nominated shall continue to be the member

or the Chairman, as the case may be, for the remaining term of the member or the Chairman in whose place he is nominated.

- 11. Meetings of the High Court Legal Services Committee—** 1. Subject to the special or general instructions of the State Authority, the Chairman of the High Court Legal Services Committee may as frequently as the business may warrant shall atleast once in three months, call a meeting of the High Court Legal Services Committee.
2. The Chairman of the High Court Legal Services Committee or in his absence a Member chosen by the Members present from among themselves shall preside over the meeting of the Committee.
3. The quorum for the meeting shall be 4 members, but this quorum is not required for the adjourned meeting.
4. All questions at a meeting shall be decided by majority of the votes of the members present and in case of equality of votes the person presiding shall have a second or casting vote.
5. Minutes shall contain the names of the Members present and of the proceedings of each meeting which shall be signed at the next ensuing meeting by the person presiding at such meeting and shall be open to inspection by any member.
6. A copy of the minutes shall be sent to the State Authority.
7. The non-official members of the High Court Legal Services Committee shall be paid a sitting as may be fixed by the Executive Chairman.
8. The expenses of the High Court Legal Services Committee, shall be met out by the funds provided by the State Legal Services Authority.
9. The High Court Legal Services Committee shall consist of the staff as per schedule I of Sub-Section (5) of Section 8A of the Act.
- 12. Powers and Functions of the High Court Committee—** Subject to the general superintendence and control of the State Authority, the High Court Committee shall exercise the following powers and perform the following functions :
- (a) Recommend for filing of public interest litigation in the High Court for the general benefit of a large body or class of persons who cannot by themselves take recourse of law due to penury, illiteracy or other similar reasons.
- (b) Convene and organise Lok Adalats at regular intervals in respect of High Court Cases.
- (c) Receive applications for legal services in respect of cases pertaining to High Court of Jharkhand.

- (d) Ensure that the case of every applicant is promptly processed and disposed of.
- (e) Consider the cases brought before it for legal services and decide as to what extent legal services can be made available to the applicant.
- (f) Persuade the parties to appear before it and make efforts to bring about a just settlement between them and, if necessary, also refuse the legal services, if in its opinion, the conciliation has failed due to any fault on the part of the applicant.
- (g) Encourage and promote conciliation and settlement in all legal proceedings.
- (h) Take proceedings for the recovery of the costs awarded to a person to whom legal services are rendered.
- (i) Submit recommendations and suggest improvement to the State Authority in the working of these Regulations.
- (j) Prepare and submit such reports, returns and other statistics or information, as the State Authority may call for; and
- (k) Perform and exercise such other functions and powers as may be determined by Regulations made by the State Authority from time to time.

13. Powers and Functions of the Secretary of the High Court Legal Services Committee—

1. To implement the scheme to give free legal service to the eligible and weaker section.
2. To workout modalities of the Legal Services Schemes and Programmes.
3. To exercise the powers in respect of administration, house keeping, finance and budget matters.
4. To manage the properties, records and funds of the High Court Legal Services Committee.
5. To maintain true and proper accounts including checking and auditing in respect thereof.
6. To prepare Annual Income and Expenditure Account and Balance Sheet.
7. To maintain up-to-date and complete statistical information including progress made in the implementation of various Legal Service Programmes from time to time.
8. To process proposals for financial assistance and issue Utilization Certificate thereon.
9. To organize various Legal Services Programmes and convene Meeting/Seminars and Workshops connected with legal service programmes and preparation of reports and follow up action thereon.

10. To perform such of the functions as are assigned to him under the Schemes, formulated under the Act.
11. To perform such other functions as may be expedient for efficient functioning of the High Court Legal Services Committee.
12. To transmit the minutes of every such meeting of the committee alongwith the decisions taken, resolutions passed, directly to the State Authority.

14. Funds, Accounts and Audit of the Committee — 1. The funds of the Committee shall consist of such funds as may be allotted and granted to it by the State Authority and also such amount, as may be received by the Committee from time to time by way of donations or by way of cost, charges and expenses recovered from the legal aided persons or the opposite party or otherwise.

2. The funds of the Committee shall be maintained in a Scheduled Bank.
3. For the purpose of meeting the incidental minor charges such as court fee, stamps and expenditure necessary for obtaining copies of documents etc. permanent advance of Rs.3000/- shall be placed at the disposal of the Secretary of the Committee.
4. All expenditure on the legal aid and advice, provisions of other legal services as also expenditure necessary for carrying out the various functions of the Committee, shall be met out of the funds of the Committee. The Secretary shall operate the bank accounts of the Committee in accordance with the directions of the Chairman.
5. The Committee shall cause to keep and maintain true and correct accounts of all receipts and disbursements and furnish quarterly reports to the State Authority.
6. The accounts of the Committee shall be audited by the Accounts Officer as mentioned in Section 18 of the Act.

15. Panel of Advocates — (I) The High Court Legal Services Committee, District Authority and Sub-divisional Committee shall prepare a panel of advocates with the approval of their respective Chairman to conduct the cases referred to them.

¹(ii) [***]

1 Deleted by Amendment Notification 13 dt 18.06.2013, sec. 3(B) (w.e.f. 18.06.2013) , Sub -Regulation 15(ii), before deletion stood as under: (ii)

- (a) The Legal Practitioner appearing in the High Court shall be paid consolidated fee as per Schedule I.
- (b) The Legal Practitioner appearing in the matters arising out of the cases referred to by the District Authority, shall be paid consolidated fee as per Schedule II.
- (c) The Legal Practitioner appearing in the matter referred to by the Sub-divisional Committee, shall be paid consolidated fee as per Schedule III.
- (d) The Legal Practitioner representing in the cases referred to by the respective Authorities and Committees as the case may be pending before any Tribunals or Authorities or Forum , shall be paid as per Schedule I.

- ²(ii) The Advocate on the respective panel, shall continue at the pleasure of the respective Chairman.

CHAPTER-V

District Authority

- 16. Term of Office of the Members and Secretary of the District Authority —** 1. The term of the office of the members and Secretary of the District Authority shall be for a period of two years.
2. If any member of the District Authority ceases to be the member for any reason, the vacancy shall be filled up in the same manner as the original nomination and the person so nominated shall continue to be the member for the remaining term of the member in whose place he is nominated.
3. A member of a District Authority may resign his office writing under his hand addressed to the State Government through the Executive Chairman of the State Authority and forwarded through the Chairman of the District Authority. The resignation shall take effect from the date on which it is accepted.
- 17. Removal of the Member from Office in certain circumstances—** 1. On recommendation of the Patron-in-Chief in consultation with the Executive Chairman of the State Authority, the State Government shall remove any nominated member from the District Authority, who —
- (a) fails, without sufficient cause, to attend three consecutive meetings of the District Authority, or
 - (b) has been adjudged insolvent; or
 - (c) has been convicted of an offence which in the opinion of the Patron-in-Chief, involved moral turpitude ; or
 - (d) has become physically or mentally incapable of acting as a member; or
 - (e) has so abused his position as to render his continuance in the District Authority prejudicial to the public interest.
2. Notwithstanding anything contained in Clause (1) of this regulation, no member shall be removed unless the recommendation for his removal has been made on any of the grounds mentioned above and only after affording him reasonable opportunity to be heard.

2 Sub Regulation 15(iii) renumbered as sub-regulation 15(ii) thereof by Amendment Notification 13 dt 18.06.2013, sec. 3(c) (w.e.f. 18.06.2013)

18. Additional Functions of the District Authority — In addition to the functions assigned to it under the Act and Rules, the District Authority shall perform the following functions, subject to the general superintendence and control of the State Authority :

1. Shall perform such other functions as the State Authority may fix by Regulations from time to time and shall also be guided by such directions as Central Authority or the State Authority may give to it in writing from time to time.
2. Conduct legal literacy camps in different parts of the District with a view to transmitting knowledge about the legal aid schemes conducted in the State or with a view to spreading consciousness about the legal rights and duties of citizens with special reference to the tribal and rural population, women, children, disabled, handicapped and the weaker sections of the society .
3. Conduct legal aid clinics in different parts of the District in collaboration with Law Colleges, Universities and other social service organization.
4. Supervise, direct and guide the working of the Sub-Divisional Committees in the District.
5. Call for from the Sub-divisional Committees in the District such periodical reports, returns and other statistics or information as it may think fit, or as are required by the State Authority.
6. Prepare, consolidate and submit such reports, returns and other statistics or information in respect of the District Authorities, as the State Authority may call for.
7. Receive applications for legal services and ensure that every application is promptly processed and disposed of.
8. Consider the cases brought before it for legal services including pre-litigation matters and decide as to what extent legal services can be made available to the applicant.
9. Persuade the parties to appear before it and make efforts to bring about a just settlement between them and, if necessary, also refuse the legal services, if in its opinion the conciliation has failed due to any fault on the part of the applicant.
10. Encourage and promote conciliation and settlement in all legal proceedings, including pre-litigation matters.
11. Take proceedings for recovery of costs awarded to a person to whom legal services are rendered.
12. May review the cases where legal services are refused by the Sub-divisional committee, on application.

- ³13. The expenditure incurred on any single Legal Awareness Camp/Legal Literacy Camp/Programmes etc. organized by District Legal Services Authority shall not exceed Rs. 5,000/-.

CHAPTER-VI

Sub-divisional Legal Services committee

- 19. Term of Office and other conditions relating thereto of Members of the Sub-divisional Committee** — 1. The term of the office of the members of the Sub-Divisional Committee shall be for a period of two years.
2. If any member of the said Committee ceases to be such member for any reason, the vacancy shall be filled up in the same manner as the original nomination and the person so nominated shall continue to be the member for the remaining term of the member in whose place he is nominated.
3. A member of the Sub-Divisional Committee may, resign his office by writing under his hand addressed to the Executive Chairman of the State Authority and forwarded through the Chairman of the District Authority under intimation to the Chairman of the Sub-divisional Committee, such resignation shall take effect from the date on which it is accepted by the Executive Chairman of the State Authority.
- 20. Removal of the Member from the Office in certain circumstances**— A nominated member of the Sub-divisional Committee shall be removed by the State Government on the recommendation of the Executive Chairman of the State Authority for such removal on any of the grounds mentioned in Regulation 15(1)(a) to (e) when the recommendation is made after affording the member a reasonable opportunity to be heard.
- 21. Additional functions of the Sub-divisional Committee** — In additions to the functions assigned to it under the Act and Rules, the Sub-divisional Committee shall perform the following functions subject to the general superintendence of the District and State Authorities:
1. receive applications for legal services in respect of cases in all the Courts functioning in the Sub-Divisional area of the Committee.
 2. ensure that the case of every applicant is promptly processed and disposed of.
 3. consider the cases brought before it for legal services including pre-litigation matters and decide as to what extent legal services can be made available to the applicant.

4. persuade the parties to appear before it and make effects to bring about a just settlement between them and if necessary also refuse the legal services, if in its opinion the conciliation has failed due to any fault on the part of the applicant.
5. encourage and promote conciliation and settlement in all legal proceedings including pre-litigation matters.
6. take proceedings for the recovery of costs awarded to a person to whom the legal services were rendered.
7. perform such other functions and discharge such other duties as the District Authority or the State Authority may entrust to it from time to time.

CHAPTER-VII

Conduct of Business

- 22. Meetings** — The Member-Secretary of the State Authority, with the prior approval of the Executive Chairman of the State Authority shall convene meeting of the State Authority at least once in three months or as frequently as the business may warrant.

The Secretary of the High Court Committee or of the District Authority, with the prior approval of the Chairman of the respective Authority, and the Chairman of the Sub-divisional Committee, as the case may be, shall convene meetings of the respective bodies at least once in two months or as frequently as the business may warrant.

In the absence of the Executive Chairman of the State authority or of the Chairman of the High court Committee, the District Authority or the Sub-divisional Committee as the case may be, one of the ex-officio members chosen be the Members present at the meeting shall preside over the meeting of the respective bodies.

- 23. Minutes of the Meeting**—The minutes of the proceedings of every meeting shall be prepared by the Member-Secretary of the State Authority or the Secretary of the High Court Committee or the District Authority as the case may be as soon as possible after the meeting and after obtaining the approval of the respective Chairman thereto, he shall circulate the minutes to the members. The minutes shall be confirmed and signed by the respective Chairman unless any member who was present at the meeting to which the minutes relate and has objected to the minutes as having been incorrectly or incompletely recorded and has communicated his objections in writing to the Member-Secretary or the Secretary as the case may be, within seven days of the receipt of the minutes by him or her. Any objections received shall be considered by the respective Chairman of the bodies who may make such modifications in the minutes as are thought proper, and the modified minutes shall then be confirmed and signed by the respective Chairman.

The minutes of the proceedings of every meeting of the Sub-divisional Committee shall be prepared under the guidance of the Chairman by such officer as he directs. The

minutes of the meeting shall be circulated to the members and be confirmed and signed by the Chairman in similar manner as is provided for the High Court Committee or the District Authority, as far as possible.

- 24. Decisions by way of Resolutions—** All decisions of the State Authority, High Court Committee, District Authority, or the Sub-Divisional Committee shall be by way of resolutions passed in the meeting and in the event of any dissension, the decision of the Executive Chairman or the Chairman of the different other bodies as the case may be, shall be final.

Provided that in such matters as may be directed by the Executive Chairman or the Chairman of the different other bodies as the case may be, the decision of the State Authority or of the High court Committee, the District Authority or the Sub-divisional Committee may be taken by circulation.

- 25. Expenditure for the meeting—** (a) The Member-Secretary of the State Authority is authorised to spend an amount not exceeding ⁴Rs. 5000/- (Rupees five thousand only) for a meeting of the State Authority, and an amount not exceeding ⁵Rs. 2000/- (Rupees two thousand only) for a meeting of any Sub-Committee, from out of the Legal Aid Fund.
- (b) The Member-Secretary may sanction an amount not exceeding ⁶Rs. 3000/- (Rupees Three thousand only) for each meeting of the High Court Committee on the requisition of the Secretary of the Committee.
- (c) The Chairman of the District Authority may incur an expenditure not exceeding ⁷Rs. 2000/- (Rupees Two thousand only) for a meeting of the District Authority.
- (d) The Chairman of the District Authority is authorised to sanction an amount not exceeding ⁸Rs. 1000/- (Rupees One thousand only) from out of the District Legal Aid Fund for each meeting of the Sub-Divisional Committee on the requisition of the Chairman of the Sub-Divisional Committee.

CHAPTER-VIII

Legal Aid

- 26. Receiving of the Application for Legal Services —** A person seeking legal services from the High Court Legal Services Committee, District Authority or the Sub-Divisional Committee as the case may be, shall send an application directly to the High Court Committee, District Authority or the Sub-Divisional Committee under affidavit

4 Subs. by Amendment Notification 12 dt 21.02.2013 , sec. 3(1), for "Rs. 600/- (Rupees six hundred only) (w.e.f 21.02.2013)

5 Subs. by Amendment Notification 12 dt 21.02.2013 , sec. 3(1), for "Rs. 200/- (Rupees two hundred only) (w.e.f 21.02.2013)

6 Subs. by Amendment Notification 12 dt 21.02.2013 , sec. 3(2), for "Rs. 400/- (Rupees four hundred only) (w.e.f 21.02.2013)

7 Subs. by Amendment Notification 12 dt 21.02.2013 , sec. 3(3), for "Rs. 250/- (Rupees Two hundred and fifty only) (w.e.f 21.02.2013)

8 Subs. by Amendment Notification 12 dt 21.02.2013 , sec. 3(4), for "Rs. 150/- (Rupees One hundred and fifty only) (w.e.f 21.02.2013)

containing the brief facts of the case, and where the applicant is a person as stipulated under section 12(h) of the Act, not being one covered under any other clauses of that section, the affidavit shall also state the details of properties possessed by him and his annual income from all sources:

Provided that if any such application as aforesaid, is received by the State Authority directly for seeking legal services, the Authority will send the same to the respective Committee or Authority for doing the needful.

⁹27. *“Scrutiny and evaluation of the application for free legal services. — “(1) There shall be a Committee to scrutinise and evaluate the application for legal services, to be constituted by the Legal Services Institution at the level of Taluk, District and State.*

(2) *The Committee shall be constituted by the Executive Chairman or Chairman of the Legal Services Institution and shall consist of, -*

(i) *The Member Secretary or Secretary of the Legal Services Institution as its Chairman and two members out of whom one may be a Judicial Officer preferably having working experience in the Legal Services Institution and;*

(ii) *A legal professional having at least fifteen years standing at the Bar or Government pleader or Assistant Government Pleader or Public Prosecutor or Assistant Public Prosecutor, as the case may be.*

(3) *The tenure of the members of the Committee shall ordinarily be two years which may be further extended for a maximum period of one year and the Member Secretary or Secretary of the Legal Services Institution shall, however, continue as the ex-officio Chairman of the Committee.*

(4) *The Committee shall scrutinise and evaluate the application and decide whether the applicant is entitled to the legal services or not within a period of eight weeks from the date of receipt of the application.*

(5) *If the applicant is not covered under the categories mentioned in section 12, he or she shall be advised to seek assistance from any other body or person rendering free legal services either voluntarily or under any other scheme.*

(6) *The Legal Services Institution shall maintain a list of such agencies, institution or persons who have expressed willingness to render free legal services.*

9 Subs. by Amendment Notification 13 dt 18.06.2013, sec. 5, (w.e.f. 18.06.2013). Regulation 27 before substitution, stood as under :-

Scrutiny of Applications — The application shall be scrutinised and disposed of by the Secretaries of the High Court Committee, District Authority and by the Chairman the Sub-Divisional Committee as the case may be, giving such directions as the allowing of such legal services as are thought necessary.

Provided that all orders passed by the Secretaries of the High Court Committee or the District Authority rejecting legal services shall be passed after obtaining order of the respective Chairman.

Provided further that all orders of grant of legal services by the Secretaries of the High Court Committee or District Authority shall be subject to control and modifications by the Chairman of the respective bodies.

- (7) *Any person aggrieved by the decision or order of the Committee, he or she may prefer appeal to the Executive Chairman or Chairman of the Legal Services Institution and the decision or order in appeal shall be final”.*

Provided further that all orders of grant of legal services shall be subject to control, modifications and final approval by the Chairman of the respective Legal Services Institutions.”

28. Preparation of Advocate Panel — The High Court Committee, the District Authority and the Sub-Divisional Committee shall prepare three panels of Advocates, for entrustment of the cases for rendering legal services, as follows :

- (i) Advocates who volunteer to render legal services gratuitously;
- (ii) Advocates of more than 15 years standing who can entrusted with important cases:
- (iii) Advocates with standing at the Bar between 5 and 15 years who can be entrusted with the cases :

Provided the the Advocate members of the State Authority, High court Committee, District Authority or the Sub-Divisional Committee may always venture to render legal services gratuitously:

Provided further that in choosing the panels care shall be taken to empanel Advocates of repute who are specially interested in implementation of legal services scheme.

¹⁰29. [***]

30. Duty of legal Practitioner to take further action, after the decision of a case by the Court — The legal practitioner conducting a case on behalf of a person receiving the services shall, as soon as the case is decided, apply for a copy of a judgment and decree, if any, and immediately on receipt of the copies shall submit them to the body appointing him together with his detailed comments. The Sub-Divisional Committee, the District Authority or the High Court Committee, as the case may be, shall take steps to recover the expenses of the services rendered from out of the costs, if any, awarded by the Court to the person concerned and received by him. Such bodies may also consider, where necessary, the feasibility of filing an appeal, revision or a writ petition if---

- (i) the case has been decided against the person;
- (ii) the case is prima facie fit taking to such remedies;

10 Regulation 29 omitted by by Amendment Notification 12 dt 21.02.2013 , sec. 4, (w.e.f 21.02.2013). Regulation 29, before omission stood as under:

“Part Payment of Fees to Advocates ---- In suitable cases Advocates may be paid one third of the fees at the commencement of the case or at intermediate stage.”

(iii) the aided person has applied for legal services for taking recourse to such remedies.

Provided that it will not be necessary to make a fresh inquiry as to eligibility under section 12(h) of the Act, wherever applicable unless the Sub-Divisional Committee, District Authority or the High Court Committee, as the case may be, is of the opinion that a change of circumstances has taken place since the grant of legal services.

31. Modes of Legal Services and Advice — The legal services admissible under these Regulations shall be in all or in any of the following modes namely :

- (a) legal advice by a legal practitioner on the list of legal practitioners maintained by the Sub-Divisional Committee, the District Authority or the High Court Committee or any of the voluntary organisation sponsored and encouraged by the State Authority.
- (b) legal services in the form of ---
 - (i) representation of an entitled person by a legal practitioner on the list in the legal proceedings.
 - (ii) payment to the entitled person or on his behalf ---
 - (a) of court fee;
 - (b) of process fee and expenses of witnesses;
 - (c) of charges for preparation of paper books, including charges for printing and translation of documents;
 - (d) of charges for the supply of certified copies of judgment, decision, order and other documents;
 - (e) of any amount on any other account in any legal proceedings.

LOK ADALATS

32. Procedure for Organising Lok Adalat — The Secretary of the High Court Committee or the District Authority or the Chairman of the Sub-Divisional Committee, as the case may be, shall convene and organise Lok Adalat at regular intervals :

Provided that the Secretary of the High Court Committee or the District Authority or the Chairman of the Sub-Divisional Committee, as the case may be, shall convene a Lok Adalat as soon as 30 cases preferred to it under section 20 of the Act or otherwise are available for being taken up.

The Secretary of the High Court Committee or the District Authority or the Chairman of the Sub-Divisional Committee, as the case may be, may associate the members of the legal profession, colleges, students, social organization, charitable and philanthropic institutions and other similar organizations with the Lok Adalats.

33. Intimation to the State Authority — The Secretary of the High Court Committee or the District Authority or the Chairman of the Sub-Divisional Committee, as the case may be, shall inform the State Authority about proposal to organize Lok Adalat well before the date on which the Lok Adalat is proposed to be organized and furnish the following information to the State Authority :

- (i) the place and the date on which the Lok Adalat is proposed to be organized;
- (ii) whether some of the organizations referred to in Regulation 30(2) have agreed to associate themselves with the Lok Adalat
- (iii) categories and nature of cases, pending cases or pre-litigation disputes or both proposed to be placed before the Lok Adalat;
- (iv) number of cases proposed to be brought before the Lok Adalat;
- (v) any other information relevant to the convening and organizing of the Lok Adalat.

34. Notice to the Parties concerned — The Secretary of the High Court Committee or the District Authority or the Chairman of the Sub-Divisional Committee, as the case may be, convening and organizing the Lok Adalat shall inform every litigant whose case is referred to the Lok Adalat well in time so as to afford him an opportunity to prepare himself for the Lok Adalat.

35. Composition of the Lok Adalat — ¹¹(1) At State Authority Level.- The Member-Secretary organizing the Lok Adalat shall constitute benches of the Lok Adalats, each bench comprising of a sitting or retired Judge of the High Court or a serving or retired judicial officer and anyone or both of the following:

11 Subs. by Amendment Notification 12 dt 21.02.2013 , sec. 5(a), for "1. At the High Court Level : The Secretary of the High Court Committee organising the Lok Adalat shall constitute Benches of the Lok Adalats, each bench comprising two or three of the following :

- (i) a sitting or retired Judge of the High Court;
 - (ii) a senior member of the legal profession; and
 - (iii) a (local) social worker of repute who is engaged in the upliftment of the weaker sections of the people, including scheduled castes, scheduled tribes, woman, children, rural and urban labour and interested in the implementation of the Legal Services Schemes and Programmes.
2. At District Level : The Secretary of the District Authority organising the Lok Adalat shall constitute Benches of the Lok Adalats, each bench comprising two or three of the following :
- (i) a sitting or retired Judicial Officer;
 - (ii) a senior member of the Local Bar; and
 - (iii) a (local) social worker of repute who is engaged in the upliftment of the weaker sections of the people, including scheduled castes, scheduled tribes, woman, children, rural and urban labour and interested in the implementation of the Legal Services Schemes and Programmes.
3. At Sub-Divisional Level : The Chairman of the Sub-Divisional Committee organising the Lok Adalat shall constitute Benches of the Lok Adalats, each bench comprising two or three of the following :
- (i) a sitting or retired Judicial Officer;
 - (ii) a senior member of the Local Bar; and
 - (iii) a (local) social worker of repute who is engaged in the upliftment of the weaker sections of the people, including scheduled castes, scheduled tribes, woman, children, rural and urban labour and interested in the implementation of the Legal Services Schemes and Programmes. (w.e.f 21.02.2013)Sub Regulation 1 to 3 renumbered as 1 to 4

- (i) a member from the legal profession; and
 - (ii) a social worker of repute who is engaged in the upliftment of the weaker sections of the people, including the Scheduled Castes, the Scheduled Tribes, women, children, rural and urban labour and interested in the implementation of legal services schemes or programmes.
- (2) At High Court Level.- The Secretary of the High Court Legal Services Committee organising the Lok Adalats shall constitute benches of the Lok Adalats, each bench comprising of a sitting or retired Judge of the High Court or a serving or retired judicial officer and anyone or both of the following:
- (i) a member from the legal profession;
 - (ii) a social worker belonging to the category as mentioned in item (ii) of sub-para (i) above.
- (3) At District Level.- The Secretary of the District Authority organising the Lok Adalats shall constitute benches of the Lok Adalats, each bench comprising of a sitting or retired judicial officer and anyone or both of the following:
- (i) a member from the legal profession;
 - (ii) a social worker belonging to the category as mentioned in item (ii) of sub-para (i) above or a person engaged in para-legal activities of the area, preferably a woman.
- (4) At Subdivision Level.- The Chairman of the Subdivisional Legal Services Committee organising the Lok Adalats shall constitute benches of the Lok Adalat, each bench comprising of a sitting or retired judicial officer and anyone or both of the following:
- (i) a member from the legal profession; and
 - (ii) a social worker belonging to the category as mentioned in item (ii) of sub-para (i) above or a person engaged in para- legal activities of the area, preferably a woman.
- ¹²(5) The Chairman of the High Court Committee, the District Authority and the Sub-Divisional Committee may directly supervise the Lok Adalat organised by the respective bodies.

36. Solemnity in conducting Lok Adalat — 1. Every lok Adalat shall be conducted with the solemnity attached to a Court and avoiding any ostentatious show.

37. Expenditure for the Lok Adalat — The expenditure incurred for organising Lok Adalat shall not exceed ¹³Rs. 5000/- (Rupees Five Thousand Only) including expenditure incurred for publicity etc.

Necessary help from publicity media like Press, Radio and Television can be taken in giving publicity of the proposed Lok Adalat.

Non political and voluntary services institutions may partake in organizing Lok Adalat by organising free distribution of food packets to the public gathered at the Lok Adalat.

¹⁴However, DLSA shall be competent to spend an amount not exceeding Rs.25000/- (twenty five thousand only) for Mega Lok Adalat to be organized under guidelines of 13th Finance Commission . However, this shall be operational only till the 13th Finance Commission guidelines remain in force.(co-terminus with the period of 13th Finance Commission)

38. Summoning of the Records and the Responsibility for its safe custody — 1. The Secretary of the High Court Committee or the District Authority or the Chairman of the Sub-Divisional Committee, as the case may be, may call for the judicial records of those pending cases which are referred to the Lok Adalat under section 20 of the Act from the concerned Courts.

2. If any case is referred to the Lok Adalat at the prelitigation stage, the version of each party shall be obtained by the Secretary of the High Court Committee or the District Authority or the Chairman of the Sub-Divisional Committee, as the case may be, to be placed before the Lok Adalat.
3. The Secretary of the High Court Committee or the District Authority or the Chairman of the Sub-Divisional Committee, as the case may be, shall be responsible for the safe custody of the records from the time he receives them from the Court till they are returned.
4. Every judicial authority is expected to co-operate in transmission of the Court records.
5. The judicial records shall be returned within ten days of the Lok Adalat irrespective of whether or not the case is settled by the Lok Adalat with an endorsement about the result of the proceedings.

39. Functioning of the Lok Adalat — The Secretary of the High Court Committee or the District Authority or the Chairman of the Sub-Divisional Committee, as the case may be, shall assign specific cases to each Benches of the Lok Adalat.

13 Subs. by Amendment Notification 12 dt 21.02.2013 , sec. 6(1), for "Rs. 500/- (Rupees Five hundred only) (w.e.f 21.02.2013)

14 Ins. by Amendment Notification 12 dt 21.02.2013 , sec. 6(2), (w.e.f 21.02.2013)

The Secretary of the High Court Committee or the District Authority or the Chairman of the Sub-Divisional Committee, as the case may be, prepare a “Cause List” for each Bench of the Lok Adalat and intimate the same to all concerned atleast two days before the date of Lok Adalat.

Every Bench of the Lok Adalat shall make sincere efforts to bring about a conciliatory settlement in every case put before it without bringing about any kind of coercion, threat or undue influence, allurements or misrepresentation.

40. Holding of Lok Adalat — (a) A Lok Adalat may be organised at such time and place and on such days preferably on Saturdays, Sundays and holidays as the State Authority, High Court committee, District Authority, Sub-Divisional Committee, as the case may be, organising the Lok Adalat deems appropriate.

(b) The Lok Adalat shall be held at a public place.

41. Procedure for effecting compromise or settlement at Lok Adalat — 1. Every award of the Lok Adalat shall be signed by the panel constituting the Lok Adalat.

2. The original award shall form part of the judicial records and a copy of the award shall be given to each of the parties duly certified to be true by the panel constituting the Lok Adalat.

42. Award to be categorical and lucid — 1. Every award of the Lok Adalat shall be categorical and lucid and shall be written in the language used in the local courts. The award may be drawn up in English or in the Regional language.

2. The parties to the dispute shall be required to affix their signature or, as the case may be, thumb impression on the award of the Lok Adalat.

43. Compilation of Results — At the conclusion of the session of the Lok Adalat the Secretary of the High Court Committee or the District Authority or the Chairman of the Sub-Divisional Committee, as the case may be, shall compile the results for submission to the State Authority.

44. Maintenance of the Panel of Lok Adalat Judges — The Secretary of the High Court Committee or the District Authority or the Chairman of the Sub-Divisional Committee, as the case may be, shall maintain a panel of retired Judges, Advocates, Social Workers

etc, possessing qualifications and experience prescribed under section 28(o) of the Act, who may work in Lok Adalats.

¹⁵45[***]

46. Procedure for Maintaining Record of Cases Referred under section 20 of the Act or Otherwise — 1. The Secretary of the High Court Committee or the District Authority or the Chairman of the Sub-Divisional Committee, as the case may be, shall maintain a register wherein all the cases referred by him by way of reference to the Lok Adalat shall be entered giving particulars of the

- (I) Date of Receipt;
- (ii) Nature of the Case
- (iii) Such other particulars as may be deemed necessary; and
- (iv) Date of settlement and return of the case file.

2. When the case is finally disposed of by the Lok Adalat, an appropriate entry will be made in the register.

47. Budget — 1. The High Court Committee and the District Authority shall submit the Budget proposals to the State Authority on financial year basis in respect of the Lok Adalat Scheme.

2. The Sub-Divisional Committee, shall submit the Budget proposals to the District Authority on financial year basis in respect of the Lok Adalat Scheme.

3. The expenditure for Lok Adalat Scheme shall constitute Non-plan expenditure and may be, met out of the grants received by the High Court Committee and the District Authority and the Sub-Divisional Committee, as the case may be.

48. Maintenance of Accounts — 1. The Chairman of the High Court Committee or the District Authority or the Sub-Divisional Committee, as the case may be, shall exercise complete and full control over the expenditure to be incurred on the Lok Adalats.

¹⁵ Regulation 45 omitted by Amendment Notification 12 dt 21.02.2013, sec. 7, (w.e.f 21.02.2013). Regulation 45, before omission stood as under: "Remuneration to the Judge and Members of the Lok Adalat ---- 1. The Judge of the Lok Adalat Bench, if he is retired Judicial Officer and other members shall be provided with conveyance or conveyance allowance as per actuals for to and fro journey between their residence and the place of Lok Adalat.

2. (i) The Presiding Officer of the Lok Adalats held at District and Sub-Division levels, who is not a serving Judicial Officer shall be entitled to honorarium at such rates as may be determined by the District Authority or the Chairman of the Sub-Divisional Committee, as the case may be, but not exceeding Rs. 20/- per case decided and subject to a maximum, of Rs. 100/- per day.

(ii) The other members of the Lok Adalats held at the District and Sub-Divisional levels shall be entitled to honorarium at such rates as may be determined by the District Authority or the Chairman of the Sub-Divisional Committee, as the case may be, but not exceeding Rs. 15/- per case decided and subject to maximum, of Rs. 75/- per day.

(iii) The Presiding Officer of the Lok Adalats held at High Court level, who is not a sitting Judge shall also be entitled to honorarium at such rates as may be determined by the Chairman of the High Court Committee but not exceeding Rs. 40/- per case decided and subject to maximum, of Rs. 200/- per day."

(iv) The other members of the Lok Adalat held at High Court level shall be entitled to honorarium at such rates as may be determined by the Chairman of the High Court Committee but not exceeding Rs. 25/- per case decided and subject to a maximum of Rs. 125/- per day.

2. The Secretary of the High Court Committee or the District Authority, as the case may be, shall render true and proper accounts to the State Authority every quarter.
3. The Chairman of the Sub-Divisional Committee shall render true and proper accounts to the District Authority every month.

49. Funding — On a request received from the High Court Committee or the District Authority or the Sub-Divisional Committee, as the case may be, the State Authority may release special grants for convening or holding of Lok Adalats, if considered necessary.

¹⁶Schedule A

(1) Consolidated fee for Legal Aid Counsel for High Court cases

(a)	Writ petition, contempt, LPA, First Appeal, Second Appeal	Up to admission stage Rs. 3000/- Drafting fee	For final hearing Rs. 3000/-
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16 Subs. by Amendment Notification 12 dt 21.02.2013, sec. 8, for Schedule I, II and III upto para (a) and (b) (w.e.f. 21.03.2013), before omission Schedule I, II and III upto part (a) and (b) stood as under.

SCHEDULE-I

Consolidated Fee for the High Court Cases

Writ Petition	Rs. 500/-
L.P.A	Rs 750/-
Second Appeal	Rs 750/-
First Appeal	Rs 1000/-
Civil Misc. Appeal	Rs 500/-
Criminal Revision Appeal	Rs 500/-
Civil Revision	Rs 500/-
Any Other Legal Proceeding	Rs 500/-

SCHEDULE-II

Consolidated Fee for District Court Cases

Suit before Sub-Judge, Munsif	Rs 500/-
Suit and Appeals or any other proceeding before District Judge	Rs 500/-
Criminal Cases before Asstt. Sessions Judge or Sessions Judge (Including Revision & Appeal)	Rs. 500/-
In Uncontested Case	Rs 200/-

SCHEDULE-III

Consolidated Fee for the Other Cases

Criminal Case including Maintenance Case	Rs 500/-
Bail Petition if Counsel not paid Fee in Main Case	Rs 100/-
Cases before Member Board of Revenue, Commissioner, Collector, Addl. Collector, other courts of the same rank Including courts of settlement officers hearing cases Relating to survey cases	Rs. 700/-
Cases before SDM, Executive Magistrate, LRDC & other Courts of the same nature and rank in Subdivisions	Rs 500/-
All cases relating to Tribal Lands (for the Members of S.C. & S.T.)	Rs 700/-

In any case, for reasons to be recorded in writing, it is considered by the Chairman to be of such nature/importance requiring payment of higher fees to the legal practitioner, may pay the higher fee as it deems fit; Fees payable under Sub-Regulation (ii) shall be paid in two instalments as under :

- (a) 1/3rd of the fee on engagement of the legal practitioner after first hearing of the case.
- (b) The remaining 2/3rd fee after final decision of the case.

Cr. Revision Rs. 1000/-
¹⁷Criminal Appeal Civil Revision

- (b) B.A., A.B.A. Quashing matter, Rs. 1500/-
 CMP, Transfer Petition, (One Time)
 Misc. Appeal, IA and any
 other similar application

Consolidated fee for Legal Aid Counsel for cases before State or Central Level Tribunal or Commission, Board of Revenue, Divisional Commissioner or other like Forum

- (a) For matters like Original Up to admission stage For final
 application, appeal etc. Rs.2500/- hearing
 Drafting fee Rs. 1000/- Rs. 2500/-
 shall be admissible
- (b) For interlocutory application Rs. 1000/- (One Time)
 restoration, misc. or other like matter

Schedule B
Fee for Legal Aid Counsels in Subordinate Court

CIVIL CASES			
(1) Before District Judges including MACT, Family Court, Labour Court			
(a)	For civil appeal	Up to admission stage Rs. 1000/-	After final disposal Rs. 2000/-
(b)	For original Civil, Labour, Matrimonial, , Probate, Succession, Letter of Administration, Arbitration, Land Acquisition, Insolvency or any other original proceeding	Rs. 4000/- Drafting fee Rs. 500/- for (a) & (b)	Rs 1000/- on framing of issues or points, Rs. 1500/- on closure of evidence and Rs. 1500 on final disposal
(c)	For Misc. appeal, restoration application, Transfer application, misc. application etc.	Rs. 500/-	Rs. 1000/-

¹⁷ Ins. by Amendment Notification 13 dt 18.06.2013, sec. 2 (w.e.f. 18.06.2013)

(2) Before Civil Judge (Senior or Junior Divisions)		
(a)	For original suit	Rs. 4000/- (Rs. 1000/- at the stage of framing of issues or point, Rs. 1500/- after the closure of evidence and Rs. 1500/- on final disposal) Drafting fee Rs. 500/-
(b)	For Execution application	Rs. 2500/- (one time payment)
(c)	For any other application or proceeding	Rs. 1500/- (one time payment)

Criminal Cases

(1)	Before Sessions Court	
(a)	For cases involving sentence of death or life imprisonment or imprisonment exceeding 7 yrs.	Rs. 6000/- (1/3 on framing of charge, 1/3 on conclusion of evidence and 1/3 on final disposal)
(b)	For all other Sessions Cases including cases under Spl. Acts	Rs. 5000/- (1/3 on framing of charge, 1/3 on conclusion of evidence and 1/3 on final disposal)
(c)	Criminal Appeal or Criminal Revision	Rs. 2500/- (one time) Drafting fee Rs. 500/-
(d)	Bail or ABP	Rs. 1500/- (one time)
(e)	Any other application, IA etc requiring hearing in the case.	Rs. 500/- per case
(2)	Before CJM/ ACJM, JM 1st Class or any Judicial Magistrates under Special Act (Be it GR, Public or Private Complaint or the like)	Rs. 3000/- (1/3 payment at the stage of framing of charge, 1/3 at conclusion of evidence, 1/3 on final disposal)
	Bail application or any other application requiring hearing in the case	Rs. 500/- (one time)

Schedule C

For cases before District Level Revenue Court or Executive Court i.e. Deputy Commissioner, Addl. Commissioner, DCLR, SDO/SDM, City Magistrates			
1.	Appeal or original proceeding	Up to admission stage Rs. 1000/-	For final hearing Rs. 2000/-
2.	Misc. appeal, restoration proceeding or other misc. proceeding	Rs. 800/-	Rs. 1700/-

Expl.

1. *In batch matter with substantially similar pleading or nature or arising out of same FIR, order or common judgment one extra fee of Rs. 500/- for a set of three persons/cases shall be admissible subject to a maximum of 3 times of original fee*
2. *The court fee, clerkage (10% of the fee), Typing charges, photo copy and other misc. expenses shall be admissible on actual on production of genuine bill*
3. *Court fee through Legal Aid shall be payable by way of judicial stamp.*
4. *The Executive Chairman, JHALSA, Chairman, (HCLSC) or Chairman (DLSA or SDLSC) may in appropriate cases approve for availing the services of any Legal Practitioner other than those on the panel of JHALSA/HCLSC/DLSA or SDLSC.*
5. *Likewise, he may in appropriate cases approve for any Special Fee different from the above prescribed fee or remuneration in any special case to be paid to any legal Practitioner or Legal Aid Counsel.*

SCHEDULE D
Fee for Mediation

<i>A. Honorarium/fee payable at the Level of High Court, JHALSA or HCLSC</i>	
1. For successful Mediation/ Conciliation	
2. For unsuccessful Mediation/Conciliation	Rs. 2000 per case Rs. 500 per case
<i>B. Honorarium/ fee at the District or Sub Division Level.</i>	
1. For successful Mediation/Conciliation	
2. For unsuccessful Mediation/Conciliation	Rs. 1400 per case Rs. 350 per case
<i>As the idea of enhancement of Mediation Fee was under consideration from Jan., 2010, we hereby fix the Mediation Fee for the Period from Jan., 2010 till Notification of the above, which is as follows:</i>	
<i>A. Honorarium/fee payable at the Level of JHALSA/HCLSC</i>	
1. For successful Mediation/ Conciliation, per case	
2. For unsuccessful Mediation/Conciliation , per case	Rs. 600 Rs. 200
<i>B. Honorarium/Fee payable at the District level or Sub Division Legal Services Authority Level</i>	
1. For Successful Mediation or Conciliation, per case	Rs. 500
2. For un Successful Mediation or Conciliation, per case	Rs. 200

¹⁸“provided that the fee for unsuccessful Mediation/Conciliation shall be admissible only after putting in efforts in atleast 3 sessions at three different dates.”

Note:1. Any Mediation or Conciliation proceedings in pre-litigation matters at any level of the Legal Services Authority or Committee shall be treated as taking place at the level of District Legal Services Authority.

1. The newly amended fee structure as above shall be made effective after the Notifications of the Resolution of this General Body Meeting

SCHEDULE E

Honorarium/Fee Payable

1	<i>Honorarium/Fee Payable</i> <i>a. to Presiding Officer (Retd.) of the Lok Adalat held U/s 19 of Legal Services Authorities Act, 1987 at the High Court Level</i>	<i>Rs.2000/- per sitting of Lok Adalat</i>
	<i>b. Payable to other Members</i>	<i>Rs.1000/- per sitting of Lok Adalat.</i>
2	<i>Honorarium/Fee Payable</i> <i>a. to Presiding Officer (Retd.) of the Lok Adalat held U/s 19 of Legal Services Authorities Act, 1987 at the District or Sub Divisional Level.</i>	<i>Rs. 100 per case subject to maximum of Rs.500 per sitting of Lok Adalat</i>
	<i>b. Payable to other Members</i>	<i>Rs.75 per case subject to Rs.375 per sitting of Lok Adalat.</i>
3.	<i>Honorarium/Fee payable to Retd Judicial Officers, Legal Aid Counsels or Panel lawyers attached to Legal Aid Clinics, to jails, Juvenile Justice Board, Remand Home, Observation Home, Probation Home, Shelter Home, if deputed by JHALSA, DLSA, HCLSC, SDLSC</i>	<i>Rs. 500/- per visit with detailed report of minimum of 5 cases or 5 inmates + expenses. *</i>
4.	<i>Honorarium/Fee payable to Legal Aid Counsels/ Panel lawyers other advocates, legal experts, social workers, law students, attending the Legal Aid Clinics, Literacy awareness, or mobile awareness camps in colleges, universities and other places if deputed specially by JHALSA, DLSA, HCLSC, DLSA.</i>	<i>Rs. 350/- per visit + expenses*</i>

5.	<i>Honorarium/ Fee payable for utilization of specific services of the trained Para Legal Volunteers</i>	<i>Rs.250/- per visit + expenses *</i>
6.	<i>a. Honorarium /Fee payable to outstation lawyers, other legal experts as Resource Person approved by JHALSA/HCLSC/ DLSA/ SDLSC for imparting training of legal services.</i>	<i>Rs.1000/- per day + expenses *</i>
	<i>b. Honorarium /Fee payable to local lawyers and other legal experts as Resource Person approved by JHALSA/HCLSC/ DLSA/ SDLSC for imparting training of legal services.</i> <i>Provided also that in appropriate cases with prior approval of the Hon'ble Executive Chairman of JHALSA, special honorarium/ remuneration/fee and other expenses may be sanctioned in favour of any person being invited as Resource Person for any National, State or district Level Conference, Seminar, Workshop, Symposium etc.</i>	<i>Rs. 500/- per day+ expenses *</i>

*Expenses:

¹⁹“1. TA shall be admissible to outstation non-official participants at the rate of 3 Rs/Km.

2. Rs. 75/- would be paid for local traveling per day within the jurisdiction of DLSA.”

3. With the prior approval of Executive Chairman, JHALSA; Chairman, HCLSC; Chairman, DLSA and SDLSC respectively; above expenses including bills for any other expenses may be sanctioned and passed by the Member Secretary or Secretary as the case may be.

4. For organizing Awareness camps, Seminars, literacy programmes etc, or supervising any other activity, DLSA can arrange transport by hiring vehicle on need base locally with ceiling of 60 ltrs. Fuel per month. The Chairman of the DLSA/ SDLSC may approve extra fuel not exceeding 20 ltrs. in special case for such purposes the expenses to be met out of State Legal Aid fund of the DLSA/SDLSC as the case may be. The DLSA or SDLSC shall maintain proper Log Book for the same. Actual incidental expenditure including typing misc. charges incurred by the legal aid advocate will be reimbursed provided it is supported by the vouchers and a certificate is given to that effect by such Legal Aid advocates. Single set of honorarium shall be payable in cases in which more than one person is involved.

Such legal practitioner to whom any case is assigned either for legal advice or for legal aid shall not receive any fee or remuneration, whether in cash or in kind or any other advantage, monetary or otherwise, from such person or from any other person on his

¹⁹ Subs. by Amendment Notification 13 dt 18.06.2013, sec. 4, (w.e.f. 18.06.2013). Clauses 1 and 2 before substitution, as inserted by Amendment Notification 12 dt. 21.02.2013 stood as under.

“1. On actuals on production of Tickets by rail or by bus or on production of vouchers or Rs. 5/- per Km, whichever is less.

2. Rs.150/- would be paid for Local traveling within the jurisdiction of DLSA.”

behalf and he shall submit a certificate to that effect and in case it is found that he indulges in such activities, the matter will be referred to the Bar Council for necessary action.

Such legal practitioner on the panel, who has completed his assignment, shall submit a statement showing the fee due to him in connection with the legal proceeding conducted by him on behalf of such persons, to the Secretary of the District Authority/Committee who shall, after due scrutiny obtain sanction of the Chairman. And on such sanction being given, the remaining amount shall be paid by the Secretary to the legal practitioner.

CHAPTER-X

Legal Aid Clinic

50. (1) **For the purpose of rendering legal assistance to the poor and downtrodden, the State Legal Services Authority may establish Legal Aid Clinics in different district headquarters.**
 - (2) Such Legal Aid Clinics will be arranged at such place, time and intervals as may be fixed by the High Court Committee at Ranchi and the District Authorities in their respective district headquarters.
51. There shall be a panel of lawyers approved by the High Court Committee and the District Committee for the Legal Aid Clinics who shall give honorary services to the clinic. In addition to the lawyers, legal experts, social workers and psychomedical experts shall also be actively associated with the clinic and law students would collaborate in its functioning.
52. Legal Aid Clinic shall interalia perform following functions :
 - (a) Interviewing with the clients.
 - (b) Property ascertaining facts of the case or problem.
 - (c) Counselling the clients
 - (d) Exposure of common people about mechanism of Legal Aid Schemes, Lok Adalat.
 - (e) Motivating the people to resolve their disputes through alternative redressal forum.

Services rendered by the lawyers and other active members in the Legal Aid Committee shall be free of cost.
53. Legal Aid Clinic shall operate by its regular office situated at a particular place and also time to time visit rural areas and serve the poor people. The Legal Aid Clinic will hear the problems of villagers relating to revenue, agriculture, bank loan, family matter and civil and criminal cases and advise them accordingly.

CHAPTER-XI**Miscellaneous**

54. (i) **The State Authority shall have the powers to make amendment in consultation with the chief Justice in any of the provisions of the Regulations as and when situation arises.**
- (ii) Any proposal of amendment in the Regulation shall be placed in the meeting of the State Authority by the Member-Secretary and for that purpose the meeting of the State Authority may be called at any time with the approval of the Executive Chairman.
55. Notwithstanding anything to the contrary contained in these Regulations, in case the Patron-in-Chief or the Executive Chairman of State Authority or the Chairman of the Authority/Committee is of the opinion that when such situation is arisen wherein immediate action is required to be taken or there is no possibility of immediately convening the meeting of the Authority/Committee then he may in anticipation of approval of the Committee/Authority concerned, take such decision as he may deem fit and thereafter he shall, as soon as possible sent report of his action so taken to the Committee/Authority concerned.
56. If any difficulty arises in giving effect to the provisions of these Regulations, the Executive Chairman may in consultation with the Patron-in-Chief, by order published in the Official Gazette make such provision of the Regulations as appeared to him to be necessary or expedient for removing the difficulty.

□□□

IV. NALSA SCHEMES

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NALSA (legal Services to the
Mentally Ill and Mentally
Disabled Persons) Scheme,
2015

NALSA (LEGAL SERVICES TO THE MENTALLY ILL AND MENTALLY DISABLED PERSONS) SCHEME, 2015

BACKGROUND

Persons with disabilities, especially those suffering from mental illness and other barriers like mental retardation are usually not those who catch the attention of the authorities that be. They are sidelined and are viewed only from the prism of the paternalistic “social welfare” which looks upon them merely as persons who are in need of special protection by the State and the society. India is a signatory to the UN Convention on the Rights of Persons with Disabilities (CRPD) 2008 and since our country has ratified the Convention, it is obligatory for our legal system to ensure that human rights and fundamental freedoms of persons with disability (including mentally ill persons and persons with mental disabilities) are enjoyed on equal basis with others and to ensure that they get equal recognition before the law and equal protection of the law. The Convention further requires us to ensure effective access to justice for persons with disabilities on an equal basis with others.

Under Section 12 of the Legal Services Authorities Act, 1987, persons who are disabled as defined in clause (i) of Section 2 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and those in a psychiatric hospital or in a psychiatric nursing home within the meaning of clause (q) of Section 2 of the Mental Health Act, 1987 are entitled to legal services. Hence NALSA had drawn up a scheme to provide effective legal services to the mentally ill and mentally disabled, in 2010, in terms of its mandate under S.4 (b) of the Legal Services Authorities Act, 1987.

Though the Scheme was first launched in 2010, from the reports received from all the States on its implementation, it appears that there is a need to review the scheme to strengthen the services rendered by the State Legal Services Authorities/Legal Services Institutions to these marginalised people to enable them to access justice. There is imperative need for a proactive outreach to these people. So far, the SLSAs/DLSAs seem to be concerned only with matters reaching them. Even then, there remains much to be done in court related activities.

It is in this background, that this new Scheme for Legal Services to the Mentally Ill and Mentally Disabled persons has been drawn up as “**NALSA (Legal Services to the Mentally Ill and Mentally Disabled Persons) Scheme, 2015**”.

OBJECTIVES

This Scheme includes fresh guidelines to the Legal Services Institutions (State Legal Services Authorities, District Legal Services Authorities, Taluk Legal Services Committees, High Court Legal Services Committees, Supreme Court Legal Services Committee) to be

followed while they render legal services to the mentally ill and persons with mental disabilities. The objective is to ensure that the mentally ill or mentally disabled are not stigmatized and they are dealt with as individuals who are to be helped to enforce all rights they are entitled to and as assured to them by law.

The terms PLVs, Legal Services Clinics, Front Office, Panel Lawyers and Retainer Lawyers will mean the same as defined under the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010 and National Legal Services Authority (Legal Services Clinics) Regulations, 2011 and the NALSA Scheme for Para Legal Volunteers (Revised) and Module for the Orientation - Induction - Refresher Courses for PLV Training.

PART-I:

PRINCIPLES

While dealing with Mentally Ill or Mentally Disabled Persons, the Legal Services Institutions must keep in mind the following factors:-

- (1) **Mental illness is curable** – The Legal Services Institutions shall keep in mind the fact that mental illness is curable on proper medication and care.
- (2) **Mentally disabled persons are not mentally ill persons** – Mentally disabled persons are suffering from mental disabilities due to developmental disorders. Mental Retardation (MR) is of permanent nature and is not curable. So also Autism and Cerebral Palsy. They are, therefore, treated as persons with disabilities under Section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (PWD Act). The statutory provisions for the welfare of mentally disabled persons are (i) PWD Act, 1995 and; (ii) National Trust for the Welfare of Persons with Autism, Cerebral Palsy Mental Retardation and Multiple Disabilities Act, 1999 .
- (3) **Mentally ill and Mentally disabled persons are entitled to all human rights and fundamental freedoms** – While dealing with mentally ill and mentally disabled persons for rendering legal services it shall be the prime concern of the legal services institutions to promote, protect and ensure the full and equal enjoyment of human rights and fundamental freedoms of these persons.
- (4) **Respect for the inherent dignity of mentally ill & mentally disabled persons** – The legal services institutions shall promote respect for the inherent dignity, individual autonomy including independence of mentally ill & mentally disabled persons.
- (5) **Non-discrimination** – The legal services institutions shall not discriminate mentally ill & mentally disabled persons merely because of his/her state of mental health. Rather, they are to be dealt with greater sensitivity and care.

- (6) **Reasonable Accommodation** – The legal services institutions shall make provisions including reasonable accommodation to ensure that persons with mental illness or mental disabilities have equal access to any scheme, programme, facility or service offered.
- (7) **The right of mentally ill persons to get treatment** – Right to treatment and to get proper health care, emanating from Article 21 of the Constitution of India is equally applicable to all mentally ill persons. Mentally ill persons are deprived of treatment either due to lack of information or due to illegal confinement because of superstition or lack of means or stigma. Therefore the legal services institutions shall ensure that such persons are able to access treatment facilities available in the psychiatric hospitals or psychiatric nursing homes by invoking the provisions in chapter IV of the Mental Health Act, 1987.
- (8) **Informed consent for treatment** – Legal services institutions shall ensure that when a person is subjected to treatment for mental illness, his/her informed consent is obtained. If any person is incapable of giving such consent, the informed consent of his/her relatives or friend and in their absence, the satisfaction of the court under Part II Chapter V of Mental Health Act, 1987 shall be ensured.
- (9) **Prevention of exploitation and abuse of mentally disabled persons** – Mentally disabled persons, particularly female mentally disabled, are one of the vulnerable groups most likely to be exploited. Therefore, the legal services institutions shall come to the assistance of mentally disabled persons in preventing their exploitation including sexual abuse and also for taking legal action against the abusers and exploiters.
- (10) Mentally disabled persons and, by and large, mentally ill persons, cannot fruitfully utilize information, because of their mentally challenged situation. Hence, they cannot be imparted with optimum legal literacy to empower them to access justice. Therefore, legal service institutions should assess and audit their eligibilities and needs, in terms of the laws, on collective as well as individual basis, and such requirements shall be addressed by extending legal services.

PART-II

LEGAL SERVICES TO THE MENTALLY ILL AND MENTALLY DISABLED PERSONS IN PSYCHIATRIC HOMES, HOSPITALS AND OTHER SIMILAR FACILITIES AND IN JAILS.

The Mentally Ill and Mentally disabled persons used to be kept in jails under the head of “non-criminal lunatics”. Through directions of the Hon’ble Supreme Court of India in *Sheela Barse Vs. Union of India and others* (Criminal Petition No.237/1989) the Supreme Court deprecated this practice and declared that the admission of the non-criminal mentally ill persons in the jails was illegal and unconstitutional. The Supreme Court further directed that henceforth only Judicial Magistrates and no Executive Magistrate shall send a person who is mentally ill to places of safe custody for treatment. The Judicial Magistrates are also

obligated to first seek the advice of a professional or psychiatrist before doing so. The Judicial Magistrates are also required to, as per the directions of the Supreme Court of India to send quarterly reports to the High Court setting out the number of cases sought to be screened and sent to places of safe custody and the action taken by the Judicial Magistrates thereon.

The Supreme Court of India transferred the records of the case to each High Court requesting the High Courts to register the records so received as a Public Interest Litigation treating the High Court Legal Services Committee as the Petitioner, to assist the High Court in the matter of monitoring compliance of the orders and directions of the Supreme Court of India and the orders of the High Court which may be passed from time to time.

In order to comply with the directions of the Supreme Court of India, the following actions need to be taken:

At Jails:

- ▲ The SLSAs will have to first ensure that the Public Interest Litigation is registered in the High Court and an Hon'ble Judge is designated to deal with the matter, as directed by the Supreme Court of India.
- ▲ The SLSAs will carry out inspection of all jails with the assistance of the State Mental Health Authority (SMHA) or any other team constituted by the High Court or under the directions of the High Court to ascertain whether there are any mentally ill and mentally disabled persons in the jails and if there are, to immediately seek appropriate directions from the High Court with regard to their shifting out and their treatment.
- ▲ The SLSAs will in coordination with the SMHA constitute a team of psychiatrists/psychologists /counsellors to visit the jails and assess the state of mental health of the inmates in jail. Depending on the need assessment by the team, SLSAs will initiate corrective measures necessary to facilitate the treatment of the jail inmate by psychologists or psychiatrists.
- ▲ In compliance of the orders of the Supreme Court of India, the Judicial Magistrates should also send quarterly reports to the High Court setting out the number of cases screened and sent to places of safe custody and the action taken by the Judicial Magistrates thereon. Intimation regarding every such reporting shall be given by the Judicial Magistrate to the SLA, which, in turn, shall ensure that the said quarterly report gains prompt attention of the designate Hon'ble Judge and shall seek such directions and orders as may be found necessary; either general in nature, or as regards any particular individual or issue. SLA shall, in the event of any such direction or order being issued, notify the DLSA/TLSC concerned to aid and monitor its compliance, and shall also bring to the notice of the designate Hon'ble Judge any non-compliance or deficiency in compliance of any such direction or order.

At psychiatric hospitals, homes and facilities:

- ▲ The SLSAs should request the High Court for the constitution under Section 37 of the Act a Board of Visitors for all psychiatric hospitals, homes and similar facilities, whether government run or privately run in the State, in which the Member Secretary/Full Time Secretary, SLSAs/DLSAs should also be a Member. The Board of Visitors should regularly visit these to assess the living conditions of the inmates in these facilities, homes or hospitals.
- ▲ The SLSAs/ Board of Visitors should review the persons in these hospitals, homes and facilities to ascertain whether there are any cured persons staying there whose families appear reluctant to take them back or are themselves not able to contact their families. Whenever the SLSAs/DLSAs or Board of Visitors find such inmates the SLSAs/DLSAs must take all steps to facilitate restoration, including providing legal representation in court to seek orders for restoration of the cured person with the family.
- ▲ Legal services institutions shall during their visits to the psychiatric hospitals or homes or facilities ascertain through interaction with inmates , doctors and staff as to whether any of the persons admitted there are victims of forced admission or not. In such cases, legal services shall be given to such persons for their release from the psychiatric hospitals or homes or facilities.
- ▲ SLSAs/DLSAs should setup Legal Services Clinics at the psychiatric hospitals, homes and facilities in order to provide legal assistance wherever required to the Mentally Ill/ mentally disabled persons and their families to address legal issues concerning the mentally ill and mentally disabled persons.
- ▲ Such a legal clinic should be manned by Para Legal Volunteers and Panel Lawyers who are sensitive to such issues and persons.
- ▲ It would be quite appropriate to train the doctors, nurses and other para medical staff/ administrative staff at the mental health facilities as Para Legal Volunteers so that the best legal services can be provided keeping in mind the welfare of the mentally ill/ mentally disabled persons.
- ▲ The Clinic should also help in ensuring that the homes meant for the mentally ill and mentally disabled persons have all facilities, including for learning appropriate skills for independent and/or assisted living and earning. The legal services institutions may approach the Government, and if necessary the High Court for appropriate directions, to ensure the availability of such facilities.
- ▲ The Legal Services Institutions should also connect the mentally disabled persons with the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities so that benefits provided under the “National Trust For Welfare

of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999” are assured to these persons and their families.

- ▲ Legal Services Institutions should involve through the PLVs the para medical staff/ administrative staff and doctors at the mental health facilities to identify the relatives and homes of those patients in relation to whom such facts are not available on record and take appropriate steps through the different legal services institutions to reach to the relatives of the patients to facilitate re-union of the patients with the near and dear ones.
- ▲ Patients, who are housed in mental health centres, homes and facilities, away from their domicile and home, must be considered for providing legal assistance to ensure their transit to mental health centres, homes and facilities nearer to their native place. This can be done with the involvement of SLSAs and DLSAs.

LEGAL SERVICES TO THE MENTALLY ILL AND MENTALLY DISABLED PERSONS WHO ARE WANDERING, HOMELESS AND DESTITUTES

Under the Mental Health Act, 1987, Section 23, the officer in charge of a police station can take or cause to be taken into protection a wandering mentally ill person or a dangerous mentally ill person within the limits of his station and produce such person before the Magistrate under Section 24 for passing reception orders authorizing the detention of the said person as an inpatient in a psychiatric hospital or psychiatric nursing home for purposes of treatment.

Similarly, under Section 25, a police officer or a private person who has reason to believe that a mentally ill person within the limits of his station is not under proper care and control or is ill-treated or neglected by relatives or other the persons having charge of such mentally ill person, can report the matter before the Magistrate. The Magistrate can pass an order of reception or even fine the person who is responsible for neglecting the mentally ill.

In the case of the homeless or destitute mentally disabled person, ordinarily the matter must be reported to the Local Level Committee through a registered organization as prescribed under the National Trust for the Welfare of Persons with Autism, Cerebral Palsy Mental Retardation and Multiple Disabilities Act, 1999 and Rules and Regulations thereunder. It is the Local Level Committee which would pass appropriate directions for the care of the neglected or destitute mentally disabled person.

Action to be taken by legal services institutions

- ▲ The legal services institutions must draw up a panel of sensitive and sensitized legal services lawyers to represent the best interests of the mentally ill person at the time of the production of the person under Section 24 or Section 25 of the Mental Health Act, 1987 and assist the Magistrate while passing an order that would be in the welfare of the mentally ill person.

- ▲ The legal services institutions must assist the police through its PLVs assigned to the police stations to refer the mentally disabled persons, who are neglected, homeless or destitute to the Local Level Committee set up under Section 13 of the National Trust for the Welfare of Persons with Autism, Cerebral Palsy Mental Retardation and Multiple Disabilities Act, 1999 so that orders such as the appointment of guardian, whether individual or institutional, for the care and rehabilitation of the mentally disabled person is ensured.
- ▲ Legal services institutions must devise sensitization programmes with the junction of mental health officials including doctors, police officials and judicial magistrates dealing with inquisition proceedings to evolve locally conducive mode to ensure that wandering mentally ill persons are identified and dealt with securing their human rights by obtaining appropriate judicial orders as may be found necessary in each case.

LEGAL SERVICES TO MENTALLY ILL AND MENTALLY DISABLED PERSONS DURING COURT PROCEEDINGS

The two statutes governing the rights of the mentally ill persons and the mentally disabled persons are The Mental Health Act 1987 and the National Trust for the Welfare of Persons with Autism, Cerebral Palsy Mental Retardation and Multiple Disabilities Act, 1999. Both entail a hearing before the passing of appropriate orders by the Magistrate or the Local Level Committee as the case may be. It is important that the legal services institutions participate in them through the PLVs or the Panel lawyers.

- ▲ It shall be the duty of the legal services institutions to depute its retainer/panel lawyer to the court where an application for reception orders has been moved or is under consideration under Section 19, 20, 22, 24, 25, 26, 27 or 28 of the Mental Health Act, 1987.
- ▲ The legal services institutions may request the Magistrates who deal with such applications to give notice to the legal services institutions in all cases, for protecting the interest of the mentally ill persons in relation to whom the application for reception or discharge order is being made.
- ▲ The retainer/panel lawyer shall gather the details of the circumstances and shall liaise with the relatives of the alleged mentally ill persons, doctors in the psychiatric hospitals or psychiatric nursing homes or any other competent person to ensure that the condition of the person against whom the application for reception/discharge order has been made warrants such an order from the court.
- ▲ The legal services institutions having local jurisdiction shall keep a list of the mentally ill persons against whom reception orders have been passed by the courts and shall monitor the progress of treatment of the mentally ill persons in the psychiatric hospitals or

psychiatric nursing homes where the mentally ill persons is detained as per the reception order.

- ▲ The legal services institutions shall bring to the notice of the Magistrate concerned about any cured mentally person remaining in the psychiatric hospitals or psychiatric nursing homes where such mentally ill person has been sent as per the reception order.
- ▲ The legal services institutions should through the PLVs/panel/retainer lawyers help the cured voluntary patients for moving requests for discharge under Section 18 or by an involuntary patient under Section 19.
- ▲ The legal services institutions should through the clinics or as part of the Board of Visitors always keep track of admissions under Section 19 (1) of the Act so that detention beyond the period of the first ninety days is only on the orders of the court.
- ▲ The legal services institutions shall also keep track of cases under Section 20 of the Act, so that no cured patient is allowed to remain in the psychiatric hospital, home or facility by default. They must move applications for discharge as soon as the patient is cured.
- ▲ The legal services institutions shall also keep track of cases under Section 23 read with Section 25 of the Act, in relation to wandering or destitute mentally ill persons, so that the requirements under Section 28 of the Act, of a ten day review by the Magistrate of the need to keep a person under observation is strictly complied with and no person is detained longer than needed for the issuance of the certificate of mental illness under Section 24 (2) (a) of the Act.
- ▲ The legal services institutions through their legal services clinics and PLVs and panel/retainer lawyers should keep track of discharge of patients and wherever necessary should aid and assist the patient to move the application for discharge to the medical officer in charge or to the court which had passed the reception orders.
- ▲ The legal services clinics and PLVs and panel/retainer lawyers should also render assistance to inpatients to obtain leave of absence as provided under Section 45 and Section 46 of the Act. They should also assist the filing of appeals as provided for under Section 49 of the Act.
- ▲ The legal services institutions shall also participate in inquisition proceedings under Section 50 of the Act to protect the interests of the mentally ill person. A request must be made to the District Judge to issue notice to the legal services institution whenever an application under Section 50 comes before it.
- ▲ Where an alleged mentally ill person is possessed of property and if no persons mentioned in Clauses (a) to (d) of Sub-section (1) of Section 50 of Mental Health Act is coming forward with an application for holding judicial inquisition under Chapter VI of the Mental Health Act, the legal services institutions shall take appropriate steps for initiating judicial inquisition regarding the mental condition of the alleged mentally ill persons,

custody of his/her person and management of his/her property. For this purpose the Legal Services Institutions may contact any of the aforesaid persons referred to in Clauses (a) to (d) of Sub-section (1) of Section 50 of Mental Health Act, 1987 in writing and may also take up the matter with the Advocate General of the State or with the Collector of the appropriate District in terms of Clause (d) of Sub-section (1) of section 50 of that Act. Legal Services institutions must extend legal aid to the mentally ill persons involved in such matters by providing effective assistance as may be appropriate and requested for by the Collector concerned to aid and assist in preparing and processing such proceedings.

- ▲ The legal services institutions should follow up every case where a guardian of the person is appointed under Section 53 and/or the manager of the property has been appointed under Section 54 or an order of maintenance has been passed under Section 71 and Section 79 of the Act and take every step to protect the interests of the mentally ill person.
- ▲ The legal services institutions should render all help to pursue appeals as provided under Section 76 of the Act.
- ▲ The legal services institutions should through the legal services clinics and PLVs and through visits including as Member of the Board of Visitors that there are no transgression of the human rights of the inmates and whenever such transgressions are noticed, shall bring it to the notice of the High Court.
- ▲ As the National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act 1999, is a comprehensive Act to provide for the care of the mentally disabled, including assistance in care to parents of the mentally disabled and also for arranging the care and finances of the mentally disabled after the death of the parents through appointment of guardians, it is important that legal services institutions inform the public of the Act and further help them to benefit from it. The PLVs and the legal services clinics should come to the assistance of the mentally disabled and their families in the matter of appointment of guardians.
- ▲ Legal services institutions shall come to the help of mentally ill and the mentally disabled in protecting their rights of inheritance, owning properties and enjoying financial rights. The persons with mental illness or mental disability have rights with others to inherit property, both movable as well as immovable, and also have a right to control their financial affairs and have access to bank loans, mortgages and other forms of financial credit, which can be accessed by them personally or through a support person who has no interest in conflict to the person with mental illness or mental disability. Legal services institutions should render all legal help in realizing this.
- ▲ Legal services institutions shall assist the mentally disabled for obtaining all benefits under The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

- ▲ The legal services institutions shall find out the different beneficial schemes for the mentally disabled and their families. The legal services institutions shall assist the mentally disabled and their families to avail the benefits under such schemes.

AWARENESS AND SENSITISATION PROGRAMME

- ▲ The legal services institutions shall organize awareness programmes especially in rural areas, to educate people that mental illness is curable and there is no stigma attached to mental illness or mental disabilities.
- ▲ The legal services institutions should explain the need for equal treatment of mentally ill with other persons in the society. In such special legal awareness camps the presence of psychiatrists, lawyers and social workers can help the participants to clear their doubts and misconception about mental illness and mental disabilities.
- ▲ The legal services lawyer in such camps may educate the public and families on the property and other legal rights and the other provisions of law relating to the mentally ill and mentally disabled persons.
- ▲ The State Legal Services Authority/District Legal Services Authority may organize training programmes in association with the Judicial Academy to sensitize the judicial officers about the socio-legal problems faced by the mentally ill and mentally disabled persons, their parents, relatives and family members.
- ▲ Similar programmes may be organized with the help of the bar associations to sensitize the panel lawyers and the other members of the legal profession.

The legal services institutions shall co-ordinate with NGOs and other volunteer social organizations for dealing with the issues relating to mentally ill and mentally disabled persons.



NALSA (Effective
Implementation of Poverty
Alleviation Schemes)
Scheme, 2015

NALSA (EFFECTIVE IMPLEMENTATION OF POVERTY ALLEVIATION SCHEMES) SCHEME, 2015

1) BACKGROUND

Under Section 4 (I) of the Legal Services Authorities Act, 1987, the National Legal Services Authority envisaged as the Central Authority under the Act, is obligated to “take appropriate measures for spreading legal literacy and legal awareness amongst the people and, in particular, to educate weaker sections of the society about the rights, benefits and privileges guaranteed by social welfare legislations and other enactments as well as administrative programmes and measures”. The Preamble of the Legal Services Authorities Act, 1987, underscores that the legal services authorities are concerned with the weaker sections of the society and imposes a duty on them to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

Very often intended beneficiaries of poverty alleviation and social security measures are unable to access the benefits due to severe lack of capabilities, social structures, economic marginalisation and exploitation, social values, cultural norms, discrimination etc. In this context, the role of legal services authorities must be a proactive one where measures designed to alleviate poverty must be brought to the attention of the intended beneficiaries. Further, legal services authorities are very well suited to facilitating access to such poverty alleviation measures due to their last mile presence. Therefore this scheme lays down a mechanism for identification of poverty alleviation and social security measures, a framework for facilitating access to such measures by intended beneficiaries and a model for effective review of these processes. In designing this scheme, the concern that there could be local variations and requirements have been particularly considered and sufficient flexibility has been built in for local legal aid authorities to adapt this national scheme according to their needs.

This scheme is built on the foundation that poverty is a multi-dimensional experience and is not limited to issues of income. Multi-dimensional poverty include issues like health (including mental health), housing, nutrition, employment, pension, maternal care, child mortality, access to water, education, sanitation, subsidies and basic services, social exclusion, discrimination etc. Further, in identifying the specific schemes for implementation at the state and district level, legal services authorities are expected to be cognisant of the fact various vulnerable and marginalised groups experience poverty in myriad and unique ways.

2) NAME OF THE SCHEME

This Scheme shall be called “**NALSA (Effective Implementation of Poverty Alleviation Schemes) Scheme, 2015**”.

3) DEFINITIONS

- 1) “Act” means the Legal Services Authorities Act, 1987.
- 2) “Central Authority” means the National Legal Services Authority constituted under Section 3 of the Act.
- 3) “Complainant Beneficiary” refers to any Scheme Beneficiary who files a complaint against any designated authority or officer who is identified as the designated authority or officer under any of the Poverty Alleviation Schemes.
- 4) “District Authority” means a District Legal Services Authority constituted under section 9 of the Act.
- 5) “Legal Services Officer” refers to any person who is designated as such for the purpose of this Scheme.
- 6) “Para-legal volunteers” refers to ‘PLV’ as defined and trained under the NALSA Scheme for Para Legal Volunteers (Revised) and Module for the Orientation-Induction-Refresher Courses for PLV Training.
- 7) “Poverty Alleviation Schemes” refer to any scheme/programme/ launched either by the Central Government, or the State Government, that is aimed at addressing any dimension of poverty. They also include social security measures.
- 8) “Scheme Beneficiaries” include:
 - a. Scheduled Castes or Scheduled Tribes;
 - b. all persons eligible for applying under the Poverty Alleviation, Schemes; and
 - c. other persons for whom special economic, social or political measures are taken including but not limited to children, women and transgenders.
- 9) “State Authority” means State Legal Services Authority constituted under Section 6 of the Act.
- 10) “Taluka Legal Services Committee” means a Taluka Legal Services Committee constituted under section 11-A of the Act.
- 11) The terms Legal Services Clinics, Front Office, Panel Lawyers and Retainer Lawyers will mean the same as defined under the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010 and National Legal Services Authority (Legal Services Clinics) Regulations, 2011.

4) OBJECTIVES OF THE SCHEME

The main objectives of the Scheme are as follows:

- 1) To ensure access to basic rights and benefits afforded to socially or economically weaker sections of society;
- 2) To strengthen legal aid and support services at the national, state, district and taluka levels for persons belonging to socially or economically weaker sections in accessing Poverty Alleviation Schemes;
- 3) To spread awareness about the Poverty Alleviation Schemes through the members of the District Authority, Taluka Legal Services Authority, panel of lawyers, social workers, para-legal volunteers, and students in legal aid clinics;
- 4) To create a database of all the existing central or state schemes, policies, regulations, policy directives, conventions, rules, and reports available concerning Poverty Alleviation Schemes along with the latest funding information on these schemes;
- 5) To undertake and organise training and orientation programs, for panel lawyers, para-legal volunteers, officers under Poverty Alleviation Schemes, student volunteers in legal aid clinics for their skill enhancement and for developing a sense of deeper engagement amongst them for implementing this Scheme; and
- 6) To develop effective coordination and interface with all government bodies or functionaries, institutions, authorities, NGOs and other organisations concerning or entrusted with the responsibilities relating to welfare of socially/economically weaker sections of the society.

5) IDENTIFICATION OF POVERTY ALLEVIATION SCHEMES

- 1) Every State Authority shall identify the existing and active Poverty Alleviation Schemes applicable in the state and circulate a list of the same every twelve months to all the District Legal Services Authorities in the state. The list shall include the following:
 - a. Poverty Alleviation Schemes applicable in that State along with the names of the specific districts in which they are applicable in that year;
 - b. The intended beneficiaries under each of the Poverty Alleviation Schemes;
 - c. The name of the designated authority or the designated officer to be approached to access each of the Poverty Alleviation Schemes, as identified under each of them;
 - d. The list of documents required to access each of the Poverty Alleviation Schemes, as identified under each of them;
 - e. The benefits under each of the Poverty Alleviation Schemes, as provided for in each of them;

- f. The amount of funds allocated to each of the Poverty Alleviation Schemes by the Central Government, or the State Government, or both of them, as the case maybe, for the particular year;
- 2) The list prepared by every State Authority under sub-clause (1) shall be circulated annually to all the District Authorities. A copy shall also be sent to the Central Authority.
- 3) The State Authority shall also upload the list under sub-clause (1) on their web-site.
- 4) Every District Authority shall, on the receipt of the list prepared under sub-clause (1), within 7 days of receipt of the list, send a copy of the list to the following functionaries:
 - a. All Taluka Legal Services Committees in the district;
 - b. All the village panchayats in the district;
 - c. People working in legal services clinics, members of Panchayats, law students and other para-legal volunteers who volunteer to assist in the implementation of the Scheme.

6) ORGANISATION OF AWARENESS PROGRAMMES

- 1) The State Authorities in collaboration with concerned District Authorities shall take steps for conducting awareness programmes to generate awareness about various Poverty Alleviation Schemes available in that District. Steps shall also be taken by Taluka Legal Services Committees to create awareness regarding the availability of legal services for accessing Poverty Alleviation Schemes, in Panchayat meetings, town hall meetings, Pulse Polio camps, festival gatherings or other village gatherings.
- 2) All State Authorities shall send a list of such programmes organised in their respective jurisdictions every six months to the Central Authority.

7) LEGAL SERVICES OFFICERS AND PARA-LEGAL VOLUNTEERS

- 1) Every District Authority and Taluka Legal Services Authority shall designate at least three panel lawyers as Legal Services Officers for the purpose of this Scheme.
- 2) District Authorities shall constitute teams of PLVs under a Legal Services Officer to implement this Scheme and the Legal Services Officer will supervise and mentor the PLVs in his team to help the beneficiaries access the various schemes of the Govt.
- 3) District Authorities shall conduct specialised training programs for panel of lawyers, members working in legal services clinics, members of panchayats, law students and other para-legal volunteers to assist in the implementation of the

Scheme, to sensitise them regarding the needs of persons belonging to socially and economically weaker sections and the benefits that they can avail through Poverty Alleviation Schemes.

8) LEGAL ASSISTANCE FOR ACCESS TO POVERTY ALLEVIATION SCHEMES

Legal assistance must be provided to all the Scheme Beneficiaries seeking access to Poverty Alleviation Schemes. Legal services to be provided by Legal Services Officers or volunteers under this Scheme includes, *inter alia*:

- 1) Informing the Scheme Beneficiaries about each of the Poverty Alleviation Schemes to which they are entitled, and the benefits thereunder
- 2) Assisting the Scheme Beneficiary in procuring the documents required for availing the benefits under any of the Poverty Alleviation Schemes
- 3) Informing the Scheme Beneficiary of the name and the address of the designated authority or the officer to be approached for registration under any of the Poverty Alleviation Schemes
- 4) Offering to send para-legal volunteers including from the legal services clinics with Scheme Beneficiaries to the office of the designated authority or the officer to be approached under any of the Poverty Alleviation Schemes
- 5) Informing the Scheme Beneficiary of her option to register a complaint with the Legal Services Officer or para-legal volunteer, about any designated authority or officer under any of the Poverty Alleviation Schemes who refuses to cooperate with a Scheme Beneficiary in providing her access to the benefits that she is entitled to under the Poverty Alleviation Scheme.
- 6) Maintaining a record of all the complaints received under sub clause (5).
- 7) Providing Scheme Beneficiaries with the contact number, if available, of the Legal Services Officer, and availability of the Legal Services Officer on call during working hours for such Scheme Beneficiaries to whom contact number is provided

9) ACTION BY LEGAL SERVICES OFFICERS ON COMPLAINTS

- 1) On receiving complaints under sub-clause (5) of clause 8, each Legal Services Officer shall herself personally accompany the Complainant Beneficiary to the office of the designated authority or officer, and assist the Complainant Beneficiary in availing the benefit that she is entitled to under the Poverty Alleviation Scheme.
- 2) In case the designated authority or officer fails to register the Complainant Beneficiary in the Poverty Alleviation Scheme, the Legal Services Officer shall

submit a complaint to the District Authority. The letter of complaint shall describe the conduct of the designated authority or officer who refused to register the Complainant Beneficiary under the Poverty Alleviation Scheme, and circumstances of such refusal and whether refusal was despite submission of all necessary documents.

10) ACTION BY DISTRICT AUTHORITY AND STATE AUTHORITY ON COMPLAINTS

- 1) On receiving a complaint regarding the designated authority or officer, the District Authority shall seek a report from the concerned officer regarding the reasons for denying the benefits under the Poverty Alleviation Scheme to the Complainant Beneficiary. In the event that sufficient reason is not provided by the concerned officer for refusal to register the Complainant Beneficiary in the Poverty Alleviation Scheme or to provide benefits under the Poverty Alleviation Scheme, the District Authority shall immediately communicate to the superior officer in the department the details of the refusal to provide access to the Poverty Alleviation Scheme.
- 2) If the superior officer, in the opinion of the District Authority, also withholds the benefit under the Poverty Alleviation Scheme without sufficient cause, the District Authority shall then communicate the same to the State Authority.
- 3) On receiving such communication from the District Authority, the State Authority may choose to further pursue the matter with the concerned department or file appropriate legal proceedings to ensure that the Complainant Beneficiary receives the benefit under the Poverty Alleviation Scheme.
- 4) The District Authority, through para-legal volunteers or legal services clinics, shall provide regular updates to the Complainant Beneficiary about the status of the complaint.

11) EVALUATION OF THE SCHEME

- 1) Every Legal Services Officer shall follow-up with each Scheme Beneficiary who sought legal assistance under this Scheme and record:
 - a. if such person was able to register under the Poverty Alleviation Scheme sought to be registered under and whether such benefits were being received
 - b. any grievances experienced by the Scheme Beneficiaries in getting registered and availing benefits under the various Poverty Alleviation Schemes.
- 2) The District Authority shall compile the observations made under sub-clause (1) for all the Legal Services Officers working under the Scheme in the district, and shall

send a copy of such observations in a compiled document to the State Authority every six months.

- 3) The State Authority shall consolidate the compiled documents received from all the District Authorities under sub-clause (2), and hold a meeting every 6 months to review the functioning and effectiveness of this Scheme. The minutes of such meeting shall be recorded and published as a public document.
- 4) If in the meeting under sub-clause (3), the State Authority finds a substantive or procedural defect in any of the Poverty Alleviation Schemes which makes seeking benefits under the scheme a problem for the Scheme Beneficiaries, such defect must be brought to the notice of the Central Government or the State Government, as the case may be for improving the specific Poverty Alleviation Scheme and/or its effective implementation.



NALSA (Protection and
Enforcement of Tribal Rights)
Scheme, 2015

NALSA (PROTECTION AND ENFORCEMENT OF TRIBAL RIGHTS) SCHEME, 2015

BACKGROUND

Although the Census of 2011 enumerates the total population of Scheduled Tribes at 10,42,81,034 persons, constituting 8.6 per cent of the population of the country, the tribal communities in India are enormously diverse and heterogeneous. There are wide ranging diversities among them in respect of languages spoken, size of population and mode of livelihood. As per the Census of India 2011, the number of individual groups notified as Scheduled Tribes is 705.

The North Eastern States are not a homogeneous block, because of the diversities amongst themselves. There are about 220 ethnic groups with equal number of language and dialects. These groups can be broadly categorised into three main groups of Tibeto-Burman, Man-Khmer and Indo-European.

Certain tribes have been characterised as Particularly Vulnerable Tribal Groups (PVTGs) (earlier known as Primitive Tribal Groups) on the basis of their greater 'vulnerability' even among the tribal groups. PVTGs, currently include 75 tribal groups, who have been identified as such on the basis of the following criteria: 1) forest-dependent livelihoods, 2) pre agricultural level of existence, 3) stagnant or declining population, 4) low literacy rates and 5) a subsistence-based economy. As per the 2001 census, these 75 PVTGs had a total population of 27,68,322. The majority of the PVTG population lives in the six States of Maharashtra, Madhya Pradesh, Chhattisgarh, Jharkhand, Odisha, Andhra Pradesh and Tamil Nadu. The PVTGs among the tribes need special attention due to their vulnerability.

Up till independence the tribal population lived in comparative isolation from the national scene and lived almost a self-sufficient life in the remote and rugged forested tracts. The interactions of the colonial administrative machinery with the tribes in India were largely of authoritarian and exploitative nature. They were largely interested to let them remain isolated and had no intention to integrate them with mainstream of national life.

After independence, the India Constitution adopted many provisions to provide tribal people with special status and Parliament through various protective legislations made conscious efforts to safe guard their interest. Planning Commission of India through its development initiative adopted Tribal SUB Plan (TSP) approach and under Panchayati Raj Institutions the Provisions of the Panchayats (Extension to Scheduled Areas) Act 1996 (PESA) was legislated.

Despite all these efforts made to improve the socio-economic conditions of tribes it is still a fact that the life situations of Scheduled Tribes (STs) have improved only marginally. The Human Development Index (HDI) of the STs is much lower than the rest of the population. The gap in the literacy rate is high. There are more ST families below the poverty line than those from other communities. Their percentage in government jobs is not in proportion to their population despite the provision of reservation. Their condition, thus, is far worse than that of the rest of the population and they have not been able to reach the envisaged level of development, where they could benefit from the opportunities offered by a fast expanding economy.

It was in this background that the NALSA felt the need to draw up a Scheme for the Tribal People. To facilitate this, a Committee was constituted to study the issue and come up with suggestions. The Committee submitted a comprehensive report to the Hon'ble Executive Chairman, NALSA on 9.8.2015 on the occasion of World Tribal Day. The present Scheme is based on the Report of the Committee.

The Scheme may be called "NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2015".

OBJECTIVES

The Scheme is aimed at ensuring access to justice to the Tribal People in India. The access to justice would be facilitated in all its connotations, i.e. access to rights, benefits, legal aid, other legal services, etc., so that the assurance of the Constitution of justice social, economic and political, is meaningfully experienced by the tribal population in the country.

Several legal rights are guaranteed to the tribal people under:

- ▲ The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006-(FRA)
- ▲ The Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989,
- ▲ The Right of children to Free and Compulsory Education Act, 2009,
- ▲ The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013,
- ▲ Panchayats (Extension to Scheduled Areas) Act 1996- (PESA) and
- ▲ Fifth and Sixth Schedule of the Constitution of India.

These provisions are not implemented stringently, leading to violation of their legal rights. Such violations are one of the prime reasons for the marginalization of the tribal people.

This scheme is intended that these legal rights are not violated.

The terms PLVs, Legal Services Clinics, Front Office, Panel Lawyers and Retainer Lawyers will mean the same as defined under the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010 and National Legal Services Authority (Legal Services Clinics) Regulations, 2011 and the NALSA Scheme for Para Legal Volunteers (Revised) and Module for the Orientation - Induction - Refresher Courses for PLV Training.

PART I : AN OVERVIEW OF THE ISSUES OF TRIBAL PEOPLE

A. VULNERABILITY ISSUES

1. The lack of literacy amongst the tribal people is a crucial issue. As a consequence, the tribes remain unaware of their fundamental, legal and statutory rights. They also lack knowledge about the welfare schemes run by the government for their well-being, thereby resulting in lack of participation from their side.
2. Non implementation of the schemes introduced by the government to resolve the problems is another major concern. However, non implementation of programmes for tribal welfare is also due to lack of skilled work force in the tribal areas.
3. Numerous armed conflicts affect large parts of tribal areas in contemporary India spanning the central region to the North East, leading to severe problems in accessing legal and administrative mechanisms and in the implementation of beneficial schemes.
4. In the recent years the state police and the paramilitary forces have been accused of grave human rights violations in the tribal areas including of alleged fake encounters and rape.
5. A number of tribal people are put in jails allegedly as Maoists. There have been cases of people staying in Jail for days, without their name in the charge-sheet. Bails are not granted as cases are serious such as waging war against India, sedition and so on.
6. The unfamiliar judicial processes make the tribal people dread the court, even if they are the ones who are suffering from lawlessness. They feel that the laws like Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989 do not exist for the protection of tribal people.
7. Migrating tribes face difficulties in accessing the welfare schemes run by the government. Some are totally devoid of any access.
8. There are preconceived notions or assumptions regarding the 'primitivism' and 'backwardness' of the PVTGs. It is essential for government bodies to shed assumptions of tribal backwardness and savagery and devaluation of the culture and traditions of these communities.

9. Many PVTGs and Scheduled Tribes (STs) are forest dwellers and depend heavily on land and forest resources for their subsistence. Over time, their habitat has been declared as Reserved Forest, Protected Forest, leaving them vulnerable to displacement and eviction without compensation.
10. All tribes in the list of PVTGs have not been granted ST status, thereby increasing the vulnerability of these tribes, who lack the protections and rights offered by the Fifth Schedule and the Provisions of Panchayat (Extension to Scheduled Areas) Act, 1996.
11. For PVTGs, the implementation of FRA has been poorest since their habitat rights are not clearly defined or understood by the Forest Department. No disaggregated information and data at the national level on status of the implementation of the provision for rights of PVTGs particularly of habitat rights under the FRA are available.
12. The North Eastern States share a large area of international boundary with the neighbouring countries of Bhutan, China, Myanmar and Bangladesh which makes it a very fertile ground for cross border terrorism, drug smuggling, arms smuggling, infiltration, etc.
13. Another issue which is of serious concern is human trafficking. Tribal people from central India and Assam appear particularly prone to trafficking.
14. Another issue is that till recently there has been no division of executive and judiciary. The institutions set up under the Sixth Schedule apply customary laws which have their own issues as they are not codified.
15. Due to insurgency and law & order problems in the North East, there is absence of faith in the system. There has been a tendency of the public to take law into their hands, in what amounts to “mob justice” by dismantling/destroying houses of the suspected/ accused persons and ostracising the family which leads to serious social problems. Even doctors and hospitals have not been spared for their alleged negligence in treatment of patients.
16. In the remote areas and villages large numbers of tribal people still believe in “Witch hunting”.
17. Tribal people are not treated with dignity and so feel alienated. For instance, the Jarawas tribes in Andaman Islands are treated like animals by the tourists. They are teased and tormented as if they are monkeys/animals and fun derived from their angry responses. Similar experiences were earlier common in Bastar where cultural mores were never understood.

B. LAND RELATED PROBLEMS

1. Forest and hills are the main source of tribal identity. It is in this context that the devastation of lives of tribal people caused by loss of access to forest and involuntary displacement from their land has to be understood. Dispossession takes place both directly by depriving tribal communities of their land, habitat, livelihood, political system, culture, values and identity and indirectly through denials of benefits of development and of their rights.
2. Under the Resettlement and Rehabilitation (R&R) programme, land is not replaced and there is meagre reconstitution of livelihoods. Almost all the R&R colonies lack proper public health facilities, protected drinking water, marketing, schools and transportation.
3. Dependence on forests for food in the form of shifting cultivation, fruits and flowers, small game, tubers for medicines, fodder, material for house building, raw material for traditional art and crafts income by selling firewood, leaf-plates, fruits etc is substantial. This loss, due to displacement is not compensated and also affects food security.
4. A major portion of land falls under forest areas. Most of the tribal people of the interior areas are staying on forest lands without having any right, title, interest on those lands and there are no such legal provisions for those homeless tribal people for protection and enforcement of their rights under “The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006”.
5. Another major problem with tribal people is a result of development projects viz. construction of dams, Forest sanctuaries, mining operations, etc. These developments lead to an influx of non tribal people, seeking employment in these areas forcing the tribal people to migrate. Hence, the tribal people have not been able to reap the benefits of development projects.
6. Growing indebtedness contributes as one of the most important reasons for land alienation and displacement of tribal people. Tribal indebtedness (they are often tricked into accepting loans with exorbitant interests} often leads to situations of bonded labour.
7. Further, there have been violations of PESA which endow Gram Sabha “the power to prevent land alienation of land in the Scheduled Areas and to take appropriate action to restore any unlawful alienated land of a Scheduled Tribe.” In case of acquisition of forest lands, it is mandatory to consult with Gram Sabha of the affected area and obtain their free consent. However, often Gram Sabhas are neither sent notices for consultation, nor are their consent signatures taken.

8. The compensation given to the tribal people under The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 is meagre and the living conditions that are provided on resettlement are very poor.
9. Another problem with tribal people is that instead of individual rights in the land, they believe in community rights and thus written proof of ownership are mostly not available in cases of litigation relating to land. The claims of tribal people in this respect are mostly based on oral evidences with consequential difficulties in establishing individual rights.

C. LEGAL ISSUES

The legal issues faced by the tribal people are as follows:

1. The recognition of rights of tribal people before their displacement from Protected Areas (PAs) is not being completed. Tribal people are evicted before verification and settlement of claims under the FRA. This has caused a decline in the economic status, as well as erosion in their customary forest practices.
2. Incorrect assumption by the Forest departments with regard to the FRA has led to violation of their legal rights. For instance, at some of the Forest Departments, it was believed, contrary to the provisions of section 4 (2) of the FRA that rights under FRA could not be claimed in Protected Areas (PAs) and that FRA is not applicable in Tiger Reserves.
3. Some problems that arise for tribal communities in claiming habitat rights include:
 - * lack of clarity over definition and interpretation of what is entailed in habitat rights;
 - * multiple interpretations of habitat, especially if the user rights of other, non-PVTG groups sharing the same territory are involved;
 - * if the traditional habitat boundaries of PVTGs overlap with wildlife habitats; and
 - * a lack of awareness among such communities about the terms in which to articulate such claims.
4. There has been little perceptible effort to create awareness among women regarding the process of claim making, verification and the rules relating to it provided under the FRA.
5. Claims filed by tribal people under the FRA are being rejected without assigning reasons, or based on wrong interpretation of the Other Traditional Forest Dwellers (OTFD) definition and the 'dependence' clause, or simply for lack of evidence or 'absence of GPS survey' (a lacuna which only requires the claim to be referred back

to the lower-level body), or because the land is wrongly considered as 'not forest land', or because only forest offence receipts are considered as adequate evidence.

6. The rejections are not being communicated to the claimants, and their right to appeal is not being explained to them nor its exercise facilitated. There is a need for awareness amongst tribal people, so that they can protect their legal rights against such practices.
7. Section 3 (1) (m) of the FRA, regarding the rights of persons illegally displaced or evicted by development projects without proper compensation, has not been implemented at all.
8. Lack of effective consultations with Gram Sabha and recognition of their rights of ownership in farm produce.

D. OTHER LEGAL ISSUES

1. Criminal charges are filed, maliciously, against the tribal people, and in some cases non-tribal people, who protest against the acquisition of land and thereby against the establishment of developmental projects. It has been found that between 2005 and 2012, over 95 percent of the cases were found to be baseless and ended in acquittal.
2. Discrimination, violence and police brutality is experienced at regular intervals by the people belonging to the De-Notified Tribes because of the Habitual Offenders Act, 2000.
3. In Andaman and Nicobar, the 'Jarawa' tribe face incidents of sexual exploitation. Also, the people of the tribe were asked to give their blood samples for DNA testing without their informed consent.
4. A study for the Planning Commission revealed that 43.6 percent of the rehabilitated bonded labourers belong to Scheduled Tribes. This suggests that many tribal families are trapped in bondage. The main reason for bondage that is cited is indebtedness and food.

E. ISSUES RELATED TO EDUCATION

The scenario of education in India regarding the tribal people has improved, but there are some problems which still persist. The issues relating to education are as follows:

1. There are a large number of schools which do not have minimum facilities.
2. Even where there is reasonable infrastructure and student enrolment, regular school attendance is a problem in the tribal areas, due to distances and poverty.
3. Teacher absenteeism is high.

4. There is poor level of student learning and high drop-out rate at class X. A possible explanation for this is the failure of tribal students to cope up.
5. There is a marked gender gap. There is a need for greater gender focus and social mobilization to encourage education of girls.
6. Once the tribal students manage to take admission, they are humiliated in various ways that they are demoralized. This leads to a high school dropout rate. Derogatory names being given to tribal students from the North East are well-known.
7. There are residential schools for tribal girls which are often in the news for corruption, bad maintenance of facilities and sexual exploitation of resident girls.
8. As nomadic tribes are always on the move, their children miss out on education provided by the government for free.
9. Most of the tribal communities in India have their own mother tongue. But in most of the States, official/regional languages are used for classroom teaching and these are not understood by the tribal children particularly at primary level of schooling.
10. There is a need of familiarity for teachers teaching tribal children with tribal culture and language so that learning is hassle-free. For instance, most of the district officials, being from outside do not understand the languages of the people like Gondi and Halbi. Even the teachers in schools do not understand these languages.
11. Tribal children are not at ease in structured class rooms due to their affinity to nature causing them to lose interest in formal education as is presently provided.
12. The main reason of illiteracy amongst tribal people is low involvement of parents and community in education of tribal children and inadequate quality schools in Tribal areas. The Tribal Community is mostly unaware about the benefits of education.

F. HEALTH ISSUES

The tribal population face several health issues:

1. The national health model is primarily designed for the non-tribal areas. It does not take into account the different belief system, different disease burden and healthcare needs as well as the difficulties in delivering health care in a geographically scattered, culturally different population surrounded by forests and other natural forces.
2. There is a lack of health care human resource that is willing, trained and equipped to work in tribal areas. Though buildings are built and health care institutions created in the form of health sub-centres, PHCs and CHCs, they often remain dysfunctional. This is further compounded by inadequate monitoring, poor quality of reporting, and accountability.

3. Factors such as unfriendly behaviour of the staff, language barrier, large distances, poor transport, low literacy and low health care seeking, lead to lower utilization of the existing health care institutions in tribal areas.
4. The absence of participation of ST people or their representatives in shaping policies, making plans or implementing services in the health sector often ends up targeting wrong priorities.
5. The tribal population is seriously affected by high consumption of alcohol and smoking, often resulting in addiction. Immediate and serious corrective policy measures to curb the same are necessary.
6. Child marriage among the different tribal communities is still prevalent as illiterate tribal people follow their old customs without understanding the laws of the land which results in poor health.
7. Tribal people seek treatment modes based upon their customary beliefs without resorting to any modern medicines even when they contract modern day illnesses leading to high mortality even in curable situations.
8. The Jarawas remain vulnerable to outside diseases to which they have little or no immunity. When the tourists enter their areas, they contract new diseases because of them. Their women and girls are also being sexually abused which result in many diseases for which the tribal people have no cure.
9. The immunisation programme of the governments has not reached the tribal areas.
10. Tribal populations are highly malnourished. PVTGs inhabit areas that are inaccessible by road, and therefore they cannot travel easily to Anganwadi centres, where food is prepared. Moreover, their hamlets are considered too small to open an Anganwadi centre. The result is that their children do not get the nourishment provided under the government schemes.
11. Rules have been framed to prohibit the killing of forest animals without giving an alternative to tribal people who traditionally hunt them for food, leading to loss of nutrient food to these communities.
12. The tribal areas face acute water problems including water pollution and tribal health suffers as a consequence.
13. A very pernicious effect of violence and killing, is the rise in mental disorder cases.
14. In areas of high literacy, as in the North East, lack of employment amongst skilled youth has resulted in mental depression and high suicidal tendencies.

15. Health issues arising out of drug use such as HIV AIDS and mental disorder is high in the North Eastern states located in close proximity to the “Golden Triangle”. Drugs such as Ketamine, pseudoephedrine, etc. are being smuggled into these regions with catastrophic effect on the families of drug users.

H. LIVELIHOOD

1. Due to absence of modern day skills and education, tribal people mainly depend on their traditional skills for livelihood, which is not profitable.
2. Although very few are landless, the land that tribal people possess is not very productive.
3. Due to language and cultural barriers, they lack modern skills of agriculture and agriculture based activities.
4. Further as a result of their living in difficult terrain and their aloofness from others they are not able to get adequate prices of their produce and products.
5. Inadequate transportation and communication facilities in their areas compounded by their reluctance in using such means also lead to failure to obtain good prices for their produce.
6. Adherence to traditional practices such as jhum cultivation for livelihood is an important reason that they live below poverty line.
7. When land is taken away from them for development work or they alienate their land, or they are denied access to forests for collecting forest produce, tribal people are left with no means of survival and are reduced to impoverishment and starvation.

PART II : ROLE OF LEGAL SERVICES AUTHORITIES

As is evident from the issues listed above, the State Legal Service Authorities have an important role to play in assisting tribal people in access to justice. The State Legal Services Authorities (SLSAs) will have to bridge the divide between the tribal communities and the Government and Judiciary. The SLSAs will have to ensure that Rule of law prevails. Restoring faith in the legal system, efficacy of rule of law is of prime importance amongst the tribal people. The SLSAs should explore activities in these areas.

The SLSAs should take the following initiatives:

A. LITIGATION RELATED

1. They should constitute an exclusive panel of lawyers drawn from the tribal communities who should be paid good fees.

2. The Tribal people should be given suitable legal aid in litigation and in appropriate cases, senior lawyers should be engaged on their behalf even if on payment of special fee, so that the rights and interests of tribal people are protected.
3. The Judiciary operates in Hindi and English, leaving poor tribal people at the mercy of lawyers and judges from outside their community. They are the ones who need access to justice and should be supported by SLSAs.
4. Panel lawyers must sincerely represent the tribal people in the courts, explaining to them the process and the law so that distrust of the system is eliminated and there would be greater understanding of the processes of the court.
5. Panel lawyers must assist the tribal people in clarifying areas of confusion or overlapping of jurisdiction of the normal courts and the traditional village authority courts at the village level and help people in the smooth functioning of the justice system.
6. Panel lawyers must visit jails and set up legal services clinics in jails to tackle long term imprisonment without bail and also follow up cases where there are no charges made out so that there is early release from prison.
7. Panel lawyers should, with the help of para legal volunteers, facilitate the tribal people for getting compensation of their acquired land and assist them for rehabilitation.
8. The issues, requirements and legal needs as well as availability of educational and medical facilities in tribal areas must be identified with the assistance of PLVs and action for judicial redressal initiated in appropriate cases.
9. The full time Secretaries/judicial officers should interact with the persons of such area in order to identify their problems and needs and in order to assure them that they will be given suitable assistance and services for their genuine legal and other requirements and rights.
10. Where any tribal person is facing prosecution in a court of law, he should be identified and given proper legal aid and assistance by legal services authority from the inception of the proceedings against him, that is from the time of his interrogation.
11. The SLSAs must open legal services clinics wherever feasible to be visited by tribal lawyers.
12. The SLSAs must make use of the Multi Utility Vehicles to reach out to sparsely populated tribal areas not only for spreading awareness but also to extend prompt legal assistance to the tribal people who may have criminal, civil, revenue or forest rights issues.

13. The SLSAs must co-ordinate with government departments such as the forest department to settle habitat claims and compensation claims through the mobile lok adalats.
14. Legal assistance must be promptly given to the tribal people to approach the High Court under its writ jurisdiction both for civil as well as criminal matters. The High Court Legal Services Committees must empanel committed lawyers who are tribal people themselves or have a good understanding of tribal issues and are able to personally communicate with tribal people.
15. Social Justice Litigation with the approval of Hon'ble Executive Chairman, SLA may be initiated whenever required.

B. PARA LEGAL VOLUNTEERS (PLVS)

1. Each District Legal Services Authority, with the help of statistical and other government department should identify the areas of the districts where there are tribal population and reach out to them through the Para Legal Volunteers.
2. In order to gain trust of the tribal communities, to know the problems of each such community and also to communicate with them effectively during awareness programmes it is necessary that para legal volunteers must be selected from amongst such tribal people.

The SLSAs should prepare exclusive panel of para legal volunteers (PLVs) from these communities under the direct mentorship and control of the Full Time Secretary of DLSAs.

3. Such PLVs should be properly trained in respect of their roles to reach out proactively to the tribal people and to become the 'go to person' for the tribal community he/she is assigned to serve.
4. The SLSAs through the PLVs should help the illiterate tribal people requiring legal assistance in filling up forms and filing applications for getting benefits of various schemes made by Government to do so for their getting such benefits.
5. Legal Services Authority could play a vital role in providing medical help with assistance of Para Legal Volunteers from amongst the tribal community. The needy persons may be identified with the help of Para Legal Volunteers and with assistance of the local Legal Services Authority, such tribal people may be facilitated in getting suitable medical assistance and medicines as well as benefits of medical schemes.
6. The PLVs must be the voice of the tribal people to communicate to the concerned authorities when there are issues relating the schools, absence of teachers, and harassment of tribal children etc as listed in Part 1 of this scheme.

7. The PLVs may be useful in the matters of human trafficking for identifying the victims of trafficking and taking suitable action for obtaining victim compensation and accessing various rehabilitation schemes.
8. The PLVs must assist the trafficked children when they are rescued and produced before the Child Welfare Committees (CWCs). They should help the CWCs in tracking out the families of the victims.
9. The PLVs must hand hold the victims when they have to testify in the Court.
10. The PLVs must be the bridge between the tribal people and the panel lawyers and must assist both the tribal person as well as the lawyer so that the case of the tribal is effectively understood and heard by the court.
11. The PLVs must also be the connect between the government departments and the tribal people to ensure that the food and rations meant for the tribal people reach them even when they live in remote and sparsely populated areas in the State.
12. Documentary proof of land is mostly not available with tribal people.

The tribal people may, in such cases, need legal assistance for getting proper compensation and rehabilitation. PLVs should help the tribal people to collect all documents and other evidence so that displaced tribal people may be rehabilitated properly.

13. The PLVs must visit jails and interact with inmates to find out about their cases and report to the Full Time Secretary of the DLSA about them so that immediate follow up can be taken for their release on bail or expeditious hearing of their cases.

C. AWARENESS

1. Legal Awareness in Tribal area should be different than the ordinary mode of awareness programmes. Audio Visual Mode will be more useful in this respect. Awareness may be through organising cultural programmes such as dances, dramas etc. in which the involvement of tribal people must be ensured. Folk Songs and dances of such tribal people may be utilised for effectively conveying messages to them. The awareness programme in tribal area must be carefully carried out by persons having full knowledge of their problem and solutions.
2. There is requirement for spreading legal awareness amongst tribal people about forest laws and consequences of infringing the provisions of law.
3. The SLSAs should organise intensive legal awareness programme in tribal areas enlightening the Tribal community about the benefits of education, their rights and entitlements under various government schemes and benefits of modern technology which may be helpful in improving their occupational works.

4. The Tribal Community may be informed that education to their children may secure their future because such children may get jobs in public or private sector where reservation policy is applicable.
5. School legal literacy clubs should be started in tribal dominated areas to reach out to tribal children to encourage them to stay in school, while at the same time sensitising other students and teachers of the special needs of tribal children.
6. The SLSAs with the assistance of Govt. agencies and NGOs may organise training programmes by audio visual mode and also by showing them practical demonstrations of modern technology for gainful agricultural work.
7. Medical awareness programmes may be organised in tribal areas to teach them the benefits of safe drinking water, nutrition and care of pregnant women as well as immunisation programme with NGOs working in the field.
8. The SLSAs should take other initiatives like establishing a community radio in the villages to bridge linguistic divide.



Nalsa (Legal
Services to the
Victims of Drug Abuse and
Eradication of Drug Menace)
Scheme, 2015

NALSA (LEGAL SERVICES TO THE VICTIMS OF DRUG ABUSE AND ERADICATION OF DRUG MENACE) SCHEME, 2015

1. BACKGROUND:

- 1.1. The phenomenal rise in drug trafficking and drug abuse amongst the youth, children and adolescents has serious implications, adversely affecting national health and economy. Curbing it is the highest priority for the State as well as the society.
- 1.2. It is an open secret that drugs have spread their dreaded tentacles on innocent children, adolescents, youth and women. The horrible dimension, which this menace has acquired, can be gauged from the average age of initiation of drugs which is as low as nine-ten years. Recent empirical studies reveal that about 7 crore people in India are involved in substance abuse, out of whom about 17% are addicts.
- 1.3. The illicit cultivation of plants wherefrom the substances/drugs are derived is an area of major concern. Generally, people are unaware of the ill effects of such cultivation. In order to prevent illicit cultivation of substances, participation of Panchayati Raj Institutions and Local Bodies is necessarily required.
- 1.4. Although many agencies of the State as well as Non-Governmental Organizations are working in the field for eradication of drug trafficking and drug abuse, there is lack of coordination amongst them. Individual efforts of different functionaries and agencies have not achieved the desired results. Experience shows that the victims of drug abuse have no idea how to tackle the issues of treatment and rehabilitation.
- 1.5. Considering the fact that Legal Services Institutions can contribute a lot to curb this menace, a resolution was passed in the 13th All India Meet of State Legal Services Authorities held at Ranchi (Jharkhand), concluding that Drug Addiction and Drug Abuse should be a major area of concern for all Legal Services Institutions and a necessity was felt to examine the issue therein.

2. EXISTING LEGAL PROVISIONS

- 2.1 The efforts to combat the menace of Narcotic Drugs and Trafficking started at the International level with Single Convention on Narcotic Drugs by the United Nations in March, 1961 and thereafter a protocol amending the resolution of this Convention was adopted in March, 1972. The United Nations Convention on Psychotropic Substances was held in 1971, followed by United Nations Convention against Illicit Trafficking in Narcotic Drugs & Psychotropic Substances, 1988. India is signatory to all such Conventions.

- 2.2 Article 47 of the Constitution of India mandates that State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.
- 2.3 The growing trend of illicit drug traffic and drug abuse, at the National level, has led to the passing of comprehensive legislations: (i) The Drugs and Cosmetics Act, 1940 and (ii) The Narcotic Drugs and Psychotropic Substances Act, 1985, for prohibition, control, regulation, cultivation, manufacture, sale transportation, consumption etc. of narcotic drugs and psychotropic substances. Despite tough laws, illicit drug trade, in an organized manner, is growing manifold.
- 2.4 It is in this background that it was felt by NALSA, that Legal Services Institutions have a significant role to play in supply and demand reduction and de-addiction and rehabilitation. A Committee was constituted for the purpose of understanding the dimensions of the problem and defining the role of the Legal Services Institutions to effectively address the problem. This Scheme has been framed on the deliberations of the Committee based on the inputs received at the Regional Conference on the 'Drug Menace in India - Overview, Challenges and Solutions' at Manali, Himachal Pradesh.

3. NAME OF THE SCHEME

The Scheme shall be called “**NALSA (Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace) Scheme, 2015**”.(hereinafter referred to as “the Scheme”).

4. DEFINITIONS

In this scheme unless the context otherwise requires,

- a) “Act” means the Legal Services Authorities Act, 1987 (39 of 1987)
- b) “NDPS Act” means The Narcotic Drugs and Psychotropic Substances Act,1985 (Act no.61 of 1985)
- c) “Legal Service” means as defined under section 2(c) of Legal Services Authorities Act 1987.
- d) Legal Services Clinic means a clinic as defined under regulation 2 (c) of National Legal Services Authority (Legal Services Clinics) regulations 2011.
- e) Legal Services Institution means a State Legal Service Authority, Supreme Court Legal Services Committee, High Court Legal Services Committee, District Legal Service Authority or Taluk Legal Service committee, as the case may be.
- f) Panel Lawyer means the panel lawyer selected under regulation 8 of the National Legal Services Authority (free and competent legal services) regulations 2010.

- g) Para Legal Volunteer means a Para Legal Volunteer defined and trained under the NALSA Scheme for Para Legal Volunteers (Revised) and Module for the Orientation - Induction - Refresher Courses for PLV Training and trained as such by a legal services institution.
- h) All other words and expressions used but not defined in this scheme and defined in the Legal Services Authorities Act, 1987 (39 of 1987) or the National Legal Services Authorities rules, 1995 or National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010 shall have the same meaning respectively assigned to them in the said Act or Rules or Regulations.

5. THE OBJECTIVES OF THE SCHEME

- 5.1 To disseminate awareness amongst the general masses regarding the Legal Provisions, various Policies, Programmes and Schemes, in respect of Narcotic Drugs and Psychotropic Substances as well as to create awareness about the ill effects of drug abuse amongst the children in schools and colleges, street children, urban slum children, injective drug user(s), families, prisoners, workers in unorganized Sector, Chemists, drug pedlars, sex workers and general masses etc.
- 5.2 Organizing literacy camps for sensitizing the farmers who are carrying out permissible cultivation of various substances/source plants about the adverse health and life threatening effects of consumption of such drugs and substances.
- 5.3 To spread awareness amongst the parents, teachers and students about the ill effects of the substance abuse.
- 5.4 To sensitize the various stakeholders viz; Judiciary, Prosecution, Members of Bar, Police, Forensic Laboratories, De-addiction Centres, Corrective Homes, Rehabilitation Centres, School, College and University administration, Children Homes, Old-age Homes, Nari Niketans, Schools for Special Children, Ministerial Staff of Courts, etc. about the drug menace and effective measures to curb it.
- 5.5 To mobilize the available infrastructure in identifying the victims of drug abuse, their treatment and post detoxification rehabilitation.
- 5.6 To tap the potential of the Panchayati Raj Institutions/Local Bodies at grass root level for intervention and prevention of drug abuse and destruction of illicit cultivation of plants used to derive the drugs/ substances.
- 5.7 To maintain effective coordination with the Drug De-Addiction Centres. and Rehabilitation Centres etc. for better facilities and respect for the rights of the victims and to intervene, if any, breach is noticed.
- 5.8 To coordinate the activities of various stakeholders working in the field.

- 5.9 To ensure essential legal services to the victims of drug trafficking and drug abuse.

PLAN OF ACTION

6. ESTABLISHMENT OF SPECIAL UNITS

- 6.1 The State Legal Services Authority (hereinafter referred to as SLSA) shall, within one month of the communication of this scheme, establish Special Units in all the Talukas/Mandals/ Sub Divisions in the State, consisting of Judicial Officer(s), young lawyer(s) to be nominated by the Chairman, DLSA, Medical Officer(s) to be nominated by the Chief Medical Officer concerned, a Revenue/Police/Forest Officer(s) nominated by the Chief Secretary, social worker, Para Legal volunteer and a representative of NGO(s) having done substantial work for eradication of drug menace or rehabilitation and de-addiction, and accredited with NALSA. The Special Units shall be headed by the Chairman of the Taluka/Mandal/Sub Divisional Legal Services Committee (hereinafter referred to as TLSC), under the overall supervision of the Chairman, DLSA.
- 6.2 Such Special Units shall comprise of not more than ten members. The Secretary, DLSA shall be the Nodal Officer for the District. The Secretary, Taluka Legal Services Committee shall be Secretary of the Special Units.
- 6.3 After the constitution of the Special Units, the DLSAs shall conduct training programmes for members of the Special Units, as per module of NALSA.
- 6.4 The Special Units shall submit regular action taken reports to the SLSA through Chairman, DLSA, who will forward it along with his/her comments.
- 6.5 The Special Units shall, in terms of the scheme, within 15 days of its constitution, prepare a Micro Level Programme to be carried out/performed in their respective areas for tackling, intervention & prevention of drug abuse.
- 6.6 Such programme(s) shall be forwarded by the Chairman of the DLSA to the Member Secretary of the SLSA, who, in turn, shall place the same for approval, before the Executive Chairman. The Executive Chairman SLSA, may accord sanction with or without amendments, within 15 days.
- 6.7 Apart from the functions assigned to them under the provisions of this scheme, the Special Units shall also perform any other function, which SLSA may assign from time to time.

7. CREATION OF DATABASE

- (a) The SLSAs shall create a Database of all the existing Policies, Schemes, Regulations, Directives, Preventions, Rules, Declarations and Reports available for effective

prevention, protection, rehabilitation, elimination of Narcotic Drugs and Psychotropic Substances and upload the same on its website and share the same with NALSA.

8. IMPLEMENTATION OF VARIOUS SCHEMES.

- (a) The SLSAs shall take all steps to disseminate the information regarding policies, schemes, programmes to the general public and in particular, to the victims of Drug abuse, their families and the functionaries of De-addiction / Rehabilitation Centers
- (b) The Special Units shall display such information prominently in their offices and shall get suitable booklets/pamphlets/placards etc, printed, as approved by the SLA.

9. DESTRUCTION OF ILLICIT CULTIVATION

The SLSAs shall coordinate with the State Governments for the destruction of illicit cultivation of cannabis and opium as well as any other plant used to derive Narcotic and Psychotropic Substances. The SLSAs may also urge the State Government to include such destruction as admissible work under MNREGA Scheme. This will pave the way for the destruction of illicit plants on a large scale besides, encouraging community involvement in the entire campaign.

10. PARTICIPATION OF LOCAL BODIES/PANCHAYATI RAJ INSTITUTIONS AT GRASSROOT LEVEL

The participation of these institutions shall be in the following manner:-

- (a) Special Units shall coordinate with the Panchayati Raj Institutions to identify areas, where substances such as charas/ganja etc are being illegally cultivated. Reports so prepared by the Special Units shall be forwarded to the SLA through the Chairman DLSA and with the approval of the Executive Chairman, SLA, the matter shall be taken up with the concerned authorities for appropriate action.
- (b) The Special Units shall seek assistance of Panchayati Raj Institutions to identify the drug addicts and injective drug user(s) for making arrangements for their treatment and rehabilitation.
- (c) The Special Units shall also seek assistance of the Panchayati Raj Institutions for spreading awareness about ill effects of drugs in the rural areas.
- (d) The Special Units should as far as is possible associate the Mahila Mandals and Yuvak Mandals or other similar self help groups of the area in such campaigns

11. AWARENESS

11.1 Awareness in Schools/Colleges

The Special Units shall coordinate with Legal Literacy Clubs in schools and Legal Services Clinics in colleges to conduct awareness and sensitization programmes in the Schools and Colleges, to make students aware of the ill effects of drugs.

- (a) The awareness and sensitization programmes could be conducted through various modes, such as;
 - i. Starting awareness campaign in the school/cluster of schools under the banner of “run against drug abuse” by associating the “Icons” of the area.
 - ii. Awareness camps
 - iii. Holding regular Parents-Teachers meetings.
 - iv. Through Mass Literacy campaigns
 - v. Through Symposiums. Seminars, Debates etc.
 - vi. Organizing quiz and essay writing competitions about the ill effects of drug abuse
 - vii. Nukkad Nataks; Any other similar and innovative manner
 - viii. Any other similar and innovative manner
- (b) The teachers in the schools/colleges should also be involved in awareness/sensitization programmes.
- (c) Pamphlets/booklets prepared by the NALSA/SLSA should be distributed to the students in awareness/sensitization programmes.
- (d) Such pamphlets/booklets will also be distributed at all awareness camps and also help at front offices and legal services clinics
- (e) Inclusion of Chapter on Drug Abuse in School and College Curriculum - An endeavour for compulsorily getting a chapter on drug abuse included in the curriculum of Schools and Colleges, by taking up the matter with respective Education Boards and Universities

11.2 Awareness to the families of the victims of Drug Abuse

Children generally become victims of drug abuse in those families where the affectionate bond between children and parents is either loosened or obliterated or where parents or family members consume drugs /substances.

- (a) The Special Units should identify the families of victims of drug abuse and the parents who are habituated to either one or other forms of addiction and shall sensitize them to build parental bonds with their children. The focus will be on persuading the parents to interact with children, supervise their activities and to talk to the teachers about their children and their behaviour and that drug addiction can be cured.
- (b) Awareness must be raised to aid in the de-stigmatization of addiction as well as the mental illnesses arising out of it, in order for addiction to be recognised as any other health problem and treated at the earliest

11.3 Awareness amongst Street Children

- a) Large number of victims of drug abuse are the street children. They are the most neglected and vulnerable class, generally abandoned and left out by their families. Hence, there is a greater need to ensure their safety along with NGOs working with street children.
- (b) The Special Units shall identify the addicted street and urban slum children and make arrangement for admitting them to De-Addiction Centre(s) or Rehabilitation Centre(s), as the case may be.

11.4 Awareness amongst the victims of drug abuse

With the identification of the drug addicts, Special Units shall conduct regular sensitization programme(s) for them by associating Psychologists and Doctors. Role Models and the persons who have achieved success in the field of Sports, Cinema, Literature etc. may be associated in such programmes.

11.5 Awareness Programmes for sex workers

The Special Units shall organize strategic awareness programmes in the red-light areas, targeting the sex workers and their children about the ill effects of drug abuse.

11.6 Awareness Programmes in Jails.

The Legal Services Institutions shall organize periodical awareness and sensitization programmes for inmates of jails and jail staff about the ill-effects of the narcotic drugs.

11.7 Awareness amongst General Public

- a) The Special Units shall periodically organize Legal Literacy Camps on ND & PS Act in the areas where farmers are permitted to cultivate opium or other such plants with special focus on spreading awareness about the ill effects of illegal sale or consumption of narcotic substances.

- (b) The general public shall be made aware of the fact that giving secret information to police about illegal possession, transportation, sale or cultivation etc. of drugs or prohibited and banned drugs is protected under law and their identity is kept secret.
- c) The Special Units shall also organize regular Legal Literacy Camps for transporters and taxi operators for educating them about the consequences and ill effects of drugs.
- d) The Legal Services Institutions Special Units shall display sign boards, hoardings etc. about the stringent provisions of the NDPS Act and ill effects of drug abuse at public places such as Bus Stands, Railway Stations, Airports, Public and Private Schools, Universities, Panchayat Bhawans, Courts, District Collectorates, SDM offices etc.
- (e) The Special Units shall organize awareness camps in Villages, Fairs and Festivals about the ill effects of the drug abuse.
- (f) The Special Units shall organize awareness camps in resettlement colonies, residential areas, market places by involving various organizations/associations.
- (g) The SLSAs will endeavour to involve Postal Authorities, Courier Agencies, and Financial Institutions to sensitize their staff about the drugs being transported clandestinely through these agencies.

11.8. Awareness amongst Chemists and Peddlers

- (a) The Special Units shall sensitize the chemists and druggists about the ill effects of the drugs.
- (b) Chemists may be trained to watch out for children and youth who are buying prescription drugs on a regular basis and refuse to sell them such drugs.
- (c) The Drug Peddlers shall be identified and similar sensitization programmes shall also be conducted for them.
- (d) Police could also be sensitized to be involved in the prevention of addiction by keeping a watch on suspicious activities by street vendors, paan stalls etc.

11.9 Awareness through Electronic and Print Media.

SLSAs should organize regular Radio talks and Television programmes on harmful effects of drugs and means to curb the same.

Judicial Officers, Lawyers, Psychologists, Psychiatrists, Police Officers, Icons etc. shall be associated in these programmes.

12. CO-ORDINATION WITH DE-ADDICTION / REHABILITATION CENTRES

- (a) The Special Units shall visit the Rehabilitation and De-addiction Centre(s) situated within their jurisdiction at least once in a month. The Special Units will draw up a list of rehabilitation and de addiction centres in the Taluk and will continuously update the information. It shall also forward the list to the SLSA along with details of who is running the same and their background
- (b) The Special Units will inspect the facilities at the rehabilitation/deaddiction centre(s) to assess the adequacy of the facilities
- (c) The Special Units shall inspect the record regarding visits of the counselor, psychologist and Doctors.
- (d) The Special Units will check the staff ratio to see that there is no shortage of staff and staff strength is commensurate to the number of victims at the drug rehabilitation centres.
- (e) Whenever the Special Units find inadequacy in staff, infrastructure or facilities, the Special Units will make appropriate recommendations in this regard to the DLSA, who, shall take up the matter with the concerned authorities and ensure that the deficiencies are removed.
- (f) In case, the Special Unit comes across any violation of human rights of victims, it shall promptly file a report with the Chairman, TLSC who shall look into the report and apply his mind before initiating legal proceedings. The TLSC will also grant legal assistance where such proceedings are to be initiated on behalf of the victim.
- (g) The Special units shall gather information from the rehabilitation centre(s) and shall send monthly report to the DLSA concerned, mentioning therein, the details of victims, activities undertaken and visits of Psychologist(s) and Doctor(s) and the corrective measures, if any, taken on the report of the Special Units.
- (h) The Special Units will arrange and organize periodical awareness camps for the victims. Cultural and other Socially Active Groups shall be associated in such awareness camps with an aim to bring the victims to the main stream of the society.

13. TRAINING/REFRESHER COURSES FOR STAKEHOLDERS

The SLSAs shall arrange and organise either by themselves or along with the State Judicial Academies, sensitization programmes, refresher courses, special trainings and conferences for Judicial Officers, Prosecutors, members of the bar, police officers and ministerial staff of the Courts.

14. OBSERVANCE OF INTERNATIONAL DAY AGAINST DRUG ABUSE ON 26TH JUNE

All legal Services Institutions with the help of Special Units shall organize awareness programmes on 26th June every year for observing “International Day against Drug Abuse and Illicit Trafficking” for creating awareness about drug abuse and its consequences.

15. ASSOCIATION OF REFORMED DRUG ADDICTS.

The Special Units shall identify former drug addicts in their areas and associate them in the awareness camps to share their experiences.

16. ANTI DRUG CLUBS

- (a) The School and College authorities shall be requested and involved by Special Units for opening Anti Drug Clubs in the School(s)/College(s) so that the students become role models and make their colleagues aware of ill effects of drugs.
- (b) The Special Units shall organize sensitization programmes through Anti Drug Clubs in School(s)/College(s). Legal Literacy Clubs and Legal Services Clinics should be used for this as mentioned earlier.

17. INVOLVEMENT OF PARA LEGAL VOLUNTEERS

The Para-Legal Volunteers shall be imparted training about various Schemes, who in turn shall visit different areas and make aware and sensitize people about the ill-effects of the Narcotic Drugs and Psychotropic Substances.

18. RECOGNITION OF GOOD WORK

At the end of every financial year, the SLSA should commend outstanding work done by the members of the best Special Units in the State.



NALSA (Victims of
Trafficking and Commercial
Sexual Exploitation) Scheme,
2015

NALSA (VICTIMS OF TRAFFICKING AND COMMERCIAL SEXUAL EXPLOITATION) SCHEME, 2015

BACKGROUND

Under Section 4 (b) of the Legal Services Authorities Act, 1987, the “Central Authority”, i.e. the National Legal Services Authority, has been obligated to “frame the most effective and economical schemes for the purpose of making legal services available under the provisions” of the Act. The Preamble of the Legal Services Authorities Act, 1987, underscores that the legal services authorities are concerned with the weaker sections of the society and imposes a duty on them to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

There can be no doubt that victims of commercial sexual exploitation, whether trafficked or voluntary sex workers are by far a highly marginalized group. Their rights are forgotten; their conditions of life and living are not anybody’s concern; what happens to them and their children interest no-one. Yet they are all entitled to benefits of the various schemes of the government by the mere fact of who they are. By their much marginalized existence they are entitled to all benefits that accrue to them as are available to other marginalized sections of the society.

Victims of trafficking for commercial sexual exploitation face a great deal of trauma not just following such trafficking but also after their rescue. They need to be protected against the traffickers who would want them to come back or not pursue their case. There are also livelihood issues and if a viable alternative is not given, chances of being re-trafficked are high.

In the case filed by PRAJWALA, being Writ Petition (C) No.56 of 2004 the NALSA has given a report in the Supreme Court to take the following actions in respect of victims of trafficking for commercial Sexual Exploitation and sex workers:

“The role of the legal services authorities as set out in the preliminary report is reiterated as follows:

- (a) Provide legal assistance to the victims of trafficking and sexual exploitation at the time of rescue and thereafter during trial.
- (b) Facilitate the accessing of the District Legal Services Authorities(DLSAs) for award of victim compensation under Section 357ACr.P.C
- (c) To monitor and act as social auditors of the existing facilities available for rehabilitation of rescued victims of sexual exploitation and trafficking.
- (d) DLSAs can spread awareness in the community through the panel lawyers and para-legal volunteers about the issues of trafficking particularly in vulnerable areas and among vulnerable groups.

- (e) The DLSAs can act as converging nodes to ensure that the government schemes meant for the marginalized actually reach them as such access to the government support does have a positive impact in preventing trafficking and falling prey to traffickers.
- (f) Initiate steps to sensitize the corporate world to support rehabilitation measures for trafficked victims including skill building and employment under the head of CSR.
- (g) SLSAs can also assist in the training and sensitization of stakeholders, like police, lawyers including legal services lawyers, prosecutors, government servants and the judiciary.
- (h) SLSAs may also collaborate with the local educational institutions and civil society organisations and NGOs working in this field.”

The NALSA believes that it is necessary to draw up a scheme to give a framework for the legal services authorities at different levels to put into action the undertaking given to the Supreme Court. To that end the present Scheme has been drawn up. It is expected that the Legal Services Authorities at all levels would be able to render legal services effectively to these vulnerable people by following the present scheme.

NAME OF THE SCHEME

The Scheme shall be called “**NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015**”.

The objective of the Scheme is to provide legal services to address the concerns of victims of trafficking including women of all age groups and at every stage: i.e. prevention, rescue and rehabilitation.

The thrust of the scheme is to provide economic and social pathways for these marginalised groups so that they are socially included and thus get all social protections available to an ordinary citizen. The interventions of the legal services authorities should be to ensure the protection of the dignity of the victims which is as much their fundamental right to a life as of any other citizen.

In order that the already marginalised voluntary sex workers are not excluded from the assistance of the legal services authorities, they are also considered victims of commercial sexual exploitation, apart from those children and adults who are trafficked for the purpose.

STRATEGY FOR LEGAL SERVICES TO THE VICTIMS

The strategy of the legal services must be guided by a 360 degree approach. Thus, children, young adults of whatever sex, adolescent girls, young women and older women should all be included in the action plan. The legal services authorities must also develop an action plan for prevention, rescue and rehabilitation and not merely for one of these aspects. Further the legal services authorities must document each case and carry out a follow up at least for three years so that reintegration of the victim into the society is complete.

ENABLING TRAFFICKED WOMEN TO GET THEIR ENTITLEMENTS BY COMPLETING ALL DUE DILIGENCE PROCESSES

The action plan must be to use the existing welfare schemes of the Government, both Central as well as the State, with a life-cycle approach to strengthen social security, social development and welfare in order to cover prevention of trafficking and rehabilitation of the victims. DLSA can request NGOs/CBOs to use tools such as micro planning and surveys to ascertain the demand for schemes and thereafter set up Help Desks across the district to facilitate registration for the schemes. Simultaneously the victims/community members could be motivated and educated about how to apply for schemes they wish to enroll or register for.

The DLSA, with the support of the concerned department could facilitate the applicant to fulfil the procedures stipulated under each scheme and comply with all the due diligence processes. This would include enabling the applicant to get the supportive documents that are required to be furnished in order to establish eligibility for the benefits under a scheme, such as getting proof of residence, age certificate, nativity certificate, income certificate, etc. Once all the due diligence is over and the scheme sanctioned, DLSA should provide support to the community till the scheme gets delivered or the benefit reaches the beneficiary.

The Available Schemes

1. ICDS or Childcare development ---0-6 years, pregnant women and lactating mothers (as care givers)
2. Food security or ration cards
3. Social security or Pension for the elderly women
4. Educational schemes including midday meal, bridge schools, residential schools of Sarva Shiksha Abhiyan, Sabala; scholarships for the primary, secondary and higher education from Social Welfare Department for adolescents and specifically girls
5. Livelihood - Skill Development, Financial Inclusion, Micro Enterprise - from SC/ST/BC/Minority and Women's Development Corporation and CSR funds from government and public sector undertakings
6. Housing or Subsidy for Construction and Land Pattas from Urban Development, Housing Corporation
7. Universal entitlements-Jan Dhan, Aadhar, Voter Card, SHG membership
8. Legal aid Schemes-Legal Literacy, Para Legal Volunteers, Legal services clinics to ensure free legal aid and protection

ROLE OF LSAS

The most important role of the SLSAs/DLSAs is to maintain convergence oversight. While the administrative convergence for all the schemes no doubt will be under the District Collector, the protection convergence will have to be overseen by the SLSAs and the DLSAs. To converge social and legal protection for marginalized women SLSAs and DLSAs will provide the oversight on the process of convergence by bringing together the administrative convergence provided by the District Collector and those generated by the structures or community organizations that are facilitating the process on the ground and are rooted in the community and its realities and have played significant roles in preventing HIV, trafficking and violence against women and girls. In this background, the role of the SLSAs/DLSAs would be in:

Bridging the Gap-between all departments and trafficked women, women in sex work and those vulnerable to trafficking and extreme violence

Enhancing Engagement-Scheme Education Drive Organized by DLSA bringing together Community organizations and its members and government-department-district and sub-district administration

Facilitating Participation and Ownership-Led by DLSA in collaboration with community organizations through community meetings and camps

Sensitization-Enabling all departments and institutions to learn about dynamics of community, remove misconceptions

Strengthening Accountability-Through an MIS capturing all processes from identifying entitlement holder to scheme delivery.

Forging Partnerships-At the more micro level the collaborations will be with Community Organizations and NGOs working with sex workers and victims of trafficking and sexual exploitation. They will facilitate the process of reaching out to the many hidden members of the community and shape the process of community mobilization.

At the meso level, the partnership should be with and between district administrative mechanisms such as Department of Women and Child Development (especially Child Protection/Welfare Committees and Anti Human Trafficking Units) and the DLSA. This will highlight initiatives at the ground level with the community or beneficiaries.

The third level of partnership will be at the macro level with the Department of Women and Child which implements many schemes for victims of trafficking and also runs shelter homes for those rescued; Ministry of Home Affairs, Ministry of Social Justice and Empowerment and Rural Livelihood Mission which also has the mandate of prevention of human trafficking and will be vital partner to strengthen protection and safety nets to the beneficiaries.

ACTION PLAN

The first step that the DLSA should take is to reach out to the Non Governmental Organisations and Community Based Organisations (CBOs) working in the field. To do this, the SLSAs must contact the UNICEF or UNODC. State Agencies such as Department of Women and Child, Rural Livelihood Missions. They must also seek the assistance of the National Aids Control Organisation (NACO) and the State and District Aids Control Societies (SACS & DACS). Thus the SLSAs/DLSAs would be able to obtain information about trafficking as well as sex workers.

The second step would be to catalyse inter departmental convergence both at the State and further down to the district level so that an all inclusive and comprehensive response from all concerned departments and stakeholders emerges and essential inter-sectoral linkages, processes and mechanisms get established.

Trafficking : As regards trafficking, from the Anti Human Trafficking units in the State and with the help of the NGOs/CBOs, the DLSA should map out the vulnerable areas and the vulnerable populations within its jurisdiction. Then preventive strategies can be put into motion. These would be spreading information about schemes and connecting the vulnerable people to such schemes so that they benefit from them. This would also include spreading awareness about the law and about the dangers posed by prospective traffickers. The children and adolescent children could be made aware of the dangers of strangers befriending them and the parents cautioned about the falsity of promises made to them of better education for their children in cities. Young adults could similarly be warned about false promises of jobs and better lives.

The SLSAs/DLSAs should create a team of panel lawyers and social workers to spread awareness about the welfare schemes of the government. The PLVs should be used to ensure that all the due diligence processes including eligibility documents and proofs are collected to enable the vulnerable communities to access the various schemes. The DLSA should use their PLVs and their offices wherever necessary to interact with the Administrative heads such as the District Collector or Chief Secretary to ensure the final realisation of the scheme.

The PLVs attached to or assigned to a police station in compliance of the orders of the Supreme Court of India to handle cases of missing children should be given special training by the SLSAs /DLSAs to sensitise them on children's issues as well as trafficking issues, so that they are responsive. These PLVs must inform the SLSAs/DLSAs whenever such a case of trafficking is reported or arrest of a sex worker occurs at the police station.

Sex Workers: One method of understanding community needs is to organise meetings between the Member Secretary SLA or Full Time Secretary DLSA and the community leaders where the community leaders can explain the difficulties they face in accessing social entitlements especially the social security schemes such as widow and old age pension schemes even though they fall under eligible category.

The other method is to organize public hearings where community members would “depose”, or in other words relate their experience with governance at all levels. The “jury” should be made up of DLSA Chairperson and /or Full time secretary, other judicial officers wherever possible, high government functionaries such as DC, Principal Secretaries or Chief Secretaries, Police Officers and Protection Officers. The SLSAs/DLSAs should also involve senior advocates and panel lawyers in such programmes.

After the deposition the Member Secretary/Secretary as the case maybe or the panel advocate should explain to the community about the legal services available in the Legal Services Authority and encourage them to file complaints and seek free legal aid whenever their rights are infringed or they have a legal problem such inheritance etc. The Legal Services Authority can enable the target groups to redress the violence and harassment they face in their day to day life. In cases of violence from partners or husbands, the DLSA along with Protection Officers can provide legal aid and counselling services.

The DLSAs can accredit Para legal volunteers drawn from the community and train them as per the NALSA module. These PLVs can then act as the front line workers of the Authority as far as the community is concerned. The effort must be to ensure “saturation coverage” by having representation from all the blocks of the district and ultimately the entire State.

Once again, the DLSAs should assess the need for schemes in the community and facilitate the access of the community to the various welfare schemes of the government in the manner as mentioned hereinbefore.

Prevention: While ensuring the implementation of government welfare schemes, the SLSAs/DLSAs should pay attention to the structure already available under the Integrated Child Protection Scheme, particularly the setting up of the Village Level Child Protection Committees (VLCPC). These Committees are made up of Panchayat members, school teachers, students and parents from the community. Special awareness programmes should be organized for the VLCPC to keep a watch on the children in the village. The teachers should be sensitized to keep a watch for children missing from school and report them, so that further enquiries about their well being are promptly made.

A similar awareness and sensitization programme should be organized for the Anganwadi and Health workers for younger children and adolescent girls. Again, the SLSAs/DLSAs must ensure that children remaining absent are followed up and reported immediately.

PLVs drawn from the VLCPCs and Anganwadi as well as teachers should be trained with special emphasis on the issues of trafficking and sexual exploitation. The work of these PLVs must be closely monitored. At the same time these PLVs must be given effective mentors and support so that any incident reported is given full and complete attention by the SLSA/DLSA concerned.

Student Legal Literacy Clubs should be encouraged to write about and talk and discuss about trafficking issues. These clubs could play the role of peer educators about the dangers of growing up and how to keep oneself safe.

The SLSAs/DLSAs should strengthen groups who are working to prevent child marriages and empowerment of women. Many times, child and forced marriages are a prelude to trafficking for sexual exploitation. Apart from spreading awareness student groups should be formed in vulnerable areas and communities to report on child marriages and initiate preventive action.

While dealing with women already in sex work, the SLSAs/DLSAs should focus on the livelihood alternatives to help these women come out of the profession and prevent their children entering it. Women could be encouraged to save money and channelize the money into entrepreneurship which would ensure their social recognition and assimilation. The SLSAs/DLSAs should help the women to protect themselves from domestic violence and provide legal assistance to follow up court cases. They should help these women access all government schemes as mentioned above.

Strategies of prevention and protection of victims of trafficking implemented by the Rural Livelihood Missions should also be understood and explored so as to replicate some of the successful methods and establish collaborative efforts.

Rescue and Rehabilitation : The protocol for the One Stop Crisis Centre would no doubt be available for the rescued victims of trafficking. Apart from ensuring compliance of the directions of the Supreme Court in Prajwal's case, the SLSAs/DLSAs must also follow up with the rehabilitation of the victim chiefly through access to government schemes to provide a stable alternate livelihood for the victims. The DLSAs should ensure **that panel** lawyers and PLVs help the victims to get their FIR registered and are present during remand proceedings to oppose bail etc. The Panel lawyers should obtain court orders for protection of witnesses wherever necessary and to counsel the victims before deposition and be present during trial including recording of the statement of the victim. The panel lawyers and PLVs should also help the victim to apply to the DLSAs for release of compensation under the Victims Compensation Scheme and also to access other welfare schemes of the Govt. meant for the rehabilitation of such victims.

Management Information Systems : The SLSAs and DLSAs will have to develop a sound MIS so that every activity under this scheme is recorded, followed up and assessed. Similarly, the assistance of the PLVs and the Panel lawyers given to the victims will have to be recorded and monitored closely by the Secretary DLSA. Where the DLSA has facilitated the rehabilitation, there must be a tracking of the person for at least three years so that the rehabilitation is complete and there is no danger of re-trafficking.

Transgenders: The provisions of this scheme will be applicable to all Transgenders as well.



NALSA (Legal Services to the Workers in the Unorganized Sector) Scheme, 2015

NALSA (LEGAL SERVICES TO THE WORKERS IN THE UNORGANIZED SECTOR) SCHEME, 2015

1. BACKGROUND

- 1.1 One of the major characteristics of the Indian economy is the contribution of a vast majority of labour employed in the unorganised sector. The economic survey of India (2007-2008) and National Sample Survey unorganized sector (2009-2010) have estimated the employment in this sector at about 93-94% of the total workforce. Its contribution to the GOP is estimated to be more than 50%.
- 1.2 Majority of unorganised workers (about 52 per cent) are employed in agriculture. Other major categories include construction workers, workers in small enterprises, workers employed through contractors even in large enterprises, artisans/craftsman, home based workers, workers depending upon forest produce, fisheries, self-employed workers like rickshaw pullers, auto drivers, coolies etc.
- 1.3 The distinguishing feature of the unorganised sector is non applicability of most of the labour laws and other regulations providing for decent working conditions, job security and social security to the workers. The unorganised workers lack collective bargaining power and are therefore susceptible to excessive exploitation. They work under poor working conditions and receive far lower wages/remuneration as compared to the organised sector, even for comparable jobs. Most of the employment in this sector is seasonal and the workers therefore have no job guarantee. This also leads to large scale migration of workers from one place to another leading to instability of work and residence which further often leads to discontinuity of the education of their children. In cities, they live in slums without proper housing and sanitation. Health care and maternity benefits which are statutorily available in the organised sector are not available for them. The legislations providing for social securities for old-age, health-care and assistance in the event of death, marriage and accidents etc., like the Workmen's Compensation Act, 1923; Employees State Insurance Act, 1948; Maternity Benefits Act, 1961; Industrial Disputes Act, 1974; Payment of Gratuity Act, 1972; Employee Provident Fund and Miscellaneous Provisions Act, 1952 etc., do not apply to them. The combined effect of the above factors is that many of them are generally, forced to lead an undignified and servile life.

1.4 Existing Legal Frame Work

Although there are a large number of categories of employment in the unorganized sector, legislation providing for working conditions etc., have been enacted only in respect of few categories like:-

- ▲ Dock Workers (Regulation of Employment) Act, 1948;

- ▲ Beedi and Cigar Workers (Condition of Employment) Act, 1966;
- ▲ Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979;
- ▲ Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Rules, 1984;
- ▲ Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996;
- ▲ Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.

1.5 In order to provide for social security to all categories of unorganised workers, the Central Government has also enacted an umbrella legislation by the name of Unorganised Workers Social Security Act, 2008. Various social security schemes have been/are required to be floated for the benefit of the workers under the Building and Construction Workers Act, 1996 and Unorganised Workers Social Security Act, 2008.

2. SCHEME FOR PROVIDING LEGAL SERVICES.

- 2.1 The enactment of the few statutes as mentioned herein above does not appear to have made any appreciable difference to the lives of the workers inter-alia, for the following reasons:-
- a) The Social Security Act, 2008 does not statutorily provide any mechanism to implement the schemes and there appears to be no sanction against a refusal of the concerned authorities to extend the benefits of the schemes to eligible workers.
 - b) Very few States have constituted the Social Security Boards and have framed rules as envisaged under Section 14 of the Act. The result is that in many states, no welfare schemes are being administered and even where the schemes are in place, there is no effective monitoring. Similarly, all the states have not yet established the Building and other Construction Workers Welfare Boards as mandated under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and consequently, no security schemes have been floated for these workers.
 - c) Although cess is being collected by many states under Building and Other Construction Workers Welfare Cess Act 1996, utilisation of cess amount for the benefit of the workers is abysmally low. This may be due to very low registration of workers and or non extension of benefits even to the registered workers.

- d) The schemes and the benefits available thereunder are not being sufficiently publicised. Workers in the unorganized sector being generally uneducated and not unionised are mostly unaware of the schemes.
 - e) Workers Facilitation Centres as envisaged under section 19 of the Social Security Act 2008 have not been set up by any State.
 - f) There is no responsibility of the employer /contractor to get their workers registered under any of the schemes. It is for the workers to apply for the same and they are unable to do so due to lack of awareness and complexity of the procedure.
 - g) Separate registration is required for each scheme which makes it difficult for workers to avail benefits under all the schemes available to them in case of need.
 - h) The registration under the scheme is generally non-portable and therefore, workers in most of the categories being migrant workers are unable to avail the benefits and are therefore reluctant to register themselves under the scheme.
- 2.2 The Legal Services Institutions can play an important role in bridging the gap between the implementing authorities and target beneficiaries. With this object in view, the National Legal Services Authority had adopted the Scheme i.e. National Legal Services Authority (Legal Services to the Workers in the Unorganised Sector) Scheme, 2010 in the meeting of the Central Authority of NALSA held on 08.12.2010.
- 2.3 However, the magnitude of the problem and the fact that the benefits of the legislations are still elusive to the needy workers even after several years of their enactment has given rise to the need for more focused attention to this sector. The present revised scheme is meant to achieve this purpose.

The terms PLVs, Legal Services Clinics, Front Office, Panel Lawyers and Retainer Lawyers will mean the same as defined under the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010 and National Legal Services Authority (Legal Services Clinics) Regulations, 2011 and the NALSA Scheme for Para Legal Volunteers (Revised) and Module for the Orientation - Induction - Refresher Courses for PLV Training.

3. NAME OF THE SCHEME

The Scheme shall be called “NALSA (Legal Services to the Workers in the Unorganized Sector) Scheme, 2015”.

4. OBJECTIVES

1. To institutionalize essential legal services to all unorganized workers.

2. To get the gaps in legislation/implementation plugged through coordination with government authorities and by initiating public interest litigation.
3. To mobilize the machinery of the State Government and the District Administration to identify and register all unorganized workers in all categories and to extend the benefits of all government schemes, as applicable to them.
4. To spread awareness among the employers regarding the statutory provisions and the need for providing decent working conditions, living wages and social security to the workers.
5. To disseminate information among the workers regarding their entitlements under the existing legislations and schemes.
6. To provide counselling and assistance to all categories of unorganized workers for their registration with the concerned authorities under the schemes available for their category.
7. To assist the workers in availing the benefits of the scheme for which they are registered as per their need/entitlements.

5. GUIDING PRINCIPLES

The following principles shall be borne in mind by all Legal Service Institutions while implementing the scheme for the unorganized workers:-

- 5.1 The Preamble of the Constitution of India assures equality of status and opportunity to all citizens and to promote among them fraternity, assuring the dignity of the individual. Article 42, mandates that the State shall make provision for securing just and humane conditions of work and for maternity relief. By virtue of Article 43, the State is obliged to secure to all workers, work, a living wage, condition of work ensuring a decent standard of life and full enjoyment of leisure, social and cultural opportunities.
- 5.2 The Preambular promise of upholding the dignity of the individual cannot be fulfilled unless the dignity of labour is ensured.
- 5.3 The unorganized sector is one of the marginalized sections of the society and they, as citizens of the country, are equally entitled to the right to work, just and humane conditions of work, living wages, maternity relief and a decent standard of life. It is the statutory mandate of the Legal Services Authorities to facilitate realization of this Constitutional assurance. The Legal Services Authorities have to act as watchdogs against administrative inaction.
- 5.4 The welfare measures initiated by the Government in the form of legislations or schemes etc. require the intended beneficiaries or the victims to mobilize the

system for realization of their rights/entitlements. The workers in the unorganized sector belonging as they do, to the deprived and vulnerable sections of the society do not possess the capacity to mobilize the system. It is the job of the Legal Services Authorities to provide them support in getting justice to their doorsteps.

- 5.5 The large number of categories of the unorganized workers, large population in each category and their vast geographical spread necessitates a project-approach to the issue of providing legal services to them. An institutionalized setup, committed work force and sustained efforts for a considerable period of time are required to be able to make them capable of realizing their constitutional rights.

PLAN OF ACTION

6. SETTING UP OF SPECIAL CELLS

- 6.1 In order to provide effective legal services to the workers in this sector, each State Legal Services Authorities (SLSAs) shall constitute a special cell focusing exclusively on these services. The cell shall be manned by one panel lawyer specialising in Labour Laws, one counsellor/consultant having requisite qualification/experience in relevant field, wherever feasible, representative of an NGO doing demonstrably good work in the area and such number of Para Legal Volunteers, as the SLSA may prescribe .
- 6.2 The functions of the special cell shall be:
- I) to organize and conduct Legal Awareness/Literacy programmes, training programmes and seminars for unorganized workers;
 - ii) to co-ordinate with government authorities in relation with registration and extension of the benefits of the schemes to the unorganized workers;
 - iii) to facilitate and provide assistance in filing, processing and furnishing application form for registration and in availing benefits of the schemes to the unorganized workers;
 - iv) to provide legal assistance and legal aid to the unorganized workers in respect of any claim or defence before any court or other authority;
 - v) any other function that the State Authority may prescribe for them.
- 6.3 The special cell shall work under the guidance of the Member Secretary or any other officer of the Authority, as nominated by the State Authority, and shall file periodic reports of the progress of its assigned duties with him.
- 6.4 The members of the cell shall be paid honorarium for each of the duties at such rates, as may be fixed by the State Authority.

7 IDENTIFICATION OF UNORGANIZED WORKERS

- 7.1 The first job for the Legal Services Institutions is to identify the categories and population of unorganised workers operating in their respective areas, by seeking the data available with the Labour Department, Social Welfare Department of the State and if necessary, conducting surveys either themselves or in collaboration with law students and NGOs operating in the area.
- 7.2 In the process of identification, special efforts should also be made to identify any child labour or bonded labour and in case any workers in the said prohibited categories are found, the Legal Services Authorities shall inform the concerned authorities and facilitate their rescue, release and rehabilitation, as provided under the Bonded Labour System (Abolition) Act 1976, The Child Labour (Prohibition and Regulation) Act 1986 and Juvenile Justice Act 2000.
- 7.3 The State Authority may fix timelines for identification of all categories depending upon the area, population and other relevant factors in each state.

8 CONDITIONS OF WORK AND MINIMUM WAGES

The State and District Legal Service Authorities shall, in collaboration with the State and District Administration and local NGOs, assess the need of statutory regulation of conditions of work and minimum wages etc., for the categories of Unorganized Workers particularly, of Domestic Workers and if found necessary, the State Legal Services Authority shall take the requisite steps to get the same notified.

9 SETTING UP OF STATE SOCIAL SECURITY BOARD AND BUILDING & OTHER CONSTRUCTION WORKERS WELFARE BOARDS

Wherever the Social Security Board and Building & Other Construction Workers Welfare Boards have yet not been set up, the State Legal Services Authorities shall coordinate with the State Government and, if necessary, institute, with the approval of the Hon'ble Executive Chairman, SLSA, Public Interest Litigation in the respective High Courts for getting these boards set up, as soon as possible.

10 UTILISATION OF CESS

State Legal Services Authorities shall coordinate with the Building and Construction Workers Welfare Boards to ensure that the cess collected by them does not keep lying in fixed deposits and is actually utilised for the benefit of the needy workers as per the schemes available. The State Authorities shall seek relevant information from the boards, encourage the workers to apply for the benefits and then, coordinate with the boards to provide the said benefits.

In case of denial of due benefits to any worker, legal remedies can be prosecuted on his behalf by the State Legal Services Authority through the Special Cell for Unorganized Workers.

11 GOVERNMENT SCHEMES UNDER THE STATUES

Legal Services Authorities shall move the State Governments to notify the schemes relevant to the category of unorganised sector operating in the States. This also, if necessary, can be achieved through institution of Public Interest Cases, with the approval of the Hon'ble Executive Chairman.

12 LEGAL AWARENESS

12.1 After identification of the unorganised workers in each category, legal awareness programmes may be organised about the different schemes and social security measures available for such categories. The special cells for unorganized workers shall organize legal literacy camps for this purpose preferably, at their place of work itself or at community centres etc.

12.2 All State Legal Services Authorities shall publish booklets/pamphlets containing the details of the available schemes, their eligibility criteria and procedure for registration for obtaining the benefits as per the requirements of the workers. Copies of the booklets/pamphlets shall be kept available in all Front Offices, Legal Services Clinics and the place of sitting of the Special Cell and shall be distributed in the legal awareness/literacy programmes.

12.3 Information regarding the above said details should also be disseminated through Doordarshan, All India Radio and Community Radio.

12.4 The Labour and Social Welfare Departments of the State should be requested to display the telephone numbers and helpline numbers of the Legal Services Institutions and the members of the Special Cell.

13 SPECIALISED TRAINING FOR PLVS

State Legal Services Authorities shall conduct specialized training programs for the paralegal volunteers focusing on the needs of the particular categories of Unorganised Workers as are operating in that area and the benefits which they can avail from the government schemes. PLVs should be trained inter-alia to educate the workers, help them identify the benefits they should seek and to liaise with the authorities for making the said benefits available to the needy workers.

14 WORKERS FACILITATION CENTRES

State Legal Services Authorities shall coordinate with the Labour Departments of the State for setting up of worker's facilitation centres as envisaged under Section 9 of the 2008 Act. They may also set up legal services clinics manned by specially trained PLVs/NGOs, to be attached to such centres.

15 DECENT WORKING CONDITIONS

Some of the Statutes like the Building and Other Construction Workers (Conditions of Service) Act and Beedi and Cigar Workers Conditions of Employment Act have provisions to regulate the minimum working conditions for all workers employed in the said sectors. Even in other sectors where the statutory provisions are not available, the requirement of having proper wages and humane work conditions cannot be over emphasized.

State Legal Services Authorities may launch campaigns, in collaboration with law students and suitable NGOs to ensure that the employers provide decent conditions of work to the unorganised sector workers, abiding by all the statutory provisions laid down for this purpose.

16 SEMINARS FOR EMPLOYERS

State Legal Service Authority and the Special Cell for unorganized sector shall organize seminars/colloquia for making employers aware of their statutory duties and the need to fulfill the genuine requirements of the workers.

17 REHABILITATION SCHEMES

Certain statutes provide for rehabilitation of workers like in Section 13 of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013. State Legal Services Authorities shall coordinate with the concerned State authorities either themselves or through coordinating with NGOs to frame rehabilitation schemes for the erstwhile manual scavengers as per the provisions of the said Acts.

18 LEGAL ASSISTANCE AND LEGAL REPRESENTATION

The special cell for Unorganized Workers shall provide counselling, legal assistance and legal aid by way of legal representation before any court or other authority, as required, to all Unorganized Workers.

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NALSA (Child Friendly legal Services to Children and their Protection) Scheme, 2015

NALSA (CHILD FRIENDLY LEGAL SERVICES TO CHILDREN AND THEIR PROTECTION) SCHEME, 2015

1. INTRODUCTION AND BACKGROUND

“It cannot be questioned that children are amongst the most vulnerable sections in any society. They represent almost one-third of the world’s population, and unless they are provided with proper opportunities, the opportunity of making them grow into responsible citizens of tomorrow will slip out of the hands of the present generation.....” The said observation made in **Salil Bali Vs.: Union of India (UOI) and Anr, 2013VII AD (S.C.)** by Supreme Court goes on to show that it is our obligation to the young generation to open up all opportunities including the legal services for every child to unfold its personality and rise to its full stature, physical, mental, moral and spiritual.

2. INTERNATIONAL COMMITMENTS

- 2.1 While adopting the declaration of the Rights of the Child on 20th November, 1959, the General assembly of the United Nations laid down ten principles designed to enable children, irrespective of race, colour, sex, language, religion or origin, to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity.
- 2.2 The United Nations standard minimum rules for the administration of Juvenile Justice(“The Beijing Rules,” 1985) call on States to ensure that throughout the proceedings the Juvenile shall have the right to be represented by a Legal Advisor or to apply for free legal aid where there is provision for such aid in the country.
- 2.3 The United Nations Convention on the Rights of the Child (UNCRC) is a comprehensive, internationally binding agreement on the rights of children, adopted by the UN General Assembly in 1989. The purpose of the UNCRC is to outline the basic human rights that should be afforded to children. There are four broad classifications of these rights. These four categories cover all civil, political, social, economic and cultural rights of every child which are as follows:-
 - (a) Survival rights: include the child’s right to life and the needs that are most basic to existence, such as nutrition, shelter, an adequate living standard, and access to medical services
 - (b) Development rights: include the right to education, play, leisure, cultural activities, access to information, and freedom of thought, conscience and religion.
 - (c) Protection rights: ensure children are safeguarded against all forms of abuse, neglect and exploitation, including special care for refugee children; safeguards for children in the criminal justice system; protection for children in employment;

protection and rehabilitation for children who have suffered exploitation or abuse of any kind.

- (d) Participation rights: encompass children's freedom to express opinions, to have a say in matters affecting their own lives, to join associations and to assemble peacefully. As their abilities develop, children are to have increasing opportunities to participate in the activities of their society, in preparation for responsible adulthood.

3. CONSTITUTIONAL ASSURANCES

- 3.1 The framers of our Constitution were well aware of the fact that the development of the nation can be achieved by the development of the children of the nation & it is necessary to protect the children from exploitation as well. The Indian constitution accords rights to children as citizens of the country, and in keeping with their special status the State has even enacted special laws. The Constitution, promulgated in 1950, encompasses most rights included in the UN Convention on the Rights of the Child as Fundamental Rights and Directive Principles of State Policy.
- 3.2 It is the constitutional right of every citizen under Article 22 of Constitution of India to be defended by a legal practitioner of his choice. One of the fundamental principles to be followed in the administration of Juvenile Justice is ensuring Legal services at the State expenses. It is a mandatory duty of Legal Services Authority that free legal aid service be made available to every Juvenile.

The following are the provisions of the Indian Constitution relating to children:

- (a) Article 14 provides that the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.
- (b) Article 15(3) provides that nothing in this Article shall prevent the State from making any special provision for women and children.
- (c) Article 21 provides that no person shall be deprived of his life or personal liberty except according to procedure established by law.
- (d) Article 21A provides that the State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.
- (e) Article 23(1) provides that traffic in human beings and begar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.
- (f) Article 24 provides that no child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

- (g) Article 29(2) provides that no citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.
- (h) Article 39(e) provides that the state shall, in particular, direct its policy towards securing that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.
- (I) Article 39(f) provides that the state shall, in particular, direct its policy towards securing that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.
- (j) Article 45 provides that the State shall endeavour to provide early childhood care and education for all children until they complete the age of six years.
- (k) Article 47 provides that the State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties.
- (I) Article 51A (k) provides that it shall be the duty of every citizen of India who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.

4. OTHER LEGISLATIONS

Apart from the Constitution there are a number of legislations which deals with children. The following are some of them:

- (a) The Guardian and Wards Act 1890

This Act deals with the qualifications, appointment & removal of guardians of children by the courts & is applicable to all children irrespective of their religion.

- (b) The Child Labour (Prohibition And Regulation) Act 1986

This Act came into force to prohibit the engagement of children in certain employments and to improve the conditions of work of children in certain other employments. Under the act “Child” means a person who has not completed his fourteenth year of age. The Act is intended to ban the employment of children i.e., those who have not completed their 14 years in specified occupations and processes.

- (c) The Pre-Natal Diagnostic Technique (Regulation and Prevention of Misuse) Act 1994

This Act provides for the regulation of the use of pre-natal diagnostic techniques for the purpose of detecting genetic or metabolic or chromosomal abnormalities or certain congenital malformation or sex-linked disorders & for the prevention of the misuse of such techniques for the purpose of pre-natal sex determination leading to female foeticide.

(d) JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2000

This Act deals with the law relating to juveniles in conflict with law & children in need of care & protection, by providing for proper care, protection & treatment by catering to their development needs & by adopting a child-friendly approach in the adjudication & disposition of matters in the best interest of children & for their ultimate rehabilitation through various institutions established under the Act.

(e) THE COMMISSIONS FOR PROTECTION OF CHILD RIGHTS ACT, 2005

This Act provides for the constitution of a National Commission and State Commissions for Protection of Child Rights and Children's Courts for providing speedy trial of offences against children or of violation of child rights and for matters connected therewith or incidental thereto.

(f) THE PROHIBITION OF CHILD MARRIAGE ACT, 2006

This Act restraints the solemnization of child marriages by laying down the minimum age for both boys & girls. According to Section 2(a) of the Prohibition of Child Marriage Act, 2006, a "child" means a person who, if a male, has not completed twenty-one years of age, and if female, has not completed eighteen years of age.

(g) THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009

Article 21A of the Constitution, provides that the State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine. Parliament has made the law contemplated by Article 21A by enacting the Right of Children to Free and Compulsory Education Act, 2009. This Act provides for free and compulsory education to all children of the age of six to fourteen years.

(h) THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012

An Act to protect children from offences of sexual assault, sexual harassment and pornography and provide for establishment of Special Courts for trial of such offences and for matters connected therewith or incidental thereto.

5. ENTITLEMENT TO LEGAL SERVICES

- 5.1 Children are the beneficiaries of legal services under the Legal Services Authorities Act, 1987. The Act was enacted to constitute legal services authorities for providing free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.
- 5.2 Under section 12(c) of Legal Services Authorities Act, 1987 a child who has to file or defend a case is entitled to legal services. Therefore, it is the duty of various State Legal Service Institutions to provide free legal aid to juvenile in conflict with law and work towards speedy disposal of cases.
- 5.3 In this background, the Scheme has been drawn up for the legal services institutions (State Legal Services Authorities, District Legal Services Authorities, Taluk Legal Services Committees, High Court Legal Services Committees, Supreme Court Legal Services Committee) to be followed while they deal with legal services to the children.

6. NAME OF THE SCHEME

This Scheme shall be called “**NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015**”.

7. DEFINITIONS

In this scheme unless the context otherwise requires,

- a) “Act” means the Legal Services Authorities Act, 1987 (39 of 1987).
- b) “JJ Act” means The Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000).
- c) “JJ rules” means Juvenile Justice (Care and Protection of Children) Rules, 2007.
- d) “Legal Service” has the same meaning as defined under section 2(c) of Legal Services Authorities Act 1987.
- e) Legal Services Clinic means a clinic as defined under regulation 2(c) of National legal Services Authority (Legal Services Clinics) Regulations 2011.
- f) Legal Services Institution means a State Legal Service Authority, Supreme Court Legal Services Committee, High Court Legal Services Committee, District Legal Service Authority or Taluk Legal Service committee, as the case may be.
- g) Panel Lawyer means the panel lawyer selected under Regulation 8 of the National Legal Services Authority (Free and Competent Legal Services) Regulations 2010.

- h) Para Legal Volunteers means a Para Legal Volunteer defined and trained under the NALSA Scheme for Para Legal Volunteers (Revised) and Module for the Orientation - Induction - Refresher Courses for PLV Training and engaged as such by a legal services institution.
- i) All other words and expressions used but not defined in this Scheme and defined in the Legal Services Authorities Act, 1987 (39 of 1987) or the National Legal Services Authorities Rules, 1995 or National Legal Services (Free and Competent Legal Services) Regulations, 2010 shall have the same meaning respectively assigned to them in the said Act or Rules or Regulations.

8. OBJECTIVE

8.1 In Delhi, 16-year-old 'X' is accused of stealing a cell phone. In Mumbai, 12-year-old 'Y' is the victim of sexual abuse. In Calcutta, 10-year-old 'Z's parents are fighting over his custody. In Chennai, 13-year-old 'S' was rescued from a factory who found to be trafficked. Everyday children such as these come in contact with the justice system, where formal and informal justice providers make decisions that have the potential to influence the future course of their lives. What rights do these children have when they come in contact with the law? Are they entitled to any type of legal assistance? If so, how might those services best be made available and actually reach children in crisis or in need? How can legal services be made "child-friendly" given logistical and financial limitations? And how does the concept of child-friendly justice play out in informal justice systems? The purpose of this Scheme is to suggest a conceptual and practical framework for addressing these questions, with the ultimate goal to provide children with meaningful, effective, affordable, and age-appropriate legal assistance "on the ground."

8.2 The main objectives of the Scheme are:-

- i) To outline the basic rights and benefits that should be afforded to children.
- ii) To ensure legal representation to the children in need of care and protection and children in conflict with law at all levels;
- iii) To strengthen legal services, institutional care, counselling and support services at the national, state, district and Taluka levels;
- iv) To create an environment in the juvenile justice system, in which children are valued, encouraged and affirmed and have their rights respected and are treated as individuals.
- v) To enhance capacities at all levels, of all functionaries including, PLVs, Panel Lawyers, counsellors, service providers, NGOs, local bodies, police, judiciary

and other concerned departments of State Governments, to undertake responsibilities for providing child friendly legal services;

- vi) To ensure that mandatory authorities and institutions, like JJBs, CWCs, other welfare committees, observation and shelter homes, psychiatric hospital or psychiatric nursing home, commissions, boards, office of probation officers etc. under various child friendly legislations have been set up;
- vii) To have database of all the existing central or state schemes, policies, regulations, SOPs, police directives, conventions, rules, declarations, comments, and reports etc. available for child welfare and protection;
- viii) To organise awareness programmes to educate public at large including all stakeholders i.e. PLVs, Panel Lawyers, member of JJBs and CWCs, welfare officers, counsellors, probation officers, police, public prosecutor, judicial officers, care takers of various homes, educational and medical institutions etc., on child rights and their protection on available child protection services, schemes and structures at all levels;
- ix) To undertake and organise training, orientation and sensitization programs, for senior police officers, SJPU, JWOs, panel lawyers, PLVs, member of JJBs and CWCs, welfare officers, counsellors, probation officers, public prosecutor, judicial officers, care takers of various homes for their skill enhancement and for creating a sense of responsibility amongst them;
- x) To organize seminars, colloquia, workshops and conferences relating to law and schemes on child rights and allied fields.
- xi) To develop effective coordination and interface with all Govt. Bodies or functionaries, Institutions, Authorities, NGOs and other Organisations concerning or entrusted with the responsibilities relating to child rights;
- xii) To Undertake research and documentation to study the various schemes, laws etc. to find out the gaps and then to make suggestions to the appropriate authorities;

9. THE KEY PRINCIPLES THAT SHOULD BE KEPT IN MIND BY LEGAL SERVICES INSTITUTIONS AT ALL LEVELS ARE:-

- 9.1 Best interests of the child:- Every child has the right to have his or her best interests given primary consideration while providing legal services to the children in need of care and protection and child in conflict with law.
- 9.2 Welfare of the child:- The welfare of children must always come first, regardless of all other considerations. Early intervention and support should be available to promote the welfare of the child.

- 9.3 Right to dignity:- Every child has the right to be treated with dignity and compassion and its worth is to be respected and protected.
- 9.4 Right to equality and no discrimination:- A child shall be treated without discrimination of any kind, irrespective of the child's cast, race, religion, beliefs, age, family status, culture, language, ethnicity, disabilities if any or place of birth.
- 9.5 Principle of right to be heard- Every child has right to be informed, right to be heard and to express views and concerns freely .
- 9.6 Principle of right to safety- Every child has right to safety at all stages and he or she shall not be subjected to any harm, abuse or neglect etc.
- 9.7 Principle of confidentiality- The privacy of a child shall be protected by legal services institutions at all levels.

10. PLAN OF ACTION

10.1 Constitution of boards,committees,commissions, etc.

- (a) Under section 4 of JJ Act the State Government has been authorized to constitute Juvenile Justice Board in every district. SLSAs shall ensure that Juvenile Justice Board is established in each district separate from the regular court and where no such board has been set up, SLSA will take up the matter on urgent basis with State Government so that JJB is established in every district.
- (b) Section 29 JJ Act allows the State Government to form Child Welfare Committees in relation to child in need of care in every district. Such committees will consist of a Chairperson and four other members appointed by the State government including one woman. SLSAs shall ensure that Child Welfare Committees are established in each district and where no such committee has been set up, SLSA will take up the matter on urgent basis with State Government so that committee is established in every district.
- (c) JJ Act contemplates constitution of Special Juvenile Police Unit (SJPU) to deal with Juvenile in conflict with law. In every police station at least one police officer specially instructed and trained is required to be designated as Juvenile/Child Welfare officer to deal with the Juvenile. (section 63, JJ Act and rule 11 of JJ Rules). SLSAs shall ensure that such Special Juvenile Police Unit has been established.
- (d) SLSAs shall ensure that list of designated Juvenile Welfare Officers and members of SJPU's with contact details be prominently displayed in every police station in the state.

- (e) Under section 62A of JJ Act, every state government shall constitute a child protection unit for the state and for every district to take up the matters relating to children in need of care and protection. SLSAs shall ensure that such child protection Unit has been established.
- (f) Under section 17 of Commission for Protection of Child Rights Act 2005, State is under obligation to constitute State Commissions. SLSAs shall ensure that such commission u/s 17 of Commission for Protection of Child Rights Act 2005 has been constituted and working effectively. **(Re. Exploitation of Children in Orphanages in the State of Tamil Nadu Vs. Union of India (UOI) and Ors. (2014)2SCC180).**
- (g) Under section 16 of The Prohibition Of Child Marriage Act, 2006, the State Government is authorised to appoint for the whole State, or such part thereof as may be, an officer or officers to be known as the Child Marriage Prohibition Officer to prevent child marriage and to deal the matters connected thereto. SLISA shall take up the matter with state for appointment of the Child Marriage Prohibition Officer, wherever they have not been appointed.

10.2 Observation and Shelter Homes

- (a) Juvenile in conflict with law are kept in a home and not in jail or lockup. There are two categories of homes for juveniles in conflict with law, namely observation homes and special homes. Juvenile is kept in the Observation Home pending inquiry against him by the Board and such home are to be established and maintained by the State Government in every district or group of districts (section 8 of JJAct r/w rule 16(1) of JJ Rules).
- (b) Similarly, special homes are to be set up in every district or group of district separately for boys and girls to house juveniles, if found guilty on conclusion of inquiry (section 9 of JJ Act r/w rule 16(1) of JJ Rules).
- (c) Under section 34 of JJ Act, State Governments have been empowered to establish and maintain either by themselves or in association with voluntary organizations, children homes in every district or a group of districts for the reception of child in need of care and protection during the pendency of any inquiry and subsequently for their care, treatment, education, training, development and rehabilitation
- (d) SLSAs shall keep the updated record of as to how many institutions i.e. children homes, shelter homes and observation homes, either run by the State Governments or by Voluntary Organisations for Children in need care and protection or children in conflict with law are there in the state.

- (e) All such homes or institutions run by the State Governments or by Voluntary Organisations for Children in need care and protection have to be registered under the provisions of Section 34 of JJ Act, read with Rule 71 of the said Act.
- (f) Any unregistered institutions for children in need of care and protection are there then they have to be shut down or taken over by the State Governments. **(Re. Exploitation of Children in Orphanages in the State of TamilNadu Vs. Union of India (UOI) and Ors. (2014) 2 SCC 180)**. In this regard SLSAs shall take up the matter with the state Government so that needful could be done in respect of unregistered institutions.
- (g) SLSAs shall ensure that there are observation homes, shelter homes and child care homes in sufficient numbers registered with the government to house the juvenile in conflict with law and child in need of care and protection.
- (h) Each SLISA shall constitute a committee namely “Observation and Children Home Committee” for every district in the state comprising of District Secretary as chairperson, one panel lawyer and probation officer as members. The committee so constituted shall formulate a calendar of its visit to each of home situated in the district at least once in a month.
- (i) Broadly the functions of the committee would be to see that observation homes, special homes and children homes are child friendly and it should not look like a jail or lockup and should have a good quality of care and facilities. It should have sanitation and hygiene, clothing and bedding, meals and diet, medical and mental health care, tie up with local primary health centre, maintaining the health record etc. if anything deficient is noted by the committee then SLISA will take up the matter with concerned authorities for necessary action at their end and shall follow up the matter.

10.3 Legal Services Clinics

- (a) SLSAs shall set up Legal Services Clinic at every Juvenile Justice Board and Child Welfare Committee in each district in the state.
- (b) Opening of Legal Services Clinic shall be communicated to all Government bodies, department including Police, NGOs along with relevant contact numbers and addresses of the clinics.
- (c) PLV's shall be deputed in such clinics.
- (d) SLSAs shall display the contact number and the other information of the clinic in its all offices at state, district and Taluka service level.
- (e) The legal services clinics so established shall be governed by the National Legal Services Authority (Legal aid clinics) regulation 2011 in respect of their

functioning, infrastructural facilities, maintenance of record and register, visit of panel lawyers, deputing of PLVs and control over such clinic.

- (f) All DLSAs shall set up legal literacy club in each of the schools in the District under the control of DLSA with co-ordination with the principals.

10.4 Legal Representations.

Statutory provisions

- (a) Under section 12(1)(c) of the Act every child who has to file or defend a case is entitled to free legal services.
- (b) The Board is to ensure free legal aid to all juvenile through State Legal Aid Services Authority or recognized voluntary legal services organisations or the University legal services clinics. [Rule 3.1 (d) (iii) r/w 14(2) of JJ Rules].
- (c) The Legal Officer in the District Child Protection Unit and the State Legal Aid Services Authority shall extend free legal services to all the Juveniles. [Rule 14(3) of JJ Rules].
- (d) Under section 40 of Protection of Children from Sexual Offences Act, 2005, the Legal Services Authority shall provide a lawyer to the family or the guardian of the child, if they are unable to afford a legal counsel.

Role of SLSAs

- (a) To meet the requirement of law, SLSAs shall constitute a separate panel of trained and committed advocates to represent child /Juvenile before every forum i.e JJBs, CWCs etc., so that meaningful and effective legal services could be provided at the ground level.
- (b) SLSAs shall ensure that legal services provided to child or Juvenile is of high quality and that it is effective which requires competent and dedicated panel lawyers at JJB and CWC's.
- (c) SLSAs shall supervise and monitor the working of Panel lawyers and have mechanism of surprise check.
- (d) The remuneration to the panel lawyer may be released on the basis of work done report countersigned by the JJB or CWCs wherever the panel lawyer is deputed.
- (e) SLSA shall ensure an effective coordination between legal officer, panel lawyer and Legal Services clinic established at JJBs and CWCs so that every child is legally represented and provided free legal aid and other necessary support.

10.5 Training and orientation programme

- (a) All SLSAs shall strictly adhere to various guidelines already issued by NALSA for training the designated juvenile child welfare officers attached to every police station and the members of the special juvenile police unit and also for legal services in juvenile justice institutions in connection with the compliance of the order dated 12.10.2011 and 19.08.2011 of Hon'ble supreme court of India in **Sampurna Behrua v. Union of India & Ors.** in Writ Petition (C) No.473/2005).
- (b) Every State Legal Services Authority shall coordinate with the head of the concerned Police Department to ensure that a Standing Order outlining the roles, responsibilities and functions of Special Juvenile Police Units and Juvenile/Child Welfare Officers is issued. Such Standing Order shall be based on the JJ Act, JJ Rules I the applicable Rules (If State Government has notified its own Juvenile Justice Rules) and the judgement of the Hon'ble Supreme Court in **Sheela Barse V. Union of India (1986 SCALE (2) 230): (1987) 3 SC 50**. State Legal Services Authority shall render assistance in drafting and preparing such Standing Order. State Legal Services Authority shall also ensure that such Standing Order is translated into local language and is made available at all the Police Stations.
- (c) In order to be effective, the concepts and potential of legal service to serve children must be communicated effectively. This requires that Legal Service Providers, whether they are lawyers, PLVs, Police Officer or Judicial Officers require effective training in how to communicate with children.
- (d) Children legal service providers, judicial officer, panel lawyers, police officers, JJB's, CWCs whether or not formally trained with the law, should receive on-going training in the areas of relevance to the rights of the children.
- (e) To the extent possible, training in substantive legal concepts and applicable laws, regulations and rules as well as skills training in advocacy should be problem based and interactive.
- (f) Law relating to Juveniles is comprised of constitutional provisions, legislations, schemes, reports, international convention, rules. The challenge is how to convey this information in meaningful way to those who are working on the ground on behalf of the children. Therefore, the training material for such functionaries should contain all important information which is necessary for solving the problem of children.

10.6 Legal Awareness

- (a) All SLSAs shall publish booklets/pamphlets/legal service manual containing the details of the available schemes pertaining to the child rights. Copies of

booklets/pamphlets/ legal service manual shall be kept available in all front offices, legal services clinics, JJBs, CVCs, police stations etc.

- (b) Information regarding the above details should also be disseminated through Doordarshan, All India Radio and Community Radio.
- (c) All SLSAs shall spread awareness amongst the public about children rights and their protection in collaboration with educational institutions, State Commission for Protection of Child Rights , NGOsetc.
- (d) Essay competitions, street play competitions, poster making competitions, painting competitions and even debate are other means of spreading awareness of child rights amongst school and college students.
- (e) PLVs may be asked to create an effective outreach campaign through the distribution of posters using child appropriate messaging.
- (f) In addition to informing individual children about their right to legal assistance, it is also important to engage in outreach to communities and public and private agencies as a way of building support for legal empowerment and an effective working relationship with Legal Service providers.
- (g) Many children in need of legal service live in remote rural areas. As a result, the children often find it impossible to physically access legal services where they live. To overcome this barrier, SLSAs may take some initiative including mobile clinic and one Stop Centre programmes offering a range of legal services to the children at the same location.
- (h) DLSAs can take the services of PLVs deputed at each police station, in compliance of the direction in *Bachpan Bachao Aandolan vs Union of India*, for conducting initial interviews and investigations, to provide counselling and to work as a link between the children and his or her family.
- (i) Each SLSA shall take up the matter with the State Government so that child rights could be included in the school curriculum of all schools to enable children to know their rights.
- (j) SLSAs shall spread awareness about the newly added provisions of section 357 A CrPC and any Victim Compensation Scheme of the State so that immediate compensation is released to the children.
- (k) Each SLSA shall develop directory on legal services which must be available ready with all key stake holders.
- (I) Each SLSA shall organize intensive legal awareness campaigns at all levels about children's right to education as well as fundamental duties of parents to send their children to schools.

- (m) There is a need for creating awareness about the availability of non-institutional services such as adoption, sponsorship and foster care for children.
- (n) SLSAs shall endeavour the accreditation of NGOs having sound credentials and involved in matters of children who are in need of care and protection.
- (o) To initiate awareness programme that enable community mobilisation and outreach to change social norms perception and attitudes and to educate the villagers and communities about the harm caused to children on account of child marriages especially on their health and personality and also on their future productivity.
- (p) To have greater social community engagements through PLVs to prevent young girls from being coerced into early marriage
- (q) Each SLISA shall take up necessary step to solve the problem of Child Labour by working in villages with the help of PLVs to sensitize families about the long term benefits of education and to make them aware that child labour is not acceptable.
- (r) There should be awareness programme at all levels for the effective prohibition of all forms of labour for children upto 14 years of age and to effectively address the issues of trafficking of children.
- (s) Each SLISA should work together with the State Government for strengthening existing framework so that the promise of free and equality education to children between the age of 6 and 14 can be implemented across the State.
- (t) Vulnerability to trafficking for Child Labour or destitution increases during disasters and natural calamities. Therefore, the core group constituted by the SLSAs under the NALSA scheme i.e “A Scheme For Legal Services To Disaster Victims Through Legal Services Authorities”, must ensure that all measures are taken to protect the rights of these children and for their welfare.
- (u) SLSAs must draw an action plan so that the problem of Child Labour is systematically eliminated from the society.
- (v) To eliminate the menace of child labour and to effectuate the mandate of the Constitution, Supreme Court had given a large number of mandatory directions in **M.C. Mehta v. State of Tamil Nadu** reported as (1996) 6 SCC 756. One of the important directions was to direct an employer to pay a compensation of Rs. 20,000/- for having employed a child below the age of 14 years in hazardous work in contravention of Child Labour (Prohibition & Regulation) Act, 1986 . The appropriate Government was also directed to contribute a grant deposit of Rs. 5,000/- for each such child employed in a hazardous job. The said sum of Rs. 25,000/- was to be deposited in a fund to

be known as Child Labour Rehabilitation-cum- Welfare Fund and the income from such corpus was to be used for rehabilitation of the rescued child.

LSAs orinate with police, labour department and other authorities concerned for compliance of the aforesaid directions and follow up the matter.

11. DATABASE

All SLSAs shall have database of all the existing central or state schemes, policies, regulations, SOPs, police directives, conventions, rules, declarations, comments, and reports etc. available for child welfare and protection so that same may be used as and when required for legal awareness and for providing legal services to the Juveniles.

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NALSA (Child Friendly legal Services to Children and their Protection) Scheme, 2015

NALSA (LEGAL SERVICES TO DISASTER VICTIMS THROUGH LEGAL SERVICES AUTHORITIES), SCHEME, 2010

1. BACKGROUND

Sub clause (e) of Section 12 Legal Services Authorities Act, 1987 makes the victims of disasters who are under circumstances of undeserved want as a result of such disaster eligible for free legal services to file or defend a case. But in a disaster of catastrophic nature whether it is natural or manmade, the victims are often taken unawares and are subjected to face the grim situation of loss of life, becoming homeless, destruction of property or damage to or degradation of environment and subject to human sufferings and damage beyond the coping capacity of the community of the affected area.

Even though it is the duty of the Government and the Administration of the locality to come to the help of the victims of disasters, Legal Services Authorities by virtue of sub-clause (e) of Section 12 can play an effective role by coordinating the activities of the State Administration in the disaster management by way of strategic interventions in an integrated and sustainable manner, reducing the gravity of the crisis and to build a platform for early recovery and development. The Legal Services Authorities shall endeavour to help the victims and the administration for reducing risk and assisting them to adopt disaster mitigation policies and strategies, reducing the vulnerabilities of the geographical and social situation and strengthening their capacities for managing human made and natural disasters at all levels.

2. NAME OF THE SCHEME.

This Scheme shall be called the NALSA (Legal Services to the victims of disasters through Legal Services Authorities) Scheme, 2010

3. OBJECTIVE

The objective of the scheme is to provide legal services to the victims of disaster - both manmade and natural - who are under circumstances of undeserved want being victims of mass disaster, ethnic violence, caste atrocities, flood, drought, earth-quake or industrial disasters.

The intervention of Legal Services Authorities should be for coordinating the integrated, strategic and sustainable development measures taken by the Government and Disaster management Authorities for reducing the period of crises and for building a platform for early recovery and development. The thrust of the efforts for by the State Legal Services Authorities shall be for strengthening the capacity of the victims for managing the disaster at all levels and to coordinate with the Government departments and non-governmental organisations and also for providing legal aid to the victims.

4. STRATEGIC INTERVENTION BY THE STATE LEGAL SERVICES AUTHORITIES.

The strategy for intervention by the Legal Services Authorities for helping the victims of disasters shall be on the following lines:

1. Ensuring immediate help by Governmental and Non-Governmental Agencies to the victims.
2. Coordinating the activities of different departments of the Government and the NGOs for bringing immediate relief.
3. Supervising the distribution of relief materials.
4. Supervising the construction of temporary shelter or transporting the victims to a safer place.
5. Supervising the reunion of families.
6. Supervising the health care and sanitation of the victims and preventing the spread of epidemics.
7. Supervising the needs of women and children.
8. Ensuring the availability of food, medicine and drinking water.
9. Supervising the reconstruction of damaged dwelling houses.
10. Supervising the restoration of cattle and chattel.
11. Legal Awareness Programmes in the relief camps on the legal rights of the victims.
12. Organising Legal Aid Clinics in the affected areas for assisting in reconstruction of valuable documents.
13. Assisting the victims to get the benefits of the promises and assurances announced by the Government and Ministers.
14. Assisting in the rehabilitation, care and future education of orphaned children.
15. Taking steps for appropriate debt relief measures for the victims.
16. Assisting in the rehabilitation of the old and disabled who lost their supporting families.
17. Assisting in the problems relating to Insurance Policies.
18. Arranging Bank Loans for restarting the lost business and avocations.
19. Arranging for psychiatrist's help / counselling to the victims who are subjected to physiological shock and depression on account of the disaster.

5. MACHINERY FOR LEGAL SERVICES.

The State Legal Services Authorities shall establish a Core group in all districts under the control of the District Legal Services Authorities to spring into action in the event of a disaster, whether manmade or natural. The Core group shall consist of a senior judicial officer, young lawyers including lady lawyers selected in consultation with the local bar association, Medical Doctors nominated by the local branch of the Indian Medical Association and the NGOs accredited by the State Legal Services Authority. The Secretary of the District Legal Services Authority shall maintain a Register containing the Telephone numbers and the cell numbers of the members of the Core group.

STRATEGY FOR LEGAL AID TO THE VICTIMS

6. ENSURING IMMEDIATE HELP BY GOVERNMENTAL AND NON-GOVERNMENTAL AGENCIES TO THE VICTIMS.

The nodal agency for responding to a disaster shall be the State and District Disaster Management Authorities set up under the Disaster Management Act, 2006. The State Legal Services Authority should immediately alert the District Legal Services Authority concerned who in turn shall get in touch with the Disaster Management Authority of the State and District and gather the details of the steps taken by the latter.

- (a) The Core group set up the District Legal Services Authority shall immediately proceed to the area where the disaster has occurred and get involved in the work of relief.
- (b) The District Legal Services Authority and the Core team shall coordinate the activities of the relief operations by involving themselves and without causing any hindrance to the smooth flow of the relief operations.

7. COORDINATING DIFFERENT DEPARTMENTS OF THE GOVERNMENT AND THE NGOS FOR BRINING IMMEDIATE RELIEF.

The State Legal Services Authority at the apex level shall get in touch with the State Disaster Management Authority / Department to ensure that all the departments of the State Government including health, finance, social welfare and police are involved in the relief operations. The State Legal Services Authorities shall coordinate the implementation of the Plan of Action, if any, prepared by the Disaster Management Authorities.

- (a) The State and District Legal Services Authorities shall obtain a copy of the disaster management plan, if any, prepared by the State Disaster Management Authority / District Disaster Management Authority.
- (b) The State Legal Services Authority / District Legal Services Authority shall as far as practicable follow the aforesaid plan and, if necessary, make suggestions to the state

administration or Disaster Management Authorities for improving the quality of relief operations.

8. SUPERVISING THE DISTRIBUTION OF RELIEF MATERIALS.

In the event of a disaster, the first and foremost step to be taken is to ensure that the victims are provided with adequate support to tide over their undeserved wants. This includes provision of food, safe drinking water and transferring the victims to safe shelters. The District Legal Services Authority in coordination with the Disaster Management Authority and State Government Departments, shall supervise effective and timely supply of relief materials to the victims of the disaster.

9. SUPERVISING THE CONSTRUCTION OF TEMPORARY SHELTERS OR TRANSPORTING VICTIMS TO SAFER PLACE.

District Legal Services Authority and the Core team shall supervise construction of temporary shelters and transportation of victims to such shelters to other safer places. Any lapses can be reported to the government officer incharge to ensure that the lapses are remedied immediately.

10. SUPERVISING THE REUNION OF FAMILIES.

A disaster may result in sudden disruption of the cohesive unit of families. Members of the family are likely to get separated on account of the disaster or by reason of the rescue operations or on account of medial emergencies. Separation can occur due to loss of life also.

The Core team shall visualise such probable traumatic situations in the families affected by the disaster and shall take necessary steps for consoling the victims and shall take earnest search for the missing members of the families.

11. SUPERVISING THE HEALTH CARE OF THE VICTIMS AND PREVENTING THE SPREAD OF EPIDEMICS.

The District Legal Services Authority shall take prompt steps for coordinating with the District Medical Officer for ensuring that the victims of the disaster are given proper medical care. The injured victims shall be given prompt treatment.

- (a) When a large number of affected persons are congregated in relief camps, adequate sanitation has to be ensured. Steps shall be taken to ensure that the public health authorities are performing cleaning and sanitation of the camps on a regular basis.
- (b) The District Legal Services Authority shall ensure that adequate preventive measures are taken by the health authorities against outbreak of contagious and infectious diseases and water-born diseases can occur in the relief camps.

- (c) Right to health being a concomitant to the Right to Life guaranteed under Article 21 of the Constitution of India, the disaster victims are entitled to adequate health facilities and the Legal Services Authorities are dutybound to ensure the same through appropriate measures.

12. SUPERVISING THE NEEDS OF WOMEN AND CHILDREN.

Women and children are beneficiaries of free legal aid under Section 12 of Legal Services Authorities Act. They are the most vulnerable group amongst the victims of any disaster. Safety of women and children in the camps and their valuables like ornaments and personal belongings are to be protected. The District Legal Services Authority shall ensure that the Police takes necessary steps for preventing theft and anti-social activities. Legal Services Authorities shall coordinate with the Police Officers to ensure the safety of women and children.

13. ENSURING THE AVAILABILITY OF FOOD, DRINKING-WATER AND MEDICINE.

The need for food, safe drinking water and medicine are basic human needs and hence are attributes of the Right to life under Article 21 of the Constitution of India. Legal Services Authorities can therefore rightfully intervene and coordinate with the State Government, District Administration and Health Authorities to ensure the availability of food, safe drinking-water and medicine to the victims living in the shelters.

14. SUPERVISING THE RECONSTRUCTION OF DAMAGED DWELLING HOUSES.

Housing is one of the important problems faced by the victims of disasters. Partial or total damage may occur to houses in disasters like earthquake, flood and communal riots. Assurances given by the Ministers and Government officials ex-gratia payment and funds for reconstruction of damaged houses of the victims may go unfulfilled or forgotten due to passage of time. Efforts shall be taken by the Legal Services Authorities to ensure that such promises are fulfilled and the promised funds or other relief measures are disbursed to the victims without delay.

15. SUPERVISING THE RESTORATION OF CATTLE AND CHATTEL.

Loss of cattle, chattel and household articles are concomitant with all mass disasters. Thieves, looters and anti-socials have a field day during riots and ethnic violence and also during the havocs like flood, drought, pestilence and earth-quake. The District Legal Services Authority in coordination with the Police or Armed Forces shall ensure that the valuables belonging to the victims are not looted or stolen houses. Similarly, steps shall be taken to protect livestock and chattel also. The Legal Services Authorities

shall coordinate with the animalhusbandry department of the government to save the livestock.

16. LEGAL AWARENESS PROGRAMMES IN THE RELIEF CAMPS ON THE LEGAL RIGHTS OF THE VICTIMS.

Once the victims are relieved from the immediate shock and impact of the disaster, the Legal Services Authority may chose a convenient time and place near the relief camps for imparting legal awareness to the victims. Women lawyers may be entrusted with the job of conducting informal legal awareness programme, mainly related to the rights of the disasters victims to avail of the relief measures from the authorities. The legal remedies available and the mode in which the benefits of the offers and schemes announced by the government are to be availed of also may be included as topics. Legal Awareness Programmes shall not be conducted in a ceremonial manner. Inaugural function and other formalities shall be totally avoided. The ambience of disaster and the mood of grief stricken victims should be fully taken in to account by the resource persons and the steps for legal awareness shall be taken in such a manner as to go along with the measures for consolation and redressal of the grievances of the victims. Visits by women lawyers to the camps and homes of the victim will be desirable.

17. ORGANISING LEGAL AID CLINICS IN THE AFFECTED AREAS FOR ASSISTING IN THE RECONSTRUCTION OF VALUABLE DOCUMENTS.

It is likely that the victims of disaster have lost their valuable documents like titled deeds, ration cards, identity cards, school and college certificates, certificate of date and birth, passport, driving licence etc. The District Legal Services Authority shall organise legal aid clinics in the affected areas and assist the victims to get duplicate certificate and documents by taking up the matter with the authorities' concerned. Arrangements for issuing Death Certificates of the deceased victims also shall be made.

18. TAKING CARE OF THE REHABILITATION AND THE FUTURE CARE AND EDUCATION OF THE ORPHANED CHILDREN.

Orphaned children are the living monuments of disasters. Loss of childhood paternal affection are likely to haunt them for the rest of their lives. At times, the orphaned children may get affected with psychiatric problems also.

The Legal Services Authority shall seek the help of voluntary organisations, large business houses and Corporates for the educational needs and accommodation of such children till they attain the age of maturity. In appropriate cases, the Legal Services Authority may assist such children to be taken care of under provisions of the Juvenile Justice (Care and Protection) Act.

19. TAKING STEPS FOR APPROPRIATE DEBT RELIEF MEASURES FOR THE VICTIMS.

Rehabilitation of disaster victims will be a gigantic challenge for any administration. The adequate funds should be made available to the victims who lost everything in their life for rebuilding their avocation, buying agricultural implements and other implements required for their avocations in which they were engaged prior to the disaster. Victims belonging to fisherman community may require huge amounts for buying nets, boats and outboard engines. Such measures of rehabilitation may require the assistance of government departments concerned. The State Legal Services Authority shall coordinate with Public Sector Banks, Social Welfare Department and other departments concerned for helping the victims to re-start their avocations. In appropriate cases, provisions in the laws relating to debt relief shall be invoked.

20. REHABILITATION OF THE OLD AND DISABLED WHO LOST THEIR SUPPORTING FAMILIES.

Persons with disabilities as defined in Clause (e) of Section 2 of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 are entitled to free legal aid under Section 12 of the Legal Services Authorities Act. Senior citizens are entitled to certain benefits under the provisions of Maintenance and Welfare of Parents and Senior Citizen Act. The senior citizens and disabled persons who lost their support on account of disasters shall be identified and appropriate legal aid shall be given to them.

21. PROBLEMS RELATING TO INSURANCE POLICIES.

The Legal Services Authorities shall take up the insurance claims of the disaster victims with the Insurance Companies for settlement of such claims. Negotiations may be undertaken with the Insurance Company officials for a settlement favourable to the victims. In appropriate cases the service of Insurance Ombudsman also may be availed of.

22. ARRANGING BANK LOANS FOR RESTARTING THE LOST BUSINESS AND AVOCATIONS.

The victims who suffered substantial loss of their business and implements used in their avocations shall be helped by adopting proper restorative measures. For this purpose, efforts shall be made to make available financial assistance of nationalised banks and other public sector financial institutions. The Legal Services Authorities shall persuade the officials of such financial institutions to raise to the occasion for helping the victims.

**23. ARRANGING FOR THE SERVICES OF PSYCHOLOGISTS / PSYCHIATRISTS
HELP FOR COUNSELLING THE VICTIMS SUFFERING FROM
PSYCHOLOGICAL SHOCK AND DEPRESSION ON ACCOUNT OF THE
DISASTER.**

Mental shock and the related psychiatric manifestations are usually seen associated with the traumatic effects of disasters on the victims and their family members. Sudden loss of human life and the horrifying experiences of the trauma of the disasters can result in mental shock and psychiatric problems not only to the victims but also to their family members. The District Legal Services Authority shall in coordination with the District Medical Officer make necessary arrangements for the services of psychiatrists and psychologists.

The District Authority shall ensure the presence of the members of the Core group at the relief camps everyday till the victims are rehabilitated.

**24. DISTRICT LEGAL SERVICES AUTHORITY SHALL COLLECT REPORTS FROM
THE CORE GROUP.**

District Legal Services Authority shall collect daily reports from the Core group working at the location of the disaster. Copies of such reports shall be sent to the State Legal Services Authority. The State Legal Services Authority shall consolidate the reports and send a comprehensive report to the National Legal Services Authority and copies thereof shall also be sent to the District Management Authorities of the State and District. Copies of the report shall be placed before the Patron-in-Chief of the State Authorities and also in the meeting of the State Authority.

any difficulty arises in giving effect to this Scheme, the State Legal Services Authority and District Legal Services Authority or the Core group may seek guidance from the Executive Chairman of the State Authority.

NALSA (Legal Services to
Senior Citizens) Scheme,
2016

NALSA (LEGAL SERVICES TO SENIOR CITIZENS) SCHEME, 2016

1. BACKGROUND

- 1.1 The Senior Citizens constitute a class in themselves. They are a reservoir of experience and knowledge, yet in many cases they are marginalised and almost wished away by the younger sections of the society as a burden on the society. The senior citizens do not constitute a homogenous group, the differences being based on the age gap amongst the senior citizens themselves, level of physical and mental alertness, their ability to work and such like.
- 1.2 Over the years, with advancement in science, there has been a substantial increase in life expectancy. As mentioned in the National Policy on Senior Citizens, 2011, “the demographic profile depicts that in the years 2000-2050, the overall population in India will grow by 55% whereas population of people in their 60 years and above will increase by 326% and those in the age group of 80+ by 700% - the fastest growing group.” 1/8th of the world’s elderly population lives in India. In real terms the population of elderly persons has increased from nearly 2 crores in 1951 to 7.2 crores in 2001 to 10.38 crores in 2011. Thus about 8% of the population is above 60 years. The highest percentage of people aged above 60 years is found in Kerala with the elderly constituting 12.55% of the population of the state. The number of females is larger in the category of 60+ age group with the number of females being 5, 27, 77, 168 to 5, 10, 71, 872 males as per the Census of 2011.
- 1.3 Senior citizens face a myriad of challenges- social, physical, mental and economic which are unique to them. The economic problems could be on account of loss of employment with a consequent loss of income and economic insecurity. Physical problems include health and medical problems. Social problems could be lack of familial support and social maladjustment. Security is another major issue for the older persons. The problem is made more acute with the break-up of the joint family system and more and more elderly persons being left to fend for themselves. There is migration of productive members of the family from the rural to urban areas. As such the women and the older persons in rural areas face greater problems.
- 1.4 There is also evidence of systematic and continuous abuse of the elderly i.e. infliction of physical, emotional or psychological harm on the older persons. Half of the elderly population reportedly experience abuse besides disrespect and neglect. According to the report of the National Crime Records Bureau (NCRB), a total of 8,973 cases were registered as crimes against senior citizens from January 2014

to October, 2014. As such every society and State recognizes certain rights of the senior citizens, distinct from the rest of the society.

- 1.5 The issue of ageing has been raised at the United Nations from time to time since 1948. The World Assembly on Ageing was held in Vienna in 1982 where an International Plan of Action on Ageing was adopted with the objective to strengthen the ability of individual countries to deal effectively with the ageing in their population, keeping in mind the special concerns and needs of the elderly. In 1991, the UN General Assembly adopted certain principles aimed at independence, participation, care, self-fulfilment and dignity of the older persons. 1st October has been declared as the International Day for the Elderly, now known as the International Day of the Older Persons.

Note: For the purposes of this Scheme, the persons above the age of 60 years are referred to as 'senior citizens' and the terms 'olderpersons', 'elderpersons' are used synonymously.

2. CONSTITUTIONAL GUARANTEES

- 2.1 The Constitution of India guarantees the right to life and liberty of every individual under Article 21. This has been interpreted to include the right to live with dignity and would encompass the right to live with dignity of the senior citizens. Article 41 of the Constitution lays down that the State shall, within the limits of economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want. Article 46 also imposes a positive obligation on the State to promote with special care the economic interests of the weaker sections of the people and to protect them from social injustice and all forms of exploitation. Articles 41 and 46 are included in the Directive Principles of State Policy which are not enforceable in any court of law, nevertheless, they impose positive obligations on the State and are fundamental in the governance of the country.
- 2.2 Entry 9 in the State List and entries 20, 23 and 24 of the Concurrent List in the Seventh Schedule to the Constitution relate to old age pension, social security and social insurance and economic and social planning. Entry 24 in the Concurrent List specifically deals with the 'Welfare of labour, including conditions of work, provident funds, liability for workmen's compensation, invalidity and old age pension and maternity benefits." Thus, there are several constitutional entries relating to old age.

3. LEGISLATIVE FRAMEWORK

- 3.1 Most of the legislation as exists relates to making provision for maintenance for the parents and does not refer to senior citizens specifically. Hindu Law has recognized

the obligation of the sons to maintain the parents, who were not able to maintain themselves since ancient times. Under the Hindu Adoption and Maintenance Act, 1956, aged or infirm parents are entitled to maintenance from son and daughter provided the parents are unable to maintain himself/herself out of his/her own earnings or other property. The Muslim Personal Law places an obligation on children in easy circumstances to maintain their parents, even if the latter are able to earn something for themselves. A person is also bound to maintain his paternal and maternal grandfathers and grandmothers, if they are poor and not otherwise, to the extent as he is bound to maintain his poor father.

- 3.2 Sections 125 to 128, Code of Criminal Procedure, 1973 enable the father or mother, who is unable to maintain himself or herself to claim maintenance from his/her major son/daughter, if they neglect or refuse to maintain the parents. This is a secular law and applies across all religions. If the person against whom the order has been passed fails to pay the amount of maintenance without any sufficient reason, execution proceedings can be filed and the court may even issue a warrant imposing fines for the breach of the order and the person may be imprisoned. Similarly, the mother may file a petition against her son under the Protection of Women from Domestic Violence Act if she is subjected to domestic violence and claim various reliefs provided under the Act.
- 3.3 Considering the need to protect the rights of senior citizens and to further the constitutional objectives, the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 was enacted. Under this Act, an application for maintenance can be made by (a) 'Parent', i.e., father or mother whether biological, adoptive or step father or step mother; and (b) 'Senior Citizen', i.e. a person who has attained the age of 60 years or above. The application for maintenance can be made by (a) parent or grand-parent, against one or more of his/her children, i.e., son, daughter, grandson and grand-daughter, not being a minor; and (b) childless senior citizen, against his/her relative, i.e. legal heir, not being a minor, who is in possession of or would inherit his property after his death. The Act provides for the setting up of one or more Tribunals for each sub-division for the purpose of adjudicating and deciding upon the order of maintenance and for the constitution of Appellate Tribunal for each district to hear the appeal against the order of the Tribunal. Importantly, under the Act, the right to receive maintenance is enforceable against transferee of property of the parent/senior citizen, if the transferee has notice of the right, or if the transfer is gratuitous though the same is not enforceable against the transferee for consideration and without notice of right. The Tribunal may even declare transfer of property by a senior citizen as void at the option of the transferor where a senior citizen has transferred the property by way of gift or otherwise, subject to the condition that the transferee shall provide the transferor with basic amenities and basic physical needs, and such transferee refuses or fails to provide such amenities and physical needs.

- 3.4 Another important feature of the Act is that abandoning of senior citizen by anyone having care or protection of such senior citizen is an offence punishable for a maximum period of 3 months or fine upto Rs.5000/- or with both. This is a very important provision for protecting the life and property of senior citizens and to prevent their being abandoned at places from where they could not be found. The Act also provides:

-for the establishment of Old Age Homes for Indigent Senior Citizens i.e. senior citizens who do not have sufficient means.

-that the State Government has to ensure that the Government hospitals or hospitals funded fully or partially by the Government shall provide beds for all senior citizens; separate queues are arranged for senior citizens and that facility for treatment of chronic, terminal and degenerative diseases is expanded for senior citizens.

4. GOVERNMENTAL SCHEMES FOR SENIOR CITIZENS

- 4.1 Different Ministries under the Central Government have come up with different Schemes for senior citizens. The National Policy on Senior Citizens focusses on mainstreaming senior citizens, especially older women, promoting the concept of 'ageing in place' or ageing in own home, housing, income security and homecare services, old age pension and access to healthcare insurance schemes and other programmes and services to facilitate and sustain dignity in old age. The Schemes for Senior Citizens include:

- i) Integrated Programme for Older Persons under which financial assistance upto 90% of the project cost is provided to NGOs for establishing and maintaining Old Age Homes, Day Care Centres, Mobile Medicare Units and to provide non-institutional services to older persons.
- ii) Rebate in income tax, deduction in respect of medical insurance premium upto Rs.30,000/- under section 80D of Income Tax Act, 1961, deduction under section 80D for treatment of specified ailment is Rs.60,000/- for senior citizens, separate counters for senior citizens at the time of filing the income tax returns and on the spot assessment facility.'
- iii) Senior Citizens Saving Scheme' under which the citizens of 60 years and above can deposit Rs.1000/- or its multiples in post offices doing savings bank work which carries an interest of 9% per annum and the maturity period of the deposit is five years, extendable by another three years. For senior citizens i.e. those having the age of 65 years and above, higher rates of interest on saving schemes are available.

- iv) Under the Indira Gandhi National Old Age Pension Scheme, central assistance is given towards pension at the rate of Rs.200/- per month to persons above 60 years and at the rate of Rs.500/- per month to senior citizens of 80 years and above belonging to a household below the poverty line and the same is expected to be supplemented by at least an equal contribution by the States.
 - v) Discount on basic fare for domestic flights in economy class and priority in boarding the flights.
 - vi) Concession for senior citizens in all classes and trains, priority for lower berths, separate counters for senior citizens for purchase/ booking or cancellation of tickets, wheel chairs for use of senior citizens are available at all junctions, District Headquarters and other important stations.
 - vii) Reservation of two seats in the front rows of buses of State Road Transport Undertakings for senior citizens and even fare concession.
 - viii) Separate queues for older persons in hospitals for registration and clinical examination and concessions to senior citizens in treatment of diseases like kidney problem, cardiac problem, diabetes and eye problem.
 - ix) Under the Antyodaya Scheme, the Below Poverty Line families which include older persons are provided food grains i.e. 35 kgs per family per month at concessional rates. The persons above 60 years from the BPL category were given priority for identification.
 - x) Under the Annapoorna Scheme being implemented by the States/ UT Administration, 10 kgs of food grains per beneficiary per month are provided free of cost to those senior citizens who remain uncovered under the old age pension scheme.
 - xi) Priority in issuance of ration to ration card holders who are over 60 years of age in Fair Price Shops.
 - xii) Priority in giving telephone connections by the Ministry of Telecommunications and priority to faults/ complaints of senior citizens by registering them under senior citizens category with a VIP Flag which is a priority category.
- 4.2 Priority is also given to cases of senior citizens in the courts with a view to expeditious disposal. Under the Right to Information Act, second appeals filed by senior citizens are taken on a high priority basis.
- 4.3 Several States have come out with their own Schemes and Programmes for the benefit of the senior citizens especially to provide security to senior citizens.
- 4.4 Despite the existence of various legal provisions and Schemes for senior citizens, their benefits have reached very few senior citizens. Often the senior citizens are

unaware of their entitlements and/ or they are in too destitute a condition to be able to access the said benefits. They are not only deprived of their properties but also subjected to all forms of abuse ripping them off their dignity as well. For the widows who are senior citizens or for the retired senior citizens, it often becomes a herculean task to get their pension and other benefits. The laws and the Schemes lay down the entitlements of the senior citizens and if the senior citizens have any difficulty in availing their entitlements under the laws and the Schemes, it is felt by NALSA that Legal Services Institutions have a significant role to play and they can play a pivotal role in ensuring access to the benefits of the Schemes and the legal provisions to the senior citizens.

- 4.5 The Preamble of the Legal Services Authorities Act, 1987 emphasises that the legal services authorities are concerned with the weaker sections of the society and imposes a duty on them to ensure that opportunities for securing justice are not denied to any citizen by reason or economic or other disabilities. Under Section 4(b) of the Legal Services Authorities Act, 1987, the “Central Authority” i.e. the National Legal Services Authority has been obligated to “frame the most effective and economical schemes for the purpose of making legal services available under the provisions” of the Act. Further Section 4(l) enjoins the “Central Authority” to take appropriate measures for spreading legal literacy and legal awareness amongst the people and, in particular, to educate weaker sections of the society about the rights, benefits and privileges guaranteed by social welfare legislations and other enactments as well as administrative programmes and measures. Likewise, under Section 7(c) it is the function of the State Authority i.e. the State Legal Services Authority to undertake preventive and strategic legal aid programmes. Thus the Act itself casts a duty upon the Legal Services Authorities to spread legal awareness about the laws and various administrative measures and programmes and to undertake preventive and strategic programmes.

5. NAME OF THE SCHEME

- 5.1 The Scheme shall be called “NALSA (Legal Services to Senior Citizens) Scheme, 2016”. In this scheme, the persons above the age of 60 years would be regarded as senior citizens.
- 5.2 The terms PLVs, Legal Services Clinics, Front Office, Panel Lawyers and Retainer Lawyers will mean the same as defined under the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010 and National Legal Services Authority (Legal Services Clinics) Regulations, 2011 and the NALSA Scheme for Para Legal Volunteers (Revised).

6. OBJECTIVES OF THE SCHEME

The main objectives of the Scheme are as follows:

- 1) To outline the basic rights and benefits that should be accorded to senior citizens;
- 2) To strengthen legal aid and representation at the national, state, district and taluka levels for senior citizens who are entitled under Section 12 of the Legal Services Authorities Act, 1987 in availing the benefits of the various legal provisions which exist;
- 3) To ensure access to various Governmental Schemes and programmes to the senior citizens;
- 4) To ensure that the authorities and institutions such as the Tribunals and the Appellate Tribunals under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, old age homes for senior citizens have been established;
- 5) To create and spread awareness about the rights and entitlements of the senior citizens under the various laws and Governmental Schemes and programmes through the District Legal Services Authorities, Taluka Legal Services Committees, panel lawyers, para-legal volunteers, students and legal services clinics;
- 6) To enhance capacities at all levels of panel lawyers, para-legal volunteers, volunteers in legal services clinics, government officers tasked with the implementation of the various schemes, service providers, police personnel, non-governmental organizations by organizing training, orientation and sensitization programmes; and
- 7) To undertake research and documentation to study the various schemes, laws etc. to find out the gaps, the needs and to make suggestions to the appropriate authorities.

The ultimate objective of the Scheme is to ensure that the senior citizens live a life of dignity and enjoy all the benefits and facilities which are due to them.

7. PLAN OF ACTION

7.1 Establishment of Tribunals, Appellate Tribunals etc.

As a precursor to the senior citizens being able to enforce their rights, it is essential that the institutions contemplated under the law for providing relief to them are set up.

- a) Section 7 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, provides for the setting up of one or more Tribunals for each sub-division for the purpose of adjudicating and deciding upon the order of

maintenance. Section 15 of the Act also provides for the constitution of an Appellate Tribunal for each district to hear appeals against the orders of the Tribunal. The SLSAs and the DLSAs shall take up the issue of constitution of Tribunals and Appellate Tribunals as per the mandate of the Act on an urgent basis with the State Government.

- b) Section 19 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 provides for the establishment of Old Age Homes for Indigent Senior Citizens i.e. senior citizens who do not have sufficient means, as determined by the State Government, from time to time to maintain themselves. The SLSAs and DLSAs will take up with the State Government, the matter of establishment of sufficient number of Old Age Homes for Indigent Senior Citizens. The SLSAs and DLSAs may also explore the possibility of setting up of Old Age Homes for Senior Citizens under Corporate Social Responsibility.

Note: For the purposes of grant of legal aid, the eligibility criteria is laid down in Section 12 of the Legal Services Authorities Act, 1987. All women including those who are senior citizens would be entitled to legal aid under Section 12 of the Act and all those who fall in any of the categories enumerated in Section 12 including senior citizens would be entitled to legal aid. However, other services such as assistance in availing benefits under Governmental schemes, legal awareness may be provided across the spectrum to all senior citizens.

- c) SLSAs should carry out regular visits to the old age homes to ensure that the senior citizens have adequate facilities and that they are treated with dignity.

7.2 Legal Services Clinics

- a) SLSAs shall set up Legal Services Clinics at every Tribunal and Appellate Tribunal established under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and also in old age homes.
- b) While at present there is a bar to lawyers appearing before the said Tribunals, it shall be ensured that trained para-legal volunteers are available in the Legal Services Clinics to assist the senior citizens in making applications and carrying out other procedural requirements.
- c) Opening of the Legal Services Clinics shall be communicated to all the Government bodies and departments including the police, NGOs.
- d) The Legal Services Clinics so established shall be governed by the National Legal Services Authority (Legal Services Clinics) Regulations, 2011 in respect of their functioning, infrastructural facilities, maintenance of records and registers, deputing of PLVs and control over such clinics.

- e) The SLSAs and DLSAs shall encourage the students in Legal Services Clinics set up in colleges and universities to visit old age homes and provide legal services to senior citizens in the community.
- f) The Legal Services Clinics shall also facilitate the widows and senior citizens in getting pensionary benefits and other entitlements.

7.3 Legal Representation

- a) All senior citizens who are entitled to legal aid under Section 12 of the Legal Services Authorities Act, 1987 shall be provided legal aid on a priority basis.
- b) It is essential that the Legal Services Institutions are accessible in terms of physical infrastructure for the senior citizens, otherwise access to justice would become meaningless for them. Accordingly, steps should be taken by Legal Services Institutions to ensure accessibility such as having the front office on the ground floor.
- c) SLSAs shall ensure that the senior citizens do not have to face any kind of discomfort in procedural wrangles.
- d) Every District Legal Services Authority and Taluka Legal Services Committee shall designate at least three panel lawyers as Legal Services Officers for the purpose of this Scheme.
- e) The District Legal Services Authorities shall also depute sufficient number of PLVs for the implementation of this Scheme and for this purpose they shall draw upon PLVs who are trained to attend to the problems of senior citizens. Efforts should also be made to identify and train PLVs from amongst the senior citizens, both men and women.
- f) The PLVs shall act as the interface between the senior citizens in the community who are unable to access the Legal Services Institutions and the Legal Services Institutions. Where it is not possible for the senior citizens to reach the Legal Services Institutions on account of their conditions, the Legal Services Institutions shall reach out to them through panel lawyers and PLVs.
- g) SLSAs shall provide training to panel lawyers to enable them to sensitively deal with cases of senior citizens. The SLSAs shall ensure that the legal services provided to senior citizens are of the highest quality so that meaningful and effective legal services can be provided to them.

7.4 Identification of issues affecting senior citizens

- a) SLSAs and DLSAs shall make an endeavour to identify the core issues which affect the senior citizens in a particular area and deal with them accordingly.

While some issues may be common across geographical barriers, there may be some issues which are unique to some areas such as in some areas, the senior citizens being on their own may be a major issue as their families may have migrated to cities or other countries. Certain health problems may be more acute in a particular area.

- b) SLSAs and DLSAs shall then seek solutions to the issues that arise on regional basis and use their resources to implement the solutions, including through coordination with the concerned governmental agencies.
- c) SLSAs and DLSAs should facilitate the setting up of self-help groups of senior citizens to encourage community support and to reduce a sense of dependency on the part of the senior citizens.

7.5 Database

- a) All SLSAs shall have database of all the existing Central or State Schemes, policies, regulations, policy directives concerning senior citizens and the same may also be published in the form of pamphlets or booklets to be used in dissemination of information and creating awareness about the rights of the senior citizens.
- b) SLSAs and DLSAs shall publish information booklets in regional languages explaining in simple terms:
 - 1) provisions of law such as on maintenance, Wills, social welfare schemes;
 - 2) details about access to remedies; and
 - 3) contact details of helpline numbers available across the state.

Such information booklets may be distributed to senior citizens and used during awareness programmes.

- c) DLSAs shall also maintain a database of hospitals, medical centres and other facilities which may be available for senior citizens in their area.
- d) The information maintained by DLSAs shall be circulated to the Taluka Legal Services Committees, village panchayats, legal services clinics and PLVs.
- e) SLSAs/ DLSAs shall also upload the data collected on their website.
- f) DLSAs shall prepare a database of senior citizens in their area so that PLVs may be deputed for their assistance as and when necessary. Such database may also be shared with law enforcement agencies to address the security concerns of senior citizens. This would also enable the DLSAs to provide

immediate assistance to persons in distress by coordinating with the concerned departments such as, health or police departments.

7.6 Implementation of various Schemes

- a) SLSAs shall take all steps to disseminate information regarding the policies, schemes, programmes to the senior citizens and government functionaries.
- b) SLSAs shall ensure that such information is prominently displayed in old age homes, hospitals and other places which are frequented by senior citizens.
- c) Various States have special schemes for security of senior citizens such as registration of senior citizens with the concerned police stations. SLSAs may liaise with the law enforcement authorities to address the security concerns of senior citizens and to enhance the interface between the police and the senior citizens such as through increased patrolling, maintaining regular contact with senior citizens once every week or every fortnight. SLSAs and DLSAs may depute PLVs to assist in the registration of senior citizens with the police stations, in getting servant and tenant verifications done and such other matters which concern the security of the senior citizens.
- d) Legal services to be provided would include informing the beneficiaries about the different government schemes to which they are entitled and the benefits thereunder; assisting the beneficiaries to procure the documents required for availing the benefits under the schemes; informing the beneficiaries of the name and address of the designated authority or the officer who may be approached for availing the benefits under the schemes; offering to send para-legal volunteers with the beneficiaries to the office of the designated authority or to the officer concerned under any of the schemes.
- e) SLSAs shall develop effective coordination and interface with all the governmental bodies or functionaries, non-governmental organizations and other organizations concerning the welfare of senior citizens to ensure that the benefits of the various schemes that exist for senior citizens reach the senior citizens.

7.7 Awareness

- a) SLSAs shall draw up yearly programme for creating awareness on the rights of senior citizens and should endeavour to create a culture which is sensitive to the rights and needs of senior citizens.
- b) The Legal Services Institutions shall organize awareness programmes to sensitize people to the needs of the senior citizens and that it is the moral duty

of children to take care of senior citizens and not to leave them in a destitute condition in their old age.

- c) The Legal Services Institutions should explain the need to treat the senior citizens with dignity.
- d) SLSAs along with DLSAs shall conduct awareness programmes to generate awareness about the entitlements of the senior citizens under various laws and government schemes.
- e) SLSAs, DLSAs and Taluka Legal Services Committees shall also create awareness regarding the availability of legal services for senior citizens to facilitate access to their entitlements.
- f) Special awareness drives may be undertaken in old age homes or other places frequented by senior citizens and PLVs and students may be encouraged to actively participate in such programmes.
- g) While organising awareness programmes, the DLSAs and Taluka Legal Services Committees may also coordinate with the relevant health department to organise special health or check-up camps for senior citizens such as general health camps, eye check-up camps etc. or with the police to have a special registration drive of senior citizens.
- h) All possible methods of spreading awareness should be used such as Doordarshan, All India Radio, private TV channels, hoardings, organising cultural programmes and setting up stalls at religious fairs, festivals.
- i) SLSAs should engage with senior citizens and actively avail of their services in carrying out awareness programmes on various issues as the senior citizens may have greater credibility and appeal in an area.

7.8 Training and Orientation Programmes

SLSAs shall conduct training and orientation programmes for panel lawyers and PLVs to sensitize them on how to deal with cases of senior citizens and to build their capacity, knowledge and skill. Sensitization programmes should also be organized for other stakeholders such as the government functionaries, police personnel and NGOs.

7.9 Observance of the International Day for the Older Persons

All Legal Services Institutions shall observe 1st October of every year as the International Day for the Older Persons and organize awareness programmes on that day for creating awareness of the rights and entitlements of the senior citizens.



NALSA (Legal Services to
Victims of Acid Attacks)
Scheme, 2016

NALSA (LEGAL SERVICES TO VICTIMS OF ACID ATTACKS) SCHEME, 2016

1. BACKGROUND

- 1.1 Acid attacks are the most pernicious form of violence that is resorted to and is mostly gender specific. While acid attacks are reported in many parts of the world, the incidents of acid attacks in India have been on the rise. As per the data maintained by National Crime Records Bureau, the number of incidents of acid attacks reported in 2011 were 83, 85 in 2012 and 66 in 2013 though according to the Acid Survivors Foundation India (ASFI), at least 106 such attacks were reported in 2012, 122 in 2013 and 309 in 2014 and according to the activists, the figure rose to 500 in 2015. However, according to the National Crime Records Bureau, 222 cases of acid attacks were reported in 2015. The figures may vary but the number of acid attacks have been on the rise. There are also many unreported cases of acid attacks, especially in the rural areas and some such incidents may even result in the death of the victims. Many incidents are not reported due to fear of backlash from the perpetrators.
- 1.2 The incidents of acid attacks in India show that they are generally against the women. Quite often they are a result of a rejection of the marriage proposal or sexual advances. Conflicts related to dowry can also result in acid attacks. The acid attacks are also resorted to as a means of taking revenge or due to family or land disputes or over inheritance and other property issues. Occasionally, acid attacks may occur due to social or political or religious beliefs. The Justice Verma Committee constituted by the Central Government in 2013 in the aftermath of the Nirbhaya case to suggest reforms in the criminal justice system dealt with the issue of acid attacks and observed:

“We understand that a most heinous form of attack on women, which is commonplace in several Asian and African countries is the throwing of acid on women for a multitude of reasons, including alleged adultery, turning down advances from men, and also as a form of domestic violence. Acids and other corrosive substances are thrown on women or administered to them, thereby causing death or physical and psychological damage with unfathomable consequences. The 226th Report of the Law Commission of India, which dealt particularly with this offence stated:

“Though acid attack is a crime which can be committed against any man or woman, it has a specific gender dimension in India. Most of the reported acid attacks have been committed on women, particularly young women for spurning suitors, for rejecting proposals of marriage, for denying dowry

etc. The attacker cannot bear the fact that he has been rejected and seeks to destroy the body of the woman who has dared to stand up to him.”

5. In a certain sense, the aggressor is conscious that self-worth and self-esteem of a woman often lies in her face, which is a part of her personality. The dismemberment of the face or the body is not merely an offence against the human body but will cause permanent psychological damage to the victim. What happens when there is permanent physical and psychological damage to a victim, is a critical question and law makers have to be aware that offences are not simply based on the principle of what might be called offence against the body, i.e., damage of the body, but they must take into account the consequences on the right to live with dignity which survives the crime. This is an important consideration both in the fields of criminology and also in the field of sociology.”

The factors which lead to acid attacks were thus discussed in both the Justice Verma Committee Report and in the 226th Report of the Law Commission as also the effects of acid attacks. Apart from lifelong bodily disfigurement and physical challenges often requiring life-long treatment, the psychological challenges are greater and deeply affect the victims apart from affecting the employability of the victims. It is also seen that there are limited medical facilities available in the country for acid victims with the number of specialised burn hospitals being limited and it becomes a herculean task for the victim to get admitted in a hospital, much less to get treatment which may often span from a few months to several years. The treatment may also involve huge costs for the victims and their families. The rehabilitation of the victims also becomes an important issue.

2. CONSTITUTIONAL GUARANTEES

- 2.1 The Constitution of India guarantees the right to life and liberty of every individual under Article 21. This has been interpreted to include the right to live with dignity and would encompass the right to live with dignity of all including victims of acid attacks. Article 41 of the Constitution lays down that the State shall, within the limits of economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want. Article 15(3) of the Constitution also empowers the State to make special provisions for women.

3. LEGISLATIVE FRAMEWORK

- 3.1 In the absence of any specific provisions to deal with incidents of acid attacks, such cases were generally dealt with under Section 326 of the IPC and other provisions. However, the Justice Verma Committee recommended that acid attacks be defined as an offence in the IPC and observed:

“9. The gender specificity and discriminatory nature of this offence does not allow us to ignore this offence as yet another crime against women. We recommend that acid attacks be specifically defined as an offence in the IPC, and that the victim be compensated by the accused. However in relation to crimes against women, the Central and State governments must contribute substantial corpus to frame a compensation fund. We note that the existing Criminal Law (Amendment) Bill, 2012, does include a definition of acid attack.”

Thus a recommendation was made not only for the inclusion of a specific offence in respect of acid attacks but also for providing compensation to the victims of acid attacks.

- 3.2 By virtue of Criminal law (Amendment Act), 2013, Sections 326A and 326B were inserted in the Indian Penal Code providing for punishment to anyone who causes permanent or partial damage or deformity to, or burns or maims or disfigures or disables, any part or parts of the body of a person or causes grievous hurt by throwing acid on or by administering acid to that person, or by using any other means with the intention of causing or with the knowledge that he is likely to cause such injury or hurt or who throws or attempts to throw acid on any person or attempts to administer acid to any person, or attempts to use any other means, with the intention of causing permanent or partial damage or deformity or burns or maiming or disfigurement or disability or grievous hurt to that person. “Acid” was defined to include any substance which has acidic or corrosive character or burning nature that is capable of causing bodily injury leading to scars or disfigurement or temporary or permanent disability.
- 3.3 The issue of acid attacks also came up before the Supreme Court and in its order dated 18.7.2013 in *Laxmi v. Union of India*, W.P. (Crl.) No.129/2006, the Supreme Court directed that over the counter sale of acid would be completely prohibited unless the seller maintained a log/ register recording the sale of acid which would contain the details of the person(s) to whom acid(s) is/ are sold and the quantity sold. Further the acid would be sold only after the buyer had shown a photo ID issued by the Government which also had the address of the person and the reason/ purpose for procuring acid was specified. It was also directed that no acid shall be sold to any person who was below 18 years of age. Directions were also issued for educational institutions, research laboratories, hospitals, Government Departments and departments of Public Sector Undertakings who were required to keep and store acid. In the final order dated 10.4.2015, it was reiterated that an appropriate notification banning the sale of acid across the counter should be issued within three months from the date of the order. Further the Supreme Court in *Parivartan Kendra and Anr. V. Union of India and Ors.* WP (Civil) No.867 of 2013 decided on 7.12.2015 directed that stringent action be taken against those erring persons

supplying acid without proper authorization and also the concerned authorities be made responsible for failure to keep a check on the distribution of the acid.

- 3.4 Regarding proper treatment, after care and rehabilitation of the victims of acid attack, a direction was issued by the order dated 10.4.2015 to the State Governments/ Union Territories to take up the matter with all the private hospitals to the effect that private hospitals should not refuse treatment to victims of acid attack and that full treatment should be provided to such victims including medicines, food, bedding and reconstructive surgeries. It was also observed that action may be taken against hospital/ clinic for refusal to treat victims of acid attacks and other crimes in contravention of the provisions of Section 357C of the Code of Criminal Procedure, 1973. A direction was also issued that the hospital, where the victim of an acid attack was first treated should give a certificate that the individual is a victim of an acid attack which may be utilized by the victim for treatment and reconstructive surgeries or any other scheme that the victim may be entitled to with the State Government or the Union Territory, as the case may be.
- 3.5 Taking note of the fact that acid attack victims need to undergo a series of plastic surgeries and other corrective treatments, the Supreme Court in its order dated 18.7.2013 directed that the acid attack victims shall be paid compensation of at least Rs.3 lakhs by the concerned State Government/ Union Territory as the after care and rehabilitation cost, out of which a sum of Rs.1 lakh would be paid to the victim within 15 days of the occurrence of such incident (or being brought to the notice of the State Government/ Union Territory) to facilitate immediate medical attention and expenses in this regard. While disposing off the said writ petition on 10.4.2015, it was directed that the Member Secretary of the State Legal Services Authority take up the issue with the State Government so that the orders passed by the Court were complied with and a minimum of Rs.3,00,000/- was made available to each victim of acid attack. The Member Secretaries of the State Legal Services Authorities were also directed to give wide and adequate publicity in the State/ Union Territory to the Victim Compensation Scheme so that each acid attack victim could take the benefit of the Victim Compensation Scheme. It was also directed that in case of any compensation claim made by any acid attack victim, the matter would be taken up by the District Legal Services Authority, which would include the District Judge and such other co-opted persons who the District Judge felt would be of assistance, particularly the District Magistrate, the Superintendent of Police and the Civil Surgeon or the Chief Medical Officer of that District or their nominee and the said body would function as the Criminal Injuries Compensation Board for all purposes. The matter also came up before the Supreme Court in Parivartan Kendra and Anr. V. Union of India and Ors. WP (Civil) No.867 of 2013 decided on 7.12.2015 where it was observed that the State and Union Territory concerned can give even more amount of compensation than Rs.3,00,000/- as was directed in Laxmi's case. An important direction given in this case was that all the States and

Union Territories should consider the plight of such victims and take appropriate steps with regard to inclusion of their names under the disability list.

- 3.6 It is thus seen that acid attacks by themselves have been recognised as offences under the Indian Penal Code for which punishment is prescribed. Besides, Section 357A Cr.P.C. provides for a Scheme being drawn up by the State Government in coordination with the Central Government for providing funds for the purpose of compensation to the victim and such Schemes have been drawn up in most States and Union Territories which also provide for compensation to victims of acid attacks. The Central Government has issued the Central Victim Compensation Fund Guidelines with an objective to support and supplement the Victim Compensation Schemes of the States and Union Territories. A corpus of Rs.200 crores has been fixed for the purpose. One of the admissible activities under the Central Victim Compensation Fund is “to promote special financial assistance upto Rs.5 lakhs to the victims of acid attack to meet treatment expenses over and above the compensation paid by the State/ Union Territory.” However there is need for greater awareness about the availability of compensation for victims of acid attacks. Despite specific directions to hospitals to provide treatment to victims of acid attacks, it is still not easy for them to get proper treatment. Over the counter sale of acid still remains rampant. It is thus felt by NALSA that Legal Services Institutions have a significant role to play and they can play a pivotal role in ensuring access to the benefits of the Victim Compensation Scheme to the victims of acid attacks and to the medical and other facilities.

4. ROLE OF LEGAL SERVICES INSTITUTIONS

- 4.1 The Preamble of the Legal Services Authorities Act, 1987 emphasises that the legal services authorities are concerned with the weaker sections of the society and imposes a duty on them to ensure that opportunities for securing justice are not denied to any citizen by reason or economic or other disabilities. Under Section 4(b) of the Legal Services Authorities Act, 1987, the “Central Authority” i.e. the National Legal Services Authority has been obligated to “frame the most effective and economical schemes for the purpose of making legal services available under the provisions” of the Act. Further under Section 4(l) enjoins the “Central Authority” to take appropriate measures for spreading legal literacy and legal awareness amongst the people and, in particular, to educate weaker sections of the society about the rights, benefits and privileges guaranteed by social welfare legislations and other enactments as well as administrative programmes and measures. Likewise, under Section 7(c) it is the function of the State Authority i.e. the State Legal Services Authority to undertake preventive and strategic legal aid programmes. Thus the Act itself casts a duty upon the Legal Services Authorities to spread legal awareness about the laws and various administrative measures and programmes and to undertake preventive and strategic programmes. Besides,

under Section 12 of the Act, all women are entitled to legal services as also a person with disability as defined in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

5. NAME OF THE SCHEME

- 5.1 The Scheme shall be called “NALSA (Legal Services to Victims of Acid Attacks) Scheme, 2016”.
- 5.2 The terms PLVs, Legal Services Clinics and Panel Lawyers will mean the same as defined under the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010 and National Legal Services Authority (Legal Services Clinics) Regulations, 2011 and the NALSA Scheme for Para Legal Volunteers (Revised).

6. OBJECTIVES OF THE SCHEME

The main objectives of the Scheme are as follows:

- 1) To strengthen legal aid and representation at the national, state, district and taluka levels for victims of acid attacks in availing the benefits of the various legal provisions and schemes for compensation which exist;
- 2) To enable the victims of acid attacks to get access to medical facilities and rehabilitative services;
- 3) To create and spread awareness about the entitlements of the victims of acid attacks through the District Legal Services Authorities, Taluka Legal Services Committees, panel lawyers, para-legal volunteers and legal services clinics;
- 4) To enhance capacities at all levels of panel lawyers, para-legal volunteers, volunteers in legal services clinics, government officers tasked with the implementation of the various schemes, service providers, police personnel, non-governmental organizations by organizing training, orientation and sensitization programmes; and
- 5) To undertake research and documentation to study the various schemes, laws etc. to find out the gaps, the needs and to make suggestions to the appropriate authorities.

The ultimate objective of the Scheme is to ensure that the victims of acid attacks are appropriately rehabilitated in the society and live a life of dignity.

7. PLAN OF ACTION

7.1 Legal Representation

- a) All victims of acid attacks shall be provided legal aid on a priority basis in order to enable them to get the benefit of the Victim Compensation Scheme.
- b) SLSAs and DLSAs shall ensure that the victims of acid attacks do not have to face any kind of delay in procedural wrangles and the interim compensation is awarded at the earliest.
- c) Support persons and legal representation shall be provided to victims of acid attacks during the recording of their statement under section 164 Cr.P.C., giving evidence etc.
- d) Every District Legal Services Authority and Taluka Legal Services Committee shall designate at least one panel lawyer as Legal Services Officer for the purpose of this Scheme.
- e) The District Legal Services Authorities shall also depute sufficient number of PLVs for the implementation of this Scheme.
- f) The PLVs shall act as the interface between the victims of acid attacks and the Legal Services Institutions. All out endeavour shall be made to reach out to the acid attack victims.

7.2 Legal Services Clinics

- a) SLSAs shall set up Legal Services Clinics at hospitals having specialized facilities for treatment of burns where victims of acid attacks may be referred for treatment. The PLVs and panel lawyers deputed to such Legal Services Clinics shall be in regular touch with the victims of acid attacks and their relatives and ensure all possible help to them in securing appropriate medical help and treatment.
- b) The PLVs shall provide assistance and support to the families of victims of acid attacks and where possible counselling for them may be arranged so as to bring them out of trauma occasioned by the incident of acid attack.
- c) The PLVs shall also assist the victims of acid attack in obtaining from the hospital where the victim was first treated a certificate that the individual is a victim of an acid attack which may be utilized by the victim for treatment and reconstructive surgeries or any other scheme that the victim may be entitled to with the State Government or the Union Territory, as directed by the Supreme Court in the order dated 10.4.2015.

- d) The PLVs shall ensure that the victims of acid attacks are able to avail of various rehabilitative services that may be available for them.
- e) The Legal Services Clinics shall ensure that action is taken against hospitals which deny treatment to victims of acid attacks on superficial grounds.
- f) Opening of the Legal Services Clinics shall be communicated to all the Government bodies and departments including the police, NGOs.
- g) The Legal Services Clinics so established shall be governed by the National Legal Services Authority (Legal Services Clinics) Regulations, 2011 in respect of their functioning, infrastructural facilities, maintenance of records and registers, deputing of PLVs and control over such clinics.

7.3 Co-ordination with the Government Departments

- a) The SLSAs shall coordinate with the States and Union Territories to amend the respective Victim Compensation Schemes to bring the same in line with the directions issued by the Supreme Court.
- b) The SLSAs shall remain in touch with the concerned governmental agencies to ensure that adequate funds are always available for disbursement as compensation to victims of acid attacks.

The SLSAs shall take up the matter with the concerned States and Union Territories for taking appropriate steps with regard to inclusion of the names of the victims of acid attacks under the disability list and thereafter to ensure that they get the benefit of all the schemes which are available for persons with disability

7.4 Database

- a) All SLSAs shall have database of the existing Central or State Schemes, policies, regulations, policy directives concerning victims of acid attacks and the same may also be published in the form of pamphlets or booklets to be used in dissemination of information and creating awareness.
- b) All SLSAs shall have database of the hospital where specialized facilities for treatment of burn victims are available.
- c) The lists prepared shall be circulated annually to all the District Legal Services Authorities which shall further circulate the same to the Taluka Legal Services Committees, village panchayats, legal services clinics and PLVs.
- d) SLASA shall also upload the list on their website.

7.5 Implementation of various Schemes

- a) SLSAs shall take all steps to disseminate information regarding the policies, schemes, programmes that exist for the victims of acid attacks.
- b) Legal services to be provided would include informing the beneficiaries about the different government schemes to which they are entitled and the benefits thereunder; assisting the beneficiaries to procure the documents required for availing the benefits under the schemes; informing the beneficiaries of the name and address of the designated authority or the officer who may be approached for availing the benefits under the schemes; offering to send para-legal volunteers with the beneficiaries to the office of the designated authority or to the officer concerned under any of the schemes.
- c) SLSAs shall develop effective coordination and interface with all the governmental bodies or functionaries, non-governmental organizations and other organizations concerning the welfare of victims of acid attacks to ensure that the benefits of the various schemes especially schemes for rehabilitation reach them.

7.6 Awareness

- a) The Legal Services Institutions shall organize awareness programmes to sensitize people to the needs of the victims of acid attacks so that the community provides support to them which is essential for their rehabilitation.
- b) SLSAs along with DLSAs shall conduct awareness programmes to generate awareness about the Victim Compensation Scheme and the entitlements under the same and various laws and government schemes.
- c) SLSAs, DLSAs and Taluka Legal Services Committees shall also create awareness regarding the availability of legal services for victims of acid attacks to facilitate access to their entitlements.
- d) SLSAs, DLSAs and Taluka Legal Services Committees shall organize awareness drives to highlight that over the counter sale of acids stands prohibited. The PLVs may inform the concerned department or DLSAs if they come across any incidents of sale of acids so that appropriate action can be taken immediately.
- e) All possible methods of spreading awareness should be used such as Doordarshan, All India Radio, distribution of pamphlets, leaflets.

7.7 Training and Orientation Programmes

- a) SLSAs shall conduct training and orientation programmes for panel lawyers and PLVs to sensitize them on how to deal with cases of victims of acid attacks

and to build their capacity, knowledge and skill. Sensitization programmes should also be organized for other stakeholders such as the government functionaries, police personnel, medical officers and NGOs.

- b) SLSAs shall, in coordination with the State Judicial Academies, plan and conduct training/ sensitization programmes for Judicial Officers with a view to ensuring quick and adequate award of compensation, including interim compensation, and a fair and dignified treatment of the victims of acid attacks during trial of cases.

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Compensation Scheme for
Women Victims/Survivors of
Sexual Assault/other Crimes,
2018

COMPENSATION SCHEME FOR WOMEN VICTIMS/ SURVIVORS OF SEXUAL ASSAULT/OTHER CRIMES, 2018.

1. SHORT TITLE AND COMMENCEMENT

- (1) This Chapter may be called the Compensation Scheme for Women Victims/ Survivors of Sexual Assault/other Crimes, 2018.
- (2) It shall come into force on the date as and when ordered by Hon'ble Supreme Court of India.
- (3) It shall apply to the victims and their dependent(s) who have suffered loss, injury, as the case may be, as a result of the offence committed and who require rehabilitation.

2. DEFINITIONS

- 1) In this Chapter, unless the context otherwise requires:—
 - (a) “**Code**” means the Code of Criminal Procedure, 1973 (2 of 1974);
 - (b) ‘**Dependent**’ includes husband, father, mother, grandparents, unmarried daughter and minor children of the victim as determined by the State Legal Services Authority or District Legal Services Authority on the basis of the report of the Sub- Divisional Magistrate of the concerned area/Station House Officer/Investigating Officer or on the basis of material placed on record by the dependents by way of affidavit or on its own enquiry.
 - (c) “**District Legal Services Authority**” means the District Legal Services Authority (DLSA) constituted under section 9 of the Legal Services Authorities Act, 1987 (Act 39 of 1987) for a District of the National Capital Territory of Delhi;
 - (d) ‘**Form**’ means form appended to the Scheme as applicable to this Chapter.
 - (e) ‘**Fund**’ means State fund i.e. victim compensation fund constituted under the State Victim Compensation Scheme.
 - (f) ‘**Central Fund**’ means funds received from CVCF Scheme, 2015.
 - (g) ‘**Women Victim Compensation Fund**’ – means a fund segregated for disbursement for women victim, out of State Victim Compensation Fund and Central Fund.

[Within the State Victim Compensation Fund, a separate Bank Account shall be maintained as a portion of that larger fund which shall contain the funds contributed under CVCF Scheme by MHA, GOI contributed from Nirbhaya Fund apart from funds received from

the State Victim Compensation Fund which shall be utilised only for victims covered under this Chapter]

- (h) ‘Government’ means ‘State Government’ wherever the State Victim Compensation Scheme or the State Victim Compensation Fund is in context and ‘Central Government’ wherever Central Government Victim Compensation Fund Scheme is in context and includes UTs.
 - (i) ‘**Injury**’ means any harm caused to body or mind of a female.
 - (j) ‘**Minor**’ means a girl child who has not completed the age of 18 years.
 - (k) ‘**Offence**’ means offence committed against women punishable under IPC or any other law.
 - (l) ‘**Penal Code**’ means Indian Penal Code, 1860 (45 of 1860);
 - (m) ‘**Schedule**’ means schedule applicable to this Chapter/Part of the scheme.
 - (n) “**State Legal Services Authority**” means the State Legal Services Authority (SLSA), as defined in Section 6 of the Legal Services Authorities Act, 1987 (39 of 1987)
 - (o) ‘**Sexual Assault Victims**’ means female who has suffered mental or physical injury or both as a result of sexual offence including Sections 376 (A) to (E), Section 354 (A) to (D), Section 509 IPC.
 - (p) ‘**Woman Victim/ survivor of other crime**’ means a woman who has suffered physical or mental injury as a result of any offence mentioned in the attached Schedule including Sections 304 B, Section 326A, Section 498A IPC (in case of physical injury of the nature specified in the schedule) including the attempts and abetment.
- (2) Words and expressions used in this Chapter and not defined here, shall have the same meaning as assigned to them in the Code of Criminal Procedure, 1973 or/and the Indian Penal Code, 1860.

3. WOMEN VICTIMS COMPENSATION FUND—

- (1) There shall be a Fund, namely, the Women Victims Compensation Fund from which the amount of compensation, as decided by the State Legal Services Authority or District Legal Services Authority, shall be paid to the women victim or her dependent(s) who have suffered loss or injury as a result of an offence and who require rehabilitation.
- (2) The ‘Women Victims Compensation Fund’ shall comprise the following:-
 - (a) Contribution received from CVCF Scheme, 2015.

- (b) Budgetary allocation in the shape of Grants-in-aid to SLSA for which necessary provision shall be made in the Annual Budget by the Government;
 - (c) Any cost amount ordered by Civil/Criminal Tribunal to be deposited in this Fund.
 - (d) Amount of compensation recovered from the wrong doer/accused under clause 14 of the Scheme;
 - (e) Donations/contributions from International/ National/ Philanthropist/ Charitable Institutions/ Organizations and individuals permitted by State or Central Government.
 - (f) Contributions from companies under CSR (Corporate Social Responsibility)
- (3) The said Fund shall be operated by the State Legal Services Authority (SLSA).

4. ELIGIBILITY FOR COMPENSATION –

A woman victim or her dependent (s) as the case may be, shall be eligible for grant of compensation from multiple schemes applicable to her. However, the compensation received by her in the other schemes with regard to Section 357-B Cr.P.C., shall be taken into account while deciding the quantum in the such subsequent application

5. PROCEDURE FOR MAKING APPLICATION BEFORE THE SLSA OR DLSA—

Mandatory Reporting of FIRs: - SHO/SP/DCP shall mandatorily share soft/hard copy of FIR immediately after its registration with State Legal Services Authority/District Legal Services Authority qua commission of offences covered in this Scheme which include Sections 326A, 354A to 354D, 376A to 376E, 304B, 498A (in case of physical injury covered in this Schedule), so that the SLSA/DLSA can, in deserving cases, may suo-moto initiate preliminary verification of facts for the purpose of grant of interim compensation.

An application for the award of interim/ final compensation can be filed by the Victim and/or her Dependents or the SHO of the area before concerned SLSA or DLSA. It shall be submitted in Form 'I' along with a copy of the First Information Report (FIR) or criminal complaint of which cognizance is taken by the Court and if available Medical Report, Death Certificate, wherever applicable, copy of judgment/ recommendation of court if the trial is over.

6. PLACE OF FILING OF APPLICATION—

The application/recommendation for compensation can be moved either before the State Legal Services Authority or the concerned District Legal Services Authority or it can be filed online on a portal which shall be created by all State Legal Services Authorities. The

Secretary of the respective DLSA shall decide the application/ recommendation moved before him/her as per the Scheme.

Explanation: In case of acid attack victim the deciding authority shall be Criminal Injury Compensation Board as directed by Hon'ble Supreme Court in Laxmi vs. Union of India W.P.CRML 129/2006 order dated 10.04.2015 which includes Ld. District & Sessions Judge, DM, SP, Civil Surgeon/CMO of the district.

7. RELIEFS THAT MAY BE AWARDED BY THE STATE OR DISTRICT LEGAL SERVICES AUTHORITY. –

The SLSA or DLSA may award compensation to the victim or her dependents to the extent as specified in the scheduled attached hereto.

While deciding a matter, the State Legal Services Authority/District Legal Services Authority may take into consideration the following factors relating to the loss or injury suffered by the victim:

8. FACTORS TO BE CONSIDERED WHILE AWARDING COMPENSATION –

While deciding a matter, the State Legal Services Authority/District Legal Services Authority may take into consideration the following factors relating to the loss or injury suffered by the victim:

- (1) Gravity of the offence and severity of mental or physical harm or injury suffered by the victim;
- (2) Expenditure incurred or likely to be incurred on the medical treatment for physical and/or mental health including counselling of the victim, funeral, travelling during investigation/ inquiry/ trial (other than diet money);
- (3) Loss of educational opportunity as a consequence of the offence, including absence from school/college due to mental trauma, bodily injury, medical treatment, investigation and trial of the offence, or any other reason;
- (4) Loss of employment as a result of the offence, including absence from place of employment due to mental trauma, bodily injury, medical treatment, investigation and trial of the offence, or any other reason;
- (5) The relationship of the victim to the offender, if any;
- (6) Whether the abuse was a single isolated incidence or whether the abuse took place over a period of time;
- (7) Whether victim became pregnant as a result of the offence, whether she had to undergo Medical Termination of Pregnancy (MTP)/ give birth to a child, including rehabilitation needs of such child;

- (8) Whether the victim contracted a sexually transmitted disease (STD) as a result of the offence;
- (9) Whether the victim contracted human immunodeficiency virus (HIV) as a result of the offence;
- (10) Any disability suffered by the victim as a result of the offence;
- (11) Financial condition of the victim against whom the offence has been committed so as to determine her need for rehabilitation and re-integration needs of the victim.
- (12) In case of death, the age of deceased, her monthly income, number of dependents, life expectancy, future promotional/growth prospects etc.
- (13) Or any other factor which the SLSA/DLSA may consider just and sufficient.

9. PROCEDURE FOR GRANT OF COMPENSATION—

- (1) Wherever, a recommendation is made by the court for compensation under sub-sections (2) and/or (3) of Section 357A of the Code, or an application is made by any victim or her dependent(s), under sub-section (4) of Section 357A of the Code, to the State Legal Services Authority or District Legal Services Authority, for interim compensation it shall prima- facie satisfy itself qua compensation needs and identity of the victim. As regards the final compensation, it shall examine the case and verify the contents of the claim with respect to the loss/injury and rehabilitation needs as a result of the crime and may also call for any other relevant information necessary for deciding the claim.

Provided that in deserving cases and in all acid attack cases, at any time after commission of the offence, Secretary, SLSA or Secretary, DLSA may suo moto or after preliminary verification of the facts proceed to grant interim relief as may be required in the circumstances of each case.

- (2) The inquiry as contemplated under sub-section (5) of Section 357A of the Code, shall be completed expeditiously and the period in no case shall exceed beyond sixty days from the receipt of the claim/petition or recommendation:

Provided that in cases of acid attack an amount of Rs. One lakh shall be paid to the victim within 15 days of the matter being brought to the notice of DLSA. The order granting interim compensation shall be passed by DLSA within 7 days of the matter being brought to its notice and the SLSA shall pay the compensation within 8 days of passing of the order. Thereafter, an amount of Rs. 2 lakhs shall be paid to

the victim as expeditiously as possible and positively within two months of the first payment*

Provided further that the victim may also be paid such further amount as is admissible under this Scheme.

- (3) After consideration of the matter, the SLSA or DLSA, as the case may be, upon its satisfaction, shall decide the quantum of compensation to be awarded to the victim or her dependent(s) taking into account the factors enumerated in Clause 8 of the Scheme, as per schedule appended to this chapter. However, in deserving cases, for reasons to be recorded, the upper limit may be exceeded.

Moreover, in case the victim is minor, the limit of compensation shall be deemed to be 50% higher than the amount mentioned in the Schedule appended to this chapter.

- (4) The SLSA/DLSA may call for any record or take assistance from any Authority/ Establishment/Individual/ Police/Court concerned or expert for smooth implementation of the Scheme.
- (5) In case trial/appellate court gives findings that the criminal complaint and the allegation were false, then Legal Services Authority may initiate proceedings for recovery of compensation, if any, granted in part or full under this Scheme, before the Trial Court for its recovery as if it were a fine.

10. THE ORDER TO BE PLACED ON RECORD—

Copy of the order of interim or final compensation passed under this Scheme shall be placed on record of the trial Court so as to enable the trial Court to pass an appropriate order of compensation under Section 357 of the Code. A true copy of the order shall be provided to the IO in case the matter is pending investigation and also to the victim/dependent as the case may be.

11. METHOD OF DISBURSEMENT OF COMPENSATION—

- (1) The amount of compensation so awarded shall be disbursed by the SLSA by depositing the same in a Bank in the joint or single name of the victim/dependent(s). In case the victim does not have any bank account, the DLSA concern would facilitate opening of a bank account in the name of the victim and in case the victim is a minor along with a guardian or in case, minor is in a child care institution, the bank

* Victims of Acid attack are also entitled to additional compensation of Rs. 1 lac under Prime Minister's National Relief Fund vide memorandum no. 24013/94/Misc./2014-CSR-III/Gol/MHA dated 09.11.2016(copy attached)

Victims of Acid Attack are also entitled to additional special financial assistance up to Rs. 5 lacs who need treatment expenses over and above the compensation paid by the respective State/UTs in terms of Central Victim Compensation Fund Guidelines-2016, no. 24013/94/Misc/2014-CSR.III, MHA/Gol

account shall be opened with the Superintendent of the Institution as Guardian. However, in case the victim is a foreign national or a refugee, the compensation can be disbursed by way of cash cards.

Interim amount shall be disbursed in full. However, as far as the final compensation amount is concerned, 75% (seventy five percent) of the same shall be put in a fixed deposit for a minimum period of three years and the remaining 25% (twenty five percent) shall be available for utilization and initial expenses by the victim/dependent(s), as the case may be.

- (2) In the case of a minor, 80% of the amount of compensation so awarded, shall be deposited in the fixed deposit account and shall be drawn only on attainment of the age of majority, but not before three years of the deposit.

Provided that in exceptional cases, amounts may be withdrawn for educational or medical or other pressing and urgent needs of the beneficiary at the discretion of the SLSA/ DLSA.

- (3) The interest on the sum, if lying in FDR form, shall be credited directly by the bank in the savings account of the victim/dependent(s), on monthly basis which can be withdrawn by the beneficiary

12. INTERIM RELIEF TO THE VICTIM—

The State Legal Services Authority or District Legal Services Authority, as the case may be, may order for immediate first-aid facility or medical benefits to be made available free of cost or any other interim relief (including interim monetary compensation) as deemed appropriate, to alleviate the suffering of the victim on the certificate of a police officer, not below the rank of the officer-in-charge of the police station, or a Magistrate of the area concerned or on the application of the victim/ dependents or suo moto.

Provided that as soon as the application for compensation is received by the SLSA/ DLSA, a sum of Rs.5000/- or as the case warrants up to Rs. 10,000/- shall be immediately disbursed to the victim through preloaded cash card from a Nationalised Bank by the Secretary, DLSA or Member Secretary, SLSA.

Provided that the, interim relief so granted shall not be less than 25 per cent of the maximum compensation awardable as per schedule applicable to this Chapter, which shall be paid to the victim in totality.

Provided further that in cases of acid attack a sum of Rs. One lakh shall be paid to the victim within 15 days of the matter being brought to the notice of SLSA/DLSA. The order granting interim compensation shall be passed by the SLSA/DLSA within 7 days of the matter being brought to its notice and the SLSA shall pay the compensation within 8

days of passing of order. Thereafter an additional sum of Rs.2 lakhs shall be awarded and paid to the victim as expeditiously as possible and positively within two months.

13. RECOVERY OF COMPENSATION AWARDED TO THE VICTIM OR HER DEPENDENT(S)—

Subject to the provisions of sub-section (3) of Section 357A of the Code, the State Legal Services Authority, in proper cases, may institute proceedings before the competent court of law for recovery of the compensation granted to the victim or her dependent(s) from person(s) responsible for causing loss or injury as a result of the crime committed by him/her.

The amount, so recovered, shall be deposited in Woman Victim Compensation Fund.

14. DEPENDENCY CERTIFICATE—

The authority empowered to issue the dependency certificate shall issue the same within a period of fifteen days and, in no case, this period shall be extended:

Provided that the SLSA/DLSA, in case of non-issuance of Dependency Certificate, after expiry of 15 days, may proceed on the basis of an affidavit to be obtained from the claimant.

15. MINOR VICTIMS -

That in case the victim is an orphaned minor without any parent or legal guardian the immediate relief or the interim compensation shall be disbursed to the Bank Account of the child, opened under the guardianship of the Superintendent, Child Care Institutions where the child is lodged or in absence thereof, DDO/SDM, as the case may be.

16. LIMITATION-

Under the Scheme, no claim made by the victim or her dependent(s), under sub-section (4) of Section 357A of the Code, shall be entertained after a period of 3 years from the date of occurrence of the offence or conclusion of the trial.

However, in deserving cases, on an application made in this regard, for reasons to be recorded, the delay beyond three years can be condoned by the SLSAs/DLSAs.

17. APPEAL:

In case the victim or her dependents are not satisfied with the quantum of compensation awarded by the Secretary, DLSA, they can file appeal within 30 days from the date of receipt of order before the Chairperson, DLSA.

Provided that, delay in filing appeal may be condoned by the Appellate Authority, for reasons to be recorded, in deserving cases, on an application made in this regard.

18. REPEAL & SAVINGS–

- (1) In case this Chapter is silent on any issue pertaining to Victim Compensation to Women, the provisions of Victim Compensation Scheme of the State would be applicable.
- (2) Nothing in this Scheme shall prevent Victims or their dependents from instituting any Civil Suit or Claim against the perpetrator of offence or any other person indirectly responsible for the same.

Explanation: It is clarified that this Chapter does not apply to minor victims under POCSO Act, 2012 in so far as their compensation issues are to be dealt with only by the Ld. Special Courts under Section 33 (8) of POCSO Act, 2012 and Rules (7) of the POCSO Rules, 2012.

SCHEDULE APPLICABLE TO WOMEN VICTIM OF CRIMES

S. No.	Particulars of loss or injury	Minimum Limit of Compensation	Upper Limit of Compensation
1	Loss of Life	Rs. 5 Lakh	Rs. 10 Lakh
2	Gang Rape	Rs. 5 Lakh	Rs. 10 Lakh
3	Rape	Rs. 4 Lakh	Rs. 7 Lakh
4	Unnatural Sexual Assault	Rs. 4 Lakh	Rs. 7 Lakh
5	Loss of any Limb or part of body resulting in 80% permanent disability or above	Rs. 2 Lakh	Rs. 5 Lakh
6	Loss of any Limb or part of body resulting in 40% and below 80% permanent disability	Rs. 2 Lakh	Rs. 4 Lakh
7	Loss of any limb or part of body resulting in above 20% and below 40% permanent disability	Rs. 1 Lakh	Rs. 3 Lakh
8	Loss of any limb or part of body resulting in below 20% permanent disability	Rs. 1 Lakh	Rs. 2 Lakh
9	Grievous physical injury or any mental injury requiring rehabilitation	Rs. 1 Lakh	Rs. 2 Lakh
10	Loss of Foetus i.e. Miscarriage as a result of Assault or loss of fertility.	Rs. 2 Lakh	Rs. 3 Lakh
11	In case of pregnancy on account of rape.	Rs.3 Lakh	Rs.4 Lakh
12	Victims of Burning:		
a.	In case of disfigurement of case	Rs. 7 Lakh	Rs. 8 Lakh
b.	In case of more than 50%	Rs. 5 Lakh	Rs. 8 Lakh

c.	In case of injury less than 50%	Rs. 3 Lakh	Rs. 7 Lakh
d.	In case of less than 20%	Rs. 2 Lakh	Rs. 3 Lakh
13	Victims of Acid Attack-		
a.	In case of disfigurement of face.	Rs. 7 Lakh	Rs. 8 Lakh
b.	In case of injury more than 50%.	Rs. 5 Lakh	Rs. 8 Lakh
c.	In case of injury less than 50%.	Rs. 3 Lakh	Rs. 5 Lakh
d.	In case of injury less than 20%	Rs. 3 Lakh	Rs. 4 Lakh

Note: If a woman victim of sexual assault/acid attack is covered under one or more category of the schedule, she shall be entitled to be considered for combined value of the compensation.

FORM – I

APPLICATION FOR THE AWARD OF COMPENSATION UNDER COMPENSATION SCHEME FOR WOMEN VICTIMS/SURVIVORS OF SEXUAL ASSAULT/OTHER CRIMES, 2018 FOR INTERIM/FINAL RELIEF FOR WOMEN

1.	Name of the Applicant Victim(s) or her Dependent(s)	
2.	Age of the Victim(s) or her Dependent(s)	
3.	(a) Father's Name(b) Mother's Name(c) Spouse's Name	
4.	Address of the Victim(s) or her/their Dependent(s)	
5.	Date and time of the Incident	
6.	Whether FIR has been lodged?	
7.	Whether medical examination has been done? If yes, enclose Medical Report/ Death Certificate/P.M. Report.	
8.	Status of trial, if pending. If over, enclose copy of judgment and order on sentence.	
9.	Has the applicant been awarded any compensation by the trial court or any other Govt. agency. If, yes give details.	
10	Give details of financial expenditure/ loss incurred	
11.	Have you instituted any civil suit/ claim against the perpetrator of offence. If yes give details. Signature of the Victim/Dependent.	

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Scheme for Para-Legal
Volunteers (Revised)

&

Module for the Orientation -
Induction -Refresher Courses
for Plv Training

SCHEME FOR PARA-LEGAL VOLUNTEERS (REVISED)

INTRODUCTION

During the year 2009 National Legal Services Authority (NALSA) brought out a scheme called the Para-Legal Volunteers Scheme which aimed at imparting legal training to volunteers selected from different walks of life so as to ensure legal aid reaching all sections of people through the process of Para-Legal Volunteers Scheme; ultimately removing the barriers into access to justice. The Para-Legal Volunteers (PLVs) are expected to act as intermediaries bridging the gap between the common people and the Legal Services Institutions to remove impediments in access to justice. Ultimately, the process aims at Legal Services Institutions reaching out to the people at their doorsteps rather than people approaching such Legal Services Institutions.

The western concept of 'Paralegals' cannot be totally adopted to Indian conditions having regard to illiteracy of large sections of the community: The hours of training as applicable to a regular academic course, cannot be adopted. It should be more like a bridge course conceptualised in a simple and need-based module. The PLVs have to be trained in the basics of different Laws which would be applicable at the grassroot level with reference to their day-to-day life, the subtle nuances employed in the working of a judicial system, and the functioning of various other stakeholders like the Police, officials from Social Welfare Department, Woman and Child Welfare Department and other departments dealing with different beneficial schemes of Central and State Governments including the protection officers involved with Domestic Violence and Juvenile Justice Acts.

With the basic knowledge in the laws and other available welfare measures and legislation, they would be able to assist their immediate neighbourhood; Those who are in need of such assistance, so that a person, who is not aware of such right is not only made to understand his rights, but also will be able to have access to measures involving implementation of such rights.

PLVs are not only expected to impart awareness on laws and the legal system, but they must also be trained to counsel and amicably settle simple disputes between the parties at the source itself; which could save the trouble of the affected travelling all the way to the Legal Services Authority/ADR Centres. If the dispute is of such a nature, which cannot be resolved at the source with the assistance of PLVs, they could bring such parties to the ADR Centres, where, with the assistance of the Secretary in charge either it could be referred to Lok Adalat or Mediation Centre or Legal assistance could be provided for adjudication in a court of law; depending upon the nature of problem.

Though initially the NALSA Scheme of training of the PLVs included the legal fraternity of Advocates, Advocate community, later on experience revealed, the same to be unfeasible on account of conflict with the professional status of Advocates. The reality that marginalised people living in distant places will not have the benefit of lawyer PLVs also contributed to the practice being discontinued, and NALSA deciding that Advocates shall not be enlisted or engaged as PLVs.

The past experience gained from the working of the system after 2009 and also ground realities ascertained from the paralegals in the respective jurisdiction showed us that there has to be a re-look into the entire matter and who best could fit the role of a Para-Legal Volunteer. Initially, the training programme of PLVs was only for two-three days. Since the obligations of PLVs were vast in nature, it was felt, there has to be longer duration of training provided to the PLVs. At the same time, the training curriculum for PLVs adopted by NALSA cannot be such as to be training PLVs to become full-fledged lawyers. PLVs are not expected to conduct themselves as legal professionals. The aim of the training should concentrate on basic human qualities like compassion, empathy and a genuine concern and willingness to extend voluntary service without expectation of monetary gain from it. Then the line separating PLVs from professional lawyers should be zealously guarded.

MODALITIES

- Ideally every Taluk Legal Services Committee (TLSC) shall have a panel of PLVs; of a maximum number of 25 (50) on their roll at any given point of time. The District Legal Services Authority (DLSA) shall have 50 (100) active PLVs on their roll.
- PLVs shall be literate, preferably matriculate, with a capacity for overall comprehension.
- Preferably PLVs shall be selected from persons, who do not look up to the income they derive from their services as PLVs, but they should have a mind-set to assist the needy in the society coupled with the compassion, empathy and concern for the upliftment of marginalised and weaker sections of the society. They must have unflinching commitment towards the cause which should be translated into the work they undertake.

GROUPS from whom Para-Legal Volunteers can be selected

- Teachers (including retired teachers)
- Retired Government servants and senior citizens.
- M.S.W students and teachers.
- Anganwadi Workers.
- Doctors/Physicians.
- Students & Law Students (till they enroll as lawyers).
- Members of non-political, service oriented NGOs and Clubs.
- Members of Women Neighbourhood Groups, Maithri Sanghams and other Self Help Groups including of marginalized/vulnerable groups.
- Educated prisoners with good behaviour, serving long term sentences in prisons.

- Any other person whom the District Legal Services Authority or Taluk Legal Services Committee deems fit to be identified as PLVs.

Selection of PLVs - District Level

Selecting the PLVs shall be by a Committee chaired by the Chairman of the District Legal Services Authority. The Secretary shall be one of the Members of the Committee. The Committee shall consist in all of three members including the Chairman and the Secretary shall be one of the Members of the Committee. The third member, to be appointed at the discretion of the Chairman of the DLSA, shall be one capable of identifying suitable persons, who could be trained as PLVs. This selection process shall not be entrusted to any other body.

Selection of PLVs - Taluk Level

The Chairman of the District Legal Services Authority shall constitute a Committee consisting of the Chairman of DLSA, Member Secretary of DLSA and the Chairman of TLSC and a fourth person at the discretion of the Chairman of DLSA. The place of interview for Taluk Level PLVs shall be at the discretion of the Chairman of DLSA. The Member Secretary of DLSA shall co-ordinate with the selection process.

Empanelment process

Applications may be invited from the local residents by the respective DLSAs and TLSCs or Sub Divisional Legal Services Committee. There could be an advertisement, if required. Copies of either the advertisement or notice calling for applications could be sent to the offices of the Bar Association, Notice Board of the Court premises, Legal Services Authority Offices and District Panchayat Offices. The advertisement shall state the qualifications required for selection as PLVs as stated above with last date for the receipt of applications at the office of DLSA. There shall be a column in the application, wherein the candidate has to express willingness or place of preference to work at either district-level or taluk-level or village-level. In the advertisement there shall be clear mentioning that the work of PLVs does not carry any salary, remuneration or wages except honorarium fixed by the DLSA from time to time.

Method of Selection

The Selection Committee is entitled to use its discretion and shortlist the number of candidates for interview depending upon the number of applications received. Preference shall be given to women while selecting PLVs. Representation from suitable applicants belonging to SC/ST, minority and other backward classes must be ensured.

Training of PLVs

Under the supervision of Chairman of DLSA, PLVs shall undergo training programme, totally under the control of the Member Secretary. The training shall be held at a convenient place

subject to discretion of the Chairman of DLSA. The number of PLVs to be trained at any given point of time in a training programme shall not exceed 50. Wherever the State Judicial Academy has facilities for training, the same may be availed of. The expenses for the training shall be incurred by the Judicial Academy for providing such facility to be reimbursed by the State Government/DLSA concerned.

Trainers/Resource Persons

- In consultation with the State Legal Services Authority, the Chairman of DLSA shall identify the trainers for training the PLVs and other resource persons.
- Suitable persons from the members of the Bar with training skills shall be included in the list of resource persons.
- Others could include:
 - NGOs associated with the activities of Legal Services Authority, i.e., persons, who are exposed to the nature of work of the Legal Services Authority.
 - Master Trainers of mediation.
 - Law Teachers from Law Colleges.
 - Post-Graduate students of Law.
 - Retired Professors of Law.
 - Retired Judicial Officers.
 - Revenue Officers.
 - Officers from Social Welfare Department,.
 - Public Prosecutors.
 - Police Officers.
 - Psychiatrists/Psychologists/Mental Health experts. Nature of Training

Training that is to be provided to the PLVs would be in accordance with the curriculum prescribed by the NALSA and will be in the following formant:

- (a) Orientation Programme.
- (b) Basic training.
- (c) Refresher course.

There shall be periodical refresher training in order to assess the quality of work turned out by the PLVs. The Legal Services Authorities need to assess the work of PLVs and assist them to

identify the deficits and how to tackle the problems faced by the PLVs after their experience in the field. There shall be annual congregation of PLVs so as to facilitate an exchange of experience. There shall be district-wise half-yearly meetings of PLVs to resolve their doubts and facilitate

the acquisition of knowledge and upgradation of their skills as per the module.

PLVs shall create awareness among citizens of the benefits of settlement of pending cases through Lok Adalats including the fact that the parties are entitled to refund of court fee and that there shall be no appeal.

Topics for Training

A uniform training module for PLVs shall be prepared by NALSA which shall be applicable to the entire country and the module shall have a special emphasis on the conduct and behaviour of PLVs. The module so prepared shall be translated into regional languages.

Identity Cards

After completion of the training by the District Legal Services Authority, the PLVs may be subjected to a written and oral test before the PLVs are declared to have successfully completed the training. On being declared successful, they may be given identity cards bearing the emblem of the District Legal Services Authority. The identity card shall have (i) serial number; (ii) name and address of the PLV; (iii) contact number of the PLV; (iv) photograph of the PLV; (v) the date of issue and the period of validity of the identity card. It shall be clearly printed on the reverse side of the identity card that the loss of the identity card should be reported to the nearest Police Station as also its recovery.

The identity card shall not be used for availing of travelling concession either in bus or in any mode of transport.

It shall not be used for availing of any governmental benefits or loan by the holder of the card.

The identity card shall not be used for availing of any other facilities, except for the purpose of identification of the person as PLV.

Validity of Identity Cards

The validity of the identity card shall be for a period of one year. A new card shall be issued to the PLV, if the Chairman, District Legal Services Authority finds him/her eligible to continue as PLVs for more than one year.

Mentors for PLVs

DLSA and TLSC shall maintain a panel of Mentors/Guides whom the PLVs could contact in case of any clarification or assistance in connection with the discharge of their duties as PLVs. There shall not be more than ten PLVs for one Mentor.

Monthly Reports

A monthly report of the existing PLVs, PLVs newly recruited and the training given to the PLVs shall be submitted by the DLSA to the SLSA. The SLSA shall submit a consolidated report of the details of the number of PLVs trained, the resource persons engaged, expenses incurred and the refresher courses, if any, organised, pertaining to each month, to the National Legal Services Authority before 15th day of every month.

NALSA shall cause the copies of such reports sent to the National Committee for Para-Legal Training and Legal Aid Activities set-up by the Chief Justice of India.

The SLSAs shall submit to the NALSA a consolidated District-wise report on the activities of the PLVs, specifically the number of persons attended and the nature of advice given and action taken.

Duties of Trained Para-Legal Volunteers

Para-Legal Volunteer shall educate people, especially those belonging to weaker sections of the society, to enable them to be aware of their right to live with human dignity, to enjoy all the constitutionally and statutorily guaranteed rights as also the duties and discharge of obligations as per law.

Para-Legal Volunteers shall make people aware of the nature of their disputes/issues/problems and inform them that they can approach the TLSC/DLSA/HCLSC/SLSA/SCLSC so as to resolve the dispute/issue/problems through these institutions.

Para-Legal Volunteers shall constantly keep a watch on transgressions of law or acts of injustice in their area of operation and bring them immediately to the notice of the TLSC through telephonic message or a written communication or in person to enable effective remedial action by the Committee.

When the PLV receives information about the arrest of a person in the locality, the PLV shall visit the Police Station and ensure that the arrested person gets legal assistance, if necessary, through the nearest legal services institutions.

The PLVs shall also ensure that the victims of crime also get proper care and attention. Efforts shall be made by the PLVs to secure compensation for the victims of crime under the provisions of Section 357-A Cr.P.C.

PLVs shall, with proper authorization from the DLSA/TLSC visit jails, lock-ups, psychiatric hospitals, children's homes/observation homes and shall ascertain the legal service needs of the inmates and intimate the authorities concerned about any absence noticed of basic essential necessities with special emphasis on hygiene.

PLVs shall report violations of child rights, child labour, missing children and trafficking of girl children to the nearest legal services institutions or to the child welfare committee.

Para-Legal Volunteers shall assist the DLSA/TLSC for organizing legal awareness camps in their area of operation.

Para-Legal Volunteers shall give information to the people of their locality about the legal services activities of SLSA/DLSA/TLSC/HCLSC/SCLSC and shall provide their addresses to the people so as to enable them to utilize the free services rendered by the above organizations to the eligible persons.

Para-Legal Volunteers shall generate awareness amongst people about the benefits of settlement of disputes including pre-litigation stage through Lok Adalats, Conciliation, Mediation and Arbitration.

Para-Legal Volunteers shall make people aware of the benefits of inexpensive settlement of disputes relating to Public Utility Services like P&T, Telephones, Electricity, Water Supply, Insurance and hospital services through Permanent Lok Adalat (PLA).

Para-Legal Volunteers shall submit monthly reports of their activities to the DLSA/TLSC under whom they are working in the prescribed format.

A diary to record the daily activities shall be maintained by each PLVs. The diary shall be printed and given to PLVs by the District Legal Services Authority. Such diary shall be verified and endorsed by the Secretary, DLSA or the Chairman, TLSC as the case may be.

Para-Legal Volunteers shall see that publicity materials on legal services activities are exhibited at prominent places in their area of activity.

Expenses incurred by Para-Legal Volunteers

Reasonable expenses incurred by Para-Legal Volunteers e.g Bus/Train fare, Postage, Telephone charges etc., may be reimbursed by the TLSC/DLSA/SLSA, on production of proof. Travel expenses limited to the lowest classes by road/rail/steamer to the legal aid beneficiaries brought by the Para-Legal Volunteers also may be reimbursed at the discretion of the Chairman.

The rate of daily honorarium payable to PLVs on the days of their engagement as such in metro-cities may be as determined by the SLSA.

The PLVs are not entitled to any travel expenses when they use the transport provided by SLSA/DLSA/TLSC.

Para-Legal Volunteers to work in the ‘Front Offices’ of the DLSA/TLSCs.

The Secretary, DLSA or TLSC may depute one or more PLVs to operate the ‘front offices’ of the legal services institutions.

Para-Legal Volunteers to work in the ‘Legal Aid Clinics’ of the DLSA/TLSCs.

The Secretary, DLSA or TLSC may depute PLVs in the Legal Aid Clinics set up under the National Legal Services Authority (Legal Aid Clinics) Regulations, 2011. The PLVs engaged in the Legal Aid Clinics shall function in such clinics in accordance with the provisions of the aforesaid regulations.

Honorarium for the PLVs rendering services in the Legal Aid Clinics and Front Offices.

The State Legal Services Authority in consultation with the National Legal Services Authority may fix an honorarium for the PLVs engaged in the legal aid clinics.

However, such honorarium for those who have rendered services on any day shall not be less than Rs.250/- per day.

The PLVs who bring legal aid applicants from the distant villages to the legal services institutions at the Taluk/District level and to the District ADR Centers shall also be eligible to receive honorarium for such day at the same rate.

PLVs shall also be eligible for honorarium if on any particular day they assist persons in connection with the PLV work by accompanying such persons to various offices including Courts, however, subject to proof.

Para-Legal Volunteers to assist in the legal literacy classes and camps.

The PLVs in consultation with the nearest legal services institutions shall organise micro-legal literacy camps in the area of their operation by organising legal literacy classes for small groups of persons including labourers, women, children members of SC/ST etc. It shall be the duty of the PLVs to distribute information booklets and other publications of the Legal Services Authorities during the legal literacy classes.

Resolving local disputes through ADR mechanism.

The PLVs shall take efforts to bring the parties of the locality involved in disputes, to settlement, by using the machinery of Lok Adalat, Mediation or Conciliation at the District ADR Centers. If no District ADR Center has been set up in the District, the legal services institutions shall take steps for organising a suitable ADR mechanism like Lok Adalat, mediation, conciliation etc. in the village itself in coordination with the PLVs. The PLVs who bring such cases to the

ADR process shall be entitled to receive the prescribed honorarium on the day when such proceedings are held.

Para-Legal Volunteers in Jails.

A few educated well-behaved prisoners serving long term sentences in the Central Prison and District Prisons may be identified for being trained as Para Legal Volunteers. Their services shall be available to the other prisoners in the jail including the under trial prisoners. The training of such PLVs may be conducted along with the other PLVs.

Payment.

They will be entitled to be paid as PLVs for the services rendered at the prescribed rate of honorarium payable to other PLVs.

Disqualifications of Para-Legal Volunteers and their removal.

- The PLVs shall be disqualified and removed from the
- panel if he/she:
- Fails to evince interest in the Scheme.
- Has been adjudged insolvent.
- Has been accused of an offence.
- Has become physically or mentally incapable of acting as PLVs.
- Has so abused his/her position or misconducted in any manner as to render his/her continuance prejudicial to the public interest.
- If she/he is an active political enthusiast of a political party. Any such Para-Legal Volunteer may be removed by the Chairman, District Legal Services Authority after suitable enquiry and intimation of the same should be sent to the State Legal Services Authority.

National level meetings of Para-Legal Volunteers.

The State Legal Services Authority may select suitable PLVs for attending the National Level programmes relating to PLVs to be organised by the National Legal Services Authority as the case may be. The State Legal Services Authority may recommend the names of PLVs who have given outstanding service for considering such PLVs for National awards to be instituted by the National Legal Services Authority.

The District Legal Services Authority to maintain a database of all Para-Legal Volunteers in the District.

The District Legal Services Authority shall maintain a directory of Para-Legal Volunteers and the same shall be updated periodically. The directory shall contain the details of the para-legal volunteers of District Authority and Taluk/Mandal/Sub-divisional Committees, their names, addresses, telephone/cell phone number, e-mail ID (if any), number and date of expiry of the identity card issued.

The State Legal Services Authority to maintain a database of all Para-Legal Volunteers in the State.

The State Legal Services Authority shall maintain a directory of Para-Legal Volunteers and the same shall be updated periodically. The directory shall contain the district wise details of the names of para-legal volunteers, their addresses, telephone/cell phone numbers, e-mail ID (if any), number and date of expiry of the identity card issued.

The Legal Services Authorities to work in co-ordination with the National Committee for Para-Legal Training and Legal Aid Activities set up by the Chief Justice of India.

The State, District and Taluk level legal services institutions shall work in coordination with the National Committee for Para-Legal Training and Legal Aid Activities set up by the Chief Justice of India. The directions, if any, given by the Hon'ble Chairman of the National Committee for Para-Legal Training and Legal Aid Activities shall be binding on all legal services institutions in the country.

MODULE FOR THE ORIENTATION - INDUCTION - REFRESHER COURSES FOR PLV TRAINING

I. ORIENTATION COURSE

Immediately upon initial empanelment the PLVs shall be given a day's orientation course.

Course objectives:

The objective of the Orientation Programme is to provide an overview of the role of the PLVs and lay down the Code of Ethics that they will be required to be adhered to.

The Orientation Programme should include inter alia the following:

- Introductions and Ice-Breaking Session
- Purpose & Role of PLVs.
- Basic Structure of the Constitution - Preamble etc.
- Obligations of the State under the Constitution to the marginalised classes of society (Directive Principles of State Policy)
- Fundamental Rights (including Articles 14,15,16,19,21,22)
- Duties of a responsible citizen to the community (Fundamental Duties).
- Article 39 A and Legal Services Authorities Act, 1987 and NALSA Regulations.
- Do's and Don'ts for PLVs.
- Dress Code and Standards of behaviour.
- Materials
- Ethics.

II INDUCTION COURSE

The induction training will be for a period of four days and should cover the following topics:

- Basic listening, communication, observation skills and Drafting skills.
- Family Laws (Marriage Laws, Adoption, Maintenance, Custody and Guardianship, Judicial separation & Divorce).

- Property Laws (Inheritance, Transfers of immovable property, Registration, Revenue Laws).
- Criminal Laws (IPC & Cr.P.C {minimum required knowledge, especially, bail, arrest etc. S.357 A Cr.P.C., Rights of Prisoners under Jail Manual and Prisoner's Act etc}).
- Labour Laws (Minimum Wages Act 1948, Workmen's Compensation Act 1923, Unorganised Workers Welfare and Social Security Act 2008, The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, The Industrial Disputes Act, 1947 (Briefly), legal assistance under the NALSA Scheme (Legal Services to the Workers in the Unorganised Sector) Scheme, 2010.
- Gender Centric Laws/Women Laws - Equal Remuneration Act 1976, Maternity Benefit Act 1961, Protection of Women from Domestic Violence Act 2005, Medical Termination of Pregnancy Act 1971, Pre-Conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, Sexual Harassment at Workplace, Important provisions of IPC - Sections 509, 354, 376, 304B, 366, 498A, 494, Dowry Prohibition Act, 1961.
- Laws relating to children - Juvenile Justice (Care and Protection of Children) Act, 2000, The Child Labour (Prohibition and Regulation) Act of 1986, Missing Children, The Factories Act 1948, Prohibition of Child Marriage Act, 2006.
- SC & ST (Prevention of Atrocities) Act, 1989 and The Protection of Civil Rights Act, 1955.
- Government orders and schemes promoting social welfare, including MNREGA, Social Security Schemes (pensions, antodaya, insurance etc), obtaining various certificates (such as caste, disability, birth, income etc), obtaining ration card, Aadhar card, National Population Register, Voter ID-card, etc, obtaining Passport.
- Visits to Govt. Offices, Courts, Police Stations, Prisons, Revenue Offices, DLSAs, TLSCs etc. Interaction with Protection Officers, CWCs/JJBs, appropriate authority under PCPNDT Act, 1994 etc.

III ADVANCE TRAINING

After the PLVs have had field experience for three months it is important that an advanced training programme is conducted lasting for three days. The occasion should be utilized by the Chairpersons of the DLSAs to discuss the work done by the PLVs, the shortcomings generally noticed and their continuance. The Mentors should also participate in this programme for guiding the PLVs to resolve the problems faced by the PLVs in the discharge of their duties and public interaction. The Chairpersons of the DLSAs should also obtain feedback from the PLVs in order to remove administrative

bottlenecks. During this training programme the PLVs should be introduced to Special laws which could include:

- Right to Information Act, 2005
- Motor Vehicles Act, 1988
- Mental Health Act, 1987 and legal assistance under the NALSA scheme Legal Services to the mentally ill Persons and Persons with Mental Disabilities) Scheme, 2010.
- Maintenance and Welfare of Parents and Senior Citizens Act, 2007.
- Right to Education Act, 2009
- Alternate Dispute Resolution (S 89 C.P.C.)
- Basic skills in mediation and counselling
- Lok Adalat, including pre-litigation and its benefits.
- Plea-bargaining
- Rights of marginalised groups such as those living with HIV/AIDS, Disabled, trans genders etc.
- The Immoral Traffic (Prevention) Act, 1956 and issues relating to sex workers.
- Disaster Management and Legal assistance to victims of disaster under the NALSA Scheme - Legal Services to Disaster Victims through Legal Services Authorities.
- Environmental issues
- The Protection of Children from Sexual Offences Act, 2012.

Ideally, the SLSAs should by itself or through the DLSAs organize workshops at regular intervals on special topics which could be for a day or two. These should be need based, that is to say, if on a review of the working of the PLVs, the SLSAs/DLSAs feel that certain subjects need to be revisited and discussed again or that in a given area certain issues exist which need to be addressed or tackled and which have not been dealt with by the prescribed course content, such topics and issues should be discussed in the one day/two days workshops.

Inter-District workshops should be organised by the SLSAs for a day to encourage experience sharing and introduction of better practices. Good work done could be recognised and appreciated and commendation certificates given on the occasion.

IV. JHALSA SCHEMES

- 01. JHALSA LEGAL CADET CORPS SCHEME 2018.305**
- 02. JHALSA (LEGAL SERVICES FOR ERADICATION OF FEMALE FOETICIDE MENACE AND SAVING THE GIRL CHILD) SCHEME, 2016315**
- 03. JHALSA'S SCHEME, 2016 FOR STUDENTS LEGAL LITERACY CLUBS IN THE SCHOOLS325**
- 04. JHALSA (EFFECTIVE INTERVENTION FOR ASSISTANCE TO THE PEOPLE DURING THE PANDEMIC COVID- 19) SCHEME 2020335**
- 05. JHALSA (EFFECTIVE INTERVENTION FOR REDUCING HUNGER & PREVENTION OF STARVATION DEATH) SCHEME 2020359**
- 06. JHARKHAND VICTIM COMPENSATION SCHEME, 2012 (ALONG WITH AMENDMENTS MADE IN 2016, 2018, 2019)371**

- 07. JHALSA PROJECT FOR JAIL INMATES AND THEIR FAMILY MEMBERS (AN EFFECTIVE INTERVENTION FOR ASSISTING THE JAIL INMATES AND THEIR FAMILY MEMBERS)387**
- 08. JHALSA PROJECT FOR MIGRANT LABOURERS RETURNING FROM OTHER STATES (AN EFFECTIVE INTERVENTION FOR ASSISTING THE MIGRANT LABOURERS RETURNING TO THE STATE OF JHARKHAND)395**
- 09. JHALSA PROJECT FOR CHILDREN IN NEED OF CARE AND PROTECTION, SINGLE WOMEN, WIDOWS AND UNCARED SENIOR CITIZENS (AN EFFECTIVE INTERVENTION FOR ASSISTANCE TO THE CHILDREN IN NEED OF CARE AND PROTECTION, SINGLE WOMEN, WIDOWS AND UNCARED SENIOR CITIZENS.....401**

JHALSA Legal Cadet Corps Scheme 2018.

JHALSA LEGAL CADET CORPS SCHEME 2018

BACKGROUND

The LEGAL CADET CORPS (LCC) Scheme is National Legal Services Authority's programme for involving the children in National service.

It is the vision of NALSA to set up Legal Literacy Clubs in all Schools, making the children to interested in legal services and to visit rural areas for doing good works. In Gauhati SLISA Meet also, this Issue was taken up and resolved to be implemented.

Jharkhand State Legal Services Authority has opened more than 600 legal literacy clubs in the Schools of Tribal and other marginalized sections of society. On 10-12-2016, Her Excellency Madam Droupadi Murmu, the Hon'ble Governor of Jharkhand, Shri Raghubar Das, Hon'ble Chief Minister of Jharkhand and Hon'ble Mr Justice Dipak Misra, Judge, Supreme Court of India (Now CJI) inaugurated 500 Legal Literacy Clubs in 500 Schools of Jharkhand for the Tribal girls and boys .

The Jharkhand State Legal Services Authority proposes to set up Legal Services Cadet Corps (LCC) in all Govt Schools of Jharkhand with the object of inculcating values in children, especially in relation to the fundamental duties of citizens under Part IV-A of the Constitution of India. Members of the School Legal Literacy Clubs may be enrolled as cadets in the Corps under the Captaincy of the teacher in-charge of the Legal Literacy Clubs.

NAME OF THE SCHEME

This Scheme shall be called the JHALSA LEGAL CADET CORPS SCHEME 2018.

OBJECTIVES

The broad objectives of Legal Cadet Corps Scheme are as follows :

1. To impart National Service feeling to the children
2. To utilize the services of the members of the Legal Literacy Clubs in spreading awareness amongst rural and slum area children
3. National Integration by intermingling Legal Cadets with the rural kids and slum area kids
4. To develop among them a sense of social and civic responsibility;
5. To utilize their knowledge in finding practical solution to individual and community Problems;

6. To develop competence required for group living and sharing of responsibilities;
7. To gain skills in mobilizing community participation;
8. To acquire leadership qualities and democratic attitude;
9. To develop capacity to meet emergencies and natural disasters
10. To practice social harmony
11. To fight against the menace of female foeticide, child labour, child marriage, child trafficking, gender discrimination, nutrition and sanitation.
12. To reach out to the children of the persons belonging to the most marginalized sections of the society

THE MOTTO

The motto or watchword of the Legal Cadet Corps Scheme is: “ LET US SERVE OUR MOTHERLAND”.

This reflects the essence of democratic living and upholds the need for selfless service and appreciation of the other person's point of view and also to show consideration for fellow human beings. It underlines that the welfare of an individual is ultimately dependent on the welfare of society as a whole. Therefore, it should be the aim of the LCC to demonstrate this motto in its day-to-day programme.

LCC SYMBOL

“Legal Cadet Corps” shall be written in the upper semicircle of the Logo. Whereas its motto “Let us serve the Nation” shall be written in the lower semicircle and the fonts, used in the symbol will be Red, Navy Blue and White.

LCC BADGE, SCARF, CAP, ETC.

The LCC symbol is embossed on the LCC badge, Scarf, Cap, etc. The Legal Cadets shall wear it while undertaking any programme of community service. The badge reminds the wearer to be in readiness for service of the nation round the clock. i.e. for 24 hours. The blue colour in the badge indicates that the LCC volunteers are full of blood i.e. lively, active, energetic and full of high spirit. The navy blue colour indicates the cosmos of which the LCC is a tiny part, and the white colour indicates that we are ready to contribute for the welfare of the humankind and peace.

LCC DAY

The day on which the LCC Scheme is formally launched will be celebrated as the LCC day every year .

LCC SONG

NALSA Sankalp Song shall be the LCC song till a new song is chosen.

CO-CURRICULAR ACITIVITY

JHALSA will take steps to persuade the Education Department “to recognize the LCC Scheme as a co-curricular activity for High School and Intermediate students.” Education Department should instruct the Secondary and Higher Secondary Boards to include a course on LCC in the curriculum.

GUIDELINES FOR LEGAL CADET CORPS SCHEME

Every time when National Service activities are undertaken by the Legal Cadets, an appreciation Certificate shall be issued by the Principal of the School which shall be countersigned by the Secretary of the District Legal Services Authority.

ADMINISTRATIVE STRUCTURE OF LEGAL CADET CORPS SCHEME

State Level Advisory Committee

The State Level Advisory Committee at State Level will be an apex body as far as implementation of Legal Cadet Corps Scheme in the State is concerned. Executive Chairman of JHALSA shall be the Highest Authority and advisors will be the Member Secretary and JHALSA GB Members .

The Programme Coordinator will be the Member Secretary JHALSA at the State Level and DLSA Secretaries at the District level. State Authority shall be competent for approval of LCC budget, covering LCC activities and establishment expenditure on LCC cell and also programme activities to be undertaken during the year.

Programme Coordinator

The Programme Coordinator is the key functionary as far as LCC Scheme is concerned. Therefore, a dedicated and devoted Programme Coordinator can plan, execute and evaluate the LCC activities in a proper perspective. The Programme Coordinator, who is a senior Judicial Officer, will execute all administrative and policy directives of the Scheme, decisions of the State Advisory Committee. The LCC programme will be prepared in the light of the Objectives of the Scheme and the guidelines issued by the NALSA.

Programme Officer

The Principal of the School will be Programme Officer, who is a member of the teaching faculty, provides necessary leadership to the students/Legal Cadets. The teacher/LCC programme officer has the professional knowledge and skills. He/she is expected to be a role model of the values and the norms of the institution and the society as a whole. He/she is expected to

provide necessary guidance to the students in developing their personality through community service. In fact the Programme Officer is a friend, philosopher and guide to the students in achieving this goal.

LCC VOLUNTEER

The LCC volunteer, student enrolled in the School is the main beneficiary of the programme by way of development of his/her perception about the community, his/her skill to perform certain jobs, and develop quality of a leader, organiser, and an administrator and development of his/her personality as a whole. Through LCC, he/she gets opportunities to see the community closely and thus gets an experience of human nature in relation to his/her environment. This is how the LCC programme aims to make LCC student better citizens by developing their personality through Community Service.

COMMUNITY

The community provides LCC volunteer the first-hand knowledge of living conditions of masses to the LCC volunteers and thus, the process of mutual learning starts. The interaction of community with students and legal services officials while on one hand enrich the personality of student volunteers and on the other hand help the community to access all kind of services including legal services.

THE HIERARCHICAL STRUCTURE OF LCC

- ▲ Supreme-Commander (Patron-in-Chief of NALSA)
- ▲ Field Marshal (Executive Chairman, NALSA)
- ▲ Commander-in-Chief (Patron-in-Chief of SLSA)
- ▲ General Officer Commanding [GOC] (Executive Chairman, SLSA)
- ▲ Brigadier (Chairman, DLSA)
- ▲ Colonel (Chairman, TLSC)
- ▲ Lt. Colonel (Principal)
- ▲ Captain (Teacher-in-charge)
- ▲ Senior Under Officer
- ▲ Junior Under Officer – LCC Cadets.

SELECTION OF LEGAL CADETS

- ▲ Lt. Colonel (Principal) shall select the Legal Cadets from out of students studying in class IX to XII. Initially it will be minimum 25 Cadets per School.

- ▲ JHALSA shall provide the Registers, Cap, Badges etc to the School.
- ▲ Once he or she is selected as Legal Cadet, shall remain such cadet till he or she completes study in the School or leaves the Scheme in writing.

ACTIVITIES CALENDER

JHALSA shall prepare the Calender of Activities (Indoor and Outdoor) and circulate the same to the Schools.

ACTIVITIES

- ▲ During summer/winter vacations, (whichever is suitable to the District concerned), camps of the different units of LCC may be organized for one or two day at a convenient place under the guidance of the District Legal Services Authority.
- ▲ During the camp, mock legal services activities, Lok Adalats, children's court and other innovative programmes may be organized under the control of a Captain.
- ▲ Painting and Drama Competition may also be organized alongside the other artistic performance focussing on Legal Aid and Legal Services.
- ▲ The report of the camp has to be submitted to the General Officer Commanding (Executive Chairman of the State Legal Services Authority) who in-turn may cause it to be placed before the Commander-in-Chief of LCC in the State (i.e. Patron-in-Chief of the SLSA).
- ▲ Suitable trophies and certificates may be given to the winners of the competitions and certificate of participation shall be given to the Cadets attending the camps.
- ▲ Camps may be organized regularly as an annual feature.
- ▲ Cadets will intermingle with the children of the rural areas and football, kabaddi or quiz come may be organized.
- ▲ Other outdoor activities include nukkad natak, tree plantation, nature conservation tips, sanitation drive, vaccination drive, relief activities, vidyalaya chale- chalayen abhiyan, distribution of reading materials and meals with rural kids, etc.
- ▲ JHALSA shall make all arrangements for indoor and outdoor activities.

HOLISTIC VISION FOR THE CIHILDREN OF INDIA

1. This LCC Scheme is holistic Vision for the Children of India which is "to empower the Students of the country to achieve their full potential, and through them enable India to find its rightful place in the community of nations".

2. **Develop a Strong and Healthy Generation Equipped to Take on Future Challenges:** In order to create a generation of young Indians equipped to take on future challenges and achieve their full potential, it is necessary that the young citizens are in good health and have orientation for National Service.
3. **Instil Social Values and Promote Community Service to Strengthen Nationalism in the Country :** It is important to build national pride and responsibility in the youth through a programme of education on social values and values enshrined in the Constitution including respect for diversity and the importance of harmony. Young citizens must be encouraged to participate in community service and development activities, especially in the most backward regions. The young citizens of India must have a strong sense of moral responsibility towards their fellow citizens, especially those that are less fortunate than themselves.
4. **Facilitate Participation and Engagement at All Levels of Legal Service :**

Vibrant Legal Services eco system requires an active citizenry, and given that the youth in the age group of 14-20 years comprise 27.5% of the population, it is essential to create mechanisms for youth participation in community services . They are the future of the nation and must be encouraged to participate in National Services. They must be provided the necessary training and tools to become skilled and competent and to be able to execute schemes and programmes.

PRIORITY AREAS OF LCC SCHEME

1. Education

- (i) to build capacity and quality in the system and
- (ii) to promote skill development and lifelong learning.

2. Skill Development — Students must develop skills that are relevant to the needs of the Nation.

3. Awareness about Health and Healthy Lifestyle — there are a few youth-specific health issues that require a targeted approach. These include (a) promoting a healthy lifestyle among youth to combat non-communicable diseases attributable to lifestyle disorders like obesity, cardio-vascular diseases, diabetes, stroke, chronic lung diseases, cancer, etc. which have been increasingly affecting adolescent, (b) creating awareness about substance abuse, especially in rural areas and (c) addressing issues concerning emotional and mental health (e.g. risk of depression and potential suicide attempts), esp. in case of adolescent.

4. Sports — The RTE Act also mandates access to playgrounds and recreational facilities in all schools.

5. **Promotion of Social Values** — India is a diverse nation with respect to ethnicity, religion, language, caste and culture. Alongside this diversity there is socio-economic disparity and extremism, which together have potential for creating a divide in the society. Hence, it is imperative to instill a sense of harmony and togetherness in individuals from a young age.
6. **Community Engagement** — Students represent a large segment of the population that can be mobilized for community service and development programmes. On one hand, by participating in community service schemes, they can contribute to grassroots development efforts.



JHALSA
(Legal Services for
Eradication of
Female Foeticide Menace
and
Saving the Girl Child)
Scheme, 2016

JHALSA (LEGAL SERVICES FOR ERADICATION OF FEMALE FOETICIDE MENACE AND SAVING THE GIRL CHILD) SCHEME, 2016

“Civilization of a country is known by how it respects its women.”

Justice Dipak Misra

BACKGROUND

“Let it be stated with certitude and without allowing any room for any kind of equivocation or ambiguity, the perception of any individual or group or organization or system treating a woman with inequity, indignity, inequality or any kind of discrimination is constitutionally impermissible. The historical perception has to be given a prompt burial. Female foeticide is conceived by the society that definitely includes the parents because of unethical perception of life and nonchalant attitude towards law. The society that treats man and woman with equal dignity shows the reflections of a progressive and civilized society. To think that a woman should think what a man or a society wants her to think is tantamounts to slaughtering her choice, and definitely a humiliating act. When freedom of free choice is allowed within constitutional and statutory parameters, others cannot determine the norms as that would amount to acting in derogation of law. Decrease in the sex ratio is a sign of colossal calamity and it cannot be allowed to happen. Concrete steps have to be taken to increase the same so that invited social disasters do not befall on the society. The present generation is expected to be responsible to the posterity and not to take such steps to sterilize the birth rate in violation of law. The societal perception has to be metamorphosed having respect to legal postulates.”

— **Justice Dipak Misra**

(Excerpts from order dt. 8.11. 2016

passed in Writ Petition (Civil) No. 349 of 2006)

Hon’ble Supreme Court of India has passed several directions in Writ Petition (Civil) 349/2006 (Voluntary Health Association of Punjab Vs. Union of India & Ors. (Author-Hon’ble Mr. Justice Dipak Misra) for completely eradicating the menace of female foeticide and it is the Call of the Hour to root out this menace and everybody must know their duty and obligation in achieving the objective. The duty of legal fraternity in general and legal services fraternity in particular is to leave no stone unturned in ensuring compliance of Hon’ble Supreme Court’s order. This scheme aims to completely involve all the legal services work-force to ensure compliance of the Hon’ble Apex Court’s order in aforesaid case and discharge the duties expected from them in the orders.

Case No. - 349 of 2006**Order Dated 8-11-2016 (Author - Hon'ble Mr. Justice Dipak Misra)***Voluntary Health Association of Punjab Vs. Union of India*

- (a) All the States and the Union Territories in India shall maintain a centralized database of civil registration records from all registration units so that information can be made available from the website regarding the number of boys and girls being born.
- (b) The information that shall be displayed on the website shall contain the birth information for each District, Municipality, Corporation or Gram Panchayat so that a visual comparison of boys and girls born can be immediately seen.
- (c) The statutory authorities if not constituted as envisaged under the Act shall be constituted forthwith and the competent authorities shall take steps for the reconstitution of the statutory bodies so that they can become immediately functional after expiry of the term. That apart, they shall meet regularly so that the provisions of the Act can be implemented in reality and the effectiveness of the legislation is felt and realized in the society.
- (d) The provisions contained in Sections 22 and 23 shall be strictly adhered to. Section 23(2) shall be duly complied with and it shall be reported by the authorities so that the State Medical Council takes necessary action after the intimation is given under the said provision. The Appropriate Authorities who have been appointed under Sections 17(1) and 17(2) shall be imparted periodical training to carry out the functions as required under various provisions of the Act.
- (e) If there has been violation of any of the provisions of the Act or the Rules, proper action has to be taken by the authorities under the Act so that the legally inapposite acts are immediately curbed.
- (f) The Courts which deal with the complaints under the Act shall be fast tracked and the concerned High Courts shall issue appropriate directions in that regard.
- (g) The judicial officers who are to deal with these cases under the Act shall be periodically imparted training in the Judicial Academies or Training Institutes, as the case may be, so that they can be sensitive and develop the requisite sensitivity as projected in the objects and reasons of the Act and its various provisions and in view of the need of the society.
- (h) The Director of Prosecution or, if the said post is not there, the Legal Remembrancer or the Law Secretary shall take stock of things with regard to the lodging of prosecution so that the purpose of the Act is subserved.
- (i) The Courts that deal with the complaints under the Act shall deal with the matters in promptitude and submit the quarterly report to the High Courts through the concerned Sessions and District Judge.

- (j) The learned Chief Justices of each of the High Courts in the country are requested to constitute a Committee of three Judges that can periodically oversee the progress of the cases.
- (k) The awareness campaigns with regard to the provisions of the Act as well as the social awareness shall be undertaken as per the direction No 9.8 in the order dated March 4, 2013 passed in Voluntary Health Association of Punjab (supra).
- (l) The State Legal Services Authorities of the States shall give emphasis on this campaign during the spread of legal aid and involve the para-legal volunteers.
- (m) The Union of India and the States shall see to it that appropriate directions are issued to the authorities of All India Radio and Doordarshan functioning in various States to give wide publicity pertaining to the saving of the girl child and the grave dangers the society shall face because of female foeticide.
- (n) All the appropriate authorities including the States and districts notified under the Act shall submit quarterly progress report to the Government of India through the State Government and maintain Form H for keeping the information of all registrations readily available as per sub-rule 6 of Rule 18A of the Rules.
- (o) The States and Union Territories shall implement the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) (Six Months Training) Rules, 2014 forthwith considering that the training provided therein is imperative for realising the objects and purpose of this Act.
- (p) As the Union of India and some States framed incentive schemes for the girl child, the States that have not framed such schemes, may introduce such schemes.

Order Dated 20.01.2015 (Author - Hon'ble Mr. Justice Dipak Misra)

Voluntary Health Association of Punjab Vs. Union of India

- (i) The appropriate authorities under the Act who have been authorised to launch/initiate the prosecution shall be imparted training by the Judicial Academy of the High Court of Punjab and Haryana. During the training, the Director of Prosecution of the State shall remain personally present in the academy so that all the officers avail the training with all sincerity, concern and seriousness.
- (ii) The trials that are pending before various courts of the State, unless there is an interdiction by the High Court or by this Court, shall proceed with quite promptitude and be finalised within a period of four months commencing 1-2-2015.
- (iii) The State may think of appointing a panel of competent lawyers who can render proper assistance to the appropriate authorities for taking appropriate steps for every action under the Act so that eventually the action taken under the Act does not collapse due to technical flaws. This direction is given to have separate lawyers for prosecuting these

causes as it requires a lot of technical knowledge and it is the obligation of the State to see that these kinds of maladies are eradicated. Unless eradicated in time, it has the potentiality to lead to a disorderly state of affairs. The State shall respond to the same by the next date.

- (iv) The Districts where the sex ratio is less, the Director of Prosecution and the Director of the Judicial Academy shall give adequate stress on their training so that authorities who are in charge of the said districts shall also rise to the occasion.
- (v) As has been stated in our earlier judgment i.e. *Voluntary Health Assn. of Punjab v. Union of India*, there has to be proper awareness camps which are to be organised by the State Legal Services Authority. It is required to be done. It shall issue directions to the District Legal Services Authorities throughout the State to hold awareness camps with a proper perspective so that the persons attending camps not only become aware of the legal consequences but also the societal and the collective concern for sustenance of child sex ratio. And above all, the value of a life of woman, for she is the basic pillar of the human race in any society. If advised, the Patron-in-Chief of the State Legal Services Authority may constitute a separate cell for imparting such legal aid camps.
- (vi) We would request the learned Chief Justice of the High Court of Punjab and Haryana to fix a date for imparting training to the appropriate authorities and thereafter the Registrar (Judicial) shall communicate to the Chief Secretary of the State who shall see to it that all the appropriate authorities attend the training, failing which they will be liable for disciplinary proceedings.
- (vii) Mr Yadav, learned counsel for the State shall file a list of the cases which are pending in trial courts for trial before the Registry of this Court within 10 days hence. The Registry shall forward the same forthwith to the Registrar General of the High Court who, in turn, shall place the matter before the learned Chief Justice who is requested to issue a circular with a command that the cases shall be disposed of within four months.

Order Dated 04-03-2013 (Author - Hon'ble Mr. Justice Dipak Misra) *Voluntary Health Association of Punjab Vs. Union of India*

- (i) It is the requisite of the present day that people are made aware that it is obligatory to treat the women with respect and dignity so that humanism in its conceptual essentiality remains alive. Each member of the society is required to develop a scientific temper in the modern context because that is the social need of the present.
- (ii) A cosmetic awareness campaign would never subserve the purpose. The authorities of the Government, the Non- Governmental Organisations and other volunteers are required to remember that there has to be awareness camps which are really effective. The people involved with the same must take it up as a service, a crusade. They must understand and accept that it is an art as well as a science and not simple arithmetic. It cannot take the colour of a routine speech. The awareness camps should not be founded on the theory of

Euclidian geometry. It must engulf the concept of social vigilance with an analytical mind and radiate into the marrows of the society. If awareness campaigns are not appositely conducted, the needed guidance for the people would be without meaning and things shall fall apart and everyone would try to take shelter in cynical escapism.

- (iii) It is difficult to precisely state how an awareness camp is to be conducted. It will depend upon what kind and strata of people are being addressed to. The persons involved in such awareness campaign are required to equip themselves with constitutional concepts, culture, philosophy, religion, scriptural commands and injunctions, the mandate of the law as engrafted under the Act and above all the development of modern science. It needs no special emphasis to state that in awareness camps while the deterrent facets of law are required to be accentuated upon, simultaneously the desirability of law to be followed with spiritual obeisance, regard being had to the purpose of the Act, has to be stressed upon. The seemly synchronization shall bring the required effect. That apart, documentary films can be shown to highlight the need; and instill the idea in the mind of the public at large, for when mind becomes strong, mountains do melt.
- (iv) The people involved in the awareness campaigns should have boldness and courage. There should not be any iota of confusion or perplexity in their thought or action. They should treat it as a problem and think that a problem has to be understood in a proper manner to afford a solution. They should bear in mind that they are required to change the mindset of the people, the grammar of the society and unacceptable beliefs inherent in the populace.
- (v) It should be clearly spelt out that female foeticide is the worst type of dehumanisation of the human race.

OBJECTIVES OF THE SCHEME

The main objects of the Scheme are:

- (i) To comply with the direction of Hon'ble Supreme Court of India passed in Writ Petition No. 349 of 2006 (Voluntary Health Association of Punjab Vs. Union of India and Others) and ensure that the Legal Services Institution in the State of Jharkhand implements the directions of Hon'ble Supreme Court in letter and spirit.
- (ii) To effectively coordinate with other departments of the Government of Jharkhand for the compliance of the directions of the Hon'ble Supreme Court in aforesaid case in letter and spirit.
- (iii) To outline the basic rights of girl child to live, grow & prosper
- (iv) To create awareness in the local people about the provisions of PC&PNDT Act, 1994 in general and direction of Hon'ble Apex Court in Voluntary Health Association case referred to above in particular.

- (v) To create awareness about saving the girl child so that humanity and civilisation may be saved.
- (vi) To promote Gender Justice and Equality
- (vii) To ensure the benefit of Anganbadi, Mid day meal and right to free and compulsory education to the children in general and girl child in particular.
- (viii) To liaison with the Civil Surgeon office, District Administration and Police for strict vigil on the functioning of Ultrasound Clinics/Facilities where sex foetus can be determined.
- (ix) To organise awareness programme at Community level i.e. to say Women, Sr. Citizen, Community etc. for eradication of Female Foeticide Menace
- (x) To undertake and organise training, Orientation and Sensitisation Programme for Civil Surgeon and his team members, District Administration and Police Administration for eradication of Female Foeticide.
- (xi) To undertake Research and Documentation to study sex ratio and girl child education ratio.
- (xii) The Legal Services Institution shall prepare a panel of competent lawyers who can render proper assistance to the appropriate authorities for taking appropriate steps for every action under the Act so that eventually the action taken under the Act does not collapse due to technical flaws. This direction is given to have separate lawyers for prosecuting these causes as it requires a lot of technical knowledge and it is the obligation of the State to see that these kinds of maladies are eradicated. Unless eradicated in time, it has the potentiality to lead to a disorderly state of affairs. The State shall respond to the same by the next date.

DATABASE

- a) JHALSA shall have database of the existing Central or State Schemes, policies, regulations, policy directives concerning Saving the Girl-Child and combating Female-Foeticide menace.
- b) JHALSA shall have database of the Registered Facilities where ultrasound machines are permitted for other purposes.
- c) The lists prepared shall be circulated annually to all the District Legal Services Authorities which shall further circulate the same to the Taluka Legal Services Committees, village panchayats, legal services clinics and PLVs.
- d) JHALSA shall also upload the list on its website.
- e) The pending cases shall also be uploaded on the Database.

Mechanism for Complaint/receiving Information

All complaints/Information may be given to JHALSA on its email-jhalsaranchi@gmail.com or at any legal services clinic run by JHALSA.

Legal Representation

- a) A competent panel of Lawyers and PLVs shall be prepared by each legal services institution.
- b) JHALSA and DLSAs shall ensure that the effective legal representation is available to the person initiating prosecution under the Act.
- c) Every District Legal Services Authority and Taluka Legal Services Committee shall designate at least one panel lawyer as Legal Services Officer for the purpose of this Scheme.
- d) The District Legal Services Authorities shall also depute sufficient number of PLVs for the implementation of this Scheme.
- e) The PLVs shall act as the interface between the legal aid seeker and the Legal Services Institutions.

Legal Services Clinic

- a) JHALSA shall open Legal Services Clinics in those districts/Areas where sex ratio is alarmingly low.
- b) The Legal Services Panel lawyers and Para Legal Volunteers deputed in those clinics shall be provided special training and they shall work on all seven days of a week in rotation to conduct awareness programme, Nukkad Natak and Road Shows.
- c) The Legal Services Clinics shall ensure that action is taken against hospitals/ clinics, where sex determination test is done or provisions of PC PNDT Act is violated.

Plan of Action

- a) JHALA shall prepare the Pamphlets/leaflets containing important directions of the Hon'ble Supreme Court in Writ Petition (Civil) 349/2006 in Hindi/English/Local Language for disseminating information regarding the directions and ensuring compliance thereof.
- b) Legal Services to be provided would include informing the Governmental Bodies or Functionaries, Non-governmental organizations and other organizations to ensure that each and every direction of the Hon'ble Apex Court is complied and the objective of PC PNDT Act is achieved.

- c) JHALSA shall develop effective co-ordination and interface with all the stake-holders such as Civil Society, Government Departments, NGOs and Community Levels for promoting gender-justice, discouraging discrimination between girl and boy and ultimately ensuring that no incident of female foeticide takes place and no breach of law go unfinished.
- d) JHALSA shall effectively co-ordinate with the State Government to ensure that adequate manpower is always available for enquiry, search and prosecution.

Training and Orientation Programmes

- a) JHALSA shall conduct training and orientation programmes for panel lawyers and PLVs to sensitize them on how to deal with cases under this Act and to build their capacity, knowledge and skill. Sensitization programmes should also be organized for other stakeholders such as the government functionaries, police personnel, medical officers and NGOs.
- b) JHALSA shall, in coordination with the Jharkhand State Judicial Academy, plan and conduct training/ sensitization programmes for Judicial Officers with a view to ensuring timely Justice.



JHALSA's Scheme, 2016 for
Students
Legal Literacy Clubs in the
Schools

JHALSA'S SCHEME, 2016 FOR STUDENTS LEGAL LITERACY CLUBS IN THE SCHOOLS

A. OBJECTIVES:

Children are supremely important national asset. It is the duty of every Civilization and Government to nurture the children and their childhood and provide an environment where they may grow to the fullest of their potential.

Child is the future citizen. He/She should be made aware of the laws of the land. Our Constitution provides for Fundamental Rights and Duties and our Children should know them at the earliest. With a view to inculcate legal knowledge, skill and aptitude, the concept of Students Legal Literacy Club has come in to being. These Student Legal Literacy Clubs together with Legal Cadet Corps Scheme will bring about the desired result and future generation will be fully aware with their legal rights and duties. Legal awareness means legal empowerment. Jharkhand State Legal Services Authority aims to establish strong and vibrant relationship with the students through these Legal Literacy Clubs.

B. CONSTITUTION:

In every High School and college in the State of Jharkhand, there shall be set up a Student Legal Literacy Club comprising selected students of such Class/Classes in schools and Second year and below in Colleges as members and the number of the members shall be not less than 25. More than one club may be set up in a High School/College, if so required. The Club shall run under the guidance of a teacher called "Teacher-in-Charge" to be nominated by the Headmaster/Principal. This club shall function in association with the In charge of Legal Cadet Corps of the School/College, in charge of National Service Scheme (NSS) and under the overall supervision of the Headmaster / Principal of the respective High School/College. A proforma regarding constitution of the club is at Appendix- 'A'. Each club shall bear an index number to be assigned by the Jharkhand State Legal Services Authority (here in after referred to as JHALSA). The School/College shall spare accommodation inside the school/college premises and SLSA shall ensure other required infrastructure for functioning of the Club in close co-ordination with the Education Department.

C. LEGAL LITERACY CLASSES FOR THE MEMBERS OF THE CLUB:

There shall be organized at least one Legal Literacy Class in a fortnight in every high school/college where the Club has been established. The Judicial Officers (Sitting as well

as Retired)/Advocates/Mediators/Police Officers & Forest Officers of the District Legal Services Authority/JHALSA will take those classes for briefing the members of the Club as well as the teacher in charge about the modus operandi of legal services by the SLISA, Pre-litigation settlements of disputes, Lok Adalats and ADR generally. Focus will be on the laws and welfare schemes of the Government relating to the women, Children, Labourers, people below the poverty line, or suffering from mental or physical disabilities and people otherwise remaining disadvantaged or marginalized in the society. The School/ College Authorities shall extend due cooperation and logistic support to the SLISA in organization and conduct of those Legal Literacy Classes. The programme of such classes shall be chalked out by the SLISA at least one month before hand and intimated to the Headmaster /Principal of the concerned School to enable the latter to circulate the same among the members of the club as well as the Teachers in-charge. As far as practicable, these classes shall be organized on holidays or any working day without any detriment to the conduct of the regular classes in the schools and without affecting the education of the member students. The JHALSA may consider payment of honorarium to the external resource persons who are engaged in the Legal Literacy Club.

D. PREPARATION AND DISTRIBUTION OF BOOKS AND READING MATERIALS:

The JHALSA will prepare booklets, reading materials, leaflets, pamphlets etc. in local language with contents appropriate to the objective of the scheme and functioning of the club and cause distribution of the same to the members of the Clubs for the purpose of their self awareness and mass awareness. The JHALSA may take help of the State Government's different departments such as, Education, Health and Family Welfare, Social Welfare Development, Forest & Environment, Law, Labour & Employment and other departments, and may also take help of the Government of India's different departments as well as UNDP, UNFPA and other voluntary organizations to share with them the expenditure to be incurred in preparation of the materials and meeting the other expenditure. Those Government Departments and N.G.Os may also render help in providing these materials, or collaborate with the JHALSA in organizing and sponsoring different legal aid programmes under the scheme.

E. FUNCTIONS & ACTIVITIES OF THE CLUB:

The Primary function of the Student Legal Literacy Club is to Spread Legal Literacy and prepare the students for conducting awareness in their neighborhood and act as a bridge between the persons in need of Legal Services and JHALSA. The functions and activities of the clubs shall include the following:-

- a) To identify persons in their neighborhood who deserve legal aid or assistance and who are in need of protecting their rights conferred by law, and to refer those persons, with recommendation of the Teacher-in-Charge, to JHALSA or District Legal Services Authority for receiving Legal Aid.

- b) To distribute Legal Aid application forms free of cost to those who need legal assistance (these forms will be made available to the clubs at the instance of Legal Services Institutions).
- c) To spread legal literacy and awareness by setting up Rallies, making door-to-door visits in the neighboring areas, forming small groups of villagers for inter face, making Road shows, distributing leaflets, pamphlets, study materials etc. containing information regarding modus operandi of Legal Services, Pre-litigation settlement of disputes, Lok Adalat etc., various Government schemes on Poverty Alleviation, Health, Employment, and other social security measures.
- d) To observe important Days like World Environment Day, World Day against Child Labour, Women's Day, Disability Day, Mental Health Day, Children's Day, National Legal Services Day, Anti-Tobacco Day etc., and spread message in the public about the aim and object of those Days.

F. MAINTENANCE OF REGISTERS:

The club shall maintain four separate Registers for the purposes as follows:-

- i) **MEMBERSHIP REGISTER** - to reflect the names of the Club members in every Academic year starting from 2016-17 onwards with signature of all the members as well as the name and signature of the Teacher-in-Charge. A copy of the entry in the Register for every Academic year shall be forwarded by the Teacher-in-Charge to the JHALSA through the respective Headmaster of the school within a fortnight after commencement of the Academic Session.
- ii) **RESOLUTION REGISTER** - to contain all the Resolutions passed by the Club with their respective dates, signature of the Teacher-in-Charge of the Club. Every such resolution should be countersigned by the Headmaster of the School.
- iii) **ACTIVITIES REGISTER** - to contain a brief description of the activities undertaken by the club with date, place, number of members participated etc. A brief report about the activities / programmes undertaken by the Club shall be sent by the Teacher-in-Charge to the JHALSA as soon as possible.
- iv) **DESPATCH REGISTER** - to reflect the letters and correspondences issued by the Club to different quarters. The Registers will be supplied to the Clubs by the JHALSA or its District units or the State Government. It shall be the duty of the Teacher-in-Charge to maintain those registers fairly and properly. Any officer of the JHALSA or DLSA , shall have power to inspect the Registers maintained by the Club.

G. SUPERVISION, EVALUATION & CASH AWARD:

The JHALSA shall exercise supervisory function over the activities of the Clubs operating in jurisdiction, maintain a separate register to reflect the details such as, members of the club, name of the Teacher-in-Charge, name of the Headmaster, brief mention of the activities undertaken or organized by the Club, number and details of the persons in need of legal services referred to by the individual clubs to SLSA, etc. The action taken report under the scheme shall be submitted to the JHALSA as per the proforma vide Appendix-B at the end of each month where-after the JHALSA may submit consolidated report in this respect to the National Legal Services Authority.

The JHALSA shall assess and evaluate the work done by the individual clubs and may institute cash award not exceeding Rs.10,000/- per year for the Best Legal Literacy Club, Rs 7500/- for the First Runner Up and Rs 5,000/- for the second runner up.

JHALSA shall give certificate and trophy to the Best Student at the School/College Level.

H. EXTRA CURRICULAR ACTIVITIES :

Jharkhand State Legal Services Authority shall make arrangement for Excursion Tours, Visits to Courts and other outdoor activities for the members of Legal Literacy Clubs. All expenditure shall be borne by the Jharkhand State Legal services Authority. District level, Regional level and state level Seminars/Workshops for the members shall be organized by JHALSA. At least one excursion tour in six months and one Seminar/Workshop in three months on the subjects relating to Children, Women, differently abled persons, Tribals and Poverty alleviation shall be organized. The members and teachers in charge of the Legal Literacy Clubs may be invited in the Seminars/Workshops organized by JHALSA at Ranchi from time to time and the travel /lodging/fooding expenses shall be borne by JHALSA.

I. SAVING:

Notwithstanding anything contained herein before, the JHALSA shall have power to alter any of the provisions or to introduce any new provision in the scheme or to issue guidelines to supplement or complement to the existing provisions for the purpose of effective and efficient functioning of the Clubs in general or any particular Club.

Appendix A

STUDENTS LEGAL LITERACY CLUB JHARKHAND STATE LEGAL SERVICES AUTHORITY

1. Name of the Club :
2. Date of Establishment :
3. Name of the School with details :
4. Name of the Headmaster :
5. Name of the Teacher-In-Charge :
6. Number of Members :

S. No	Name of the Member(s)	Class and Section
1		
2		
3		
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18]		
19		
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21		

S. No	Name of the Member(s)	Class and Section
22		
23		
24		
25		

Signature
Member Secretary JHALSA

Appendix B

Subject: - Action Taken Report in relation to Students Legal Literacy Club. JHARKHAND STATE LEGAL SERVICES AUTHORITY

- (i) Month under Report :.....
- (ii) No. of programmes organized / activities undertaken by the Clubs. :.....
- (iii) No. of applications for Legal services referred by the Clubs to SLISA for legal assistance :
.....
- (iv) No. of applicants provided with legal aid / assistance by SLISA out of those as referred by the Clubs) :.....

Please specify:

- a) Legal Aid provided :.....
- b) Legal Advice/ Counseling rendered:.....
- c) Disputes settled amicably on the basis of conciliation/Mediation.:.....
- (v) Other information if any:.....

Signature
Member Secretary, JHALSA

NAME AND ADDRESS OF THE CLUB:

CLUB INDEX : JHALSA/LLC/2016/ACTIVITIES REGISTER

S.No	Date	Brief Description of the Activities Undertaken

Full Signature of the Teacher in Charge

NAME AND ADDRESS OF THE CLUB:

CLUB INDEX : JHALSA/LLC/2016/RESOLUTION REGISTER

S.No	Date	Details of the Resolution Passed

No. of Members present

Full Signature of the Teacher in Charge

NAME AND ADDRESS OF THE CLUB:

CLUB INDEX : JHALSA/LLC/2016/

MEMBERSHIP REGISTER OF THE CLUB

MEMBERS OF THE CLUB FOR THE YEAR 2016-17

Club Name:

Club Index: JHALSA/LLC/2016/

S. No	Name of the member	Class and Section
1		
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16		
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19		

S. No	Name of the member	Class and Section
20		
21		
22		
23		
24		
25		

Signature

No/Dated...../

Copy forwarded to the Member Secretary, Jharkhand State Legal Services Authority,

Full Signature of the Teacher in Charge

NAME AND ADDRESS OF THE CLUB:

CLUB INDEX : JHALSA/LLC/2016/

DESPATCH REGISTER OF THE CLUB



JHALSA (Effective
Intervention for Assistance
to the people during the
pandemic Covid- 19) Scheme
2020

JHALSA (EFFECTIVE INTERVENTION FOR ASSISTANCE TO THE PEOPLE DURING THE PANDEMIC COVID- 19) SCHEME 2020

1. NAME OF THE SCHEME :

The Scheme shall be called the **JHALSA (Effective Intervention for Assisting to the people during the pandemic Covid-19) 2020.**

It shall be effective in the State of Jharkhand and shall guide the legal Services institutions of JHALSA and the DLSAs in their action on the subject.

2. STATEMENT OF OBJECT AND REASON

Whereas the Country is reeling under the ill-effects of the pandemic Covid-19. More than **one lac eighteen thousand persons** have been tested and confirmed as Corona positive. More than **3500 persons** have died. Globally more than **fifty two lacs persons** have been tested and confirmed as corona positive and more than three lacs persons have died. Economy of our Country as well as other Nations have suffered very badly.

Our country is home to every fifth person of the Earth. Only a fraction of our total work force are in the Organised Sector. Vast majority of same are in the Unorganized Sector. Many of them are migrant labourers.

Our Country is under continuous Lockdown since March 25th, 2020 and a number of unforeseen difficulties have come in the life of our people and the Nation.

It is the duty of one and all to stand up to the occasion and do their bit in right earnestness.

State of Jharkhand is a tribal State with majority of people belonging to the Scheduled Castes and Scheduled Tribe Communities. A number of Primitive Tribal Communities (PVTG) live in the remote forests. The state of Jharkhand is source State for cheap skilled as well as unskilled labour.

Lacs of people of the State of Jharkhand work in other States in unorganised sector as domestic helps, farm workers, construction workers, auto rickshaw drivers etc. They are experiencing a lot of survival issues. Basic necessities such as food, medicine etc – have become scarce.

Hon'ble Supreme Court of India, Hon'ble Jharkhand High Court and the other High Courts of India have issued a number of directions for the society and well being of the people during the pandemic Covid – 19 .

The High Powered Committee of the State of Jharkhand constituted pursuant to the order of Hon'ble Supreme Court of India in Suo Moto Case No- 1 / 2020 (comprising of Honble Executive Chairman, JHALSA as its Chairman, and Addl Chief Secretary, Department of Home, jail & Disaster Management along with the Jail I.G., Jharkhand as its Members) has issued a number of directions for the safety and well being of the inmates of various

Jharkhand Jails as well as the different Homes established under the J.J. Act, 2015 and the Member Secretary, JHALSA has been directed to take up the follow up actions for implementing those directions.

Further, the Hon'ble Executive Chairman, JHALSA has issued letter to the Chief Secretary, Govt of Jharkhand offering services of 2746 Para Legal Volunteers to assist the District Administration in its efforts to contain the pandemic. His Lordship has further approved for utilization of cost funds to provide food and medicine to poor and needy.

In view of above, there is urgent need to formulate a Scheme to work in a coherent manner, so that, all the stake holders may understand their role and responsibilities.

3. LEGAL BASIS

Sub clause (e) of Section 12 Legal Services Authorities Act, 1987 makes the victims of disasters, who are under circumstances of undeserved want as a result of such disaster, eligible for free legal services. But, in a disaster of catastrophic nature, whether it is natural or manmade, the victims are often taken unaware and are subjected to face the grim situation of loss of life, becoming homeless, destruction of property or damage to or degradation of environment and subject to human sufferings and damage beyond the coping capacity of the community of the affected area. In such a situation, a duty is cast on the Legal Services Authority to provide all possible help to the victims of disaster.

Govt of India has declared the pandemic as the disaster. Even though it is the duty of the Government and the Administration of the locality to come to the help of the victims, Legal Services Authorities, by virtue of sub-clause (e) of Section 12, can play an effective role by coordinating the activities of the State Administration in the disaster management by way of strategic plan and actions in an integrated and sustainable manner, reducing the gravity of the crisis and to help the poor and needy people. The Legal Services Authorities shall endeavour to help the victims and the administration for reducing risk and assisting them to adopt disaster mitigation policies and strategies, reducing the vulnerabilities of the geographical and social situation and strengthening their capacities for managing man made or natural disasters at all levels.

4. DEFINITIONS

- 1) In this Chapter, unless the context otherwise requires:—
 - (a) “Act” means the Legal Services Authorities Act, 1987 (39 of 1987);
 - (b) “Schedule” means a Schedule annexed to the Scheme;
 - (c) “Front Office” means a room in the Legal Services Institution where legal services are made available;
 - (d) “Legal Practitioner” shall have the meaning assigned to it in clause (i) of section 2 of the Advocates Act, 1961 (25 of 1961);

- (e) “Legal Services Institution” means the Supreme Court Legal Services Committee, a State Legal Services Authority, the High Court Legal Services Committee, District Legal Services Authority or the Sub-divisional Legal Services Committee, as the case may be;
- (f) “Panel Lawyer” means a legal practitioner empanelled as a Panel lawyer under regulation 8 of the NALSA (Free & Competent Legal Services) Regulations 2010;
- (g) “Para-Legal Volunteer” means a para-legal volunteer trained under the ‘National Legal Services Authority Scheme for Para Legal Volunteers’ and empanelled by a Legal Services Institution;
- (h) “Secretary” means the Secretary of the Legal Services Institution;
- (I) ‘Victim’ means the persons who have come across unforeseen difficulties due to the Pandemic or the resultantly Lock down and shut down of Economical activities; such as
 - ▲ who have lost their job.
 - ▲ who are stranded in another State.
 - ▲ who have no food/medicine due to National Lock down.
 - ▲ who have suffered mental agony due to Pandemic Covid-19 or the Lock down.
 - ▲ parents, children or siblings of the person infected with the Virus -SARS-CoV-2.
 - ▲ who are struck in the way in their endeavour to return home.
 - ▲ who have suffered an accident in the way to return home.

Note: The list is only inclusive and not exhaustive.

- (j) High Powered Committee means the Committee constituted in the light of the direction dated 23-3-2020 of the Hon’ble Supreme Court of India in Suo Motu Case No 1/2020.

5. GUIDING PRINCIPLES

- ▲ Miseries hit the poor hard.
- ▲ Children, women and elderly people are always most vulnerable in crisis.
- ▲ No Person can be allowed to starve .
- ▲ No Person should be allowed to die for want of medicine.
- ▲ In Disaster time, Legal Services Authority has solemn duty to work in close coordination with the Civil Administration to help the victims.

6. PLAN OF ACTION

- ▲ Prevention : of spread of Covid- 19
- ▲ Awareness : as to personal hygiene, use of mask, gloves, sanitizers and physical distancing.
- ▲ Providing : food grains/ medicine to the person in acute need of same from out of cost fund.
- ▲ Arranging : for Mobile Toilets at such Quarantine Centres where this facility is inadequate.
- ▲ Assistance : to Administration in conduct and management of Quarantine Centres.
- ▲ Assistance : to Administration in identification of persons in acute need of immediate relief measures.
- ▲ Assistance : to administration in distribution of food grains/ mask/ sanitizers/ medicine.
- ▲ Assistance : to the People of Jharkhand stranded in other States in their return to Jharkhand.
- ▲ Assistance : to the people of other States standard in Jharkhand in their return to their respective State.
- ▲ Assistance : to the migrant labourers in getting benefit (free food grains/ money) from Govt. of Jharkhand.
- ▲ Assistance : to the people in getting the benefit arising out of Govt of India Policy/ Relief measure.
- ▲ Assistance : to the migrant labourers in getting proper opportunities of employment.

7. CORE COMMITTEES

There shall be a Core Committee at State and District level for monitoring and mentoring purposes. Its primary duty would be to bring about coherence and cooperation amongst the various departments and functionaries for optimal result. It shall meet virtually or otherwise at such interval as fixed by the Chairperson of the State or District Level Core Committee.

State Level Core Committee shall comprise of the Member Secretary, JHALSA as its Chairperson and Joint Secretary level officers of Home, Jail & Disaster Management Department, Health Department, Labour Department, Deptt. of Law (Judicial) and the WCD & Social Security Department as its Members. Dy. Secretary, JHALSA shall be the Secretary of the State Level Core Committee . He shall assist the Committee as per the directions of its Chairperson.

District Level Core Committee shall comprise of the Chairman, DLSA as its Chairperson, Vice Chairperson of the DLSA (D.C.) as its Vice Chairperson, Executive Member of the DLSA (S.P.) as its Executive Member and Civil Surgeon of the District as its Member. The Secretary, DLSA shall be the Secretary of the District Level Core Committee. He shall assist the Committee as per the directions of its Chairperson.

State Level Core Committee shall present progress report at least once on fortnightly basis before the Hon'ble Executive Chairman, JHALSA for His Lordship's kind perusal and necessary directions.

District Level Core Committee shall present progress report at least once on monthly basis before the JHALSA for placing before the State Level Core Committee for further needful.

8. TRAINING PROGRAMME/WORKSHOP FOR THE PARA LEGAL VOLUNTEERS

JHALSA shall coordinate with the State Disaster Management Authority for virtual training of Para Legal Volunteers at District level. The services of Para Legal Volunteers may be utilized by the State or the District Disaster Management Authorities as per their requirement. The honorarium as fixed by JHALSA shall be paid to the PLVs by the DLSA .

9. COURT BASED LEGAL SERVICES

- ▲ Since movement is restricted during the lock down, the legal aid seekers are not supposed to come to Taluk Legal Services Committee/ DLSA/SLSA for legal aid, therefore, their Legal aid request should be obtained online by sending bulk SMSes to all the mobile users in the locality and giving them the helpline numbers.
- ▲ Request for help may be sent to the Secretary of the DLSA/HCLSC/Member Secretary on their whatsapp number.
- ▲ Pre-litigation stage counselling or Mediation may be continued to be conducted virtually via technological tools.
- ▲ PLVs who have been provided with the 4G Mobile Phones by JHALSA shall help the people in need of legal aid to interact with the Secretary of the DLSA/HCLSC or the Member Secretary, JHALSA.

Member Secretary, JHALSA on his mobile no. 8986601912 (this is whatsapp no. as well) or on email-jhalsaranchi@gmail.com

Email id & Contacts details of DLSAs are as follows :

Name of District	DLSA Chairman Contact	DLSA Secretary Contact
BOKARO <dlsabokaro@gmail.com>	L.L.- 06542- 222488 M : 9431126828	9431350935
CHAIBASA <dlsachaibasa@gmail.com>	LL-06582-258600 Mob: 9431163108	9431162084
CHATRA <dlsachatra@gmail.com>	LL- 06541-222036 Mob: 9431140331	9430734303
DEOGHAR <deoghardsa@gmail.com>	06432-231066, 9431137885	7294181381
DHANBAD <dlsa.dhanbad@gmail.com>	LL-03262311790, Mob : 9431126026	9471725596
DUMKA <dlsadumka@gmail.com>	LL-064-34236062, 9431130451	7091622651
GARHWA <dlsagarhwa@gmail.com>	LL-06561223448, Mob: 9431775680	9955684686

GIRIDIH <dlsagiridih@gmail.com>	LL-06532-222171	7319853377
GODDA <dalsagodda@gmail.com>	LL-06422-222005 Mob: 9431516559	9472788462
GUMLA <dlsagml38@gmail.com>	LL-06524223149, 9431116939	9472758172
HAZARIBAGH <dlsahazaribag@gmail.com>	LL-06546266354, 943114040946	9939201624
JAMSHEDPUR <jamshedpurdlsa@gmail.com>	9431133881	9430780325
JAMTARA <dlsajamtara@gmail.com>	LL: 06433222003 Mob: 9431130967	9934373894
KHUNTI <khuntidlsa@gmail.com>	LL:06528220671 Mob: 9431302696	9771391585
KODERMA <dlsakoderma@gmail.com>	LL: 06534252515, 8986868813	8789304361
LATEHAR <dlsalatehar@gmail.com>	9431135500	8987736366
LOHARDAGA <dlsalohardaga@gmail.com>	LL: 06526222264 Mob: 9431391606	9431318932
PAKUR <dlsapakur@gmail.com>	LL: 06435220406 Mob: 94313137409	9470314478
PALAMU <dlsapalamu123@gmail.com>	LL:06562225004 Mob: 9431136805	8757269596
RAMGARH <secretarydlsaramgarh.court@gmail.com>	LL: 06553261593 Mob: 9472746268	8987464765
RANCHI <dlsaranchi@gmail.com>	LL: 06512202414 Mob: 9431391484	9431319907
SAHIBGANJ <dlsasahibganj@gmail.com>	LL: 06436223095 Fax: 06436222215 Mob: 9431139308	9471521725
SARAIKELA <dlsaseraikellakharswan@gmail.com>	LL: 06597234201 Mob: 9431522180	8987597517
SIMDEGA <dlsasimdega@gmail.com>	LL: 06525225710 Mob: 9431391489	8987608228
SDLSC Madhupur	9431137885	9835928066
SDLSC Ghatshila	9431133881	8210688218
SDLSC Rajmahal	9431139308	9546459225
SDLSC Tenughat	9431126825	9279710950



10. STRATEGIC INTERVENTION BY THE JHARKHAND STATE LEGAL SERVICES AUTHORITY

The strategy for intervention by the Jharkhand State Legal Services Authority for helping the victims of the Pandemic shall be on the following lines:

1. Ensuring immediate help including Medical Help in close coordination with the District Administration and the Civil Surgeon.
2. Coordinating the activities of different DLSAs and the NGOs for bringing immediate relief.
3. Supervising the distribution of relief materials.
4. Assisting the victims in getting temporary shelter or transporting the victims to a safer place.
5. Effecting the reunion of families.
6. Ensuring the health care and sanitation of the victims and preventing the spread of epidemic.
7. Supervising the needs of women and children.

8. Ensuring the availability of food, medicine and drinking water.
9. Keeping Pamphlets in the Relief Camps or Quarantine Centre on the beneficial schemes for the victims.
10. Opening Temporary Legal Aid Clinics in the affected areas for assisting the migrant labourers/ other needy persons in documentation for availing benefits/reliefs
11. Assisting in the rehabilitation, care and future education of orphaned children.
12. Taking steps for appropriate debt relief measures for the victims.
13. Assisting rehabilitation of the old and disabled who lost their supporting families.
14. Assisting in the resolution of problems relating to Insurance Policies.
15. Arranging Bank Loans for restarting the lost business and avocations.
16. Arranging for psychiatrist's help / counselling to the victims who are subjected to physiological shock and depression on account of the disaster.
17. Arranging for treatment and, if necessary, for hospitalization of the victims.

11. MACHINERY FOR LEGAL SERVICES

Jharkhand State Legal Services Authority has established a Core Group in all Districts under the control of the District Legal Services Authorities to spring into action in the event of a disaster, whether manmade or natural.

The District Core Group of the DLSA shall be responsible to coordinate the efforts as per the Scheme and utilize the infrastructure of the JHALSA in the District to carry out the objectives of this Scheme.

District Legal Services Authority shall collect daily reports from the Core Group working at the location of the disaster. Copies of such reports shall be sent to this Authority. This Authority shall consolidate the reports and send a comprehensive report to the National Legal Services Authority and copies thereof shall also be sent to the Disaster Management Authorities of the State and District.

12. MODE OF ASSISTANCE

Adverse Circumstances	Assistance to be provided by JHALSA/DLSA
Without food	Food grains
Without shelter	Shelter in Rain Baseras Temporary arrangements in tents, if no rain basera arrangement of mobile toilets and water tankers
Without medical assistance	Medicine distribution and if necessary, hospitalization
Without another pair of clothes	Clothes
Victim of violence	Court based legal aid along with compensation and if necessary hospitalization

Stranded in another State	Arrangement of food/medicine/shelter as well as their return in coordination with the host SLSA
Jail Inmates	Coordinating with the Jail Inspectorate in implementation of the decisions of the High Powered Committee
Inmates of Children Home/Observation Home/Shelter Home etc	Coordinating with the WCD & Social Security Department in ensuring medical facility, fumigation, sanitization and arranging for counselling and if necessary - hospitalization and implementation of the decision of the High Powered Committee
Migrant Labourers returning Jharkhand	Coordinating with the District Administration in ensuring benefits of the Scheme relating to food/work/shelter/education/ monetary benefits etc

13. MAINTENANCE OF RECORDS

It shall be the duty of the Secretary, DLSA to maintain the records of the :

- ▲ Victims assisted
- ▲ kind of assistance
- ▲ how the DLSA or the Victim reached the other

Such record is highly helpful in evolving the best practices for JHALSA and also for the guidance of future generations.

14. CAPACITY BUILDING OF THE WORK FORCE

Past norms and practices have come to stand still for a prolonged time. We shall not be able to allow large gatherings in near future. Legal aid seekers will have to be attended at their place of abode or through online modes. They must get legal services without any need to visit Legal Services Institutions. Therefore, digitisation is the only way to remain relevant.

JHALSA shall commence e-learning programme for the PLVs, Panel Lawyers and Mediators for making them future ready.

JHALSA shall arrange for Para Medical Training for the Para Legal Volunteers, so that, their help may be taken by the Administration wherever needed.

15. HOW TO CONTACT

Any person in need of assistance may contact :

- ▲ Member Secretary, JHALSA and Secretary DLSAs mobile number and email provided in Para 9.

16. AWARENESS / PROPAGATION ABOUT THE SCHEME

JHALSA shall propagate this Scheme through Print and Electronic Medium including Kanoon ki Baat programme on Doordarshan and All India Radio.

DLSA shall take every endeavour for wide publicity of this Scheme so that no person in need of the benefit under the Scheme may remain unaware and unattended.

17. MOTIVATIONAL

The Pandemic had catastrophic effect on well being of People and Nations. Such situation comes once in several hundred of years. We take this unfortunate situation as a challenge to work with increased dedication for saving lives and serving the human beings.

Anything that is done in furtherance of this scheme shall save human lives, therefore, our workforce have to work very hard round the clock.

Presently, nothing matters more than ameliorate sufferings of poor people and save their lives.

SCHEDULE - 1

Letter of Hon'ble Executive Chairman, JHALSA to the Chief Secretary, Jharkhand

Letter No. JHALSA/517

Ranchi, 20th March, 2020

As we all are one and united in combating the pandemic Covid-19, I want to apprise you that we have a force of 2745 Para Legal Volunteers (PLVs) across the State of Jharkhand. The PLVs are our workforce at grass root level to render services to the people of the State with a view to achieve the aims and objectives of National Legal Services Authority, which include the services of people in the event of disaster or natural calamities.

In this state of emergency due to pandemic Covid-19, if the District Administration throughout the State of Jharkhand need any help of manpower for creating awareness amongst the people of Jharkhand at Taluka or Village levels for combating the threat of Covid-19, the services of our PLVs may be utilised for that purpose.

Their services may also be utilised for helping the medical team in case of emergency, provided necessary precautionary/security measures are made available to them by the medical team for their personal safety.

For the purpose of utilising their services, the Principal District Judge of the District who is the Chairman of District Legal Services Authority (DLSA) or the Secretary, DLSA may be requested by the concerned District Administration.

We are also issuing necessary directions to the District Legal Services Authorities of the Jharkhand in this regard.

In case the services of PLVs are utilised, the necessary expenses shall be borne by the concerned DLSA.

The District Administration in the State of Jharkhand should feel free to take the help of PLVs through the Chairperson/Secretary of the respective DLSA with a view to combating the pandemic Covid-19. Necessary direction may be issued at your end to all the District Authorities of Jharkhand in this regard.

Thanking you.

(Justice H.C. Mishra)
Executive Chairman

Dr. D.K. Tiwari, IAS
Chief Secretary
Govt. of Jharkhand

SCHEDULE - 2

Letter of Hon'ble Executive Chairman, JHALSA to the Chief Secretary, Jharkhand

Hon'ble Supreme Court of India was pleased to issue direction on 23-3-2020 in SUO MOTU WRIT PETITION (C) NO. 1/2020 for constitution of the High Powered Committee in each State and U.T. of India for decongesting the prisons and preventing the outbreak of Covid-19 pandemic in the Prisons. Accordingly the Govt of Jharkhand constituted the Committee on 26.03.2020 as follows :

Executive Chairman, JHALSA - Chairman,
Additional Chief Secretary, Department of Home, Jail
& Disaster Management Jharkhand - Member and
I.G. Prisons, Jharkhand - Member

A number of landmark measures were taken by the Committee in its virtual meetings on 26-3-2020, 7-4-2020, 17-4-2020 and 28-4-2020. Glimpses of those decisions are as follows :

High Powered Committee Meeting on 26.03.2020

In order to minimize the threat of the pandemic COVID-19 virus in the prisons, the following decisions were taken in the virtual meeting of the Committee:-

- Immediate Steps be taken to shift the inmates from the overcrowded jails to such nearby Jails in which the number of prisoners are less than the capacity. In this process, if practicable, the custody of the inmates shall not be transferred, only the inmates shall be shifted as ad interim measure to other jail. If necessary, the production of such inmates in Court may be ensured through Video Conferencing.
- The State Government shall also immediately work out on the feasibility of making the finished jail buildings at Chakradharpur, Barhi and Nagar Untari, as make shift prisons for the present, if these buildings are made functional as make shift prisons, the problem of overcrowding the prisons shall be solved for the present.
- All endeavours shall be made to keep the number of inmates in a jail well within the maximum capacity of the concerned jail
- All steps for proper sanitizing all the jail premises be taken as per the protocol for disinfecting the jail premises on continuous basis.
- Social distancing protocol should also be adhered to as far as practicable, and all the preventive measures such as use of masks, soap and sanitizers be undertaken as per the protocol.

- Strict vigil should be kept for any suspected case of infected prisoner, and in case of detection of such case, proper steps as per medical protocol be immediately taken.
- In the medical wards of each jail, isolation space be earmarked.
- The old jail premises of Ranchi is being developed as a Museum, If the structure of Medical ward of the old jails is still available and not demolished/reconstructed, the State Govt. should work out on the practicability of preparing it as an isolation ward and nodal treatment hospital for the prisoners infected with Covid-19 virus across the State, to keep and treat the infected inmates in isolation, in case of break of COVID-19 amongst the jail inmates.
- All the Police Stations in the State be reminded to ensure the compliance of the guidelines of the Hon'ble Apex Court in Para 11 of ArneshKumar Vs. State of Bihar, reported in (2014) 8 Sec. 273.
- The proposal for consideration of release of the inmates from the overcrowded jails on parole or interim bail shall be undertaken after assessing the necessity thereof after the reallocation of the inmates of the overcrowded jails, which is expected to take a definite shape by the next meeting of the Committee. This is also necessary due to Nation wide lockdown presently in force.
- Member Secretary, JHALSA shall coordinate with the concerned Departments of the State Govt. and the I.G. Prisons for the follow up actions of this meeting. The list of petty cases shall be obtained from jails for placing in the next meeting

High Powered Committee Meeting on 07.04.2020

In order to minimize the threat of the pandemic COVID-19 virus in the prisons, the following decisions were taken in the virtual meeting of the Committee:-

- Steps to shift the inmates by the Jail Authorities from the overcrowded jails to such nearby Jails in which the number of prisoners are less than the capacity may be expedited. In this process, the custody of the inmates shall not be transferred, only the inmates shall be shifted, as an interim measure, to other jail. The production of such inmates in Court may be ensured through Video Conferencing, as and when necessary.
- Inmates ought to be made aware of social distancing protocol and all the preventive measures such as use of masks, soap and sanitizers be undertaken as per the protocol.
- Strict vigil should be kept for any suspected case of infected prisoner/child, and if any one is detected, proper steps as per medical protocol be immediately taken.
- Necessary steps shall be taken by the Member Secretary, JHALSA to provide legal aid to the prisoners involved in offences punishable up to seven years of imprisonment, who are not involved in heinous or economic offences or the offences relating to naxal activities and

have no or less criminal antecedents to move application on their behalf for their release on bail or interim bail till the threat of Covid-19 persists.

- Member Secretary, JHALSA shall intimate all the Principal District Judges cum Chairpersons of the DLSAs of Jharkhand that this Committee has resolved that the Courts be requested to consider the bail applications of the under trial prisoners involved in the offences of petty nature and the offences as mentioned in para-H above liberally and in appropriate cases grant them bail or at least interim bail for the period of 45 days for the present. In appropriate cases releasing these persons on personal bonds may also be considered by the Courts concerned. In case the bail application of any such person has been rejected by the High Court, their application shall be filed before the High Court.

High Powered Committee Meeting on 17.04.2020

In order to minimize the threat of the pandemic COVID-19 virus in the prisons, the following decisions were taken in the virtual meeting of the Committee:-

- Expeditious reallocation of the inmates from the overcrowded jails to such nearby Jails in which the number of prisoners are less than the capacity shall be made
- All the inmates shall be provided with the masks prepared in the Jail to be compulsorily used by them.

High Powered Committee Meeting on 28.04.2020

In order to minimize the threat of the pandemic COVID-19 virus in the prisons, the following decisions were taken in the virtual meeting of the Committee:-

- Govt should explore the possibility to house inmates in the Hazaribagh Open Jail by creating necessary infrastructure there
- All the inmates should be provided with the masks prepared in the Jail
- Govt should consider that the lock down violation of trivial nature may be fined on the spot so as not to increase the number of jail inmates

SCHEDULE - 3

To
The D.G.P.
Jharkhand, Ranchi

Ref : Direction of Hon'ble Supreme Court of India in SUO MOTU WRIT PETITION (C) NO. 1/2020 vide Order dated 23.03.2020.

Sir,

As your good self is well aware about the directions of Hon'ble Supreme Court of India in SUO MOTU WRIT PETITION (C) NO. 1/2020 (copy attached), undersigned may kindly apprise your good self that the virtual meeting of the High Powered Committee (**Hon'ble Mr. Justice H.C. Mishra, Judge, High Court of Jharkhand & Executive Chairman, JHALSA - Chairman, Sri Sukhdeo Singh ,IAS, Addl. Chief Secretary, as he then was now the Chief Secretary, Jharkhand- Member and Sri Shashi Ranjan, IAS, I.G. Prisons, Jharkhand - Member**) took place on 26-3-2020.

In the light of the directions of the Hon'ble Apex Court, a number of decisions were taken in the meeting including the decision No (H) as follows :

H) All the Police Stations in the State be reminded to ensure the compliance of the guidelines of the Hon'ble Apex Court, as enshrined in Para 11 of Arnesh Kumar Vs. State of Bihar, reported in (2014) 8 SC 273.

The Competent Authority has been pleased to direct me to request your good self to issue necessary directions for compliance of the guidelines of the Hon'ble Apex Court, as enshrined in Para 11 of Arnesh Kumar Vs. State of Bihar, reported in (2014) 8 SC 273. (copy enclosed) by all the police stations of Jharkhand.

This may kindly be given top most priority.

Thanking you,

Sincerely Yours

Arun Kumar Rai
(Principal District Judge)
Member Secretary

To
**All the Principal District Judges cum Chairpersons
 District Legal Services Authorities of Jharkhand
 including the Judicial Commissioner cum Chairman
 District Legal Services Authority, Ranchi**

Sir,

As your good self is well aware about a number of steps being taken to decongest the Jharkhand prisons with a view to prevent outbreak of the pandemic Covid-19 in the jails, one of the measure identified is to touch those prisoners who have been granted bail by the Courts, but, are unable to arrange for bailors due to Nation wide lockdown.

His Lordship the Hon'ble Executive Chairman, JHALSA has been pleased to view that such prisoners should be provided effective legal services in the form of legal aid lawyer for filing suitable application in the concerned Court for modification in the condition of bail.

The Competent Authority has been pleased to approve the proposal for undertaking the due diligence as follows:

- the DLSAs shall compile list of such prisoners who have been granted bail during the period 18-3-2020 to 25-3-2020, but, could not furnish bail bonds due to lockdowns
- the DLSAs of Jharkhand shall seek the wish of such prisoners as to whether they want legal aid for seeking modification in the bail order and communicate the list of such cases to JHALSA which are related to the Hon'ble Court
- legal services panel lawyers shall be appointed by the DLSA/HCLSC to seek such modifications in the bail orders in such matters relating to bail granted by the Sessions Court/Magistarial Court. In such case, the legal aid lawyer shall file urgent application which may be considered in accordance with law.

As directed, your good self is requested to give effect to the directions of His Lordship in letter and spirit.

Thanking you,

Sincerely Yours

Arun Kumar Rai
 Member Secretary

To,

All the Principal District Judges-cum-Chairpersons
District Legal Services Authorities including the Principal Judicial Commissioner-cum-
Chairman
District Legal Services Authority, Ranchi
Jharkhand

Sub : Rendering assistance to the prisoners wishing to engage lawyer on their own
Sir,

As your good self is well aware about extension of lockdown till 3-5-2020, the prisoners willing to engage their own choice lawyer have been facing great hardships. Their relatives are not able to reach out to prisoners for taking vakalatnama for engaging a lawyer of the choice.

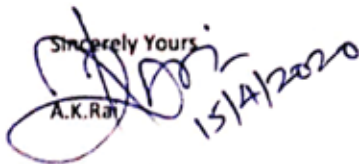
The Competent Authority has been pleased to view that the Legal Services Authorities across the State must live up to the expectations of present difficult times.

His Lordship has been pleased to approve as follows :

- The prisoner may intimate the DLSA through the Jail Authorities about his wish to engage lawyer on his own (name of the advocate). The Jail Authority shall send the executed vakalatnama to the DLSA.
- An advocate may reach out to the DLSA for obtaining Vakalatnama from a prison with an undertaking that he/she has instructions from the relative/pairvikar of the prisoner to represent the prisoner
- The DLSA shall email the vakalatnama to the prisoner through the jail authorities
- The DLSA shall provide the Vakalatnama to the concerned Advocate
- All other DLSAs except Ranchi shall email the executed vakalatnama to JHALSA , if the Advocate in question is practising in the High Court of Jharkhand
- The Chairpersons of the DLSAs of Jharkhand shall intimate the District Bar about this arrangement/ facility
- The Member Secretary, JHALSA shall intimate the Jharkhand State Bar Council and the three Associations of Lawyers at High Court level

This may kindly be given top most priority.

Thanking you,

Sincerely Yours,

A.K. Rai
Member Secretary
JHALSA, RANCHI
15.04.2020



NYAYA SADAN

JHARKHAND STATE LEGAL SERVICES AUTHORITY (JHALSA)

NEAR A.G. OFFICE, DORANDA, RANCHI-834002

Phone: 0651-2481520 (O), 2482392, Fax: 2482397, E-mail- jhalsaranchi@gmail.com

PATRON-IN-CHIEF

Hon'ble Chief Justice
Jharkhand High Court

RefNo: JHALSA/Nil/2020

Dated : 18-4-2020

Executive Chairman

Justice H.C.Mishra

Judge
Jharkhand High Court

To,

All the Principal District Judges-Cum-Chairmen
District Legal Services Authorities
State of Jharkhand, including
The Judicial Commissioner-cum-Chairman
District Legal Services Authority, Ranchi and

MEMBER SECRETARY

Arun Kumar Rai
(Pr. District Judge)

Sub: Regarding effective assistance to the people of
Jharkhand(labourers, students, patients etc) stuck in another
States due to lock down

Sir,

As your good self is well aware about the Nationwide Lock down since
25-3-2020, this Authority is flooded with the request of the people of Jharkhand stuck
in another State due to lock down for help. Many of them have run out of food grains,
money and medicine. All of them are in urgent need of assistance.

The Competent Authority has been pleased to direct as follows :

- DLSA shall reach out to the relatives of those persons referred to above
living in the District to know about the kind of assistance- they need for
their relatives stuck in another State / their relatives stuck in another
State need.
- DLSA shall intimate the name, parentage, address in another state, , mobile
no of the person to JHALSA for further needful at its level
- DLSA shall take care of food, shelter and medicinal need of the
labourers/students/patients of other States in coordination with the District
Administration. In appropriate cases , the cost fund may be utilized for the
purpose
- The DLSA shall widely propagate through the Print and other Media about
the initiative and give Contact number of DLSA and JHALSA officer
(whatsapp number) for anybody to send request.
- JHALSA shall take up the matter with the concerned SLISA for effectively
assisting the people of Jharkhand with food and medicine/counselling.

- J
- Member Secretary shall intimate all the SLSAs to inform as to their wish for any assistance of the kind referred to above to the people of their State stuck in Jharkhand. Those persons shall be assisted with food, shelter, Medicine, Counselling in close coordination with the Govt Authorities. **In appropriate cases , the cost fund may be utilized for the purpose**

Accordingly, your good self is requested to give effect to the directions of His Lordship in letter and spirit.

This may kindly be treated as the most urgent.

Thanking you,

Sincerely Yours
SD.
(Member Secretary)

Copy to Member Secretaries of all the SLSAs of India for information and needful.


Member Secretary

To

All the Principal District Judges cum Chairpersons

District Legal Services Authorities of Jharkhand

including the Judicial Commissioner cum Chairman

District Legal Services Authority, Ranchi

Ref : Decision of the High Powered Committee constituted in the light of the direction of Hon'ble Supreme Court of India in SUO MOTU WRIT PETITION (C) NO. 1/2020 vide Order dated 23.03.2020.

Sir,

As your good self is well aware about the directions of Hon'ble Supreme Court of India in SUO MOTU WRIT PETITION (C) NO. 1/2020 (copy attached), undersigned may kindly apprise your good self that the virtual meeting of the High Powered Committee (Hon'ble Mr. Justice H.C. Mishra ,Judge, High Court of Jharkhand & Executive Chairman, JHALSA - Chairman , Sri Sukhdeo Singh, IAS, Chief Secretary, Govt of Jharkhand Member, and Sri Shashi Ranjan, IAS, I.G. Prisons, Jharkhand - Member) took place on 7-4-2020 .

In the light of the directions of the Hon'ble Apex Court, a number of decisions were taken in the meeting including the decisions No (H) & (I) as follows :

(H) Necessary steps shall be taken by the Member Secretary, JHALSA to provide legal aid to the prisoners involved in offences punishable up to seven years of imprisonment, who are not involved in heinous or economic offences or the offences relating to naxal

activities and have no or less criminal antecedents to move application on their behalf for their release on bail or interim bail till the threat of Covid-19 persists.

(I) Member Secretary, JHALSA shall intimate all the Principal District Judges cum Chairpersons of the DLSAs of Jharkhand that this Committee has resolved that the Courts be requested to consider the bail applications of the under trial prisoners involved in the offences of petty nature and the offences as mentioned in para-H above liberally and in appropriate cases grant them bail or at least interim bail for the period of 45 days for the present . In appropriate cases releasing these persons on personal bonds may also be considered by the Courts concerned . In case the bail application of any such person has been rejected by the High Court, their application shall be filed before the High Court.

The Competent Authority has been pleased to direct me to request your good self to take necessary steps - i. To comply the aforesaid resolutions in letter & spirit and - ii. to inform such category of prisoners, as referred to above, as to the resolution of the High Powered Committee so that they may move an application **before the Hon'ble Court . They may also be made aware of their right to free & competent legal aid to move such application through the High Court Legal Services Committee.**

This may kindly be given top most priority.

Thanking you.

Sincerely Yours


Arun Kumar Rai

(Principal District Judge)

Member Secretary

Date : 6-4-2020

To

All the Principal District Judges cum Chairpersons
District Legal Services Authorities of Jharkhand
including the Judicial Commissioner cum Chairman
District Legal Services Authority, Ranchi

Sir,

As your good self is well aware about a number of hardships to the people of our Nation due to the Pandemic Covid-19, His Lordship has viewed that we have to live up to the expectations of present time and spring in to action to help the hapless poor & needy persons who are :

- without food
- without shelter
- without medical assistance
- without another pair of clothes
- victim of violence

His Lordship the Hon'ble Executive Chairman, JHALSA has been pleased to view that such persons ought to be provided with the most essential assistance to ensure their survival , such as :

- food distribution
- shelter in rain baseras
- temporary arrangements in tents, if no rain basera
- medicine distribution
- arrangement of mobile toilets and water tankers
- awareness as to safety measures and vital contact numbers
- other

His Lordship has wished the DLSAs to identify the vulnerable persons/families/areas through our robust legal aid clinics / technology to reach out aforesaid assistance in close coordination with the District Administration.

Therefore,as directed, your good self is requested to give effect to the directions of His Lordship in letter and spirit in the present difficult times . The cost-fund may be utilized to meet the expenses.

Thanking you,

Sincerely Yours

Arun Kumar Rai
Member Secretary

JHALSA (Effective
Intervention for Reducing
Hunger & Prevention of
Starvation Death)
Scheme 2020

JHALSA (EFFECTIVE INTERVENTION FOR REDUCING HUNGER & PREVENTION OF STARVATION DEATH) SCHEME 2020

1. NAME OF THE SCHEME:

The Scheme shall be called the JHALSA (Effective Intervention for Reducing Hunger & Prevention of Starvation Death) Scheme 2020 .

It shall be effective in the State of Jharkhand and shall guide the District Legal Services Authorities in their action on the subject.

2. STATEMENT OF OBJECT AND REASON:

Nation and its farmers produce food grains sufficient to feed its people. The Food Godowns of Government are full of food grains. Central as well as Government of Jharkhand have policy & Schemes to prevent starvation and any death due to hunger. Parliament of India has passed the National Food Security Act 2013. Based on the Act, the Government has framed several food security Schemes. The persons below the poverty line are eligible for the benefit of all the Food Schemes. But, still, a number of people have to rise as well as sleep hungry. State of Jharkhand is a tribal State with majority of people belonging to the Scheduled Castes and Scheduled Tribe Communities. A number of Primitive Tribal Communities (PVTG) live in the remote forests. They are required to be taken very good care of. All of them are eligible for the benefits of Food Security Schemes, so that, they may never suffer from starvation.

Due to shortage of manpower, some times, the benefit of Scheme does not reach the person in acute need thereof. It is the duty of one and all to stand up to the occasion and do their best in right earnestness. JHALSA has trained about three thousand para legal volunteers at Panchayat Level.

Therefore, Jharkhand State Legal Services Authority has resolved to bridge the gap between the people living without two times' proper meal and the benefit of Food Grains Scheme .

3. LEGAL BASIS

- ▲ **Article 21:** "No person shall be deprived of his life or personal liberty except according to procedure established by law."
- ▲ **Article 39(a):** "The State shall direct its policy towards securing that the citizen, men and women equally, have the right to an adequate means of livelihood..."

- ▲ **Article 47:** “The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties...”
- ▲ **Article 32(1):** “The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed.”
- ▲ Supreme Court Orders in the Right to Food Case (PUCL vs Union of India and Others, Writ Petition (Civil) 196 of 2001)
- ▲ **National Food Security Act 2013**
- ▲ Since food is essential for survival, the right to food is an implication of the fundamental “right to life” enshrined in Article 21 of the Indian Constitution. In the famous Right to Food Case “PUCL vs Union of India and Others, Writ Petition (Civil) 196 of 2001”, most of the orders consist of directions to the governments i.e. the Central Government and the State Governments. This is because the prevention of hunger and starvation is “one of the prime responsibilities of the Government - whether Central or State”.
- ▲ On 29 th October 2002, the Court also declared that starvation deaths would be taken as evidence that its orders have not been implemented. Further, Chief Secretaries may be held responsible for incidents of starvation deaths. The same order directed the Central and State Governments to ensure that Antyodaya Anna Yojana is extended to “the destitute section of the population”. It is clear that the time has come to abolish hunger, starvation deaths and extreme destitution completely .
- ▲ Hon’ble Supreme Court of India ,in this PIL , on 28th November 2001 converted the benefits under these eight food-related schemes: (1) the Public Distribution System (PDS); (2) Antyodaya Anna Yojana (AAY); (3) the National Programme of Nutritional Support to Primary Education, also known as “Mid-Day Meal Scheme”; (4) the Integrated Child Development Services (ICDS); (5) Annapurna; (6) the National Old Age Pension Scheme (NOAPS); (7) the National Maternity Benefit Scheme (NMBS); and (8) the National Family Benefit Scheme (NFBS) into legal entitlements. This means, for instance, that if someone has an Antyodaya Card but he is not getting his full quota of 35 kg of grain per month at the official prices (Rs 3/kg for rice and Rs 2/kg for wheat), he can claim his due as a matter of right, by going to Court if necessary.
- ▲ **“UMBRELLA” ORDERS**
 1. **Responsibility for compliance:** Chief Secretaries of the concerned states “shall be held responsible” for any “persistent default in compliance with orders”.

2. **Accountability to Gram Sabhas:** “The Gram Sabhas are entitled to conduct a social audit into all Food/Employment Schemes and to report all instances of misuse of funds to the respective implementing authorities, who shall on receipt of such complaints, investigate and take appropriate action in accordance with law.”
 3. **Access to information:** “The Gram Sabhas are empowered to monitor the implementation of the various schemes and have access to relevant information relating to, inter alia, selection of beneficiaries and the disbursement of benefits.”
 4. **Dissemination of Court Orders:** 11 Chief Secretaries have been directed “to translate and permanently display” the orders dated 28 th November, 2001 and 8th May, 2002 “on all the Gram Panchayats, School Buildings and Fair Price Shops”. The Central Government is to give “wide publicity” to these orders through All India Radio and Doordarshan.
 5. **Schemes not to be discontinued:** “No scheme covered by the orders made by this Court shall be discontinued or restricted in any way without the prior approval of this Court.”
 6. **Full utilization of grain quotas:** “We direct all the State Governments to forthwith lift the entire allotment of foodgrains from the Central Government under the various Schemes and disburse the same in accordance with the Schemes.”
4. **HON’BLE EXECUTIVE CHAIRMAN, JHALSA** — has approved the proposal to involve 2746 Para Legal Volunteers of JHALSA to assist the District Administration in its efforts to reduce the hunger and prevent starvation deaths. His Lordship has further approved for utilization of cost funds to provide food and medicine to the persons in acute need thereof.

Therefore, there is urgent need to formulate a Scheme for the District Legal Services Authorities of Jharkhand to work in a coherent manner, so that, all the stake holders may understand their role and responsibilities and work accordingly .

5. DEFINITIONS

- 1) In this Chapter, unless the context otherwise requires:—
 - (a) “Act” means the Legal Services Authorities Act, 1987 (39 of 1987);
 - (b) “Schedule” means a Schedule annexed to the Scheme;
 - (c) “Front Office” means a room in the Legal Services Institution where legal services are made available;

- (d) “Legal Practitioner” shall have the meaning assigned to it in clause (i) of section 2 of the Advocates Act, 1961 (25 of 1961);
- (e) “Legal Services Institution” means the Supreme Court Legal Services Committee, a State Legal Services Authority, the High Court Legal Services Committee, District Legal Services Authority or the Sub-divisional Legal Services Committee, as the case may be;
- (f) “Panel Lawyer” means a legal practitioner empanelled as a Panel lawyer under regulation 8 of the NALSA (Free & Competent Legal Services) Regulations 2010;
- (g) “Para-Legal Volunteer” means a para-legal volunteer trained under the ‘National Legal Services Authority Scheme for Para Legal Volunteers’ and empanelled by a Legal Services Institution;
- (h) “Secretary” means the Secretary of the Legal Services Institution;
- (I) Right to Food Act means the National Food Security Act 2013;
- (J) Vulnerable persons means those who are entitled to the benefits of the Antyodaya Anna Yojna, but, not yet provided benefits thereunder;

6. GUIDING PRINCIPLES

- Our Constitution mandates us to ensure that the people live with human dignity
- Children, women and elderly people are always most vulnerable in crisis.
- No Person can be allowed to starve .
- No Person should be allowed to die for want of food.
- Legal Services Authority has solemn duty to work in close coordination with the Civil Administration to help it in reaching out to the vulnerable persons

7. STARTEGIC INTERVENTION FOR;

- Prevention: of starvation death;
- Awareness : as to Right to Food Act, Awas Yojna, Livelihood Schemes;
- Providing : food grains/ medicine to the person in acute need of same from out of cost fund;
- Arranging : for Camps at the village level for extending the benefits of Right to Food Act;
- Assistance : to Administration in holding Camps, identification of vulnerable persons & fulfilment of paper works;

- Assistance : to Administration in identification of persons in acute need of immediate relief measures;
- Assistance : to administration in distribution of food grains/ other benefits;
- Offering : to the District Administration the services of the Legal Services Clinics;
- Assistance : to the people in getting the benefit arising out of Govt of India or State Govt's Policy/ Relief measure;

8. CORE COMMITTEES

There shall be a Core Committee at State and District level for monitoring and mentoring purposes. Its primary duty would be to bring about coherence and cooperation amongst the various departments and functionaries for optimal result. It shall meet virtually or otherwise at such interval as fixed by the Chairperson of the State or District Level Core Committee.

State Level Core Committee shall comprise of the Member Secretary, JHALSA as its Chairperson and Joint Secretary Level Officers of Health Department, Labour Department, Deptt. of Law (Judicial) and the WCD & Social Security Department as its Members. Dy. Secretary, JHALSA shall be the Secretary of the State Level Core Committee. He shall assist the Committee as per the directions of its Chairperson.

District Level Core Committee shall comprise of the Chairman, DLSA as its Chairperson, Vice Chairperson of the DLSA (D.C.) as its Vice Chairperson, Executive Member of the DLSA (S.P.) as its Executive Member and Civil Surgeon of the District as its Member. The Secretary, DLSA shall be the Secretary of the District Level Core Committee. He shall assist the Committee as per the directions of its Chairperson.

State Level Core Committee shall present progress report at least once on bi-monthly basis before the Hon'ble Executive Chairman, JHALSA for His Lordship's kind perusal and necessary directions.

District Level Core Committee shall present progress report at least once on monthly basis before the JHALSA for placing before the State Level Core Committee for further needful.

9. TOOL FOR ACTION

The Supreme Court orders in **PUCL vs Union of India and Others**, Writ Petition (Civil) 196 of 2001 on the right to food is a powerful tool for action.

These orders give people a whole range of legal rights:

- the right to a nutritious Mid-Day Meal at School;

- to a functioning public distribution system;
- to an Anganwadi in the neighbourhood;
- to prompt payment of minimum wages on public works, and so on;

The National Food Security Act 2013 as well as the orders referred to above are sufficient to bring about an eco system where no one may ever have to sleep hungry or die of hunger. But, lots of work is required to be done to bring all the vulnerable persons under the umbrella of the Right to Food Act. It is necessary that Mid Day Meal reach the stomach of eligible children.

Community Action

JHALSA shall involve the village community in bringing about an eco system as desired. This strategy provides:

- Involvement of Village Level Child Protection Committee in identification of vulnerable persons/families;
- Co ordinating with the Gram Panchayat to play an active role in the implementation of the National Rural Employment Guarantee Act;
- Encouragements to the Social audits of food-related schemes by the Gram Sabha;
- Awareness drive amongst women and elderly persons about the Right to Food and Mid Day Meal;
- Involvement of the members of Legal Literacy Clubs and Legal Cadets of JHALSA in reaching out to vulnerable persons;

10. PEOPLE STARVE WHEREAS THE FOODGRAINS ROT OR DAMAGE

According to an RTI reply given by the Ministry of Consumer Affairs, Food & Public Distribution, 61,824 tonnes of foodgrains were damaged in the godowns of the Food Corporation of India between 2011-12 and 2016-17, enough to feed an estimated eight lakh people for an entire year. The Government is trying to resolve these issues through newer distribution strategies, use of technology, improvement of cold chain facilities and tie-ups with private players.

Fundamentally, the roots of the problem of hunger and malnutrition are not lack of food but lack of access to available food, inter alia because of poverty, by large segments of the State's population.

JHALSA intends to offer its assistance as follows:

- It shall co ordinate with the District Administration in identification of all the eligible persons for their coverage under the various Food Schemes.

- It shall periodically or on request of the District Administration hold Legal Empowerment Camp for facilitating mass distribution of food grains amongst eligible persons to prevent wastage of food grains.
- It shall co ordinate with the District Administration for taking appropriate steps and ensuring that food grains are not wasted or perished in the Godowns of the Food Corporation of India.

11. TRAINING PROGRAMME/WORKSHOP FOR THE PARA LEGAL VOLUNTEERS

JHALSA shall coordinate with the WCD & Social Security Department & Welfare Department of the State for virtual training of Para Legal Volunteers at District level. The services of Para Legal Volunteers may be utilized by the State Govt or the District Administration as per their requirement. The honorarium as fixed by JHALSA shall be paid to the PLVs by the DLSA .

12. COURT BASED LEGAL SERVICES

JHALSA shall endeavour to provide legal aid to those persons who are entitled, but, deprived in spite of their efforts to the benefits of Food Schemes as referred to above. Such assistance shall be given through the High Court Legal Services Committee.

13. THE WHATSAPP NUMBERS AND EMAIL ID OF THE SECRETARY OF JHALSA/DLSA/HCLSC are as follows :

Member Secretary, JHALSA on his Mobile No. 8986601912 (this is whatsapp no. as well) or on email- jhalsaranchi@gmail.com

Email ID of District Legal Services Authorities and Contact Number of DLSA Secretaries are as follows :

NAME OF DLSA	EMAILS	CONTACT NO OF SECRETARY
DLSA bokaro	< dlsabokaro@gmail.com >	Shri Bishwanath Oraon, 9431350935
DLSA Chaibasa	< dlsachaibasa@gmail.com >	Ms Kumari Jiv 9431162084
DLSA chatra	< dlsachatra@gmail.com >	Sri Kumar Kranti Prasad 9430734303
DLSA Deoghar	< deoghardlsa@gmail.com >	Sri Pratap Chandra , 7294181381
DLSA Dhanbad	< dlsa.dhanbad@gmail.com >	Sri Arvind Kachhap 9471725596
DLSA Dumka	< dlsadumka@gmail.com >	Sri Bishwanath Bhagat 7091622651
DLSA Garhwa	< dlsagarhwa@gmail.com >	Sri Sindhu Nath Lamay, 9955684686
DLSA Giridih	< dlsagiridih@gmail.com >	Sri Sandeep Bartam, 7319853377

DLSA Godda	< dalsagodda@gmail.com >	Sri Sanjay Kumar Singh No.III (I/C) 9472788462
DLSA Gumla	< dlsagml38@gmail.com >	Sri Ananda Singh, 9472758172
DLSA Hazaribag	< dlsahazaribag@gmail.com >	Sri Sandeep N Bara, 9939201624
DLSA JAMSHEDPUR	< jamshedpurdlsa@gmail.com >	Sri N N Sanga, 9430780325
DLSA JAMTARA	< dlsajamtara@gmail.com >	Sri K Sinku, 9934373894
DLSA Khunti	< khuntidlsa@gmail.com >	Smt. Nitasha Barla, 9771391585
DLSA KODERMA	< dlsakoderma@gmail.com >	Smt Lucy S Tigga, 8789304361
DLSA LATEHAR	< dlsalatehar@gmail.com >	Smt Kamla Rani, 8987736366
DLSA LOHARDAGA	< dlsalohardaga@gmail.com >	Smt Aarti Mala, 9431318932
DLSA Pakur	< dlsapakur@gmail.com >	Sri Sunil Dutta Dwivedi, 9470314478
DLSa Palamau	< dlsapalamu123@gmail.com >	Sri Ashok Kr Upadhyay, 8757269596
DLSA Ramgarh	< secretarydlsaramgarh.court@ >	Sri Dilip R Trikey, 8987464765
DLSA RANCHI	< dlsaranchi@gmail.com >	Sri Abhishek Kumar, 9431319907
DLSA Sahibganj	< dlsasahibganj@gmail.com >	Sri Manoranjan Kumar, 9471521725
dlsa seraikella	< dlsaseraikellakharswan@gmail. >	Sri Kuldeep, 8987597517
DLSA SIMDEGA	< dlsasimdega@gmail.com >	Sri A. M Tripathi (I/C), 8987608228
SDLSC Madhupur	Sri Narendra Kumar, 9835928066	Sri Narendra Kumar, 9835928066
SDLSC Ghatshila	Sri Walter Bhengra, 8210688218	Sri Walter Bhengra, 8210688218
SDLSC Rajmahal	Sri Neeraj Kumar, 9546459225	Sri Neeraj Kumar, 9546459225
SDLSC Tenughat	Sri Sanjit Kr Chandra, 9279710950	Sri Sanjit Kr Chandra, 9279710950

14. MAINTENANCE OF RECORDS

It shall be the duty of the Secretary, DLSA to maintain the records of the :

- persons assisted
- kind of assistance
- how the DLSA or the Vulnerable person reached the other

Such record is highly helpful in evolving the best practices for JHALSA and also for the guidance of future generations.

15. CAPACITY BUILDING OF THE WORK FORCE

JHALSA shall commence e-learning programme for the PLVs, Panel Lawyers and other persons involved in actualization of this Scheme. At least one e- Training Programme shall be held per month.

16. HOW TO CONTACT

Any person in need of assistance may contact Member Secretary, JHALSA and Secretary DLSAs on mobile number & email provided here in above in this Scheme

17. AWARENESS / PROPAGATION ABOUT THE SCHEME

JHALSA shall propagate this Scheme through Print and Electronic Medium including the Kanoon ki Baat programme on Doordarshan and All India Radio.

DLSA shall take every endeavour for wide publicity of this Scheme so that no person in need of the benefit under the Scheme may remain unaware and unattended.

18. MOTIVATIONAL

Our Civilizational values gives immense importance to food grains. Our Constitution is the manifestation of our civilizational values. The Parliament through the Right to Food Act and the Supreme Court through the Right to Food Case orders have made it clear that no person can be allowed to remain hungry or die out of hunger. Therefore, it is our time to spring into action for reducing hunger and preventing the starvation deaths.



Jharkhand Victim
Compensation Scheme, 2012
(along with amendments
made in 2016, 2018, 2019)

JHARKHAND VICTIM COMPENSATION SCHEME, 2012 (ALONG WITH AMENDMENTS MADE IN 2016, 2018, 2019)

गृह, कारा एवं आपदा प्रबंधन विभाग।

~::~ अधिसूचना ::~

राँची, दिनांक- 30/07/2019 ई०।

सं०-11/कोर्ट केस-31/2018-~~4052~~ माननीय सर्वोच्च न्यायालय, नई दिल्ली में दायर वाद सं०-W.P.S. No- 565/2012- Nipun Saxena Vs. Union of India and others मामले में दिनांक-11.05.2018 एवं 25.07.2018 को पारित महत्वपूर्ण न्याय निर्णय के आलोक में राष्ट्रीय विधिक सेवा प्राधिकरण (NALSA) द्वारा स्कीम प्रारूप Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes-2018 तैयार किया गया है, जिसे देश के सभी राज्यों में लागू किया जाना है।

उल्लेखनीय है कि झारखण्ड राज्य में दण्ड प्रक्रिया संहिता के धारा 357 (A) के तहत विभागीय अधिसूचना संख्या-5190, दिनांक-29 सितंबर 2016 द्वारा “झारखण्ड पीड़ित प्रतिकर (संशोधन) स्कीम-2016” सह पठित अधिसूचना संख्या-4941 दिनांक-31.08.2018 के द्वारा “झारखण्ड पीड़ित प्रतिकर (संशोधन) स्कीम-2018” लागू है।

दण्ड प्रक्रिया संहिता 1973 की धारा-357 (क) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए झारखण्ड राज्यपाल के द्वारा झारखण्ड में अपराधों से पीड़ितों के प्रतिकर एवं पुर्नवास हेतु राष्ट्रीय विधिक सेवा प्राधिकरण (NALSA) द्वारा तैयार स्कीम प्रारूप Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes-2018 को अंगीकृत किया जाता है।

1. संक्षिप्त नाम:-यह स्कीम झारखण्ड पीड़ित प्रतिकर (संशोधन) स्कीम, 2019 कहलाएगी।

2. विभागीय अधिसूचना संख्या-5190, दिनांक-29 सितंबर 2016 द्वारा अधिसूचित “झारखण्ड पीड़ित प्रतिकर (संशोधन) स्कीम-2016” सह पठित अधिसूचना संख्या-4941 दिनांक-31.08.2018 के द्वारा “झारखण्ड पीड़ित प्रतिकर (संशोधन) स्कीम-2018” में निम्न कंडिकाओं को अंतः स्थापित किया जाता है-

(i) कंडिका-2(ज)- 'Sexual Assault Victims' से अभिप्रेत है ऐसी महिला से है, जिसे यौन अपराध (भा०द०वि० संहिता के धारा-376 (A) to (E), धारा 354 (A) to (D), धारा 509 सहित) में शारीरिक या मानसिक अथवा दोनों रूप में क्षति हुई हो।

(ii) कंडिका-2(झ)- 'Women Victim/Survivor of other crime' से अभिप्रेत है ऐसी महिला से है, जिसे किसी अपराध (भा०द०वि० संहिता के धारा-304 B, 326 A, 498 A (शारीरिक क्षति में अनुसूची-क में वर्णित स्थितियों में) से शारीरिक या मानसिक रूप में क्षति हुई हो।

(iii) कंडिका-5(झ)- कंडिका-2(ज) एवं कंडिका-2(झ) में परिभाषित पीड़ितों के Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes-2018 के प्रावधानानुसार क्षति आधारित प्रतिकर अनुसूची-II के अनुरूप देय होगा, जो कि झारखण्ड पीड़ित प्रतिकर (संशोधन) स्कीम-2016 में प्रावधानित पीड़ित प्रतिकर निधि से भुगतये होगा। Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes-2018 से अनाच्छादित पीड़ितों के लिए "झारखण्ड पीड़ित प्रतिकर (संशोधन) स्कीम-2016" विभागीय अधिसूचना संख्या-5190, दिनांक-29 सितंबर 2016 सह पठित "झारखण्ड पीड़ित प्रतिकर (संशोधन) स्कीम-2018" अधिसूचना संख्या-4941 दिनांक-31.08.2018 के प्रावधान प्रभावी होंगे।

3. उक्त स्कीम अधिसूचना निर्गत होने की तिथि से प्रभावी होगी।

4. उक्त अधिसूचनाओं के शेष प्रावधान यथावत् रहेंगे तथा अधिसूचना इस हद तक संशोधित समझा जाए।

झारखण्ड राज्यपाल के आदेश से,

(सतीश कुमार)

सरकार के संयुक्त सचिव।

झापांक-11/कोर्ट केस-31/2018-.....4052.../राँची, दिनांक- 30/07/2019 ई०।

प्रतिलिपि- ई-गजट पदाधिकारी, गृह, कारा एवं आपदा प्रबंधन विभाग, झारखण्ड, राँची के सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित है।

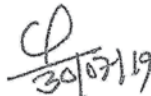
सरकार के संयुक्त सचिव।

अनुसूची- II
महिला पीड़ितों के लिए प्रतिकर की अनुसूची

S.No.	Particulars of loss or injury	Minimum Limit of Compensation	Upper Limit of Compensation
1	Loss of Life	Rs. 5 Lakh	Rs. 10 Lakh
2	Gange Rape	Rs. 5 Lakh	Rs. 10 Lakh
3	Rape	Rs. 4 Lakh	Rs. 7 Lakh
4	Unnatural Sexual Assault	Rs. 4 Lakh	Rs. 7 Lakh
5	Loss of any Limb or part of body resulting in 80% permanent disability or above	Rs. 2 Lakh	Rs. 5 Lakh
6	Loss of any Limb or part of body resulting in 40% and below 80% permanent disability or above	Rs. 2 Lakh	Rs. 4 Lakh
7	Loss of any Limb or part of body resulting in above 20% and below 40% permanent disability.	Rs. 1 Lakh	Rs. 3 Lakh
8	Loss of any Limb or part of body resulting in below 20% permanent disability.	Rs. 1 Lakh	Rs. 2 Lakh
9	Grievous physical injury or any mental injury requiring rehabilitation	Rs. 1 Lakh	Rs. 2 Lakh
10	Loss of Foetus i.e. Miscarriage as a result of Assault or loss of fertility	Rs. 2 Lakh	Rs. 3 Lakh
11	In case of Pregnancy on account of rape.	Rs. 3 Lakh	Rs. 4 Lakh
12	Victim of Burning :		
a.	In case of disfigurement of face	Rs. 7 Lakh	Rs. 8 Lakh
b.	In case of injury more than 50%	Rs. 5 Lakh	Rs. 8 Lakh
c.	In case of injury less than 50%	Rs. 3 Lakh	Rs. 7 Lakh
d.	In case of injury less than 20%	Rs. 2 Lakh	Rs. 3 Lakh
13	Victims of Acid attack		
a.	In case of disfigurement of face	Rs. 7 Lakh	Rs. 8 Lakh
b.	In case of injury more than 50%	Rs. 5 Lakh	Rs. 8 Lakh
c.	In case of injury less than 50%	Rs. 3 Lakh	Rs. 5 Lakh
d.	In case of injury less than 20%	Rs. 3 Lakh	Rs. 4 Lakh

Note:

- (1) If a woman victim of sexual assault/acid attack is covered under one or more category of the schedule, she shall be entitled to be considered for combined value of the compensation.
- (2) Nothing in this scheme shall prevent victims or their dependents from instituting any civil suit or claim against the perpetrator of offence or any other person indirectly responsible for the same.


सरकार के संयुक्त सचिव।

झारखण्ड सरकार
गृह, कारा एवं आपदा प्रबंधन विभाग

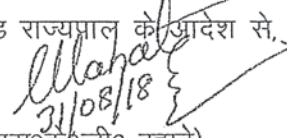
अधिसूचना

संख्या — 18/विविध (07) 08/2018 — 4941 / गृह, मंत्रालय भारत सरकार के पत्रांक —11034 / 54 / 2018 — IS. iv, दिनांक—23.07.2018 द्वारा माननीय सर्वोच्च न्यायालय द्वारा Writ petition (Civil) No. - 754 / 2016, Tehseen S. Poonawalla Vs Union of India and others में दिनांक — 17.07.2018 को महत्वपूर्ण निर्देश दिया गया है जिसके तहत देश के सभी राज्यों को Lynching / mob violence के पीड़ितों हेतु Cr.PC के धारा 357(A) के तहत प्रतिकर स्कीम का गठन किया जाना है।

उल्लेखनीय है कि झारखण्ड राज्य में Cr.PC के धारा 357(A) के तहत अधिसूचना संख्या—5190, दिनांक —29.09.2016 द्वारा “झारखण्ड पीड़ित प्रतिकर (संशोधन) स्कीम— 2016 गठित है। माननीय सर्वोच्च न्यायालय के निर्देश के तहत राज्य सरकार द्वारा सम्यक् विचारोपरान्त लिए गये निर्णय के आलोक में उक्त स्कीम में निम्न कंडिकाओं को अंतःस्थापित किया जाता है :—

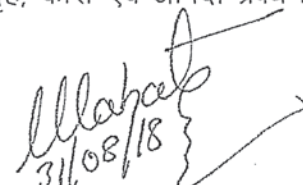
- (i) कंडिका 2 (छ) “मॉब लिंगिंग/ वायलेंस (Mob lynching /Violence)” से अभिप्रेत है जन समूह द्वारा किसी व्यक्ति या व्यक्तियों के विरुद्ध तथाकथित आरोप के आधार पर क्षति पहुँचाना या मृत्यु कारित करना ।
- (ii) कंडिका 5 (ज) झारखण्ड पीड़ित प्रतिकर (संशोधन) स्कीम 2016 को अक्षुण्ण रखते हुए “ मॉब लिंगिंग / वायलेंस (Mob lynching /Violence)” के पीड़ित या उसके उत्तराधिकारी /आश्रित को अंतरिम प्रतिकर घटना घटित होने के तीस (30) दिनों के अंदर प्रदान किया जायेगा।
- (iii) Lynching / mob violence के पीड़ितों / उसके आश्रितों को झारखण्ड पीड़ित प्रतिकर (संशोधन) स्कीम — 2016 के अनुसूची — 1 के अनुरूप क्षति आधारित प्रतिकर देय होगा।

उक्त अधिसूचना की शेष कंडिकाएँ यथावत रहेंगी।

झारखण्ड राज्यपाल के आदेश से,

(एस0के0जी0 रहाटे)
सरकार के प्रधान सचिव।

ज्ञापक — 18/विविध (07) 08/2018 — 4941 /, दिनांक — 31 / ९.८ / 2018 ई0।

प्रतिलिपि :— नोडल पदाधिकारी, ई—गजट / विभागीय पोर्टल, गृह, कारा एवं आपदा प्रबंधन विभाग, झारखण्ड, राँची को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित ।


31/08/18
सरकार के प्रधान सचिव।

ज्ञापांक - 18/विविध (07) 08/2018-4941/, दिनांक - 31/08/2018 ई०।

प्रतिलिपि:- प्रधान महालेखाकार (लेखा एवं हक0), झारखण्ड, राँची को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

सरकार के प्रधान सचिव।

ज्ञापांक - 18/विविध (07) 08/2018-4941/, दिनांक - 31/08/2018 ई०।

प्रतिलिपि:- सभी प्रधान सचिव / सचिव / विभागाध्यक्ष/महानिदेशक एवं पुलिस महानिरीक्षक / सभी अपर पुलिस महानिदेशक / सभी पुलिस महानिरीक्षक, झारखण्ड, राँची/सभी प्रमंडलीय आयुक्त / सभी प्रक्षेत्रीय पुलिस महानिरीक्षक/सभी क्षेत्रीय पुलिस उप महानिरीक्षक/सभी उपायुक्त / सभी पुलिस अधीक्षक (वरीय पुलिस अधीक्षक, राँची सहित), झारखण्ड/ सभी कोषागार पदाधिकारी, झारखण्ड, राज्य को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

सरकार के प्रधान सचिव।

ज्ञापांक - 18/विविध (07) 08/2018-4941/, दिनांक - 31/08/2018 ई०।

प्रतिलिपि:- महामहिम राज्यपाल के प्रधान सचिव/माननीय मुख्यमंत्री के प्रधान सचिव एवं मुख्य सचिव के सचिव, झारखण्ड, राँची को सूचनार्थ प्रेषित।

सरकार के प्रधान सचिव।

झारखण्ड सरकार,
गृह, कारा एवं आपदा प्रबंधन विभाग।

अधिसूचना

राँची, दिनांक- 29/09/16

18/भी.सी.(8)-02/2014.....5190...../दण्ड प्रक्रिया संहिता, 1973 (अधिनियम-1974) की धारा-357 (क) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए झारखण्ड राज्यपाल कि अपराध के कारण हुई हानि या क्षति से पीड़ित व्यक्ति या उसके आश्रित को अपेक्षित पुनर्वास के प्रतिकर के प्रयोजनार्थ निधि उपलब्ध कराने हेतु एतद् द्वारा झारखण्ड पीड़ित प्रतिकर स्कीम, 2012 संशोधन करते हैं:-

संक्षिप्त नाम:-

1. यह स्कीम झारखण्ड पीड़ित प्रतिकर (संशोधन) स्कीम, 2016 कहलाएगी।

परिभाषाएँ:-

2. जबतक कि संदर्भ में अन्यथा अपेक्षित न हो, इस स्कीम में:-
 - (क) "अधिनियम" से अभिप्रेत है दंड प्रक्रिया संहिता, 1973 (2, 1974) ;
 - (ख) "अनुसूची" से अभिप्रेत है इस स्कीम से संलग्न अनुसूची ;
 - (ग) "राज्य" से अभिप्रेत है झारखण्ड राज्य ;
 - (घ) "पीड़ित" से अभिप्रेत है किसी अपराध के कारण हुई हानि या क्षति से ग्रस्त स्वयं कोई व्यक्ति जिसका पुनर्वास अपेक्षित हो, इसमें उसके आश्रित पारिवारिक सदस्य भी शामिल हैं।
 - (ङ) "जिला विधिक सेवा प्राधिकार" से अभिप्रेत है विधिक सेवा प्राधिकार अधिनियम, 1987 के अधीन गठित जिला के प्रधान जिला एवं सत्र न्यायाधीश की अध्यक्षता में गठित प्राधिकार ;
 - (च) "राज्य समिति" से अभिप्रेत है राज्य सरकार द्वारा अधिसूचित राज्य के अभियोजन निदेशक की अध्यक्षता में गठित समिति।

3. पीड़ित प्रतिकर निधि:-

- (क) पीड़ित प्रतिकर निधि नामक एक निधि गठित की जाएगी, जिससे इस स्कीम के अधीन प्रतिकर की रकम ऐसे पीड़ित व्यक्ति या उसके आश्रितों को भुगतान की जाएगी, जिसको किसी अपराध के फलस्वरूप हानि या क्षति हुई है तथा जिसका पुनर्वास अपेक्षित है।
- (ख) राज्य सरकार प्रति वित्तीय वर्ष इस स्कीम के प्रयोजनार्थ अलग से बजट आवंटित करेगा
- (ग) निधि का संचालन झारखण्ड पीड़ित प्रतिकर स्कीम, 2016 की धारा-2(च) के अधीन यथा परिभाषित राज्य समिति द्वारा किया जाएगा।
- (घ) जिला स्तर पर निधि की व्यवस्था राज्य समिति द्वारा की जाएगी तथा इसका संचालन सम्बद्ध जिला के जिला दंडाधिकारी द्वारा किया जाएगा।

प्रतिकर हेतु पात्रता:-

4. कोई पीड़ित व्यक्ति प्रतिकर प्राप्त करने का पात्र होगा, यदि:-
 - (क) अपराधी का पता नहीं चलता या पहचान नहीं हो पाती है किन्तु पीड़ित व्यक्ति की पहचान हो जाती है और जहाँ विचारण नहीं किया जाता है वहाँ ऐसा पीड़ित व्यक्ति भी अधिनियम की धारा-357(क) की उपधारा (4) के अधीन प्रतिकर अनुदान के लिए आवेदन कर सकता है ;

- (ख) पीड़ित/दावेदार अपराध की रिपोर्ट क्षेत्र के थाना प्रभारी अथवा वरीय पुलिस पदाधिकारी अथवा कार्यपालक दंडाधिकारी अथवा न्यायिक दंडाधिकारी को घटना घटित होने से 48 घंटे के भीतर करेगा ;
परन्तु यदि जिला विधिक सेवा प्राधिकार का समाधान हो जाता है तो वह कारणों को अभिलिखित करते हुए रिपोर्ट करने में हुए विलम्ब को माफ कर सकता है।
- (ग) पीड़ित/दावेदार व्यक्ति मामले के अन्वेषण एवं विचारण के दौरान पुलिस एवं अभियोजन को सहयोग करेगा।

प्रतिकर प्रदान करने की प्रक्रिया:-

5. (क) जब कभी अधिनियम की धारा-357-क की उप धारा (2) के अधीन जिला विधिक सेवा प्राधिकार को न्यायालय द्वारा अनुशंसा की जाती है अथवा पीड़ित या उसके आश्रित द्वारा आवेदन किया जाता है तब जिला विधिक सेवा प्राधिकार मामले की जाँच करेगा और पीड़ित व्यक्ति को हुई हानि या क्षति तथा रिपोर्ट की गयी आपराधिक गतिविधि से सम्बन्धित दावे का सत्यापन करेगा और आवश्यक होने पर प्रामाणिकता निर्धारण के लिए किसी अन्य सुसंगत जानकारी की माँग भी कर सकता है। दावा सत्यापन के पश्चात् जिला विधिक सेवा प्राधिकार सम्यक रूप से पूछ-ताछ करने के बाद इस स्कीम के उपबंधों के अनुसार दो माह के भीतर प्रतिकर प्रदान करेगा।
- (ख) इस स्कीम के अधीन प्रतिकर का भुगतान इस शर्त के अधीन किया जाएगा कि यदि विचारण न्यायालय बाद में निर्णय पारित करने के दौरान अभियुक्त व्यक्तियों को इस अधिनियम की धारा-357 की उप-धारा (3) के अधीन प्रतिकर के तौर पर कोई रकम भुगतान करने का आदेश देता है तो पीड़ित/दावेदार व्यक्ति को प्रतिकर के बराबर मिली रकम या उक्त अधिनियम की धारा-357 की उप-धारा (3) के अधीन भुगतान की जाने वाली रकम, जो भी कम हो, घटा दी जाएगी। प्रतिकर रकम के संवितरण के पूर्व पीड़ित/दावेदार व्यक्ति द्वारा इस आशय की वचनबद्धता दी जाएगी।
- (ग) जिला विधिक सेवा प्राधिकार द्वारा पीड़ित व्यक्ति या उसके आश्रितों को दिए जाने वाले प्रतिकर की मात्रा का विनिश्चय पीड़ित व्यक्ति को हुई हानि, उपचार में हुए चिकित्सीय खर्च, अन्त्येष्टि खर्च आदि के रूप में आनुषंगिक व्यय सहित पुनर्वास के लिए अपेक्षित न्यूनतम रकम के आधार पर किया जाएगा। मामले की प्रकृति एवं तथ्य के आधार पर प्रतिकर घट-बढ़ सकता है।
- (घ) पीड़ित व्यक्ति या उसके आश्रितों को दिए जाने वाले प्रतिकर की न्यूनतम रकम अनुसूची-1 के अनुसार होगी।
- (ङ) इस स्कीम के अधीन विनिश्चित प्रतिकर की रकम यथा स्थिति, पीड़ित व्यक्ति या उसके आश्रितों को आवंटित निधि से संवितरित की जाएगी।
- (च) पीड़ित व्यक्ति द्वारा प्रश्नगत अपराध से संबंधित राज्य से प्राप्त अर्थात् बीमा, अनुग्रह राशि और/अथवा कोई अन्य अधिनियम या राज्य स्कीम के अधीन प्राप्त भुगतान इस नियम के अधीन प्रतिकर की रकम का भाग माना जाएगा और यदि समुचित प्रतिकर की रकम पीड़ित व्यक्ति द्वारा उपर्युक्त साम्प्रार्श्विक स्रोतों से प्राप्त रकम से अधिक है तो शेष रकम का भुगतान आवंटित निधि से किया जाएगा।
- (छ) मोटर वाहन अधिनियम, 1988 (59, 1988) से आच्छादित मामले, जिसमें मोटर दुर्घटना दावा न्यायाधिकरण द्वारा प्रतिकर दिया जाता है इस स्कीम के अधीन नहीं आयेंगे।

के.पी.प्र.नि. (केन्द्रीय पीड़ित प्रतिकर निधि) स्कीम से निधि प्राप्त करने हेतु आवश्यक अपेक्षाएँ एवं प्रक्रिया:-

6. (क) अधिसूचित प्रतिकर की मात्रा अनुसूची-1 में उल्लेखित रकम से कम नहीं होनी चाहिए।
- (ख) सर्व प्रथम राज्य अपराध से पीड़ित पात्र व्यक्ति को प्रतिकर की रकम का भुगतान अपनी पीड़ित प्रतिकर निधि से करेगा तदुपरान्त के.पी.प्र.नि. (सी.भी.सी.एफ.) से निधि प्रतिपूर्ति की माँग करेगा।
- (ग) पीड़ित व्यक्ति को सहायता करने के लिए राज्य पीड़ित प्रतिकर निधि से उपगत कोई व्यय प्रथम बार इस स्कीम की राज्य निधि में उपलब्ध गैर-बजटीय स्रोत से खर्च माना जाएगा। राज्य सरकार प्रशासन से प्राप्त बजटीय अनुदान का उपयोग केवल गैर-बजटीय स्रोत के उपभोग के बाद ही किया जाएगा।
- (घ) सी.सी.टी.एन. परियोजना के नागरिक पोर्टल पर 'पीड़ित प्रतिकर मोड्यूल' में प्रत्येक पीड़ित प्रतिकर के ब्यौरे का संधारण इलेक्ट्रॉनिक ढंग से किया जाना चाहिए।

अभिलेख पर आदेश का रखा जाना:-

7. इस स्कीम के अधीन पारित प्रतिकर के आदेश की प्रति विचारण न्यायालय के अभिलेख पर रखी जाएगी ताकि न्यायालय को इस अधिनियम की धारा-357 की उप-धारा (3) के अधीन प्रतिकर का आदेश पारित करने में सुविधा हो।

सीमा:-

8. अपराध होने के छह माह की अवधि के पश्चात् पीड़ित व्यक्ति या उसके आश्रितों द्वारा इस अधिनियम की धारा-357-क की उप-धारा (4) के अधीन कोई दावा नहीं किया जा सकता है :
परन्तु यदि जिला विधिक सेवा प्राधिकार का समाधान हो जाता है तो कारणों को अभिलिखित करते हुए दावा करने में हुए विलम्ब को माफ कर सकता है।

अपील:-

9. जिला विधिक सेवा प्राधिकार द्वारा प्रतिकर के इन्कार से व्यथित कोई पीड़ित व्यक्ति राज्य समिति के समक्ष नब्बे दिनों के भीतर अपील दायर कर सकता है :
परन्तु यदि राज्य समिति का समाधान हो जाता है तो वह कारणों को अभिलिखित करते हुए अपील करने में हुए विलम्ब को माफ कर सकता है।

अनुसूची-1

क्रमसं०	क्षति/हानि का विवरण	प्रतिकर की न्यूनतम रकम
1.	तेजाबी हमला	3 लाख रु०
2.	बलात्कार	3 लाख रु०
3.	नाबालिग का शारीरिक शोषण	2 लाख रु०
4.	मानव तस्करी से पीड़ित का पुनर्वास	1 लाख रु०
5.	यौन प्रताड़ना (बलात्कार नहीं)	50,000/- रु०
6.	मृत्यु	2 लाख रु०
7.	स्थायी विकलांगता (80% या अधिक)	2 लाख रु०
8.	आंशिक विकलांगता (40% से 80%)	1 लाख रु०
9.	शरीर का 25% से अधिक जलना (तेजाबी हमला के मामले को छोड़कर)	2 लाख रु०

10.	भूण हानि	50,000 / -रु0
11.	प्रजनन क्षमता की हानि	1.5 लाख रु0
12.	सीमा पर दो तरफा फायरिंग से पीड़ित महिला : (क) स्थायी विकलांगता के साथ मृत्यु (80% या अधिक) (ख) आंशिक विकलांगता (40% से 80%)	2 लाख रु0 1 लाख रु0
13.	शरीर के किसी भाग या अंग की हानि जिसके चलते 40% से कम विकलांगता	50,000 / -रु0
14.	बाल पीड़ित की साधारण हानि या क्षति	10,000 / -रु0
15.	कोई अन्य पीड़ित का पुनर्वास	50,000 / -रु0

नोट:- यदि पीड़ित व्यक्ति की उम्र 14 वर्षों से कम है तो प्रतिकर की रकम में उपर्युक्त विनिर्दिष्ट रकम से 50% अधिक की बढ़ोतरी होगी।

झारखण्ड राज्यपाल के आदेश से,

(एन0एन0 पोण्डेय)
अपर मुख्य सचिव, 29.9.16

गृह, कारा एवं आपदा प्रबंधन विभाग,
झारखण्ड सरकार, राँची।

ज्ञापांक-18/भी.सी.(8)-02/2014..... 5190 /दिनांक-29/09 /2016

प्रतिलिपि:- अधीक्षक, राजकीय मुद्रणालय, डोरण्डा, राँची को राजपत्र के आगामी अंक में प्रकाशनार्थ तथा इसकी 200 प्रतियाँ अद्योहस्ताक्षरी को भेजने के लिए अग्रसारित।

ज्ञापांक-18/भी.सी.(8)-02/2014..... 5190 /दिनांक-29/09 /2016

प्रतिलिपि:- महालेखाकार, झारखण्ड, राँची/राज्यपाल के प्रधान सचिव/मुख्यमंत्री के प्रधान सचिव/सभी प्रधान सचिव/सचिव/विभागाध्यक्ष/महानिबंधक, झारखण्ड उच्च न्यायालय, राँची/सभी प्रमण्डलीय आयुक्त, झारखण्ड/आरक्षी महानिदेशक एवं महानिरीक्षक, झारखण्ड, राँची/निदेशक अभियोजन/सहायक निदेशक, अभियोजन निदेशालय, झारखण्ड, राँची/सभी उपायुक्त/वरीय आरक्षी अधीक्षक/आरक्षी अधीक्षक को सूचनार्थ एवं आवश्यक कार्रवाई हेतु अग्रसारित।

ज्ञापांक-18/भी.सी.(8)-02/2014..... 5190 /दिनांक-29/09 /2016

प्रतिलिपि:- अपर सचिव, गृह मंत्रालय (सी.एस.डिविजन), भारत सरकार, उत्तरी ब्लॉक, नई दिल्ली को सूचनार्थ अग्रसारित।

सरकार के अपर मुख्य सचिव 29.9.16

Government of Jharkhand
Home Department

Notification

The 3rd August, 2012

No. 5 Misc. (01)-81/2010/3735:- In exercise of the powers conferred by section 357A of the Code of Criminal Procedure, 1973 (Act 2 of 1974), the Governor of Jharkhand hereby frames the following scheme for providing funds for the purpose of compensation to the victim or his dependents who have suffered loss or injury as a result of the crime and who require rehabilitation, namely :-

Short title:-

1. This scheme may be called the Jharkhand Victim Compensation Scheme, 2012.

Definitions:-

2. In this scheme, unless the context otherwise requires:-
- (a) "Act" means the Code of Criminal Procedure, 1973 (2 of 1974);
 - (b) "Schedule" means Schedule appended to this Scheme;
 - (c) "State" means State of Jharkhand;
 - (d) "Victim" means a person who himself has suffered loss or injury as a result of crime and require rehabilitation and includes dependent family members.
 - (e) "District Legal Services Authority" means a authority constituted under the Chairmanship of the Principal District and Session Judge of the District constituted under the Legal Services Authorities Act 1987.
 - (f) The "State committee" means a Committee constituted under the Chairmanship of the Director, Prosecution of the State to be notified by the State Government.

Victim Compensation Fund:-

- 3.
- (1) There shall be constituted a fund namely Victim Compensation Fund from which amount of compensation under this scheme shall be paid to the victim or his dependents who have suffered loss or injury as a result of the crime and who require rehabilitation.
 - (2) The State Government shall allot a separate budget for the purpose of the scheme every year.
 - (3) The Fund shall be operated by the Director, Prosecution, Government of Jharkhand.
 - (d) The fund at the district level shall be placed by the Director, Prosecution and to be operated by the respective District Magistrates.

Eligibility for compensation:-

4. A Victim shall be eligible for the grant of compensation if, -
- (a) the offender is not traced or identified, but the victim is identified, and where no trial takes place, such victim may also apply grant of compensation under sub section (4) of section 357-A of the Act;
 - (b) the victim/claimant report the crime to the officer-in-charge of the police station within 48 hours of the occurrence : or any senior police officer or Executive Magistrate or Judicial Magistrate of the area provided that the District Legal Services Authority, if satisfied, for the reasons to be recorded in writing, may condone the delay in reporting;
 - (c) the victim/claimant cooperate with the police and prosecution during the investigation and trial of the case.

Procedure for grant of compensation:-

5. (1) Whenever a recommendation is made by the Court or an application is made by any victim or his dependent under sub section (2) of section 357-A of the Act to the District Legal Services Authority, the District Legal Services Authority shall examine the case and verify the contents of the claim with regard to the loss or injury caused to victim and arising out of the reported criminal activity and may call for any other relevant information necessary in order to determine genuineness. After verifying the claim, the District Legal Services Authority shall after due enquiry award compensation within two months, in accordance with provisions of this Scheme.
- (2) Compensation under this Scheme shall be paid subject to the condition that if the Trial court while passing judgement at later date, orders the accused persons to pay any amount by way of compensation under sub-section (3) of section 357 of the Act, the victim/claimant shall remit an amount ordered equal to the amount of compensation, or the amount order to be paid under the said sub-section (3) of section 357 of the Act, which ever is less. An undertaking to this effect shall be given by the victim/claimant before the disbursement of the compensation amount.
- (3) The District Legal Services Authority shall decide the quantum of compensation to be awarded to the victim or his dependents on the basis of loss caused to the victim, medical expenses to be incurred on treatment, minimum sustenance amount required for rehabilitation including such incidental charges as funeral expenses etc. The compensation may vary from case to case depending on fact of each case.
- (4) The quantum of compensation to be awarded to the victim or his dependents shall not exceed the maximum limit as per schedule-I.

(5) The amount of compensation decided under the scheme shall be disbursed to the victim or his dependents as the case may be, from the Fund.

(6) Compensation received by the victim from the State in relation to the crime in question, namely, insurance, ex-gratia and/or payment received under any other Act or State-run scheme, shall be considered as part of the compensation amount under these rule and if the eligible compensation amount exceeds the payments received by the victim from collateral sources mentioned above, the balance amount shall be paid out of Fund.

(7) The cases covered under Motor Vehicle Act, 1988(59 of 1988) wherein compensation is to be awarded by the Motor Accident Claims Tribunal, shall not be covered under the Scheme.

(8) The District Legal Services Authority, to alleviate the suffering of the victim, may order for immediate first aid facility or medical benefits to be made available free of cost on the certificate of the police officer not below the rank of the officer-in-charge of the police station or Magistrate of the area concerned or any other interim relief as it may deem fit.

Order to be placed on record:-

6. Copy of the order of compensation passed under this Scheme shall be mandatorily placed on record of the trial Court to enable the court to pass order of compensation under sub-section(3) of section 357 of the Act.

Limitation:-

7. No claim made by the victim or his dependents under sub-section(4) of section 357A of the Act shall be entertained after a period of six months of the crime:

Provided that the District Legal Services Authority, if satisfied, for the reasons to be recorded in writing, may condone the delay in filing the claim.

Appeal:-

8. Any victim aggrieved of the denial of compensation by the District Legal Services Authority may file an appeal before the State Committee within a period of ninety days:

Provided that the State Committee, if satisfied, for the reasons to be recorded in writing, may condone the delay in filing the appeal.

SCHEDULE-I

Sl. No.	Particular of Loss or Injury	Maximum limit of compensation
1	Loss of life	Rs. 2.00 lacs
2	Loss of any limb of part of body resulting 80% or above handicap	Rs. 50,000/-
3.	Loss of any limb or part of body resulting 40% & below 80% handicap	Rs.20,000/-
4.	Rape of Minor	Rs. 50,000/-
5.	Rape.	Rs.20,000/-
6.	Rehabilitation	Rs.20,000/-
7.	Loss of any limb or part of body resulting below 40% handicap	Rs.10,000/-
8.	Loss of injury causing severe mental agony to women and child victims in case like Human trafficking	Rs. 10,000/-
9.	Simple Loss or injury to Child victim	Rs. 10,000/-

By the order of Governor, Jharkhand

Sd/-
(J.B. Tubid)
Principal Secretary.

Memo No. 3735 /

Ranchi, Dated 03/08/2012.

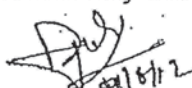
Copy forwarded to the Superintendent, Govt. Press, Doranda, Ranchi for publication in the next issue of Gazette and supply 200 copies to the undersigned.


Deputy Secretary to Govt.

Memo No. 3735 /

Ranchi, Dated 03/08/2012

Copy forwarded to the Accountant General, Jharkhand, Ranchi/Principal Secretary to Governor of Jharkhand/Principal Secretary to the Chief Minister of Jharkhand/ All Principal Secretaries/Secretaries/Head of Department, Jharkhand/Registrar General, Jharkhand, High Court, Ranchi/All Divisional Commissioner, Jharkhand/ Director General & Inspector General of Police, Jharkhand, Ranchi/Director/Asst. Director, Directorate of Prosecution, Jharkhand, Ranchi/All D.Cs/S.S.Ps/S.Ps., Jharkhand for information & necessary action please.


Deputy Secretary to Govt.
Ranchi, Dated 03/08/2012

Memo No. 3735 /

Copy forwarded to Addl. Secretary, Ministry of Home Affairs (CS Division) Government of India, North Block, New Delhi for information please.


Deputy Secretary to Govt.

JHALSA Project for Jail
Inmates and their Family
Members

(An Effective Intervention for
Assisting the Jail Inmates and
their Family Members)

JHALSA PROJECT FOR JAIL INMATES AND THEIR FAMILY MEMBERS

(AN EFFECTIVE INTERVENTION FOR ASSISTING THE JAIL INMATES AND THEIR FAMILY MEMBERS)

WHAT IS THE PROJECT

Crisis hit the vulnerable sections of Society hard. Covid-19 Pandemic is highly contagious and transmits from human to human. The pandemic has entered in a number of Indian Jails. Hon'ble Supreme Court of India has been pleased to constitute a High Powered Committee in each State of India under the Chairmanship of the Executive Chairman of the State Legal Services Authority of the respective States for taking measures to prevent the spread of the pandemic Covid-19 in the Prisons and Remand Homes.

The Jharkhand State High Powered Committee has held its meeting on several occasions since 26-3-2020 and taken a number of measures in order to minimize the threat of the pandemic Covid-19 virus in the Prisons and in Remand Homes as well as overall well being of the Inmates. Some of the important decisions of the Committee are as follows :-

- Immediate Steps be taken to shift the inmates from the overcrowded jails to such nearby Jails in which the number of prisoners are less than the capacity. In this process, if practicable, the custody of the inmates shall not be transferred, only the inmates shall be shifted as ad interim measure to other jail. If necessary, the production of such inmates in Court may be ensured through Video Conferencing.
- All endeavours shall be made to keep the number of inmates in a jail well within the maximum capacity of the concerned jail.
- All steps for proper sanitizing all the jail premises be taken as per the protocol for disinfecting the jail premises on continuous basis.
- Social distancing protocol should also be adhered to as far as practicable, and all the preventive measures such as use of masks, soap and sanitizers be undertaken as per the protocol.
- Strict vigil should be kept for any suspected case of infected prisoner, and in case of detection of such case, proper steps as per medical protocol be immediately taken.
- In the medical wards of each jail, isolation space be earmarked.
- All the Police Stations in the State be reminded to ensure the compliance of the guidelines of the Hon'ble Apex Court in Para 11 of ArneshKumar Vs. State of Bihar, reported in (2014) 8 Sec. 273.

- Member Secretary, JHALSA shall coordinate with the concerned Departments of the State Govt. and the I.G. Prisons for the follow up actions of this meeting. The list of petty cases shall be obtained from jails for placing in the next meeting
- Steps to shift the inmates by the Jail Authorities from the overcrowded jails to such nearby Jails in which the number of prisoners are less than the capacity may be expedited. In this process, the custody of the inmates shall not be transferred, only the inmates shall be shifted, as an interim measure, to other jail. The production of such inmates in Court may be ensured through Video Conferencing, as and when necessary.
- Inmates ought to be made aware of social distancing protocol and all the preventive measures such as use of masks, soap and sanitizers be undertaken as per the protocol.
- Strict vigil should be kept for any suspected case of infected prisoner/child, and if any such case is detected, proper steps as per medical protocol be immediately taken.
- Necessary steps shall be taken by the Member Secretary, JHALSA to provide legal aid to the prisoners involved in offences punishable up to seven years of imprisonment, who are not involved in heinous or economic offences or the offences relating to naxal activities and have no or less criminal antecedents to move application on their behalf for their release on bail or interim bail till the threat of Covid-19 persists.
- Member Secretary, JHALSA shall intimate all the Principal District Judges cum Chairpersons of the DLSAs of Jharkhand that this Committee has resolved that the Courts be requested to consider the bail applications of the under trial prisoners involved in the offences of petty nature and the offences as mentioned above liberally and in appropriate cases grant them bail or at least interim bail for the period of 45 days for the present. In appropriate cases releasing these persons on personal bonds may also be considered by the Courts concerned. In case the bail application of any such person has been rejected by the High Court, their application shall be filed before the High Court.
- Expeditious reallocation of inmates from the overcrowded jails to such nearby Jails in which the number of prisoners are less than the capacity shall be made.
- All the inmates shall be provided with masks prepared in the Jail to be compulsorily used by them.
- Govt should consider that the lock down violation of trivial nature may be fined on the spot so as not to increase the number of jail inmates
- The State Government shall complete the necessary formalities for making the newly constructed Jail building at Barhi, Hazaribagh and Old Jail building at Sakchi, Jamshedpur as make shift prisons for shifting the appropriate number of prisoners there from the overcrowded prison.

- Since it has come to the notice of the Committee that in a few Jails of the Country, the inmates are being found Corona positive, the Committee directs for exploring the possibility of manufacturing P.P.E. Kits in all other jails shall be explored, apart from Central Jail Hazaribagh and District Jail, Garhwa, where the P.P.E. Kits are already manufactured. Sufficient number of such P.P.E. Kits should be kept reserved in every jail for use by the Jail Officials and inmates. The extra P.P.E. Kits should be supplied to various departments of the State Government including Police personnel who are at forefront in fight against Corona Virus.

Jail inmates are entitled to all kind of assistance from JHALSA. The High Powered Committee has directed the Member Secretary, JHALSA to take up follow up actions for implementation of its decisions. Wife, children and parents of the Jail inmates are most vulnerable section of our Society. They are in great difficulties, as the National Lock down has made them jobless. Family members of Jail Inmates are on the verge of starvation. They are the persons under undeserved circumstances and, as such, entitled to our whole hearted assistance. Therefore, JHALSA is launching this project to take every good care of the jail inmates as well as their family members living in the cities or villages.

PLAN OF ACTION

JHALSA has trained jail inmates as its Para Legal Volunteers. As many as 114 jail inmates are our PLVs. They shall inform the other inmates about the benefit of Parole, interim bail as well as necessity to use mask , sanitizer and maintain personal hygiene and physical distancing.

For Family Members of Jail Inmates : Through the Panchayat Level Legal Services Clinics, we shall reach out to the families of the Jail inmates. Their needs shall be assessed and the steps shall accordingly be taken in coordination with the Block and Circle officials.

Most Essential immediate Needs

Food, Education, Medicine and counselling are the most immediate needs of the **family members of the jail inmates**.

Maintaining Social Distancing, wearing masks and Personal Hygiene are the most essential needs of **jail inmates**.

Achievable Goals for Family members of Jail Inmates

1. Linkage of family members with Antyodaya Anna Yojna (Food Security Scheme) and Public Distribution System
2. Benefit of PM Gramin or Urban Awas Yojna
3. Creation of Self Help Group and assistance in credit linkage

4. Establishment of Desk in JHALSA and each of the DLSA to help them in availing the benefit of Social Security Scheme
5. Use of Cost fund for saving them from starvation
6. Skill Training

Achievable Goals for Jail Inmates

1. Ensuring availability of atleast two face masks per Jail Inmate in all of Jharkhand jails.
2. Sanitization and Fumigation in each jails at regular intervals.
3. Production of PPE kits and sanitizers in Jharkhand jails.
4. Maintaining Social Distancing and provision of sanitizers in each of the ward of Jharkhand jails.
5. Identification of eligible jail inmates for benefit of interim bail / parole as per the decision of High Powered Comiittee.

Machinery for Implementation of the Project

Jharkhand State Legal Services Authority has established a Team in each DLSA for implementation of each of the 10 Schemes of NALSA. The Team established for the NALSA Scheme for the Women in all districts under the control of the District Legal Services Authorities shall implement this Project.

The District Level Core Committee of the DLSA shall be responsible to coordinate the efforts as per the JHALSA (Effective Intervention for Assistance to the People during the Pandemic Covid-19) Scheme 2020 to implement this Project .

State Level Core Committee shall monitor and mentor the legal services work force engaged in implementing this Project.

Mode of Most Immediate Assistance to family members of Jail inmates

Adverse Circumstances	Assistance to be provided by JHALSA/DLSA
Without food	Food grains and linkage with Food Security Scheme
Without medical assistance	Medicine distribution including Hospitalization, if necessary
Without Job	Linkage with Social Security Schemes / MNREGA
Children without education	Linkage with the benefit of right to free and compulsory education in nearby schools

Maintenance of Records

It shall be the duty of the Secretary, DLSA to maintain the records of the :

- Families of Jail Inmates assisted
- kind of assistance
- how the DLSA or the beneficiary reached the other
- beneficiary of interim bail / parole

Any person in need of assistance may contact :

Member Secretary, JHALSA on his mobile no. 8986601912 (this is whatsapp no. as well) or on email- jhalsaranchi@gmail.com

Email id & Contacts details of DLSAs are as follows :

Name of District	DLSA Chairman Contact	DLSA Secretary Contact
BOKARO <dlsabokaro@gmail.com>	L.L.- 06542- 222488 M : 9431126828	9431350935
CHAIBASA <dlsachaibasa@gmail.com>	LL-06582-258600 Mob: 9431163108	9431162084
CHATRA <dlsachatra@gmail.com>	LL- 06541-222036 Mob: 9431140331	9430734303
DEOGHAR <deoghardlsa@gmail.com>	06432-231066, 9431137885	7294181381
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GODDA <dalsagodda@gmail.com>	LL-06422-222005 Mob: 9431516559	9472788462
GUMLA <dlsagml38@gmail.com>	LL-06524223149, 9431116939	9472758172
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KODERMA <dlsakoderma@gmail.com>	LL: 06534252515, 8986868813	8789304361
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SDLSC Madhupur	9431137885	9835928066
SDLSC Ghatshila	9431133881	8210688218
SDLSC Rajmahal	9431139308	9546459225
SDLSC Tenughat	9431126825	9279710950



JHALSA Project for Migrant
labourers returning from
Other States
(An Effective Intervention
for Assisting the Migrant
Labourers returning to the
State of Jharkhand)

JHALSA PROJECT FOR MIGRANT LABOURERS RETURNING FROM OTHER STATES (AN EFFECTIVE INTERVENTION FOR ASSISTING THE MIGRANT LABOURERS RETURNING TO THE STATE OF JHARKHAND)

WHAT IS THE PROJECT

As per an estimate more than eight lacs persons belonging to Jharkhand are working as labourers in unorganized sector in other States as construction workers, farm workers, domestic helps, auto rickshaw drivers etc. National Lock down since 25-3-2020 has made them workless. They have run out of savings. They are in fact under acute threat of starvation. Finding no other way to survive, they are returning even on foot. Similar is the condition of migrant labourers of other States. They are all victims of undeserved circumstances and, as such, entitled to whole hearted assistance by JHALSA. Therefore, Hon'ble Patron-in-Chief and Executive Chairman, JHALSA have been pleased to direct the Legal Services Institution of JHALSA and DLSAs to provide effective assistance to the migrant labourers of Jharkhand working in other States as well as same of other States working in Jharkhand. JHALSA has tirelessly been working for more than a month to ameliorate the sufferings of the migrant labourers of Jharkhand as well as other States.

JHALSA is now formally launching this Project- 'श्रमेव वन्दते' for helping them with food, medicine, shelter and all other assistance in their endeavour to return.

PLAN OF ACTION

Each district of Jharkhand is maintaining Logbook of the migrant labourers returning from other States. They are first required to undergo 14 days of quarantine. JHALSA is coordinating with the District Administration to ensure basic necessities to all. Food, medicine, clothes, lavatories' facilities are the core area of our activity in this Project. After the quarantine period is over, they shall be linked with the MNREGA Scheme in close coordination with the District Administration.

MOST IMMEDIATE NEEDS OF MIGRANT LABOURERS RETURNING TO THE STATE

Food, Shelter, Medicine, Job and help in their endeavour to return are the most immediate needs of the migrant labourers returning to the State.

ACHIEVABLE GOALS

1. Linkage with Antyodaya Anna Yojna (Food Security Scheme) and Public Distribution Scheme.

2. Linkage with MNREGA Scheme.
3. Benefit of Birsa Harit Gram Yojana.
4. Benefit of Nilamber-Pitamber Jal Samridhi Yojana.
5. Benefit of Veer Shahid Poto Ho Khel Vikas Yojana.
6. Benefit of PM Gramin Awas Yojna.
7. Creation of Self Help Group and assistance in credit linkage.
8. Establishment of Desk in JHALSA and each of the DLSA to help the people of Jharkhand in availing the benefit of Govt. of India package for MSME Sector.
9. Registration in Unorganized Sector.
10. Registration in the scheme for Building & other Construction Workers.
11. Benefits of other schemes.
12. Use of Cost fund for saving the migrant labourers from starvation.
13. End to end help in getting benefit of other Social Security Schemes including Pension Yojna.

MACHINERY FOR IMPLEMENTATION OF THE PROJECT

Jharkhand State Legal Services Authority has established a Team in each DLSA for implementation of each of the 10 Schemes of NALSA. The Team established for the NALSA Scheme for the Workers in Unorganized Sector and Disaster Management Core Group in all districts under the control of the District Legal Services Authorities shall implement this Project.

The District Level Core Committee of the DLSA shall be responsible to coordinate the efforts as per the JHALSA (Effective Intervention for Assistance to the People during the Pandemic Covid-19) Scheme 2020 to implement this Project .

State Level Core Committee shall monitor and mentor the legal services work force engaged in implementing this Project.

MODE OF ASSISTANCE

Adverse Circumstances	Assistance to be provided by JHALSA/DLSA
Without food	Food grains and linkage with Food Security Scheme

Without shelter	Shelter in Rain Baseras. Temporary arrangements in tents, if there no rain basera. Arrangement of mobile toilets and water tankers at all temporary shelters.
Without medical assistance	Medicine distribution including Hospitalization, if necessary
Without another pair of clothes	Clothes
Victim of violence	Court based legal aid along with compensation
Stranded in another State	Arrangement of food/medicine/shelter as well as their return in coordination with the host SLA
Without Job	Linkage with Social Security Schemes / MNREGA

MAINTENANCE OF RECORDS

It shall be the duty of the Secretary, DLSA to maintain the records of the :

- ▲ Migrant labourers assisted
- ▲ kind of assistance
- ▲ how the DLSA or the labourer reached the other

Any person in need of assistance may contact :

Member Secretary, JHALSA on his mobile no. 8986601912 (this is whatsapp no. as well) or on email- jhalsaranchi@gmail.com

Email id & Contacts details of DLSAs are as follows :

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SDLSC Ghatshila	9431133881	8210688218
SDLSC Rajmahal	9431139308	9546459225
SDLSC Tenughat	9431126825	9279710950



JHALSA Project for
Children in need of care and
protection,
Single Women, Widows and
Uncared Senior Citizens
(An Effective Intervention for
Assistance to the children in
need of Care and protection,
single women, widows and
uncared senior citizens

JHALSA PROJECT FOR CHILDREN IN NEED OF CARE AND PROTECTION, SINGLE WOMEN, WIDOWS AND UNCARED SENIOR CITIZENS (AN EFFECTIVE INTERVENTION FOR ASSISTANCE TO THE CHILDREN IN NEED OF CARE AND PROTECTION, SINGLE WOMEN, WIDOWS AND UNCARED SENIOR CITIZENS

WHAT IS THE PROJECT

Crisis hit the vulnerable sections of Society hard. Children in need of care and protection, Single Women, Widows and Uncared Senior Citizens are most vulnerable even in normal circumstances. National Lock down since 25-3-2020 has made their condition pathetic. Except the children in need of care and protection, all others have run out of their savings. They are in fact under acute threat of starvation. They are finding no way to survive. They are all victims of undeserved want and, as such, entitled to whole hearted assistance by JHALSA. Therefore, **Hon'ble Patron-in-Chief and Executive Chairman, JHALSA** have been pleased to direct the Legal Services Institutions of JHALSA & DLSAs for providing effective assistance to them.

Therefore, JHALSA is launching this Project- '**मानवता**' for helping them with food, medicine, shelter, counselling and all assistance in ensuring their well being.

PLAN OF ACTION

JHALSA has been working hard for an year to strengthen the Village and Block Level Child Protection Committees. We have our Para Legal Volunteers to work with the Block Level Child Protection Committees. We are planning to work closely with such Block Level Committee in identifying Children in need of care and protection, Single Women, Widows and Uncared Senior Citizens in need of our assistance for their well being and survival, so that, effective assistance may be given to them in time.

MOST IMMEDIATE NEEDS

Food, Shelter, Medicine and counselling are the most immediate needs of the children in need of care and protection, single woman, widows and senior citizens.

ACHIEVABLE GOALS

1. Linkage of Single Women, Widows and Uncared Senior Citizens with Antyodaya Anna Yojna (Food Security Scheme) and Public Distribution System.
2. Benefit of PM Gramin or Urban Awas Yojna.

3. Accommodation of : Sr. Citizens - at Old Age Home,
Single Woman - at Probation Home,
CNCP - at Children Home.
4. Creation of Self Help Group and assistance in credit linkage.
5. Establishment of Desk in JHALSA and each of the DLSA to help them in availing the benefit of Social Security Schemes.
6. Arrangement at the Shelter Home/Children Home for stay of the uncared or orphaned children in need of care and protection.
7. Linkage of CNCP with the fostercare or sponsorship Scheme.

MACHINERY FOR IMPLEMENTATION OF THE PROJECT

Jharkhand State Legal Services Authority has constituted a Team in each DLSA for implementation of each of the 10 Schemes of NALSA. The Team for the NALSA Scheme for the Children and Senior Citizens in all districts under the control of the District Legal Services Authorities shall implement this Project.

The District Level Core Committee of the DLSA shall be responsible to coordinate the efforts as per the JHALSA (Effective Intervention for Assistance to the People during the Pandemic Covid-19) Scheme 2020 to implement this Project.

State Level Core Committee shall monitor and mentor the legal services work force engaged in implementing this Project.

MODE OF MOST IMMEDIATE ASSISTANCE

Adverse Circumstances	Assistance to be provided by JHALSA/DLSA
Without food	Food grains and linkage with Food Security Scheme
Without shelter	Shelter in Old Age Home/ Probation Home / Children Home
Without medical assistance	Medicine distribution including Hospitalization, if necessary
Without another pair of clothes	Clothes
Victim of violence	Court based legal aid along with compensation

MAINTENANCE OF RECORDS

It shall be the duty of the Secretary, DLSA to maintain the records of the :

- ▲ CNCP, Single women, Widows, Senior Citizens assisted
- ▲ Kind of assistance
- ▲ How the DLSA or the beneficiary reached the other

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Early Access to Justice at Pre-Arrest, Arrest and Remand Stage

EARLY ACCESS TO JUSTICE AT PRE-ARREST, ARREST AND REMAND STAGE

1. INTRODUCTION:-

1.1. Background

Right to free legal aid and assistance is an essential ingredient of reasonable, fair, and just procedure for a person accused of any offence. It is implicit in the guarantee of Article 21. It is, therefore, essential that Access to Justice is available at all stages of the criminal process. Access to Justice during the early stages of the criminal process has its importance. It ensures, amongst other things, protection of the rights of people when they are most vulnerable. It strengthens the criminal justice system.

While availability of services of a trained lawyer at the stage of trial in a criminal prosecution and inferentially, of free legal aid for those who cannot afford a lawyer on their own, is already the norm in most jurisdictions, legal aid during pre-trial stages has its own importance. It ensures amongst other things, protection of the rights of people when they are most vulnerable and thereby strengthens the criminal justice system.

United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems provides for the right to legal aid of any person who is “detained, arrested, suspected of, or charged with a criminal offence punishable by a term of imprisonment or the death penalty” at all stages of the criminal justice process¹.

In India, the framework of procedural law and the judgements of the Supreme Court of India provide for legal assistance at early stages of the criminal process. The Supreme Court of India has in various judgements recognized the right to legal assistance to persons in custody and ‘near custodial interrogation’. The Hon’ble Supreme Court in *Nandini Sathpaty v P.L. Dani*², observed as follows concerning the need for providing legal assistance at early stages:

The spirit and sense of Art. 22 (1) is that it is fundamental to the rule of law that the services of a lawyer shall be available for consultation to any accused person under circumstances of near-custodial interrogation. Moreover, the observance of the right against self-incrimination is best promoted by conceding to the accused the right to consult a legal practitioner of his choice

1 Principle 3, Clause 20, Resolution No. 67/187, United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (2012) available at http://www.unodc.org/documents/justice-and-prisonreform/UN_principles_and_guidelines_on_access_to_legal_aid.pdf

2 AIR 1978 SC 1025

In the year 2009, section 41D was introduced in the Code of Criminal Procedure in order to give statutory recognition to the right to legal assistance to a person when he is arrested and interrogated.

Further, with the introduction of Section 41(A) in Code of Criminal Procedure, a suspect can be called to the police station for questioning/interrogation.

The terms ‘custody’ and ‘arrest’ have not been defined in the Code. However, it has been held by the Supreme Court that “in every arrest, there is custody but not vice versa and that both the words ‘custody’ and ‘arrest’ are not synonymous terms.”³ Moreover, “police custody” does not commence only when the accused is formally arrested but “would commence from the moment when his movements are restricted and he is kept in some sort of direct or indirect police surveillance”.⁴ Thus, it also covers an accused who is called for questioning pursuant to a notice of appearance. Therefore, right to a lawyer/legal aid lawyer of suspects arises before questioning, when they become aware that they are the subject of investigation, and are in custodial settings.

Although, a robust framework of rights of suspects and arrested persons exists in India, many of those arrested or detained being poor, ill-educated or disadvantaged for some other reasons, are unaware of such protection. In India, a study estimated that 80 percent of those in prison had only a primary school education or were illiterate.⁵ They often lack the knowledge or experience needed to understand and navigate the criminal justice system. They have limited financial resources. The way in which suspects and accused persons are treated has a significant impact on the efficiency and effectiveness of the criminal justice system.⁶ Legal assistance is therefore, as important at pre-arrest stage, during the period between arrest and production in the court and at the stage of Remand, as that at the stage of trial.

1.2 Early stages of legal assistance

Pre-arrest Stage : The inclusion of Section 41A to the CrPC has created a pre-arrest stage, thereby, necessitating the enforcement of the right to legal aid even prior to arrest when a suspect can be issued a notice of appearance to appear before the police for questioning. In *Arnesh Kumar Vs State of Bihar*⁷ the Hon’ble Supreme Court with regard to section 41A CrPC observed as follows:- “Aforesaid provision makes it clear that in all cases where the arrest of a person is not required under Section 41(1), Cr.PC, the police officer is required to issue notice directing the accused to appear before him at a specified place and time. Law obliges such an

3 Directorate of Enforcement v Deepak Mahajan (1994) 3 SCC 440. Also see State of UP v Deoman Upadhyaya AIR 1960 SC 1125;

4 Paramhansa Jadab v State AIR 1964 Ori 144.

5 See Open Society foundations and United Nations Development Programme, The Socioeconomic Impact of Pretrial Detention, p. 23

6 UNDOC’s “ Early access to legal aid in criminal justice processes: a handbook for policymakers and practitioners” 2014.

7 2014) 8 SCC 273

accused to appear before the police officer and it further mandates that if such an accused complies with the terms of notice he shall not be arrested, unless for reasons to be recorded, the police officer is of the opinion that the arrest is necessary.”

Most of the persons called for interrogation to the police station on suspicion of having committed a criminal offence are inherently vulnerable to factors such as the environment of the police station and the uncertainty of what may happen to them. Providing of legal assistance to such persons can entail following benefits:

- a. Making the suspect feel less isolated or intimidated
- b. Safeguarding his welfare and rights during interrogation.
- c. Providing a check on police aggression.
- d. Avoiding unnecessary arrests

Arrest Stage: The presence of a lawyer at the stage of arrest can make a huge difference to how the accused is treated in police custody. A lawyer at this stage can ensure that the police respect the rights of the accused and prevent unwarranted harm to the accused. It reduces the possibility of beating, torture, coercion for disclosures, wrongful detention, fabrication, false implication and much more. A prompt legal assistance by lawyer at the time a person is arrested by the police may provide :-

- a. Assistance to understand why he has been arrested
- b. Protection against intimidation, ill-treatment and torture
- c. Assistance to understand and navigate the criminal justice process
- d. Actualization of procedural rights
- e. Ensuring bail in Bailable offences at the police station itself.

Remand stage: Similarly, at the remand stage, efficient representation to unrepresented arrestees is quite imperative to ensure that unnecessary arrests are challenged, bail applications are filed, unnecessary remands are resisted and procedural rights are protected.

2. OBJECTIVES :-

Early access to justice framework is devised primarily with the following objectives:

- i. To provide legal assistance to needy suspects and arrestees during interrogation and other early stages of investigation.
- ii. To decrease the vulnerabilities of suspects and arrestees.
- iii. To assist in avoiding unnecessary arrests.

- iv. To assist the arrestees in filing bail applications and furnishing bail bonds.

3. ROLE OF STATE LEGAL SERVICES AUTHORITIES:-

- ▲ All persons in custody, which would obviously include detention at pre-arrest stage and, between arrest and production in the Court, are entitled to free legal services by virtue of section 12 of the Legal Services Authorities Act, 1987. Since a large number of them do not have an opportunity or means to engage a lawyer on their own, Legal Services Authorities have an important role to play in reaching out to them.
- ▲ Effective implementation of early access to justice framework requires coordination between the police authorities and legal services authorities. In this regard, State Legal Services Authority shall take up the matter at the highest level with the State Department of Home and Director General of Police to mutually workout the modalities for effective implementation of the framework. So that the right of legal representation at the early stages of criminal justice system is promoted and secured.
- ▲ It is also important that wide publicity is given to the rights of persons at pre-arrest, arrest and at remand stage including the right to avail free legal aid from Legal Services Institutions. In this regard, State Legal Services Authorities shall get prepared quality IEC material including the leaflets referred to in the present framework. Hoardings enumerating such rights and phone numbers and addresses of Legal Services Authorities shall be put up by State Legal Services Authorities at public places, particularly at police stations, in coordination with local authorities. Workshops may be organized for Police and other Investigating agencies on rights of the arrestees and corresponding duties of the Investigating officers.
- ▲ Panel Lawyers have a significant role to play in the entire process of early access to Justice. In such a scenario, capacity building programs for panel lawyers specifically touching upon essential aspects of law pertaining to Arrest, Remand and Bail be planned and implemented by State Legal Services Authorities.

4. A FRAMEWORK OF PROVIDING LEGAL ASSISTANCE AT PRE-ARREST, ARREST AND REMAND STAGE:-

4.1 Legal assistance at the pre-arrest stage:

In *Sheela Barse v State of Maharashtra* AIR 1983 SC 378, the Hon'ble Supreme Court of India held:

"..... whenever a person is arrested by the police and taken to the police lock up, the police will immediately give an intimation of the fact of such arrest to the

nearest Legal Aid Committee and such Legal Aid Committee will take immediate steps for the purpose of providing legal assistance to the arrested person at State cost provided he is willing to accept such legal assistance.”

In view of the fact that the pre-arrest stage has settings of custody, there is no reason why the above mandate to the police to notify the Legal Aid Committee (Now, the DLSA) should not be applicable at this stage also. The framework for providing legal assistance at this stage would therefore be as follows :

4.1.1 Notifying the suspect of the right to a lawyer:- In view of the Satapathy case, supra and section 41 D Cr.P.C, the police is to notify the suspect of his right to have legal assistance during interrogation. Moreover, the mandate of Sheela Barse will remain ineffective unless the suspect is appraised of this right. The police has ,therefore, to inform the suspect that free legal assistance can be availed from the Legal Services Authorities. It is essential to inform the suspect called for interrogation of the following rights which can be given in the form of leaflet of rights by the police so that the suspect can make informed decision of his right to avail legal assistance:-

Your Rights

1. You have the right to know why the police has called you for interrogation.
2. You have the right to know what the police think you have done.
3. You have the right not to answer the questions which have the effect of self-incrimination. However, you have to give accurate details of your name,address and identity.
4. You have the right to have a lawyer present if the police interview you. You may avail free legal assistance from the nearest legal services authority.
5. You have the right to medical help if you are ill or injured.

All suspects shall be given a copy of a leaflet of rights upon arrival at the police station and shall be allowed to keep it with them for the duration of their stay. The person to be interrogated must be given adequate opportunity to read and understand the information. Legal Services Authorities shall provide enough leaflets to police stations.

4.1.2 Deputing a lawyer to the police station: Upon receiving the intimation of the request of the suspect to have free legal assistance during interrogation , the legal services authorities as per the duty roster prepared with regard to various police stations, shall inform the deputed lawyer. Since, duty rosters are expected to be given in advance to the police stations so that police

authorities may be able to directly intimate the lawyer. Upon intimation, the lawyer shall go to the concerned police station for providing legal assistance.

4.1.3 Role of the lawyer: The work of a lawyer in advising and assisting the suspect in the police station can often be difficult and demanding. A lawyer has the following role to play at the police station at pre arrest stage:

- a) The lawyer shall apprise himself of the allegations against the person called for interrogation.
- b) He shall explain the alleged offence and the matter for which the person has been called for interrogation.
- c) He shall provide legal advice and assistance as sought and required in the situation.
- d) He shall not interrupt or obstruct interrogation.
- e) He shall appropriately advise the police, if it proceeds to arrest the suspect unnecessarily and without any basis. In this regard, he shall put the position of law before police officials keeping in view the circumstance of the case.
- f) In case the suspect is a foreigner, the duty lawyer shall inform the police to intimate the concerned High Commission, Embassy/Consulate.
- g) In case, the suspect does not understand the language then arrangement be made for an interpreter, the expenses of which may be borne by the DLSA from Grants in Aid.
- h) He shall ensure that women are not called to the police station or to any place other than their place of residence for questioning.
- i) In case a child has been called to the Police Station, the lawyer shall take necessary steps to safeguard his rights as provided under Juvenile Justice(Care and Protection Act) 2015.

4.2 Legal assistance at the arrest stage:

4.2.1 Notifying the suspect of his right to legal assistance:- In view of Nandini Sathpaty and Sheela Barse cases supra and sections 41 A to 41 D Cr.P.C, police is to intimate the arrestee of his right to have legal assistance. A letter of rights in the form of a leaflet may be given to the arrestee. It may contain the following:-

Rights of an Arrested Person

1. The right to a lawyer on being arrested (Article 22 (1) & Section 41(D) CrPC.
2. The right to have the arrest memo prepared as per Section 41B and scrutinized by the Magistrate
3. The right to be informed of the grounds of arrest and of the right to bail (Section 50)
4. The right of information to any friend, relative or any other person nominated by the arrested person about the arrest and the place of detention (Section 50 A)
5. The right to medical examination by a medical officer/registered medical practitioner soon after arrest; by a female medical practitioner in the case of a female accused (Section 54)
6. The right against self incrimination (Article 20 (3))
7. The right to be produced before a competent Magistrate within 24 hours, excluding the time taken for the journey to the Magistrate (Section 56 read with Section 57)

In case the arrestee wants to avail the legal assistance, an intimation of such requirement shall be given by the police to DLSA and the duty lawyer. In case of women and children in conflict with law, intimation in all cases be given to the DLSA and duty lawyer.

4.2.2 Role of DLSA:-

Upon receiving the intimation of request of the arrestee to have free legal assistance during interrogation or interview, the legal services authorities shall inform the deputed lawyer, as per the duty register. Since, duty roasters are expected to be given in advance to the police stations so police authorities shall also directly intimate the duty lawyer. Upon intimation, the lawyer shall go to the concerned police station for providing of legal assistance.

4.2.3 Role of a Duty Lawyer:-

A lawyer has an vital role to perform at this stage. His entire functions shall revolve around providing appropriate legal assistance within the permissible limits to the arrestee without disturbing the investigative process and functions of police officers. The role of Duty Lawyer at the police station is enumerated below:

- a. He shall apprise himself of the allegations against the accused and the grounds of arrest.

- b. He shall explain to the Arrestee, the alleged offence and the grounds of arrest.
- c. He shall provide legal advice and assistance as sought and required in the situation.
- d. He shall not interrupt or obstruct interrogation.
- e. In case of bailable offences, he shall take necessary steps for securing the bail of the arrestee at the police station itself. Wherever necessary and feasible, family members or friends of the arrestee be contacted through PLVs for this purpose.
- f. In case the arrestee is a foreigner, the duty lawyer shall inform the police to intimate the High Commission, Embassy/Consulate.
- g. In case, the arrestee does not understand the language then arrangement be made for interpreter, the expenses of which may be borne by the DLSA from Grant in Aid.
- h. He shall ensure that the distinctive needs of women arrestees are met by seeking to ensure that procedures of criminal Justice are complied with. This may include ensuring that they are detained separately from males and that female police officer remains present during interrogation.
- i. In case arrested persons apparently appears to be a child, the lawyer shall take necessary steps to safeguard his rights as provided under Juvenile Justice(Care and Protection Act) 2015.

4.3 Legal Assistance at Remand Stage:-

The Hon'ble Supreme Court of India in *Mohd. Ajmal, Amir Kasab v. State of Maharashtra*⁸ held as follows:

“ The right to access to legal aid, to consult and to be defended by a legal practitioner, arises when a person arrested in connection with a cognizable offence is first produced before a magistrate.”

The Hon'ble Supreme Court further held

“We, accordingly, hold that it is the duty and obligation of the magistrate before whom a person accused of committing a cognizable offence is first produced to make him fully aware that it is his right to consult and be defended by a legal practitioner and, in case he has no means to engage a lawyer of his choice, that one would be provided to him from legal aid at the expense of the state. The right

⁸ (2012) 9 SCC 1

flows from Articles 21 and 22 (1) of the Constitution and needs to be strictly enforced.”

Thus, arrested person has a right to be represented during remand.

4.3.1 Role of DLSA :

- ▲ DLSA shall depute Remand Advocates in the Magisterial Courts, Sessions Court and also in the courts of Executive Magistrate as per the requirement. In other words, deputing of Remand Advocate should be proportionate to the actual requirement which should be periodically reviewed. One lawyer may be deputed for two or more courts keeping in view the workload.
- ▲ Duty rosters may be sent to the police stations and to the courts so as to give prior information of the Remand Advocates.
- ▲ DLSA shall ensure that duty lawyers attend to the remand work even during holidays and after court hours as and when unrepresented arrestee is produced for remand.

4.3.2 Role of the Lawyer:-

- a) **Copy of application for remand:-** Before proceeding to represent an unrepresented arrestee, it is quite essential to obtain a copy of the application moved by the prosecution for seeking the remand of an accused. The contents of the application can indicate to the remand lawyer the gist of the allegations and the reasons which the prosecution is putting forth for seeking remand. If prosecution does not supply the copy of an application, request be made to the concerned court for providing the copy of application for effective representation of the accused. After obtaining the copy of the remand application and the copies of the documents which the prosecution may be relying upon, the remand lawyer shall go through the contents of the same.
- b) **Interaction with arrestee :** Remand Advocate shall in every case, before representing the arrestee, interact with the arrestee. This shall be done with an objective to inform an arrestee about the allegations against him and the grounds being put by the prosecution for seeking remand. It is also required for seeking any information regarding the allegations, date of arrest etc. Interaction can give inputs about many important aspects including the local roots of the arrested person.
- c) **Challenge arrest:** It may happen that the police has arrested a person unnecessarily in a routine manner. In such a scenario, keeping in view section 41 (A) of Code of Criminal Procedure read with important judgements of the Hon’ble Supreme Court such as In Arnesh Kumar Vs

State of Bihar,(2014) 8 SCC 273 and Joginder Kumar v State of UP [1994 SCC (4) 260], the arrest shall be challenged by a Remand Advocate before the court.

- d) **Bail application:-** Remand advocate shall file bail applications in appropriate cases. Arrestee be also apprised of the bail application and the next date if the matter is postponed by the court for hearing arguments. In case of grant of bail, the Remand Advocate shall also assist in furnishing of bail bonds. Wherever necessary, family members be also contacted through PLVs, for filing of bail bonds. In case of rejection of the bail, intimation be given to the office of DLSA. Arrestee be also informed about his right to move Higher courts. In case the arrestee takes informed decision for availing the said right, LSA shall provide legal services for filing matter in Higher courts.
- e) **Submission with regard to surety:-** If the arrestee is a resident of some other place and obtaining of local surety may be difficult for him, a submission may be made before the court not to order furnishing of local sureties. In this regard reference can be made to the observations of the Hon'ble Supreme Court in Moti Ram & Ors vs State Of M.P , 1978 AIR 1594, 1979 SCR (1) 335.
- f) **Translation of documents:** In case the arrestee or the lawyer does not understand the language in which the documents have been prepared by the police, submission be made before the court to provide the translated documents so that arrestee may understand the allegations and the case of the prosecution against him. This will also facilitate effective interaction with arrestee.
- g) **In the case of foreigner arrestee:** In case the arrestee is a foreigner, the remand lawyer shall request the court to direct the police to intimate the concerned High Commission, Embassy/Consulate.
- h) **Non-production of accused on a subsequent remand :-** If a person in judicial custody is neither produced in person nor through video conferencing on a subsequent remand then the submission may be made before the court to give remand only on production. The submission be made before the court concerned to direct the concerned authorities to produce the accused.
- i) **In case of Remand through video conference:** During remand by way of video conferencing, Remand Advocate shall inform the accused through VC only that he is representing him. In case accused wants to interact before the remand with a lawyer, permission be sought from the

court for such interaction. In case remand is given by the court, the next date be intimated to the inmate. In this regard information be also given to the jail clinic.

- j) **Representation during preventive detention proceedings:-** Persons who are produced before Executive Magistrates for the purpose of detention be effectively represented, in case legal aid is required by any such person. In such a case, interaction with such persons, obtaining the copy of application and other documents, preparing a case for resisting preventive detention are some of the pre-requisite steps for effective representation. If the order for preventive detention is passed, the detainee be apprised of his rights to move higher authorities/courts. In case the legal aid is required for moving higher courts, the requisite steps be taken by Legal Services Authorities in this regard.
- k) **Child arrestees:-** Remand Advocates shall be duly trained in Juvenile Justice Law. In case arrested person apparently appears to be child in conflict with law, submission be made before the Magistrate to take the steps as per Juvenile Justice Law. Application in this regard be moved before the court. Efforts be also made in coordination with the family members of such person to collect the documents reflecting about his date of birth.
- l) **Persons of unsound mind and mental retardation:** Whenever a person of unsound mind is produced for a remand, the Remand Lawyer shall take steps in accordance with chapter XXV of Code of Criminal Procedure of 1973. Submission for his bail be made in accordance with section 330 CrPC. His rights provided under Mental Healthcare Act, 2017 be also secured such as right to access Mental Healthcare, right to protection from cruel, inhuman and degrading treatment. In this regard office of DLSA shall be duly intimated so that the protections under Mental Healthcare Act, 2017 be actualized.

5. OTHER ROLES OF LEGAL SERVICES AUTHORITIES:-

- (i) **Awareness:** Legal Services Authorities shall spread effective legal awareness amongst the public about the right to free legal assistance at prearrest, arrest and remand stage. Awareness shall also be spread about the rights of the arrestees and also about the framework envisaged under Sections 41(A) to 41(D) of Code of Criminal Procedure. Leaflets, hoardings and any other tool may be used for spreading awareness. Hoardings in coordination with police authorities be affixed in the police stations at conspicuous places. Hoardings shall mention phone numbers and addresses of the nearest Legal Services Authorities. Leaflets as envisaged under the present framework be also provided at the police station.

- (ii) **Training :** Legal Services Authorities shall impart specialized training to the duty lawyers engaged for providing legal assistance at pre arrest, arrest and remand stage. Refresher trainings be also organized periodically for the duty lawyers. Trainings may cover topics such as Rights of the arrested persons, jurisprudence of section 41, 41 (A) to 41(D) , important judgments of the Hon'ble Supreme Court on Arrest Law, Juvenile Justice Act etc.
- (iii) **Duty Roasters:** Legal Services Authorities have to frame fortnightly or monthly duty roasters of advocates and PLVs in such a manner that all the police stations are covered. The Advocates and/or PLVs on duty may make random visits to the respective Police Stations and be available on call on the day of their duty. It need to be ensured that engagement of duty lawyers shall be proportionate to the requirement. Duty Roasters may also spell out the duties at different periods of the day i.e. during office hours and non-office hours.
- (iv) **Honorarium:** Honorarium to duty lawyers be paid timely. The Executive Chairman, SLSA shall decide the amount of honorarium including reimbursement of travelling expenses.
- (v) **Documentation:** It is quite imperative to document the services provided at investigative stage to needy. Accurate and effective documentation will not only help in making effective review but will also reflect about the impact made by such legal assistance.
- (vi) **Periodical review:** Legal Services Authorities shall periodically review the early access to justice framework so as to identify the gaps and taking timely and appropriate corrective measures for improving the structure.



Guidelines Issued by National
Legal Services Authority
(NALSA) for Legal Services
in Juvenile Justice Institutions
in connection with the
compliance of the order
dated 19.08.2011 of Hon'ble
Supreme Court of India in
Sampurna Behrui v. Union of
India & Ors. W.P.No. (C) No.
473/2005 to establish legal aid
centres attached to JJBs.

Guidelines Issued by National Legal Services Authority (NALSA) for Legal Services in Juvenile Justice Institutions in connection with the compliance of the order dated 19.08.2011 of Hon'ble Supreme Court of India in Sampurna Behrua v. Union of India & Ors. W.P.No. (C) No. 473/2005 to establish legal aid centres attached to JJBs.

1. When a child is produced before Board by Police, Board should call the legal aid lawyer in front of it, should introduce juvenile / parents to the lawyer, juvenile and his/her family/parents should be made to understand that it is their right to have legal aid lawyer and that they need not pay any fees to anyone for this.
2. JJB should give time to legal aid lawyer to interact with juvenile and his/her parents before conducting hearing.
3. Juvenile Justice Board should mention in its order that legal aid lawyer has been assigned and name and presence of legal aid lawyers should be mentioned in the order.
4. Board should make sure that a child and his parents are given sufficient time to be familiar with legal aid counsel and get time to discuss about the case before hearing is done.
5. Juvenile Justice Board should make sure that not a single juvenile's case goes without having a legal aid counsel.
6. Juvenile Justice Board should issue a certificate of attendance to legal aid lawyers at the end of month and should also verify their work done reports.
7. In case of any lapse or misdeed on the part of legal aid lawyers, Board should intimate the State Legal Services Authority and should take corrective step.
8. Juvenile Justice Board and the legal Aid lawyers should work in a spirit of understanding, solidarity and coordination. It can bring a sea-change.
9. Legal Aid Lawyer should develop good understanding of Juvenile Justice Law and of juvenile delinquency by reading and participating in workshops/ trainings on Juvenile Justice.
10. Legal Aid Lawyer should maintain a diary at center in which dates of cases are regularly entered.
11. If a legal aid lawyer goes on leave or is not able to attend Board on any given day, he/she should ensure that cases are attended by fellow legal aid lawyer in his/her absence and that case is not neglected.
12. Legal Aid lawyer should not take legal aid work as a matter of charity and should deliver the best.

13. Legal Aid Lawyer should raise issues/ concerns/ problems in monthly meeting with District Legal Services Authority.
14. Legal Aid Lawyer should maintain file of each case and should make daily entry of proceeding.
15. Legal Aid lawyer should not wait for JJB to call him/her for taking up a case. There should be effort to take up cases on his/her own by way of approaching families who come to JJB.
16. Legal Aid Lawyer should inspire faith and confidence in children/their families who cases they take up and should make all possible efforts to get them all possible help.
17. Legal Aid lawyer should abide by the terms and conditions of empanelment on legal Aid Panel.
18. Legal Aid lawyer should tender his/her monthly work done report to JJB within one week of each month for verification and should submit it to concerned authority with attendance certificate for processing payments.
19. Legal Aid Lawyer must inform the client about the next date of hearing and should give his/her phone number to the client so that they could make call at the time of any need.

Member-Secretary,
National Legal Services Authority.

Nalsa Ensuring Access to Justice for Widows Living in Shelter Homes

NALSA ENSURING ACCESS TO JUSTICE FOR WIDOWS LIVING IN SHELTER HOMES

BACKGROUND:

As per the 2011 census, there are 5.6 crore widowed persons in India. Women outnumber men accounting for nearly 78 % i.e 4.36 crore of total widowed population. Many widows live life as social and economic outsiders, denigrated and abandoned. Often illiterate, the widows themselves are unable access any beneficial government Scheme or Justice System. They are not even aware of their entitlements under the welfare schemes. They are not aware of their inheritance and land rights.

NALSA, keeping in view the same, filed the Writ Petition titled “ National Legal Services Authority Vs. Union of India” W.P. (Civil) No. 133/2012, in Hon’ble Supreme Court of India for protection of rights of the widows. Various orders were passed with regard to the widows living in the Shelter Homes of Vrindavan, Uttar Pradesh. Work was carried out for the welfare of Widows accordingly.

In a related matter (WP (C) 659 of 2007), Hon’ble Supreme Court passed judgment dated 11.08.2017. In the said judgment as many as 18 reports on the plight of widows all over the nation have been mentioned. Also a separate Committee has been constituted to scan through the reports and suggest and prefer an Elaborate Action Plan. However as per the inputs received by Hon’ble Supreme Court on Agreed Action Plan is put forth whereby NALSA is mandated to create a mechanism to provide Legal Services at Shelter Homes where Widowed women reside.

Hence, in view of the same, the following protocol has been devised.

(1) Database of Homes housing widows:-

State Legal Services Authorities shall help Ministry of Woman and Child Development (WCD) and State Commission for Woman(SCW) prepare a common database of Shelter Homes, run by Government or NGOs providing shelter to widows. In this process, help from the Police Departments as well as other Government departments may be sought for compiling correct data base. Data shall include the name and address of the home, total number of inmates and the organization which runs it.

(2) Database of Widows:-

After identification of the homes, SLSAs shall assist WCD and SCW to prepare a data base of the, data base of the widows residing therein with the help of special teams constituted with Government representatives. The information shall contain the following:

- i. Name of the widow.
- ii. Name of her deceased husband, if any.

- iii. Age.
- iv. Particulars of address where she lived with her husband (last family).
- v. The number and particulars of her children, if any.

(3) Compilation of Welfare Schemes:-

The State Legal Services Authorities shall make compilation of welfare schemes run by Department of Woman and Child Development or State Commission for Woman or any other Department of Central or State Government which are applicable to the widows. Poverty alleviation schemes particularly be identified and complied. The said compilation be sent to the District Legal Services Authorities.

(4) Constitution of Teams & Training:

The District Legal Services Authority shall constitute a team of five members consisting of 4 Para Legal Volunteers (PLVs) and 1 Panel Lawyer. Preferably team shall be comprised of women PLVs and Panel Lawyers, if feasible one representative of DWCD and SCW as well. Credible NGOs already working in the field may be also associated with the team.

After formation of the team, a workshop be conducted for the team so as to apprise the team members about the various welfare schemes, programmes and policies related to the Widows. They be also apprised about Woman laws and law regarding inheritance. Request be made to the Department of Woman and Child Development, Department of Social Welfare, State Commission for Woman and other concerned departments to provide necessary training so that the team constituted know the various applicable welfare schemes and the formalities/process required to be completed before submitting form/application to the concerned department.

(5) Sensitization and visits to homes:-

The team shall also be sensitized about the objective of the visits. The following objectives of visits shall be kept in view:

- i. Verify if such widow has identification documents like Aadhar Card, Voter Card etc.
- ii. Examining as to whether widows are connected to welfare schemes meant for them, if not how to ensure it.
- iii. To identify as to whether they have been denied any right in the property to which they are entitled, if so proper litigation.
- iv. To ascertain as to whether any offence has been committed against any widowed woman, if so remedial action.
- v. To understand the legal needs of widows and suggest remedies.

- vi. To spread awareness about their entitlements under law and welfare schemes.
- vii. Whether they have Bank Account in their personal names.

Wherever and whenever deemed appropriate, Secretary, DLSA shall accompany the team during the visit. The team shall also be sensitized that their visits shall not cause unnecessary interference in the day to day working of the Home. The visits shall be accordingly devised and executed so as to cause the least interference and at the same time fulfil the objectives effectively and meaningfully.

(6) Remedying the disconnect :-

- i. The team shall visit the identified homes once in a fortnight.
- ii. Teams shall spread awareness amongst the inmates about the availability of free legal services and relevant welfare schemes.
- iii. The teams during their visits shall examine as to whether each of the inmates of the Home is linked to the welfare schemes or not.
- iv. They shall also determine as to whether inmates have their bank accounts and the documents such as Aadhar Card and Voter Card.
- v. In case the inmates are not having such documents and not connected to the welfare schemes then appropriate steps such as filling of forms, writing applications and submission of forms etc. be taken
- vi. Facilitate the making of Aadhar Card, Voter Card, opening of bank account etc. and connecting the said identified inmates with the welfare schemes.
- vii. The report in this regard be sent to the office of District Legal Services Authorities. The District Legal Services Authority shall overview the entire process.

(7) Abandonment and denial of rights in property:-

- i. The team shall also determine as to whether the inmates have been deprived of the self-earned or inherited property to which they are legally entitled. In such a case, the matter be reported to the office of DLSA. If matter comes within the area of operation of the concerned/local DLSA then immediately steps will be taken by DLSA for providing legal advice and assistance for institution of appropriate proceedings, if required
- ii. If the matter pertains to other DLSAs or other SLSAs, the matter be reported to the State Legal Services Authority. The State Legal Services Authority shall accordingly refer the matter to the concerned Legal Services Institution.
- iii. It be ensured that appropriate proceedings are instituted and the inmate is kept informed of the proceedings instituted and the next date of hearing etc.

- iv. In case of abandonment, steps be taken to initiate appropriate legal proceedings under Maintenance of Parents and Senior Citizens Act, 2007 against the offenders.

(8) Facilitating remarriages of widows:-

Widows of marriageable age be identified in the Shelter Homes. Steps be taken to promote their remarriage to bring them in main stream society. In this regard, NGOs already working in the field, may also be associated.

(9) Identification of Mentally ill or other associated problems:-

If in the house, the team come across any inmate who appears to be suffering from mental illness or any other associated problem, the matter be taken up with the Health Department so that the concerned department does the requisite for remedying the health problem.

(10) Report :

The State Legal Services Authorities shall submit compiled reports in the format annexure 'A' to the National Legal Services Authorities on quarterly basis.

ANNEXURE 'A'

Database of Shelter Homes housing widow

NAME OF SLSA: _____

Period/quarter: _____

S.NO	NAME OF HOME (ADDRESS BE MENTIONED)	NUMBER OF INMATES	INMATES CONNECTED WITH WELFARE SCHEMES	INMATES PROVIDED LEGAL ADVICE	INMATES PROVIDED LEGAL AID IN INSTITUTING PROCEEDINGS BEFORE COURT OF LAW/AUTHORITY	AWARENESS CAMPS HELD

Front Office Guidelines

FRONT OFFICE GUIDELINES

1. BACKGROUND AND RATIONALE:-

Legal Services Authorities are providing free and competent legal services to weaker and marginalised sections of society. Front office is one of the units of the entire framework to render such services. As per Regulation 2(c) of National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010 “Front office means a room in the Legal Services Institution where legal services are made available”. Regulation 4 of the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010 provides that all Legal Services Institutions shall have a Front Office. In the Front office are deputed Retainer Lawyer, Para Legal Volunteers (PLVs) and Panel Advocates. Moreover, persons with the qualification of Masters Degree in Social Work or Diploma or Masters Degree in psychiatric or psychology may also be called to the Front Office as and when necessary.

It is imperative to make Front Office efficient and effective so that quality and meaningful legal services are rendered to the visitors/legal aid seekers. At present, there is no uniformity in the functioning of Front Offices across the country. Moreover, in most of the Front Offices, legal services of the required standard are not delivered. It is important to strengthen Front Offices so that high-quality legal services are rendered and Front Office work as One Stop Centre for legal aid seekers/beneficiaries.

Hence, arises the need of guidelines suggesting the operational framework for rendering legal services in Front Office.

2. LEGAL SERVICES THROUGH FRONT OFFICE

Front Office is expected to provide legal services in an effective and expeditious manner. Functions of Front Office include:

- (i) Providing Legal advice;
- (ii) Drafting applications, petitions, replies etc.;
- (iii) Attending legal aid helpline number
- (iv) Receiving and maintaining record with regard to legal aid applications;
- (v) Uploading legal aid applications on Web Portal of NALSA;
- (vi) Maintaining up- to- date data of court based matters and maintaining data in prescribed formats.

- (vii) Updating Legal Aid Beneficiary about particulars of a Panel Lawyer marked for his matter and also updating him regularly about the status of his case.

3. Suggestive framework:

(1) Location

As per Regulation 4 of National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010, all Legal Services Institutions have to set up a Front office. The location of the Front Office should be such as is visible to litigants and other people who are visiting courts or the offices of Legal Services Institutions. It should not be far away from the courts. It should not be at a place which is not visible. Front Offices should be setup at the level of State, District and Taluk level legal services institution. Sign boards spelling out Front Office and the time of opening and closing of Front Office be put outside the Front Office.

(2) Infrastructure

Front office shall be well painted. It shall have at least one table, three chairs for PLVs, and one/two chairs for Panel Lawyers. It shall have at least two visitors chairs. It shall have a notice board, a computer, a scanner and printer and a legal helpline number. Suggestion box and complaint box be also kept in the Front office. In the waiting area there should be sufficient seating arrangements. Drinking water facility should be made available at the waiting area. DLSA may also subscribe newspaper and news magazines, to be kept in waiting area. LED monitor be also affixed at appropriate place in the Front office for displaying the functions of the Legal Services Authorities, entitlements to free legal services, documentaries related to Legal Services, NALSA Theme Song, Success Stories etc. the LED monitor can also be utilised for video conferencing along with necessary equipment's such as a webcam or a desktop VC facility.

(3) Duty Roasters and list of Panel Advocates and PLVs:

A daily roaster regarding the Front Office should be put on the notice board. It shall clearly spell out the names of the PLVs, Retainer/Panel Lawyers along with their telephone numbers. The duty roster of all the

Front offices of SLSA/DLSAs and Taluka shall also be uploaded on the website of the State Legal Services Authorities. Front office shall also have a list of all panel advocates and PLVs of concerned Legal Services Institution along with their addresses and telephone numbers for ready reference. A copy of list containing duty roster of all the Legal Services Clinics be also kept in the Front Office for ready reference. Following points should be kept in view while deputing PLV/Retainer/Panel lawyers etc. at the Front Office.

- (a) **Professionalism:** - The person deputed shall have a professional appearance and attitude. The office of Secretary should take into account the said aspect while deputing a person.
- (b) **Technical prowess:** - The person deputed should be comfortable in using phone system, copier, scanner and printer. Basic technical knowledge of using e-mail, etc. should be possessed by the candidate.

(4) Registers and booklets to be kept and maintained in the Front Office:-

Following registers/records are to be maintained in Front Office:

- (i) Front Office Register for visitors
- (ii) Legal Aid Monitoring Register
- (iii) Legal Services Helpline Register

These registers can be maintained in soft version in computers on Excel sheets or any other software deemed fit. The suggestive format is

provided in the Annexures A to C. In the Front office, shall be kept updated data of court based matters so that legal aid beneficiaries can be apprised about the same. Feedback forms regarding the court based matters be also kept at the Front Office. A suggestive feedback proforma is attached herewith as Annexure D

(5) Daily reporting about case proceedings

The panel lawyer shall report at the Front Office about the proceedings conducted in the case and the next date and purpose, if the case is adjourned. This shall be reported on daily basis. The communication in this regard to the Front Office may be sent through email also. The office of DLSA shall mark the duty to a PLV in the Front Office to update the information on the record on daily basis under the supervision/guidance of Retainer Lawyers. If a panel lawyer at the end of the day fails to report about the next date of hearing and the proceedings, he be contacted to provide the same on the morning of next day. Panel Lawyers be sensitized about the importance of updating the record at the Front office on daily basis. PLV maintaining the record shall be trained in data entry. In this regard, PLVs and Retainer Lawyers deputed at the Front Office be trained and sensitized to make use of NALSA portal.

(6) Updating legal aid Beneficiaries

Panel Lawyers/Retainer Lawyers/PLVs be trained in updating legal aid beneficiaries regarding court based matters through SMS and Emails. System of updating legal aid beneficiary through SMSs may be adopted. Legal aid beneficiary should be

updated about the decision taken on his/her legal aid application, name & phone number of legal aid counsel marked to the applicant in case legal aid is decided to be given. He be regularly updated about the progress of case. Standard format of SMS and Email be devised.

(7) Handling legal Aid Helpline professionally:

- (a) Legal Aid Helpline telephone should be kept in the Front Office. The PLV be trained to attend legal aid calls properly. In case of complex issues, he should refer the call to the panel lawyer/retainer lawyer instead of himself advising on legal matters. With regard to all this, suitable training be provided to PLVs and Retainer Lawyers/ PanelLawyers who are deputed for the purpose in the Front Office.
- (b) Persons deputed for handling legal aid helpline should be courteous and have good communication skills.
- (c) In this regard, the following points must be kept in view:-
 - i. Answering a call- a pleasant buffer phrase such as “Good Morning” or “Thank you for calling Legal Services Authority” may be used.
 - ii. Avoid excuses- Callers want solution. They do not want excuses. If the person handling the legal aid helpline is not capable of advising on a particular legal problem. Then, he should refer the call to the Retainer/ Panel lawyers deputed at the Front Office.

(8) Bare Acts, compilation of welfare schemes etc

In the Front Office, be kept Bare Acts of various important enactments such as Code of Civil Procedure, Code of Criminal Procedure, Indian Evidence Act etc. This is important for ready reference of the panel lawyers. A compilation of welfare schemes of Central and State Government be also kept in the office so that visitors also can get knowledge about the existing welfare schemes.

(9) Connect with Legal Services Clinics

Front office shall have database of all the Legal Services Clinics including the telephone numbers of the panel advocates and PLVs deputed in the Legal Services Clinics. Any update in the matter falling within the jurisdiction of any Legal Services Clinic be given to the concerned Legal Services Clinic by Front Office so that the legal aid beneficiary escapes from the trouble of travelling to the District or Taluka Headquarters to know about the status of his/her application/case.

(10) Regular Monitoring of Front Offices

Regular monitoring be made of Front Offices at the State, District and Taluka Level. At least in a fortnight, registers be checked and interaction be done with the visitors for assessing the working of Front Office. Suggestions, complaints and the feedback forms be dealt and evaluated on regular basis. Remedial steps be taken to remedy the deficiency, if any noticed.

(11) Maintenance of Digital Record

Legal Aid applications may be received by way of post, email, web portal or applicant may deliver it in person at the office of Legal Services Authority or in Front Office. The record of all the legal aid applications be maintained at the Front Office. The applications received in hard copy form be scanned and kept in scanned form in the computer. The same be uploaded on NALSA portal . Record in soft copy form of the notices, replies, representations drafted at the front offices be also kept.

(12) Assistance of lawyer having expertise in particular branch of law -

It may happen that the notice to be drafted at the Front Office or legal advice to be rendered may be beyond the specialized field of the Retainer lawyer or panel lawyer deputed at the Front office. In such a scenario, complex legal issues requiring special knowledge of any particular branch of law be referred to the office of Secretary, DLSA which in turn shall depute the lawyers from its panel who are having special knowledge needed to draft the application/ notice or deal with the issue to render correct legal advice.

(13) Promotional Activities

Public need to be apprised about the existence of Front office and the various legal services being rendered by Front Office. Hence, adequate publicity of Front Office be got done through print and electronic media.

FRONT OFFICE REGISTERS (Annexures A)

MONTH _____

S. No.	Date	Name & address of visitor	Problem	Action taken	Remarks

LEGAL AID HELPLINE REGISTER (Annexure B)

S. No.	Name & address & phone no. of caller	Date & time of call	Problem discussed	Action taken/ advice given	Remarks

LEGAL AID (MONITORING) REGISTER

DATE _____

(Annexure C)

S. No.	Title of case	Name of Counsel	Name of Party to whom legal aid given	Previous date	Next date	purpose to which case adjourned

Feedback Form

(1) How would you rate the performance of the lawyer assigned to your matter?

- ☐ Bad
☐ Average
☐ Good o Excellent

(2) How responsive was the lawyer who worked on your matter?

- ☐ Bad o Average o Good o Excellent

(3) How were you treated by the members of our staff with whom you came into contact?

- ☐ Bad
☐ Average
☐ Good
☐ Excellent

(4) How would you rate the overall communication on the part of our lawyer/staff?

- ☐ Bad
☐ Average
☐ Good
☐ Excellent

(5) Other Comments.

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Legal Aid Defense Counsel System

LEGAL AID DEFENSE COUNSEL SYSTEM

A PILOT PROJECT FOR PROVIDING LEGAL AID IN CRIMINAL MATTERS IN SESSIONS COURTS

1. Introduction

Legal Services Authorities provide legal services to accused/convicts, who are in custody or otherwise coming within the eligibility criteria spelt out in Section 12 of the Legal Services Authorities Act, 1987. In 2016, about 48 lakh crime incidents were reported, out of which 4.29 lakh were violent crimes¹. During the same period about 37 lac persons were arrested in IPC crimes and 23 lac persons under Special laws². Normally, variation in crime incidents is around 3% from year to year.

About 2 crore criminal cases are pending in the courts at the District level across the country³. Legal Services are being provided at remand, trial and appellate stages in criminal matters. Legal representation, at trial stage, is being provided by the Legal Services Authorities in around 96000⁴ criminal cases at the district level. In the year 2018, around 99,223 arrestees were provided legal aid at the remand stage.

At present, Assigned Counsel System of delivery of Legal Aid is being followed in India. Under the said system, cases are assigned to panel lawyers by Legal Services Institutions. Panel lawyers to whom cases are assigned by the Legal Services Authorities have private practices, and hence, they do not exclusively devote their time to the legal aided cases. Many times their accessibility and availability remains an issue for timely client consultation and updating legal aid seekers about the progress of their cases. It also comes in the way of effective monitoring of legal aided cases.

Court based legal services need to be strengthened for providing effective and efficient legal services to weaker and marginalised sections of society. To achieve the same, several steps have been taken such as capacity building of lawyers, enhancing the structure and functioning of monitoring and mentoring committees, upgradation of Front Offices etc.

In the said process of strengthening and making legal services more professional, NALSA has envisaged a legal aid delivery based model i.e. '*Legal aid Defense Counsel System*' for providing legal aid in criminal matters (in Sessions Courts, at the first instance) on the lines of public defender system. It is pertinent to mention that in most of the countries, Legal Aid Delivery Models are combination of the Public Defender System, Assigned Counsel System and Contract Services System. Examples of diverse legal aid delivery systems can be found, among other countries, in Israel, the Republic of Moldova, Sierra Leone,

1 Crime statistics, 2016 released by NCRB

2 Ibid

3 National Data Judicial Grid (njdg.ecourts.gov.in, visited on 11.03.2019)

4 legal aided cases (criminal matters) as on 31.12.2018

South Africa and the United States of America. A number of jurisdictions have adopted a public defender scheme with offices throughout the country, including Argentina Chile, Georgia, Mexico, Paraguay, Peru, the Philippines, the Republic of Moldova and South Africa⁵.

As envisaged, Legal Aid Defense Counsel System will involve salaried lawyers with Assistants. The said unit would be dealing exclusively with the legal aid work in criminal matters. Lawyers engaged for it shall not be taking any private cases. It will create institutional capacity to effectively provide legal aid to needy in criminal justice system. Some of the perceived advantages of Legal aid Defense Counsel System vis-a-vis assigned counsel system may be mentioned as follows:

- Availability and accessibility of Legal Aid Defense counsel
- Effective and efficient representation by seasoned lawyers
- Timely and effective Client Consultations
- Effective monitoring of legal aided cases
- Professional management of legal aid work in criminal matters
- Enhanced responsiveness leading to updating of legal aid seekers about the progress of their cases
- Adequate time to commit to legal aided cases.
- Ensuring accountability on the part of the legal aid providers.

At the first instance, Legal Aid Defense Counsel System is conceived to be implemented on pilot basis for providing legal aid in criminal matters in Sessions Courts in few districts before expanding it in a consolidated and improved manner to other districts..

2. Objectives:

- To provide quality legal services in criminal matters to eligible persons.
- To professionally manage and implement legal aid system in criminal matters.

3. Scope of Work:

Legal Aid Defense Counsel Office shall be dealing exclusively with legal aided matters in criminal matters, and at the first instance, in Sessions Courts. It shall not be dealing with civil matters. Primarily, the following legal services shall be provided through the Legal Aid Defense Counsel Office to accused/convicts:

- ▲ Legal Advice and Assistance

5 Model Law on Legal Aid in Criminal Justice Systems with Commentaries(www.unodc.org)

- ▲ Conducting trial and appeals in Sessions Courts.
- ▲ Handling Bail applications in Sessions Courts
- ▲ Any other legal aided work related to Sessions Courts

4. Infrastructure and Human Resource required in each Project district

- **Infrastructure:**

- ▲ A spacious office room(s) for Legal Aid Defense Counsel with separate cabin for consultation.
 - o A room for ministerial staff, reception and waiting area.
 - o Computers and printers, internet connection, telephone.
 - o Furniture consisting of tables , chairs and almirahs.

- **Human Resource:**

Human Resources for a Legal Aid Defense Counsel Office		
S.No.		No. required
1.	Chief Legal Aid Defense Counsel	01
2.	Deputy Chief Legal Aid Defense Counsel	02
3.	Assistant Legal Aid Defense Counsel	02
4.	Office Assistants	02
5.	Receptionist-cum-Data Entry Operator	01
6.	Office peon	01
	Total	09

***Note :** Number of Deputy and Assistant Legal aid Defense Counsel may be increased or decreased as per the requirement in individual districts. Number of Legal Aid Defense Counsel shall be proportionate to the actual requirement.*

5. Selection Procedure:

Legal Aid Defence Counsel shall be engaged on contract basis in each project district initially for a period of two years with a stipulation of extension on satisfactory performance if the project continues. Selection of Chief Legal Aid Defense Counsel, Deputy Chief Legal Aid Defense Counsel, Assistant Legal Aid Defense Counsel and also of the ministerial staff will be based on merit, taking into account the knowledge, skills and experience of candidates. The selection shall be carried out by Selection committee as envisaged in NALSA (Free and Competent Legal Services) Regulations 2010. The suggestive eligibility criteria are as follows:-

a) Qualifications for Chief Legal Aid Defense Counsel:

- Practice in Criminal law for at least 10 years
- Excellent oral and written communication skills.
- Excellent understanding of criminal law.
- Thorough understanding of ethical duties of a defence counsel.
- Ability to work effectively and efficiently with others.
- Must have handled at least 30 criminal trials including appeals in Sessions Courts.

b) Qualifications for Deputy Chief Legal Aid Defense Counsel:

- Practice in Criminal law for at least 7 years.
- Excellent understanding of criminal law
- Excellent oral and written communication skills.
- Skill in legal research.
- Thorough understanding of ethical duties of defence counsel.
- Ability to work effectively and efficiently with others.
- Must have handled at least 20 criminal trials including appeals in Sessions Courts

c) Qualification for Assistant Legal Aid Defense Counsel:.

- Practice in criminal law from 0 to 3 years.
- Good oral and written communication skills.
- Thorough understanding of ethical duties of defence counsel.
- Ability to work effectively and efficiently with others.
- Excellent writing and research skills

d) Qualification for Office Assistant:

- Educational Qualification: Graduation
- Basic word processing skills and the ability to operate computer
- Typing speed of 40 WPM.

- Ability to take dictation and entering data.

e) Qualification for Receptionist-cum-Data Entry Operator

- Educational Qualification: Graduation
- Excellent verbal and written communication skills
- Word processing abilities
- The ability to work telecommunication systems (telephones, fax machines, switchboards etc).

Qualifications may be reasonably relaxed in case of exceptional candidates or circumstances with the approval of the Executive Chairman SLA.

6. Work Profiles :

a) Chief Legal Aid Defense Counsel

- ▲ Conducting Session trials and appeals and bail matters in Sessions court along with deputy chief legal Aid Defense Counsel
- ▲ Assigning duties of Deputy chief legal Aid Defense Counsel in Sessions courts.
- ▲ Assigning duties of Assistant legal Aid Defence Counsel for assisting him and Deputy Chief legal Aid Defense Counsel and for legal research.
- ▲ Ensure proper legal research, planning effective defence strategy and thorough preparation in each and every legal aided case.
- ▲ Ensure maintenance of complete files of legal aid seekers.
- ▲ Ensure proper documentation with regard to legal aid assistance provided, ensure maintaining of up to date record of legal aided cases.
- ▲ Will be overall in charge of administration the office of Legal Aid Defense Counsel Office. o Ensure quality of legal aid.
- ▲ Any work/duty assigned by Legal Services Authority

b) Deputy Chief Legal Aid Defense Counsel.

- ▲ Conducting Session trials as assigned by Chief Legal Aid Defense Counsel.
- ▲ Filing and arguing appeals and bail applications in Sessions Courts. o Maintaining complete case files.

- ▲ Doing legal research in legal aided cases and guiding assistant legal Aid Defense Counsel and law students attached with the office in legal research.
- ▲ Proper client interviews at various stages for quality research work
- ▲ and representation at remand, trial and appellate stage. o Any work/duty assigned by Legal Services Authority.

c) Assistant Legal Aid Defense Counsel.

- ▲ Conducting legal research in legal aided cases.
- ▲ Assisting Chief Legal Aid Defense Counsel and Deputy Legal Aid Defense Counsel in conduct of legal aided cases. o Assisting in developing a defense strategy after sifting through all of the evidence collected by the prosecution and after hearing the accused's version of what happened during the alleged crime in question.
- ▲ Visiting location/area of alleged crime, having discussions with family members etc , for effective and meaningful input for defense strategy.
- ▲ Handling queries of legal aid seekers.
- ▲ Updating legal aid seekers about the progress of their cases.
- ▲ Assisting in maintaining complete files of legal aided cases.
- ▲ Handling legal queries relating to criminal matters on telephone.
- ▲ Any other work related to legal aid assigned by Chief Legal Aid Defense Counsel.
- ▲ Any work/duty assigned by Legal Services Authority.

d) Office Assistant

- ▲ Keeping updated record of legal aided cases. o Uploading the updated record/ progress of the legal aided cases on NALSA portal.
- ▲ Maintaining complete files of legal aided cases and keeping files with proper index in a systematic manner. o Typing bail applications, petitions, etc. o Doing ministerial work related to cases such as filing applications for copies of orders, judgement etc. o Any other task assigned by the Chief Legal Aid Defense Counsel. o Any work/duty assigned by Legal Services Authority.

e) Receptionist-cum-Data Entry Operator

- ▲ Greeting clients and visitors and answering visitor inquiries. o Answering and routing incoming calls on a multi-line telephone system.
- ▲ Scheduling and routing legal aid seekers.
- ▲ Maintaining the waiting area, lobby or other office areas.
- ▲ Scanning, photocopying, faxing.
- ▲ Collecting and routing mail and hand-delivered packages. o Answering face-to-face enquiries and providing information when required.
- ▲ Uploading, at the initial point, legal aided cases on NALSA portal
- ▲ and updating the information from time to time. o Any work/duty assigned by Legal Services Authority.

f) Office peon

- ▲ Cleaning the office before the commencement of office hours. o Ensuring that all places in the office are kept clean. o Bringing and serving water, beverages to the visitors in the office. o Carrying dak etc.
- ▲ Any other work assigned by Legal Services Authority.

7. Termination of Services:

Services of any staff including legal aid defense counsel engaged in the office of Legal Aid Defense Counsel can be terminated at any time, without any prior notice in the following cases:

- i. He/she substantially breaches any duty or service required in the office.
- ii. Seeks or accepts any pecuniary gains from the legal aid seekers.
- iii. Convicted for any offence.
- iv. Indulges in political activities.
- v. Found incapable of rendering professional services of the required standards.
- vi. Failure to attend training programmes without any sufficient cause.
- vii. Indulges in activities prejudicial to the working of legal aid defense counsel office.
- viii. Using his/her position in legal aid defense counsel office to secure unwarranted privileges or advantages for him/herself or others.

- ix. Acts in breach of code of ethics.
- x. Remains absent without leave.

8. Code of Ethics:

Personnel engaged in the office of Legal Aid Defense Counsel shall observe the following code of ethics:

- ▲ No personnel shall act in any matter in which he/she has a direct or indirect personal or financial interest.
- ▲ No personnel shall wilfully disclose or use, whether or not for the purpose of pecuniary gain, any information that he/she obtained, received or acquired during the fulfilment of his/her official duties and which is not available to members of the general public.
- ▲ No personnel within the office of Legal Aid Defense Counsel shall make use of his/her office or employment for the purpose of promoting or advertising any outside activity.
- ▲ No personnel within the office of Legal Aid Defense Counsel shall engage in any outside activity or act as an independent practitioner.
- ▲ No personnel within the office of Legal Aid Defense Counsel shall solicit, agree to accept or accept, whether directly or indirectly, any gift, favour, service, or other thing of value under circumstances from which it might be reasonably inferred that such gift, service, or other thing of value was given or offered for the purpose of influencing him/her in, or rewarding him/her for, the discharge of his/her official duties.
- ▲ Legal Aid Defense Counsel shall devote his/her full time to his/her duties for the office of Legal Aid Defense Counsel and shall not engage in private practice of law during the term of employment.
- ▲ Every Personnel of the office of Legal Aid Defense Counsel shall strive to preserve the public's confidence in the office's fair and impartial execution of its duties and responsibilities.
- ▲ Legal Aid Defense Counsel shall also follow the code of ethics prescribed by Bar Council of India for lawyers.

9. Entitlement to Leave:

- Chief Legal Aid Defense Counsel and Deputy Legal Aid Defense shall be eligible for 15 days' leave in a calendar year on pro-rata basis.

- Assistant Counsel Legal Aid Defense Counsel and other staff shall be eligible for 12 days' leave in a calendar year on pro-rata basis.
- No remuneration for the period of absence in excess of the admissible leave will be paid to the human resource of Legal Aid Defense Counsel Office. Un-availed leave shall neither be carried forward to next year nor encashed.

10. Role of State Legal Services Authority and District Legal Services Authority

- Office space planning, and providing infrastructure for office preferably inside or in proximity to court complex.
- Providing Office furniture.
- Providing Office equipment, including computer, printer, net connectivity and other n equipment.
- Purchasing office supplies.
- Engaging human resource requirement for Legal aid Counsel System Office.
- Ensuring proper functioning of Legal aid Counsel System Office.
- Ensuring effective monitoring and mentoring.
- Periodical evaluation of legal services delivered through Legal aid Counsel System Office.
- Regular trainings and refresher courses for legal aid counsel engaged in Legal aid Counsel System Office.
- Renovation of office space when necessary.
- Providing Books such as Bare Acts and Commentaries for Legal Aid Defense Counsel Office
- Providing Legal Research Software.
- Timely payment of monthly honorarium to legal aid counsel and all staff engaged for Legal aid defense counsel office
- Payment with regard to expert witnesses, if their services are taken
- Payment for expenses incidental to legal aid provided through office such as travelling expenses etc.
- Information/promotional campaigns/programmes with regard to Legal aid Defense counsel office

11. Engagement with law schools

Law schools often send their students to legal Services Institutions for internship. Moreover, Clinics of Law Colleges also collaborate with Legal Services Institutions.

Law students can be engaged with the Legal Aid Defense Counsel office as to give them meaningful exposure to practical aspects of criminal law including preparing a defense strategy and doing legal research in various factual scenarios. The law students may be so engaged in the following areas in Legal aid defense counsel office:

- Legal research in criminal cases
- Visiting scenes of crimes
- Interviewing accused and their family members and other relevant persons
- Assist in sifting through all of the evidence collected by the prosecution and providing effective input for preparing defense strategy.

The law students so engaged may also be paid stipend by the Legal Services Authorities. Stipend amount may be determined by the Executive Chairman of SLISA.

12. Monitoring and Evaluation

- Monitoring and Mentoring Committee shall monitor legal aid work of Legal Aid Defense Counsel Office.
- Monitoring shall be continuous process.

13. Implementation

This model of delivery of legal services in Criminal Matters may be implemented on pilot basis for a period of two years as that would provide sufficient period of time to effectively compare this model with the case assignment system for further decision making. The districts may be chosen on the basis of following criteria:

- Total number of criminal cases in the district
- Economically and socially disadvantaged populations
- Geographical factors such as access to rural areas

It is also imperative that in the selected districts, the size of existing panels of lawyers is reduced to make it proportionate to the actual requirement. Such panels may be reduced to 20 lawyers or less, as per the requirement, in such districts to render legal services only in magisterial courts, Front Offices, Legal Services Clinics and legal services camps.

14. Financial Outlay

Finances will primarily be required for hiring premises for Legal aid defense office, in case existing infrastructure of DLSA is insufficient to accommodate it. Finances will be required for office furniture and equipment, monthly salaries, expenses incidental to litigation and other administrative expenses such as postal, stationary etc. Estimated outlay is given below:

A. Salaries

1.	Monthly salary of a Chief Legal Aid Defense Counsel	Rs. 50,000 to 75,000/-
2.	Monthly salary of two Deputy Chief Legal Aid Defense Counsel	Rs. 30,000 to 60,000/- each
3.	Monthly salary of two Assistant Legal Aid Defense Counsel	Rs. 20,000 to 40,000/- each
4.	Monthly salary of two Office Assistants	Rs. 15000 to 25,000/- each
5.	Monthly salary of Receptionist-cum-Data Entry Operator	Rs. 15000 to 25,000/-
6.	Monthly salary of Office peon	Rs. 10,000 to 15,000/-

B. Infrastructure expenditure (If already not available)

1.	Four Computers	2,40,000/-
2.	Three Printers	1,00,000/-
3.	Furniture	2,50,000/-
4.	Rent	50,000 x 24 months = 12,00,000 /-
5.	Books/ law software	2,50,000/-

C. Miscellaneous expenses per annum as per the requirement subject to the following cap

1.	Office supplies/stationary (10,000x24)	2,40,000/-
2.	Postal and other misc. expenses	2,00,000/-
3.	Misc. expenditure for one office	4,40,000/-



Guidelines for Training the designated Juvenile / Child Welfare Officers attached to every Police Station and the Members of the Special Juvenile Police Unit established under Section 63 of The Juvenile Justice (Care and Protection of Children) Act, 2000.

GUIDELINES FOR TRAINING THE DESIGNATED JUVENILE / CHILD WELFARE OFFICERS ATTACHED TO EVERY POLICE STATION AND THE MEMBERS OF THE SPECIAL JUVENILE POLICE UNIT ESTABLISHED UNDER SECTION 63 OF THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2000.

(Prepared as per the Order dated 12.10.2011 of the Hon'ble Supreme Court of India in Sampurna Behrua v. Union of India and Others in Writ Petition (C) No.473/2005)

1. The primary responsibility for training the designated Juvenile / Child Welfare Officers attached to the Police Station and the Members of the Special Juvenile Unit shall be on the District Legal Services Authority. The State Legal Services Authority shall provide the required assistance, guidance and the direction to District Legal Services Authority and shall monitor and supervise the training programme, in a manner it may deem appropriate and practicable.

2. Role of State Legal Services Authority

The SLSA shall request the DLSAs to identify 2/3 lawyers having proclivity for ensuring the rights of children, as resource persons. They shall be sent for a state-level TOT (Training of Trainers) Programme to be organised by the State Legal Services Authority.

- a. Every State Legal Services Authority shall coordinate with the head of the concerned Police Department to ensure that a Standing Order outlining the roles, responsibilities and functions of Special Juvenile Police Units and Juvenile/ Child Welfare Officers is issued. A template of such Standing Order issued by Delhi Police is annexed as Annexure -1 for guidance. Such Standing Order shall be based on the Juvenile Justice (Care & Protection of Children) Act-2000 as amended in 2006, the Juvenile Justice (Care of Protection of children) Model Rules 2007 / the applicable Rules (If State Government has notified its own Juvenile Justice Rules) and the judgement of the Hon'ble Supreme Court in Sheela Barse V. Union of India (1986 SCALE (2) 230): (1987)3SC50: AIR 1987 SC 656. State Legal Services Authority shall render assistance in drafting and preparing such Standing Order. State Legal Services Authority shall also ensure that such Standing Order is translated into local language and is made available at all the Police Stations.
- b. Within a period of one month, the State Legal Services Authority shall take necessary steps for procuring and distributing books and films and for developing training material for the District Legal Services Authorities.

- c. The State Legal Services Authority shall undertake periodic review and appraisal of training programmes and will revise and upgrade such training programmes, as and when required.
- d. The State Legal Services Authority shall direct the District Legal Services Authorities to organise training programmes once in every six months for police officers, Juvenile/Child Welfare Officers and members of Special Juvenile Police Units.
- e. The State Legal Services Authority shall compile a set of Forms prescribed in the Juvenile Justice Rules, to be used by Police while dealing with matters related to children in need of care and protection and children in conflict with law and will send them to District Legal Services Authority for distribution to the trainee police officers. It may be advisable to have such Forms be translated into the local language.
- f. The State Legal Services Authority shall also compile a Directory which will contain names, addresses and telephone numbers of members of JJBs/CWCs, Observation Homes, Children's Homes, Special Juvenile Police Units and Juvenile Child Welfare Officers and such Directory shall be revised as and when changes take place. Such Directory shall be made available at all police stations and shall also be given to the participants.
- g. The State Legal Services Authorities shall ensure that a uniform curriculum is followed all across the state. A suggestive pattern of curriculum is annexed at Annexure-2. Police Department shall be consulted at the time of finalisation of such curriculum.

3. Role of District Legal Services Authority

- a. The District Legal Services Authority (DLSA) shall identify lawyers who have experience of practising in the area of Juvenile Justice and have the propensity to discern the juvenile jurisprudence and such identified lawyers shall be invited to act as resource persons in the training programmes. The DLSA shall also include specialists in child psychology and child psychiatry as resource persons.
- b. The Chairman, District Legal Services Authority, may seek guidance from the State Legal Services Authority in case of any difficulty.
- c. At the end of each training, certificate shall be issued by the District Legal Services Authority to each of the participants.
- d. The format of the certificate shall be prepared by the State Legal Services Authority and the same may be printed at the district level, if required.
- e. The certificate shall bear the signature of the Secretary and the Chairman of the District Legal Services Authority along with the seal of the District Legal Services Authority.

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- f. The District Legal Services Authority shall conduct the training programmes routinely every year. Such training programmes may be of one day or more, as may be appropriate and practical. Refresher courses also may be conducted if some change in laws or rules takes place.

4. General Guidelines

- a. The District Probation Officer shall also be invited to such trainings in order to develop effective coordination and interface between the probation officers and the police.
- b. During the trainings, participants shall be given study material, Directory, required Forms and list of DOs and DONTs.
- c. Depending on the size of the District, training classes may be organised, limiting the number of trainees to a maximum of 20 in each session. This may be relaxed depending on the situation, subject to the discretion of the Chairman, DLSA.
- d. Subject to the special local requirements, if any, additional topics may be introduced in the Annexure-2 curriculum, in consultation with the State Legal Services Authority.
- e. The film “Ek Tha Bachpan” [CD copy of the film has been supplied by National Legal Services Authority to the State Legal Services Authority] shall be exhibited for the trainees. Other films made by the organisations like UNICEF on the rights of the child, problems of children, developmental needs of children etc also may be considered for exhibition in the training classes. However, the films and other audio-visual materials to be used in the training classes shall be approved by the State Legal Services Authority.
- f. The State Legal Services Authorities and District Legal Services Authorities shall comply with the time schedule specified by the Hon’ble Supreme Court (i.e. the training and orientation may be done in phases over a period of six months to one year in every State and Union Territory).
- g. The trainees shall be made aware of the circumstances in which children come into conflict with law and will be oriented to work on prevention of juvenile delinquency and should be trained as to how police can work towards reducing vulnerabilities faced by children.
- h. The trainees, particularly SHO and senior police officers, shall be specifically trained about non-disclosure of identity of children and about provisions relating to non-disqualification and will be specially instructed as to how to ensure that details of juveniles in conflict with law are not disclosed in any inquiry which may hamper the best interest of children and could result into disqualification.

- i. The trainees shall be trained on preventive strategies.
- j. Role-plays shall be a part of the training programme. The different conceivable situations wherein a child in conflict with law is exposed to may be communicated to the trainees through these role-plays.
- k. Stress experienced by the apprehended children in conflict with law may be brought in the form of problem-situations and the trainees may be encouraged to arrive at probable solutions under the guidance of a resource person experienced in children's psychology.
- l. The trainees shall be given proper instructions on how to handle the juvenile victims of crime and the mode in which their statements are to be recorded and how they have to be given care and protection at the police stations. Trainees shall be made to understand that juveniles in conflict with law are not to be treated as "Criminals" but are to be seen as victims of circumstances and action shall be taken for their rehabilitation into the mainstream of society.
- m. The trainees should be trained well as to how to deal with organised criminals and gangs who misuse children for illegal activities.
- n. The trainers shall be given instructions not to let the children in conflict with law fall back in to criminal activities and to see that they do not re-establish contact with their peers/gangs.
- o. The police officers, who have already attended the training, may be exempted from participating in the training courses to be followed in other places where they are transferred.
- p. The trainees shall be trained about the semantics (words) which are prohibited to be used in the proceedings and documents related to children in need of care and protection and children in conflict with law.
- q. The Trainees shall be trained with specific emphasis on various legal provisions related to registration of FIR/ GD entry, apprehension, age investigation etc. in matters related to children.
- r. The trainees shall be informed that children in conflict with law, notwithstanding which penal law has been violated, shall be always produced before Juvenile Justice Board and not before any other Court in any circumstance; having regard to the specific provisions of the Juvenile Justice Act which is a special and beneficial law which even overrides other laws in certain instances.
- s. The trainees shall be made aware that in case of doubt regarding the age of a person in border line cases, benefit of doubt should be given and the person concerned should be treated as a "Juvenile".

- t. The trainees shall be educated that sending a child to an Observation Home should always be the last resort and that efforts should be made to grant bail to juveniles in conflict with law from the Police Station itself in bailable and non-bailable offences.
- u. The trainees shall be informed that a police officer dealing with children is not allowed to wear police uniform, except at the time of apprehension in exceptional cases.
- v. The trainee police officers should be informed that children cannot be kept in jail or police lockup, cannot be handcuffed or put under fetters and should be produced before the Juvenile Justice Board within 24 hours of apprehension, excluding the time required for travel.
- w. The trainee police officers should be trained that as soon as a child is apprehended for coming into conflict with law, a police officer is required to hand over the child or juvenile to the designated Juvenile/Child Welfare Officer, who will inform the parents of such child or juvenile and will also inform the concerned probation officer immediately.
- x. It should be instilled in the trainee police officers that if because of any reason it is not possible for a Juvenile/Child Welfare Officer to produce the child or juvenile before JJB or CWC, such child or juvenile shall not be kept at a police station, but shall be kept only in children's homes or observation homes, till the time he or she can be produced before the competent authority.
- y. The Trainee police officers should be informed about good practices which are followed by the Police in other parts of the country.

Annexure-1

Standing Order No. 68 of Delhi Police (see the enclosed document below)

Annexure-2

Curriculum for training

- I. An introduction to the Juvenile Jurisprudence
- II. The UN Convention on the Rights of the Child (UNCRC) - 1989.
- III. United Nations Standard Minimum Rules for Administration of Juvenile Justice (The Beijing Rules) 1985
- IV. United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), 1990
- V. The Provisions in the Constitution of India relating to children.
- VI. Juvenile Justice (Care and Protection of Children) Act, 2000 as amended in 2006
- VII. Juvenile Justice (Care and Protection of Children) Model Rules, 2007/ Applicable Juvenile Justice Rules (If State Government has notified its own Rules)
- VIII. Supreme Court Judgements (i.e. Hariram Versus State of Rajasthan, Sheela Barse V Union of India, Gopinath Ghosh Versus State of West Bengal, Pratap Singh Versus State of Jharkhand, Babloo Pasi versus State of Jharkhand)
- IX. Provisions in Indian Penal Code and the Indian Evidence Act relating to children/ child witness.
- X. Probation of Offenders Act, 1958

Suggested Reading Material

1. Order of Juvenile Justice Board-Delhi on linkages between drugs and crime among children
2. My God Juvenile Delinquent : Ruzbeh N Bharuch
3. Supreme Court on Children, HRLN, 2nd Edition, 2011
4. Blind Alley : Haq Centre for Child Rights, 2009
5. Child Rights in India : Professor Ved Kumari
6. Various exemplary Orders passed by JJBs of Delhi



Standard Operating Procedure for Redressal of Complaints/Public Grievances

STANDARD OPERATING PROCEDURE FOR REDRESSAL OF COMPLAINTS/PUBLIC GRIEVANCES

Every Authority/ Committee, whether at the national, state or district or taluka level receives various complaints from time to time. While the complaints are a means for the aggrieved to voice their grievances, they also tell us the reach of our programmes and our failures. It thus becomes essential that all the complaints are addressed expeditiously and effectively. In absence of any established mechanism to deal with the complaints or address public grievances, the approach to the same has remained ad-hoc and mired in delays. NALSA is also in receipt of OM dated 7th April, 2016 of the Ministry of Personnel, Public Grievances and Pension, Department of Administrative Reforms and Public Grievances as per which the Hon'ble Prime Minister had desired that all efforts should be made to reduce the time taken for redress of a grievance from the existing 2 months period to one month. Thus the need has been felt to lay down a mechanism to address the complaints and public grievances in a systematic manner.

Source of Complaints:

Complaints may be:

- i) Received by NALSA directly from the public.
- ii) Received by NALSA from the office of the President of India, Prime Minister of India, Chief Justice of India and the Department of Justice, Ministry of Law and Justice, Government of India.
- iii) Received by the State/ District Authorities or Taluka Committees from the public directly.
- iv) Received by the State/ District Authorities or Taluka Committees from the various authorities including from the office of the Chief Justice of the respective state.
- v) Received by the State from NALSA.
- vi) District Authorities may further receive complaints forwarded by the State Authority or NALSA.
- vii) Taluka Committees may also similarly receive complaints forwarded by the State Authority or NALSA or District Authority.

Nature of Complaints:

The complaints may include:

- i) Against a legal aid lawyer, where a legal aid lawyer has been assigned to a party at any level, including in respect of his working and conduct.

- ii) Against not being provided legal aid, where a party feels that he/ she is entitled to legal aid.
- iii) Against any public authority for inability to get any entitlement.
- iv) A general complaint involving a number of issues.
- v) A general airing of grievances by a person.
- vi) A person may simply be desirous of getting legal aid.
- vii) A person may be wanting any specific information.
- viii) Anonymous complaints.

Approach of the Authority/ Committee to the complaints/ public grievances

When a complaint is received by any Authority or Committee at any level, the approach should be towards problem solving rather than replying and disposing of the complaint. Our orientation should not be towards somehow getting the complaint off our board and thereby showing disposal of the complaint at our end. Rather, we need to deal with the complaints/ public grievances pro-actively so that a party feels satisfied that he/ she has received appropriate response and knows what further course of action is available to it. The objective should be redressal and not mere disposal. Thus the following mechanism should be adopted at the different levels for addressing the complaints/ public grievances:

At the level of NALSA

- i) Since NALSA itself does not have a panel of lawyers and does not give legal aid and in fact acts through the State and District level Authorities, whenever a complaint is received against a legal aid lawyer or rejection of application for legal aid or seeking legal aid or even seeking any entitlement under any Scheme, the same shall be forwarded to the concerned State Legal Services Authority and where possible to the District Authority as well. Efforts shall be made to ensure that the same is done at the earliest.

Till the development of an online portal for dealing with complaints, the complaint shall be scanned and sent by e-mail as well as a hard copy shall be sent by post. However, the State or District Authority should not wait till the receipt of the hard copy and they should act on the basis of the soft copy itself.

While forwarding the complaints to the State/ District Authority, certain complaints may be identified by NALSA for monitoring and follow up.

- ii) While forwarding the complaint to the State/ District Authority, a copy of the forwarding letter should also be sent to the party concerned and/ or to the office/ Department through which the complaint has been received.

- iii) The complaints which do not have any merit in them may be filed. However, a reply shall be sent to the party concerned regarding the filing of the complaint and if the party has any other alternatives available with a copy to the office/ Department through which the complaint has been received, if received from any other office/ Department.
- iv) Anonymous complaints may also be filed.
- v) Where a general complaint is received, if the same is not forwarded to any Authority, the party may be informed that the issues raised have been noted and there is no ground to proceed further.
- vi) Where a party wants some specific information, the party may be directed to the authority/ person who would be best suited to provide the information.

At the level of SLSA

- i) Whenever a complaint is received against a legal aid lawyer or seeking legal aid or even seeking any entitlement under any Scheme directly or is forwarded by NALSA, the same shall be forwarded by the concerned State Legal Services Authority to the District Authority/ Taluka Committee, except where the SLSA feels that the complaint can be disposed of at its level. The same should be done at the earliest and in any case, not later than 5 working days of the receipt of the complaint, by whatever mode.
- ii) While forwarding the complaint to the District Authority/ Taluka Committee, a copy of the forwarding letter should also be sent to the party concerned and/or to the office/ Department through which the complaint has been received. Where the complaint was forwarded by NALSA to the SLSA, a copy of the forwarding letter is to be sent to NALSA as well.
- iii) The SLSA shall regularly follow up the progress made on the complaints with the concerned District Authority/ Taluka Committee and keep NALSA informed where the complaint has been forwarded by NALSA.
- iv) Where a complaint is received against rejection of application for legal aid, the same shall be examined by SLSA. A report may be called from the DLSA/ Committee concerned, where necessary. If the SLSA is of the view that the rejection of application for legal aid was proper, the party may be informed of the same accordingly and NALSA may also be informed if the application has been forwarded by NALSA. However, if the SLSA is of the view that the party is entitled to legal aid, it may pass appropriate orders, including appointing a legal aid lawyer from amongst the lawyers on the panel of the District Authority/ Taluka Committee. For the said purpose, the SLSA may give a personal hearing to the party, where deemed necessary.
- v) The complaints which do not have any merit in them may be filed. However, a reply shall be sent to the party concerned regarding the filing of the complaint and if the party

has any other alternatives available with a copy to NALSA/office/ Department through which the complaint has been received, if received from any other office/ Department or NALSA.

- vi) Anonymous complaints may also be filed.
- vii) Where a general complaint is received, if the same is not forwarded to any Authority, the party may be informed that the issues raised have been noted and there is no ground to proceed further.
- viii) Where a party wants some specific information, the party may be directed to the authority/ person who would be best suited to provide the information.

At the level of DLSA/Taluka Committee

- i) Whenever a complaint is received against a legal aid lawyer or seeking legal aid or even seeking any entitlement under any Scheme directly or is forwarded by NALSA/SLSA, the same shall be taken up by the DLSA/ Committee without any loss of time.

- a) If the complaint is against a legal aid lawyer, a report may be called from the lawyer concerned and if the DLSA/ Committee is not satisfied with the report of the lawyer, appropriate action may be taken.

Besides, the party may be contacted and the legal aid lawyer may be changed immediately.

- b) If the application is merely for getting legal aid, appropriate steps may be taken as are taken in all cases for grant of legal aid.
 - c) If the application is for seeking any entitlement under any Scheme, the party may be informed of the recourses available and a PLV may be deputed to facilitate the party to get the entitlement.

In all such cases, if necessary, the party may be requested to visit the office and discuss the problem rather than notices for appearance being sent to them.

In order to get in touch with the parties and to save time, all possible modes should be used such as sending SMS to the party where the mobile number of the party is available, calling a party telephonically, sending a letter by speed post, using e-mail if e-mail id is available. Importantly, a PLV may even be sent to contact the party.

In all these cases, intimation should be sent to the SLSA/NALSA/ concerned department or office where the same had been forwarded by them.

- ii) Where a complaint is received against rejection of application for legal aid, the party shall be informed of the grounds of the same and that the party has the right to prefer an appeal against the order of the DLSA/ Committee and to whom the appeal can be made

- .iii) The complaints which do not have any merit in them may be filed. However, a reply shall be sent to the party concerned regarding the filing of the complaint and if the party has any other alternatives available with a copy to NALSA/SLSA/office/ Department through which the complaint has been received, if received from any other office/ Department or NALSA/SLSA.
- iv) Anonymous complaints may also be filed.
- v) Where a general complaint is received, the party may be informed that the issues raised have been noted and there is no ground to proceed further.
- vi) Where a party wants some specific information, the party may be directed to the authority/ person who would be best suited to provide the information.

For dealing with the complaints at all levels, it is reiterated that: -

Complaints/ public grievances should be addressed expeditiously.

-A pro-active and sensitive approach should be adopted.

-There should be regular follow up of complaints.

-Where NALSA forwards the applications to SLSAs or SLSAs forward the applications to DLSAs/ Committees, they should be apprised of the fate of the complaints.

Ultimately the purpose is that the public should feel that their complaints/ grievances are effectively addressed and without any delays.



Standard Operating Procedure for Redressal of Complaints/Public Grievances

LEGAL SERVICES CAMP MODULE

1. INTRODUCTION:

Access to justice is essential for rule of law. Access to justice, enable citizens to have their voices heard, exercise their rights and challenge discrimination. Access to Justice is not confined to court based legal services. It extends to making people aware about their entitlements under various enactments and welfare schemes and programmes and strengthening their access to the same. Some Legal Awareness Camps are being held by the State Legal Services Authorities to make people aware about their entitlements and apprise them about the availability of free legal services. In most of the camps, it has been observed, only creating of awareness is focussed on. There is a need to effect paradigm shift from awareness to empowerment. For this to happen, a new Model of holding Legal Services Camp is required which would not only make people aware about their entitlements and procedural aspects relating to the same but also connect them to the welfare schemes meant for them. Delivery based Model for holding Legal Services Camp is required.

2. STATUTORY MANDATE

Legal Services Authorities Act, 1987 was passed with an objective to provide free and competent legal services to weaker sections of the society so that they do not remain deprived of justice due to economic or other disabilities. This Act has created Legal Services Authorities primarily with an aim to provide legal services to weaker and marginalised sections of the society. Section 4 provides the various functions of the Central Authority. One of the functions spelt out in Section 4(l)

“take appropriate measures for spreading legal literacy and legal awareness amongst the people and, in particular, to educate weaker section of the society about the rights, benefits and privileges guaranteed by social welfare legislations and other enactments as well as administrative programmes and measures” .

This itself reflects that apart ensuring Access to lawyers and legal advice, the mandate of the Legal Services Authorities also extends to educate the weaker sections of the society about the rights, benefits and privileges guaranteed by social welfare legislations and other enactments as well as administrative programmes and measures.

In view of the Section 4(b) of the Legal Services Authorities Act, NALSA has promulgated the following schemes as strategic and preventive programmes and to educate the weaker sections of the society about their entitlements and empower them to get redressed their grievances in accordance with the law of the land.

One of the functions as per Section 4(e) of National Legal Services Authority is to organise Legal Aid Camps especially in rural areas, slums, labour colonies with the dual purpose of educating weaker sections of the society as to their right as well as encouraging the settlement of disputes through Lok Adalats.

3. OBJECTIVES OF LEGAL SERVICES CAMP:

The Legal Services camp must aim to achieve the following objectives:-

- 3.1 To spread awareness about welfare legislations and schemes, and strengthen the community's access to the schemes being implemented by the Legal Services Authority and other departments of government.
- 3.2 Identifying and connecting people to welfare schemes to ensure that fruits of welfare schemes are passed to eligible people.
- 3.3 To understand legal needs of people and address legal problems of people by giving appropriate legal advice and taking other necessary steps.

4. SUGGESTED THEMES/ ISSUES WHICH MAY BE COVERED IN A LEGAL SERVICES CAMP

4.1 Labour

- Connecting unorganised sector workers to welfare schemes.
- Issues of construction / agricultural labour.
- Availing benefit under Centre and State Schemes.
- Legal Services in any other issues relating to entitlements under labour laws.

4.2 Persons with disabilities

- Addressing disconnect between welfare schemes and persons with disabilities.
- Taking steps to connect beneficiaries with schemes such as Niramaya and Gyan Prabha run by National Trust.
- Ensuring legal services in any other issues.

4.3 Children related issues

- Addressing educational rights of children aged between 6-14.
- Child Marriage.
- Child Labour.

-
-
- Issues related to rights under Food Security Act.
 - Establishment of Legal Literacy Clubs in Higher Secondary and Senior Secondary Schools.

4.4 Transgenders

- Ensuring benefits of welfare legislations/schemes. Issues dealt in NALSA vs. Union of India & Ors. (W.P.(C) No.400/2012).

4.5 Prisoners

- Ensuring representation before court.
- Availability of legal services for inmates.
- Digitisation of legal services clinics in jails.
- Adoption of E-Prison Portal by Jails.

4.6 Issues relating to SC/STs

- Ending discrimination.
- Partnering with State Commission of SC/ST on all issues pertaining to them.

4.7 Senior Citizens

- Ensuring benefits of welfare legislations/schemes.
- Availability of legal services including issues relating to Maintenance and Welfare of Parents & Senior Citizens Act, 2007.
- Senior Citizens Pension issues, if any.
- Elderly abuse, neglect and abandonment.

4.8 Beggars and homeless

- Exploring facilities available for them.
- Identifying abuse, trafficking etc.

4.9 Road Safety and accident

- Awareness about road safety signs.
- Protection to good Samaritans.

4.10 Victims of Disasters

- Problems/legal issues faced by people affected by drought/flood/industrial disasters. Short term and long term planning.
- Minimizing the impact of flood etc. A mechanism for drought stricken and sustenance to victim.
- Identifying causes/areas.
- Rehabilitation and repatriation issues.
- Helping to connect with schemes such as Ujjawala run by Ministry of Women and Child.
- Addressing legal issues relating to victims, particularly under Immoral Traffic (Prevention) Act, 1956 or any other law.

4.12 Any other eligible/category.

5. PRE-CAMP STEPS

5.1 Identification of target population

State Legal Services Authority shall identify cluster of villages in any particular district where categories of persons coming within the ambit of any particular NALSA Scheme are living. After identifying cluster of such villages, the scheme sought to be implemented shall form the core theme for the camp. The core theme, as per the conditions prevailing in the area and to touch particular section of society, may be further broken down to specific themes such as labour rights or rights of senior citizens or rights of women etc.

5.2 Formation of team for connecting with the intended beneficiaries

Teams of Panel Lawyers and Para Legal Volunteers be formed. NGOs working in the field of selected core theme , be identified. NGOs having credible reputation only to be identified and associated with teams. Any other expert having expertise in the subject matter of core theme can also be associated with the teams to connect with the target population so as to make them aware about the organisation of Legal Services Camp and to ensure that benefits arranged at the Camp reaches them.

5.3 Identification of specific welfare schemes and departments implementing them

Welfare Schemes and legislations pertaining to core theme be identified. Government departments related to the said core theme be identified. Departments who are even remotely related to the sections of people of core theme be also identified so that multi-dimensional and holistic approach is adopted to ensure access to justice in a meaningful and effective manner. For instance, if the core theme is rights of labourers then, regarding that core theme, the relevant departments/entities would be Department of Labour, Department of Social - Welfare, Department of Health, Department of Women and Child, Ministry of Skill Development, Common Services Centres. These said departments/entities would be the main Departments. Main focus of the camp shall be to connect people with the schemes being run by the main departments related to core theme. Apart from those main departments, other entities and departments which can provide benefit to labourers on the day of camp be also identified. In the given illustration, another department can be department of education to take care of the educational rights of children of labourers etc. Services at Common Services Centres may be availed.

5.4 NALSA Schemes

1. Scheme for Para-Legal Volunteers
2. Schemes for Legal Services to Disaster Victims through Legal Services Authorities
3. NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015
4. NALSA (Legal Services to the Workers in the Unorganized Sector) Scheme, 2015
5. NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015
6. NALSA (Legal Services to the Mentally Ill and Mentally Disabled Persons) Scheme, 2015
7. NALSA (Effective Implementation of Poverty Alleviation Schemes) Scheme, 2015
8. NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2015
9. NALSA (Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace), Scheme, 2015
10. NALSA (Legal Services to Senior Citizens) Scheme, 2016

11. NALSA (Legal Services to Victims of acid attacks) Scheme, 2016

5.5 Holding of pre-camp preparatory meetings with stakeholders

Before conducting camp, workshop for teams be conducted to make them aware about the camp design and government welfare schemes and the method to connect sections of community related to core theme with welfare schemes /programmes. In the said workshop, officials of the government departments and NGOs be also requested to participate so that coordinated efforts are made to benefit the marginalized sections of the society. They be apprised about the objectives of the legal services camp, pre-camp steps and activities during camp etc.

5.6 Identification of venue for the camp

Open Space be also identified where legal services camp can be held for identified villages. It should be kept in view that the space must be large enough to accommodate around 1500/2000 people and setting up of stalls, LED screen etc.

5.7 Field visits by outreach teams in the district/adjoining areas

Teams in association with NGOs, if any, shall make field visits to identify people related to the core theme. Field visits must start at least fifteen days prior to holding of camp. Teams must identify targeted people related to core theme. They must also interact with those people to apprise them about the welfare schemes/programmes related to them. Teams shall disseminate information about camp such as its importance/objectives and relevance to their lives to let people know about the importance of camp. People be also told to bring necessary identity documents required for filling up forms related to schemes. Sarpanches/ Panchayat members of the identified villages be also requested to come on the day of camp. They be also requested to mobilise people related to core theme of the camp. Presence of Sarpanches and Panchayat members is also required as while submitting forms identification of applicant is required to be made.

5.8 Publicising the organisation of legal services camp

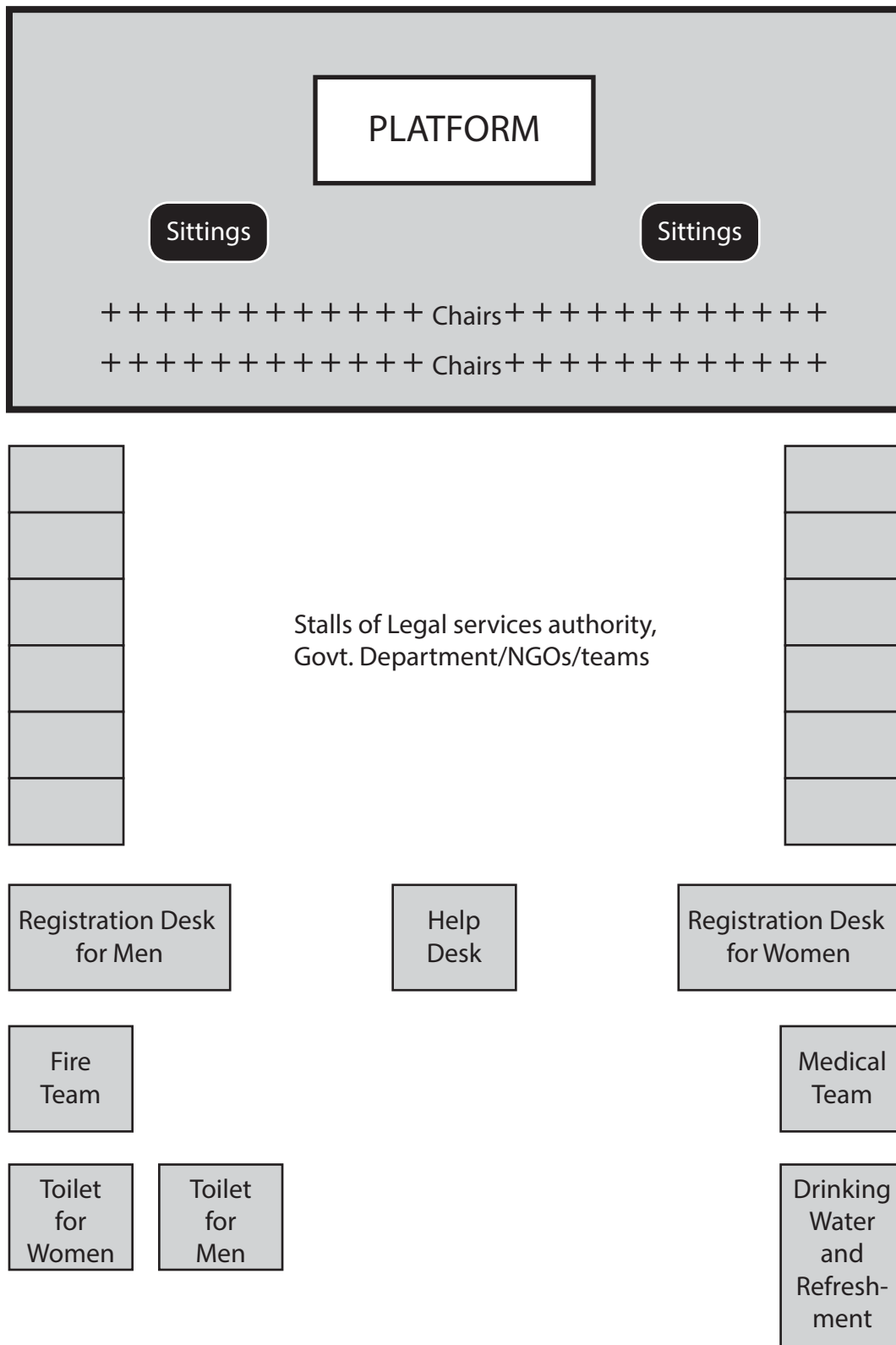
Before holding camp, mobilization be also done through community meetings and by door-to-door visits of field teams to disseminate information about camp. Information about details of the camp through loud speakers and community radio be also disseminated. Adequate number of hoardings be also placed at public places to give information to public about the venue and date of legal services camp.

5.9 Identifying of presenters by participatory government departments / ministries during the camp.

Meetings with the Officers of the concerned departments be held to chalk out strategies for conducting Legal Services Camp on the core theme. They be apprised about the objectives of the camp, pre-camp steps etc. They be also requested to have adequate pamphlets, booklets, application forms etc. relating to welfare schemes/programmes of their departments in vernacular language on the day of camp. They be also requested to nominate presenting officers who will give very brief presentation about the welfare schemes to people on the day of camp in local language.

5.10 Physical lay-out of the Camp

Camp's physical lay- out be also designed for the convenience of the villagers/ participants. Separate registration stalls for males and females be put. Stalls for different departments including that of Legal Services Authority be also planned in coordination with the government departments. Two/three stalls be kept for NGOs and team members to fill up the forms for getting people connected with schemes. Arrangement for photocopier and adequate stationary be made in the said two/three stalls of the team members and NGOs. Power supply be also ensured to those stalls and LED. LED be placed at a place visible to participants. LED Screen is required so that the NALSA theme song and any other documentary relating to legal services authorities may be shown. The suggested camp design is as follows:



6. DURING CAMP

6.1 Short presentation by the Departments/Ministries

The main Departments relating to core theme shall give presentation in local language about the relevant welfare schemes of their Department. They shall briefly spell out the eligibility criteria under the Schemes. Each Department shall not take more than five minutes for the said purpose.

6.2 Real time registration of beneficiaries during the Camp.

After overview by Departments about various schemes, people shall be visiting the stalls of Departments including that of Legal Services Authority. The Officers of Departments at the stalls shall not only apprise people about the welfare schemes and distribute pamphlets regarding the same but shall also fill up the forms so that the same are processed further for getting people connected with the schemes.

6.3 For the purpose of filling up forms under different schemes, people may be referred to the stalls of NGOs/teams who shall fill up forms and attach necessary documents with the form. The teams/NGOs at the end of the programme shall submit the said forms to the different concerned departments.

7. AFTER CAMP ACTIVITY

7.1 Preparation of Camp Report

A detailed report be prepared regarding the Legal Services Camp. It shall, inter-alia, spell out the activities done at the different stalls, application forms filled up with regard to different schemes etc. Lessons learnt from the camp also be clearly indicated so that improvements are made in upcoming camps to effectively reach out to people and getting them connected with the welfare schemes/legislations.

7.2 Follow up of all registrations done during the Camp.

Follow up action be taken on the various application forms submitted during the camp and the applications/representations written of the visitors relating to various issues.

7.3 Clearance of Camp Bills.

Bills of agencies whose services are taken for arranging the camp be cleared preferably within a week. Bills of Panel Advocates and PLVs associated in pre-camp activities and also during camp be also cleared within a week.

7.4 Maintenance of Cleanliness

Clearance of garbage etc. at the place where camp was held be also ensured.

8. SOME OTHER IMPORTANT POINTS

- 8.1 The duration of the camp shall be of 4-6 hours.
- 8.2 The time for opening Legal Services Camp be decided keeping in view weather condition and any other local conditions.
- 8.3 Adequate Drinking Water arrangements be made at the camp.
- 8.4 Refreshments including tea/biscuits be arranged for participants/villagers.
- 8.5 To deal with any emergency, Medical Team and Fire Fighting Team be also kept on standby.
- 8.6 Local police be also requested to put adequate number of policemen on duty at the camp site to avoid any chaos at the spot and to deal with any emergency.
- 8.7 Legal Services Camp should not be given the shape of a seminar, and, hence, inaugural sessions/speeches must be avoided. The focus should be to deliver by connecting people with the identified schemes and redress their problems.
- 8.8 Arrangements be also made for cord-less mics and standing mics.
- 8.9 Help Desks be also set up to help people during the camp by guiding them to the different stalls.
- 8.10 Adequate number of Registration Stalls be put up so that long queues are not formed and delay is avoided in registration of the participants.

LEGAL SERVICES CAMP FOLLOW-UP GUIDELINES

1. BACKGROUND AND RATIONALE

Legal Services Camp Module, devised by NALSA, spells out delivery based Model of legal services camp with an objective to bring empowerment of weaker sections of society. The operational framework of legal service camp, as per the Module, consist of three parts i.e. Pre-Camp Stage, Activities during Camp and Post-Camp Activities. All the three parts are inter-related and integral to success of legal services camp. The fruitful organization of legal services camp depends upon the successful completion of all the three parts. In the Legal Services Camp Module, under the head, 'After-Camp Activities' follow-up action is stipulated. Follow-up action is imperative to ensure that identifies beneficiaries get what they are entitled to under welfare laws and various Central and State schemes. The objectives of empowering the disadvantaged by using the tool of Legal Services Camp can be fulfilled only if effective follow-up action is undertaken systematically and expeditiously. In the absence of follow-up, the entire exercise of organizing camp may fail to deliver desired results.

2. FOLLOW-UP ON WHAT?

During Pre-Camp stage, teams formed by Legal Services Authorities visit theselected villages/areas for identifying beneficiaries in consonance with the selected theme. During the course of said visits, beneficiaries are identified beneficiaries with welfare schemes being implemented by various departments. Apart from this, some of the applications pertain to seeking of legal advice or pursuing of legal remedies in the courts of Law. Data is supposed to be maintained of the identified beneficiaries and their applications, forms etc. Some of the applications/forms are submitted during pre-camp activities itself with the various departments sot that the departments may be able to process the said applications/forms and deliver the benefits on the day of the camp. Some forms/ applications need more documentation which includes attaching copies of identity documents, etc., without which it cannot be submitted/processed during the pre-camp stage. The said applications/forms are submitted with the various departments either on the day of camp or after the camp. Apart from this, applications/forms are received on the day of the camp by the various participating government departments who put up stalls at the camps. Applications/forms are also received on the day of the camp at the stall of Legal Services Authority. PLVs and panel lawyers deputed at the stall help visitors in drafting application and filling up forms. Participating NGOs also receive applications etc. from people.

2.1 Keeping in view the aforesaid, follow-up action is required on the following aspects:

- a) Applications/Forms submitted of identifies beneficiaries to the various departments at the pre-camp stage, but benefits were not delivered on the day of the camp to said beneficiaries.
- b) Beneficiaries identified at pre-camp stage but their applications/forms not submitted to the various departments at pre-camp stage.
- c) Applications/forms received of intended beneficiaries at the stalls of Legal Services Authority on the day of camp.
- d) Applications/forms received and registrations entered by various departments at their stalls on the day of camp.
- e) Applications received by participating NGOs but benefits not delivered on the day camp.

3. HOW TO CARRY OUT FOLLOW UP:

For effective and proper follow-up, a team may be constituted which shall focus on follow-up points. The team may consists of members who were engaged during the pre-camp activities and who were deputed on the day of the camp. The said team may be headed by a responsible officer who may be a Secretary, District Legal Services Authority. The suggestive follow-up action is mentioned in the table below:

S.No.	Follow-up points	Follow-up action required
1.	Applications/Forms submitted of identified beneficiaries of identified beneficiaries to the various departments at the pre-camp stage, but benefits were not delivered on the day of the camp to said beneficiaries	<p>a) Matter be pursued with the relevant departments to Know about the status of applications/forms.'</p> <p>b) If further processing of the application/forms requires some documents then the follow up team must get in touch with the beneficiaries so that copies of the relevant documents are submitted to the concerned departments.</p> <p>c) Feedback be given to the beneficiaries about the status of their applications/forms. d) Follow up shall continue till such time the benefit actually reaches the intended beneficiary.</p>
2.	Beneficiaries identified at pre-camp stage but their applications/forms not submitted to the various departments at pre-camp stage.	<p>a) Forms/applications be submitted to the concerned departments. If before submission, copies of documents are required from the beneficiaries then they be contacted and apprised of the same.</p> <p>b) After submitting forms/applications with various departments, feedback be given of the said step to the beneficiaries</p>

3.	Applications/forms received of intended beneficiaries at the stalls of Legal Services Authority on the day of camp.	<p>a) If the applications/forms relate to the welfare schemes being implemented by the Government Departments, the said applications be submitted to the concerned departments.</p> <p>b) If before submission, copies of documents are required from the beneficiaries, then they may be contacted and apprised of the same.</p> <p>c) After submission of the forms/applications with various departments, feedback be given of the said step to the beneficiaries.</p> <p>d) If the applications pertain to the filing or defending any case in the court or seeking of some legal advices, the same without delay be dealt with by the office of DLSA, and action taken on the said application be intimated to the beneficiary.</p> <p>e) Follow up shall continue till such time the benefit actually reaches the intended beneficiary</p>
4.	Applications/forms received and registrations entered by various departments at their stalls on the day of camp	<p>a) Data be collected from the Government Departments who had put up stall on the day of the camp, about applications/forms received and registration entered by them.</p> <p>b) Regarding those applications/forms matter be pursued with the departments as to the action taken by those departments on the said applications/forms.</p> <p>c) Feedback be given to the beneficiaries about the status of their applications/forms.</p> <p>d) Follow up shall continue till such time the benefit actually reaches the intended beneficiary.</p>
5.	Applications received by participating NGOs but benefits not delivered on the day camp.	<p>a) Matter be pursued with the NGOs and if required micro follow-up camp for delivering the benefits may be organized so that NGO delivers the benefits in the said follow-up micro camp. This is primarily necessitated in case of NGO providing prosthetic limbs.</p> <p>b) Applicants be accordingly informed of the said follow-up and organization of micro level follow-up camp. said follow-up micro camp. This is primarily necessitated in case of NGO providing prosthetic limbs. b) Applicants be accordingly informed of the said follow-up and organization of micro level follow-up camp</p>

4. METHODS OF FEEDBACK

1. If the intended beneficiary has then feedback may be given through a telephonic call.
2. If the intended beneficiary does not have a phone, as is particularly the scenario in remote areas, then the team members of the follow-up team may visit the villages and give face to face feedback.

5. FORMAT

Separate format sheets can be used for different Ministries/Departments. The suggestive format for maintaining data including follow-up action is as follows:

FORMAT

S.No.	Name of beneficiary	Address and phone number of beneficiary	Action taken on application/ form	Follow up action	Feedback to beneficiary (Yes/No)

SUBMISSION OF REPORT TO NALSA:

The report in the following format be submitted to NALSA after the conclusion of the camp which necessarily includes follow-up action:

1.	Name of SLSA	
2.	Venue of Legal Services Camp	
3.	Number of Villages/Urban areas covered	
4.	Number of beneficiaries identified at the pre-camp stage	
5.	Number of beneficiaries whose applications were dealt/forwarded at pre camp stage to concerned departments	
6.	Number of beneficiaries to whom benefit given on the day of the camp	
7.	Number of new beneficiaries who submitted applications/forms on the day of the camp to legal services Authority or other participating departments	
8.	Number of beneficiaries whose applications were dealt with including forwarding of applications to various departments during and after the camp	
9.	Number of beneficiaries qua whom follow-up action was taken.	
10.	No. of applications who are yet to be delivered desired benefits.	

POST CAMP ASSESSMENT

1. Rationale

Legal Services Camps are being organized by State Legal Services Authority by following the operational framework spelt out in the Legal Services Camp Module devised by NALSA. It is quite imperative to assess as to whether Legal Services Camps are achieving the contemplated objectives or not. After completion of the camp, assessment is also required to identify and learn from successes and failures. Primarily, with this in view, a post camp assessment framework is required so that post camp assessments are carried out by Legal Services Authorities to capture the lessons learnt from past success and failures, with the goal of improving future performance.

2. About Post Camp Assessment

Organizational learning requires that there is continuous assessment of performance to identify and learn from successes and failures. Post camp Assessment is a tool that facilitates this assessment with regard to Legal Services Camps. It is a structured approach for reflecting upon the Legal Services Camp and identifying strength, weakness and areas for improvement.

Post Camp Assessment shall revolve around the following

- What was expected to happen?
- What actually occurred?
- What went well and why?
- What can be improved and how?

3. Steps in Post Camp Assessment

3.1 STEP 1 - PLANNING A POST CAMP ASSESSMENT

The success of meeting for post camp assessment often depends upon the amount of time spent in planning for the meeting.

- I. Schedule the Post Camp Assessment ideally, within two weeks of completion of Legal Services Camp.
- II. Select the facilitator who may be the Secretary, DLSA. Facilitator's job is to keep the meeting focussed and moving.
- III. For the best results:
 - Plan to conduct the team meeting in person, rather than by phone.

- Ensure participation of all team members.
 - It is recommended that a time equal to 10 minutes per team member is set aside. If necessary, the assessment can be continued on second day meeting.
- IV) **Note taker:** Assign a team member to take notes on the flip charts. If the post Camp Assessment is an hour or longer, consider having team members rotate this job so everyone can participate fully.
- V) **Timekeeper:** Assign times to the sections of the Post Camp Assessment in advance and ask someone to play the role of time keeper (this is important- it is easy for groups to get lost in conversation and not have time to cover all sections of the assessment).

3.2 STEP-2 - CONDUCTING POST CAMP ASSESSMENT

(i) Introducing the Post Camp Assessment-

The task of the facilitator is to guide the group through assessment of the Legal Services Camp, using a standard set of questions:

- What was expected to happen?
- What actually occurred?
- What went well and Why?
- What can be improved and how?

Start by reminding the team of the purpose and context of the meeting. The following points need to be kept in view:

- The post Assessment Camp does not grade success or failure.
- There are always weakness to improve and strengths to sustain.
- Participants should share honest observations about what actually happened (objective data) without assigning blame or praise.
- No one has all the information or answers. Everybody has something important to contribute.
- Set an atmosphere of openness. If necessary facilitator can introduce ground rules or expectations for the session.

(ii) Closing the Post Camp Assessment

- a. To close the Post Camp Assessment, summarise key points identified during the discussion. The session should end on a positive note, linking observations to recommendations for future improvements.
- b. Assign role for follow up: The Facilitator should discuss in advance the process for writing up the post camp assessment report.

3.3 STEP 3 : PREPARING REPORT & SHARING THE POST CAMP ASSESSMENT

Report shall be prepared. The following points may be kept in view:

- (i) Provide a clear summary of concrete and actionable recommendations that will improve the process.
- (ii) Identifying tasks and topics requiring leadership attention.
- (iii) Share the Post Camp Assessment Report with DLSAs.

The greatest benefit of a post Camp Assessment comes from applying the lessons learned to future work and teams. The conclusions drawn must be applied in future camps so as to make them more effective.

4. KEY POINTS AND PRACTICAL TIPS

- ✓ Post the questions on flipchart sheets prior to the session. Write answers on the sheet as the session progresses.
- ✓ The Facilitator should prepare some lead-in questions and may have to directly solicit answers.
- ✓ If there are issues with either openness or time, it may be worthwhile to gather individual ideas first and then facilitate a group discussion.
- ✓ Actionable recommendations should be as specific as possible.
- ✓ Participants of a Post Camp Assessment should include all members of the team.
- ✓ Post Camp Assessment should be carried out immediately, while the team is still available and memories are fresh.



Standard Operating Procedure for Representation of persons in custody

STANDARD OPERATING PROCEDURE FOR REPRESENTATION OF PERSONS IN CUSTODY

One of the core areas of activity of the Legal Services Institutions is providing legal aid. Under Section 12 of the Legal Services Authorities Act, 1987, all persons in custody are entitled to legal aid. However the system of providing representation to those in custody is not uniform across the country. The frequency of visits by jail visiting lawyers to the jails is also not standardised with lawyers visiting only once a month in some places while at others, they may visit twice a week. The jail visiting lawyers are often not clear what is expected of them to do. Clearly the system of interaction with the inmates in jails and their representation in courts needs to be strengthened.

In several districts across the country, the persons in custody are not produced before the courts for days together. This happens even at the stage where the charge sheet has still not been filed. There are many cases where the accused was produced before the court after arrest and was remanded to custody but thereafter was not produced on several dates meant for remand. The reasons given for the same are generally non availability of sufficient number of armoured vehicles and of personnel to produce the persons in custody before the courts and that at times the accused are required to be produced in other courts. This is contrary to the mandate of Code of Criminal Procedure and also violates the basic rights of the persons in custody as enshrined in the Constitution and enunciated by the Hon'ble Apex Court in several landmark cases and most importantly is an impediment to their liberty. Due to non-production of the persons in custody before the courts at regular intervals, the courts are unable to consider whether the persons in custody are facing any problems. Legal representation to them cannot also be ensured in such circumstances.

The persons in custody continue to languish in jails without bail applications being moved on their behalf. Even where bail orders have been granted, they continue to languish in jails as bail bonds are not furnished and the courts find it difficult to communicate with the persons in custody due to their non-production before the courts. Such cases need to be brought to the notice of the court. Further the persons in custody do not get timely information about the status of their cases and their rights. As such, there is an urgent need to bridge the gap between the accused persons and legal services to them.

Several initiatives have already been taken such as setting up of Legal Services Clinics in the Jails across the country, identifying and training PLVs who could communicate with the inmates in the prisons but much more needs to be done.

FOR THIS PURPOSE, THE DISTRICT LEGAL SERVICES AUTHORITIES SHOULD TAKE THE FOLLOWING STEPS:

- 1) Panel lawyers should be deputed as remand advocates in each of the Magisterial courts and also, in the Courts of Sessions where required.
- 2) Work of the Legal Service Clinics in the jails should be streamlined with clearly demarcated space for such clinics. Requisite infrastructure should be made available, if need be as per the Regulations in this regard for the efficient functioning of such clinics.
- 3) From amongst the panel lawyers, some lawyers should be earmarked as jail visiting lawyers. Visits to the jails must be made at least twice every week.
- 4) The possibility of taking the services of retired judicial officers as jail visiting lawyers may be explored and honorarium for them can be fixed by the Hon'ble Executive Chairmen of the SLSAs.
- 5) Sufficient number of PLVs, from amongst the convicts serving long sentences should be identified and they should be trained suitably, where not already done, so that they interact with the inmates, especially the new entrants and can bring to the notice of the jail visiting lawyers or the Secretary of the District Legal Services Authority, the cases requiring attention.
- 6) The PLVs should maintain the record mentioning the date a person was brought into the jail, the offence alleged against him, stage of case, next date of hearing and the name of the court.
- 7) The Jail visiting lawyers from the District Legal Services Authorities shall regularly interact with the inmates and especially the new inmates to find out if they are represented by any lawyer and if not, they should inform the inmate about their right to get a legal aid lawyer. They should also inform the District Secretary so that a legal aid lawyer can be appointed to represent the inmate in court.
- 8) The Jail visiting lawyers should prepare a brief summary of each interaction and send the same to the Secretary, District Legal Services Authority along with contact details of the family of the accused, if available so that the panel lawyer can coordinate with them.
- 9) The Secretary, District Legal Services Authority may take up a case brought to his notice which needs immediate attention with the District Judge or the Jail Inspecting Judge.
- 10) The Jail Superintendent should be called upon to send a list of inmates in jail every fortnight which should be reviewed by the Secretary of the District Legal Services Authority, who can take up the cases requiring attention with the concerned authorities.
- 11) The PLVs and the Jail visiting lawyers should also keep track of non-production of any inmate in the court as per the date given or of the cases where no next date is available and inform the Secretary, District Legal Services Authority.

- 12) If it comes to the notice of the District Secretary that for certain reasons, the persons in custody are not produced before the court on a particular day, he should bring the same to the notice of the concerned Chief Judicial Magistrate or the Chief Metropolitan Magistrate who may take appropriate action and for the time being may designate a Magistrate to go to the jails for doing the remand work for that day.
- 13) The matter of making available requisite armoured vehicles and personnel for taking the persons in custody to the courts for production should be taken up with the appropriate government.
- 14) The Jail visiting lawyers shall communicate to the Secretary, District Legal Services Authority whenever bail application has to be filed on behalf of an inmate or if subsequently, it comes to their notice that an undertrial is not being represented by a lawyer in the court, who shall issue appropriate directions for a lawyer to be appointed in the case. They should also bring to the notice of the Secretary, District Legal Services Authority cases where bail orders have been issued but bail bonds could not be furnished due to various reasons.
- 15) The Secretary, District Legal Services Authority shall place the cases of undertrial prisoners who are eligible under Section 436A Cr.P.C. before the Undertrial Review Committee of the District promptly.
- 16) The panel lawyer who is appointed to represent a person in custody in the court should interact with the person in custody to have a better understanding of the case in hand. The panel lawyer assigned a particular case shall inform the next date of hearing and the purpose of the same to the Secretary, District Legal Services Authority within 3 days of the date of hearing in the court.
- 17) The Legal Services Clinic in the jail shall coordinate with the Jail Superintendent and the panel lawyer through the Secretary, District Legal Services Authority to keep itself updated on the status of the legal aided cases of each inmate, including the next date of hearing and the purpose. The status of the case shall be recorded in the registers to be maintained by the Clinic and shall also be communicated to the concerned inmate and the Jail Superintendent.
- 18) Regular awareness camps should be organised in the jails to create awareness on legal issues and specifically on the rights of the persons in custody.
- 19) Suggestion/complaint box should be available in each Legal Service Clinic in the jail which should be opened once every week in the presence of the panel lawyer and the Jail Superintendent and the cases requiring attention should be brought to the notice of the Secretary, District Legal Services Authority.
- 20) Where possible, Video Conferencing may be used to enable communication with the jail inmates.

The Member Secretaries are requested to take up the above issue urgently.

It would be appropriate if the Member Secretaries of all the States get an inspection done of all the jails in their States to identify cases of persons who have not been produced in courts for several dates and thereafter to direct the Secretaries, District Legal Services Authorities to get applications moved in that regard in the concerned courts. Similar steps should be taken where bail applications have to be moved or for modification of bail conditions etc. The Member Secretaries should review the working of the legal service clinics in the jails on a regular basis.

All out efforts should be made to ensure that the persons in custody are effectively represented in the courts and to make them aware of their rights and availability of legal aid.



Standard Operating Procedure (SOP) for Under Trial Review Committees (UTRCs)

ITEM NO.2

COURT NO.2

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

IA 173194/2018 in Writ Petition(s)(Civil) No(s). 406/2013

RE-INHUMAN CONDITIONS IN 1382 PRISONS

(REPORT OF NALSA ON STANDARD OPERATING PROCEDURE FOR UNDER-TRIAL
REVIEW COMMITTEE)

Date : 04-12-2018 This application was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA
HON'BLE MR. JUSTICE HEMANT GUPTA

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Applicant Ms. Aparna Bhat, Adv.

For Petitioner(s) By Post

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Mr. Sunil Chauhan, Director, NALSA
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Mr. Satya Mitra, Adv.

Mr. T.N. Rama Rao, Adv.

Mr. Hitesh Kumar Sharma, Adv.

Mr. T. Veera Reddy, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Guidelines have been framed by NALSA called "The Standard Operating Procedure for Under-Trial Review Committees".

These Guidelines are taken on record and the Under-Trial Review Committees will adhere to these Guidelines.

It has been stated by NALSA, as a background Note, that, as on 31.12.2017, the data received from different prison authorities indicates that the holding capacity of 1250 prisons in India is 3.78 lakhs and the actual inmates are about 4.19 lakhs. In other words, there is an excess of inmates over the holding capacity. In some prisons, overcrowding is to the extent of 150% of the holding capacity. The overcrowding is particularly acute in the States of Uttar Pradesh (182%), Uttarakhand (159%), Chhattisgarh (157%) and Maharashtra (144%).

We have been given to understand that the number of under-trial prisoners of this country constitutes more than 67% of the prisons' population. Urgent steps are quite clearly and obviously necessary for the release of under-trial prisoners, if not for the early conclusion of their trial.

Under these circumstances, though NALSA has recommended for quarterly meetings to be held by the Under-Trial Review Committees, we direct that in the first six months of the year 2019, the Under-Trial Review Committees will meet once in a month to review the cases of under-trial prisoners and submit a report to the State Legal Services Authority. The reports will then be compiled and forwarded to NALSA.

The Guidelines be circulated to all the States/Union Territories, Director General of Prisons in all States/Union Territories and the State Legal Services Authorities.

Application stands disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
ASSISTANT REGISTRAR

BACKGROUND

In terms of the Section 12(g) of the Legal Services Authorities Act, 1987, a Person in Custody is entitled to free and competent legal services. In India, as per prison statistics. 2015 released by NCRB, there are around 1250 Central, State and Sub-jails, housing around 4.19 lacs prisoners including 80,000 women. According to NCRB data, 67 % of the above inmates i.e. 2.94 lacs are UTPs. This percentage of UTPs is one of the highest in the World in so far as the World UTP average in the prisons is only 31 %.

As on 31.12.2017, as per the data received from different Prison Authorities the holding capacity of 1250 prisons in India is 3.78 lacs and the actual inmates are 4.19 lacs. Accordingly, the prisons in India are overcrowded by 114 %. Situation in some of the Prisons is so precarious that they are holding more than 150% of their holding capacity. While the situation in States like Tamil Nadu (66%), Telangana (76 %), West Bengal (66 %) is comfortable given to the fact that the States constructed adequate number of prisons but the situation is serious in States like Uttar Pradesh (182%), Uttarakhand (159%), Chhattisgarh (157 %), Maharashtra (144%) where the number of Prisons is quite low.

1158 Legal Services Clinics have been established by the Legal Services Institutions in around 1250 jails.

In this background, Chief Justice R. C. Lahoti (Retired) wrote a letter dated 13.06.2013 addressed to Hon'ble Supreme Court of India highlighting over crowding in prisons, inadequacy of staff, need of training, unnatural deaths, etc. This letter was registered as Public Interest Litigation by Supreme Court of India on 05.07.2013.

Series of directives on the above subjects were passed by the Hon'ble Supreme Court of India to various Authorities/Departments. On 24.04.2015, Hon'ble Supreme Court of India directed that Prisoners Management Software (PMS) being used in Tihar Jail, Delhi may be improved and deployed in all other jails in the country.

It was followed by the appointment of Director, NALSA as Nodal Officer to assist the Hon'ble Supreme Court Bench. NALSA issued directions to the State Legal Services Authorities and District Legal Services Authorities for helpline release of prisoners who could not furnish the bail bonds. Model Prison Manual was also drafted by Ministry of Home Affairs with the help of NALSA.

On. 18.09.2015, It was highlighted that the Under Trial Review Committee (UTRC) constituted by the Ministry of Home Affairs shall consider the cases of inmates who have completed half of their sentence in terms of Section 436A Cr. P.C.

On 05.02.2016, UTRCs were directed to meet at least once in every quarter starting from 31.03.2016 and Secretary of District Legal Services Authority was made member of the Committee to assist the UTRC.

On 06.05.2016, the domain of UTRC was enhanced much beyond Section 436(A) Cr. P.C. by inclusion of total 14 categories of inmates for consideration of their early release.

On 31.10.2017, NALSA was directed to prepare a Standard Operating Procedure (SOP) for smooth functioning of Under Trial Review Committees (UTRCs) with an aim to ensure that UTPs covered under 14 categories get benefit without delay.

On 12.12.2017, SOP was prepared and as per the directions of Hon'ble Supreme Court of India the same was circulated with the various stakeholders and placed on website of NALSA for inviting suggestions. The suggestions received from different stakeholders were incorporated with the help of Ld. Amicus Curiae.

On 08.05.2018, an SOP containing additional suggestions was placed on Record of Hon'ble Supreme Court of India. Vide an order dated 02.08.2018, NALSA was directed to redraft the SOP.

This redrafted final SOP has been prepared accordingly.

STANDARD OPERATING PROCEDURE (SOP) FOR UTRCS

PART-I

DEFINITIONS:

- a) "Jail" means Central Jail, District Jail, Sub Jail, Women Jail, Special Jail and borstals.
- b) "Jail Superintendent" includes Deputy Superintendent and Officer Incharge of the jail.
- c) "UTPs" means Under Trial Prisoners who are in custody at the time of preparation of the list of UTPs by the Superintendent and includes inmates who are out on interim bail.
- d) "UTRC" means Under Trial Review Committee chaired by District & Sessions Judge consisting of District Magistrate, Superintendent of Police, Secretary, DLSA and Jail Superintendent, as members.
- e) "E-Prison Portal/ PMS" means E-Prison Portal developed by NIC under directives of Ministry of Home Affairs and includes stand alone Software developed by States for their Jails.
- f) "Secretary DLSA" means Secretary of the concerned District Legal Services Authority appointed u/s 9(3) of Legal Services Authorities Act, 1987 and any other officer officiating as Secretary.
- g) "Bail Applications" Bail applications include applications moved u/s 436A, 437 Cr.P.C. and 439 Cr.P.C. apart from other provisions pertaining to technical bail under the Cr.P.C., namely bail under proviso to Sections 167 and 437 (6) Cr.P.C. and similar provisions in other special enactments.

SOP FOR UTRCS WHERE JAIL RECORDS ARE NOT DIGITIZED AND EVEN IF DIGITIZED NO SOFTWARE FILTERS HAVE BEEN APPLIED.

STEP 1: Reporting of Data of UTPs / Convicts by Prisons.

- 1.1 The Jail superintendent of every jail in the district will collate the data regarding the UTPs lodged in the jail in the format as per Annexure-A with the following information and share it with Secretary, DLSA preferably in soft Excel Sheet.

Particulars of UTPs

- (1) Name of the UTP
- (2) Father's name
- (3) Gender / Age
- (4) FIR/Crime No

-
-
- (5) Police Station
 - (6) District
 - (7) Arrested under section-
 - (8) Particulars of the Court
 - (9) Date of Arrest
 - (10) Date of First Remand
 - (11) Date of admission in prison
 - (12) Date of filing charge sheet.
 - (13) Chargesheeted under Section-
 - (14) UTP represented by Legal Aid/Private Lawyer
 - (15) Name of the lawyer with contact details, if available.
 - (16) Whether bail has been granted to the accused, if so when.
 - (17) If accused is not released on bail despite grant of bail, reason for the same, if available.
 - (18) If the UTP suffering from any disease, mental or physical, details regarding the same.
 - (19) Whether UTP is a convict/Under trial in any other case.
 - (20) If yes, separate entry in the data sheet be made qua the additional Case.

1.2 Particulars of convicts - A separate 'List of Convicts' be prepared as per Annexure-B with the following information and share it with Secretary, DLSA preferably in soft Excel Sheet: -

- (1) Name of the Convict
- (2) Father's Name
- (3) FIR No.
- (4) Police Station
- (5) District
- (6) Name of the Trial Court
- (7) Date of Conviction
- (8) Duration & Nature of Sentence

- (9) Total Remission Earned
 - (10) Date when sentence completed
 - (11) Reason for Non-Release
 - (12) Whether case considered by Sentence Review Board?
 - (13) Reason for not granting pre-mature release
 - (14) Additional information or Remark
- 1.3 The aforesaid detail as on 31st March, 30th June, 30th September, 31st December of every year may be sent by the Jail Superintendent to the Secretary DLSA latest by 7th day of the next following month.

STEP 2: Processing of Data by Secretary, DLSA

- 2.1 The office of Secretary, DLSA, with the aid of empaneled panel lawyers, Retired Judicial Officers and law students trained as PLVs, if required and available, shall draw list of UTPs/Convicts eligible for consideration by the UTRC out of Data sent to him from Step-I in the light of criteria laid down by Hon'ble Supreme Court in WP(C) 406/2013-Re-Inhuman Conditions in 1382 Prisons, as per detailed hereunder (Para 2.2).

If any further details are required by the Secretary, DLSA from any court or from the Jail Superintendent or from the police authorities, the same may be ascertained by the Secretary DLSA. Thereafter, the Secretary DLSA shall prepare a list of eligible UTPs for consideration of UTRC in the Excel Sheet/Soft form as per Annexure A & B.

- 2.2 Cases of UTPs / Convicts falling under following categories shall be considered by the Secretary, DLSA for placing them before the UTRC:-

2.2.1 UTPs / Convicts falling under covered under Section 436A Cr.P.C. [*As per order of Hon'ble Supreme Court dated 24th April, 2015*]

2.2.2 UTPs released on bail by the court, but have not been able to furnish sureties. [*As per order of Hon'ble Supreme Court dated 24th April, 2015*]

2.2.3 UTPs accused of compoundable offences. [*As per order of Hon'ble Supreme Court dated 24th April, 2015*]

2.2.4 UTPs eligible under Section 436 of Cr.P.C. [*As per order of Hon'ble Supreme Court dated 05th February, 2016*]

2.2.5 UTPs who may be covered under Section 3 of the Probation of Offenders Act, namely accused of offence under Sections 379, 380, 381, 404, 420 IPC or alleged to be an offence not more than 2 years imprisonment. [*As per order of Hon'ble Supreme Court dated 05th February, 2016*]

- 2.2.6 Convicts who have undergone their sentence or are entitled to release because of remission granted to them. [*As per order of Hon'ble Supreme Court dated 05th February, 2016*]
- 2.2.7 UTPs become eligible to be released on bail u/s 167(2)(a)(i) & (ii) of the Code read with Section 36A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (where persons accused of Section 19 or Section 24 or Section 27A or for offences involving commercial quantity) and where investigation is not completed in 60/90/180 days. [*As per order of Hon'ble Supreme Court dated 06th May, 2016*]
- 2.2.8 UTPs who are imprisoned for offences which carry a maximum punishment of 2 years. [*As per order of Hon'ble Supreme Court dated 06th May, 2016*]
- 2.2.9 UTPs who are detained under Chapter VIII of the Cr.P.C. i.e. u/s 107, 108, 109 and 151 of Cr.P.C. [*As per order of Hon'ble Supreme Court dated 06th May, 2016*]
- 2.2.10 UTPs who are sick or infirm and require specialized medical treatment. [*As per order of Hon'ble Supreme Court dated 06th May, 2016*]
- 2.2.11 UTPs women offenders [*As per order of Hon'ble Supreme Court dated 06th May, 2016*]
- 2.2.12 UTPs who are first time offenders between the ages 19 and 21 years and in custody for the offence punishable with less than 7 years of imprisonment and have suffered at least 1/4th of the maximum sentence possible. [*As per order of Hon'ble Supreme Court dated 06th May, 2016*]
- 2.2.13 UTPs who are of unsound mind and must be dealt with Chapter XXV of the Code. [*As per order of Hon'ble Supreme Court dated 06th May, 2016*]
- 2.2.14 UTPs eligible for release under Section 437(6) of Cr.P.C, wherein in a case triable by a Magistrate, the trial of a person accused of any non-bailable offence has not been concluded within a period of 60 days from the first date fixed for taking evidence in the case. [*As per order of Hon'ble Supreme Court dated 06th May, 2016*]
- 2.3 The DLSA Secretary must inform the District & Sessions Judge that the complete list has been prepared and request him to convene the UTRC meeting at the earliest. A copy of the list may also be shared with other members of the UTRC so that they can come prepared for the meeting.

STEP 3: Processing of identified cases by UTRC

- 3.1 The District & Sessions Judge shall convene the UTRC meeting as soon as the intimation is received from the DLSA, Secretary about the completion of the lists.
- 3.2 UTRC shall consider the cases shortlisted by the Secretary, DLSA and make recommendations for release/ appropriate action.

3.3 Upon processing the individual cases, the recommendations of UTRC may include:-

3.3.1 In case UTPs covered under Section 436A Cr.P.C.:

UTRC may recommend to concerned trial court to take up the matter and consider him/her for release on bail if there are no special reasons to deny bail, with or without sureties.

3.3.2 UTPs released on bail by the court, but have not been able to furnish sureties:

The UTRC may recommend the trial court to examine the reason why the accused is not furnishing surety/ bail bonds and if he/she is unable to do so due to poverty, then the trial court may consider reducing the bail amount on the application of the lawyer under S.440, CrPC or release on personal bond.

3.3.3 UTPs accused of compoundable offences:

The UTRC may recommend to the trial court to consider if the offence can be compounded between the complainant and the accused as per law.

3.3.4 UTPs eligible under Section 436 of Cr.P.C.:

The UTRC may recommend to the trial court to consider releasing such an accused on personal bond in case he is unable to furnish bail bond within seven days of bail order.

3.3.5 UTPs who may be covered under Section 3 of the Probation of Offenders Act, namely accused of offence under Sections 379, 380, 381, 404, 420 IPC or alleged to be an offence not more than 2 years imprisonment:

The UTRC may recommend to the trial court to consider invoking of Probation of Offenders Act in fit cases as also plea bargaining in appropriate cases.

3.3.6 Convicts who have undergone their sentence or are entitled to release because of remission granted to them:

The UTRC may examine the reason for non-release of the convict and the Officer in-charge of prison may be recommended to look into the matter so that the convict is released as soon as possible.

3.3.7 UTPs become eligible to be released on bail under Section 167(2)(a)(i) & (ii) of the Code read with Section 36A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (where persons accused of Section 19 or Section 24 or Section 27A or for offences involving commercial quantity) and where investigation is not completed in 60/90/180 days:

The UTRC may recommend to the trial court to consider release of the accused in cases where chargesheet is not submitted within the statutory time frame.

3.3.8 UTPs who are imprisoned for offences which carry a maximum punishment of 2 years:

The UTRC may recommend to the trial court to consider releasing of the UTP on bail in such cases.

3.3.9 UTPs who are detained under Chapter VIII of the Cr.P.C. i.e. under Sections 107, 108, 109 and 151 of Cr.P.C.:

The Executive Magistrate/ District Magistrate court may be recommended to release/discharge such persons with or without conditions or to make an order reducing the amount of the security or the number of sureties or the time for which security has been required.

3.3.10 UTPs who are sick or infirm and require specialized medical treatment:

The UTRC may examine the medical condition of the inmate and if it is found that the inmate is very sick and specialized treatment is essential for survival, then the UTRC may recommend the trial court to consider granting bail on medical ground, as provided under S.437, CrPC, even for temporary period.

3.3.11 UTPs women offenders:

Women under trial prisoners who are not accused of serious offences may be considered for release on bail under S.437, CrPC, especially they are first time offenders by the concerned trial courts. The UTRC may also recommend suitable measures under the directions of the Hon'ble Court in R. D. Upadhyay vs State of A.P. & Ors. (AIR 2006 SC 1946).

3.3.12 UTPs who are first time offenders between the ages 19 and 21 years and in custody for the offence punishable with less than 7 years of imprisonment and have suffered at least 1/4th of the maximum sentence possible:

The UTRC may request the trial court to consider granting bail to such young offenders. If the person is found guilty in the course of trial, benefit of S.3 or S.4 of the Probation of Offenders Act, 1958, may be given to the accused.

3.3.13 UTPs who are of unsound mind and must be dealt with Chapter XXV of the Code:

UTRC may recommend the trial court to take appropriate steps in accordance with Chapter XXV of the Code and provide adequate treatment to such inmates.

3.3.14 UTPs eligible for release under Section 437(6) of Cr.P.C., wherein in a case triable by a Magistrate, the trial of a person accused of any non-bailable offence has not been concluded within a period of 60 days from the first date fixed for taking evidence in the case:

UTRC may request the trial court to consider granting bail to such UTPs under Section 437(6) of Cr.P.C.

3.4 The UTRC shall enter its recommendation in column no. 21-23 of Annexure-A and column no.15-17 of Annexure-B.

3.4.1 Recommendation of UTRC

3.4.2 Date of recommendation

3.4.2 Brief reasons for UTRC recommendation

3.5 The UTRC shall share recommendations with the concerned Trial Court/Jail Superintendent and Secretary, DLSA. Jail Superintendent shall bring it to the notice of UTP/Convict. Secretary, DLSA shall instruct the panel lawyers to move appropriate application in legal aided cases. The Trial Courts may deal with the recommendations in the manner deemed appropriate for each particular case with the assistance of Legal Aid/Private Lawyer.

STEP 4: Follow up:

UTRC shall keep track of the follow up action in recommended cases as detailed in Annexure-A (Column No.24- 26) & Annexure-B (Column No.18-20) as under:-

4.1 Action taken on recommendation.

4.2 Final Outcome

4.3 Date of release of UTP/Convict.

STEP 5: Collation of data on quarterly basis by the Secretary, DLSA

Secretary, DLSA shall collate the above data in Annexure-A & B and generate quarterly report under the following heads:

1. Number of UTPs/Convicts considered by UTRCs in a given quarter/year.
2. Number of UTPs/Convicts recommended for bail/release.
3. Number of bail/other applications moved post recommendations.
4. Number of inmates released pursuant to UTRC's recommendation.

PART-II

SOP for UTRC where Jails are digitized and have Software to filter the cases which are eligible for release

- 5.1 If the jail concerned has appropriate data in digital format and is able to apply the filters, then the Step 1 and Step 2 of Part-I would merge into one and the filtered data shall be shared by Jail Authorities with Secretary, DLSA.
- 5.2 The UTRC can examine the data filtered by the software and make appropriate recommendations, as mentioned in Step 3 of Part-I.
- 5.3 The UTRC shall keep track of the follow up action as per Step 4 of Part-I.

NALSA'S ADDITIONAL SUGGESTIONS

In order to expedite Trials and ensure Access to Justice for UTPs/Convicts NALSA suggests following new initiatives:-

Suggestion No.1 : Usage of modified ' Custody Warrant'

- ▲ NALSA has designed a new Modified Custody Warrant which is annexed as Annexure 'C'. The need thereof arose since as on date the Prison Data is maintained only on the basis of case details received by the Jail Authorities from the First Custody Warrant which is in turn based solely on case particulars contained in the FIR. This data is amenable to change at different stages i.e. stage of filing of Chargesheet, framing of Charge and then passing of final Judgement.

Adoption of this new Modified 'Custody Warrant' is necessary as unless the specific offence in which UTP is kept in detention is regularly updated, the software filters will not be able to give correct results. For example, an accused initially arrested u/S 302 IPC may be finally chargesheeted u/S 304 IPC.

This new Modified Custody Warrant carry the particulars of the Legal Aid Counsel/ Private Counsel representing the UTPs at different stages.

Suggestion No.2: Training/sensitization of Remand Court/Trial Court to safeguard the rights of the UTPs to be considered for bail.

It is suggested that judicial academies of respective States may undertake training/ sensitization courses of judicial officers with an aim to highlight the reason behind the UTPs : Convicts ratio in prisons which currently stands as 67% : 33% in our country. The world average of UTPs : Convicts ratio stands at only 31%:69%. The Training of judicial officers may include highlighting importance of -

- ▲ Compliance of Section 41, 41 A to D Cr.P.C. by police authorities.

- ▲ Release of arrested persons/UTPs in deserving cases by invoking Section 59 of Cr.P.C with or without bond.
- ▲ Highlighting importance of 14 situations/criteria laid down by Hon'ble Supreme Court in WP Civil No. 406/2013 "Re-inhuman conditions in 1382 prisons" and their timely compliance for decongestion of jails.

Suggestion No.3: Inclusion of Chief Public Prosecutor in UTRC.

- ▲ State is represented by Public Prosecutor in each criminal court i.e. MMs/Sessions. As and when any Bail Application is moved by the UTPs either on merits or on technical grounds, as a matter of routine, it is observed that they are opposed by Public Prosecutors/ Additional Public prosecutors/Asstt. Public prosecutors representing State in the Court. Hence, inclusion of Chief Public Prosecutor of the District in the UTRC would assist in compliance of directions of Hon'ble Supreme Court.

Suggestion No.4: Expanding the mandate of UTRC

- ▲ UTRC is mandated to ensure compliance of directions issued by Hon'ble Supreme Court. However to ensure that UTPs' right to speedy trial is upheld, it is proposed that UTRC shall look into the individual cases so as to ascertain as to why a particular criminal trial is not getting concluded in a reasonable time and is getting dragged. Such a review of individual cases would go a long way in identifying the broad reasons which results in the delay of trials. This would also help reduce imbalance of 67%:33% UTPs:Convicts ratio.
- ▲ While identifying bottle necks in the Criminal Justice System of a particular district, other facets which can be looked into and addressed by the UTRC may include:
 - 4.1 Check on non-compliance of Section 41 Cr.P.C. to curtail avoidable/unnecessary arrests by the Police.
 - 4.2 Non production of UTPs before the Remand/Trial Court either in person or via video conferencing facility on account of lack of logistic facilities.
 - 4.3 Delay caused by frequent inter-state transfer of UTPs
 - 4.4 Non filing of FSL/CFSL report in time.
 - 4.5 Failure of police to trace, serve and produce the Public/Expert witnesses.
 - 4.6 Delay caused in frequent transfer of investigation related witnesses like police officials, documents.
 - 4.7 Non availability of dedicated PPs in each criminal court.
 - 4.8 Rational distribution of criminal cases in different courts within district

- 4.9 Paucity of staff like Ahlmad or stenographer for the criminal court
- 4.10 Delay caused by lack of efficiency in administrative set up like Copying Agency, Facilitation Centre, Record Room(in case of fetching of old file) etc.
- 4.11 IT Infrastructural need like, Desktop, printer, NIC-net, stationary etc. apart from Data entry professionals.
- 4.12 Popularize ADR methods as also Plea Bargaining for quick disposal.
- 4.13 Suggest segregation of trial in case one or more co-accused are absconding.
- 4.14 Availability of effective and efficient Free Legal Aid Services.
- 4.15 Seeking Cooperation from the Bar for expediting trial.
- 4.16 Any other issue which is hampering the early conclusion of criminal trials in the District.

Once the respective UTRCs start taking cognizance of these problems and suggest remedial measures to the concerned Duty Holders, the delay in disposal of criminal cases can be curtailed to a great extent and learning out comes of such suggestions can help in Policy formulation for improving efficiency of Criminal Justice System's operation in not only the District but also in the State.

TEMPLATE

List of eligible UTPs for consideration of UTRC																			Annexure-A	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
Name of the UTP	Father's name	Gender/Age	FIR/Crime no.	Police Station	District	Arrested under Section	Particulars of the Court	Date of arrest	Date of first Remand	Date of admission in Prison	Date of filing chargesheet	Chargesheeted under Section	UTP represented by Legal aid/private	Name of the lawyers with contact details, if available	Whether bails has been granted to the accused, if when	If accused is not released on bail despite grant of bail, reason for the same, if available.	If the UTP suffering from any disease, mental or physical, details regarding the same.	Whether UTP is a convict/Under trial in any other	If yes, separate entry in the data sheet be made qua the additional Case.	

Note:

- Column Nos. 1 to 20 to be filled by Jail Superintendent.

Contd.....

TEMPLATE

Annexure-A

21	22	23	24	25	26
Recommendation of UTRC	Date of Recommendation	Brief reasons for UTRC recommendation	Action Taken on recommendation	Final Outcome	Date of release of UTP

Note:

- Column Nos. 21 to 26 to be filled by UTRC.

Annexure-B

List of Convicts

1	2	3	4	5	6	7	8	9	10	11	12	13	14
S.No.	Name of the Convict	Father's Name	FIR No.	Police Station	District	Name of the Trial Court	Date of Conviction	Duration & Nature of Sentence	Total Remission Earned	Date when sentence completed	Reason for Non-Release	Whether case considered by Sentence Review Board?	Reason for not granting pre-mature release

Note:

- Column Nos. 1 to 14 to be filled by Jail Superintendent.

Contd...

TEMPLATE

Annexure-B

15	16	17	18	19	20
Recommendation of UTRC	Date of Recommendation	Brief reasons for UTRC recommendation	Action Taken on recommendation	Final Outcome	Date of release of Convict

Note:

- Column Nos. 15 to 20 to be filled by UTRC.

TEMPLATE
Annexure-C

“CUSTODY WARRANT”

Jail No. : _____

Name		FIR No		PHOTO OF INMATE
Father's Name		U/s(as per FIR)		
Age		Arrested U/s		
Gender		Police Station		
Address		District		
Nationality		Date of Arrest		

REMAND DURING INVESTIGATION

ADVOCATE.....(Pvt/Legal Aid)

S.No.	Date	Remand Order by Ld. Judge/Next date in the Court
1		
2		
3		
4		

- Date of Filing of Charge Sheet :
- Offences against the Accused :

REMAND AFTER FILING OF CHARGE SHEET

ADVOCATE.....(Pvt/Legal Aid)

S.No.	Date	Remand Order by Ld. Judge/Next date in the Court
1		
2		
3		
4		
5		

- Date of Committal in Sessions trial cases:.....
- Date of Framing of Charge :
- Charge framed under offences :

REMAND DURING PROSECUTION EVIDENCE

ADVOCATE.....(Pvt/Legal Aid)

S.No.	Date	Remand Order by Ld. Judge/Next date in the Court
1		
2		
3		
4		
5		

REMAND DURING STATEMENT OF ACCUSED

ADVOCATE.....(Pvt/Legal Aid)

S.No.	Date	Remand Order by Ld. Judge/Next date in the Court
1		
2		
3		

REMAND DURING DEFENCE EVIDENCE

ADVOCATE.....(Pvt/Legal Aid)

S.No.	Date	Remand Order by Ld. Judge/Next date in the Court
1		
2		
3		

REMAND DURING FINAL ARGUMENTS

ADVOCATE.....(Pvt/Legal Aid)

S.No.	Date	Remand Order by Ld. Judge/Next date in the Court
1		
2		
3		

- Result of Trial :
- Judgement Pronounced on :
- If convicted, offences convicted under :
- Sentence imposed : (Attach separate sheet)
- Compensation awarded to victim : (Attach separate sheet)

VII. Campaigns

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A Campaign for Legal
Assistance to the Family
Members of the Prisoners

A CAMPAIGN FOR LEGAL ASSISTANCE TO THE FAMILY MEMBERS OF THE PRISONERS

1. BACKGROUND AND RATIONALE

Legal Services Authorities provide free legal services to the categories of persons mentioned in section 12 of the Legal Services Authorities Act, 1987. Women and children, members of Scheduled Castes and Scheduled Tribes, persons in custody and persons below particular income level are, inter-alia, entitled to free legal services. In several States, senior citizens are also entitled to free legal services. The term “Legal Services” has been defined in section 2 (c) of the Act as including the rendering of any service in the conduct of any case or other legal proceedings before any court or other Authority or Tribunal and the giving of advice on any legal matter. Section 4 (l) of the Legal Services Authorities Act mentions the following as one of the functions of NALSA:

- (l) take appropriate measures for spreading legal literacy and legal awareness amongst the people and, in particular, to educate weaker sections of the society about the rights, benefits and privileges guaranteed by social welfare legislations and other enactments as well as administrative programmes and measures.

It is the mandate of Legal Services Authorities to spread awareness about the rights and benefits provided by the legislative as well as the administrative programmes and measures. The entire scheme of the Act reflects that the work of the Legal Services Authorities include devising of programmes and projects to ensure that people do not remain deprived of their entitlements. Legal Services Authorities also devise strategic and preventive schemes/ programmes.

Access to Justice shall be available to all persons which belong to different sections of the society. If we look at the criminal justice system, it takes into account only two sets of people, that is, the victim(s) and the offender(s). But there is another section which is not acknowledged by the system and is looked down upon by the society, constituting of the family/ dependents of the offenders. The fact of incarceration of the offender has many consequences on the family/ dependents of the offender [or in other words ‘family/ dependents of the inmate of jail’]. Usually, the convict/ under trial prisoner (UTP) is the sole bread earner of the family. In his absence, the family gets trapped in the vicious circle of poverty and other economic, socio-legal or psychological issues. This itself constitutes barrier to access to justice for the family members.

Some of the issues which may arise for family/dependents after incarceration of the offenders are as follows:

- Loss of livelihood to the family;

- deprivation of educational and health rights of children of inmates;
- inability to access justice system by female family members of inmates in case of harassment and violation of rights;
- the parents of inmates are old and require old age pension under various schemes of governments or they are unable to maintain themselves and they wish to seek maintenance from family members;
- the dependent siblings may also have issues relating maintenance or inability to avail benefits under welfare schemes;
- the inmate may have any civil litigation pending in the court and no one in his family can pursue the litigation due to illiteracy, poverty or ignorance and the interest of inmate in such litigation would lapse due to non-appearance before the court;
- anyone has encroached or is in the process of encroaching upon the land of inmate etc.

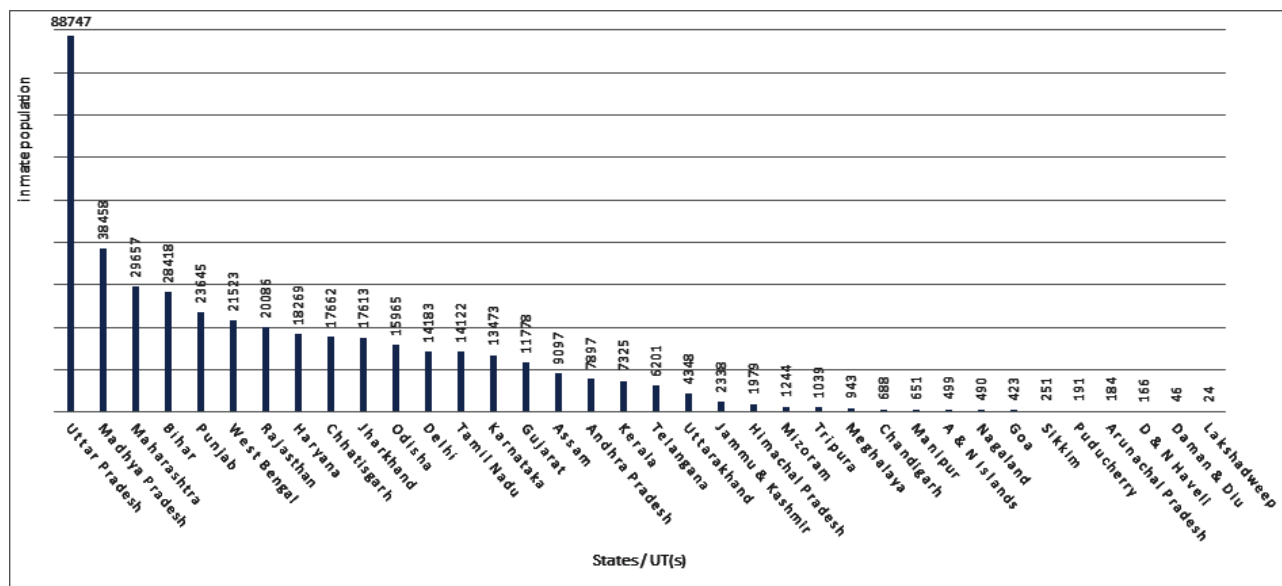
There is another dimension attached to the rationale of this campaign. The inmates while inside the jails get disconnected with outside world and they feel that there is no one to take care of their interest and of their family members in respect of legal issues as well as issues of availing benefits of welfare schemes. Under influence of such feeling, he/she may develop a sense of hatred against the justice system and the society in general. This adversely affects the fulfilment of objectives of reformative measures taken for the inmates by the jails. All these issues have an adverse effect on the mental well-being of the prisoner and create a roadblock in the path of reformation of the prisoner.

In such situations, Legal Services Authorities can undertake Preventive and Strategic Programmes to ameliorate the conditions of family members of the jail inmates. Various activities can be envisaged whereby actualization of the rights of family members especially the children of the jail inmates can be achieved.

This campaign therefore, aims to address these issues which will aid the family members of the prisoners which in turn, will create a conducive environment for the prisoner to reform himself / herself during the period of incarceration.

2. Scope of the campaign

As per Annual Report 'Prison Statistics India' for the year 2015 published by National Crime Records Bureau (NCRB), total number of jail inmates in India were 419623 as on 31.12.2015, with 401789 males and 17834 females. Out of these inmates, number of convicts was 134168 and of undertrials was 282076. The following bar graph depicts the inmate population in States/UTs at the end of 2015:

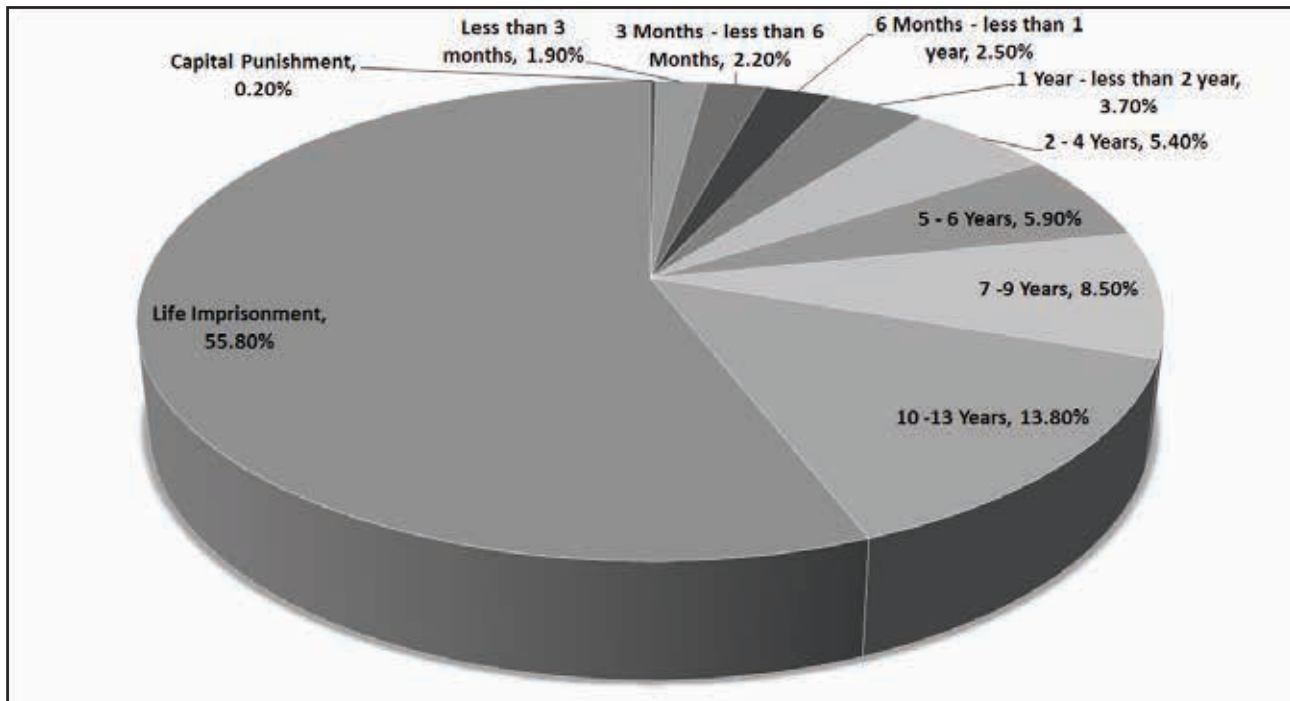


It is perceived that family members of a convict having been sentenced for imprisonment of 6 months or more would be in more stressed circumstances than those of a convict having been sentenced for lesser punishment and similarly placed would be the family members of an UTP, who has remained under detention for continuous period of one year or more during which his/her bail applications might have been rejected at various level. Moreover, considering the magnitude of number of inmates in both categories: convicts and undertrial prisoners, it would be advisable to cover convicts and undertrials having longer stay. Thus, the Target Group of the campaign would be:

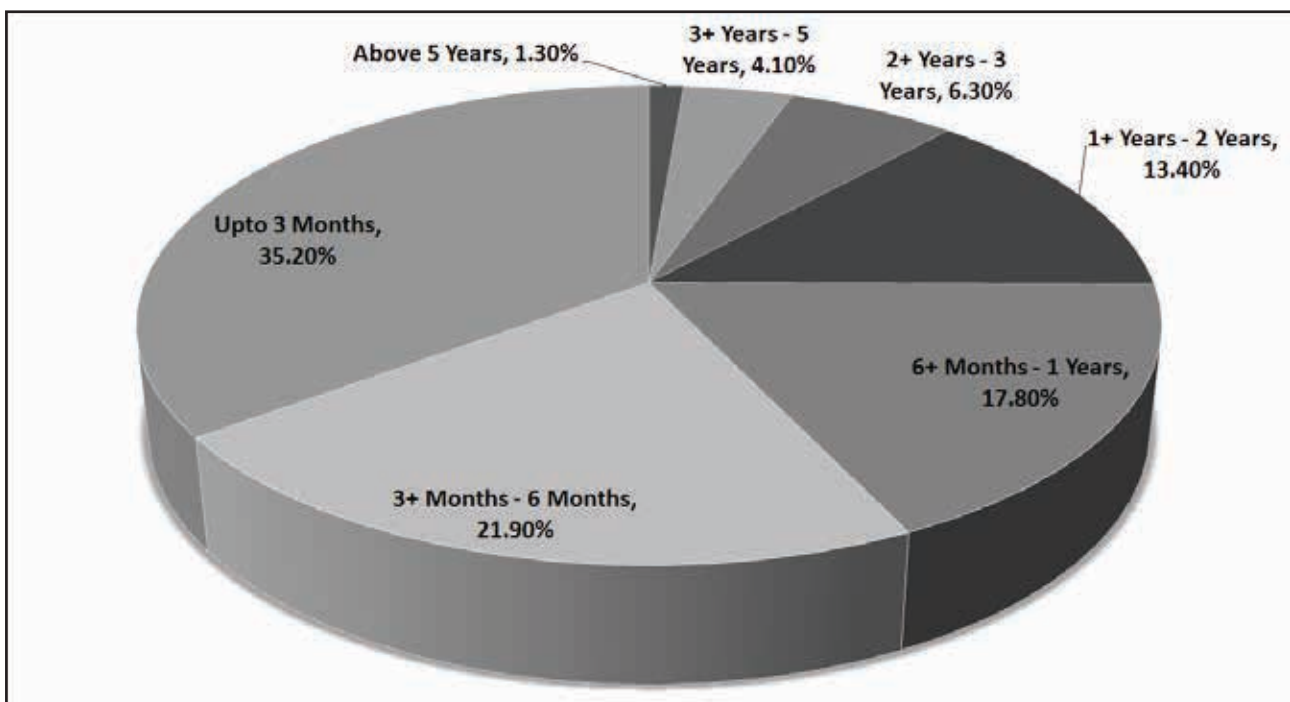
- Convicts having remaining period of imprisonment of 6 months or more
- UTPs having period of detention for continuous one year or more

The following two pie charts show the percentage distribution of convicts undergoing various periods of sentences and percentage distribution of undertrial prisoners by different periods of detention in the country at the end of 2015:

Percentage Distribution of Convicts Undergoing Various Periods of Sentences at the end of 2015



Percentage Distribution of Undertrial Prisoners by Different Periods of Detention at the end of 2015



By choosing above said target group and applying the report of Prison Statistics 2015 as projection in the year 2019, it is expected that almost 96% of convicts and 25.1% of undertrial prisoners would be covered under this campaign. Accordingly, the number of such convicts would be approximately 128801 and of undertrial prisoners would be 70801, total amounting to 199602 inmates. However, this campaign would not cover foreigner inmates.

3. DEFINITION OF FAMILY MEMBERS

The term 'family members' includes parents, spouse, minor children, unmarried daughter, specially abled dependent children, minor dependent siblings, unmarried dependent sister and specially abled dependent siblings.

4. OPERATIONAL FRAMEWORK

STAGE – I

- (i) **Lists of Target group from the Jails:** DLSAs would seek the lists of the targeted Convicts/UTPs from the jails. The lists shall include particulars about place of residence and telephone numbers (if available) of family members of the inmates.
- (ii) **Resource Pool:** The DLSAs would identify and constitute resource pool of dedicated and willing panel lawyers, community para legal volunteers (PLVs), NGOs, academicians, social workers or counsellors. The services of this pool would be utilized for interaction with the jail inmates as well as with the family members of inmates later on.
- (iii) **Conducting an Orientation:** The members of resource pool shall be given an orientation about the rationale of this campaign, its expectation and the manner of conducting interaction with inmates which includes due respect to their fundamental rights, privacy, confidentiality, sensitivities etc.
- (iv) **Formation of Teams and Assignment of Work for Interaction with Inmates:** After compilation of data of targeted inmates, DLSAs would constitute the team(s) and assign the task of interaction with those inmates to them. DLSAs would also nominate a coordinator for the team(s) so constituted to deal with all issues arising during implementation of the campaign.
- (v) **Interaction and Drafting the applications and/or noting down the information or issues of inmates:**
 - The interaction shall be conducted preferably in private and on individual basis.

- During interaction, the inmate shall be told about the campaign and its objectives including purpose of providing assistance to his/her family members by Legal Services Authorities.
- The inmate shall be enquired whether he or his family members have any legal aid or legal services issue which needs to be taken up by the DLSA having territorial jurisdiction over the issue.
- The inmate himself/herself may also be the party concerned seeking resolution of the issue but for his/her incarceration the issue could not be undertaken. If the inmate desires to get any application to be moved before any Court/authority/tribunal, the same shall be drafted.
- Simultaneously, the issues raised by the inmates about his/her family members would also be noted down in the enclosed proforma against the respective entry.
- The inmate may require diverse types of legal aid or legal services for himself/herself or his/her family members.
- The details of interaction shall be recorded in writing in each case. If the inmate does not require any help in this regard, then the data maintained shall reflect 'Nil' in the column of assistance required.

(vi) **Processing the Interaction Sheets:** The processing would be done in following manner:

- If family members of any inmate is resident of same DLSA, then process, as mentioned below, of interaction with them would be followed under intimation to its SLSA.
- If the family members are residents of the same State having territorial jurisdiction over the DLSA interacting with inmate, then the DLSA shall send the interaction sheet alongwith drafted application, if any, to the DLSA which is supposed to initiate follow up action.
- If the inmate is resident of outside the territorial jurisdiction of parent SLSA, then DLSA would send the interaction sheet alongwith drafted application, if any, to its parent SLSA, which, in turn, would send the same to the concerned SLSA.
- The recipient SLSA would send the information to the DLSA which is supposed to initiate follow up action.
- The interaction sheets shall be scanned and sent to parent SLSA, other SLSAs or DLSAs, as the case may be, through e-mail.

(vii) Compilation of the Data:

- After completion of interaction with inmates, DLSAs would compile the data of interactions.
- The entire data shall be shared with their respective SLSAs, in the prescribed proforma for reporting about Stage - I.
- SLSAs shall also compile the entire interaction sheets of their State and send the details to NALSA.

STAGE – II

- (i) **Collection of Information about Welfare Schemes:** SLSAs must collect information related to various welfare schemes of Central and State Governments and share the same with their jurisdictional DLSAs so that they would be in a position to cater to the legal services needs of family members of inmates and facilitate them in availing benefits of those schemes.
- (ii) **Assignment of Work for Interaction with Family Members:** After receipt of interaction sheets concerning the legal aid/services needs of inmates and their family members, DLSAs would constitute the team(s) and assign the task of interaction with family members of the inmates to them.
- (iii) **Conducting an Orientation:** DLSAs shall firstly analyze the issues of jail inmates so that solutions may be suggested to the team(s) so constituted. Then, the members selected for interaction with family members of inmates shall be given an orientation about the way of conducting interaction which includes due respect to their privacy, confidentiality, sensitivities etc. The family members shall be informed about the existence of legal services authorities and their activities. They shall also be informed about various schemes of Central and State Governments under which they can avail benefits.
- (iv) **Interaction with Family Members:**
- During interaction, first of all, the family members shall be told about the campaign and its objectives including purpose of providing assistance to them by Legal Services Authorities.
 - After building confidence and trust in them, they shall be asked to share about legal aid and/or services needs.
 - The legal aid/services needs shall be noted down in writing.
- (v) **Initiate Action on the Legal Aid Needs of Inmate or his/her Family Members:**

- If the issue pertains to legal aid needs of inmate or family members and the same had already been conveyed by the inmate himself/herself, then the same shall be immediately taken up by the concerned DLSA even prior to interaction with family member, if possible.
 - Further, after interaction, DLSA shall initiate action on the information received from the family members. If they wish to initiate/pursue litigation, then a panel lawyer shall be assigned to the family.
- (vi) Initiate Action on the Legal Services Needs of Family Members: If any issue is to be taken up with any department of the Government, then the family member shall be assisted for initiation of process and further follow up. This may include filling up forms for availing any benefit such as:
- Widow pension (mother of inmate or female inmate herself),
 - old age pension,
 - scholarship for children,
 - benefits given by Government for arranging marriage,
 - health care,
 - opening of bank account etc.

Issuance of any certificate/document such as:

- Aadhaar card,
- ration card,
- BPL card,
- voter I-card,
- PAN card,
- caste certificate,
- income certificate,
- birth/death certificate,
- disability certificate etc.

There may be issues which require intervention of, or facilitation from, Legal Services Authorities such as:

- counselling services to deal with situation of incarceration of a family member,

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-
- drug de-addiction,
 - hospitalization and/or treatment of mentally ill person,
 - providing medical care to members,
 - fresh admission of children or re-admission of dropout children,
 - vocational training to adult members or children, wherever desired,
 - enrolment in skill development,
 - connecting the children with ICDS (Integrated Child Development Scheme),
 - assistance to adult members in identification of employment prospects,
 - labour laws related issues of minimum wages, non-payment of wages, social security etc. or benefits under welfare schemes for organized labour,
 - providing assistance in availing benefits of welfare schemes for unorganized labour,
 - Life and accidental insurance,
 - Benefits provided to specially abled under various schemes of government etc.

The process may also be initiated under the poverty alleviation schemes applicable in the concerned area. The various NALSA schemes can also provide guidance in initiating action for ameliorating conditions of family members. Where the children of inmates are covered under the category of CNCP as defined under the Juvenile Justice (Care and Protection of Children) Act, 2015, they shall be produced before the Child Welfare Committee for necessary action.

- (vii) Continuous Coordination with Government Departments for Delivery of Services: After facilitating the family members of inmates in completion of formalities for availing benefits under various welfare schemes/measures, DLSAs would continuously coordinate with the respective government departments which had been approached for their legal services needs. The follow up actions shall continue till delivery of services.

- (viii) Report of Interaction and Actions Initiated:

- The DLSAs would send the report, in the prescribed proforma for reporting about Stage - II, in all cases wherein legal aid or services are provided, to their SLSAs.

- Simultaneously, the information would also be shared with the concerned inmates by reverse route through which the information was received by DLSAs to initiate follow up action.
- SLSAs would compile the reports of all DLSAs working under their respective jurisdiction and send the same to NALSA thereafter.

5. DURATION (THREE MONTHS)

Stage - I

It is expected that entire activities of Stage - I of the campaign shall be completed within one month from the date of launch of the campaign.

Stage - II

Keeping in view the magnitude of deliverables of activities at Stage - II, it is expected that activities of this stage shall be concluded within two months from completion of activities of Stage - I.

6. EXPECTED OUTCOMES

- Legal empowerment of the family members, of the inmates, who are perceived to be forgotten by the system;
- actualization of rights of children of inmates specially educational rights;
- facilitating the spouses of the inmates in living dignified life;
- securing respect and care to the parents, likely to be senior citizens, of the inmates;
- protecting vulnerable family members from adverse consequences of incarceration of sole bread earner;
- promotion of mental health of the inmates by removing anxiety about well being of their family members.

Proforma for Interaction with Prisoner (attach sheets if required)

Name of Jail: _____ Name of Interacting DLSA: _____

Name of Prisoner: _____ Convict/UTP: _____

Residential Address: _____

Telephone No.: _____ Other Contact Details: _____

Sr. No.	Family Members	Legal Aid or Services Needs
1.	Self	
2.	Father	
3.	Mother	
4.	Spouse	
5.	Children	
6.	Siblings	

Format for Reporting

Stage- I

Sr. No.	Particulars	Convicts	UTPs	Total
(i)	No. of prisoners under the Scope of Campaign			
(ii)	No. of prisoners interacted with			
(iii)	No. of prisoners who expressed need of legal assistance to themselves or their family members			
(iv)	No. of families which reside within the jurisdiction of DLSA interacting with prisoners			
(v)	No. of families which reside within jurisdiction of the parent SLSA			
(vi)	No. of families which reside outside the jurisdiction of parent SLSA			
Total of (iv), (v) and (vi) shall be equal to no. shown in (iii)				

This proforma is to be filled by the DLSA having interacted with the prisoners

Stage – II

S. No.	Particulars					
(i)	No. of families for which interaction sheets have been received for providing legal aid or other services/assistance					
(ii)	No. of families with whom interaction was carried out					
(iii)	No. of families who are in need of legal aid or other services/assistance					
(iv)	No. of family members who need legal aid	Spouse	Children	Parents	Siblings	Total
(v)	No. of family members who are provided legal aid					
(vi)	No. of family members who need other services/assistance					
(vii)	No. of family members who are provided other services/assistance					
(viii)	Types of other services/assistance provided (Mention the number of persons, provided with services/ assistance, against each type of service/ assistance)					
(ix)	Success Stories shall also be submitted on separate sheets.					

This proforma is to be filled by the DLSA having interacted with family members of the prisoners.

Accessing Justice to Convicts in Prisons Through Legal Services: A Campaign

ACCESSING JUSTICE TO CONVICTS IN PRISONS THROUGH LEGAL SERVICES: A CAMPAIGN

1. INTRODUCTION:

Access to Justice is a pre-requisite for equal justice to all. The Legal Services Authorities Act, 1987 spells out the paradigm for achieving Access to Justice by providing free legal services to the disadvantaged and the marginalised. Recognizing prisoners as disadvantaged, the Legal Services Act mandates to provide legal services to them.

Across the nation, the Legal Services Authorities are working to provide legal services to the prisoners. In the structural framework, about 1158 Legal Services Clinics are operational in jails, catering to the legal needs of prisoners. Panel Advocates visit the said clinics twice/thrice in a week to provide legal services in the form of legal advice, drafting applications, apprising inmates about the status of their cases/appeals etc. PLVs are mostly the convicts capable of understanding the legal needs of prisoners and assisting Panel Advocates in providing legal services to the prisoners.

Convicts form about 33 % of the prison population in India. As a matter of right they are entitled to free legal services to get their appeals filed within stipulated times. The literacy rate of the convicts is very low. They are not aware of the legal processes, and are mostly in a state of ignorance vis-à-vis their legal rights.

The following issues of convicts need redressal :-

- Lack of legal information and awareness about the right to appeal and its processes, and availability of free legal aid.
- Difficulties in engaging lawyers.
- Lack of information about the status of their appeals/SLPs/bail applications.
- Lack of interaction with the lawyers representing them before Supreme Court and High Courts.
- Lack of knowledge and information of Parole, Furlough, Remission etc. and its processes.

The functionaries of District Legal Services Authorities regularly visit jails for providing legal services. However, carrying out a pan India campaign with a targeted approach to address the issues mentioned above would definitely enhance legal services being provided to convicts. The same would also help in identifying the convicts who have not filed appeals/SLPs but want to file it and also convicts who are not aware of the status of

their appeals/SLPs/bail applications. It would also help in addressing other legal needs of the convicts such as filing of applications for parole, furlough etc.

2. OBJECTIVES:

- To secure appellate rights of the convicts.
- Ensuring that incarceration does not go beyond the period of their imprisonment or after remission.
- To secure parole, furlough and remission rights of the convicts.

3. OPERATIONAL FRAMEWORK:

The operational framework of the campaign consists of two parts. Part I and part II are interrelated. In fact, part II is the next essential step after the completion of part I. The operational framework is suggestive in nature, and may be tailored in view of the local conditions.

PART -I

Preparation for delivering legal services

The first part consists of a series of steps which are preparatory in nature, and are requisites for translating into action the activities envisaged under Part II of the Campaign. The steps are as follows:

- 3.1 **Formation of teams:** District Legal Services Authorities shall constitute team(s) of panel advocates. The team may also have a female panel advocate. Team shall be apprised about the objectives of the campaign and the activities to be carried out under the campaign. PLVs, willing law students of the nearest law colleges may also be associated with the team members.
- 3.2 **Data of Convicts:-** Data of convicts is requisite for strategizing and implementing the various activities under the present campaign relating to appellate rights of the convicts. The team(s) under the supervision and guidance of District Legal Services Authority shall collect the data of each of the convicts. The collection of data may be made from the following:-
 - (i) Jail Authorities
 - (ii) Courts
 - (iii) High Court Legal Services Committees and
 - (iv) Supreme Court Legal Services Committee.

Data with regard to the points, which could not be collected from the aforesaid sources may be collected by doing interaction with the convicts.

In the first part of the campaign, the team shall obtain information about the status of appeals of the convicts filed in Sessions Court/High Courts/Supreme Court of India. As aforesaid, the convicts whose appeals/SLPs have been filed are mostly not aware about the status of their appeal and the next date of hearing, if any. Their appeal status also can be updated by using the Case Information System.

The matters in which legal aid applications along with the documents have been already submitted to the HCLSC, it be inquired from HCLSC as to whether the appeals, in the said matters, have been filed or not.

Each HCLSC shall also forward to the concerned DLSA, a list of the legal aided cases received from the district in which the counsel have been marked. It shall also provide information about the status of appeal i.e. as to whether the same has been filed or not. Name of the counsel alongwith his telephone number, email ID be supplied to the office of DLSA. The SLSAs shall give the phone numbers, emails of the Secretary DLSAs to the Secretary, High Court Legal Services Committee.

The Supreme Court Legal Services Committees shall provide the data with regard to the SLPs/appeals to the respective SLSAs alongwith the names of the advocates etc. Still if any data with regard to SLP/appeal of a convict remains then DLSAs shall obtain data about the status of the SLP/appeal from the Supreme Court Legal Services Committee qua convicts whose cases have been already sent to the SCLSC. The name of a advocate to whom case has been marked by the Supreme Court Legal Services Committee alongwith the status of SLP/statutory appeal be also got confirmed from the SCLSC. The particulars with regard to the address, phone number and email id of Supreme Court Legal Services Committee are as follows:-

Secretary,
Supreme Court Legal Services Committee
109, Lawyers Chambers,
Post Office Wing, Supreme Court Compound
New Delhi 110 001
Contact No:- 011-23388313
Email address: sclsc@nic.in

Any other information with regard to the legal aided matters before Supreme Court be also sought from the Supreme Court Legal Services Committee.

After collecting the data, the following categorisation of convicts amongst other things, may emerge vis a' vis their appellate rights.

- Convicts who are not willing to file appeals/SLPs.
- Convicts who have already filed appeals/SLPs through private lawyers.
- Convicts who have not at all filed appeals/SLPs but want to file appeal/SLPs through Legal Services Institutions.
- Convicts who have sought legal aid for filing appeals/SLPs but their appeals/SLPs have not been filed due to lack of documents or other reasons.
- Convicts whose appeals/SLPs have been filed through legal services authorities but they are not aware about the name of their lawyers and the status of their appeals.
- Convicts who have moved bail applications through LSIs but are not aware about the status of applications.
- Convicts who want to get their matter processed for parole/furlough/remission etc. but are not aware of the processes, and require drafting of applications for it.

After collection of the data, the status of the SLPs/appeals will be known which in turn will help teams to inform convicts about the same. The said data be maintained at the Jail Legal Services Clinics. Efforts shall also be made to note the sentence already undergone and the remaining part of the sentence of each of the convicts as it will help in identifying the convicts who are in incarceration beyond the period of imprisonment or after remission. This data may be sought from jail authorities.

During interaction convict should be informed about his/her right to appeal and availability of free legal aid.

The suggestive format for collecting data of each of the convicts is given in **Annexure 'A'**.

- 3.3 **Awareness about availability of free legal services:** During the interaction, some convicts may express that they are not ready to file appeals/SLPs. Sometimes difficulties in engaging with lawyers and the legal process alienate the inmates from using the law and availing their rights. Such convicts be made aware about the availability of free legal services. They be also apprised about the process of appeal/SLPs. They be also made aware that DLSAs would assist them in collecting documents in case they want to file appeal/SLPs. It may happen that after getting informed of all this and other aspects during interaction, they may opt for filling an appeal/SLPs.
- 3.4 **Collection of Documents:-** The DLSA concerned with the assistance of the team shall help in collecting documents required for filing appeals in the courts of

Sessions/High Courts and the SLPs/ statutory appeals in the Supreme Court. The following points may be noted in this regard:-

- ✓ The documents required for SLP /statutory appeals etc. in the Hon'ble Supreme Court are as follows:-

Special Leave Petition(Criminal)

1. Certified copy of High Court Judgment
2. High Court Paper book
3. Copy of FIR
4. Copy of Evidences
5. Trial Court judgement
6. Reasons for delay, if any in approaching the Hon'ble Supreme Court.
7. Certificate of imprisonment
8. Application for legal services
9. Affidavit for legal services
10. Vakalatnama
11. English translation of the documents, which are in vernacular.
12. Affidavit in support of SLP

Statutory Appeals

1. Certified copy of the judgment passed by Forum
2. Paper book of the case filed in Forum
3. Reasons for Delay, if any, in approaching for legal aid.
4. Application for legal services
5. Affidavit for legal services
6. Vakalatanama
7. English translation of the documents, which are in vernacular.
8. Affidavit in support of appeal

Transfer petition(Civil /Criminal)

1. Summons received from Trial Court

2. Copy of petition filed by the opposite party before trial court
3. Reasons for transfer
4. Application for legal services
5. Affidavit for legal services
6. Vakalatnama
7. English translation of the documents, which are in vernacular.
8. Affidavit in support of Transfer petition

Review Petition

1. Copy of complete set of SLP paper book.
2. No objection certificate from the advocate on Record who filed the SLP, if, SLP not filed through SCLSC.
3. Affidavit for legal services
4. English translation of the documents, which are in vernacular.
5. Affidavit in support of Transfer petition
6. Affidavit
7. Application for legal services
8. Reasons for delay

Curative Petition (Criminal) (matter relating to life sentence/death Sentence only)

1. Copy of complete set of SLP paper book
2. Certified copy of order passed by the Hon'ble Supreme Court in SLP/ Appeal
3. Certified copy of the order passed by the Hon'ble Supreme Court in Review Petition.
4. Complete copy of the Review petition.
5. Affidavit for legal services
6. Vakalatnama
7. English translation of the documents, which are in vernacular .
8. Affidavit

9. Application for legal services

10. Reasons for delay.

- ✓ During collection of documents coordination be made with High Court Legal Services Committee and the Supreme Court Legal Services Committee. The same will help in identifying the documents which are still required to be submitted qua the Legal Aid applications already submitted along with some documents. The documents which are generally required for filing an appeal before the High Court through legal aid are: (i) legal aid application (ii) custody certificate (iii) vakalatnama (iv) certified copy of the judgement and sentence. Apart from this, a lawyer, for drafting appeal, also requires a copy of the report u/s 173 CrPC. Copies of depositions, copies of exhibits.
- ✓ Legal aid applications of convicts who are willing to file appeals through the Legal Services Authorities be drafted. Documents relating to their cases be collected during the First Part of the campaign.

3.5 Translation of documents and other formalities:-

In the meeting of the Central Authority of National Legal Services Authority held on 29th November, 2014, the following resolution was passed:-

11. Resolved further that NALSA would advise SLSAs that all matters that are required to be filed before the Supreme Court be processed and prepared by the High Court Legal Services Committees, including translation of documents and that SLSAs transfer adequate funds to High Court Legal Services Committees for preparation and translation of documents before dispatch to the Supreme Court Legal Services Committee for filing.

The High Court Legal Services Committees shall complete the preparation and the translation of the documents concerning the legal aid applications of the convicts pertaining to filing of SLPs/ Statutory appeals in Supreme Court and forward the same to the Supreme Court Legal Services Committee.

PART II

Delivery of Legal Services

- 4.1 **Appeals in Sessions Courts:** Appeals of convicts, requiring free legal services, to be filed in Sessions Court be filed. It be ensured that appeals are filed within the stipulated time by the panel lawyers. The convicts be apprised about the filing of their appeals and the date of hearings. In appropriate cases, bail applications be also filed. Inmates be also informed about the name of advocates representing them.

- 4.2 **Appeals in High Courts:-** The appeals of convicts, requiring free legal services, which are to be filed in the High Court be sent to the High court Legal Services Committee (HCLSC) along with all the documents such as application for legal aid, Vakalatnama, Custody certificate, certified copy of the judgment and sentence, copy of report under Section 173 Cr. PC, copies of all depositions and exhibits etc. The Secretary DLSA, under the guidance of SLSA shall coordinate with the Secretary of the High Court Legal Services Committee (HCLSC) for timely filing of appeals.

The High Court Legal Services Committee shall make an endeavour during the campaign period to file the appeals in the matters qua which legal aid applications have been received by it. In case, the appeals have not been filed due to deficiency of documents then, in such a scenario, it shall directly contact Secretary, DLSA who shall ensure the submission of requisite documents for filing appeals to the HCLSCs without any delay.

- 4.3 **Appeals in Supreme Court Legal Services Committee:-**

The High Court Legal Services Committees shall process the matters relating to filing of SLPs/ appeals pending with them for submission to the Supreme Court Legal Services Committee. The District Legal Services Authorities shall submit the documents to the respective High Court Legal Services Committee alongwith the legal aid applications of the convicts who are identified during the campaign for filing SLPs/appeals in the Hon'ble Supreme Court. The Supreme Court Legal Services Committee shall also endeavour to process the matters for filing of SLPs / appeals in the Hon'ble Supreme Court of India.

- 4.4 **Interaction through video conferencing:-** In appropriate cases, interaction be facilitated between convicts and the panel lawyers representing the convicts in the High Courts. This can be done through Legal Assistance Establishments(LAE). Similarly, wherever required Supreme Court Legal Services Committee may be requested by SLSAs to facilitate interaction between the convicts and the lawyers representing convicts in the Supreme Court and the Convicts.
- 4.5 **Drafting of applications for Parole/Furlough/Remission etc.:-** Applications of the convicts in appropriate cases be drafted for availing benefit of Parole/Furlough/Remission etc. Apart from this, applications concerning other legal needs be also drafted and submitted before the concerned authorities.
- 4.6 **Taking up cases of the convicts incarcerated in prisons beyond the period of imprisonment:-** During the campaign, if any case comes pertaining to any convict who is in the prison beyond the sentence of imprisonment or even after remission , then the matter be taken up with the jail authorities or the court concerned, as the case may be for the release of such convicts.

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- 4.7 Making Convicts aware of the status of their appeals: During the campaign, the convicts be made aware of the status of their appeal before the respective High Courts and Supreme Court.

Follow-up Action:-

The follow up action of the activities done during the campaign period is important. In this regard, Jail Legal Services Clinics shall keep on updating the data, and the DLSA shall ensure that the activities undertaken during the campaign are not left halfway, particularly with regard to the filing of appeals in the High Courts and Supreme Court of India.

Data of all the convicts including those who have availed free legal services be maintained at the Jail Legal Services Clinic. The status of their appeals, name of advocate and other relevant details be maintained so that Jail Legal Services Clinics work as One Stop Centre for the convicts as far as the appellate rights etc. are concerned.

Time lines:-

Part (I) of the campaign may be completed within a period of one month. Part (II) of the campaign shall be started after completion of part(I), and shall continue for a period of one month.

Expected Outcomes:-

- (1) Will make convicts aware about the right to appeal/SLP and free legal services.
- (2) Will help in actualization of the appellate rights of the convicts.
- (3) Will help in informing and updating convicts about the status of their appeals/SLPs .
- (4) Will facilitate convicts to apply for parole/furlough etc.
- (5) Will identify convict/prisoners incarcerated beyond the period of imprisonment or after remission.

Data of convicts (Suggestive Proforma)

S. No.	Names of convicts	Age & Sex	Father Name	FIR No.	District & Police Station	Date of admission in jail	Convicted under Section(s)	Appeal/ SLP status	Specify whether Private lawyer engaged or legal aided lawyer engaged	Name of Lawyer, contact no. and e-mail ID
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.

If appeal/SLP not filed, whether the convicts intends to file appeal/SLP	Whether convict would like to avail of legal services Yes/No	If yes, specify type of legal services required such as SLP/ Appeal, etc.	Action taken	Remarks
12.	13.	14.	15.	16.



A campaign for enhancing
Legal Services to Women
inmates and their
accompanying children in
prisons

A CAMPAIGN FOR ENHANCING LEGAL SERVICES TO WOMEN INMATES AND THEIR ACCOMPANYING CHILDREN IN PRISONS

1. INTRODUCTION:-

All persons deprived of their liberty must be treated at all times with humanity and with respect for the inherent dignity of the human person. Fundamental rights do not part company with the prisoners at the gates . Women are entitled to the equal enjoyment and protection of all human rights in the political, economic, social, cultural, civil and all other fields . In prisons also it is imperative to ensure that Women prisoners do not suffer discrimination and are not subjected to any form of violence or exploitation.

Women Prisoners constitute a vulnerable group in prisons due to their gender. Most of the women prisoners lack awareness about their rights. Due to their separation from family, they are more prone to mental illness and depression. Women prisoners are vulnerable to sexual abuse and other forms of violence. Catering to the medical and nutritional needs of pregnant women prisoners is vital. Women in prisons generally have more health problems than male prisoners. Most women in prisons have little idea of their own health status and may be less aware than most people of healthy lifestyles. The problems are exacerbated in smaller sub-jails.

Many women prisoners being illiterate are not aware about judicial proceedings. Most of them remain unaware about the status of their cases. It is important to educate them about their right to appeal, availability of Free Legal Services and the utility of Jail Legal Services

Clinics. In most of the cases, there is a delay in filing of their appeals. There are around 18,000 women prisoners in Indian Jails .

About 1800 children below the age of six years are also living with their mothers in jails in India. In some cases, children have taken birth while their mothers were in the prison. Apart from facilitating preparation of identification documents, their rights qua nutritional, recreational health and educational needs are required to be protected and promoted.

The Hon'ble Supreme Court in R.D Upadhyay vs State of Andhra Pradesh & Others , AIR 2006 SC 1946_ recognized the Rights of Women Prisoners and Children living with their mothers in Jails. While acknowledging some positive steps taken in this regard, the court noted that “ a lot more is required to be done in the States and Union Territories for looking after the interest of the children” and went on to issue guidelines to ensure holistic development of the children of women prisoners inside prisons and pregnant

prisoners. Apart from this, the Hon'ble Supreme Court in various other judgments has recognized various rights of Prisoners.

Legal Services Institutions are engaged in securing the rights of weaker sections of society. In view of the aforesaid scenario, this campaign has been devised to protect, secure and promote rights of women prisoners and children accompanying them in jails.

2. OBJECTIVES OF CAMPAIGN :-

- Making women prisoners aware about their rights and also of the functioning of the Legal Services Authorities so as to decrease their vulnerability.
- Securing the rights of pregnant women prisoners recognized in R.D Upadhyay case supra.
- Ensuring treatment of women prisoners suffering from mental illness and depression.
- Facilitating women prisoners' access to educational and vocational skills.
- Actualisation of health, educational and recreational needs of children.
- Facilitating preparation of identity documents of children living with their mothers in jails.

3. SUGGESTIVE STRATEGY :-

(i) Formation of team-

DLSA shall form a team consisting of two/three panel lawyers (preferably women lawyers), Psychologist, Lady Doctor(s), and an official from Department of Women and Child and an official each from Departments of Prison and Education and representative of NGO(s). The Department of Women and Child, Department of Prison, Department of Health and Department of Education may be apprised of the objectives of the campaign and requested to nominate officials from their departments.

(ii) Engaging with NGOs:-

Women after release from prisons generally require rehabilitation. In such a scenario, NGOs working for welfare of Women and Children, especially those who are already working with the jail inmates, be identified and engaged in the process so that women after release from prison become self-sufficient. The women inmates who are likely to be released may be apprised of the said NGOs.

Some of the children living with their mothers in jails may be differentially abled. They require different approach. NGOs/Institutes working in said field may be identified in co-ordination with Jail authorities, Department of Women and Child and Department of Health so that health, recreational and educational needs of such children may be taken care of.

(iii) Case Status of UTPs and Convicts:-

As a preparatory step for the campaign, the DLSA shall make it convenient to collect the details of all the women UTPs, Convicts and detenues qua their district who are in jail.

Upon receipt of the name and case particulars i.e. FIR, Year, PS, District, Trial Court Name, Next date of hearing, DLSA under the guidance of Chairperson, DLSA, shall ascertain the current status of their trial from the respective courts. The team formed must be apprised of the said compilation so that activities under the campaign are conducted smoothly and effectively.

(iv) Briefing of Team Members

Team members be apprised of the objectives of the campaign and the various activities to be done under the campaign. They be apprised that under this campaign interaction with each of the women prisoners is required so that problems and legal needs of women prisoners are understood in right perspective. This is vital for providing appropriate and correct solutions to the problems.

In the workshop, team members be apprised of various rights of women prisoners, particularly, the rights upheld in R.D.Upadhyay Vs. State of A.P. & Ors.

Interactions with identified NGOs may also be held to assess and chart out course of action regarding rehabilitation after release.

(v) Schedule of visits : -

The DLSA concerned shall frame the schedule for the visits of the Team Members to the jails. The Jail Authorities be also intimated about it. The schedule shall also include organizing of camps including a camp for Health Check-up in Jails.

(vi) Visits and interactions:-

The team members shall visit jails and interact with each of the women prisoners. They shall carry out the activities envisaged under the present campaign. While carrying out the activities under the campaign due regard be given to the Jail Manual.

4. ACTIVITIES UNDER CAMPAIGN :-

Suggestive Activities under the Campaign are mentioned below. However, SLSA may modify/ add to it, keeping in view the prevailing conditions and circumstances.

(i) Legal Aid :-

During interaction with the undertrial/convicts & detenue women prisoners, the team may do the following activities:-> Under-Trials be made aware about the status of their cases including the next date in their cases/bail applications etc.

- ▲ The Judicial process may be explained to them so that they get basic understanding of the process and the stages through which their case may pass.
- ▲ All the women prisoners be apprised about the availability of free legal services. They be also apprised about the functions of Legal Services Clinics in Jail so that they avail services being provided at Jail Legal Services Clinics.
- ▲ In case of unrepresented women prisoners, free legal aid be provided. Panel Advocates be deputed to represent them before Courts of law, Authorities/ Board. Office of DLSA shall render necessary help in this regard to the team in case of difficulty in identifying such women prisoners.
- ▲ In case of women prisoners whose trials have not started yet, appropriate applications, as per the circumstances, may be filed before the court concerned so that the women prisoners do not languish without trial in the jails for infinite time without any trials.
- ▲ In case of convicts, it be checked as to whether their appeals have been filed or not. In this regard, necessary co-ordination be made ,as per circumstances, by DLSA and SLSA with High Court Legal Services Committee or Supreme Court Legal Services Committee, as the case may be.
- ▲ In case the appeals/SLPs have not been filed then appropriate steps may be taken like collection of documents such as copy of judgment, order on sentence, copies of chargesheet, copies of depositions, copies of documents exhibited etc., and the matter be processed further for filing of appeals/ SLPs, after informing and taking the consent of the convict. Necessary co-ordination in such cases be made with High Court Legal Services Committee and Supreme Court Legal Services Committee.
- ▲ In case women prisoners (including detenues) except convicts are not being produced before the trial court/Board, the matter may be brought to the notice of concerned authorities and appropriate steps be taken. It be also ensured that detenues are represented before Authorities/Board.

(ii) Awareness Camp:-

Awareness camp in the jail may be held on any day during the said campaign. In the said camp, the following areas may be touched:-

- Women prisoners may be made aware about the types of legal services being provided by the Legal Services Authorities.
- Women prisoners be made aware about their rights as mentioned in the various judgments of the Hon'ble

Supreme Court such as R.D Upadhyay case (supra). They be apprised about their rights spelt out in the jail manual.

- They be also apprised about the Rights of Children living with them inside the Jail .
- Women Prisoners be apprised about the right of appeal in case of conviction. They be also apprised about bail.

(iii) Selection of Women inmates as PLVs:-

Some of the Women Prisoners amongst inmates be selected and trained as PLVs as per NALSA's Scheme for Para Legal Volunteers. The same will help in understanding the legal needs of women prisoners with better perspective and providing legal services accordingly. They be trained amongst other aspects about the Rights of Women Prisoners and the role they can play as Para Legal Volunteer for realization of those rights.

(iv) Identification and facilitating treatment of Women Prisoners suffering from mental illness/depression:-

As aforesaid, the team constituted under this campaign shall include Psychologist and govt. doctors. They shall examine each of the women prisoners to know as to whether women prisoners are suffering from any mental illness or depression. Help of other doctors from govt. hospitals, versed in the said subject, may also be taken for conducting the said exercise.

After identification of inmates suffering from mental illness or depression requiring treatment, appropriate steps in accordance with the advice of the doctor and in co-ordination with Department of Prisons may be taken for facilitating the treatment of such women prisoners.

(v) Securing rights of pregnant women:-

The nutritional and health needs of pregnant women prisoners are vital. The Hon'ble Supreme Court has recognized certain rights of pregnant women prisoners in R.D Upadhyay (supra) which inter-alia, includes the following:

- ▲ Before sending a woman who is pregnant to a jail, the concerned authorities must ensure that jail in question has the basic minimum facilities for child delivery as well as for providing pre- natal and post-natal care for both, the mother and the child.
- ▲ When a woman prisoner is found or suspected to be pregnant at the time of her admission or at any time thereafter, the lady Medical Officer shall report the fact to the superintendent. As soon as possible, arrangement shall be made to get such prisoner medically examined at the female wing of the District Government Hospital for ascertaining the state of her health, pregnancy, duration of pregnancy, probable date of delivery and so on. After ascertaining the necessary particulars, a report shall be sent to the Inspector General of Prisons, stating the date of admission, term of sentence, date of release, duration of pregnancy, possible date of delivery and so on.
- ▲ Gynaecological examination of female prisoners shall be performed in the District Government Hospital. Proper pre-natal and post-natal care shall be provided to the prisoner as per medical advice.
- ▲ As far as possible and provided she has a suitable option, arrangements for temporary release/parole (or suspended sentence in case of minor and casual offender) should be made to enable an expectant prisoner to have her delivery outside the prison. Only exceptional cases constituting high security risk or cases of equivalent grave descriptions can be denied this facility.

Team shall examine and report on the aforesaid aspects. By co-ordinating with the Department of Health and Jail Authorities steps be taken by DLSA to secure aforesaid and other rights of such women prisoners. In case, filing of appropriate application before the trial court having the judicial custody of the prisoner is required, the same may be filed.

In appropriate cases, bail/parole applications of women prisoners may be filed.

(vi) Health Rights:-

A Medical Camp in Jail may be held for women prisoners, and, in the said medical camp, information be disseminated about preventive health care measures. Health Check-ups by lady doctors may be conducted in the said camp. It will cater to the health rights of women prisoners. It is also important because in case of

communicable diseases such as tuberculosis other inmates including the children living with women prisoners may get infected.

Paediatricians may also be included in the medical camp to conduct medical examination of children so that their health rights are secured.

(vii) Securing Rights of Children :-

The Hon'ble Supreme Court in R.D Upadhyay case supra, inter-alia, observed that "A child shall not be treated as an undertrial/convict while in jail with his/her mother. Such a child is entitled to food, shelter, medical care, clothing, education and recreational facilities as a matter of right". Further the Hon'ble Supreme Court, inter-alia, observed as follows:

- ▲ Births in prison, when they occur, shall be registered in the local birth registration office. But the fact that the child has been born in the prison shall not be recorded in the certificate of birth that is issued. Only the address of the locality shall be mentioned.
- ▲ As far as circumstances permit, all facilities for the naming rites of children born in prison shall be extended.
- ▲ Female prisoners shall be allowed to keep their children with them in jail till they attain the age of six years.
- ▲ Children in jail shall be provided with adequate clothing suiting the local climatic requirement for which the State/U.T. Government shall lay down the scales.
- ▲ State/U.T. Governments shall lay down dietary scales for children keeping in view the calorific requirements of growing children as per medical norms.
- ▲ A permanent arrangement needs to be evolved in all jails, to provide separate food with ingredients to take care of the nutritional needs of children who reside in them on a regular basis.
- ▲ Separate utensils of suitable size and material should also be provided to each mother prisoner for using to feed her child.
- ▲ Clean drinking water must be provided to the children. This water must be periodically checked.
- ▲ Children shall be regularly examined by the Lady Medical Officer to monitor their physical growth and shall also receive timely vaccination. Vaccination charts regarding each child shall be kept in the records. Extra clothing, diet and so on may also be provided on the recommendation of the Medical Officer.

- ▲ In the event of a woman prisoner falling ill, alternative arrangements for looking after any children falling under her care must be made by the jail staff.
- ▲ Sleeping facilities that are provided to the mother and the child should be adequate, clean and hygienic

Team shall examine and report on the aforesaid aspects. By co-ordinating with the Department of Health and Jail Authorities steps be taken by DLSA to secure aforesaid and other rights of children living with women prisoners. In case filing of appropriate application before the trial court having the judicial custody of the prisoner is required, the same may be filed. Steps be taken to secure aforesaid and other rights of children. Preparation of birth certificates of children be facilitated by taking into account the directions given in R.D Upadhyay case supra. Health rights of children with special needs be also secured as per the advice of doctors and in co-ordination with identified NGOs/Institutions.

(viii) Access to education and vocational skills:-

The team members shall encourage women prisoners to undertake vocational trainings, as it may enable women inmates to earn a living and lead a self-supporting life after release. If any woman prisoner has educational needs then in co-ordination with Department of Education and Department of Prisons etc. her access to education be facilitated.

NGOs engaged in empowerment/welfare of women by skill development etc. may be identified and requested to work for rehabilitation of women prisoners after their release.

(ix) Remedying acute unhygienic conditions:

In case the team notices acute unhygienic condition in Jails for women prisoners, it shall bring it to the notice of concerned DLSA by way of submitting report in that regard. DLSA shall, thereafter, take up the matter with the concerned departments so that necessary action is taken for remedying the situation and protecting the rights of women prisoners and children living with them, under law of the land. The matter be followed up till the situation is remedied.

5. COLLABORATIVE DEPARTMENTS:-

The following list is suggestive:-

- i. Department of Prisons
- ii. Department of Health
- iii. Department of Women and Child

iv. Department of Education

SLSAs shall conduct meetings with the aforesaid departments regarding the present campaign so that co-ordinated approach is adopted for successful & meaningful completion of the campaign.

6. EXPECTED OUTCOME:-

- ✓ Increased awareness amongst women prisoners of judicial process and availability of free legal aid.
- ✓ Legal representation before court of law of all women prisoners and ensuring timely filing of appeals.
- ✓ Increased awareness amongst women prisoners about their rights thereby decreasing their vulnerability.
- ✓ Actualisation of the nutritional/health rights of women prisoners including those who are pregnant.
- ✓ Actualisation of the Rights of children living with their mothers in jails including preparation of their identity documents.
- ✓ Increased access to educational and vocational skills of women prisoners.
- ✓ Identification and treatment of women prisoners suffering from mental illness and depression.

7. DURATION:-

The campaign shall be for a duration of 10 days.

8. FOLLOW UP, SUPERVISION AND COMPILATION:-

DLSA shall take follow up action so that the legal services promised to and required by the women inmates and the children during the campaign are actually delivered.

Follow up, may spread beyond the duration of period of this campaign. The campaign shall be carried out under the supervision of SLSAs. The activities, achievement and learnings at the campaign shall be compiled by SLSAs and also shared with NALSA.

Proforma I

SLSA/DLSA _____

Name of the Jail _____

Inmate Profile

(To be filled up by DLSA team)

1. Inmate Detail

- 1.1 Name
- 1.2 Age.....
- 1.3 Father/Husband Name
- 1.4 FIR(s)
- 1.5 If in Jail in more than one case, details
.....
- 1.6 P.S/District.....
- 1.7 Offence in which she is in custody.....
- 1.8 In jail since
- 1.9 Trial Court(s) Name.....
- 1.10 Next date of hearing.....
- 1.11 In case a convict, whether appeal filed
- 1.12 Name of the court where appeal filed.....
- 1.13 Whether represented by advocate(tick) : Private/Legal advocate
- 1.14 Whether a child is living with the inmate in the jail
(If Yes, please fill form no. II)

2. Legal Aid Needs

- 2.1 Current Needs
.....
- 2.2 Whether needs are adequately met.....
.....
- 2.3 Comments
.....
.....
- 2.4 Action taken /recommended
.....

.....
.....

3. Health Needs:-

- 3.1 Current Needs
.....
- 3.2 Whether needs are adequately met.....
.....
- 3.3 Comments.....
.....
.....
.....
- 3.4 Action taken /recommended.....
.....
.....
.....

4. Educational/Future Rehabilitation Needs

- 4.1 Current Needs.....
.....
- 4.2 Whether needs are adequately met.....
.....
- 4.3 Comments.....
- 4.4 Action taken /recommended.....
.....

Date _____

Signature_____

Proforma II
PROFORMA FOR CHILD

1. Particulars of Child

- 1.1 Name of child.....
- 1.2 Gender
- 1.3 Age.....
- 1.4 Identification documents such as
Birth Certificate/Aadhar Card Available/Not Available
- 1.5 Action taken/recommended.....

2. Nutritional/Health needs of the child

- 2.1 Whether Nutritional needs are met Any health issues

- 2.3 Action taken/recommended

3. Recreational needs of the child

- 3.1 Creche/Nursery facility Available/Not Available

- 3.2 Action Taken/recommended

4. If child is above 4 years:

- 4.1 Whether going to school

- 4.2 Action Taken/recommended

Date _____

Signature_____



VIII. NALSA FORMATS

STANDARDISING DOCUMENTATION AND REPORTING BY LEGAL SERVICES INSTITUTIONS

- 01. DUTIES OF LEGAL SERVICES PROVIDERS
TOWARDS BENEFICIARIES569**
- 02. FORMATS FOR LEGAL SERVICES INSTITUTIONS.....613**

Duties of Legal Services
Providers
Towards Beneficiaries

DUTIES OF LEGAL SERVICES PROVIDERS TOWARDS BENEFICIARIES

1. PANEL LAWYERS

A. EMPANELMENT LETTER

Office of District Legal Services Authority

Letter no. _____

Date: _____

To,
(Name of lawyer)
(Address)
(Contact no.)

Subject: Letter of engagement as a Panel Lawyer by _____ DLSA

Dear Sir/Madam,

You are engaged as a Panel Lawyer by _____ District for the period commencing from _____ to _____. You would be assigned cases by the legal services institutions and court during the period as per the requirement. You maybe also be required to provide legal services during awareness camps, and other activities undertaken by the legal services institutions.

You are expected to abide by the provisions of the Advocates Act, 1961 and the Bar Council of India Rules. Specifically, you are expected to maintain the standards of Professional Conduct and Etiquette as laid down in Chapter 2 of Part VI of the Bar Council of India Rules. You are expected to conduct yourself professionally and uphold the interests of your client by all fair and honourable means.

You are also expected to follow the NALSA (Free and Comptent Legal Services) Regulations, 2010.

Sd/-
District Legal Services Authority

B. ASSIGNMENT LETTER FOR AN INDIVIDUAL CASE**Office of District Legal Services Authority**

Letter no. _____

Date: _____

To,
(Name of lawyer)
(Address)
(Contact no.)

Subject: Letter of assignment as the legal aid lawyer to conduct the case of _____ by _____ DLSA.

Dear Sir/Madam,

You are hereby assigned as the legal aid lawyer for conducting the case on behalf of _____ (include name of legal aid beneficiary, case reference no., address, contact no. of family members (if available), current place of detention, if detained) where the concerned Court is _____. You are requested to take such steps as you deem fit and proper for initiating further clarification and discussion in this regard. You are mandated to meet and interview your client for required information as soon as possible.

You are expected to abide by the provision of the Advocates Act, 1961 and the Bar Council of India Rules. Specifically, you are expected to maintain the standards of Professional Conduct and Etiquette as laid down in Chapter 2 of Part VI of the Bar Council of India Rules. You are expected to conduct yourself professionally and uphold the interests of your client by all fair and honourable means. You are also expected to follow the NALSA (Free and Competent Legal Services) Regulations, 2010. The relevant guidelines and a duty note based on the guidelines has been appended with this letter.

In case the assignment is accepted by you, you are requested to return the annexed declaration after being duly signed by you.

Sd/-

District Legal Services Authority

Declaration by the lawyer (to be completed and sent back to the DLSA office)

1. Appointment made wide Memo No. dated
2. Case No. in the court of.....
3. Other Details
4. I understand that in conducting any case, I am to abstain from doing anything that might prejudice the interest of the said person.
5. I understand that I am to abide by the terms and decisions of the DLSA which are final.
6. I understand that I will be given honorarium at the rates fixed by the DLSA on submission of bills and that I shall refrain from charging or accepting any consideration from the client in lieu of my service.
7. I understand that I am mandated to abide by the duty notes appended with this letter and serve the best interests of my client.

C. INTIMATION LETTER**Office of District Legal Services Authority**

Letter no. _____

Date: _____

To,
Client/ Superintendent of Prison (if client in prison)

Dear Sir/Madam,

It is to inform you that _____ has been appointed as the Legal Aid Lawyer to conduct the case

on behalf of _____ (include name of legal aid beneficiary, case reference no., concerned court, address, etc.) on _____ (date of appointment) in response to the legal aid application dated _____ received by the DLSA office.

A copy of the appointment letter is annexed for your perusal. The panel lawyer can be contacted at (address/e-mail and phone number).

In case of any grievances against the services provided by the lawyer, you may write to the office of the DLSA.

Regards,

Sd/-

District Legal Services Authority

Note: If a letter is written to the Superintendent, then it must be mentioned that a copy of this letter and appointment letter shall be given to the concerned inmate.

D. DUTY NOTES

- ✓ To represent persons in court when assigned by the legal service institutions.
- ✓ To submit reports whenever called for by the Monitoring and Mentoring Committee of the concerned LSI in the prescribed format.
- ✓ If your client is in prison, then to visit him/her in prison or communicate with him/ her through Video Conferencing regularly and meet him/her in the court complex for a substantial period to interact with prisoner in order to seek instructions with regard to the case and to apprise him/ her about the progress of the case. Effortsshould be made to visit such clients every 15 days in between hearings to apprise them of the progress in their cases and ascertain their well-being while in detention.
- ✓ To update the Front Office about the proceedings in the Court.
- ✓ To submit the report of completion of proceedings in prescribed format after the conclusion of each case.
- ✓ To state reasons to the Member Secretary/Secretary of the LSI if desirous of withdrawing from a case assigned.
- ✓ Not ask for or receive any fee or consideration from your client assigned to you through LSI or court.

E. Reporting (Individual Cases)

Date: _____

To,

Secretary,

_____ DLSA

Dear Sir,

I was assigned as the legal aid lawyer in the case of _____. Please find the progress in the case:

PROGRESS REPORT						
Legal aid lawyers to submit report of progress to the Front Office						
Date	Name of the client	Case Details: Case Ref. No. & Offence	Last date of hearing	Next date of hearing	No. of meetings with client/family members	Professional fee/ honorary and expenses claimed
Progress of the Case: (Status, Strategy, Challenges)						

(To be submitted at Front Office every 30 days)

Sd/-

(Name of lawyer)

(Address)

F. COMPLETION REPORT

Date: _____

To,
Secretary,

_____ DLSA

Dear Sir/ Ma'am,

I was assigned as the legal aid lawyer in the case of _____. The case was concluded on _____. I have submitted the progress reports on a monthly basis. Please find the details of the case below:

COMPLETION REPORT						
Legal aid lawyers to submit report of completion						
Name of the client	Case Duration (Initiation Date & Last date)	Case Details: Court/PS/ Case Ref. No./ Offence	Expenses Incurred	Outcome of the Case	Total no. of meetings with client/family members	MMC Reference No. (If any)
Summary of the Case: (Strategy, Challenges)						

Sd/-

(Name of lawyer)

(Address)

1. RETAINER LAWYERS

A. APPOINTMENT LETTER

Office of District Legal Services Authority

Letter no. _____

Date: _____

To,
(Name of lawyer)
(Address)
(Contact no.)

Subject: Letter of deputation as a Retainer Lawyer by _____ DLSA

Dear Sir/Madam,

You are hereby deputed as a retainer lawyer of the _____ District for the period _____ to _____. You are expected to discharge all functions as provided by the NALSA (Free and Competent Legal Services) Regulations, 2010 and other relevant regulations. The relevant guidelines and a duty note based on the guidelines have been appended with this letter. You are expected to regularly report to the DLSA, in the manner prescribed, about the work undertaken.

In case the appointment is accepted by you, you are requested to return the annexed declaration after being duly signed by you.

Sd/-

District Legal Services Authority

CC.

- **Front Office of LSI**
- **Chairman Monitoring and Mentoring Committee**

Declaration by the lawyer (to be completed and sent back to the DLSA office)

1. I understand that I am to abstain from doing anything that might prejudice the interest of any person.
2. I understand that I am to abide by the terms and decisions of the DLSA which are final.
3. I understand that I will be given remuneration at the rates fixed by the Authority on submission of bills.

B. DUTY NOTES

- ✓ To be present at the Front Office of the LSI as per the roster.
- ✓ To render services like drafting of applications, notices, written statements,
- ✓ provide free legal advice, render legal opinions etc. to persons approaching LSI for assistance.
- ✓ To abide by the provisions of the NALSA (Free and Competent Legal Services) Regulations 2010.
- ✓ To assist the LSI in setup of legal literacy clubs and implementation of other legal aid schemes by the LSI.
- ✓ If assigned, to attend court during remand hours and assist undertrials who are unrepresented where remand lawyer has not been appointed.
- ✓ To assist the legal service institutions in mentoring and evaluating the work of PLVs and dealing with legal aid work at the front office.
- ✓ To assist the Monitoring and Mentoring Committee of the LSI in its functioning.
- ✓ To maintain a diary and maintain a record of work undertaken and submit the report of the work to the legal service institutions by the 10th of each month as per prescribed format.

C. REPORTING (MONTHLY)

Date: _____

To,

Secretary,

_____ DLSA

Dear Sir/Madam,

I was assigned as a retainer lawyer for the _____ District for the period _____ to _____. Please find the details of the work performed by me below:

S. No.	Days and duration on which operated the front office/ attended court work/ conducted legal awareness programmes/ any other work assigned by the LSI	Signature

(To be the submitted by Retainer Lawyer to the LSI every month)

Sd/-

(Name of lawyer)

(Address)

III. LEGAL AID COUNSELS IN MAGISTRATE COURTS (REMAND LAWYERS)

A. APPOINTMENT LETTER

Office of District Legal Services Authority

Letter no. _____

Date: _____

To,
(Name of lawyer)
(Address)
(Contact No)

Subject: Letter of deputation as a Remand Lawyer by _____ DLSA at _____ Court

Dear Sir/Madam,

You are hereby deputed as a remand advocate of the _____ District for the period _____ to _____. You are assigned _____ court and have to be present in court during remand hours. You would be required to oppose remand, file bail applications and any other applications/petitions as required. You are also expected to be thorough with the NALSA's framework on Early Access to Justice at Pre-Arrest, Arrest and Remand Stage and follow it in the delivery of legal services. You are bound by the provisions of the Advocates Act, 1961 and the Bar Council of India Rules. Specifically, you are expected to maintain the standards of professional conduct and etiquette as laid down in Chapter 2 of Part VI of the Bar Council of India Rules. You are expected to conduct yourself professionally and uphold the interests of your client by all fair and honourable means. You are also expected to follow duty notes appended with this letter. You have to report to the legal aid authorities about the work undertaken. In case the appointment is accepted by you, you are requested to return the declaration annexed after being duly signed by you.

Sd/-

District Legal Services Authority

CC.

- Chairman _____ DLSA
- Front Office, DLSA

Declaration by the lawyer (to be completed and sent back to the DLSA office)

1. I understand that in conducting the cases, I am to abstain from doing anything that might prejudice the interest of the said person.
2. I understand that I am to abide by the terms and decisions of the DLSA which are final.
3. I understand that I will be given remuneration at the rates fixed by the DLSA on submission of bills.
4. I understand that the bill must be accompanied with a certificate from the presiding officer of the court regarding my attendance on the dates mentioned in the bills.

B. INTIMATION LETTER**Office of District Legal Services Authority**

Letter no. _____

Date: _____

To,

_____ (Judicial Officer)

_____ (Court Details)

Dear Sir/Madam,

This is to inform you that _____ has been appointed as a Remand Lawyer in your court for the period _____ to _____. He/ She has been instructed to be present during remand proceedings of accused produced after fresh arrest as well as on subsequent remands if the accused has not been assigned regular legal aid advocate. A copy of the appointment letter is annexed for your perusal. The remand lawyer can be contacted at _____. You are also requested to have his/her name and contact details displayed in the court. The expected performance standards for Remand Advocates has been annexed herewith. The lawyer can be contacted at _____ (Address/e-mail and phone number).

Yours faithfully,

Sd/-

District Legal Services Authority

C. DUTY NOTES

- ✓ To be present in the Court during remand hour or any other hour of the day as directed by the Court.
- ✓ To ensure that your name and contact details are displayed in the court assigned.
- ✓ To sign the attendance register maintained in the court.
- ✓ To submit monthly report of the work done to the LSI, as per format prescribed.
- ✓ To co-ordinate with the police/ court staff for any productions taking place at the magistrate's residence, and ensure presence during such productions as well.
- ✓ To co-ordinate with the backup remand lawyer in case you are unavailable for any reason.
- ✓ To co-ordinate with the police station within the jurisdiction of the concerned LSI to ascertain the arrests conducted on a daily basis.
- ✓ To ensure that persons produced for seeking preventive detention are also represented and given a quality representation.
- ✓ **When you are representing an unrepresented arrestee -**
- ✓ To oppose unnecessary remand and to appropriately question the type and duration of remand.
- ✓ To ensure that cases where your client was not produced within 24 hours & lawyer was not provided or his rights were violated during interrogation, should be brought to notice of the judicial officer.
- ✓ To obtain a copy of the application of remand moved by the prosecution either through Police or the Court and be thorough with it.
- ✓ To obtain any other relevant document such arrest memo, medical examination report, etc. and explain it to the arrestee and bring to the notice of the court any inconsistency observed or objection of the arrestee.
- ✓ To mandatorily interact with the arrestee before the hearing to explain to him grounds of arrest and exchanging any other information relevant to the remand hearing.
- ✓ To file bail applications on the instructions of the client, assist him in furnishing bail bonds and explain to him the contents of bail application, his right to move to a higher court, etc.
- ✓ To make submissions before the court to get documents translated if the language is alien to the lawyer or the arrestee.
- ✓ In case the arrestee is a foreigner, to request the court to direct the police to intimate the concerned High Commission, Embassy/Consulate.

- ✓ To ensure that no remand is given without the accused being produced either through VC or physically.
- ✓ In case the accused is produced through VC, to inform the accused that you are representing him and request the court for interaction with the accused if the accused wishes so.
- ✓ In case arrested person apparently appears to be child in conflict with law, to make a submission before the Magistrate to take the steps as per Juvenile Justice Law and to coordinate with family members of such person to collect relevant documents.
- ✓ Whenever a person of unsound mind is produced for a remand, the Remand Lawyer shall take steps in accordance with chapter XXV of Code of Criminal Procedure of 1973 and the Mental Healthcare Act, 2017.

D. REPORTING (MONTHLY TO DLSA)

Date: _____

To,

Secretary,

_____ DLSA

Dear Sir/Madam,

I was assigned as a remand lawyer for the _____ court. Please find the details of the cases in which I appeared below:

Monthly Work Report- Remand Lawyer							
S. No.	Name of the Client, Father's Name & Case Ref. Number	Date of Hearing	Mode of hearing Physical/ Through video conferencing	Whether Remand opposed?	Whether Bail Application moved?	Whether Bail granted?	Status of the Case

(To be submitted by Remand Lawyer to the LSI every month. If assigned more than one court, separate proforma for each of the assigned court be submitted.)

Sd/-

(Name of lawyer)

(Address)

IV. JAIL VISITING LAWYERS

A. APPOINTMENT LETTER

Office of District Legal Services Authority

Letter no. _____

Date: _____

To,
(Name of lawyer)
(Address)
(Contact no.)

Subject: Letter of deputation as a Jail Visiting Lawyer for _____ Prison

Dear Sir/Madam,

You are hereby deputed as a jail visiting lawyer of the _____ Prison for the period of _____ to _____. You are required to visit the assigned jails as per the directions of DLSA. You are bound by the provisions of the Advocates Act, 1961 and the Bar Council of India Rules. Specifically, you are expected to maintain the standards of Professional Conduct and Etiquette as laid down in Chapter 2 of Part VI of the Bar Council of India Rules. You are expected to conduct yourself professionally and uphold the interests of your client by all fair and honourable means. You are also expected to follow the NALSA (Legal Services Clinics) Regulations, 2011 and NALSA guidelines as issued from time to time. The relevant guidelines and a duty note based on the guidelines has been appended with this letter. You are required to provide legal services like drafting bail applications and appeals, preparing applications for remission, parole, facilitating timely filing of the appeals for convicts, and identifying the other legal services needs of the prisoner and coordinate with DLSA in this regard.

In case the appointment is accepted by you, you are requested to return the annexed declaration after being duly signed by you.

Sd/-

District Legal Services Authority

Declaration by the lawyer (to be completed and sent back to the DLSA office)

1. I understand that in conducting the visits, I am to abstain from doing anything that might prejudice the interest of the said person.
2. I understand that I am to abide by the terms and decisions of the DLSA which are final.
3. I understand that I will be given remuneration at the rates fixed by the DLSA on submission of bills.
4. I understand that I shall not indulge in canvassing, in any manner, for private assignment of cases from the prisoners.

B. INTIMATION LETTER

Office of District Legal Services Authority

Letter no. _____

Date: _____

To,

Superintendent,

(Name of the Prison)

Dear Sir/Madam,

I am directed to inform you that _____ has been appointed as the Jail Visiting Lawyer for your prison. A copy of the appointment letter is annexed for your perusal. The Jail Visiting Lawyer can be contacted at _____.

We would appreciate if appropriate facilities are provided during this visit to enable him to interact with prisoners and provide legal aid and advise.

The above advocate is required to visit the prison on _____ (days of the week) during _____ (time) or as authorised by the DLSA.

Yours faithfully,

Sd/-

District Legal Services Authority

C. DUTY NOTES

- ✓ To visit the prison legal aid clinic at-least twice a week.
- ✓ To identify cases eligible for release under the mandate of the Undertrial Review Committee (UTRC). To interact with inmates identified by the paralegal volunteers and provide legal advice.
- ✓ To draft applications and petitions for parole/juvenility/bail etc. for the undertrials and convicts.
- ✓ To ensure filling of legal aid application form for those who need legal aid lawyers and submit the same to the legal aid authorities.
- ✓ To conduct legal awareness camps inside prisons including apprising new entrants to prison about the free legal services provided by TLSC or SDLSC, DLSA, HCLSC and SCLSC.
- ✓ To train the paralegal volunteers and oversee the effective functioning of the prison legal aid clinic. To regularly inform the inmates about the status of their cases.
- ✓ To communicate to the panel lawyers any pertinent information that an inmate has requested to be shared with his/her lawyer.
- ✓ To be acquainted with the prison manual and the other rules regulations relating to prisons.
- ✓ To ensure that the registers are filled by the paralegals accurately.
- ✓ To record attendance and work in the registers available at the prison.
- ✓ To also represent the inmates in courts in some cases, if appointed by the LSI.
- ✓ To submit a monthly report of the work to the legal service institutions by 5th of every month.
- ✓ To also submit a copy of the register of beneficiaries maintained at the clinic.
- ✓ To ensure that copy of charge sheet or any document taken from any prisoner is returned.
- ✓ To not canvass or solicit for any case in your private capacity.
- ✓ To prioritise and focus on personal interactions with the inmates in the prison legal aid clinic during the visit and then document and prepare the petitions.
- ✓ To send intimation to the LSI in advance if you are unable to visit the prison legal aid clinic on a particular day. 18 Handbook on Formats for Legal Aid Services
- ✓ Shall assist the UTRC by coordinating with the inmates and the courts on cases eligible for release.
- ✓ Should follow the directions given under NALSA guidelines issued from time to time.
- ✓ To bring into notice of DLSA about the concern of inmates in respect of conditions in jail.

D. REPORTING (MONTHLY)

Date: _____

To,

Secretary,

_____ DLSA

Dear Sir/Madam,

I was assigned the jail visiting lawyer for the _____ prison. Please find the details of the work undertaken in _____ (month and year):

Monthly Work Report- Jail Visiting lawyer				
Tasks	Number	Name of inmates	Case	Reference Number
Legal Aid Applications drafted				
Bail Applications drafted				
Parole Applications drafted				
Other Applications				
Legal Advice Given				
Comments:				

Sd/-

(Name of lawyer)

(Address)

V. COMMUNITY PARALEGAL VOLUNTEERS – PRISONS

A. APPOINTMENT LETTER

Office of District Legal Services Authority

Letter no. _____

Date: _____

To,
(Name of paralegal)
(Address)
(Contact no.)

Subject: Letter of deputation as a Paralegal Volunteer by _____ DLSA at

_____ Prison

Dear Sir/Madam,

You are hereby deputed as a paralegal volunteer of the legal aid clinic at _____ Prison for the period _____ to _____. You are expected to abide by the NALSA (Legal Services Clinics) Regulations, 2011 and NALSA guidelines issued from time to time. You are expected to conduct legal aid clinics as per roster, and provide basic legal counselling to inmates, assist the jail visiting lawyer and periodically report to the legal aid authorities about the work undertaken, as per prescribed formats. The relevant guidelines and a duty note based on the guidelines has been appended with this letter.

In case the appointment is accepted by you, you are requested to return the annexed declaration after being duly signed by you. You are requested to report the progress of the case to the undersigned from time to time.

Sd/-

District Legal Services Authority

Declaration by the paralegal volunteer (to be completed and sent back to the DLSA office)

1. I understand that I am to abstain from doing anything that might prejudice the interest of any person.
2. I understand that I am to abide by the terms and decisions of the LSI which are final
3. I understand that I will be given honararium at the rates fixed by the LSI on submission of bills
4. I understand that the bill must be accompanied with a certificate from the officer in charge of prison regarding legal aid clinics conducted in prison on the dates mentioned in the bills.

B. INTIMATION LETTER

Office of District Legal Services Authority

Letter no. _____

Date: _____

To,
Superintendent,
(Name of the Prison)

Dear Sir/Madam,

I am directed to inform you that _____ has been appointed as the Paralegal Volunteer for the legal aid clinic for your prison. A copy of the appointment letter is annexed for your perusal. The paralegal can be contacted at _____.

Yours faithfully,

Sd/-

District Legal Services Authority

C. DUTY NOTES

- ✓ To hold/conduct legal aid clinics inside prisons, at least twice each week.
- ✓ To take steps towards identification of inmates who are in need of legal assistance. This would involve reaching out to all prisoners, especially the new entrants.
- ✓ To seek permission from the prison authorities to visit the wards of prisoners to ascertain that no one is unrepresented.
- ✓ To fill out the legal aid application form and promptly send it to the concerned DLSA/SDLSC & also ensure that the prisoners interact with jail visiting lawyer on his next visit to prison.
- ✓ To coordinate and assist the jail-visiting lawyers in providing legal advice and aid. They would also give update on the case of the inmates.
- ✓ To counsel inmates and explain any legal provision pertaining to their case. Where there are doubts, then refer the case to the Jail Visiting Lawyer.
- ✓ To receive legal aid lawyer appointment letters, replies from legal service institution and other authorities, maintain record and give copies to the concerned prisoner.
- ✓ If you come across a prisoner who claims to be juvenile at the time of commission of offence or at arrest, to draft an application to bring the case to the attention of the concerned Legal Services Authority, Juvenile Justice Board and the Child Welfare Committee.
- ✓ To submit monthly reports to the DLSA and the Undertrial Review Committee on cases eligible under all the 14 categories mentioned in the NALSA SOP on Functioning of UTRCs.
- ✓ To write to the concerned LSI about any queries, grievances or for shortage of any basic requirements for the smooth functioning of the clinic.
- ✓ In case of community PLV to contact the family members of the inmates so as to intimate about his detention and if needed facilitate interviews with family members
- ✓ To keep track of non-production of any inmate in the court as per the date given and inform the Secretary, DLSA/SDLSC/TLSC.
- ✓ To assist the inmate in filing any complaint or grievances relating to their stay in prison.
- ✓ To maintain the registers in the clinics. The Paralegal Volunteers should maintain registers recording name, fathers name, age, date of admission, offences charged under, case ref & concerned court, details of lawyer, status of case and date of next production.
- ✓ To regularly update the registers. In particular document each prison clinic, record information on all cases, and assist in follow up of cases such as case status, bail, lawyer appointment, next date of hearing, communicating client instructions.
- ✓ To keep a record of the letters, applications, and petitions written through prison and sent to relevant agencies and similarly keep a record of the documents received.

LEGAL SERVICES MANUAL

- ✓ To send reminders/ letters to corresponding Legal Services Authority to seek information regarding status of case, name and contact details of the assigned legal aid lawyer.
- ✓ To send monthly report of their work to the Secretary of the DLSA/SDLSC/
- ✓ TLSC by 5th of every next month.
- ✓ To submit a copy of the legal aid register for review to the Secretary of the DLSA/ SDLSC/TLSC every month.
- ✓ To not seek any money/ benefits for the work done from the inmates or their families.

D. LEGAL AID CLINIC WORK REGISTER

Date: _____

Date	S. No	Convict/UT	Name of the Inmate	Case Details	Date of Admission to prison	Assistance Required & Signature	Action Taken	Comments

E. LEGAL AID CLINIC ATTENDANCE REGISTER

Date & Time	Jail Visiting Lawyer	Convict Paralegal Volunteer	Community Paralegal Volunteer

F. LEGAL AID CLINIC – CASE PROGRESS TRACKER

For format see page 599

G. REPORTING (MONTHLY)

Date: _____

To,
Secretary,
_____ DLSA

Dear Sir/Madam,

I am the convict paralegal volunteer at the _____ prison. Please find the details of the work undertaken in _____ (month and year):

WORK REPORT	
Paralegal Volunteer – Prison	
Number of days the clinic was operational	
Name of paralegal volunteers assigned to clinic	
Name of jail visiting lawyers assigned to clinic	
Number of days Paralegal Volunteer was present	
Number of days Jail Visiting Lawyer was present	
Number of Persons who approached clinic for assistance	
Number of Legal Aid Applications filed	
Number of cases where legal aid lawyer was appointed	
Additional remarks, if any:	

Please find attached photocopy of the legal aid register maintained for _____
(month and year).

Sd/-

(Name of paralegal)

(Address)

VI. CONVICT PARALEGAL VOLUNTEERS

A. APPOINTMENT LETTER

Office of District Legal Services Authority

Letter no. _____

Date: _____

To,
(Name of paralegal)
(Address)

Subject: Letter of deputation as a Paralegal Volunteer by _____ DLSA at
_____ Prison

Dear Sir/Madam,

You are hereby deputed as a paralegal volunteer for the legal aid clinic at _____ Prison for the period _____ to _____. You are expected to abide by the NALSA (Legal Services Clinics) Regulations, 2011 and NALSA guidelines issued from time to time. You are expected to conduct legal aid clinics at least twice a week, provide basic legal counselling to inmates, assist the jail visiting lawyer and periodically report to the legal aid authorities about the work undertaken, as per prescribed formats. The relevant guidelines and a duty note based on the guidelines has been appended with this letter. You are requested to report the progress of the case to the undersigned from time to time.

In case the appointment is accepted by you, you are requested to return the annexed declaration after being duly signed by you.

Sd/-

District Legal Services Authority

Declaration by the paralegal volunteer (to be completed and sent back to the DLSA office)

1. I understand that I am to abstain from doing anything that might prejudice the interest of any person.
2. I understand that I am to abide by the terms and decisions of the LSI which are final
3. I understand that I will be given honararium at the rates fixed by the LSI on submission of bills
4. I understand that the bill must be accompanied with a certificate from the officer in charge of prison regarding legal aid clinics conducted in prison on the dates mentioned in the bills.

ALTERNATIVELY**Office of District Legal Services Authority**

Letter no. _____

Date: _____

To,
 Superintendent,
 (Name of the Prison)

Subject: Roster of appointment as a Convict Paralegal Volunteer by _____ DLSA at
 _____ Prison

Sir,

In accordance of NALSA Guidelines and the identification/training of convicts at
 _____ prison, the following inmates are selected and hereby deputed to
 act as Para Legal Volunteers (PLVs) in the Prison. Their Duty Roster is as follows:

Duty Roster for Para Legal Volunteers (PLVs) at _____ Prison

Name of PLVs (Convict)	Clinic Days	Duration of appointment	Timing (11 am to 4 pm)

The Superintendent, _____ Prison at _____ is hereby requested to accommodate the
 above mentioned Para Legal Volunteer as per his/her duty roster schedule mentioned above. The
 Superintendent is further requested to countersign on the attendance register of the Para Legal
 Volunteer.

Above noted Para Legal Volunteer is directed to maintain an attendance register and also send a
 report to this authority on a monthly basis.

Yours faithfully,

Sd/-

District Legal Services Authority

B. INTIMATION LETTER

Office of District Legal Services Authority

Letter no. _____

Date: _____

To,
Superintendent,
(Name of the Prison)

Dear Sir/Madam,

I am directed to inform you that _____ has been deputed as the Convict Paralegal Volunteer for the legal aid clinic in your prison. A copy of the appointment letter is annexed for your perusal.

Yours faithfully,

Sd/-

District Legal Services Authority

C. DUTY NOTES

- ✓ To hold/conduct and assist legal aid clinics inside prisons, at least twice each week.
- ✓ To take steps towards identification of inmates who are in need of legal assistance. This would involve reaching out to all prisoners, especially the new entrants.
- ✓ To seek permission from the prison authorities to visit the wards of prisoners to ascertain that no one is unrepresented.
- ✓ To fill out the legal aid application form, share with community paralegal and jail visiting lawyer so as to promptly send it to the concerned DLSA/SDLSC & also ensure that the prisoners interact with jail visiting lawyer on his next visit to prison.
- ✓ To coordinate and assist the jail-visiting lawyers in providing legal advice and aid.
- ✓ To regularly give updates to inmates on the status of their case.
- ✓ To counsel inmates and explain any legal provision pertaining to their case. Where there are doubts, then refer the case to the Jail Visiting Lawyer.
- ✓ To receive legal aid lawyer appointment letters, replies from legal service institution and other authorities, maintain record and give copies to the concerned prisoner.
- ✓ If you come across a prisoner who claims to be juvenile at the time of commission of offence or at arrest, to draft an application to bring the case to the attention of the concerned Legal Services Authority, Juvenile Justice Board and the Child Welfare Committee.
- ✓ To submit monthly reports to DLSA and Under Trial Review Committees on cases eligible under all the 14 categories mentioned in the NALSA SOP on Functioning of UTRCs.
- ✓ To write to the concerned LSI about any queries, grievances or for shortage of any basic requirements for the smooth functioning of the clinic.
- ✓ Highlight to the community PLV with respect to being unable to contact family members of any inmate so as to intimate about his detention and if needed facilitate interviews with family members.
- ✓ To keep track of non-production of any inmate in the court as per the date given and inform the Community Paralegal, Jail Visiting Lawyer and Secretary, DLSA/ TLSC/SDLSC.
- ✓ To assist the inmate in filing any complaint or grievances relating to their stay in prison.
- ✓ To maintain the registers in the clinics. The Paralegal Volunteers should maintain registers recording name, fathers name, age, date of admission, offences charged under, case ref & concerned court, details of lawyer, status of case and date of next production.

- ✓ To regularly update the registers. In particular document each prison clinic, record information on all cases, and assist in follow up of cases such as case status, bail, lawyer appointment, next date of hearing, communicating client instructions.
- ✓ To keep a record of the letters, applications, and petitions written through prison and sent to relevant agencies and similarly keep a record of the documents received.
- ✓ To send monthly report of their work to the Secretary of the DLSA/TLSC/SDLSC by 5th of every next month.
- ✓ To submit a copy of the legal aid register for review to the Secretary of the DLSA/ TLSC/SDLSC every month.
- ✓ To not seek any money/ benefits for the work done from the inmates or their families.

[illegible]

E. REPORTING (MONTHLY)

Date:_____

To,
Secretary,
_____ DLSA

Dear Sir/Madam,

I am the convict paralegal volunteer at the _____ prison. Please find the details of the work undertaken in _____ (month and year):

WORK REPORT Paralegal Volunteer – Prison	
Number of days the clinic was operational	
Name of paralegal volunteers assigned to clinic	
Name of jail visiting lawyers assigned to clinic	
Number of days Paralegal Volunteer was present	
Number of days Jail Visiting Lawyer was present	
Number of Persons who approached clinic for assistance	
Number of Legal Aid Applications filed	
Number of cases where legal aid lawyer was appointed	
Additional remarks, if any:	

Please find attached photocopy of the legal aid register maintained for _____
(month and year).

Sd/-

(Name of paralegal)

(Address)

VII. LAWYERS ATTACHED TO POLICE STATIONS (DUTY COUNSELS)

A. APPOINTMENT LETTER

Office of District Legal Services Authority

Letter no. _____

Date: _____

To,
(Name of lawyer)
(Address)
(Contact no.)

Subject: Letter of deputation as a Duty Counsel by _____ DLSA at _____ P.S.

Dear Sir/Madam,

You are hereby deputed as a duty counsel at _____ Police Station for the period _____ to _____. You would be visiting the police station on a regular basis/or on urgent basis/ or required to provide assistance via telephone, when contacted by the paralegal/legal services authority/police officers. You are also expected to be thorough with the NALSA's framework on Early Access to Justice at Pre-Arrest, Arrest and Remand Stage and follow it in the delivery of legal services. You are bound by the provisions of the Advocates Act, 1961 and the Bar Council of India Rules. Specifically, you are expected to maintain the standards of Professional Conduct and Etiquette as laid down in Chapter 2 of Part VI of the Bar Council of India Rules. You are expected to conduct yourself professionally and uphold the interests of your client by all fair and honourable means. You are also expected to follow the NALSA (Legal Services Clinics) Regulations, 2011. The relevant guidelines and a duty note based on the guidelines has been appended with this letter. You are required to provide legal aid and advise to the persons arrested, and ensure compliance with Section 41 D of the Code of Criminal Procedure 1973 and represent the arrested persons during the course of his interrogation.

In case the appointment is accepted by you, you are requested to return the annexed declaration after being duly signed by you.

Sd/-

District Legal Services Authority

Declaration by the lawyer (to be completed and sent back to the DLSA office)

1. I understand that I am to abstain from doing anything that might prejudice the interest of any person.
2. I understand that I will be given remuneration at the rates fixed by the LSI on submission of bills every month.
3. I understand that the bill must be accompanied with a certificate from the officer-in-charge of the police station regarding my presence in the police station on the dates mentioned in the bills.

B. INTIMATION LETTER

Office of District Legal Services Authority

Letter no. _____

Date: _____

To,

_____ (Officer in charge)

_____ (Police Station)

Dear Sir/Madam,

I am directed to inform you that _____ has been appointed as the legal aid lawyer for _____ police station. The lawyer may be contacted at _____ for providing legal advice/ assistance to suspects and accused persons.

We would appreciate if appropriate facilities are provided during this visit to enable him to render legal advice/ assistance to the needy suspects and arrestees.

Yours faithfully,

Sd/-

District Legal Services Authority

C. DUTY NOTES

- ✓ To visit the police station as and when required.
- ✓ To interact with detainee identified by the paralegal volunteers and provide legal advice.
- ✓ Inform the legal service institutions of legal services provided at police station.
- ✓ To draft applications and petitions for the detainee in the clinic.
- ✓ To ensure filling of legal aid application form for those who need legal aid lawyers and submit the same to the legal aid authorities.
- ✓ To ensure that the registers are filled by the paralegals accurately.
- ✓ To record attendance and work in the registers available at the police station.
- ✓ To also represent the detainee in courts in some cases, if appointed by the LSI.
- ✓ To submit a monthly report of the work to the legal service institutions by 5th of every month.
- ✓ To ensure that copy of charge sheet or any document taken from any detainee is returned.
- ✓ To not canvass or solicit for any case in your private capacity.
- ✓ To send intimation to the LSI in advance if you are unable to visit the LAC on a particular day.
- ✓ Should follow the directions given under NALSA SOP for representing persons in custody.
- ✓ Assist the police in contacting the family or friend of the person in custody.
- ✓ Report any illegalities or irregularities observed to the legal services institutions & other legal aid providers to take further action.
- ✓ To ensure that all procedural safeguards for arrest under the Code of Criminal Procedure were followed in cases of arrest at the said Police Station.
- ✓ To ensure that all rights of an arrested person were provided to the arrested person.
- ✓ To provide the arrested person a leaflet of 'Rights of Arrested Persons' given in the NALSA's framework titled 'Early Access to Justice at Pre-Arrest, Arrest and Remand Stage'.
- ✓ To report any incident/allegation of torture to the DLSA.
- ✓ To ensure that women are not called to the police station or to any place other than their place of residence for questioning.
- ✓ To ensure that the distinctive needs of women arrestees are met by seeking to ensure that procedures of criminal Justice are complied with. This may include ensuring that they are detained separately from males and that female police officer remains present during interrogation.

- ✓ In case a child has been called to the Police Station, to take necessary steps to safeguard his rights as provided under Juvenile Justice (Care and Protection Act) 2015.
- ✓ To provide legal advice and assistance as sought and required in the situation.
- ✓ To appropriately advise the police, if it proceeds to arrest the suspect unnecessarily and without any basis. In this regard, he shall put the position of law before police officials keeping in view the circumstance of the case.
- ✓ In case the suspect is a foreigner, to inform the police to intimate the concerned High Commission, Embassy/Consulate. In case, an arrestee or a suspect does not understand the language then to make arrangements for an interpreter, the expenses of which shall be borne by DLSA.

D. REPORTING (MONTHLY)

Date: _____

To,

Secretary,

_____ DLSA

Dear Sir/Madam,

I was assigned the duty counsel for _____ Police Station for the period of _____ to _____. Please find the details of the work undertaken in _____ (Month and year):

Monthly Work Report- Duty Counsel	
Total number of persons provided legal services:	
Number of times advice/ assistance provided over telephone:	
Number of visits to the PS to provide legal services at arrest / during interrogation:	
Number of persons who required legal aid for first production:	
Number of irregularities in arrest/ interrogation process informed to LSI:	
Any other remarks, if any	

Sd/-

(Name of lawyer)

(Address)

VIII. COMMUNITY PARALEGAL VOLUNTEERS – POLICE STATION

A. APPOINTMENT LETTER

Office of District Legal Services Authority

Letter no. _____

Date: _____

To,
(Name of Paralegal)
(Address)
(Contact no.)

Subject: Letter of deputation as a Paralegal Volunteer by _____ DLSA at _____
P.S.

Dear Sir/Madam,

You are hereby deputed as a paralegal volunteer of _____ Police Station for the period _____ to _____. You are expected to abide by the NALSA (Free and Competent Legal Services) Regulations, 2010 and NALSA (Legal Services Clinics) Regulations, 2011. You are expected to provide basic legal counselling to persons, assist the duty counsel and periodically report to the legal aid authorities about the work undertaken, as per prescribed formats. The relevant guidelines and a duty note based on the guidelines has been appended with this letter. You are requested to report the progress of the case to the office of the DLSA from time to time.

In case the appointment is accepted by you, you are requested to return the annexed declaration after being duly signed by you.

Sd/-
District Legal Services Authority

Declaration by the paralegal volunteer (to be completed and sent back to the DLSA office)

1. I understand that I am to abstain from doing anything that might prejudice the interest of any person.
2. I understand that I am to abide by the terms and decisions of the LSI which are final
3. I understand that I will be given honararium at the rates fixed by the LSI on submission of bills
4. I understand that the bill must be accompanied with a certificate from the officer-in-charge of the police station regarding my presence in the police station on the dates mentioned in the bills.

B. INTIMATION LETTER

Office of District Legal Services Authority

Letter no. _____

Date: _____

To,

_____ (Officer in charge)

_____ (Police Station)

Dear Sir/Madam,

I am directed to inform you that _____ has been appointed as the Paralegal Volunteer for providing legal services/assistance at the police station. A copy of the appointment letter is annexed for your perusal. The paralegal can be contacted at _____.

Yours faithfully,

Sd/-

District Legal Services Authority

C. DUTY NOTES

- ✓ To inform the person in custody their rights, in particular, their right to legal representation and legal aid.
- ✓ To provide preliminary legal advice to persons in custody, and promptly contact the legal aid lawyer for further counselling, as and when required.
- ✓ To promptly prepare the legal aid application, along with case details and send to the concerned DLSA/TLSC/SDLSC for ensuring appointment of lawyer at the time of production.
- ✓ To assist the police in contacting the family or friend of the person in custody.
- ✓ To document the details of arrest and all interventions made.
- ✓ To not seek any money or benefits for the work done for accused persons or their families.
- ✓ To submit monthly reports to the DLSA/TLSC/SDLSC and inform legal service institutions of legal services provided at the police station.
- ✓ To take due precautions so as to not hinder the work of police, while performing their functions.
- ✓ To report any illegalities or irregularities observed to the legal services institutions and other legal aid providers to take further action.
- ✓ To stay abreast of new orders and judgements related to arrests and production.
- ✓ To write to the concerned DLSA/TLSC/SDLSC about any queries, grievances or for shortage of any basic requirements for the smooth functioning of the clinic.
- ✓ To assist persons in custody in filing complaints or grievances about their arrest.
- ✓ To maintain and regularly update the registers in the clinics.
- ✓ To not seek any money/ benefits for the work done from the detainees or their families.

D. REPORTING (WEEKLY)

Date: _____

To,

Secretary,

_____ DLSA

Dear Sir/Madam,

I am the paralegal volunteer at the _____ police station. Please find the details of the work undertaken for the period _____ to _____ (dd/mm/yyyy):

WORK REPORT Paralegal Volunteer – Police Station	
Number of visits made to PS	
Number of times legal aid lawyer visited PS	
Number of persons assisted	
Number of Legal Aid Applications filled	
Any additional comments:	

NB. To be completed each week

Sd/-

(Name of paralegal)

(Address)

E. CASE ASSISTANCE TRACKER

Date: _____

Date	S. No.	Time	Name of the arrestee/ detenue	Sex	Case Details				Informed of his/ her rights (Y/N)	If yes, Intimation given to duty counsel (Time/ Date)	Legal Services Provided to client (Time/ Date)	Signature of duty counsel where legal aid provided	Whether requires legal aid at first production (Y/N)	If yes, then whether information to LSI given.
					Age	FIR No.	Charges u/s	Court						

Signature of paralegal volunteer _____

Formats for Legal Services Institutions

I. FRONT OFFICE REGISTER

(To be placed at Front Office, LSI)

S. No.	Date	Name and Address of visitor	Category*	Nature of problem	Action Taken	If assignment of a lawyer is sought			Remarks
						Date of assignment/ rejection of application	Name of the lawyer	Date of intimation of assignments/ rejection of applications	

* If the visitor falls in one of the categories including income criteria category entitled for legal aid, mention category. If not mention others.

CASE-WISE REGISTER

1. Name of the Applicant
2. Mother's/Father's name
3. Panel Lawyer assigned to the applicant
4. Date of Appointment
5. Date of filing/joining the case
6. Particulars of Case
7. Name of Court
8. Progress of each and every legal aid case

Date of Hearing	Work Done on that day	Next Date	Purpose of the next date of hearing

9. Outcome of the case
10. Remarks of the Monitoring and Mentoring Committee

II. ATTENDANCE REGISTER FOR REMAND LAWYERS

(Placed in Court, maintained by Court staff)

Date	Name of the Assigned Lawyer	Absence/ Presence during remand hours/ when required	Name of the accused person/s represented by remand lawyer	Case Ref. No.	Signature of the lawyer

III. REGISTER ON LEGAL AID CLINICS IN PRISONS

(Maintained by DLSA, submitted to SLA every month)

District	Number of Prisons	Number of Prison Legal Aid Clinics	Number of Prisons with Jail Visiting Lawyer appointed	Number of Prisons with Convict Paralegal Volunteer	Number of Prisons with Community Paralegal Volunteer	Total no. of PLVs appointed	Total no. of JVLs appointed	Number of Prison Legal Aid Clinics which maintain registers

IV. REGISTER ON LEGAL SERVICES IN POLICE STATIONS

(Maintained by DLSA, submitted to SLISA every month)

District	Number of Police Stations	Number of Police Stations where Duty Counsel is assigned	Number of Police Stations where PLV assigned	Total no. of Duty counsels appointed	Total no. of PLVs appointed

V. REPORTING ON MONITORING AND MENTORING COMMITTEES (DLSA)

(To be prepared by DLSA -- PLVs/ Retainer Lawyers -- and submitted to SLSA monthly)

Monthly Statement regarding Monitoring and Mentoring Committee				
Number of meetings held in the month	Total number of court based legal aid cases in the district	Number of cases reviewed	No. of lawyers interacted with	Recommendations

VI. REPORTING ON MONITORING AND MENTORING COMMITTEES (SLSA)

(To be prepared by SLSA and submitted to NALSA every quarter/ six months)

Monthly Statement regarding Monitoring and Mentoring Committee						
Name of District & Taluka LSI	Whether MMC Constituted (Y/N)	Whether MMC Register Maintained (Y/N)	No. of members in MMC	Name & Designations of members in MMC	No. of reports received	Remarks, if any

