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# LETTERS CIRCULARS & IMPORTANT JUDGMENTS

Compiled by

**JHARKHAND STATE LEGAL SERVICES AUTHORITY**

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**JHARKHAND STATE LEGAL SERVICES AUTHORITY**

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**LETTERS, CIRCULARS  
&  
IMPORTANT JUDGMENTS**

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**Year of Publication : 2016  
For Awareness Only**

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## INDEX

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|                                                                                                            |                |
|------------------------------------------------------------------------------------------------------------|----------------|
| <b>1. LETTERS &amp; CIRCULARS OF NATIONAL LEGAL SERVICES AUTHORITY .....</b>                               | <b>1-62</b>    |
| <b>2. LETTERS &amp; CIRCULARS OF JHARKHAND STATE LEGAL SERVICES AUTHORITY.....</b>                         | <b>63-110</b>  |
| <b>3. IMPORTANT JUDGMENTS .....</b>                                                                        | <b>111-166</b> |
| a. Writ Petition (s) (Civil) No(s). 406/2013.....                                                          | 113            |
| b. Writ Petition (Civil) No. 406/2013 .....                                                                | 117            |
| c. Writ Petition(s) (Civil) No(s).406/2013.....                                                            | 131            |
| d. Writ Petition(s) (Civil) No(s). 406/2013.....                                                           | 133            |
| e. Writ Petition (Civil) No. 867 OF 2013.....<br><i>Parivartan Kendra versus Union of India and others</i> | 135            |
| f. Writ Petition (Crl.) No.129 of 2006.....<br><i>Laxmi Versus Union of India &amp; Ors.</i>               | 142            |
| g. Writ Petition (Civil) 559 of 1994 .....                                                                 | 145            |
| <i>R.D. Upadhyay vs State Of A.P. &amp; Ors.</i>                                                           |                |
| h. 1989 AIR 2039 .....                                                                                     | 158            |
| <i>Pt. Parmanand Katara Vs. Union of India &amp; Ors.</i>                                                  |                |

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**NATIONAL LEGAL SERVICES AUTHORITY  
LETTERS & CIRCULARS**



**F. No. G/40/2016-17/NALSA**

Dated: 2-6-2016

To

The Member Secretaries  
All State Legal Services Authorities

Sir,

Under Section 16 of the Legal Services Authorities Act, 1987, the State Legal Services Authorities receive grants from the Central Authority (NALSA) as well as from the State Government for implementation of various legal aid schemes and programmes.

2. The State Authorities are mandated by the Act to implement legal services programmes, schemes, etc. framed by NALSA as well as by State Authorities in order to achieve the objectives of the Act. This would be greatly facilitated if requirement of funds for various legal services programmes are clearly spelt out. The Budget projections furnished by the State Authorities would also enable NALSA to assess and evaluate the needs for different legal services and programmes and plan its own budget.
3. You are, therefore, requested to furnish your requirements of funds with detailed estimates under the following heads:-
  - 1) Payment of fees to panel lawyers
  - 2) Payment to PLVs
  - 3) Training Programmes,
  - 4) Legal Awareness/Legal Literacy Programmes
  - 5) Lok Adalats,
  - 6) Mediation Programmes
  - 7) Various activities stipulated under the scheme framed by NALSA
  - 8) Other activities (please specify).
4. In case any State Authority does not require additional funds from this Authority during the current financial year, they may kindly specify as to how much of the existing funds would be spent on each of the heads indicated at 1 to 8, as provided in para 3 above.
5. The requisite information on the aforesaid items may kindly be furnished to this Authority so as to reach us latest by 15th June, 2016, either by fax or e-mail.

Yours faithfully,  
Sd/-  
**(Alok Agarwal)**  
Member Secretary

□□□

**F. No. L/4/2005-NALSA**

Dated : 30.05.2016

**MOST URGENT**

To

The Member Secretaries  
All State Legal Services Authorities.

**Sub: New Revised Proforma/Format for furnishing Monthly Statistical Information - reg.**

Sir / Madam,

In continuation of this Authority's letter of even number L/4/2005-NALSA dated 13.04.2016 mailed to all SLSAs, which contained the proformas ('A' to 'I') for furnishing monthly Statistical Information to NALSA. Apart from the said proformas, one additional proforma ("J") for providing the information in respect of training programmes conducted by the SLSAs and DLSAs etc. is herewith enclosed with the request to furnish the Statistical Information to this Authority latest by 10th of the succeeding month.

With regards,

Yours Sincerely,  
**(Geetanjli Goel)**  
Director

**Encl : Proforma (J)**

□□□

(A)

(REVISED PERFORMA)

**STATISTICAL INFORMATION- DISPOSAL IN RESPECT OF LOK ADALATS**  
**Daily/ Weekly etc. U/s 19 of LSA Act, 1987 excluding National Lok Adalats (u/s 19)**  
**and PLAs U/s 22-B**

NAME OF THE STATE AUTHORITY .....

STATISTICAL INFORMATION FOR THE MONTH OF .....

| No. of Lok Adalats held u/s 19 of LSA Act.<br>Total _____ | Total          |                                       |       | Awarded Amount/<br>Settlement Amount |
|-----------------------------------------------------------|----------------|---------------------------------------|-------|--------------------------------------|
|                                                           | Pre-Litigation | Pending in Courts/<br>Post-litigation | Total |                                      |
| Criminal Compoundable Offence Cases                       |                |                                       |       |                                      |
| NI Act Cases u/s.138                                      |                |                                       |       |                                      |
| Bank Recovery Cases                                       |                |                                       |       |                                      |
| MACT Cases                                                |                |                                       |       |                                      |
| Matrimonial Disputes                                      |                |                                       |       |                                      |
| Labour Disputes Cases                                     |                |                                       |       |                                      |
| Land Acquisition                                          |                |                                       |       |                                      |
| Other Civil Cases                                         |                |                                       |       |                                      |
| Revenue Cases                                             |                |                                       |       |                                      |
| Other Cases(pl. specify)                                  |                |                                       |       |                                      |
| Total No. of Cases Settled.                               |                |                                       |       |                                      |

**MOBILE/FIELD LOK ADALATS**

| No. of Lok Adalats held | No. of cases taken up | No. of cases settled | Amount awarded if any |
|-------------------------|-----------------------|----------------------|-----------------------|
|                         |                       |                      |                       |

Signature of the Member Secretary



(C)

**STATISTICAL INFORMATION IN RESPECT OF PERMANENT LOK ADALATS**  
**(Established u/s 22 B of LSA Act)**

NAME OF THE STATE AUTHORITY .....

STATISTICAL INFORMATION FOR THE MONTH OF .....

| S. No. | Name of the PLA                        | No. of PLAs existing as on the beginning of the Month | No of PLAs established during the Month | Total No. of PLAs functioning | No. of sittings during the month | No. of cases pending as on the beginning of the month | No. of Cases received during the Month | No. of cases settled during the Month | Total Value/ amount of settlement (Rs.) |
|--------|----------------------------------------|-------------------------------------------------------|-----------------------------------------|-------------------------------|----------------------------------|-------------------------------------------------------|----------------------------------------|---------------------------------------|-----------------------------------------|
| 1      | Transport Service                      |                                                       |                                         |                               |                                  |                                                       |                                        |                                       |                                         |
| 2      | Postal, telegraph or telephone service |                                                       |                                         |                               |                                  |                                                       |                                        |                                       |                                         |
| 3      | Supply of Power, Light or Water        |                                                       |                                         |                               |                                  |                                                       |                                        |                                       |                                         |
| 4      | Public Conservancy or Sanitation       |                                                       |                                         |                               |                                  |                                                       |                                        |                                       |                                         |
| 5      | Services in Hospital or Dispensary     |                                                       |                                         |                               |                                  |                                                       |                                        |                                       |                                         |
| 6      | Insurance Service                      |                                                       |                                         |                               |                                  |                                                       |                                        |                                       |                                         |
| 7      | Banking & Financial Instructions       |                                                       |                                         |                               |                                  |                                                       |                                        |                                       |                                         |
| 8      | Others (Pl. Specify)                   |                                                       |                                         |                               |                                  |                                                       |                                        |                                       |                                         |
| 9      |                                        |                                                       |                                         |                               |                                  |                                                       |                                        |                                       |                                         |
| 10     |                                        |                                                       |                                         |                               |                                  |                                                       |                                        |                                       |                                         |
| Total  |                                        |                                                       |                                         |                               |                                  |                                                       |                                        |                                       |                                         |

Signature of the Member Secretary



(D)

**STATISTICAL INFORMATION IN RESPECT OF CASES SETTLED THROUGH MEDIATION**

NAME OF THE STATE AUTHORITY .....

STATISTICAL INFORMATION FOR THE MONTH OF .....

- (A) (i) Total Number of ADR Centres : .....
- i) Existing at the beginning of the month : \_\_\_\_\_ {A} (ii) Total No of Existing Mediation Centres other than ADR Centres: \_\_\_\_\_
- ii) Established during the month : \_\_\_\_\_
- iii) Total functional : \_\_\_\_\_
- iv) Under Construction : \_\_\_\_\_

(B) Number of Mediators (Total of both in ADR Centres and Mediation Centres):

**Trained Deployed**

- (i) Judicial Officers : \_\_\_\_\_
- (ii) Lawyers : \_\_\_\_\_
- (iii) Any other : \_\_\_\_\_

(C) Disposal :

|   |                                                    | Total of all Mediation/ADR Centres |
|---|----------------------------------------------------|------------------------------------|
| A | No. of cases pending in the beginning of the month |                                    |
| B | No. of cases received during the month             |                                    |
| C | Cases settled through Mediation                    |                                    |
| D | Cases returned as not settled                      |                                    |
| E | Cases not found fit for Mediation (Non- Starter)   |                                    |
| F | No of Cases pending at the end of the month        |                                    |
| G | Percentage (%) of settlement                       |                                    |

Signature of the Member Secretary

(E)

**STATISTICAL INFORMATION IN RESPECT OF LEGAL SERVICES BENEFICIARIES**

NAME OF THE STATE AUTHORITY .....

STATISTICAL INFORMATION FOR THE MONTH OF .....

| Categories                                                                             | Providing Legal Advocate | Advice/Counselling | *Other Services (Pl. specify) | Total |
|----------------------------------------------------------------------------------------|--------------------------|--------------------|-------------------------------|-------|
| Scheduled Caste                                                                        |                          |                    |                               |       |
| Scheduled Tribe                                                                        |                          |                    |                               |       |
| Women                                                                                  |                          |                    |                               |       |
| Children                                                                               |                          |                    |                               |       |
| In Custody                                                                             |                          |                    |                               |       |
| Persons with disability                                                                |                          |                    |                               |       |
| Industrial Workmen                                                                     |                          |                    |                               |       |
| Transgender                                                                            |                          |                    |                               |       |
| Victims of Trafficking in Human beings or begar                                        |                          |                    |                               |       |
| Victims of Mass Disaster, Violence, Flood, Draught, Earthquake and Industrial Disaster |                          |                    |                               |       |
| General                                                                                |                          |                    |                               |       |
| Others                                                                                 |                          |                    |                               |       |
| <b>TOTAL</b>                                                                           |                          |                    |                               |       |

\* Other Services shall include any help/assistance provided to the beneficiaries for availing the benefits of Centre/State Govt. Schemes such as Aadhar Card/MNREGA etc.

Signature of the Member Secretary

(F)

**STATISTICAL INFORMATION IN RESPECT OF  
LEGAL LITERACY/LEGAL AWARENESS CAMPS**

| Legal Literacy/<br>Legal Awareness<br>programmes<br>Camps<br>Organised              | School/<br>College/<br>University |   | Village/<br>Community<br>Centres |   | Jails/<br>Other<br>custodial |   | Slum<br>and<br>Labour<br>Colonies |   | Obser-<br>vation<br>Homes |   | Melas/<br>Exhibition |   | Radio |   | TV |   | Community<br>Radio |   | Others<br>(Pl.<br>specify) |   | Total |   |
|-------------------------------------------------------------------------------------|-----------------------------------|---|----------------------------------|---|------------------------------|---|-----------------------------------|---|---------------------------|---|----------------------|---|-------|---|----|---|--------------------|---|----------------------------|---|-------|---|
|                                                                                     | A                                 | B | A                                | B | A                            | B | A                                 | B | A                         | B | A                    | B | A     | B | A  | B | A                  | B | A                          | B | A     | B |
| Fundamental<br>Rights/Duties                                                        |                                   |   |                                  |   |                              |   |                                   |   |                           |   |                      |   |       |   |    |   |                    |   |                            |   |       |   |
| Scheme for<br>Disaster Victims                                                      |                                   |   |                                  |   |                              |   |                                   |   |                           |   |                      |   |       |   |    |   |                    |   |                            |   |       |   |
| Scheme for<br>victims of<br>Trafficking and<br>commercial<br>sexual<br>exploitation |                                   |   |                                  |   |                              |   |                                   |   |                           |   |                      |   |       |   |    |   |                    |   |                            |   |       |   |
| Scheme for the<br>workers in the<br>unorganised<br>Sector                           |                                   |   |                                  |   |                              |   |                                   |   |                           |   |                      |   |       |   |    |   |                    |   |                            |   |       |   |
| Child friendly<br>legal services<br>to Children and<br>their protection<br>Scheme   |                                   |   |                                  |   |                              |   |                                   |   |                           |   |                      |   |       |   |    |   |                    |   |                            |   |       |   |
| Scheme for<br>Mentally ill<br>and mentally<br>disabled persons                      |                                   |   |                                  |   |                              |   |                                   |   |                           |   |                      |   |       |   |    |   |                    |   |                            |   |       |   |
| Scheme for<br>protection and<br>enforcement of<br>Tribal Rights                     |                                   |   |                                  |   |                              |   |                                   |   |                           |   |                      |   |       |   |    |   |                    |   |                            |   |       |   |
| Scheme for<br>the victims of<br>drug abuse and<br>eradication of<br>drug menace     |                                   |   |                                  |   |                              |   |                                   |   |                           |   |                      |   |       |   |    |   |                    |   |                            |   |       |   |
| Rights of Women                                                                     |                                   |   |                                  |   |                              |   |                                   |   |                           |   |                      |   |       |   |    |   |                    |   |                            |   |       |   |
| Rights of Sr.<br>Citizens                                                           |                                   |   |                                  |   |                              |   |                                   |   |                           |   |                      |   |       |   |    |   |                    |   |                            |   |       |   |
| Rights of<br>Transgender                                                            |                                   |   |                                  |   |                              |   |                                   |   |                           |   |                      |   |       |   |    |   |                    |   |                            |   |       |   |
| Others                                                                              |                                   |   |                                  |   |                              |   |                                   |   |                           |   |                      |   |       |   |    |   |                    |   |                            |   |       |   |

**Note: A:No of Programmes held ,**

**B:No of persons attended**

Signature of the Member Secretary

(G)

**STATISTICAL INFORMATION IN RESPECT OF PARA LEGAL VOLUNTEERS**

FOR THE MONTH OF .....

NAME OF THE STATE LEGAL SERVICES AUTHORITY .....

| Total No. of PLVs trained | No. of PLVs deployed |               |       |                                            |       |
|---------------------------|----------------------|---------------|-------|--------------------------------------------|-------|
|                           | Police Station       | Front Offices | Jails | Other Legal Services Clinics (Pl. specify) | Total |
|                           |                      |               |       |                                            |       |

Signature of the Member Secretary

(H)

**REPORT OF THE LEGAL SERVICES CLINICS FOR THE MONTH OF \_\_\_\_\_**

NAME OF THE STATE LEGAL SERVICES AUTHORITY \_\_\_\_\_

| 1.(a) | No. of Legal Services Clinics/ Village Legal Care and Support Centres:                                                          | Colleges / Universities          |                                  | Villages                         |                                  | Community centres                |                                  | Courts                           |                                  | Jails                            |                                  | JJB                              |                                  | For the people of North –East    |                                  | Others (pl. specify)             |                                  |
|-------|---------------------------------------------------------------------------------------------------------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|
|       |                                                                                                                                 | Added or Closed during the month | Existing at the end of the month | Added or Closed during the month | Existing at the end of the month | Added or Closed during the month | Existing at the end of the month | Added or Closed during the month | Existing at the end of the month | Added or Closed during the month | Existing at the end of the month | Added or Closed during the month | Existing at the end of the month | Added or Closed during the month | Existing at the end of the month | Added or Closed during the month | Existing at the end of the month |
|       |                                                                                                                                 |                                  |                                  |                                  |                                  |                                  |                                  |                                  |                                  |                                  |                                  |                                  |                                  |                                  |                                  |                                  |                                  |
| (b)   | Frequency & duration of operation (No of days in a week on which the legal service clinics function & No. of hours of each day) |                                  |                                  |                                  |                                  |                                  |                                  |                                  |                                  |                                  |                                  |                                  |                                  |                                  |                                  |                                  |                                  |
| (c)   | No. of Panel Advocates/ PLVs operating the clinics                                                                              |                                  |                                  |                                  |                                  |                                  |                                  |                                  |                                  |                                  |                                  |                                  |                                  |                                  |                                  |                                  |                                  |
| (d)   | No. of persons visited the Legal Services Clinics/ Village Legal Care and Support Centres:                                      |                                  |                                  |                                  |                                  |                                  |                                  |                                  |                                  |                                  |                                  |                                  |                                  |                                  |                                  |                                  |                                  |

|     |                                                                                                      |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|-----|------------------------------------------------------------------------------------------------------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| (e) | No. of persons provided assistance in Legal Services Clinics/ Village Legal Care and Support Centres |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| (f) | Whether complaint boxes have been fixed? If yes, number and nature of complaints received:           |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| (g) | Number of complaints resolved?                                                                       |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| (h) | Time taken in resolution of complaints:                                                              |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

(J)

**STATISTICAL INFORMATION IN RESPECT OF TRAINING PROGRAMMES CONDUCTED BY SLSAs/DLSAs etc.**

| S.No. | Training programme conducted | Type of programme i.e. Induction Programme/Basic Training etc. | No. of training programmes conducted in the month | Duration of the programme | No. of Participants |
|-------|------------------------------|----------------------------------------------------------------|---------------------------------------------------|---------------------------|---------------------|
| 1.    | Panel Layers                 |                                                                |                                                   |                           |                     |
| 2.    | Para-Legal Volunteers (PLVs) |                                                                |                                                   |                           |                     |
| 3.    | Others (Pl. specify)         |                                                                |                                                   |                           |                     |

Signature of Member Secretary

**(I)**

**STATISTICAL INFORMATION IN R/O  
VICTIM COMPENSATION SCHEME U/S 357- A Cr.PC**

NAME OF THE STATE AUTHORITY .....

STATISTICAL INFORMATION FOR THE MONTH OF .....

| <b>No. of applications received directly by Legal Services Institutions (A)</b> | <b>No. of applications/ orders marked/ directed by any Court (B)</b> | <b>Total No. of applications received including Court orders (A+B)</b> | <b>No. of applications decided</b> | <b>No. of applications pending</b> | <b>Total Settlement Amount</b> |
|---------------------------------------------------------------------------------|----------------------------------------------------------------------|------------------------------------------------------------------------|------------------------------------|------------------------------------|--------------------------------|
|                                                                                 |                                                                      |                                                                        |                                    |                                    |                                |

Signature of Member Secretary

□□□

**F. No. L/23/2015/NALSA**Dated: 27<sup>th</sup> May, 2016

To

The Member Secretary  
All State Legal Services Authorities

**Sub: Programme for Implementation of the NALSA Schemes**

Sir/Madam,

National Legal Services Authority (NALSA) launched seven new Schemes on 7.11.2015 which were circulated to all the States and the Union Territories. A draft Minimum Plan of Action for the year 2016-17 to implement the Schemes was also drawn up and circulated to all the States. It needs to be emphasised that all out concerted efforts are needed to ensure the implementation of the Schemes and to achieve the objectives of the Schemes.

2. In order to provide a launching pad for each of the Schemes in the States, Hon'ble Executive Chairman, NALSA has been please to approve the proposal that every State shall organise a programme every month with the purpose of creating awareness about the Schemes in the State and giving publicity to its Plan of Action for implementing the Schemes in the State.
3. For the said purpose, a- State may identify the Scheme which it wants to take up as the theme for the programme in the month of June, 2016. In the following months, programmes shall be organised on the other Schemes covering one Scheme every month. If possible, the Hon'ble Executive Chairman of the State Legal Services Authority or the other Hon'ble Judges of the High Court may be requested to inaugurate and address the gathering.
4. The suggested modalities for organising the programme are as under:
  - a) Instead of organising all the programmes in the State capital or at one place, the programmes should be held in different parts of the State.
  - b) The area in the State where a particular Scheme would be most relevant should be identified and the programme based on that Scheme be held in that area.
  - c) It should at least be a one day programme (the States will be free to have longer programmes) which would cover both the academic discourse on the subject covered by the Scheme and the practical and procedural aspects.
  - d) About 100 persons may be invited for the programme.
  - e) Some success stories, for instance persons who may have already been benefited by a particular Scheme may be identified and called upon to present their experience at the start of the programme.
  - f) The Secretaries of the Departments responsible for implementing government schemes on the subject matter in the State or their nominees should also be invited to speak about the Schemes.
  - g) The other participants could be a mix of the stakeholders who would have a role in the implementation of the Schemes such as judicial officers, legal aid lawyers, PLVs, police officials, NGOs, functionaries of observation homes, homes for mentally ill.
  - h) There could be one Session on the general law and the salient features of the Scheme.

- i) The magnitude of the problem in the State should be highlighted and how the Scheme can help to alleviate the problems needs to be projected.
5. Efforts can also be made to put together material on the Scheme, available government schemes in the form of pamphlets which can be distributed at the programmes.
  6. Steps should also be taken to ensure wide publicity in the State about the programme which would also help to disseminate information about the Scheme to the general public.
  7. You are requested to kindly initiate a programme towards this end and communicate the details on when and where and on what Scheme the first programme would be held so that one of us from NALSA can also be a part of the programme. It is also requested that a brief report of the programme, photographs and video recording of the programme be also sent to NALSA for projection at appropriate fora.

With regards,

**(Alok Agarwal)**  
**Member Secretary**  
**National Legal Services Authority**

□□□



**F. No. L/09/2016/NALSA**

Dated: 18th May, 2016

**DFA**

To

The Member Secretary, All State Legal Services Authorities

Sir/Madam,

Please find enclosed herewith extracts of Resolution of Agenda Item No.10 adopted in the Chief Justices' Conferences held on 22-23 April, 2016 at Supreme Court of India for taking appropriate action for compliance of the Resolution.

With regards,

Yours Sincerely  
**(Alok Agarwal)**  
Member Secretary  
National Legal Services Authority

**EXTRACT OF RESOLUTIONS ADOPTED IN THE CHIEF JUSTICES' CONFERENCE,  
2016 [22nd & 23rd April, 2016]**

**[10] (I) STRENGTHENING THE LEGAL AID PROGRAMS -**

- Alternative Dispute Resolution System;
- Lok Adalat;
- Mediation

**(ii) REVIEW OF THE WORKING OF PARA LEGAL VOLUNTEERS**

The Conference has noted the concerns raised in the letter dated 4th April, 2016, of the Union Minister of Law and Justice and the observations of the Parliamentary Consultative Committee. With a view to strengthen the availability of legal services and enhance the efficacy of legal aid,

**Resolved that**

The Chief Justices in their capacity as Patrons-in-Chief of SLSAs shall take necessary steps to ensure the following:

- (a) compliance with NALSA Regulations on Legal Aid Clinics, 2011 and the Free and Compulsory Legal Services Regulations, 2010;
- (b) provision of minimum training and sensitization for panel advocates;
- (c) ensuring that all jails are equipped with legal services clinics;
- (d) legal awareness programmes are conducted in jails and juvenile homes;
- (e) optimal utilisation of para legal volunteers in training of prisoners together with periodic refresher courses;
- (f) regular training sessions for Judges and advocates;
- (g) regular visits of panel lawyers to jails in coordination with jail authorities;
- (h) regular meetings of Monitoring Committees;
- (i) suitable amendments to SLSA Regulations to enhance the fees payable to panel lawyers along lines suggested by NALSA;
- (j) appointment of whole time Secretaries of DLSAs.

□□□

**F.No. L/07/2016/NALSA**

Dated: 17th May, 2016

To

The Member Secretary  
All State Legal Services Authorities

**Sub: Action Plan for Publicity and Visibility of Work of State Legal Services Authorities**

Sir/Madam,

Since the enactment of the Legal Services Authorities Act, 1987, the structures envisaged under the Act have been put in place in all the States and Union Territories and at the Centre. Various Schemes have been launched by National Legal Services Authority under the Strategic and Preventive Legal Services Programme to give effect to the objectives of the Act. Across the country, crores of people have been the beneficiaries of the system in one form or the other. Lok Adalats have been organised, including National Lok Adalats almost on a regular basis which have not only helped in reduction in the pendency in the courts but also provided respite to litigants from long drawn out litigation.

2. We are now at a stage when endeavour should be made to extend the reach of our programmes to every nook and corner of the country. While the primary task remains providing legal aid to litigants, equally important is the objective of creating awareness amongst the masses. It is only when the people are aware that they can avail the benefits of the legal services system. Thus the legal awareness has to be with respect to the rights of the people under the various laws and Schemes and how they be given effect to; it has to be about the procedure of the courts so that people do not feel intimidated by the system and come forward to seek redressal of their grievances. At the same time the awareness has to be created about the availability of legal aid itself and whom the people can approach for legal aid; of the fact that legal aid does not encompass only providing counsels to fight the cases in the courts but includes counselling, settlement of disputes through Lok Adalats etc. People need to be made aware of the various Schemes of NALSA and how they can impact and benefit them and about the multifarious activities of the State Legal Services Authorities.
3. With this objective, it is suggested that the SLSAs in coordination with the Legal Services Authorities/ Committees at all levels may take the following initiatives:
  - i) Hoardings may be put up at all entry points in the court complexes informing about the availability of legal aid in regional languages along with the address and contact details of the concerned Legal Services Authority/ Committee.
  - ii) Sufficient publicity be given to the Lok Adalats through print and audio-visual media and hoardings, banners etc.
  - iii) Hoardings may also be put at prominent places in the area under the jurisdiction of the Legal Services Authority.
  - iv) All police stations must display the contact details of Legal Services Authority/ Committee at a prominent place.
  - v) Similar information be displayed at Jails, Observation Homes, Special Homes, Place of Safety, Children's Homes, Juvenile Justice Boards, Child Welfare Committees, Consumer Courts and even at Family Courts and Labour Courts, mental health institutions.
  - vi) Pamphlets may be distributed at important gatherings and functions about the functions and activities of the Legal Services Authority/ Committee and about the Schemes of NALSA.

- vii)** Small booklets containing information on the relevant laws may also be prepared and distributed. The said material be also uploaded on the website with link provided to the NALSA website.
  - viii)** Legal Services Clinics, wherever set up ought to be tapped to create greater publicity.
  - ix)** Coordination and collaboration should be done with Government Departments, NGOs and other stakeholders to organise events where the activities of the Legal Services Authority can be highlighted.
  - x)** Legal Services Camps and Legal Awareness Programmes should be organised.
  - xi)** Stalls may be set up on the occasion of festivals or if any sporting event takes place.
  - xii)** Cultural Programmes, Nukkad nataks where feasible can be organised.
  - xiii)** The Panchayat Meetings, town hall meetings may be used to disseminate information.
  - xiv)** Panel Lawyers and PLVs may also be engaged in this task especially for spreading awareness amongst the community.
  - xv)** Most importantly media needs to be tapped. For this:
    - a)** The local newspapers should be contacted and informed about the activities of the Legal Services Authority/ Committee and may be shown the working of the Legal Services Authority/ Committee. They should be requested to carry news report on the activities of the Legal Services Authority/ Committee besides carrying news articles on the availability of legal aid.
    - b)** Even advertisements at repeated intervals can be given in the local newspapers.
    - c)** Similar exercise may be done with reputed magazines.
    - d)** Website be developed with links to the SLSA and NALSA.
    - e)** The audio-visual media should be tapped as that has greater impact. The local radio stations and television channels may be requested to carry information about the activities of the Legal Services Authority/ Committee. Advertisements in the nature of scrolls may be carried.
    - f)** Regional Channels of Doordarshan may be requested to prepare small modules and telecast them.
    - g)** Cinema theatres may be requested to carry a short clipping about availability of legal aid.
- 4.** Ultimately, only through publicity would the programmes and initiatives of the Legal Services Authorities get visibility and that would enable legal services to reach every person in the country which is the objective of our legal programmes.
- 5.** If you require the assistance of NALSA in any of the above endeavours, kindly let us know.

With regards,

**(Alok Agarwal)**  
 Member Secretary  
 National Legal Services Authority  
 Ph:23071029



**F. No. L/10/2015**

May 14, 2016

To

The Member Secretary  
All the State Legal Services Authorities

**Sub: W.P. (C) No. 406/2013 RE-INHUMAN CONDITIONS IN 1382 PRISONS, pending in the Hon'ble Supreme Court of India.**

Dear Sir/ Madam,

Please find attached herewith copy of order dated 06.05.2016 of Hon'ble Supreme Court of India in the above noted matter. The Hon'ble Supreme Court of India has issued certain directions for the Under Trial Review Committees widening the scope of the Under Trial Review Committees to examine the cases of Under Trial Prisoners.

2. You are requested to get the aforesaid order circulated among the Under Trial Review Committees in your State and ensure the compliance of directions of Hon'ble Supreme Court of India.
3. It is once again reiterated that the Under Trial Review Committee (UTRC) in every district shall meet every quarter and the Secretary of the concerned District Legal Services Authority shall follow up for release of Under Trial Prisoners and convicts who have under gone half of their sentences or entitled to release because of remission granted to them. You are also requested to empanel adequate number of competent lawyers to assist Under Trail Prisoners and convicts. The direction numbers 1 to 4 and 8 of order dated 05.02.2016 may kindly be referred to in this regard.
4. You are required to ensure that the Secretary, District Legal Services Authority identifies the cases of Under Trial Prisoners mentioned in the order dated 06.05.2016 and the order dated 05.02.2016 and thereafter the same be placed before the Under Trial Review Committee at least one week before the meeting of the Under Trial Review Committee. The Secretary, District Legal Services Authority shall follow up the implementation of the decisions/recommendations of the Under Trial Review Committee for release of under trial prisoners and convicts.
5. You are also requested to submit a compiled report of your State in the following format by 10th July 2016, positively in word file (doc/docx):

| S.No. | Particular                                                                                                                              |                                 |                                    |          |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|------------------------------------|----------|
| 1.    | Whether meeting of the Under Trial Review Committee was held in all the districts of your State during the quarter April to June, 2016? |                                 |                                    |          |
|       | Reply                                                                                                                                   |                                 |                                    |          |
| 2.    | Total Number of UTPS identified and released under following categories during the quarter April to June,2016 ?                         |                                 |                                    |          |
|       | Category                                                                                                                                | Identified by<br>DLSA Secretary | Recommended by<br>UTRC for release | Released |
| a.    | Under section 436 CrPC and 436 A of CrPC                                                                                                |                                 |                                    |          |
| b.    | UTPs who have been granted bail but not released                                                                                        |                                 |                                    |          |
| c.    | Cases of compoundable offences of UTPs.                                                                                                 |                                 |                                    |          |

|       |                                                                                                                                                                                                                                                                                                                                                  |  |  |  |
|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|
| d.    | UTPs become eligible to be released on bail u/s 167(2)(a) (i) & (ii) of the Code read with section 36 A of the Narcotic Drugs and Psychotropic Substances Act, 1985(where persons accused of section 19 or section 24 or section 27 A or for offences involving commercial quantity) and where investigation is not completed in 60/90/180 days. |  |  |  |
| e.    | UTPs who are imprisoned for offences which carry a maximum punishment of 2 years.                                                                                                                                                                                                                                                                |  |  |  |
| f.    | UTPs who are detained under chapter VIII of the CrPC i.e u/s 107,108,109 and 151 of CrPC.                                                                                                                                                                                                                                                        |  |  |  |
| g.    | UTPs who are sick or infirm and require specialized medical treatment                                                                                                                                                                                                                                                                            |  |  |  |
| h.    | UTPs who are first time male 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.                                                                                                                      |  |  |  |
|       | UTPs who are of unsound mind and must be dealt under chapter XXV of the Code;                                                                                                                                                                                                                                                                    |  |  |  |
| i.    | UTPs who are eligible for release under section 437(6) of the Code, 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 sixty days from the first date fixed for taking evidence in the case.                                                         |  |  |  |
| 3.    | Total number of cases of convicts identified who have undergone their sentence or are entitled to release because of remission granted to them during the quarter April, 2016 to June, 2016.                                                                                                                                                     |  |  |  |
| Reply |                                                                                                                                                                                                                                                                                                                                                  |  |  |  |
| 4.    | Number of convicts released in pursuance of the recommendations of the UTRCs during the quarter April to June, 2016.                                                                                                                                                                                                                             |  |  |  |
| Reply |                                                                                                                                                                                                                                                                                                                                                  |  |  |  |

You are requested to send the consolidated information of your State after compiling the information received from the DLSAs. You may please note that we don't require district wise information for the aforesaid proforma.

With regards,

**Alok Agarwal**

□□□

**No. L/14/2014-NALSA**

May 6, 2016

To

The Member Secretary  
All the State Legal Services Authorities

**Sub: National Free Legal Helpline No. 15100**

Sir/Madam,

As you are aware that NALSA has set up the National Free Legal Helpline No. 15100 and the calls received on 15100 are terminated to the phone numbers provided by the SLSAs. However, it has been observed that most of the calls are not being received and answered by the SLSAs and hence these calls are terminated to NALSA. It is difficult for NALSA to answer all the calls as the callers speak vernacular languages.

A list of phone numbers provided by the SLSAs, on which the calls are transferred, is enclosed herewith. You are requested to ensure that the calls received on these numbers are properly answered. Some of the SLSAs have engaged lawyers for this purpose. You may also follow this practice to make the helpline successful.

You are also requested to sensitize the advocates/receivers of the calls to listen to the callers patiently and advise them accordingly.

With regards,

Yours sincerely,  
(Alok Agarwal)

**FREE LEGAL SERVICES HELPLINE OF NALSA- 15100**

| Sl.No. | Name of the SLSAs | Telephone numbers on which calls received on 15100 will be mapped (terminated)                                                               |
|--------|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| 1.     | Andhra Pradesh    | 040-23446700                                                                                                                                 |
| 2.     | Arunachal Pradesh | 0360-2284913                                                                                                                                 |
| 3.     | Assam             | 0361-2601843                                                                                                                                 |
| 4.     | Bihar             | 0612-2230943 0612-2200366                                                                                                                    |
| 5.     | Chhattisgarh      | 07752-410210 (10 AM to 5 PM)<br>09407660597 ( 5 PM to 10 PM)                                                                                 |
| 6.     | Goa               | 0832-2421169                                                                                                                                 |
| 7.     | Gujarat           | 09409110865 (6 am to 1200 noon)<br>09409110866 (12 noon to 6 PM)<br>09409110867 (6 PM to 12 mid night)<br>09409110875 (12 mid night to 6 AM) |

|     |                      |                                                                                                                                       |
|-----|----------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| 8.  | Haryana              | 0172-2714040                                                                                                                          |
| 9.  | Himachal Pradesh     | 0177-2623862                                                                                                                          |
| 10. | Jammu & Kashmir      | 0194-2480408 (May to October)<br>0191-2539962 (November to April)                                                                     |
| 11. | Jharkhand            | 0651-2481520                                                                                                                          |
| 12. | Karnataka            | 09480885192 ( 6 to 12 noon)<br>09480885191 (12 noon to 6 PM)<br>09480885190 (6 PM to 12 midnight)<br>09480885193 (12 midnight to 6AM) |
| 13. | Kerala               | 09846700100                                                                                                                           |
| 14. | Madhya Pradesh       | 0761-2678352                                                                                                                          |
| 15. | Maharashtra          | 022-22691395                                                                                                                          |
| 16. | Manipur              | 09774744035                                                                                                                           |
| 17. | Meghalaya            | 0364-2501051                                                                                                                          |
| 18. | Mizoram              | 0389-2336620                                                                                                                          |
| 19. | Nagaland             | 0370-2242512<br>03862-248406                                                                                                          |
| 20. | Odisha               | 0671-2307071                                                                                                                          |
| 21. | Punjab               | 0172-2715800                                                                                                                          |
| 22. | Rajasthan            | 0141-2385877                                                                                                                          |
| 23. | Sikkim               | 03592-284753                                                                                                                          |
| 24. | Tamil Nadu           | 044-25342441                                                                                                                          |
| 25. | Telangana            | 040-23446723                                                                                                                          |
| 26. | Tripura              | 0381-2310444                                                                                                                          |
| 27. | Uttar Pradesh        | 09044013117<br>09044003914<br>09044013118                                                                                             |
| 28. | Uttarakhand          | 05942-236544<br>1800-180-4072<br>(IVRS System)                                                                                        |
| 29. | West Bengal          | 033-22624647                                                                                                                          |
| 30. | Andaman & Nicobar    | 03192-236616                                                                                                                          |
| 31. | Chandigarh           | 0172-2740741                                                                                                                          |
| 32. | Dadra & Nagar Haveli | 0260-2644452                                                                                                                          |
| 33. | Daman & Diu          | 0260-2230887<br>02875-252136                                                                                                          |
| 34. | Delhi                | 23071211                                                                                                                              |
| 35. | Puducherry           | 0413-2338831                                                                                                                          |





**राष्ट्रीय विधिक सेवा प्राधिकरण**  
**NATIONAL LEGAL SERVICES AUTHORITY**  
 (Constituted under the Legal Services Authorities Act, 1987)

**आलोक अग्रवाल**  
 सदस्य सचिव  
**ALOK AGARWAL**  
 (Delhi Higher Judicial Service)  
 Member Secretary

12/11, जाम नगर हाऊस  
 शाहजहाँ रोड, नई दिल्ली-110011  
 12/11, Jam Nagar House  
 Shahjahan Road, New Delhi-110011

F.No.L/42/2015/NALSA/CA/304  
 Dated: 26<sup>th</sup> April, 2016

To  
 The Member Secretaries  
 All State Legal Services Authorities

Sir/Madam,

The following decisions have been taken in the meeting of the Central Authority of NALSA Chaired by Hon'ble Patron-in-Chief, NALSA on 09.04.2016 at Hyderabad, Telangana: -

1). The recommendations of the Committee pertaining to the issue of payments to the panel lawyers were considered and adopted as the minimum fee payable to the panel lawyers by any SLSAs, which are as under:

**"A. High Court**

- i. Drafting of substantive pleading such as Writ Petition, Counter Affidavit, Memo of Appeal, Revision, Reply, Rejoinder, Replication- Rs.1,500/-.
- ii. Drafting of Miscellaneous applications such as stay, bail, direction, exemption etc. – Rs.500/- per application subject to maximum of Rs.1,000/- for all applications.
- iii. Appearance – Rs.1,000/- per effective hearing and Rs.750/- for non-effective hearing subject to maximum of Rs.10,000/- (per case).

**B. Subordinate Courts at all levels including Tribunals**

- i. Drafting of substantive pleading such as Suit, Matrimonial Proceedings such as Divorce,



Maintenance, Custody, Restitution etc., Succession, Probate, Memo of Appeal, Revision, Written Statement, Reply, Rejoinder, Replication etc. – Rs.1,200/-.

- ii. Drafting of Miscellaneous applications such as stay, bail, direction, exemption etc. – Rs.400/- per application subject to maximum of Rs.800/- for all applications.
- iii. Appearance – Rs.750/- per effective hearing and Rs.500/- for non-effective hearing subject to a maximum of Rs.7,500/- (per case).

It is also recommended that the fee structure should be reconsidered by NALSA and All State Legal Services Authorities every three years.”

It was also decided that the SLSAs shall amend their Regulations to bring the lawyers fee at least in line with the recommendation of the Committee. The SLSAs may fix a fee higher than the above, wherever justified.

2). It was resolved that Legal Services to under-trials and convicts is to be made more effective by making suitable arrangements in the following directions:

- (i) Setting up of Legal Services Clinics inside the Jail premises wherever not established.
- (ii) Appointment of Panel of Lawyers who will visit jails to offer legal Services to those who are in need of legal Services.
- (iii) Taking up the matter with the jail authorities to facilitate interview of the jail inmates with the legal services counsel so that access to legal aid is made easy.
- (iv) Organizing legal awareness camps inside the jails to inform about the availability of free legal services to the inmates.

3). Middle Income Group Societies – “The Members expressed their agreement to the proposition that the Courts may specifically order whole or a part of the cost awarded by them in favour of the High Court Legal Services Committee to be utilised for the purpose of Middle Income Group


Society or the Courts may directly order the costs or a part thereof to be paid to the said societies.

You are requested to take necessary steps for implementation of the above resolutions of the Central Authority.

This communication may be placed before the Hon'ble Executive Chairman, of your SLSA for His Lordship's information and further directions.

With regards,

Yours sincerely

  
(Alok Agarwal)

Encl: Copy of the Minutes of the Meeting of the Central Authority, NALSA held on 09.04.2016.

**MINUTES OF THE MEETING OF THE CENTRAL AUTHORITY OF NATIONAL LEGAL SERVICES AUTHORITY HELD ON 9th APRIL, 2016 AT HYDERABAD, TELANGANA.**

Hon'ble Mr. Justice T.S.Thakur, Chief Justice of India and Patron-in-Chief, National Legal Services Authority Chaired the meeting along with Hon'ble Mr. Justice Anil R.Dave, Judge, Supreme Court of India & Executive Chairman, NALSA. The following Members were present:

1. **Hon'ble Mr. Justice Naveen Sinha**  
Chief Justice, Chhattisgarh High Court.
2. **Hon'ble Mr. Justice D.N. Patel**  
Judge, High Court of Jharkhand &  
Executive Chairman, Jharkhand State Legal Services Authority.
3. **Hon'ble Mr. Justice Ram Mohan Reddy**  
Judge, High Court of Karnataka,  
Bangaluru-560 001.
4. **Hon'ble Ms. Justice Rekha Sharma**  
Former Judge, Delhi High Court
5. **Hon'ble Mr. Justice Kailash Gambhir**  
Former Judge, Delhi High Court
6. **Shri P. Vishwanatha Shetty**  
Senior Advocate, Supreme Court of India
7. **Shri Ratan P Watal**  
Secretary, Department of Expenditure  
Ministry of Finance, Govt. of India.
8. **Ms. Kusumjit Sidhu**  
Secretary, Department of Justice  
Ministry of Law & Justice, Govt. of India
9. **Prof. P.S. Jaswal**  
Vice Chancellor,  
Rajiv Gandhi National University of Law, Punjab
10. **Shri Alok Agarwal**  
Member Secretary, NALSA

In attendance:

1. Shri Atul Kaushik  
Joint Secretary, Department of Justice, Govt. of India
2. Shri Rajesh Kumar Goel,  
Director, NALSA
3. Shri Puneet Sehgal,  
Project Officer, NALSA

Hon'ble Mr. Justice T.B.Radhakrishnan, Executive Chairman, Kerala SLSA and Hon'ble Mr. Justice Hakim Imtiyaz Hussain, Former Judge, J & K High Court, expressed their inability to attend the meeting due to their illness.

Hon'ble Mr. Justice T.S.Thakur, Chief Justice of India & Patron-in-Chief, NALSA welcomed all. His Lordship wished the new Members a very satisfying tenure and expressed the hope that their vast experience and insights will be highly rewarding for the Legal Services Authorities.

**Agenda Item No. 1 : Approval of the Minutes of the Meeting of the Central Authority held on 17.09.2015.**

The minutes were approved with the modifications suggested by Shri Ratan P.Watal, Secretary, Department of Expenditure.

**Agenda Item No. 2 : Report on the Activities of the NALSA since September, 2015.**

Hon'ble Patron-in-Chief, NALSA briefly reviewed the activities of NALSA since the last meeting.

**Agenda Item No. 3 : Consideration of the Report submitted by the Committee pertaining to the issue of payment to the Panel Lawyers.**

Hon'ble Patron-in-Chief remarked that the quality of legal services depends upon the quality of lawyers we engage for this purpose and that a good lawyer has to be reasonably compensated. The Hon'ble Executive Chairman pointed out that there cannot be a uniform fee structure throughout the country, because the average fee charged by a lawyer varies from State to State. The Hon'ble Patron-in-Chief also clarified that the fee payable to the panel lawyers is generally fixed by State Legal Services Authorities by way of Regulations framed by them but the Central Authority can recommend the minimum fee.

The Report submitted by the Committee pertaining to the issue of payment to panel lawyers was considered. The Committee has proposed the following minimum fee structure:

**A. High Court**

- i.** Drafting of substantive pleading such as Writ Petition, Counter Affidavit, Memo of Appeal, Revision, Reply, Rejoinder, Replication- Rs.1,500/-.
- ii.** Drafting of Miscellaneous applications such as stay, bail, direction, exemption etc. – Rs.500/- per application subject to maximum of Rs.1,000/- for all applications.
- iii.** Appearance – Rs.1,000/- per effective hearing and Rs.750/- for non-effective hearing subject to maximum of Rs.10,000/- (per case).

**B. Subordinate Courts at all levels including Tribunals**

- i.** Drafting of substantive pleading such as Suit, Matrimonial Proceedings such as Divorce, Maintenance, Custody, Restitution etc., Succession, Probate, Memo of Appeal, Revision, Written Statement, Reply, Rejoinder, Replication etc. – Rs.1,200/-.
- ii.** Drafting of Miscellaneous applications such as stay, bail, direction, exemption etc. – Rs.400/- per application subject to maximum of Rs.800/- for all applications.
- iii.** Appearance – Rs.750/- per effective hearing and Rs.500/- for non-effective hearing subject to a maximum of Rs.7,500/- (per case).

It is also recommended that the fee structure should be reconsidered by NALSA and All State Legal Services Authorities every three years.”

After discussion, ***it was unanimously resolved that the recommendations of the Committee be adopted as the minimum fee payable to the panel lawyers by any SLSAs. The SLSAs shall amend their Regulations to bring the lawyers fee at least in line with the recommendation of the Committee. The SLSAs may fix a fee higher than the above, wherever justified.***

**Agenda Item No.4 : Approval of budget of Rs. 2,75,65,500/- for production of Documentary Film for Legal Services Institutions submitted by M/s Prakash Jha Productions.**

The proposal sent by M/s. Prakash Jha Productions was considered in detail. The Hon'ble Patron-in-Chief pointed out that awareness about the services offered by the Legal Services Institutions as also, about the rights and entitlements of people is critical for them to avail the services. His Lordship emphasized the need for using innovative methods especially, ones that are visually attractive and also, convey the message, to reach out to people. His Lordship pointed out that the concept note and the breakup of budget sent by M/s. Prakash Jha Production was self-explanatory and that senior artists would agree to work without charging any fee.

The proposal includes filming of a theme song of the stature of 'Mile Sur Mera Tumhara' to be written by a prominent lyricist, a 30 minutes documentary on the activities of the Legal Services Authorities and about 15 small capsules of short fictional stories depicting the assistance provided by the Legal Services Institutions to the marginalized sections of the society.

***The proposal to get such films and documentaries made was approved in principle.***

***It was further resolved to constitute a Committee headed by Shri Ratan P.Watal, Secretary, Department of Expenditure to look into the thematic content and the cost of production involved, on an on-going basis. The Committee with the following Members was accordingly constituted.***

|    |                                                      |          |
|----|------------------------------------------------------|----------|
| 1. | Shri Ratan P. Watal, Secretary, Dept. of Expenditure | Chairman |
| 2. | Secretary, Department of Justice                     | Member   |
| 3. | Secretary, Information and Broadcasting              | Member   |
| 4. | Hon'ble Ms. Justice Rekha Sharma                     | Member   |
| 5. | Hon'ble Mr. Justice Kailash Gambhir                  | Member   |
| 6. | Shri P. Vishwanatha Shetty                           | Member   |

**Agenda Item No.5 : Views of NALSA on providing of legal aid by Bar Council of India.**

The relevant extract of the 75th Report of the Department Related Parliamentary Standing Committee on Personnel Public Grievances Law and Justice was considered. It was pointed out that the Advocates Act, 1961 contains a provision for providing legal aid to the poor in the 'prescribed manner'. However, the Legal Services Authorities Act, 1987 is a subsequent special legislation for providing legal services to poor as well as other marginalized categories. The special legislation should prevail over the general legislation.

Moreover, there is no 'prescribed manner' as of now, for the Bar Council to provide these services.

***It was, therefore, resolved that NALSA may respond to the Bar Council's demand only after (i) the manner in which the legal services is to be offered by Bar Council, is prescribed by way of rules, (ii) pursuant to the rules, the Bar Council frames a Scheme laying down the modalities to be observed; and (iii) the rules and said schemes are forwarded to NALSA to examine the same.***

**Agenda Item No. 6 : Amendment to NALSA (Lok Adalat) Regulations, 2009, NALSA (Free and Competent Legal Services) Regulations, 2010, NALSA (Legal Services Clinics) Regulations, 2011 and Para-Legal Volunteer Scheme of NALSA.**

It was resolved to constitute a committee to look into the proposed amendments and make its recommendations. Accordingly, the Committee was constituted comprising of the following:

|    |                                                 |                 |
|----|-------------------------------------------------|-----------------|
| 1. | <i>Hon'ble Mr. Justice D.N.Patel</i>            | <i>Chairman</i> |
| 2. | <i>Hon'ble Ms. Justice Rekha Sharma</i>         | <i>Member</i>   |
| 3. | <i>Hon'ble Mr. Justice Kailash Gambhir</i>      | <i>Member</i>   |
| 4. | <i>Shri P. Vishwanatha Shetty, Sr. Advocate</i> | <i>Member</i>   |

*Mr. Alok Agarwal, will assist the Committee as Member Secretary.*

**Agenda Item No.7 : Report of the Death Penalty Research Project (DPRP).**

The Hon'ble Patron-in-Chief stated the background of the Research Project and also read out the disclaimer proposed by NLUD and the acknowledgements proposed by them vide their letter dated 03.02.2016. The proposed disclaimer is in the following terms:

*"All findings, conclusions and observations in this Report are the sole responsibility of the National Law University, Delhi and they have not been verified, confirmed or endorsed by the National Legal Services Authority in any manner whatsoever."*

*After discussion, it was resolved that NALSA had only led assistance to the law school and has not associated itself with the conclusions, findings, accuracy of the materials and data in any manner. The disclaimer as proposed by the National Law School should be published prominently on the work. Subject to this condition, the Death Penalty Research Project may be published and released.*

**Agenda Item No. 8 : Proposal to equip all the Legal Services Institutions upto the Taluk level with vehicles, computer and laptop, mobile etc.**

Hon'ble Patron-in-Chief requested Ms. Kusumjit Sidhu, Secretary, DoJ to inform the background regarding recent meetings of the Department-related Parliamentary Standing Committee on Law and Justice.

Ms. Kusumjit Sidhu, Secretary, DoJ informed that in the recent past there were three meetings held. During, 2015-16, the Parliamentary Standing Committee visited some jails and they were very upset to see the conditions of the jails including the fact that the prisoners were also complaining of lack of access to legal services. She also stated that the experience of the Members was that the prisoners who are languishing in jails were Muslims or poor or those who belonging to SC/ST and had no legal services available to them.

Shri Rajesh Kumar Goel, Director, NALSA informed about his experience visiting Jails along with the Members of the Committee.

*It was resolved that legal services to under trials and convicts is to be made more effective by making suitable arrangements in the following directions:*

- (i) Setting up of Legal Services Clinics inside the Jail premises wherever not established.*
- (ii) Appointment of Panel of Lawyers who will visit jails to offer legal Services to those who are in need of legal Services.*
- (iii) Taking up the matter with the jail authorities to facilitate interview of the jail inmates with the legal services counsel so that access to legal aid is made easy.*
- (iv) Organizing legal awareness camps inside the jails to inform about the availability of free legal services to the inmates.*

The discussion on the proposal to equip all legal services institutions with vehicles, computers, laptops, etc. was deferred.



**Agenda Item No. 9 : Completion of Training Modules (Part-II & Part-III) for Panel Lawyers and PLVs.**

The Hon'ble Patron-in-Chief appreciated the work done so far by the 'Committee for Developing Module for Legal Services Lawyers' especially, the commitment to the cause shown by Hon'ble Mrs. Justice Manju Goel, the Chairperson of the Committee. *His Lordship suggested that the Committee be re-constituted with some of the present Members of the Central Authority to do the ground work with regard to the remaining modules and Hon'ble Mrs. Justice Manju Goel be appointed as a Consultant at a monthly honorarium of Rs.50,000/- till the modules are completed.*

*It was resolved accordingly and the Training Module Committee was constituted comprising of Hon'ble Ms. Justice Rekha Sharma, Hon'ble Mr. Justice Kailash Gambhir, Prof.P.S.Jaswal and Shri P.Vishwanatha Shetty.*

**Agenda Item No. 10 : Any other item with the permission of the Chair.****I. Middle Income Group Societies**

Secretary, DoJ initiated the discussion on the question as to whether the Middle Income Group Societies registered in the High Courts can be financed through the cost funds received by the SLSAs. She expressed the view that unless the costs are awarded by the court to legal services institutions specifically for this purpose, they cannot be utilized for expenses of the Middle Income Group Societies, since all that amount which goes into the National/State Legal Aid Fund, has to be utilized only for the purposes mentioned under the Act.

Hon'ble Patron-in-Chief, explained that the Middle Income Group Societies are registered in the Supreme Court and High Courts for providing legal assistance at low cost to the people who may not be covered by the provisions of the Act but still, are unable to afford a good senior lawyer on their own.

Hon'ble Mr. Justice Ram Mohan Reddy pointed out that as per section 15 1(c) of the Legal Services Authorities Act, 1987 cost awarded by the Courts is one of the sources of the National Legal Aid fund and as per Section 15(2), the said fund can be utilized only for the purposes mentioned therein. The Members expressed their agreement to the proposition that the Courts may specifically order whole or a part of the cost awarded by them in favour of the High Court Legal Services Committee to be utilized for the purpose of Middle Income Group Society or the Courts may directly order the costs or a part thereof to be paid to the said societies.

The meeting came to a close at 1.20 PM.

The Members expressed gratitude to the Chair and Hon'ble Executive Chairman, NALSA.

**(Alok Agarwal)**  
Member-Secretary, NALSA

□□□

**F.No. L/23/2015/NALSA**

Dated: 19th April, 2016

To

The Member Secretary  
All State Legal Services Authorities

**Sub: Minimum Plan of Action for the implementation of the NALSA's Scheme in year one.**

Dear Sir/Madam,

Please find attached herewith the Minimum Plan of Action for the first year implementation of the NALSA's 7 Schemes as approved by the Hon'ble Executive Chairman, NALSA.

You are requested to initiate action accordingly.

You are further requested, at the first instance, to provide the relevant information on the following aspects by 15th May, 2016:

- (i) Identification of the districts in which, each of the schemes is chosen to be implemented;
- (ii) Constitution of teams of PLVs and Panel Lawyers for implementation of each scheme;
- (iii) Coordination with the concerned Government Departments/NGOs/Law Schools etc., to work on each scheme.
- (iv) Collection of Government sponsored schemes, measures etc., in respect of the subject matter of each scheme.
- (v) If the SLSAs has or proposes to adopt any other plan, more suitable as per the geographical and social condition in a particular State for implementation of the schemes.

With regards,

Yours sincerely  
**Alok Agarwal,**  
Member Secretary  
National Legal Services Authority  
011-23071029/23385321

**Encl; Attachment.**

**MINIMUM PLAN OF ACTION FOR THE IMPLEMENTATION  
OF THE NALSA SCHEMES IN YEAR ONE**

**GENERAL ACTION FOR ALL SCHEMES**

- Identify districts in the State/Union territory that are relevant and most in need of strategic intervention in case of each individual scheme.
- Constitute teams of PLVs and panel lawyers for working on each of the scheme in the respective districts.
- Identify government departments and district authorities responsible for implementing government schemes on the subject matter in question.



- Request the concerned department, Divisional Commissioner or District Collector to nominate one officer as the nodal officer who would be responsible for ensuring the convergence of NALSA's schemes with the policies, schemes and guidelines of the government on the subject matter. In the absence of a regular officer to fulfil this role, ensure that a retired officer is appointed to take on these responsibilities. This post of a nodal officer can also be assigned to an NGO working on the scheme, an academician or an expert in the field. Remuneration for such officer may be fixed, as determined by the Executive Chairman of each SLSA.
- Conduct sensitization programmes/skills training for the team members with the help of the Nodal officer, NGOs, academicians or any other persons having special knowledge/skills on the subject matter
- Identify NGOs working at the district level on various aspects of each scheme. Assess their utility and send proposals for accreditation of such NGOs to NALSA.
- Continue providing legal services to those entitled under Section 12 of the Legal Services Authorities Act in districts other than those identified to benefit from these schemes.

## **SPECIFIC ACTION**

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

- Identify districts that are source, transit and destination locations for trafficking and prostitution. Discern the different typology of sex workers, including those belonging to the transgender community and maintain a database of these individuals at the district level.
- Identify existing PLVs suitable to work in this area, preferably with some association with or prior experience of working with the community. They can be sex workers, members from NGOs working in this area etc.
- Plan, prepare and implement awareness, training and sensitization programmes that can be organized on the subject of trafficking and commercial sexual exploitation, along with the relevant government department or nodal officer. The programmes must be organised for victims, their families, the general public and for stakeholders working for the victims of trafficking and commercial sexual exploitation.
- Collect all the government welfare schemes and compensation measures relevant to prevention, rescue and rehabilitation for victims of trafficking and commercial sexual exploitation. Collate and display this information in the office of every Legal Services Institution. Publish this information in pamphlets that can be utilized to raise awareness. Also, take steps to assist the victims in availing the benefits under the said Scheme.
- Continue providing legal assistance to victims of trafficking and commercial sexual exploitation at the time of rescue and during trial.
- Integrate and coordinate with all stakeholders including government agencies and NGOs for rescue and rehabilitation of victims.
- Ensure that compensation is awarded and paid to victims of trafficking and commercial sexual exploitation under the Victims Compensation Scheme or POCSO Act, as the case may be.

### **NALSA (Legal Services to the Workers in the Unorganised Sector) Scheme, 2015**

- Identify different categories and populations of unorganised workers and create a database at the district level. Identify districts where there is a higher density of these workers.

- Collect information on the existence of Social Security Boards and Workers Facilitation Centres in each district. Coordinate with the relevant government department for their establishment, where not present.
- Plan, prepare outlines and implement awareness programmes, trainings or colloquia to provide information to different categories of unorganised workers on the schemes, benefits and social security measures they are entitled to. Plan and carry out sensitizations, seminars and symposia for employers on statutory provisions and need to provide decent working conditions, living wages and social security to workers.
- Collate information; prepare pamphlets and display information at every Legal Services Institution on the schemes and benefits available to unorganised workers.
- Provide assistance and help all unorganised workers with their registration for benefits under the various schemes. Identify and maintain a database of government authorities to be approached for successfully availing these benefits and coordinate with them, where necessary.

#### **NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015**

- Collate information on all the existing schemes, policies, regulations, SOPs, directives etc. on the subject of child welfare and protection. Prepare pamphlets and display this information at every Legal Services Institution and child welfare functionary such as JJBs, CWCs in the district.
- Identify the authorities and institutions in each district that are working in this area such as JJBs, CWCs, Observation and Shelter homes, Offices of Probation Officers etc. set out by the JJ Act and other legislations, such as the Child Labour (Prohibition and Regulation) Act, the Prohibition of Child Marriage Act, the Protection of Children from Sexual Offences Act, the Guardians and Wards Act, the Right of Children to Free and Compulsory Education Act etc. Coordinate with these authorities and institutions, where necessary. Identify counselling and other institutional support provided at these places. Create and maintain a data of the same at the district level.
- Identify existing PLVs who would best be able to contribute to the implementation of this scheme, preferably those with experience or expertise in working on the issues outlined thereunder.
- Discern if all JJBs and CWCs have a functional legal services clinic in their premises. If not, ensure that they are set up at the earliest. Also, determine if an adequate number of panel lawyers have been deputed to these clinics and that their performance is monitored.
- Plan, prepare and implement awareness programmes for juveniles in conflict with law and those in need of care and protection, along with their guardians. To this end, ensure that legal literacy programmes are conducted in all schools. Put together and carry out sensitization and training programmes towards an understanding and capacity building of various functionaries to ensure the protection of children and that they are provided child friendly legal services.
- Analyse the reports of the committee on observation and children homes on a quarterly basis and take/recommend corrective actions wherever required.

#### **NALSA (Legal Services to the Mentally Ill and the Mentally Disabled) Scheme, 2015**

- Create a database of all psychiatric hospitals, homes and facilities at the district level in each State/ Union territory.
- Identify PLVs who are suited to work in the area of mental health, with respect to the provisions of this scheme.

- Collate information on the basic rights and benefits that ought to be ensured to the mentally ill and mentally disabled. Print pamphlets with this information and ensure their wide dissemination. Display this information at Legal Services and Mental Health Institutions.
- Identify the legal provisions under the Mental Health Act and other such legislations that apply to the mentally ill and mentally disabled. Prepare a compendium of these legal provisions along with the relevant case law applicable to them.
- Outline and carry out sensitization programmes to inform mental health officials such as doctors, nurses, police officials, judicial magistrates dealing with inquisition proceedings etc. on the mentally ill and disabled, with a view to their rights.
- Plan, prepare and implement destigmatization programmes on mental illness and disability for the general public so that those suffering with these infirmities are not ill treated, and in addition to these being acknowledged and treated.

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

- Identify districts and communities that have a large population that is below the poverty line. Also, identify the issues faced by these communities and prepare a database of the same.
- Identify existing PLVs who are best suited or have past experience working with the economically weaker sections of society.
- Collate information on the basic rights and benefits that are to be afforded to these socially and economically backward individuals. Identify the schemes that guarantee the same. Print pamphlets with this information, distribute them and ensure that this is displayed.
- Plan, prepare an outline and implement a programme to raise awareness about the rights, benefits and schemes to be afforded to those entitled under the Poverty Alleviation Schemes.
- Identify benefits that are not reaching the target sections of society. Coordinate with the concerned government departments to formulate strategies to have the benefits reach them.

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

- Identify districts with a high density of tribal population. In addition, identify each tribal community and the problems they face on issues of harassment, land, health, education and otherwise and create a database of the same.
- Identify existing PLVs who have an understanding and are suitable to work on this scheme. Preference must be given to members from the tribal community, those working with them or experts in the area of tribal rights.
- Collate information on the schemes, policies and guidelines aimed at assisting the tribal community. Prepare pamphlets, distribute them and display the information so collected.
- Identify government departments in the district that are to provide benefits under the schemes, policies etc. to the tribal community, along with reasons for any failure on their part. Coordinate with the concerned government departments to ensure that the intended benefits reach the individuals of these communities.
- Plan, prepare and implement awareness programmes aimed at providing individuals from the tribal community information about their rights, the schemes and the benefits they are entitled to as a result.

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

- Identify districts where there is a large prevalence of drugs and drug abuse, along with communities that are prone to use or distribute these substances.
- Create a database of Panchayati raj and other government institutions, social welfare organisations, and NGOs that can help or have worked to eradicate the use and sale of drugs in the community.
- Coordinate with Panchayati Raj institutions and other government departments concerned to prevent and destroy illegal cultivation of plants used to produce drugs.
- Identify existing PLVs who can best assist with the implementation of this scheme, with a focus on experts and those with experience working in this area including former drug addicts.
- Collate information on existing policies, schemes, regulations etc. for effective prevention, rehabilitation and elimination of the use of narcotic drugs and psychotropic substances. Print pamphlets, distribute them and display this information using signboards, hoardings etc.
- Plan, prepare and carry out awareness and de-stigmatization programmes amongst drug addicts, their families, students, farmers, chemists, and to the general public on the use of drugs and its negative effects. Organise these using the assistance of former drug addicts wherever possible.
- Identify de-addiction and rehabilitation centres and maintain a database of these at the district level.

### **EXAMPLE FOR SELECTION OF MOST VULNERABLE DISTRICTS**

Different criteria can be employed for the selection of the most vulnerable districts and thus the first stage for the implementation of schemes. An example of this would through the use of already existing vulnerability criteria employed by different government departments.

- For the most vulnerable districts according to the NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015 and the NALSA (Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace) Scheme, 2015, the districts listed by NACO for the implementation of the HIV programme can be referred to
- For the NALSA (Legal Services to the Workers in the Unorganised Sector) Scheme, 2015; the NALSA (Effective Implementation of Poverty Alleviation) Scheme, 2015; and the NALSA (Legal Services to the Mentally Ill and the Mentally Disabled) Scheme, 2015, the most backward districts so named by the former Planning Commission can be made use of.
- For the NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015 and the NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015, the districts identified for the BetiBachao campaign by the Department of Women and Child Development can be utilized.
- For the NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2015, districts having more than 50% tribal population must be determined.

□□□

**No. L/10/2015-NALSA**

March 16, 2016

To

The Member Secretary  
All the State Legal Services Authorities

**Sub : W.P. (C) No. 406 of 2013**

**RE: Inhuman Conditions in 1382 prisons**

Sir/Madam,

Please refer to the directions of the Hon'ble Supreme Court of India issued vide order dated 5.2.2016 in above noted case which were communicated to your goodself vide my earlier letter of even number dated 8/2/2016.

2. In compliance of directions passed by the Hon'ble Supreme Court of India vide order dated 14.3.2016, NALSA has to submit a compliance report before the Hon'ble Supreme Court of India in respect of direction Nos. 1 to 4 issued vide orders dated 5.2.2016 after compiling the information received from the SLSAs.
3. You are also requested to furnish the above information through e-mail in **word file format (doc/docx)** only latest by **8/4/2016**. You are also requested that the aforesaid format and time limit may kindly be adhered to enable us submit the compliance report before the Hon'ble Supreme Court of India well in advance.

Yours sincerely,  
**(Rajesh Kumar Goel)**  
Director, NALSA &  
Nodal Officer in W.P. (C) 406/2013

□□□

**F. No. G/1/2016-NALSA**

Dated 25.02.2016

To

Member Secretaries  
All State Legal Services Authorities

Sir/Madam,

I am to state that NALSA allocates funds to State Legal Services Authorities, for implementation of various legal aid schemes and programmes framed under the Legal Services Authorities Act, 1987. Generally, the funds are allocated to the SLSAs for carrying out legal aid activities, and not for the purpose of creation of infrastructural facilities, such as, creation of posts, construction of building, payment of salary to staff, purchase of vehicles, etc., While allocating funds to the SLSAs during the year 2013-14 and 2015-16, in order to give more thrust for effective implementation of legal aid activities under specific heads, NALSA had issued sanction order along with Advisory in the form of guidelines strictly demarcating the percentage-wise allocation of funds on legal aid activities under specific heads.

2. It is observed from recent experience that the State Authorities are now finding it difficult to implement the legal aid schemes as per the Advisory issued by NALSA as the issue of percentage-wise allocation of funds on various items of legal aid activities is involved in it, particularly with respect to funds sanctioned during the years 2013-14 and 2015-16. As of now, the State Authorities are not utilizing the grant fully and NALSA issues utilization certificates only when the grant is fully utilized. As per the provisions of General Financial Rules, 2005 governing the conditions of sanction of the grant, the grant is to be utilized for the purposes for which it was sanctioned and the grant shall not be diverted to any other body by the SLSAs.
3. In order to streamline the effective utilization of funds by the State Authorities, a request was placed before the Hon'ble Executive Chairman, NALSA to permit the State Authorities to merge all the unspent grants lying with them which were earlier provided for different purposes as per the sanction orders issued by NALSA from time to time in the past.
4. In this connection, I am to convey that the Hon'ble Executive Chairman, NALSA has now been pleased to permit the State Authorities to merge all the unspent grants lying with them which were earlier provided for different purposes as per the sanction orders issued by NALSA from time to time in the past and utilize the grants of NALSA as per exigencies of the State Authorities such as, Plan of action, payment for different legal aid activities under NALSA's schemes/regulations, out of the unutilized grant of NALSA lying with them during any of the financial year. However, the discretion, to utilize the grant for various legal aid activities under sub heads, is left to the Hon'ble Executive Chairman of the State Authority.
5. In view of the aforesaid approval of the Hon'ble Executive Chairman, NALSA, I am to request that the State Authorities shall take immediate steps to utilize the unspent grant fully at the earliest and furnish the utilization certificates thereon along with the audited statement of accounts by the Accountant General of the State Authority. In case the audit of the accounts of the State Authority is not conducted by the A.G. office and there is likely to be delay in furnishing the audit reports, the State Authorities may furnish to NALSA the utilization certificates along with the statement of

accounts, duly audited by the Chartered Accountants. With this, I am hopeful that most of the State Authorities will be able to utilize all the unspent grants fully and settle the long pending grants so that NALSA will be able to issue the utilization certificates thereon.

6. I request that this Authority may please be apprised of the action taken with respect to utilization of funds in respect of pending grants your State Authority. A status report in this regard may please be furnished to this Authority latest by 15.03.2016.

Yours sincerely,  
**(ALOK AGARWAL)**

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**F. No. L/4/20015/NALSA**

Dated: 25th February, 2016

To

The Member Secretary  
All State Legal Services Authorities

Dear Sir/Madam,

Presently statistical information being sent by all State Legal Services Authorities to NALSA on a monthly basis in the following formats:

1. Statistical information Lok Adalats, Legal Services Beneficiaries, Legal Awareness Programmes/ Camps etc.
2. National Plan of Action
3. Information regarding Front Offices, ADR Centres etc.

In order to further streamline the data collection in view of the nature of Parliament questions being frequently asked and to lay more emphasis on important activities, it is proposed to introduce some modifications in the formats.

A draft modified Proforma containing parts from A to H for all monthly information to be collected from SLSAs is attached herewith. This Proforma seeks to replace all previous formats.

It is also proposed that NALSA receives information only from the States Authorities and not directly from the District Authorities.

You are requested to kindly go through the Proforma and suggest modifications required, if any, by 15th March, 2016. Any other comments in this regard shall also be welcomed.

Yours sincerely  
**Alok Agarwal**  
Member Secretary  
National Legal Services Authority





राष्ट्रीय विधिक सेवा प्राधिकरण  
NATIONAL LEGAL SERVICES AUTHORITY  
(Constituted under the Legal Services Authorities Act, 1987)

राजेश कुमार गोयल  
निदेशक  
RAJESH KUMAR GOEL  
(Delhi Higher Judicial Service)  
Director

12/11, जाम नगर हाऊस  
शाहजहाँ रोड, नई दिल्ली-110011  
12/11, Jam Nagar House  
Shahjahan Road, New Delhi-110011

No. L/10/2015  
February 8, 2016

To  
The Member Secretary  
All the State Legal Services Authorities

Sub: W.P. (C) No. 406 of 2013  
Re- Inhuman Conditions in 1382 Prisons

Sir/Madam,

Hon'ble Supreme Court of India has passed a detailed order in the above noted case vide order dated 5/02/2016. You may download the order from the website of the Hon'ble Supreme Court of India.

2. The directions issued by the Hon'ble Supreme Court of India in the aforesaid order are reproduced below:

*"To give effect to this, some positive directions need to be issued by this Court and these are as follows:*

- 1. The Under Trial Review Committee in every district should meet every quarter and the first such meeting should take place on or before 31st March, 2016. The Secretary of the District Legal Services Committee should attend each meeting of the Under Trial Review Committee and follow up the discussions with appropriate steps for the release of undertrial prisoners and convicts who have undergone their sentence or are entitled to release because of remission granted to them.*
- 2. The Under Trial Review Committee should specifically look into aspects pertaining to effective implementation of Section 436 of the Cr.P.C. and Section 436A of the Cr.P.C. so that undertrial prisoners are released at the earliest and those who cannot furnish bail bonds due to their poverty are not subjected to incarceration only for that reason. The Under Trial Review Committee will also look into issue of implementation of the Probation of Offenders Act, 1958 particularly with regard to first time offenders so that they have a chance of being restored and rehabilitated in society.*

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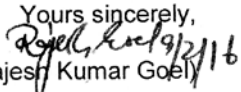
-2-

3. *The Member Secretary of the State Legal Services Authority of every State will ensure, in coordination with the Secretary of the District Legal Services Committee in every district, that an adequate number of competent lawyers are empanelled to assist undertrial prisoners and convicts, particularly the poor and indigent, and that legal aid for the poor does not become poor legal aid.*
4. *The Secretary of the District Legal Services Committee will also look into the issue of the release of undertrial prisoners in compoundable offences, the effort being to effectively explore the possibility of compounding offences rather than requiring a trial to take place.*
5. *The Director General of Police/Inspector General of Police in-charge of prisons should ensure that there is proper and effective utilization of available funds so that the living conditions of the prisoners is commensurate with human dignity. This also includes the issue of their health, hygiene, food, clothing, rehabilitation etc.*
6. *The Ministry of Home Affairs will ensure that the Management Information System is in place at the earliest in all the Central and District Jails as well as jails for women so that there is better and effective management of the prison and prisoners.*
7. *The Ministry of Home Affairs will conduct an annual review of the implementation of the Model Prison Manual 2016 for which considerable efforts have been made not only by senior officers of the Ministry of Home Affairs but also persons from civil society. The Model Prison Manual 2016 should not be reduced to yet another document that might be reviewed only decades later, if at all. The annual review will also take into consideration the need, if any, of making changes therein.*
8. *The Under Trial Review Committee will also look into the issues raised in the Model Prison Manual 2016 including regular jail visits as suggested in the said Manual.*

*We direct accordingly."*

3. You are requested to take necessary steps for compliance of the direction numbers 1,2,3,4 and 8 immediately and a compliance report may be submitted to this Authority.
4. The following information may also be provided to this Authority
  - (i) No. of Jail Visiting Advocates for each jail
  - (ii) The opportunity and mode of communication for the UTPs with the panel lawyers

With regards,

Yours sincerely,  
  
 (Rajesh Kumar Goel)



राष्ट्रीय विधिक सेवा प्राधिकरण  
NATIONAL LEGAL SERVICES AUTHORITY  
(Constituted under the Legal Services Authorities Act, 1987)

राजेश कुमार गोयल  
निदेशक  
RAJESH KUMAR GOEL  
(Delhi Higher Judicial Service)  
Director

12/11, जाम नगर हाऊस  
शाहजहाँ रोड, नई दिल्ली-110011  
12/11, Jam Nagar House  
Shahjahan Road, New Delhi-110011

No. L/10/2015-NALSA  
September 22, 2015

To

The Member Secretary  
All the State Legal Services Authorities

Sub: W.P. (C) No. 406/2013 in the Supreme Court of India  
Re-Inhuman conditions in 1382 prisons

Sir/Madam,

I am directed to enclose herewith copy of order dated 18.09.2015 in the above noted writ petition for compliance. It is requested to kindly get the aforesaid order circulated in the criminal courts in your State as the Hon'ble Court has clarified its order dated 24.04.2015.

2. It is evident from the reports sent by the SLSAs that the Under Trial Review Committees (UTRCs) have been established in all districts of the States except in **Arunachal Pradesh, Bihar, Manipur and Daman and Diu**. As an abundant precaution, it is once again requested to get the UTRCs established in all the districts, if any other State has not established the said Committee so far.

3. **The SLSAs of Arunachal Pradesh, Bihar, Manipur and Daman and Diu** are specifically requested to get the UTRCs established in all the districts.

4. As you are aware that the Hon'ble Supreme Court has directed to include the concerned Secretary of the District Legal Services Authority in every UTRC. It is requested to inform as to whether the Secretaries of the DLSAs have been included in all the UTRCs or not? If not, why?

5. As has been conveyed vide letter dated 11.08.2015 the UTRCs have to meet every 3 months and review the cases per the advisory dated 17/01/2013 of the Ministry of Home Affairs, Govt. of India. It is requested to kindly inform whether the UTRCs have been convening meetings in 3 months? If not why?

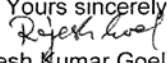
6. Vide letter dated 7/05/2015 the directions dated 24/04/2015 of Hon'ble Supreme Court of India were conveyed that the SLSAs should instruct the panel lawyers to meet the UTPs, who are unable to furnish bail and are still in custody for that reason, and discuss the case with them and move appropriate applications

Contd. 2

before appropriate court for release of such persons unless they are required in custody for some other purposes. It was also conveyed vide the aforesaid letter that the Hon'ble Court has directed the SLSAs to take immediate steps for getting the offences of UTPs compounded. It is once again reiterated to empanel adequate legal services panel lawyers to look in the matter of UTPs.

7. It is once again requested to take immediate steps for compliance of the directions issued by the Hon'ble Court viz. (i) release of UTPs who have been granted bail but could not be released and (ii) Compounding of compoundable offences of UTPs. The steps taken and outcome of the efforts of the SLSAs may be intimated to this Authority.

8. It is requested that the above information with regard to compliance of the orders of Hon'ble Supreme Court of India may be furnished to this Authority **latest by 30/09/2015** positively.

Yours sincerely,  
  
(Rajesh Kumar Goel)

Encl: As above

**No. L/10/2015-NALSA**

11th August, 2015

To

The Member Secretaries  
All the SLSAs

**Sub: W.P. (C) No. 406/2013 in the Supreme Court of India  
Re – Inhuman conditions in 1382 prisons**

Sir/Madam,

At the outset, I may mention that in its order dated 7.8.2015( copy enclosed) Hon'ble Supreme Court has appreciated the report filed by NALSA and the work done by NALSA within the time frame prescribed. This could not have been possible without timely assistance and responses given by all the SLSAs.

Vide said order, Hon'ble Supreme Court has issued following further directions/order which needs to be complied by all the SLSAs:

1. Under Trial Review Committee is to be established in every district .

From the responses furnished by SLSAs, it appears that Under Trial Review Committees have been established in almost every district except in 10 districts in the State of Arunachal Pradesh, 6 districts in the State of Bihar, all district in the State of Manipur and 1 district in the UT of Daman & Diu. Member Secretaries concerned are requested to take up urgent steps so that Under Trial Review Committee is established in above districts also at the earliest.

2. Under Trial Review Committees shall now consist of District Judge, Superintendent of Police, District Magistrate and Secretary, District Legal Service Authority as one of the members. Superintendent of Police has been directed to associate the Secretary, District Legal Services Authority in the meetings of UTRC.

You are requested to take up the matter with the Ld District Judge, who is the Chairman of UTRC, so that order of Hon'ble Supreme Court is complied in letter and spirit.

3. Under Trial Review Committee shall meet regularly.

As you are aware that UTRCs have been ordered to be established pursuant to the advisory of Ministry of Home Affairs dated 17.1.2013, wherein it was mentioned that UTRC has to meet every three months and review the cases .

You are requested to do the needful for compliance of the aforesaid directions/order of Hon'ble Supreme Court and furnish action taken report to this Authority on or before 5th September. You are also requested to send the soft copy on e-mail ID nalsa-dla@nic.in .

With regards,

Yours sincerely,  
**(Rajesh Kumar Goel)**  
Nodal Officer

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राष्ट्रीय विधिक सेवा प्राधिकरण  
**NATIONAL LEGAL SERVICES AUTHORITY**  
 (Constituted under the Legal Services Authorities Act, 1987)

राजेश कुमार गोयल

निदेशक

**RAJESH KUMAR GOEL**

(Delhi Higher Judicial Service)

Director

12/11, जाम नगर हाऊस  
 शाहजहाँ रोड, नई दिल्ली-110011  
 12/11, Jam Nagar House  
 Shahjahan Road, New Delhi-110011

F.No/L/10/2015-NALSA  
 Date 30.05.2015

To,

All the Member Secretaries,  
 State Legal Services Authorities.

Sub: W.P( C) No. 406/2013 in the Supreme Court of India  
 Re-Inhuman conditions in 182 prisons

Sir/Madam

This is in continuation of letter no.L/10/2015-NALSA/9421047, dated 7<sup>th</sup> May 2015 for compliance of directions of Hon'ble Supreme Court dated 24.4.15, passed in the above noted matter.

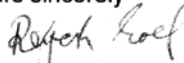
In addition to that it is brought to your kind notice that pursuant to the order of Hon'ble Supreme Court, the Under Trial Review Committee to be set up in every district, shall conduct review after half of the sentence of the lesser offence is completed by under trial prisoner in case of multiple offences. For the sake of convenience the relevant portion of the directions as contained in para no.4 is reproduced as follows:

*"In our opinion, while this may be appropriate if in a case of multiple offences, a review is conducted after half the sentence of the lesser offence is completed by the under trial prisoner. It is not necessary or compulsory that a under trial prisoner must remain in custody for at least half the period of his maximum sentence only because the trial has not been completed in time"*

You are again requested to submit the compliance report by 31<sup>st</sup> May,2015. You are also requested to send the Soft copy of the same on the e-mail ID nalsa-dla@nic.in.

With regards,

Yours sincerely

  
 (Rajesh Kumar Goel)



राष्ट्रीय विधिक सेवा प्राधिकरण  
**NATIONAL LEGAL SERVICES AUTHORITY**  
 (Constituted under the Legal Services Authorities Act, 1987)

आशा मेनन  
 सदस्य सचिव  
**ASHA MENON**  
 (Delhi Higher Judicial Service)  
 Member Secretary

12/11, जाम नगर हाऊस  
 शाहजहाँ रोड, नई दिल्ली-110011  
 12/11, Jam Nagar House  
 Shahjahan Road, New Delhi-110011

10.6/13

No. L/39/2012-NALSA 1080  
 May 23, 2013

To

The Member Secretary,  
 Jharkhand State Legal Services Authority,  
 "NYAYA SADAN"  
 Near AG Office,  
 Doranda, Ranchi – 834002.

**Sub:- Directions of Hon'ble Supreme Court of India in W.P. (C) No. 75/2012 titled Bachpan Bachao Andolan Vs. Union of India & Ors. – reg.**

Dear Shri B.K.Goswami,

The Hon'ble Supreme Court of India, while dealing with the issue of missing and untraced children, has issued several directions to the Police, the JJBs & CWCs and the NALSA & SLsAs. The directions to the SLsAs are as below and require immediate and strict compliance.

- (i) "The para-legal volunteers, who have been recruited by the Legal Services Authorities, should be utilised, so that there is, at least, one para-legal volunteer, in shifts, in the police station to keep a watch over the manner in which the complaints regarding missing children and other offences against children, are dealt with.
- (ii) "The State Legal Services Authorities should also work out a network of NGOs whose services could also be availed of at all levels for the purpose of tracing and re-integrating missing children with their families which, in fact, should be the prime object, when a missing child is recovered".
- (iii) "As part of the ~~Standard~~ Operating Procedure, a protocol should be established by the local police with the High Courts and also with the State Legal Services Authorities for monitoring the case of a missing child."

An action taken report must reach this office by 10.7.2013.

With regards,

Yours sincerely,

*Asha Menon*  
 (Asha Menon)



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**आशा मेनन**  
 सदस्य सचिव  
**ASHA MENON**  
 (Delhi Higher Judicial Service)  
 Member Secretary

12/11, जाम नगर हाऊस  
 शाहजहाँ रोड, नई दिल्ली-110011  
 12/11, Jam Nagar House  
 Shahjahan Road, New Delhi-110011

No. L/39/2012-NALSA (01)  
 May 23, 2013

42/11 To

556  
 11/6/2013

The Member Secretary,  
 Jharkhand State Legal Services Authority,  
 "NYAYA SADAN"  
 Near AG Office,  
 Doranda, Ranchi – 834002.

**Sub:- Directions of Hon'ble Supreme Court of India in W.P. (C) No. 75/2012 titled Bachpan Bachao Andolan Vs. Union of India & Ors. – reg.**

Dear Shri B.K.Goswami,

The Hon'ble Supreme Court of India, while dealing with the issue of missing and untraced children, has issued several directions to the Police, the JJBs & CWCs and the NALSA & SLSAs. The directions are listed below.

1. "We make it clear that, in case of every missing child reported, there will be an initial presumption of either abduction or trafficking, unless, in the investigation, the same is provided otherwise. Accordingly whenever any complaint is filed before the police authorities regarding a missing child, the same must be entertained under Section 154 Cr.P.C. However, even in respect of complaints made otherwise with regard to a child, which may come within the scope of Section 155 Cr.P.C., upon making an entry in the Book to be maintained for the purposes of Section 155 Cr.P.C., and after referring the information to the Magistrate concerned, continue with the inquiry into the complaint. The Magistrate, upon receipt of the information recorded under Section 155 Cr.P.C., shall proceed, in the meantime, to take appropriate action under sub-section (2), especially, if the complaint relates to a child and, in particular, a girl child."
2. "Each police station should have, at least, one Police Officer, especially instructed and trained and designated as a Juvenile Welfare Officer in terms of Section 63 of the Juvenile Act."
3. "There should be, in shifts, a Special Juvenile Officer on duty in the police station to ensure that the directions contained in this Order are duly implemented."

Contd. 2



4. "Every found/recovered child must be immediately photographed by the police for purposes of advertisement and to make people aware of the missing child. Photographs of the recovered child should be published on the website and through the newspapers and even on the T.V. so that the parents of the missing child could locate their missing child and recover him or her from the custody of the police."
5. "In case a missing child is not recovered within four months from the date of filing of the First Information Report, the matter may be forwarded to the Anti-Human Trafficking Unit in each State in order to enable the said Unit to take up more intensive investigation regarding the missing child. The Anti-Human Trafficking Unit shall file periodical status reports after every three months to keep the Legal Services Authorities updated."
6. "In cases where First Information Reports have not been lodged at all and the child is still missing, an F.I.R. should be lodged within a month from the date of communication of this Order and further investigation may proceed on that basis."
7. "Once a child is recovered, the police authorities shall carry out further investigation to see whether there is an involvement of any trafficking in the procedure by which the child went missing and if, on investigation, such links are found, the police shall take appropriate action thereupon."
8. "The State authorities shall arrange for adequate Shelter Homes to be provided for missing children, who are recovered and do not have any place to go. Such Shelter Homes or After-care Homes will have to be set up by the State Government concerned and funds to run the same will also have to be provided by the State Government together with proper infrastructure. Such Homes should be put in place within three months, at the latest."
9. "Any private Home, being run for the purpose of sheltering children, shall not be entitled to receive a child, unless forwarded by the Child Welfare Committee and unless they comply with all the provisions of the Juvenile Justice Act, including registration."

The SLSAs should keep a watch over the implementation of these directions by the Police, giving the necessary push wherever and whenever necessary.

Yours sincerely,

*Asha Menon*  
(Asha Menon)



12/11/11

**राष्ट्रीय विधिक सेवा प्राधिकरण**  
**NATIONAL LEGAL SERVICES AUTHORITY**  
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**यू. शरतचन्द्रन**  
 सदस्य सचिव

**U. SARATHCHANDRAN**  
 B.Sc., M.P.A.; LL.M., LL.M. (London)  
 (District & Sessions Judge)  
 Member Secretary

12/11, जाम नगर हाऊस  
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 12/11, Jam Nagar House  
 Shahjahan Road, New Delhi-110011  
 Website : www.nalsa.gov.in  
 e-mail : nalsa1987@gmail.com  
 कार्या/Offi.: 23385720 (Direct)  
 मोबाइल/Cell : 9968699347  
 फॅक्स/Fax : 23382121

F.No.L/10/2011/NALSA 4772  
 Dated: 15th November, 2011

To

The Member Secretary,  
 Jharkhand State Legal Services Authority,  
 "NYAYA SADAN"  
 Near AG Office,  
 Doranda, Ranchi - 834002.

**Sub: Decisions passed in the Meeting of the Central Authority of NALSA held on September, 24, 2011.**

Dear Shri B.K.Goswami,

In the meeting of the Central Authority of NALSA held on September 24, 2011 the following important decisions were taken regarding the working of the Para-Legal Volunteers, the Legal Aid Clinics and setting up of law libraries in the Taluk Legal Services Committees (TLSC). The State Legal Services Authority is requested to implement the following directions decisions of NALSA by instructing the District Legal Services Authorities and the TLSCs to take necessary steps:

**(I) Para-Legal Volunteers (PLVs) Schemes.**

- (i) The Para-Legal Volunteers (PLVs) Scheme of NALSA being a vehicle for reaching out to the poor and marginalised people, the Scheme should be implemented effectively by all Legal Services Authorities.
- (ii) More women PLVs should be recruited and trained in areas where the male PLVs cannot effectively function e.g. while dealing with matters relating to women and domestic problems.
- (iii) The State Legal Services Authorities shall prepare the State-wise directory of PLVs to whom identity cards have been issued in each district. The PLVs recruited by the Taluk Legal Services Committees also shall be included in this directory. The directory should contain the name, address, telephone numbers etc. of the PLVs.

13/11/11  
 18/11/11

Ranchi  
 13/11/11

| S.No. | Name of District. | Name of Taluk / Mandal / Sub-divisional. | Name and address of the Para Legal Volunteers. | Mobile/Landline number, e-mail ID, if any, of Para Legal Volunteers. |
|-------|-------------------|------------------------------------------|------------------------------------------------|----------------------------------------------------------------------|
|       |                   |                                          |                                                |                                                                      |

A copy of the State-wise directory so prepared shall be sent to NALSA by e-mail and also as hard-copy. The Directory shall be renewed every year incorporating additions and deletions. [The validity of the identity cards issued to the PLVs shall be for one year and the same may be renewed if the Legal Services Authority / Committee desires to continue with the services of the PLVs concerned].

- (i) Requests from the political parties to induct their nominees in the list of PLVs shall not be entertained. Only persons with genuine mindset for social service, having inclination for voluntary services to the persons in need of legal services alone shall be selected and selection process should be left exclusively to the Chairman / Chairperson of the District Legal Services Authority and Taluk Legal Services Committee.
- (ii) The PLVs who have already been trained by the civil society organisations, NGOs and other educational institutions also should undergo the training process organised by the State / District Legal Services Authorities. Selection of such PLVs also shall be made in the same manner as done in the case of other PLVs.

**(II) Implementation of the National Legal Services Authority (Legal Aid Clinics) Regulations, 2011.**

- (i) The State Legal Services Authority shall address the Law Universities and Law Colleges within their jurisdiction, requesting to establish legal services clinics envisaged in Section 4(k) of Legal Services Authorities Act, 1987.
- (ii) Responses from the Law Colleges and Law Universities on the National Legal Services Authority (Legal Aid Clinics) Regulations, 2011 shall be collected in the questionnaire annexed to this communication alongwith a copy of the National Legal Services Authority (Legal Aid Clinics) Regulations, 2011 through the District Legal Services Authorities.
- (iii) Responses collected shall be forwarded to the National Legal Services Authority so as to reach NALSA on or before 01.12.2011.
- ✓ (iv) State Legal Services Authorities and the District Legal Services Authorities may request the local-self government bodies to provide the necessary furniture for the legal aid clinics.
- ✓ (v) Each legal aid clinic shall be provided with a blackboard and chalk.
- ✓ (vi) The total annual expenses for running a legal aid clinic may be limited to Rs. One lakh per clinic in village areas.
- (vii) Initially the legal aid clinics may be established for a cluster of villages or at Taluk/Mandal/Block level.
- (viii) After watching the progress of the functioning of legal aid clinics so established and ascertaining their requirements, NALSA may be approached for necessary financial assistance to establish more legal aid clinics, which will be done in a uniform manner.

**(III) Setting up Law Libraries in TLSCs.**

- (i) NALSA had a corpus of Rs.52,43,614/- received as donation for the purpose of setting up of law libraries in the Taluk Legal Services Committees in view of the circumstance that most of the Taluk level legal services institutions are poorly equipped with law books.
- (ii) ✓ It has been decided that the aforesaid corpus will be distributed to the State Legal Services authorities subject to the number of Taluk/Mandal/Sub-divisional Legal Services Committees existing under each State Legal Services Authority. The State Legal Services Authorities shall set up a law library consisting of books worth Rs.10,000/-, making the deficiency with the funds allotted by NALSA to the State Legal Services Authorities.
- (iii) The State Legal Services Authority shall request the Chairman, District Legal Services Authority to buy the law books required for establishing such library of all Taluk/Mandal/Sub-divisional Legal Services Committees under them.
- (iv) ✓ The amount of Rs.10,000/- so made available to set up law-library is only foundational in nature and that the State Legal Services Authorities shall make necessary annual provisions through the District Legal Services Authorities for expanding and updating such libraries.

A report of compliance may be sent at the earliest.

Kindly place this communication before Hon'ble Executive Chairman of the State Legal Services Authority for further directions.

Yours faithfully,

  
**Member Secretary**

Encl: As above.





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**यू. शरतचन्द्रन**  
सदस्य सचिव  
**U. SARATHCHANDRAN**  
B.Sc., M.P.A.; LL.M., LL.M. (London)  
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12/11, जाम नगर हाऊस  
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मोबाइल/Cell : 9968699347  
फैक्स/Fax : 23382121

F.No.L/06/2011/NALSA | 1816  
Dated: June 09, 2011

To

The Member Secretary,  
Jharkhand State Legal Services Authority,  
"NYAYA SADAN"  
Near AG Office,  
Doranda, Ranchi – 834002.

**Sub: Amendments in the NALSA Scheme for implementing the project of Para-Legal Volunteers by the State Legal Services Authorities.**

Dear Shri B.K.Goswami,

In the meeting of the Central Authority of NALSA held on 03.05.2011 at the Supreme Court of India the following amendments have been brought out in the NALSA's Scheme for Para-Legal Volunteers to be implemented by the State Legal Services Authorities:

1. **Number of Para-Legal Volunteers (PLVs) to be identified by the District Legal Services Authorities and Taluk Legal Services Committees:**
  - (a) The Para-Legal Volunteers (PLVs) to be identified by the District Legal Services Authorities (DLSAs) shall be 100.
  - (b) The number of PLVs to be identified by the Taluk Legal Services Committees (TLSCs) shall be 50.
2. **Monthly reports by Para-Legal Volunteers:**
  - (a) The PLVs shall submit monthly reports to the TLSCs and DLSAs as the case may be. The DLSAs shall collect reports from the TLSCs/Sub-Divisional Legal Services Committees and shall send such reports along with the reports of PLVs of DLSAs to the SLSAs. The SLSAs may fix a date in every month as the last date for submitting such reports.

Contd...P/2

**3. Honorarium to the Para-Legal Volunteers.**

- (a) An honorarium of Rs.250/- per day may be paid to all PLVs engaged for specific works like going to the remote villages, distribution of legal literacy materials, attending the legal aid clinics and 'front offices' of the Legal Services Institutions.
- (b) In addition to the honorarium mentioned in Clause (a) above, where the PLVs have to undergo expenses for travel to places outside his / her base, the Legal Services Institutions would have to meet such expenses.
- (c) The rate of daily honorarium payable to the PLVs for the aforementioned engagements in the metro cities may be as determined by the SLSAs.

**4. Identity cards for the PLVs.**

- (a) The identify cards issued to the PLVs would be valid initially for a period of one year only.
- (b) The identify cards of PLVs shall specify the date of its expiry in the card itself.

**5. Inclusion of Retired Judges to function as PLVs.**

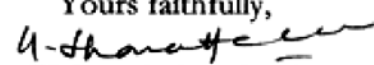
- (a) Persons like retired judges could also be considered to function as PLVs whenever their services are available.

The SLSA is requested to carry out amendments in the copies of the Scheme available with them and shall communicate these amendments to the DLSAs and TLSCs/Sub-divisional Legal Services Committees under them immediately on receipt of this communication. Acknowledgment of receipt of the communication may be called from the DLSAs and TLSCs/Sub-divisional Legal Services Committees.

Copies of this communication may be placed before Hon'ble Patron-in-Chief and Hon'ble Executive Chairman of that State Legal Services Authority.

Receipt of this communication may be acknowledged by the SLSAs by e-mail/fax without any delay.

*With personal regards*

Yours faithfully,  
  
(U.Sarathchandran)



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**NATIONAL LEGAL SERVICES AUTHORITY**  
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**यू. शरतचन्द्रन**  
 सदस्य सचिव  
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 मोबाइल/Cell : 9968699347  
 फॅक्स/Fax : 23382121

807  
 31/9/10  
 27/9/10

To

The Member Secretary,  
 Jharkhand State Legal Services Authority,  
 "NYAYA SADAN"  
 Near AG Office,  
 Doranda, Ranchi - 834002.

F.No.L/40/NALSA/2009-3472.  
 Dated: 27<sup>th</sup> September, 2010

**Sub: Training of Para-Legal Volunteers - Reg.**

Dear Shri Kishore Kumar Srivastava,

After having concluded the Training of Trainers (ToT) Programme for Para-Legal Volunteers (PLVs) held at Judicial Academy, Chandigarh on 18-19 September, 2010, a stage has been set for starting the training programme for PLVs throughout your State.

I request you to start the programme without any further delay preferably from October, 2010. For this purpose, I request you to consider the following steps for immediate action: -

- (i) Request all District / Taluk / Sub-Divisional / Mandal Legal Services Committees to identify PLVs from the categories of people mentioned in para-2 of the NALSA's 'Scheme for Implementing the Project of Para-Legal Volunteers by the State Legal Services Authorities' (hereinafter referred to as NALSA Scheme). Apart from those categories, the District Legal Services Authorities and the Committees may consider any other literate person to be trained as PLV. Members of school / colleges legal literacy clubs and NSS volunteers also may be considered for the PLVs training.
- (ii) After identification and selection of PLVs, a training programme may be chalked out at District / Taluk level and the trainers trained at Chandigarh may be deputed for training the PLVs.
- (iii) Duration of the training (6 sessions) may also be limited to two days, subject to the convenience of the trainers, as a departure from para-5 of the NALSA Scheme.

Cont...P/2

As Ravindra.  
 31/9/10

डॉ० एम. वीरप्पा मोइली  
Dr. M. VEERAPPA MOILY



मंत्री  
विधि एवं न्याय  
भारत सरकार  
402, 'A' विंग, शास्त्री भवन,  
डा. राजेन्द्र प्रसाद रोड,  
नई दिल्ली-110 115  
MINISTER OF LAW & JUSTICE  
GOVERNMENT OF INDIA  
402, 'A' WING, SHASTRI BHAWAN,  
Dr. RAJENDRA PRASAD ROAD  
NEW DELHI-110 115

D.O.NO.A2J/MLJ/01/01/726  
Dated the 2<sup>nd</sup> July, 2010

Dear Acting Chief Justice,

You may recall my letter dated 14 January 2010 regarding the National Mission for Delivery of Justice and Legal Reforms – Undertrial Programme and my letter dated 10 March 2010 requesting details of undertrial prisoners in the State wise. In response to this, I have received data from many States and this has been analyzed.

2. I write to draw your attention to the purpose for which this data is being collected. The primary purpose, of course, is the reduction of overcrowding in prisons and release on bail of those under-trial prisoners who are entitled to be so released. I am of the firm belief that a proper implementation of the existing provisions in CrPC will provide relief to thousands of people languishing in prisons. Given that undertrial prisoners are innocent in the eyes of law till convicted, it is the duty of all– the Government, the Judiciary, the prison department and the Legal Services Authority – to ensure proper implementation of the existing provision of law so that no one is deprived of her/his right to liberty merely because she/he is poor and unaware of her/his legal rights.

3. In continuation of my letter dated 10 March 2010, I request you to send some additional information on undertrial prisoners in the format provided in this letter. This format is in addition to the format provided earlier. You are requested to send this

Contd...2/-



डा०  
श्री  
Dr. एम. वीरप्पा मोइली  
M. VEERAPPA MOILY



मंत्री  
विधि एवं न्याय  
भारत सरकार  
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MINISTER OF LAW & JUSTICE  
GOVERNMENT OF INDIA  
402, 'A' WING, SHASTRI BHAWAN,  
Dr. RAJENDRA PRASAD ROAD  
NEW DELHI-110 115

-2-

information by the 10<sup>th</sup> of each month at the address mentioned in the enclosed formats. I also enclose a brief note on the context in which this additional information is being requested.

4. The Indian Judiciary has played a pivot role in articulating and assuring the rights of prisoners and I look forward to your continued support in this national endeavour to enforce the existing provisions of law in this regard.

With regards,

Yours sincerely

(Dr. M. Veerappa Moily)

Shri Justice Sushil Harkauli,  
Acting Chief Justice,  
Jharkhand High Court,  
Ranchi.

Enclosures:

1. A brief note on the context
2. 2 Formats for providing details of under-trial prisoners

3, Tuglak Lane, New Delhi-110011, Phone : 011-2301 6764

"Kaustubha", #1, R.T. Nagar, Bangalore-560 032, India

Tel : 0 80 4243 0491 Fax : 0 80 2333 4784, E mail : vmoily@kar.nic.in



**MONTHLY INFORMATION BOOKLET  
ON  
UNDER TRIAL PRISONERS**



|                                                                    |
|--------------------------------------------------------------------|
| <p><b>NAME OF DLSA.....</b></p> <p><b>MONTH..... YEAR.....</b></p> |
|--------------------------------------------------------------------|

Name .....

Signature.....

**Secretary, DLSA**

Name.....

Signature.....

**Chairman, DLSA**

**PERFORMA -I**  
**INFORMATION WITH RESPECT TO LEGAL AID PROVIDED TO UNDER TRIAL PRISONERS**

| DLSA | Name of the jail | Name of the officials representing legal services authority who visited the jails and the date of visit. | Name of the Under Trial prisoners (For petty offences whose period of detention could have over short the sentence that would have been awarded to them in case of conviction.) | Date of Lok Adalat | Names of presiding officers of Lok Adalat | Where the case could be settled in the Lok Adalat or not | If not settled, whether legal aid was given to prisoners for expeditious disposal of his/her case in the court |
|------|------------------|----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-------------------------------------------|----------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|
|      |                  |                                                                                                          |                                                                                                                                                                                 |                    |                                           |                                                          |                                                                                                                |

**Signature of Secretary, DLSA**

**PERFORMA – II  
INFORMATION WITH RESPECT TO LEGAL AID PROVIDED TO UNDER TRIAL PRISONERS**

| Month | No. of Lok Adalat/<br>No. of Jail Adalat organized in the<br>Jail | No. of cases settled | Number of Under Trial Prisoners<br>Released |
|-------|-------------------------------------------------------------------|----------------------|---------------------------------------------|
|       |                                                                   |                      |                                             |

**Signature of Secretary, BLSA**



**PERFORMA- IV  
FOR PROVIDING ADDITIONAL INFORMATION ON UNDER TRIAL PRISONERS (UTs)**

**District.....** **Date/Month/Year .....**

| No. of UTs as on the start of the month |     | No. of UTs completing 50% of the prescribed punishment                   |             | No. of UTs completing the entire prescribed period of punishment                |            | No. of UTs in bailable cases beyond one week |             | No. of UTs against whom chargesheet not filed within the prescribed period of 60/90 days |             |
|-----------------------------------------|-----|--------------------------------------------------------------------------|-------------|---------------------------------------------------------------------------------|------------|----------------------------------------------|-------------|------------------------------------------------------------------------------------------|-------------|
| Time spent in prison                    | No. | Time spent after completing half the period of the prescribed punishment | No. of UTs. | Time spent after completing half the entire period of the prescribed punishment | No. of UTs | Time spent after completing 7 days in prison | No. of UTs. | Time spent after failure to submit charge-sheet on time                                  | No. of UTs. |
| Less than two years                     |     | Less than 6 month ago                                                    |             | Less than 6 months ago                                                          |            | Less than a month                            |             | Less than a month                                                                        |             |
| 2-10 years                              |     | 6 month - 2 years                                                        |             | 6 months -2 years                                                               |            | 1-2 months                                   |             | 1-6 months                                                                               |             |
| 10-20 years                             |     | 2-4 years ago                                                            |             | 2-4 years ago                                                                   |            | 2-6 months                                   |             | 6 months - 1 year                                                                        |             |
| Above 20 years                          |     | More than 5 years ago                                                    |             | More than 5 years ago                                                           |            | More than 6 months                           |             | More than 1 year                                                                         |             |
| Total                                   |     | Total                                                                    |             | Total                                                                           |            | Total                                        |             | Total                                                                                    |             |

**Note:** Under-trial prisoners for the purposes of this exercise include all the prisoners in the district who have not been convicted so far or are not detained under the preventive detention laws. These include all those against whom any inquiry or investigation or trial is pending ,irrespective of the stage of such investigation or trial.

**Signature of Secretary, DLSA**



राष्ट्रीय विधिक सेवा प्राधिकरण  
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यू. शरतचन्द्रन  
सदस्य सचिव  
U. SARATHCHANDRAN  
B.Sc., M.P.A., LL.M., LL.M. (LONDON)  
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12/11, जाम नगर हाऊस  
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e-mail : nalsa1987@gmail.com  
कार्यालय/Office : 23385720 (Direct)  
मोबाइल/Cell : 9958299347  
फैक्स/Fax : 23382121

Cell: 9968699347

F.No.L/40/2009/NALSA/33c  
Dated: 19<sup>th</sup> April, 2010

To

The Member Secretary,  
Jharkhand State Legal Services Authority,  
"NYAYA SADAN"  
Near AG Office, Doranda, Ranchi - 834002.

Sub: **Launching of 'Para Legal Training and Legal Aid Activities' and Consultation at Rajiv Gandhi National Institute of Youth Development, Sriperumbudur, Chennai on 25<sup>th</sup> April, 2010 at 12.15 PM.**

Dear Shri Navneet Kumar,

The National Committee for Para Legal Training and Legal Aid Activities constituted by the Hon'ble Chief Justice of India under the Chairmanship of Hon'ble Mr. Justice P.Sathasivam, Judge, Supreme Court of India is launching the programme of Para Legal Training and Consultation at the Rajiv Gandhi National Institute of Youth Development (RGNIYD) on 25<sup>th</sup> April, 2010 at 12.15 PM. Hon'ble the Chief Justice of India will launch the programme and the function will be presided over by Dr. Veefappa Moily, Hon'ble Union Law Minister.

Hon'ble Mr. Justice Altamas Kabir, Judge, Supreme Court of India & Executive Chairman of National Legal Services Authority (NALSA) has directed me to request your goodself to attend the above programme and the Consultation Meeting to be followed after the launching ceremony on 25<sup>th</sup> April, 2010 at 12.15 PM at RGNIYD, Sriperumbudur, Chennai.

Due to paucity of time, I am furnishing a brief of the proposed programme at RGNIYD, Sriperumbudur, Chennai. 12.20 - 12.25 PM- Welcome Address; 12.25-12.30 PM - Lighting of lamp; 12.30 -Address by Vice President RGNIYD; 12.35 PM - Address by Vice-Chancellor, IGNOU; 12.40 PM - Address by Hon'ble Executive Chairman, TN State Legal Services Authority; 12.45 PM- Special Address by Hon'ble Chief Justice of Madras High Court; 12.55 PM - Keynote Address by Hon'ble Mr Justice P.Sathasivam, Judge, Supreme Court of India; 13.05-13.20 PM - Presidential Address by Dr. M.Veerappa Moily, Hon'ble Union Law Minister; 13.20 - 13.35 PM - Inauguration of the Programme by Hon'ble Mr. Justice K.G.Balakrishnan, the Chief Justice of India; 13.35 - 13.40 PM - Vote of Thanks by Prof. S.Sivakumar; 13.40 - 14.30 PM - Lunch; 14.30 - 16.30 PM- National Consultation Meet at Seminar Hall, RGNIYD.

You are requested to make arrangements for your travel and inform your travel plan immediately to the Member Secretary, Tamil Nadu State Legal Services Authority (TNSLSA) who will make arrangements for your stay and transport from Airport / Railway Station to the place of stay / venue. The contact details of the Member Secretary, Tamil Nadu State Legal Services Authority is given below:

Shri B.Gokuldas, Member Secretary, TNSLSA,  
High Court Building, Chennai-600104  
Mobile: 09444070601  
Office: 044-25343353 & 25342834  
Fax: 044-25342268  
e-mail: tnslsa@dataone.in

Yours faithfully,

  
[U.SARATHCHANDRAN]

**JHARKHAND STATE LEGAL SERVICES AUTHORITY  
LETTERS & CIRCULARS**







**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**

RefNo: JHAL.S.A/ 1401  
 Dated : 17/05/16

**PATRON-IN-CHIEF**  
**Hon'ble Chief Justice**  
**Jharkhand High Court**

**Executive Chairman**  
**Justice D.N. Patel,**  
**Judge**  
**Jharkhand High Court**

**MEMBER SECRETARY**  
**Arun Kumar Rai**  
**(Pr. District Judge)**

To,

**All the Principal District Judges-cum-Chairmen**  
**District Legal Services Authorities including**  
**Judicial Commissioner-cum-Chairman, Ranchi.**

**Sub.:- W.P. (C) no. 406 of 2013**  
**Re: inhuman Conditions in 1382 Prisons**  
**Ref.: NALSA letter No. F.No.L/10/2015 dated 14<sup>th</sup> May, 2016**

Sir,

Please find enclosed here with letter No. F.No.L/10/2015 dated 14<sup>th</sup> May, 2016 of NALSA alongwith copy of order dated 6.5.2016 of W.P. (C) no. 406 of 2013 of the Hon'ble Supreme Court of India, in which the Hon'ble Supreme Court of India has issued certain directions for the Under Trial Review Committees widening its scope to examine the case of Under Trial Prisoners.

As directed, your goodself is requested to ensure the compliance of directions of Hon'ble Supreme Court of India. It has been reiterated that the UTRC in every district shall meet every quarter and the Secretary of the concerned DLSA shall follow up the release of Under Trial Prisoners and convicts who have undergone half of their sentences or entitled to release because of remission granted to them.

Further your goodself is requested to empanel adequate number of competent lawyers to assist Under Trial Prisoners and convicts. The direction number 1 to 4 and 8 of order dated 5.2.2016 may kindly be referred to in this regard.

Your goodself is also required to ensure that the Secretary, DLSA identifies the cases of Under Trial Prisoners mentioned in the order dated 6.5.16 and order dated 5.2.16 and thereafter to place the same before the UTRC at least one week before the meeting to the UTRC. The Secretary, DLSA, shall follow up the implementation of the decisions/recommendation of the UTRC for release of Under Trial Prisoners.

Your goodself is also requested to furnish the required information in the prescribed format attached with the letter, to JHALSA latest by 25<sup>th</sup> June, 2016 for its onward transmission to NALSA,

New Delhi.

With regards,

Yours faithfully

(Arun Kumar Rai)  
 Member Secretary

C:\Users\Vika

Enc.: As above



## 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

**EXECUTIVE CHAIRMAN**

Justice D.N. Patel  
Judge  
Jharkhand High Court

**MEMBER SECRETARY**

Navneet Kumar  
(Principal District Judge)

Ref No: JHALSA/ 868

Dated: 17.03.2016

To,

All the Principal District Judges cum Chairmen, DLSA including Principal Judicial Commissioner, Ranchi cum Chairman, DLSA, Ranchi.

Sub: Regarding allotment of Fund under Victim Compensation Scheme, 2012.

Sir,

As per telephonic information received from Principal Secretary, Department of Home, Jharkhand regarding the availability of fund under Victim Compensation Scheme, 2012, I have been directed to request your goodself that if any grant of compensation to the victims is pending in your district, you may kindly send a request letter through the concerned Deputy Commissioner of your district directly to the Director, Prosecution, immediately for allotment of fund under the aforesaid head under intimation to this office.

Kindly treat it urgent.

Thanking You.

Yours faithfully

(Navneet Kumar)  
Member Secretary



## 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

### EXECUTIVE CHAIRMAN

Justice D. N. Patel  
Judge  
Jharkhand High Court

### MEMBER SECRETARY

Navneet Kumar  
(Principal District Judge)

Ref No: JHALSA/ 842

Dated: 16/03/16

### MATTER URGENT

To,

All the Principal District Judges cum Chairman, DLSA including Principal  
Judicial Commissioner, Ranchi and Chairman, DLSA, Ranchi.

**Sub: NALSAs Seven Schemes.**

Sir,

Please find attached herewith the draft minimum plan of action for  
implementation of the NALSAs 7 Schemes received from NALSA.

In this connection you may kindly recall that all DLSAs have taken  
effective steps to implement NALSA's 7 schemes on the basis of our earlier  
correspondences including Standard Operating Procedure (SOP) and Training  
Module. The Draft Minimum Plan of Action for implementation of the seven  
schemes of NALSA is to make our efforts more effective and result oriented  
by supplementing our SOP.

As directed, your goodself is requested to peruse the plan and take  
help of the plan in addition to SOP prepared by JHALSA and forwarded to  
you. Further His Lordship Hon'ble Executive Chairman, JHALSA has been  
pleased to direct to send a comprehensive report about the progress made in  
this regard alongwith the undermentioned proforma by 31-3-16.

| Name of Scheme | Month | No. of awareness<br>programmes held | Persons benefitted by the<br>awareness programmes |
|----------------|-------|-------------------------------------|---------------------------------------------------|
|                |       |                                     |                                                   |

Thanking You.

Yours faithfully

(Navneet Kumar)  
Member Secretary

Encl: As above



## 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

Ref No: JHALSA/843  
Dated: 16/03/16

**EXECUTIVE CHAIRMAN**

Justice D.N. Patel  
Judge  
Jharkhand High Court

To,

The Director  
National Legal Services Authority  
New Delhi

**MEMBER SECRETARY**

Navneet Kumar  
(Principal District Judge)

Sub: Draft Minimum Plan of Action for implementation of NALSAs Scheme.

Sir,

Kindly refer to your email dt 26-2-16 on the above noted subject.

In this regard His Lordship has been pleased to give some suggestions for inclusion in the draft minimum plan of action as under:

- ✓ The training module developed by JHALSA may be incorporated in the minimum plan
- ✓ All the seven schemes must be equally propagated and awareness be created in all the districts of Jharkhand as the problems cited in the 7 schemes are prevalent in almost all the districts of Jharkhand, some intensive and some to less extent.

This is for necessary action at your end.

Thanking You.

Yours faithfully

(Navneet Kumar)  
Member Secretary

Encl: As above.



झारखंड सरकार  
मुख्य सचिव का कार्यालय  
(प्रोजेक्ट भवन, धुवाँ, रांची - 834004)

सं० - बी० (ए)/विधि-झालसा-०५/२०१०- 163 अ०  
प्रेषक,

रांची, दिनांक 21-01-2016

राजीव गौबा,

मुख्य सचिव।

सेवा में,

सभी उपायुक्त,  
झारखंड।

विषय-

झारखंड राज्य विधिक सेवा प्राधिकार (झालसा) द्वारा शुरू की गई योजनाओं के क्रियान्वयन में अपेक्षित सहयोग प्रदान करने के संबंध में।

महाशय,

झारखंड राज्य विधिक सेवा प्राधिकार (झालसा) के कार्यकारी अध्यक्ष के पत्रांक - झालसा/95 दिनांक 08.01.2015 के प्रसंग में कहना है कि राष्ट्रीय विधिक सेवा प्राधिकार के तत्वावधान में दिनांक 09.11.2015 को आहूत विधिक सेवा दिवस के दौरान निम्न 07 (सात) नई योजनाओं को प्रारंभ किया गया है:

1. नालसा (तस्करी और वाणिज्यिक यौन शोषण पीड़ितों के लिए विधिक सेवाएँ) योजना, 2015
2. नालसा (असंगठित क्षेत्र के श्रमिकों के लिए विधिक सेवाएँ) योजना, 2015
3. नालसा (बच्चों को मैत्रिपूर्ण विधिक सेवाएँ और उनके संरक्षण के लिए) योजना, 2015
4. नालसा (मानसिक रूप से बीमार एवं मानसिक रूप से विकलांग व्यक्तियों के लिए विधिक सेवाएँ) योजना, 2015
5. नालसा (गरीबी उन्मूलन योजनाओं का प्रभावी क्रियान्वयन) योजना, 2015
6. नालसा (आदिवासियों के अधिकारों का संरक्षण और प्रवर्तन) योजना, 2015
7. नालसा (नशा पीड़ितों को विधिक सेवाएँ एवं नशा उन्मूलन के लिए विधिक सेवाएँ) योजना, 2015

झारखंड राज्य विधिक सेवा प्राधिकार (झालसा) द्वारा उपर्युक्त वर्णित सभी योजनाएँ झालसा के वेबसाइट [www.jhalsa.org](http://www.jhalsa.org) पर उपलब्ध है, जिसे राज्य के सभी 24 (चौबीस) जिलों में लागू किया गया है। इन सभी योजनाओं के सफल क्रियान्वयन हेतु 07 (सात) टीम का गठन जिला विधिक सेवा प्राधिकार स्तर पर किया गया है।

आपसे अनुरोध है कि झारखंड राज्य विधिक सेवा प्राधिकार (झालसा) के अनुरोध के आलोक में अपने स्तर से सभी 07 (सात) टीमों हेतु एक नोडल पदाधिकारी नामित करें एवं उल्लेखित योजनाओं के सफल क्रियान्वयन हेतु सभी आवश्यक सहयोग उपलब्ध कराएँ।

विश्वासभाजन,

ह०/-

(राजीव गौबा)

मुख्य सचिव।

झापांक - बी० (ए)/विधि-झालसा-०५/२०१०- 163 रांची, दिनांक 21-01-2016  
प्रतिलिपि - सदस्य सचिव, झालसा, न्याय सदन, डोरंडा, रांची को पत्रांक -  
झालसा/95 दिनांक 08.01.2016 के आलोक में सूचनार्थ प्रेषित।

21.01.16  
(बी० बी० मंगलमूर्ति)  
प्रधान सचिव-सह-विधि परामर्शी

21/1/2016



## 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

Ref No: JHALSA/ 4/6

Dated: 29/02/16

**EXECUTIVE CHAIRMAN**

Justice D. N. Patel  
Judge  
Jharkhand High Court

To,

All the Principal District Judges cum Chairman, DLSA including  
Principal Judicial Commissioner, Ranchi.

**Sub: Inclusion of services under Public Utility Services**

**MEMBER SECRETARY**

Navneet Kumar  
(Principal District Judge)

Sir,

As directed, kindly find enclosed a Gazette Notification S.O. 495(E) dt :  
16-2-16 of Department of Justice, Ministry of Law and Justice whereby :  
"education or educational institutions; housing and real estate service" have  
been notified as public utility services.

This is for your information and necessary action.

Thanking You.

Yours faithfully

(Navneet Kumar)  
Member Secretary

Encl: As above



**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**

**Executive Chairman**  
**D.N. Patel, Judge,**  
**Jharkhand High Court**

**MEMBER SECRETARY**  
**Navneet Kumar**  
**(Pr. District Judge)**

Ref No: JHALSA/ 4439

Dated : 5/12/15

To,

All the Pr. District Judges-cum-Chairmen  
 District Legal Services Authorities  
 State of Jharkhand-including  
 The Pr. Judicial Commissioner-cum-Chairman  
 District Legal Services Authority, Ranchi

Sir,

As directed this is to bring to your kind notice that 7 Schemes have been launched by National Legal Services Authority (NALSA) on the occasion of Legal Services Day i.e. 9<sup>th</sup> of November, 2015.

They are as under:

1. *NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015,*
2. *NALSA (Legal Services to the Workers in the Unorganized Sector) Scheme, 2015,*
3. *NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015,*
4. *NALSA (Legal Services to the Mentally Ill and Mentally Disabled Persons) Scheme, 2015,*
5. *NALSA (Effective Implementation of Poverty Alleviation Schemes) Scheme, 2015,*
6. *NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2015,*
7. *NALSA (Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace) Scheme, 2015*

Pursuant to the commencement of the aforesaid Schemes, it has been directed by NALSA to implement these schemes intensively across the State of Jharkhand.

Accordingly, you are requested to constitute 7 teams in your District for each of above said NALSA schemes separately. Each team shall comprise members amongst *PLVs, Legal Service Panel Lawyers, Retained Lawyers, Chairman and members of PLA, NGOs/Social Activists, Judicial Officers and Executive Officials.*

Standard operating procedure (methodology) to implement the said 7 NALSA schemes is as under:

- To constitute 7 teams for each 7 NALSA schemes separately.
- Each team shall take responsibility to implement its own NALSA scheme, say, Team A for *NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015,* Team B for *NALSA (Legal Services to the Workers in the Unorganized Sector) Scheme, 2015,* Team C for *NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015,* Team D for *NALSA (Legal Services to the Mentally Ill and Mentally Disabled Persons) Scheme, 2015,* Team E for *NALSA (Effective Implementation of Poverty Alleviation Schemes) Scheme, 2015,* Team F for *NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2015,* Team G for *NALSA (Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace) Scheme, 2015.*



- The number of members of a Team shall be determined by concerned DLSA depending, interalia, upon areas, population etc. of Districts.
- One team leader of each team may be nominated by DLSA. The details of each team constituted for 7 NALSA schemes shall be sent to JHALSA.
- One nodal officer from executive side for effective implementation of all 7 NALSA's scheme be deputed by Deputy Commissioner-cum-Vice Chairman of DLSA for each District.
- To impart training to the members of the each team about their respective schemes, interalia, including about the provisions of Act and Welfare Schemes of Central and State Government for the benefit of the Target Groups of the respective NALSA Scheme. Chairman of each DLSA will constitute a Team of Judicial Officers, the Secretary, DLSA, Advocates, Executive Officers etc. to impart Training of 7 Schemes of NALSA to the members of each team.
- Process of imparting training to each team about their respective schemes shall be completed by 31<sup>st</sup> January, 2016 and thereafter from February, 2016 each team shall start holding Legal Awareness Camps/Services for implementing their respective schemes in letter and spirit in the concerned District.
- It shall be duty of the concerned team to create awareness and to disseminate knowledge amongst all stake holders about the provisions of law and welfare schemes of Central and State Govt. of respective NALSA schemes and to ensure that the persons entitled to get the benefit under the schemes are actually benefitted.
- It shall be duty of the members of the each team to take applications of the aggrieved entitled persons covered under the respective scheme and shall redress their grievances by coordinating with the concerned Personnel of the Govt. at District level through the concerned DLSA.
- Each team so constituted for each of the 7 NALSA schemes separately shall hold minimum of 2 Awareness Camps/Legal Services Camps preferably on 1<sup>st</sup> and 3<sup>rd</sup> Saturday of each month in the District. Further each team for the rest of the days of month shall indulge in intensive activities through various Legal Aid Clinics of the District or otherwise with a view to transmit knowledge about the NALSA scheme and with a view to spread consciousness about the legal rights and duties of citizens including male & female with reference to the particular NALSA scheme for each team and to ensure that benefits are reaching to the entitled persons.
- In such Legal Awareness/Services Camps it shall be the obligation of the team members to spread awareness and to ensure rights to the right holders and thereafter each team shall inform to the Chairman and Secretary of the DLSA in detail about the activities on the last Saturday of each month i.e. on the clearance day of each month to take appropriate direction/necessary instructions and to apprise the development of their assigned job. Each team shall prepare and document its entire activities of imparting awareness and providing services with details of the beneficiaries and photographs of successful story. Each DLSA shall send the report on quarterly basis to the JHALSA for onward transmission to the NALSA about these 7 NALSA schemes separately in the format given below:

Name of DLSA:-

| Name of Scheme | Month | No. of awareness programmes held | Persons benefitted by the awareness programme |
|----------------|-------|----------------------------------|-----------------------------------------------|
|                |       |                                  |                                               |

In the backdrop, I beg to submit that aforesaid **Standard Operating Procedure** for implementing the 7 schemes of NALSA are indicative and not exhaustive. I have been directed to request to follow such aforesaid standard operating procedure for making the said NALSA's scheme a reality and more result and delivery oriented. At present, we are sending two copies of 7 schemes of NALSA in Hindi and English. More copies in English and Hindi shall be sent to you very soon. The schemes are also available on our website: [www.jhalsa.org](http://www.jhalsa.org).

With regards!

Sincerely Yours

  
(Navneet Kumar)  
Member Secretary



## 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

**EXECUTIVE CHAIRMAN**

Justice D.N. Patel  
Judge  
Jharkhand High Court

**MEMBER SECRETARY**

S. K Dubey  
(Principal District Judge)

Ref No: JHALSA/ 205

Dated: 15/04/15

To,

All the Principal District Judges Cum Chairmen,  
District Legal Services Authorities, including Judicial  
Commissioner, Ranchi


Sub: Order No.5 dt 12-2-15 of High Court of Jharkhand passed in  
WP (PIL) No.383 of 2014

Sir,

Enclosing herewith the copy of Order No.5 dt 12-2-15 of High Court of  
Jharkhand passed in WP (PIL) No.383 of 2014, I have been directed to  
request your good selves to sensitize the Para Legal Volunteers under your  
DLSA about the order and ensure compliance of the order in letter and spirit.

Thanking You.

Yours faithfully

  
(S.K. Dubey)  
Member Secretary

Encl: As above

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**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**W.P.(PIL) No. 383 of 2014**

Pradeep Kumar, Son of Sri A.R. Sarangi, at present resident of village-Sarangidih, P.O. Kamalpur, P.S. Patanda, District-Singhbhum East ..... Petitioner

Versus

1. The State of Jharkhand through its Chief Secretary, having its office at Project Building, H.E.C., P.O.-Dhurwa, P.S. Jagarnathpur, District-Ranchi
2. The Secretary Department of Labour, Employment and Training(Social Security), Govt. of Jharkhand, having its office at Nepal House, P.O. & P.S. Doranda, District-Ranchi
3. The Commissioner, Kolhan Division, Chaibasa, P.O. & P.S. Chaibasa, District-Singhbhum East
4. The Deputy Commissioner, Singhbhum East, P.O. C.H, Area, P.S. Bistupur, Jamshedpur, District-Singhbhum East
5. Block Development Officer, Patamda, P.O. & P.S. Patamda, District-Singhbhum East
6. Block Development Officer, Boram, P.O. & P.S. Boram, District Singhbhum East ..... Respondents

**CORAM: HON'BLE MR.JUSTICE VIRENDER SINGH, CHIEF JUSTICE**  
**HON'BLE MR.JUSTICE APARESH KUMAR SINGH**

For the Petitioner : Mr. Indrajit Sinha, Advocate  
For the Respondents : Mr. Rishi Pallava, JC to A.G.

**05/ Dated: 12<sup>th</sup> February, 2015**

**Per Virender Singh, C.J.:(Oral)**

Cognizance of the instant petition was taken by the Court yesterday only and kept on board for today on request of Mr. Rishi Pallava as he wanted to have required instructions from concerned quarter.

2. Grievance projected herein is that the respondent authorities are not accepting the applications of the persons eligible for old age pension under the **Indira Gandhi National Old Age Pensions Scheme** on the ground that they are already getting certain benefits being **Antoyadaya Anna Yojna** card holders falling under below poverty line category.

3. Mr. Sinha submitted that in many cases applications were made way back in year 2007 and till date no decision has been taken for

release of the old age pension under the aforesaid Scheme by the respondent authorities whereas any person after attaining the age of 60 years is entitled to cash assistance per month under the said Scheme.

4. Mr. Rishi Pallava, J.C. to learned Advocate General, after getting the requisite instructions, makes a statement at the Bar that the State has already in the process of identifying the persons who are in possession of cards under **Antoyadaya Anna Yojna** so that they are also benefited under **Indira Gandhi National Old Age Pensions Scheme**. He states that this on going process is likely to take some time.

5. Mr. Pallava submitted that the aforesaid exercise in village Rasiknagar, mentioned in the instant petition, has already been carried out and that about 70 persons have been identified who would be entitled for old age pension under the aforesaid Scheme. He stated that after verifying all particulars, the pension shall be released to them at the earliest.

6. We appreciate the exercise carried out by the State authorities, but, at the same time, expect that the benefit under **Indira Gandhi National Old Age Pension Scheme** should flow towards each individual who is the Card Holder of **Antoyadaya Anna Yojna** as this is a social beneficial scheme and no one, who is entitled to be benefitted under this scheme, should be deprived of the same. As certain applications are already pending with the State authorities since long, as submitted by Mr. Sinha at the Bar, all those applications shall be considered as per the eligibility criteria. The entire exercise shall be carried out within 3 months only and any delay on the part of the State shall be taken very seriously.

7. We also request Executive Chairman, Jharkhand State Legal Services Authority (JHALSA) to issue necessary directions to all the Para



Legal Volunteers appointed in different Legal Care and Support Centres so that they make the Card Holders of **Antoyadaya Anna Yojana** aware of **Indira Gandhi National Old Age Pension Scheme** as all these Card Holders are from lowest strata of the Society and might not be aware of the pension scheme. Para Legal Volunteers, in this situation, can really play a very important role in bridging the gap between needy, poor and ignorant, thus, would be in a position to achieve one of the objectives of the policy, **"Access to Justice for All"**, formulated by National Legal Services Authority (NALSA).

8. Registry is directed to provide copy of the order to Member Secretary, JHALSA for placing it before Executive Chairperson, JHALSA for His Lordship's perusal and further action, if required.

The petition on hand stands disposed of, accordingly.

Sd/-  
(Virender Singh, C.J.)

Sd/-  
(Aparesh Kumar Singh, J.)

True Copy  
Accepted  
By P.A./P.A.  
c.3/12/2015

Birendra/Amandeep/LAK



## 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

RefNo: JHALSA/ 1932

Dated : 13/03/15

### **Patron-in-Chief**

Hon'ble the Chief Justice  
Jharkhand High Court

### **EXECUTIVE CHAIRMAN**

Hon'ble Mr. Justice D.N. Patel  
Judge, Jharkhand High Court

### **MEMBER SECRETARY**

S.K. Dubey  
(Principal District Judge)

To,

All the Principal District Judges –cum-Chairmen  
District Legal Services Authorities  
including  
The Principal Judicial Commissioner-cum-Chairman  
DLSA, Ranchi;

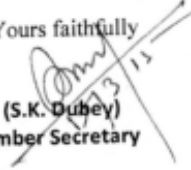
Sub: Guidelines with regard to PLV Scheme

Sir,

Enclosing herewith the guidelines with regard to the PLV Scheme I  
have been directed to request your goodself to ensure its strict observance  
and compliance.

Thanking you.

Yours faithfully

  
(S.K. Dubey)  
Member Secretary

Encl: As above

### **Kind of work/duties done by PLVs.**

1. Organising Awareness Programme to make people aware of their right to get Legal assistance through the legal services institutions.
2. Helping the family of child missing or child trafficking through the DLSA in recovery and rehabilitation of the child.
3. Organising programme to make people aware of benefit of Mediation, Conciliation and Permanent Lok Adalat.
4. Helping the victim of Crime to approach the DLSA for compensation under the Victim Compensation Scheme of the State of Jharkhand.
5. Helping the people to get benefit of the Govt. beneficial schemes.
6. Participating in the programmes of the DLSA.
7. Referring people to the DLSA for Legal assistance.
8. Participating in the capacity building Programmes organized by the Legal Services Institutions.
9. Visiting the Jail, Hospital, Observation Home, Probation Home, Govt. offices in connection with Legal Services Activities.
10. Resolving Family dispute or other dispute in the locality.
11. Maintaining record of daily activities.
12. Submitting record of activities to the DLSA every month.
13. Distributing publicity materials on Legal Services, govt. Beneficial Schemes as well as Legal Literacy Literature published by NALSA and JHALSA on important Legislations .
14. Reporting the DLSA about the violation of Child Rights, Communal Harmony and Naxal Victims.
15. Making himself well aware in the locality and ensuring his easy access so that people may feel free to approach him for legal assistance. \*\*



**Guidelines for Supervision, mechanism for the PLVS to ensure quality services**  
**by DLSA**

- 1) To ensure that every PLV deputed at Legal Aid Clinic at Panchayat Level/Sub Divison Level, Police Stations, Mental Health Institutie and Front Offices maintains:
  - a) A Visitor Register ( in which the name, address and mobile no., if possible will be entered with the signature of the visitor)
  - b) A PLV Register ( in which apart from aforesaid detail, purpose of visit in brief and the kind of assistance required) as well as assistance rendered will be maintained.
- 2) Ensuring submission of statement by the PLV as to the work done by him every month.
- 3) Supervision at the level of Secretary, DLSA (once in every month) and report to Chairman, DLSA with copy to JHALSA.
- 4) Overall monitoring at the level of Chairman, DLSA from the inputs of Retainer Lawyer, Secretary, DLSA as well as from independent sources.
- 5) System of cross checking randomly with the beneficiaries at Legal Retainer Level and Secretary, DLSA Level to ensure quality service.

**Guidelines with regard to the Records that are required to be maintained by the PLVs.**

1. Visitors Register ( to be supplied by DLSA) and kept at every Legal Aid Clinic
2. PLV Register (in which there shall be details regarding persons visiting the Legal Aid Clinic, with address and contact no. and nature of complain with brief facts, the kind of legal assistance rendered)
3. Complaint/ Suggestion Box to be kept at every Legal Aid Clinic, which shall be opened once in every week by the Secretary, DLSA himself and will be placed before the Chairman, DLSA and copy of Action Taken Report shall be sent to JHALSA also.
4. Every Register in original shall be preserved at DLSA.
5. Every statement related to payment of honorarium shall be preserved till the audit is over.

**Guidelines with regard to payment of honorarium to the PLV**

1. It shall be the duty of every DLSA to make timely payment of honorarium to the PLVs.
2. The minimum requirement to be fulfilled for payment of honorarium to PLVs are as follows:
  - a. Submission of statement with full details of the beneficiary by the PLVs in which there shall be signature of the beneficiary as well as Retainer Lawyer.
  - b. Report of Retainer Lawyer on the work shown to have been done by the PLV
  - c. Cross check at the level of Secretary, DLSA in which he shall randomly select some of the beneficiary for verifying the work done by the PLV
3. Final Order as to payment of honorarium at the level of Chairman, DLSA after being satisfied about the work done by PLV.
4. At present the payment to PLV are made from TFC Fund as well as NALSA fund. The period of TFC Fund is to expire on 31<sup>st</sup> March, 2015. Therefore, every DLSA shall first exhaust the TFC Fund for payment of honorarium to the PLVs.

**Guidelines with regard to the Crosschecking Mechanism of the work done by the PLV**

1. Cross Checking randomly with the beneficiary is essential to ensure quality of work. Retainer Lawyer to cross check randomly the beneficiary shown by PLV and submit his Report to the DLSA.
2. The Secretary, DLSA to randomly cross check with some of the beneficiary in respect of each and every PLV and Report to the Chairman, DLSA.
3. The supervision mechanism will be under overall control of the Chairman, DLSA.
4. This cross checking mechanism will be the basis for release of honorarium to the PLV as well as for appreciation or award to the PLV for his/her work.



## 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

**EXECUTIVE CHAIRMAN**

Justice D. N. Patel  
Judge  
Jharkhand High Court

**MEMBER SECRETARY**

S.K Dubey  
(Principal District Judge)

Ref No: JHALSA/1780

Dated: 11/02/15

To,

The Member Secretary  
National Legal Services Authority  
12/11, Jamnagar House  
Shahjehan Road  
New Delhi-110011

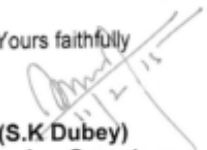
Madam,

Kindly refer to your email message dt 9-2-15 regarding sending details in respect of engagement with NGOs, use of Nalsa fund for purchase of multiutility vehicle, monitoring system for PLV Scheme and Legal Services Clinics.

The desired information is enclosed herein for needful at your end.

Thanking You.

Yours faithfully

  
(S.K. Dubey)  
Member Secretary

## 1. Engagement with the NGOs:

- i) Antarrashtriya Manavadhikar Sangathan is the only NGO accredited by the Jharkhand State Legal Services Authority. It is engaged in creating awareness on various social and economical areas. Following parameters are used presently for accreditation of the NGO by JHALSA for funding by NALSA:
  - a) Whether the NGO is validly registered under the Societies Registration Act.
  - b) Whether previous years balance sheet of the NGO has been duly audited by competent Chartered Accountant .
  - c) Whether the NGO is undertaking various legal services activities throughout the state.
  - d) Whether the application of persons in need of legal aid or the persons eligible for beneficial schemes are being forwarded to competent authority or legal services institutions by the NGO.
  - e) Whether the NGO is committed towards social service.
- ii) Vidhik Jagrukta-sah-Jan Jagaran Padyatra Abhiyan is being organized by the accredited NGO- Antarrashtriya Manavadhikar Sangathan from out of fund made available by the NALSA in four districts- Jamtara, Godda, Sahebganj and Deoghar and the DLSAs of the respective district are fully involved in Vidhik Jagrukta-sah-Jan Jagaran Padyatra Abhiyan.
- iii) So far the accredited NGO- Antarrashtriya Manavadhikar Sangathan has undertaken Vidhik Jagrukta-sah-Jan Jagaran Padyatra Abhiyan in 3 Districts and has submitted the details of expenses duly audited by the Chartered Accountant as well as the activities in hard as well as soft copy and same has been forwarded to NALSA.

## 2. Use of NALSA funds for purchase of Multi-Utility Vehicles.

- Two multi utility vehicles (Mobile Lok Adalat cum Legal Awareness vans) are plying in the State of Jharkhand. One Mobile Van fabricated by M/s BEBBO was purchased in the year 2009 (out of State Fund).

The other Van has been fabricated by M/s SIGMA and purchased in April 2013 (out of NALSA +State Fund).

- The Van is used for conducting month long Mobile Lok Adalat cum Legal Awareness in different districts of Jharkhand throughout the year.
- All the 23 districts have been covered.
- : No demand has been made to NALSA so far.

### 3. Developing an effective monitoring system for the PLV Scheme.

- i) Training are conducted in DLSA or Court premises either before or after the court time or on court holidays and the group comprises of 25 to 50 persons. The panel lawyers as well as Judicial Officers, Police Officers, Doctors, Professors and social workers are the resource persons.
- ii) Expenditure ordinarily incurred in kits, tea, books and I. card for Para Legal Volunteers in these training programmes and it was incurred from out of NALSA fund.
- iii) Three such advance training programmes have been conducted at State level and Orientation Training Programme for PLV is conducted at every DLSA level once in a month.
- iv) Three workshops have been organized at State Legal Services Authority level.
- v) PLVs are doing following kinds of work:-
  - a) Organising micro level awareness camp on every issues including the special focused areas of the JHALSA.
  - b) Writing applications for the legal aid seekers.
  - c) Moving the legal aid seekers to legal aid clinics or the legal services institutions.
  - d) PLV at police stations are working in the field of child trafficking and woman trafficking.



- e) Apart from this, the 15 point duties of PLVs has been circulated amongst the PLVs of the State as also the same has been uploaded on the JHALSA website. There are no exclusive panel for each activity, however the PLVs are deputed at front offices, mental health institute, village legal care and support centre and police stations. Therefore, they are doing the kind of work they are supposed to do at front office, mental health institute, village legal care and support centre and police stations.
- vi) The JHALSA has long realized the need for optimal utilization of human resources in mitigating the grievances of the general people. It has worked vigorously for capacity building of PLVs, panel lawyers and judicial officers. Every month, every DLSA organizes one orientation programme for PLVs and one for panel lawyers with the help of resource persons from other Govt. departments. The State Legal Services Authority is continuing its effort to increase the capacity of PLVs. JHALSA at regular intervals publishes the legal materials as well as FAQs on important laws to enhance the capacity of the PLVs.
- vii) At the first level the visiting lawyer attached to the village legal care and support centre inspects the work of PLV at the clinic and submits report to the Secretary of the respective DLSA who supervises the work of the PLV in the second level. Every village legal care and support centre is under overall control and supervision of Chairman, DLSA and there is a District Monitoring Committee constituted under Regulation 10 of NALSA Regulation (Free and Competent Legal Services 2010) for further supervision of legal aid activities undertaken by PLVs.
- viii) The PLVs maintain the records of all persons to whom they provide legal aid. Apart from that they keep track on the application of each and every persons which they have forwarded to DLSA or the Govt. Officers so that legal aid seeker may be kept aware of the developments.



- ix) Yes, the records are there with DLSA reflecting the quantity and quality of work done by PLVs. .
- x) Yes, there is a system of cross checking with the beneficiaries.
- xi) The honorarium is released after taking into consideration the number of days (as per schedule) attended by PLVs and the work done by them after assessment and evaluation by the legal services institutions. The work done by PLVs is assessed and evaluated by legal service institution on 15 point parameters.

**Developing a Monitoring System for the Legal Services Clinics.**

- i) Records containing the details of persons to whom legal aid was provided are kept in the legal aid clinics.
- ii) Attendance of PLVs is monitored by surprise visit of DLSA Secretary as well as periodical visit of the visiting lawyer attached to that clinic.
- iii) The work of PLVs are assessed and evaluated on 15 point parameters which has been circulated to all the PLVs as well as uploaded on the website of JHALSA.
- iv) Instruction has been given to all the DLSA for payment to the PLVs after evaluating their effective work.



## 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

Ref No: JHALSA/ 1020

Dated: 15/10/14

Hon'ble Acting Chief Justice  
Jharkhand High Court

&

**EXECUTIVE CHAIRMAN**

Justice D.N. Patel

Judge

Jharkhand High Court

**SPEED POST**

To,

**All the Principal District Judges-cum-Chairmen  
District Legal Services Authorities including  
Principal Judicial Commissioner, Ranchi**

**MEMBER SECRETARY**

S.K. Dubey  
(Principal District Judge)

Sir,

As directed, kindly find enclosed a letter No.L/03/2014-NALSA dt 9<sup>th</sup> Oct 2014 received from National Legal Services Authority, New Delhi.

Vide the said letter NALSA has expected proper assistance to be provided by panel lawyers and PLVs to the victims for getting their FIR registered, recording of statement etc.

The PLVs under your jurisdiction may be directed to assist women as cited in the letter. The PLVs may also be directed to maintain clear records of work done and action taken including follow up, with all details in registers meant for this purpose.

Thanking You.

Yours faithfully

(S.K. Dubey)

Member Secretary

Encl: As above



## NATIONAL LEGAL SERVICES AUTHORITY

### राष्ट्रीय विधिक सेवा प्राधिकरण

Department of Legal Affairs, Ministry of Law & Justice, Govt. of India

विधि विभाग, कानून एवं विधि मंत्रालय, भारत सरकार

12/11, Jam Nagar House, Shahjahan Road New Delhi – 110011

12/11 जाम नगर हाउस, शाहजहाँ रोड, नई दिल्ली-110011

Tel. 011-23382778

011-23386176

Fax 011-23382121

No.L/03/2014-NALSA

October 9, 2014

To

The Member Secretary  
All the State Legal Services Authorities

Sir/Madam,

The Ministry of Women & Child Development, Govt. of India had proposed to establish Nirbahaya – One Stop Centre for women affected by violence in all districts to provide comprehensive help and support to the victims of rape and sexual assault and cooperation had been sought from NALSA. The Ministry has been assured by NALSA that panel lawyers and PLVs will help the victims to get their FIR registered and to be present during remand proceedings to oppose bail etc. and to obtain court orders for protection of witnesses wherever necessary and to be present during trial including recording of the statement of the victim. The Ministry has also been informed that the panel lawyers and PLVs shall 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.

2. The Ministry of Women & Child Development, Govt. of India is also in the process of preparing a Scheme for Strengthening Mechanisms for Combating Violence (SMCV) against women. The Scheme aims to provide immediate care and support to women affected by violence. The objective of the scheme is to establish linkage with the existing facilities and to facilitate emergency and non-emergency referral to One Stop Centres, shelter homes and police/Hospital/Ambulance services. The Ministry has been assured by NALSA that the Legal Services Authorities will support the Scheme and render all possible help to the women especially affected by violence, as and when called upon to do so.

3. In view of the above, it is requested that all the PLVs in your State may be directed to assist women as stated above. The PLVs may also be directed to maintain clear records of work done and action taken including follow up, with all details in registers, meant for this purpose.

Yours faithfully,

(Mohinde Virat)  
Director

o/c



## 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

Ref No: JHALSA/ 886

Dated: 6/9/14

Hon'ble Acting Chief Justice  
Jharkhand High Court

&

EXECUTIVE CHAIRMAN

Justice D.N. Patel

Judge

Jharkhand High Court

FAX/SPEED POST

To,

All the Principal District Judges-cum-Chairmen  
District Legal Services Authorities including  
Principal Judicial Commissioner, Ranchi

MEMBER SECRETARY

S. K Dubey  
(Principal District Judge)

**Sub: Training of new candidates as PLVs.**

Sir,

It has been observed from correspondences received from different DLSAs that the present strength of PLVs is not sufficient to meet the need of Legal Aid Clinics, Voice based KIOSKS, Front Offices and other legal services and imparting training to new candidates as PLVs, by DLSAs is felt necessary.

The matter was placed before His Lordship, Hon'ble Executive Chairman, JHALSA. His Lordship has been pleased to issue directions for supersession of earlier directions of State Authority regarding stoppage of training of PLVs and direct DLSAs to conduct fresh training programmes for appointment of PLVs in light of Revised Scheme of PLVs. His Lordship has further been pleased to direct that the limit of PLVs may be increased in cases where the maximum no. of 50 PLVs for DLSA and 25 No. of SDLSC is not fulfilling the need of legal services.

Thanking You.

Yours faithfully

  
(S.K Dubey)  
Member Secretary

Encl: Revised PLV Scheme.



# 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

**EXECUTIVE CHAIRMAN**  
Justice D. N . Patel  
Judge  
Jharkhand High Court

**MEMBER SECRETARY**  
S.K Dubey  
(Principal District Judge)

Ref No: JHALSA/224

Dated: 18/05/14

To,

All the Principal District Judges cum Chairmen  
District Legal Services Authorities  
Including Judicial Commissioner, Ranchi

Sir,

As directed, kindly find enclosed a letter received from NALSA vide No.L/24/2012-NALSA dated 16-4-14 containing the directions of Hon'ble Supreme Court of India in Writ Petition No. 400 of 2012. In this regard you are humbly requested to spread awareness on the matter among the community members, govt officials, police officials and society at large.

Thanking You.

Yours faithfully

  
(S.K. Dubey)  
Member Secretary

Encl: As above



**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

Ref No: JHALSA/ 225  
Dated: 13/08/14

**EXECUTIVE CHAIRMAN**  
Justice D. N. Patel  
Judge  
Jharkhand High Court

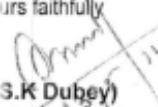
To,  
  
The Secretary,  
Home Department  
Govt of Jharkhand  
Ranchi

**MEMBER SECRETARY**  
S.K Dubey  
(Principal District Judge)

Sir,  
As directed, kindly find enclosed a letter received from NALSA vide No.L/24/2012-NALSA dated 16-4-14 containing the directions of Hon'ble Supreme Court of India in Writ Petition No. 400 of 2012.

In this regard you are humbly requested to take appropriate steps for the betterment of the "third gender".

Thanking You.

Yours faithfully  
  
(S.K Dubey)  
Member Secretary

Encl: As above  
Home Department  
Govt of Jharkhand  
Ranchi

As directed, H  
012-NALSA  
in this regard  
of the third  
Thanking You.





## 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

**EXECUTIVE CHAIRMAN**

Justice D. N. Patel  
Judge  
Jharkhand High Court

**MEMBER SECRETARY**

S.K. Dubey  
(Principal District Judge)

Ref No: JHALSA/ 2338

Dated: 17/02/14

SPEED POST

To,  
All the Principal District Judges cum Chairmen  
District Legal Services Authorities  
Including Judicial Commissioner, Ranchi

Sir,

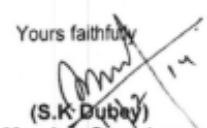
As per the National Plan of Action of National Legal Services Authority every State Legal Services Authority has been directed to adopt one project for focused implementation during the year. Targets should be set at the beginning of the project and the achievement assessed at the end of the year and the problem faced during implementation and the methods used to resolve them is also required to be documented so that the experience could be shared with other States in similar activities.

Accordingly the Jharkhand State Legal Services Authority has adopted the Social Security Schemes and similar schemes floated by the Central Govt and State Govt under the Unorganized Workers Social Security Act, 2008 for focused implementation this year.

In this regard, while enclosing the order of Hon'ble Jharkhand High court in WP (PIL) No.2810 of 2012 I have been directed to request you for implementation of the Social Security Schemes and similar schemes floated by the Central Govt and State Govt under the Unorganized Workers Social Security Act, 2008 by organizing awareness camps throughout your district.

Your good selves may also liason with various departments of Govt of Jharkhand for effective implementation of the Social Security Scheme as project of the year.

Yours faithfully

  
(S.K. Dubey)  
Member Secretary

Encl: As above





## 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

**EXECUTIVE CHAIRMAN**  
Justice D. N. Patel  
Judge  
Jharkhand High Court

**MEMBER SECRETARY**  
S.K. Dubey  
(Principal District Judge)

Ref No: JHALSA/ 2378

Dated: 27/02/14

To,  
The Member Secretary  
National Legal Services Authority  
12/11, Jamnagar House  
Shahjehan Road  
New Delhi-110011

Sub: Steps taken on decision of Central Authority meeting held on 29-9-13.

Sir,

Kindly refer to your Letter No. L/20/2013-NALSA dt 10-2-14 on the above noted subject. In this regard the action taken on different decisions is as under:

1. Directions have been issued to all the DLSAs to send panel lawyers to jails to interact with the inmates and follow up the case in Courts and further to identify long term inmates who have either been granted bail but are not able to furnish surety bonds or have completed almost the entire term of imprisonment or penalty as punishment and take remedial measures.
2. Further the DLSAs/SDLSCs have been directed to participate in the village markets held periodically or weekly through the PLVs to spread awareness not only of the rights but also of the existence of the Legal Services Authorities through Legal Aid Clinics and the availability of PLVs so that people would approach the Legal Services Institutions for legal advice and assistance.
3. The Sub-Divisional Legal Services Committee through the respective DLSAs have also been directed to assist the people in getting Ration Cards and BPL Cards.
4. DLSAs have been advised to make expenditure out of the cost fund available to the DLSAs for all legal services activities including the purchase of vehicles, computers and engagement of Drivers.
5. Request letter has been sent to the Education Department, Govt of Jharkhand for inclusion of Moral science subject in the curriculum emphasizing fundamental duties.  
Steps have also been taken by JHALSA for installation of GPRS system in Mobile Vans and the same is likely to be installed in the near future.

Thanking you

Yours faithfully

(S.K. Dubey)  
Member Secretary



## 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

**EXECUTIVE CHAIRMAN**

Justice D. N. Patel  
Judge  
Jharkhand High Court

**MEMBER SECRETARY**

S.K. Dubey  
(Principal District Judge)

Ref No: JHALSA/2367

Dated: 17/02/14

To,

All the Principal District Judges cum Chairmen  
District Legal Services Authorities  
Including Judicial Commissioner, Ranchi

Sub: Approval of Selection List of PLVs.

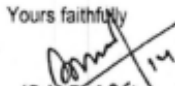
Sir,

Kindly refer to your letters in response to this office letter No.1937 dt 28.11.13 forwarding therein the Selection List of PLVs.

In this regard, I have been directed to intimate your goodselves that the said lists have been approved by the Hon'ble Executive Chairman, Jharkhand State Legal Services Authority . The services of these PLVs may be utilized in different Legal Aid Clinics and other legal aid services. Further the matters of placing, removing or reinstatement of the PLVs in case of vacancy, removal or resignation would be at the discretion of Chairman, DLSA.

Thanking you

Yours faithfully

  
(S.K. Dubey)  
Member Secretary



## NYAYA SADAN

**JHARKHAND STATE LEGAL SERVICES AUTHORITY (JHALSA)**

**NEAR A.G. OFFICE, DORANDA, RANCHI- 834002**

Phone: 0651-2481520 (O), 2482392, Fax: 2482397, E-mail- [jhsa\\_ranchi@shco.co.in](mailto:jhsa_ranchi@shco.co.in), [jhsaranchi@gmail.com](mailto:jhsaranchi@gmail.com)

**PATRON-IN-CHIEF**  
**Hon'ble Chief Justice**  
**Jharkhand High Court**

**Executive Chairman**  
**D.N. Patel, Judge,**  
**Jharkhand High Court**

**MEMBER SECRETARY**  
**S.K. Dubey**  
**(Pr. District Judge)**

Ref No: JHALSA 2355

Dated : 13/02/14.

To,

All the Pr. District Judges-cum-Chairmen  
District Legal Services Authorities  
State of Jharkhand- including  
The Pr. Judicial Commissioner-cum-Chairman  
District Legal Services Authority, Ranchi-And  
All the Secretaries  
Sub-Divisional Legal Services Committees

Sir,

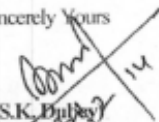
Enclosing herewith letter bearing F. No. L-26/2013-NALSA dated 12<sup>th</sup> February, 2014, received from the Member Secretary, NALSA, as directed, you are requested to change and correct the name on display boards and other publicity materials as "**VILLAGE LEGAL CARE AND SUPPORT CENTRE**" as the "Legal Aid Clinic" has now been renamed as such.

You are further requested to ensure that complaint boxes are fixed at all the clinics and offices of the Legal Services Authorities/Sub-Divisional Legal Services Committees which the Secretary concerned shall open on a daily basis. The complaint box should be kept under lock and key and under the supervision of the Secretary concerned. The Ld. Chairperson of the DLSA/SDLSC or the Monitoring Committee, wherever in place, should look into the complaint and action taken report should be submitted to the Member Secretary, SLSA who shall further compile it and submit a report to NALSA every month.

The compliance report in respect of the meetings held by the DLSA Chairpersons with the PLVs and Panel Lawyers for the month of January, 2014 may also be submitted immediately and further reports in this regard be submitted by the 1<sup>st</sup> of each succeeding month.

Thanking You.

Sincerely Yours

  
(S.K. Dubey)  
Member Secretary

Encl:- As above



## NYAYA SADAN

**JHARKHAND STATE LEGAL SERVICES AUTHORITY (JHALSA)**

**NEAR A.G. OFFICE, DORANDA, RANCHI- 834002**

Phone: 0651-2481520 (O), 2482392, Fax: 2482397, E-mail - [jhalra\\_ranchi@rbhco.co.in](mailto:jhalra_ranchi@rbhco.co.in), [jhalseranchi@gmail.com](mailto:jhalseranchi@gmail.com)

**PATRON-IN-CHIEF**  
**Hon'ble Chief Justice**  
**Jharkhand High Court**

**Executive Chairman**  
**D.N. Patel, Judge,**  
**Jharkhand High Court**

**MEMBER SECRETARY**  
**S.K. Dubey**  
**(Pr. District Judge)**

Ref No: JHALSA/N 2310

Dated : 11/09/14.

To,

The Secretary  
Education (Primary & Middle)  
Govt. of Jharkhand, Ranchi

Sub:- *To include moral science subject in the curriculum emphasizing fundamental duties*


Sir,

I am to inform that the Central Authority (NALSA) in a meeting held on 29.09.2013 under the chairmanship of Hon'ble Chief Justice of India and Patron-in-Chief of NALSA has taken decisions and directed the State Legal Services Authorities to make a request to the Education Directorate in the State *to include moral science subject in the curriculum emphasizing on the fundamental duties* as enshrined in our Constitution.

As directed, I, therefore, request you to kindly take necessary steps for inclusion of the aforesaid subject in the curriculum of primary, middle and secondary schools so that moral values could be inculcated amongst students at their tender age.

Thanking You.

Sincerely Yours

  
(S.K. Dubey)  
Member Secretary





**NYAYA SADAN**  
**JHARKHAND STATE LEGAL SERVICES AUTHORITY (JHALSA)**  
 NEAR A.G. OFFICE, DORANDA, RANCHI- 834002

Phone: 0651-2481520 (O), 2482392, Fax: 2482397, E-mail - jhalsa\_ranchi@yahoo.co.in, jhalsaranchi@gmail.com

**PATRON-IN-CHIEF**  
 Hon'ble Chief Justice  
 Jharkhand High Court

**Executive Chairman**  
**D.N. Patel, Judge,**  
 Jharkhand High Court

**MEMBER SECRETARY**  
**S.K. Dubey**  
 (Pr. District Judge)

Ref No: JHALSA/N 2311

Dated : 11/02/14

To,

All the Pr. District Judges-cum-Chairmen  
 District Legal Services Authorities  
 State of Jharkhand-including  
 The Pr. Judicial Commissioner-cum-Chairman  
 District Legal Services Authority, Ranchi

Sub:- *Compliance of the resolutions adopted in the Meeting of Central Authority (NALSA) held on 29.09.2013 under the chairmanship of Hon'ble Chief Justice of India and Patron-in-Chief of NALSA*

Sir,

Please find enclosed herewith letter bearing F.No. L/20/2013/NALSA/4926 dated 02.12.2013, received from Member Secretary, NALSA whereby it has been informed that the Central Authority (NALSA) in a meeting held on 29.09.2013 under the chairmanship of Hon'ble Chief Justice of India and Patron-in-Chief, NALSA have discussed some issues and taken decisions thereon for being followed and complied by all concerned.

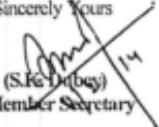
In view of the directions contained in the letter aforesaid, you are requested to send panel lawyers to jails to interact with the inmates and follow up the case in Courts and further to identify long term inmates who have either been granted bail but are not able to furnish surety bonds or have completed almost the entire term of imprisonment or penalty as punishment and take remedial measures. The DLSAs/SDLSCs are to further participate in the village markets held periodically or weekly through the PLVs to spread awareness not only of the rights but also of the existence of the Legal Services Authorities through Legal Aid Clinics and the availability of PLVs so that people would approach the Legal Services Institutions for legal advice and assistance. The Sub-Divisional Legal Services Committee, if any, working in your District should also be activated and directed to assist the people in getting Ration Cards and BPL Cards.

In the said meeting, it has also been resolved to authorize the Secretary, DLSA to make expenditure out of the cost fund available to the DLSAs for all legal services activities including the purchase of vehicles, computers and engagement of Drivers.

As directed, the decisions taken by the Committee in its meeting may be strictly complied so that the benefit of legal services could reach the needy people and the objective of Legal Services Authorities could be fruitfully achieved.

Thanking You.

Sincerely Yours

  
 (S.K. Dubey)  
 Member Secretary

Encl:- As above





## 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

Ref No: JHALSA/ 2248  
Dated : 29/01/14

### Patron-in-Chief

Hon'ble the Chief Justice  
Jharkhand High Court

### EXECUTIVE CHAIRMAN

Hon'ble Mr. Justice D.N. Patel  
Judge, Jharkhand High Court

### MEMBER SECRETARY

S.K. Dubey  
(Principal District Judge)


To,

All the Principal District Judges –cum-Chairmen  
District Legal Services Authorities  
including the Principal Judicial Commissioner-cum-Chairman  
DLSA, Ranchi  
Jharkhand

Sir,

While enclosing herewith photocopy of Hon'ble Court's Order dated 10/01/14 passed in W.P. (PIL) No. 2584 of 2011 along with photocopy of Letter No. 11044/11/2011-VTV dt: 29/06/12 and Letter No. 11021/1/2013-VTV dt. 24/10/13 along with Central Scheme for Assistance to Victims of Terrorist and Communal Violence, I am directed to circulate the same with a direction to create Awareness by holding Intensive Legal Awareness Camps at all levels including District/Sub-Divisions/Blocks/Panchayats/Villages/Tola/Mohalla/Basties about the Central Scheme available to the victim of terrorist and communal violence. The Hon'ble Courts direction may also be circulated to the Sub Divisional Legal Services Committees, if any, under your DLSA to create Awareness by holding Intensive Legal Awareness Camps at all levels as stated above.

Yours faithfully

  
(S.K. Dubey)  
Member Secretary

End: (i) True copy of order dt: 10.01.14 passed in W.P. (PIL) No. 2584 of 2011.  
(ii) True copy of letter no. 11044/11/2011- VTV dt: 29.06.12  
(iii) True copy of Letter No. 11021/1/2013-VTV dt: 24.10.13



## 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

Ref No: JHALSA/ 22-18

Dated : 22/01/14

### Patron-in-Chief

Hon'ble the Chief Justice  
Jharkhand High Court

### EXECUTIVE CHAIRMAN

Hon'ble Mr. Justice D.N. Patel  
Judge, Jharkhand High Court

### MEMBER SECRETARY

S.K. Dubey  
(Principal District Judge)

To,

All the Principal District Judges –cum-Chairmen  
District Legal Services Authorities  
including the Principal Judicial Commissioner-cum-Chairman  
DLSA, Ranchi

Sir,

While enclosing herewith photocopy of Hon'ble Court's Order dt. 06.01.14 passed in W.P. (PIL) No. 5497 of 2011, I am directed to communicate the aforesaid order of the Hon'ble Court to your goodself. It is further requested to get the aforesaid Hon'ble Court's order communicated to the Vice Chairman, Secretaries, Members of the District Legal Services Authority/Sub Divisional Legal Services Committee of your District to take effective ways and means to decimate the menace of Eve-teasing by adopting appropriate and befitting measures as directed in the said order of the Hon'ble Court.

Yours faithfully

  
(S.K. Dubey)  
Member Secretary

Encl: (i) True copy of Order dt: 06.01.14  
(ii) True copy of Order dt: 22.09.11  
(iii) True copy of Order dt: 17.07.13





## 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

**EXECUTIVE CHAIRMAN**  
Justice D. N. Patel  
Judge  
Jharkhand High Court

**MEMBER SECRETARY**  
S.K Dubey  
(Principal District Judge)

Ref No: JHALSA/2206

Dated: 21/1/14

To,  
All the Principal District Judges-cum-Chairmen  
District Legal Services Authorities including  
Principal Judicial Commissioner, Ranchi

Sub: Establishment of Legal Aid Clinic/ Legal Services Clinic in each  
Subdivision on 24-1-2014.

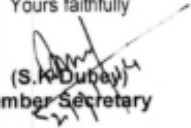
Sir,  
With reference to this office letter No. 2037 dt 4-1-14, list of  
places/villages at each Taluk/Subdivision where the Legal Services Clinics and  
the names of PLVs, Retainer/Panel Lawyers who would be manning the said  
Clinics, have been received from your end.

The said lists have been approved by Hon'ble Executive Chairman,  
JHALSA.

Further the deputation of 2 PLVs at the Legal Services Clinic shall be on  
rotation basis giving 2 working days in a week to one PLV. For example: PLV 'A'  
may work on Monday and Wednesday and PLV 'B' may work on Thursday and Saturday.  
The Legal Aid Panel Lawyer shall visit the Legal Services Clinic once in a  
fortnight.

The honorarium for Para Legal Volunteer would be Rs. 250/- per day  
basis and payment of Rs. 500/- as honorarium is to be made to the Legal Aid  
Panel Lawyer per fortnight visit to the Legal Services Clinics from out of NALSA  
fund.

Yours faithfully

  
(S.K. Dubey)  
Member Secretary



**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 the Chief Justice  
 Jharkhand High Court

**EXECUTIVE CHAIRMAN**

**Justice D.N. Patel**  
 Judge, Jharkhand High Court

**MEMBER SECRETARY**

**S.K. DUBEY**  
 (Principal District Judge)

Ref No: JHALSA/ 1514  
 Dated : 17/9/13

To,  
 All the Principal District Judges –cum-Chairmen  
 District Legal Services Authorities  
 including the Principal Judicial Commissioner-cum-Chairman  
 DLSA, Ranchi  
 Jharkhand

Sir,  
 Pursuant to direction issued by the Member Secretary, NALSA vide letter no. L/45/2012/NALSA dt: 05/09/13 (*copy enclosed*), I am directed to request you to ensure that basic facilities like toilet and drinking water are provided at all functional Legal Aid Centres in your District. Further, it should be ensured that the identity of Children suffering from HIV/AIDS or are generally victims are not published by the Media without care and the identity of Children being protected at all times.

Thanking you.

Yours faithfully

*(Signature)*  
 (S.K. Dubey)  
 Member Secretary

Encl: As above

Memo No. 1515

Dt: 17/9/13

Copy to:

All the Deputy Commissioners, Jharkhand / All the Superintendent of Police, Jharkhand / The Secretary, Department of Home, Govt. of Jharkhand/ The Secretary, Dept. of Social Welfare, Women and Child Development, Govt. of Jharkhand for information and further needful.

*(Signature)*  
 (S.K. Dubey)  
 Member Secretary



राष्ट्रीय विधिक सेवा प्राधिकरण  
NATIONAL LEGAL SERVICES AUTHORITY  
(Constituted under the Legal Services Authorities Act, 1987)

आशा मेनन  
सदस्य सचिव  
ASHA MENON  
(Delhi Higher Judicial Service)  
Member Secretary

12/11, जाम नगर हाऊस  
शाहजहाँ रोड, नई दिल्ली-110011  
12/11, Jam Nagar House  
Shahjahan Road, New Delhi-110011

F.No.L/45/2012/NALSA  
Dated: 5<sup>th</sup> September, 2013

To  
The Member-Secretary,  
All State Legal Services Authorities.

Dear Sir/Madam,

In continuation of the communications sent in respect of decisions taken at the meeting of the Central Authority of NALSA held on 20.04.2013, it is informed that a resolution was adopted to the effect that State Legal Services Authorities shall ensure that basic facilities like toilets and drinking water are provided at legal aid centres.

It was also resolved in the aforesaid meeting, that State Legal Services Authorities should proactively intervene to protect the identity of children who suffer from HIV/AIDS or are generally victims so that their names are not published by the media without care and the identity of children are protected at all times.

It is requested that the State Authority may take necessary steps to provide basic facilities viz. toilets and drinking water in the legal aid centres and ensure that the identity of children are protected at all times, as decided in the Central Authority meeting.

With regards,

Yours sincerely,

*Asha Menon*  
(Asha Menon)



## 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

Ref No: JHALSA/1240

Dated : 31/08/13

**Hon'ble the Acting Chief Justice**

&

**EXECUTIVE CHAIRMAN**

**Justice D.N. Patel**

Judge, Jharkhand High Court

**MEMBER SECRETARY**

**B.K. Goswami**

(Principal District Judge)

To,

The Principal District Judges-cum-Chairmen  
District Legal Services Authorities  
Gumla, Lohardaga, Simdega, Jamshedpur, Palamau, Garhwa,  
Latehar, Chatra, Koderma, Giridih, Deoghar  
including the Judicial Commissioner cum Chairman  
District Legal Services Authority, Ranchi

Sub: **1. Compliance of Direction of Hon'ble Supreme Court of India in W.P. (C) No. 75/2012 titled Bachpan Bachao Andolan s. Union of India & Ors.**  
**2. For deputation of PLV at Police Station vide above direction**

Sir,


While enclosing herewith the copy of the order of the Supreme Court passed in the above case regarding deputation of PLVs in shifts in the Police Stations in the interest of the missing child, you are requested to take effective steps at the earliest by deputing 2 PLVs (**each one shall attend the Police Station once in a week**) in the Police Stations identified as per list enclosed as **Annexure-'A'**. However, apart from the above, DLSA is at liberty to direct the PLV to visit and work there also as and when required by the Police in emergency situation. JHALSA has developed a **Standard Operating Procedure** with the Police Department, Jharkhand as contained in **Annexure-'B'**. Hence, before taking steps, the DLSA shall coordinate with local S.P or S.S.P to apprise him of the above direction of the Hon'ble Supreme Court of India and about letter dt. 1012/31/08/13 of CID, Jharkhand.

The DLSA shall strictly follow the guidelines contained in **Annexure-'C'** (copy of the order – 7 sheets); Copy of the letter no. 1012 dt. 31/08/13 of CID, Jharkhand (**Annexure-'D'**) is enclosed for your kind information and effective coordination. **The PLVs deputed at the Police Station shall be paid Rs. 250 on per day basis from out of NALSA Fund.**

The Compliance Report regarding the above may be furnished latest by 25<sup>th</sup> of October, 2013 to this office.

Thanking you.

Yours faithfully

  
(B.K. Goswami)  
Member Secretary

Encl: As above (12 sheets) *and extra 6 sheets*





## NYAYA SADAN

**JHARKHAND STATE LEGAL SERVICES AUTHORITY (JHALSA)**

**NEAR A.G. OFFICE, DORANDA, RANCHI- 834002**

Phone: 0651-2481520 (O), 2482392, Fax: 2482397, E-mail - jhalsa\_ranchi@yahoo.co.in, jhalsaranchi@gmail.com

**PATRON-IN-CHIEF**  
**Hon'ble Chief Justice**  
**Jharkhand High Court**

**Executive Chairman**  
**D.N. Patel, Judge,**  
**Jharkhand High Court**

**MEMBER SECRETARY**  
**B.K. Goswami**  
**(Pr. District Judge)**

Ref No: JHALSA/ 608  
Dated : 17/06/13.

From,

**The Member Secretary**  
**Jharkhand State Legal Services Authority**  
**Ranchi**

To,

**All the Pr. District Judges-cum-Chairmen**  
**District Legal Services Authorities**  
**State of Jharkhand-including**  
**The Pr. Judicial Commissioner-cum-Chairman**  
**District Legal Services Authority, Ranchi**

Sir,

Enclosed find herewith the list of number of trained Para Legal Volunteers District wise for your kind information (Pls. see Annexure-'A'). Further, I am pleased to inform that NALSA has introduced a modified scheme for Para Legal Volunteers according to which a DLSA and SDLSC shall have a maximum number of 100/50 trained Para Legal Volunteers on their roll at any given point of time. These Para Legal Volunteers shall be literate, preferably matriculate with a capacity of overall comprehension. These Para Legal Volunteers are not only expected to impart awareness to the villagers but also they must be able to amicably settle simple dispute between the parties at the source itself. Through the Para Legal Volunteers, JHALSA aims to reach out to the people at the door steps of villagers so that they are able to avail Access to Justice.

Considering the above objective in mind the DLSA is requested to call out all those trained Para Legal Volunteers (including those working at the level of DLSA or SDLSC) and through the Selection Committee as given below a maximum of 50 no. of trained Para Legal Volunteers at District level and 25 no. of Para Legal Volunteers at the SDLSC level should be selected (while DLSA, Jamtara, Godda, Lohardagga and Sahibganj is given liberty to select proper number of competent PLVs) through an Interview regard being had to the capacity of Para Legal Volunteers for overall comprehension, their compassion, empathy and concern for the upliftment of the marginalized and weaker sections of the society. The DLSA shall obtain an undertaking from the selected candidates that they shall be ready to render their services to DLSA or SDLSC within next six months for the legal aid services/activities at the honorarium fixed by legal services Institution.

1. **Selection Committee (District level)**

It shall consist of the Chairman, DLSA, the Secretary, DLSA and the 3<sup>rd</sup> Member shall be appointed at the discretion of Chairman, DLSA being able to identify suitable person.

2. **Selection Committee (SDLSC/Taluk level)**

It shall consist of Chairman, DLSA, Secretary, DLSA, Chairman, SDLSC and a fourth person at the discretion of the Chairman, DLSA.

Thanking You.

Yours Sincerely

  
**(B.K. Goswami)**  
**Member Secretary**

Encl:- As above



## 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 the Chief Justice  
Jharkhand High Court

### **EXECUTIVE CHAIRMAN**

**Justice D.N. Patel**  
Judge, Jharkhand High Court

### **MEMBER SECRETARY**

**B. K. Goswami**  
(Principal District Judge)

Ref No: JHALSA/ 2022

Dated : 12/03/13

To,

**All the Principal District Judges –cum-Chairmen  
District Legal Services Authorities  
Bokaro/Chatra/ Dhanbad/Dumka/Giridih/Gumla/Hazaribag/  
Jamshedpur/Koderma/Lohardagga/Pakur/Palamau/Simdega  
Including the Principal Judicial Commissioner, DLSA, Ranchi  
Jharkhand**

Sub: **Modification in Annexure II dt. 6/3/12 regarding  
Engagement/Deputation of PLV and Legal Aid Lawyer to Legal Aid  
Clinics**

Ref: **JHALSA earlier letter no. 1830 dt. 19/02/13**

Sir,

Please refer to JHALSA Letters as per Annexure-'A' enclosed containing another Annexure i.e. **Annexure-II**, thereto containing guidelines with respect to inter alia payment of remuneration of Rs. 500 for a fortnight visit of the Legal Aid Panel Lawyer attached to a Legal Aid Clinic.

In this regard, this is to inform your goodself that Hon'ble Executive Chairman of JHALSA has been pleased to modify the bullet Item No. 7 of the Annexure-II dt. 06/03/12 to be read as follows:

**"Payment of Rs. 500/- as honorarium is to be made to the Legal Aid Panel Lawyer per fortnight visit to the Legal Aid Clinics. However, if a Legal Aid Panel Lawyer (attached to more than one Legal Aid Clinic) makes visit to more than one Legal Aid Clinic in a single fortnight visit, he shall be entitled to the prescribed honorarium for each of these Legal Aid Clinics."**

**For example:-**

***If Mr. X is attached to Legal Aid Clinic at Village/Panchayat -'A' as well as Village/Panchayat -'B' & Village/Panchayat -'C' as per his convenience, then he shall be entitled to a total of Rs. 1500/- for visit of each of the 3 Legal Aid Clinics A, B & C, even if visits are conducted in a single fortnight visit.***

This is for your information. You are requested to act upon the above amended Annexure-II for further compliance.

Thanking you.

Yours faithfully

**(B.K. Goswami)**  
Member Secretary

Encl : As above



## 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 the Chief Justice  
Jharkhand High Court

### **EXECUTIVE CHAIRMAN**

**Justice D.N. Patel**  
Judge, Jharkhand High Court

### **MEMBER SECRETARY**

**B.K. Goswami**  
(Principal District Judge)

Ref No: JHALSA/1830

Dated : 19.2.2012

To,

All the Principal District Judges –cum–Chairmen  
District Legal Services Authorities  
Bokaro/Chatra/ Dhanbad/Dumka/Giridih/Gumla/Hazaribag/  
Jamshedpur/Koderma/Lohardagga/Pakur/Palamau/Simdega  
Including the Principal Judicial Commissioner, DLSA, Ranchi  
Jharkhand

Sub: Legal Aid Clinics

Sir,

Please refer to Annexure-'A' enclosed herewith, whereby, sanction and approval for opening of Legal Aid Clinics in villages or Panchayats was accorded by JHALSA.

Please also have reference to Annexure-II, of the referred letter whereby, in Para 5 of the direction contained therein there is mention of 4 days a week working of Legal Aid Clinics.

In the above regard, this is to further inform that reference to 4 days working of the Legal Aid Clinic may be understood and calculated as 16 days a month working of the Legal Aid Clinic, till further direction in this regard.

Yours faithfully

  
(B.K. Goswami)  
Member Secretary

Encl : As above





## 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, jhalsa\_ranchi@yahoo.co.in

**PATRON-IN-CHIEF**  
Hon'ble Chief Justice  
Jharkhand High Court

Ref No: JHALSA/ 629  
Dated: 5/07/12

**Fax/Speed Post**

**EXECUTIVE CHAIRMAN**  
Justice RK Merathia  
Judge  
Jharkhand High Court

To,

All the Principal District Judges cum Chairmen  
District Legal Services Authorities  
Including Principal Judicial Commissioner, Ranchi  
Jharkhand

**MEMBER SECRETARY**  
B.K Goswami  
(Principal District Judge)

Sub: Lawyers not to be enlisted as PLVs.

Sir,

Directions have been received from NALSA vide letter No.L/27/2011/NALSA/8816 that since lawyers cannot be treated as PLVs, they should not be enlisted as PLVs in future.

You are requested to strictly comply with the above instructions of NALSA.

Thanking You.

Yours faithfully

*(Handwritten signature)*  
(B.K Goswami)  
Member Secretary



# **IMPORTANT JUDGMENTS**



**SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS**

**WRIT PETITION (S) CIVIL) NO(S). 406/2013**

**RE-INHUMAN CONDITIONS IN 1382 PRISONS**

(With appln. For exemption from filing O.T. and intervention and seeking waiver of cost imposed vide order dated 04.04.2016 and recalling the Court's Order dated 04.04.2016).

Date : 06/05/2016 This petition was called on for hearing today.

CORAM : **HON'BLE MR. JUSTICE MADAN B. LOKUR**  
**HON'BLE MR. JUSTICE N.V. RAMANA**

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By Post, Adv.

For Responded(s) Mr. N.K. Kaul, ASG  
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|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
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| For U.P.                             | Ms. Pragati Neekhra, Adv.<br>Mr. Utkarsh Sharma, Adv.                                                                                             |
| For Puducherry                       | Mr. V.G. Pragasam, Adv.<br>Mr. Prabu Ramasubramanian, Adv.                                                                                        |
| For Sikkim                           | Ms. Aruna Mathur, Adv.<br>Mr. Avneesh Arputham, Adv.<br>Ms. Anuradha Arputham, Adv.<br>Mr. Yusuf Khan, Adv.<br>M/s Arputham, Aruna & Co.          |
| For Mizoram                          | Mr. K.N. Madhusoodhanan, Adv.<br>Mr. T.G.N. Nair, Adv.                                                                                            |
| For Tamil Nadu                       | Mr. B. Balaji, Adv.<br>Mr. Muthuvel Palani, Adv.                                                                                                  |
| For Nagaland                         | Mrs. K. Enatoli Sema, Adv.<br>Mr. Edward Belho, Adv.<br>Mr. Amit Kumar Singh, Adv.                                                                |
| For UT of Andaman<br>& Nicobar Admn. | Mr. Balasubramanian, Adv.<br>Mr. K.V. Jagdishvaran, Adv.<br>Mrs. G. Indira, Adv.                                                                  |
| For Manipur                          | Mr. Sapam Biswajit Meitei, Adv.<br>Mr. Ashok Kr. Misra, Adv.<br>Mr. Naresh Kr. Gaur, Adv.<br>Mr. B. Khushbansi, Adv.<br>Mr. Ashok Kr. Singh, Adv. |
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| For Tripura                          | Mr. Gopal Singh, Adv.<br>Mr. Rituraj Biswas, Adv.<br>Mr. Aditya Raina, Adv.                                                                       |
| For M.P.                             | Mr. Sunny Choudhary, Adv.<br>Mr. Mishra Saurabh, Adv.                                                                                             |
| For Telangana                        | Mr. S. Udaya Kumar Sagar, Adv.<br>Mr. Krishna Kumar Singh, Adv.                                                                                   |
| For H.P.                             | Mr. Suryanarayana Singh, Sr. Adv.<br>Ms. Pragati Neekhra, Adv.                                                                                    |
| For Mizoram                          | Mr. Pragyam Sharma, Adv.<br>Mr. Shikhar Garg, Adv.<br>Mr. P.V. Yogeswaran, Adv.                                                                   |

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For Goa

Mr. Anshuman Srivastava, Adv.  
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Mr. Gopal Singh, Adv.  
Mr. Kamal Mohan Gupta, Adv.  
Mr. Kuldip Singh, Adv.  
Mr. Mishra Saurabh, Adv.  
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Mr. Sunil Fernandes, Adv.  
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Mr. Anip Sachthey, Adv.  
M/s Corporate Law Group  
Ms. G. Indira, Adv.  
Ms. Rachana Srivastava, Adv.  
Mr. B. Balaji, Adv.

UPON hearing the counsel the Court made the following

### **ORDER**

#### **In I.A. Nos.3, 4 and 5 of 2016**

We have learned counsel for the applicants.

The costs imposed by our order dated 04.04.2016 are waived.

However, learned counsel very graciously say that an amount of Rs.25,000/will be given to the Supreme Court Legal Services Committee for utilization for juvenile justice issues.

Four weeks' time is granted for depositing the amount with Supreme Court Legal Services Committee. The amount shall be utilized for juvenile justice issues.

Four weeks' time is finally granted to the States which have not yet deposited the costs.

#### **Writ Petition (Civil) No.406 of 2013**

We have heard learned counsel for the parties and learned amicus curiae.

It is submitted by learned Amicus Curiae that the Manual for Juveniles may take some more time for preparation. He estimates about three months time for completing the exercise.

With regard to over-crowding in prisons, learned Amicus submits that the extent of over-crowding in each jail needs to be identified rather than looking at the figures relating to the entire State. He submits that in the first instance the States be directed to identify those jails in which over-crowding is to the extent of 150% or more.



Learned Additional Solicitor General supports this submission that prisons in which there is over-crowding to the extent of 150% and above should be identified by the States.

Accordingly, we direct that the States particularly the Inspector General of Prisons should urgently identify those jails in the respective State where over-crowding is to the extent of 150% and above and provide the information to the learned Additional Solicitor General as well as to the learned Amicus Curiae. In addition, the States and the Inspector General of Prisons should prepare a Plan of Action either to reduce over-crowding or to augment the infrastructure so that there is more space available in the prisons. The cut-off date for calculating the over-crowding will be 30th April, 2016.

Learned Amicus Curiae has also suggested that the under-trial Review Committee, in addition to the work that it is already doing as earlier directed shall also consider the additional suggestions given by the learned Amicus Curiae which are as follows:

The committee will examine the cases of undertrials who

- a) 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;
- b) Are imprisoned for offences which carry a maximum punishment of 2 years;
- c) Are detained under Chapter VIII of the Criminal Procedure Code i.e. under Sections 107, 108, 109 and 151 of Cr.P.C;
- d) Become sick or infirm and require specialized medical treatment (S.437 of the Code);
- e) Women offenders (S.437 of the Code);
- f) Are first time male offenders between the ages 19 and 21 who are in under trial custody for offences punishable with less than 7 years of imprisonment and have suffered atleast 1/4th of the maximum sentence possible;
- g) Are of unsound mind and must be dealt under Chapter XXV of the Code;
- h) Are eligible for release under Section 437 (6) of the Code, 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 sixty days from the first date fixed for taking evidence in the case;

The Member Secretary of NALSA is present in Court and he will ensure that this communication is sent to the Member Secretary of the States Legal Services Authority. Learned counsel for the States and Union Territories should communicate this order to the States and Union Territories and Inspectors General of Police(Prisons).

With regard to unnatural deaths in prisons, list the matter for hearing on 3rd August, 2016 as Item No.1.

**(Madhu Bala)**  
Court Master

**(Jaswinder Kaur)**  
Court Master

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IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
**WRIT PETITION (CIVIL) NO.406/2013**

RE INHUMAN CONDITIONS IN 1382 PRISONS

**ORDER**

**Madan B. Lokur, J.**

1. Prison reforms have been the subject matter of discussion and decisions rendered by this Court from time to time over the last 35 years. Unfortunately, even though Article 21 of the Constitution requires a life of dignity for all persons, little appears to have changed on the ground as far as prisoners are concerned and we are once again required to deal with issues relating to prisons in the country and their reform.

2. As far back as in 1980, this Court had occasion to deal with the rights of prisoners in *Sunil Batra (II) v. Delhi Administration*.<sup>1</sup> In that decision, this Court gave a very obvious answer to the question whether prisoners are persons and whether they are entitled to fundamental rights while in custody, although there may be a shrinkage in the fundamental rights. This is what this Court had to say in this regard:

“Are prisoners persons? Yes, of course. To answer in the negative is to convict the nation and the Constitution of dehumanization and to repudiate the world legal order, which now recognises rights of prisoners in the International Covenant on Prisoners’ Rights to which our country has signed assent. In *Batra case*,<sup>2</sup> this Court has rejected the hands-off doctrine and it has been ruled that fundamental rights do not flee the person as he enters the prison although they may suffer shrinkage necessitated by incarceration.

3. A little later in the aforesaid decision, this Court pointed out the double handicap that prisoners face; the first being that most prisoners belong to the weaker sections of society and the second being that since they are confined in a walled-off world their voices are inaudible. This is what this Court had to say in this regard:

“Prisoners are peculiarly and doubly handicapped. For one thing, most prisoners belong to the weaker segment, in poverty, literacy, social station and the like. Secondly, the prison house is a walled-off world which is incommunicado for the human world, with the result that the bonded inmates are invisible, their voices inaudible, their injustices unheeded. So it is imperative, as implicit in Article 21, that life or liberty, shall not be kept in suspended animation or congealed into animal existence without the freshening flow of fair procedure.”

4. In *Rama Murthy v. State of Karnataka*<sup>3</sup> this Court identified as many as nine issues facing prisons and needing reforms. They are:

- (i) over-crowding;
- (ii) Delay in trial;
- (iii) Torture and ill-treatment;
- (iv) Neglect of health and hygiene;
- (v) Insubstantial food and inadequate clothing;

<sup>1</sup> (1980) 3 SCC 488

<sup>2</sup> (1978) 4 SCC 494

<sup>3</sup> (1997) 2 SCC 642

- (vi) Prison vices;
- (vii) Deficiency in communication;
- (viii) Streamlining of jail visits;
- (ix) Management of open air prisons.

This Court expressed the view that these major problems need immediate attention. Unfortunately, we are still struggling with a resolution of at least some of these problems.

5. In *T. K. Gopal v. State of Karnataka*<sup>4</sup> this Court advocated a therapeutic approach in dealing with the criminal tendencies of prisoners. It was pointed out that there could be several factors that lead a prisoner to commit a crime but nevertheless a prisoner is required to be treated as a human being entitled to all the basic human rights, human dignity and human sympathy. It was pointed out that it is this philosophy that has persuaded this Court in a series of decisions to project the need for prison reforms. This is what this Court had to say:

“The therapeutic approach aims at curing the criminal tendencies which were the product of a diseased psychology. There may be many factors, including family problems. We are not concerned with those factors as therapeutic approach has since been treated as an effective method of punishment which not only satisfies the requirements of law that a criminal should be punished and the punishment prescribed must be meted out to him, but also reforms the criminal through various processes, the most fundamental of which is that in spite of having committed a crime, maybe a heinous crime, he should be treated as a human being entitled to all the basic human rights, human dignity and human sympathy. It was under this theory that this Court in a stream of decisions, projected the need for prison reforms, the need to acknowledge the vital fact that the prisoner, after being lodged in jail, does not lose his fundamental rights or basic human rights and that he must be treated with compassion and sympathy.”

6. In this background, a letter on 13th June, 2013 addressed by Justice R.C. Lahoti, a former Chief Justice of India to Hon’ble the Chief Justice of India relating to conditions in prisons is rather disturbing. Justice R.C. Lahoti invited attention to the inhuman conditions prevailing in 1382 prisons in India as reflected in a Graphic Story appearing in Dainik Bhaskar (National Edition) on 24th March, 2013. A photocopy of the Graphic Story was attached to the letter.

Justice R.C. Lahoti pointed out that the story highlights:

- (i) Overcrowding of prisons;
- (ii) Unnatural death of prisoners;
- (iii) Gross inadequacy of staff and
- (iv) Available staff being untrained or inadequately trained.

7. Justice R.C. Lahoti also pointed out that the State cannot disown its liability to the life and safety of a prisoner once in custody and that there were hardly any schemes for reformation for first time offenders and prisoners in their youth and to save them from coming into contact with hardened prisoners.
8. Justice R.C. Lahoti ended the letter by submitting that the Graphic Story raised an issue that needed to be taken note of and dealt with in public interest by this Court and that he was inviting the attention of this Court in his capacity as a citizen of the country. We may say that Justice R.C. Lahoti has brought an important issue to the forefront, dispelling the view:

<sup>4</sup> (2000) 6 SCC 168

“Judges rarely express concern for the inhumane treatment that the person being sentenced is likely to face from fellow prisoners and prison officials, or that time in prison provides poor preparation for a productive life afterwards. Courts rarely consider tragic personal pasts that may be partly responsible for criminal behavior, or how the communities and families of a defendant will suffer during and long after his imprisonment.”<sup>5</sup>

9. By an order dated 5th July, 2013 the letter was registered as a public interest writ petition and the Registry of this Court was directed to take steps to issue notice to the appropriate authorities after obtaining a list from the office of the learned Attorney General.
10. In reply to the notice issued by this Court, several States and Union Territories gave their response either in the form of communications addressed to the Registry of this Court or in the form of affidavits. It is not necessary for us to detail each of the responses. Suffice it to say that on the four issues raised by Justice R.C. Lahoti there is general consensus that the prisons (both Central and District) are over-crowded, some unnatural deaths have taken place in some prisons, there is generally a shortage of staff and it is not as if all of them are adequately and suitably trained to handle issues relating to the management of prisons and prisoners and finally that steps have been taken for the reformation and rehabilitation of prisoners. However, a closer scrutiny of the responses received indicates that by and large the steps taken are facile and lack adequate sincerity in implementation.
11. In view of the above, the Social Justice Bench of this Court passed an order on 13th March, 2015 requiring the Union of India to furnish certain information primarily relating to the more serious issue of over-crowding in prisons and improving the living conditions of prisoners. The order passed by the Social Justice Bench on 13th March, 2015 reads as follows:-

“We have heard learned Additional Solicitor General and would like information on the following issues:

- (i) The utilization of the grant of Rs.609 crores under the 13th Finance Commission for the improvement of conditions in prisons.
- (ii) The grant to the States in respect of the prisons under the 14th Finance Commission.
- (iii) Steps taken and being taken by the Central Government as well as by the State Governments for effective implementation of Section 436A of the Code of Criminal Procedure, 1973.
- (iv) Steps taken and being taken by the Central Government and the State Governments for effective implementation of the Explanation to Section 436 of the Code of Criminal Procedure, 1973 and the number of persons in custody due to their inability to provide adequate security/surety for their release on bail.
- (v) The number of persons in custody who have committed compoundable offences and are languishing in custody.
- (vi) Steps taken for the effective implementation of the Repatriation of Prisoners Act, 2003.

We expect all the State Governments to fully cooperate with the Central Government in this regard since the matter involves Article 21 of the Constitution and to furnish necessary information within three weeks.

List the matter on 24th April, 2015.”

12. In compliance with the aforesaid order, the Union of India through the Ministry of Home Affairs filed a detailed affidavit dated 23rd April, 2015. It was stated in the affidavit that all States and

<sup>5</sup> Decency, Dignity, and Desert: Restoring Ideals of Humane Punishment to Constitutional Discourse by Eva S. Nilsen, Boston University School of Law Working Paper Series, Public Law & Legal Theory Working Paper No. 07-33

Union Territories were asked to provide the information as required by this Court but in spite of reminders and meetings, the information had not been received from the State of Uttarakhand and the Union Territories of Dadra & Nagar Haveli, Daman & Diu and Lakshadweep.

13. It was stated that one of the problems faced in aggregating the information that had been received was that management information systems were not in place in a comprehensive manner. To remedy this situation an e-prisons application was being designed so that all essential data could be centrally aggregated. It was stated in the affidavit that a draft project report was being prepared through a project management consultancy so that an eprisons application could be rolled out with integrated information in all States and Union Territories comprehensively for better monitoring of the status of prisoners, particularly undertrial prisoners.
14. In response to the first issue, it was pointed out in the affidavit in the form of a tabular statement that funds were made available under the 13th Finance Commission for the improvement of conditions in prisons in respect of several States. We are surprised that no grant was allotted in as many as 19 States and in the States where grants were allotted, the utilization was less than 100%, except in the State of Tripura.
15. With regard to the grant under the 14th Finance Commission, it was stated that the 14th Finance Commission had reported that the States have the appropriate fiscal space to provide for the additional expenditure needs as per their requirements. The 14th Finance Commission did not make any specific fund allocation in favour of the Central Government but the States had projected their demands individually and the tabular statement in that regard is annexed to the affidavit. As far as the Union Territories are concerned, apart from Delhi and Puducherry none of the Union Territories had projected any demand.
16. With regard to the third issue regarding effective implementation of Section 436A of the Code of Criminal Procedure, (for short the Cr.P.C.), the affidavit stated that an advisory had been issued by the Ministry of Home Affairs of the Government of India on 17th January, 2013 to all the States and Union Territories to implement the provisions of Section 436A of the Cr.P.C. to reduce overcrowding in prisons. Among the measures suggested in this regard by the Ministry of Home Affairs was the constitution of a Review Committee in every district with the District Judge in the Chair with the District Magistrate and the Superintendent of Police as Members to meet every three months and review the cases of undertrial prisoners. The Jail Superintendents were also required to conduct a survey of all cases where undertrial prisoners have completed more than one fourth of the maximum sentence and send a report in this regard to the District Legal Services Committee constituted under The Legal Services Authorities Act, 1987 as well as to the Review Committee. It was also suggested that the prison authorities should educate undertrials of their right to bail and the District Legal Services Committee should provide legal aid through empanelled lawyers to the undertrial prisoners for their release on bail or for the reduction of the bail amount. The Home Department of the States was also requested to develop a management information system to ascertain the jail-wise progress in this regard.
17. The aforesaid advisory dated 17th January, 2013 was followed up through a letter of the Union Home Minister to the Chief Ministers/Lieutenant Governors on 3rd September, 2014. It was pointed out in the letter that as per the statistics provided by the National Crime Records Bureau (NCRB) as on 31st December, 2013 the number of undertrial prisoners was 67.6% of the entire prison population and that the percentage was unacceptably high. In this context it was suggested that the provisions of Section 436 of the Cr.P.C. as well as Section 436A of the Cr.P.C. had to be made use of. It was also suggested that steps be taken to utilize the provisions of plea bargaining, the establishment of fast track courts, holding of Lok Adalats and ensuring adequate means for the production of the accused before the Court directly or through video conferencing.

18. Yet another letter was sent to the Director General of Prisons of all States/Union Territories on 22nd September, 2014 by the Ministry of Home Affairs drawing attention to the directions of this Court in *Bhim Singh v. Union of India* dated 5th September, 2014<sup>6</sup> relating to Section 436A of the Cr.P.C. and to take necessary steps to comply with the orders passed by this Court.
19. In a similar vein, yet another advisory was issued by the Government of India on 27th September, 2014. It was averred in the affidavit that as a result of these advisories and communications, some undertrial prisoners have been released in implementation of the provisions of Section 436A of the Cr.P.C.
20. With regard to the fourth issue concerning the effective implementation of Section 436 of the Cr.P.C., the affidavit stated that an advisory was issued way back on 9th May, 2011 in which it was pointed out, inter alia, that prison overcrowding compels prisoners to be kept under conditions that are unacceptable in light of the United Nations Standard Minimum Rules for Treatment of Offenders to which India is the signatory. It was pointed that as per the statistics prepared by the NCRB as on 31st December, 2008 prisons in India are overcrowded to the extent of 129%. The advisory highlighted some measures taken by some of the States to reduce the number of undertrial prisoners, including their release under the provisions of the Probation of Offenders Act, 1958 and encouraging NGOs in association with District Legal Services Committees to arrange legal aid for unrepresented undertrial prisoners as well as to implement the guidelines issued by the Bombay High Court in *Rajendra Bidkar v. State of Maharashtra*, CWP No. 386 of 2004 (unreported decision).
21. With regard to the fifth issue relating to the number of persons who have been languishing in jails in compoundable offences, a chart was annexed to the affidavit which indicated, by and large, that quite a few States had taken no effective steps in this regard particularly Andhra Pradesh, Assam, Chhattisgarh, Haryana, Kerala, Mizoram, Nagaland, Odisha, Punjab, Rajasthan, Telangana, Tripura and Uttar Pradesh. The reason why many undertrial prisoners had not been released was their inability to provide security and surety for their release. The steps taken to have these prisoners released from custody were not indicated in the affidavit.
22. With regard to the effective implementation of the Repatriation of Prisoners Act, 2003 it was stated that agreements on transfer of sentenced persons have been bilaterally signed with 25 countries but the agreements are operational after ratification by both sides only with respect to 18 countries. In addition, transfer arrangements have been made with 19 countries under the Inter-American Convention on Serving Criminal Sentences Abroad thereby making the total number of countries with which transfer arrangements have been made for prisoners to 37 countries.
23. Keeping in view the affidavit dated 23rd April, 2015 filed by the Ministry of Home Affairs and the somewhat lukewarm response of the States and Union Territories, the Social Justice Bench passed the following directions on 24th April, 2015:

“We have perused the affidavit filed by the Ministry of Home Affairs on 23rd April, 2015 and have heard learned counsel.

The admitted position is 67% of all the prisoners in jails are under trial prisoners. This is an extremely high percentage and the number of such prisoners is said to be about 2,78,000 as on 31st December, 2013.

Keeping this in mind and the various suggestions that have been made in the affidavit, we are of the view that the following directions need to be issued:



1. A Prisoners Management System (a sort of Management Information System) has been in use in Tihar Jail for quite some time, as stated in the affidavit. The Ministry of Home Affairs should carefully study this application software and get back to us on the next date of hearing with any suggestions or modifications in this regard, so that the software can be improved and then deployed in other jails all over the country, if necessary.
2. We would like the assistance of the National Legal Services Authority (NALSA) in this matter of crucial importance concerning prisoners in the country. We direct the Member Secretary of NALSA to appoint a senior judicial officer as the nodal officer to assist us and deal with the issues that have arisen in this case.
3. For the purpose of implementation of Section 436A of the Code of Criminal Procedure, 1973 (for short "the Code"), the Ministry of Home Affairs has issued an Advisory on 17th January, 2013. One of the requirements of the Advisory is that an Under Trial Review Committee should be set up in every district. The composition of the Under Trial Review Committee is the District Judge, as Chairperson, the District Magistrate and the District Superintendent of Police as members.

The Member Secretary of NALSA will, in coordination with the State Legal Services Authority and the Ministry of Home Affairs, urgently ensure that such an Under Trial Review Committee is established in every District, within one month. The next meeting of each such Committee should be held on or about 30th June, 2015.

4. In the meeting to be held on or about 30th June, 2015, the Under Trial Review Committee should consider the cases of all under trial prisoners who are entitled to the benefit of Section 436A of the Code. The Ministry of Home Affairs has indicated that in case of multiple offences having different periods of incarceration, a prisoner should be released after half the period of incarceration is undergone for the offence with the greater punishment. In our opinion, while this may be the requirement of Section 436A of the Code, it will be appropriate if in a case of multiple offences, a review is conducted after half the sentence of the lesser offence is completed by the under trial prisoner. It is not necessary or compulsory that an under trial prisoner must remain in custody for at least half the period of his maximum sentence only because the trial has not been completed in time.
5. The Bureau of Police Research and Development had circulated a Model Prison Manual in 2003, as stated in the affidavit. About 12 years have gone by and since then there has been a huge change in circumstances and availability of technology. We direct the Ministry of Home Affairs to ensure that the Bureau of Police Research and Development undertakes a review of the Model Prison Manual within a period of three months. We are told that a review has already commenced. We expect it to be completed within three months.
6. The Member Secretary of NALSA should issue directions to the State Legal Services Authorities to urgently take up cases of prisoners who are unable to furnish bail and are still in custody for that reason. From the figures that have been annexed to the affidavit filed by the Ministry, we find that there are a large number of such prisoners who are continuing in custody only because of their poverty. This is certainly not the spirit of the law and poverty cannot be a ground for incarcerating a person. As per the figures provided by the Ministry of Home Affairs, in the State of Uttar Pradesh, there are as many as 530 such persons. The State Legal Services Authorities should instruct the panel lawyers to urgently meet such prisoners, discuss the case with them and move appropriate applications before the appropriate court for release of such persons unless they are required in custody for some other purposes.

7. There are a large number of compoundable offences for which persons are in custody. No attempt seems to have been made to compound those offences and instead the alleged offender has been incarcerated. The State Legal Services Authorities are directed, through the Member Secretary of NALSA to urgently take up the issue with the panel lawyers so that wherever the offences can be compounded, immediate steps should be taken and wherever the offences cannot be compounded, efforts should be made to expedite the disposal of those cases or at least efforts should be made to have the persons in custody released therefrom at the earliest.

A copy of this order be given immediately to the Member Secretary, NALSA for compliance.

List the matter on 7th August, 2015 for further directions and updating the progress made.

For the present, the presence of learned counsel for the States and Union Territories is not necessary. Accordingly, their presence is dispensed with.”

24. The order dated 24th April, 2015 made a pointed reference to the extremely high percentage of undertrial prisoners and the total number of prisoners as on 31st December, 2013.
25. Reference was also made to the fact that the Bureau of Police Research and Development had circulated a Model Prison Manual in 2003 but since about 12 years had gone by, the Ministry of Home Affairs was directed to ensure that the Bureau of Police Research and Development undertakes a review of the Model Prison Manual within a period of three months.
26. Directions were also issued for the assistance of the National Legal Services Authority (NALSA) to assist the Social Justice Bench and deal with the issues that had arisen in the case.
27. A direction was also issued to ensure that the Under Trial Review Committee is established within one month in all districts and the next meeting of that Committee in each district should be held on or about 30th June, 2015. NALSA was required to take up the issue of undertrial prisoners particularly in the State of Uttar Pradesh where as many as 530 persons were in custody only because of their poverty.
28. Pursuant to the aforesaid order and directions, NALSA filed a compliance report on 4th August, 2015 in which it was stated that steps have been taken to ensure that Under Trial Review Committees are set up in every district and the State Legal Services Authorities had also been asked to take up the cases of prisoners who were unable to furnish bail bonds and to move appropriate applications on their behalf.
29. The compliance report stated that with regard to the Prisoners Management System, the Ministry of Home Affairs had already appointed a project management consultant to prepare a detailed project report for the e-Prisons project. It was stated that there were four prison software applications that had been developed by (i) National Informatics Centre (ii) Goa Electronic Ltd. (iii) Gujarat Government through TCS and (iv) Phoenix for Prison Management System in Haryana. The various applications would be evaluated and discussed in a conference of the Director General (Prisons)/Inspector General (Prisons) to be held on 20th August, 2015.
30. The compliance report also indicated a break-up of the meetings of the Under Trial Review Committees that had been set up in the various States and that reports of the meeting that were directed to be held on or about 30th June, 2015 were still awaited from a few States and Union Territories.
31. As regards the Model Prison Manual it was submitted that a draft had been prepared and was circulated for comments and a further meeting was scheduled to be held in August, 2015 to finalize the draft.

32. With regard to the cases of undertrial prisoners who were unable to furnish bail bonds it was stated that as many as 3470 such persons were in custody due to their inability to furnish bail bonds and a maximum number of such undertrial prisoners were in the State of Maharashtra, that is, 797 undertrial prisoners. It was stated that as many as 3278 undertrial prisoners were those who were involved in compoundable offences and efforts were being made to expedite the disposal of their cases.
33. Keeping in view the compliance report as well as some of the gaps that appeared necessary to be filled up, the Social Justice Bench passed an order dated 7th August, 2015 requiring, inter alia, the Under Trial Review Committee to include the Secretary of the District Legal Services Committee as one of the members of the Review Committee. The Ministry of Home Affairs was directed to issue an appropriate order in this regard.
34. With regard to the Model Prison Manual, it was suggested to the learned Additional Solicitor General appearing on behalf of the Union of India that the composition of the Committee looking into the Model Prison Manual should be a multi-disciplinary body involving members from civil society and NGOs as well as other experts. It was also directed that the Model Prison Manual should look into providing a crèche for the children of prisoners.
35. With regard to the large number of undertrial prisoners in the State of Maharashtra, it was directed that the matter should be reviewed and an adequate number of legal aid lawyers may be appointed so that necessary steps could be taken with regard to the release of undertrial prisoners in accordance with law, particularly those who had been granted bail but were unable to furnish the bail bond due to their poverty.

The order dated 7th August, 2015 reads as follows:-

“We have gone through the compliance report filed on behalf of NALSA and we appreciate the work done by NALSA within the time frame prescribed.

We find from the report that the Under Trial Review Committees have been established in large number of districts but they have not been established in all the districts across the country. Mr. Rajesh Kumar Goel, Director, NALSA the nodal officer will look into the matter and ensure that, wherever necessary, the Under Trial Review Committee should be established and should meet regularly.

We are told that the Under Trial Review Committee consists of the District Judge, the Superintendent of Police and the District Magistrate. Since the issues pertaining to under trial prisoners are also of great concern of the District Legal Services Authorities, we direct that the Under Trial Review committee should also have the Secretary of the District Legal Services Authority as one of the members of the Committee. The Ministry of Home Affairs will issue a necessary order in this regard to the Superintendent of Police to associate the Secretary of the District Legal Services Authority in such meetings.

It is stated that so far as a software for the prisoners is concerned, the Ministry of Home Affairs has appointed a Project Management Consultant and at present there are four kinds of software in existence in the country with regard to prison management. It is stated that a meeting will be held on 20th August, 2015 with the Director General (Prisons)/Inspector General (Prisons) to evaluate the existing application software.

We expect an early decision in the matter and early implementation of the decision that is taken.

It is stated that a Model Prison Manual is being looked into since the earlier Manual was of considerable vintage. We are told that a meeting is likely to be held towards the end of this month to finalize the Model Prison Manual.

Learned ASG is unable to inform us about the composition of the Committee that is looking into the Model Prison Manual. We have suggested to him (and this suggestion has been accepted) that a multi-disciplinary body including members from Civil Society, NGOs concerned with under trial prisoners as also experts from some other disciplines, including academia and whose assistance would be necessary, should also be associated in drafting the comprehensive Model Prison Manual.

To the extent possible, the Model Prison Manual should be finalized at the earliest and preferably within a month or two, but after having extensive and intensive consultations with a multi-disciplinary body as above.

In the Model Prison Manual, the Ministry of Home Affairs should also look into the possibility of having a creche for the children of prisoners, particularly women prisoners as it exists in Tihar Jail.

We find that the number of under trial prisoners in the State of Maharashtra is extremely large and we also think that there are not adequate number of legal aid lawyers to look into the grievances of under trial prisoner. Mr. Rajesh Kumar Goel, Director, NALSA says on behalf of NALSA that necessary steps will be taken to appoint adequate number of legal aid lawyers so that necessary steps can be taken with regard to the release of under trial prisoners in accordance with law including those who have been granted bail but are unable to furnish the bail bond.

List the matter on 18th September, 2015.”

36. When the matter was taken up by the Social Justice Bench on 18th September, 2015, Mr. Gaurav Agrawal, Advocate was appointed as Amicus Curiae to assist the Social Justice Bench.
37. On that date, the learned Additional Solicitor General informed the Social Justice Bench that the Ministry of Home Affairs had duly written to the Directors General of all the States and Union Territories to ensure that the Secretary of the District Legal Services Committee is included as a member in the Under Trial Review Committee. The learned Additional Solicitor General also informed that the Model Prison Manual was likely to be made available sometime in the middle of December, 2015.
38. It was pointed out on behalf of NALSA by Mr. Rajesh Kumar Goel that some clarity was required with respect to paragraph 4 of the order dated 24th April, 2015. In view of this request, it was clarified that there is no mandate that a person who has completed half the period of sentence, in the case of multiple offences, should be released. This was entirely for the Under Trial Review Committee to decide and there was no direction given for release in this regard.
39. With regard to the large number of undertrial prisoners in Maharashtra who were entitled to bail, it was submitted that out of 797 such undertrial prisoners nearly 503 had been released and that steps were being taken with regard to the remaining undertrial prisoners.
40. The order passed by the Social Justice Bench on 18th September, 2015 reads as follows:-  
“This petition pertains to what has been described as inhuman conditions in 1382 prisons across the country.

On our request, Mr. Gaurav Agrawal, Advocate has agreed to assist us in the matter as Amicus Curiae since the complaint was received by Post. The Registry should give a copy each of all the documents in this matter to Mr. Gaurav Agrawal.

Learned Additional Solicitor General has drawn our attention to the order dated 7th August, 2015 and in compliance thereof he has stated that the Ministry of Home Affairs has written to the Directors General of all the States/Union Territories on 14th August, 2015 to ensure that the Secretary of the District Legal Services Committee is included as a member in the Under Trial Review Committee. A similar letter was written by NALSA on 11th August, 2015. NALSA should follow up on this and ensure that it is effectively represented in the Under Trial Review Committee.

It is not yet clear whether the Under Trial Review Committee has been set up in every District. Learned Additional Solicitor General and Mr. Rajesh Kumar Goel, Director, NALSA will look into this and let us know the progress on the next date of hearing.

As far as the software for Prison Management is concerned, it is stated by the learned Additional Solicitor General that all the Directors General of Police have been asked to intimate which of the four available software is acceptable to them. He further states that the software will be integrated on the cloud so that all information can be made available regardless of which software is being utilized. He expects the needful to be done within a period of about two months.

We expect the Directors General of Police in every State/Union Territory to respond expeditiously to any request made by the Ministry of Home Affairs in this regard.

With regard to the Model Prison Manual of 2003, it is stated by the learned Additional Solicitor General that meetings have been held in this regard and it is expected that the Model Prison Manual will be made available by sometime in the middle of December, 2015. He states that people from academia as well as NGOs are associated in the project. It is expected that the Prison Manual will also take care of establishing a creche in respect of women prisoners who have children.

With regard to the release of under trial prisoners, particularly in the States of Uttar Pradesh and Maharashtra, as mentioned in our order dated 24th April, 2015, learned Additional Solicitor General says that at the present moment he does not have any instructions in this regard, but the Ministry of Home Affairs will write to the State Governments/Union Territories to take urgent steps in terms of our orders.

Mr. Rajesh Kumar Goel, Director, NALSA says that legal aid lawyers have been instructed to take steps for the possible release of under trial prisoners in accordance with law.

Mr. Rajesh Kumar Goel has also drawn our attention to paragraph 4 of the order dated 24th April, 2015. We make it clear that there is no mandate that a person who has completed half the period of his sentence, in the case of multiple offences, should be released. This is entirely for the Under Trial Review Committee and the competent authority to decide and there is absolutely no direction given by this Court for release of such under trials. Their case will have to be considered by the Under Trial Review Committee and the competent authority in accordance with law.

Mr. Rajesh Kumar Goel, Director, NALSA says that steps are being taken to appoint an adequate number of panel lawyers.

With reference to the release of under trial prisoners, he says that in the State of Maharashtra, as per the information available, 797 under trial prisoners were entitled to bail and with the efforts of the State Legal Services Authority, nearly 503 have since been released. Steps are being taken with regard to the remaining under trial prisoners.

Mr. Rajesh Kumar Goel, Director, NALSA says that the Member Secretaries of the State Legal Services Authority will be advised to compile relevant information with regard to the cases of compoundable offences pending in the States so that they can also be disposed of at the earliest. We expect the States of Uttar Pradesh and Maharashtra to expeditiously respond to the letter



written by NALSA since the maximum number of cases pertaining to compoundable offences are pending in these States.

List the matter on 16th October, 2015.”

41. Pursuant to the aforesaid order, NALSA filed another compliance report dated 14th October, 2015 in which it was stated that an Under Trial Review Committee had been set up in every district. However, the annexure to the compliance report indicated that no information was available from the State of Jammu & Kashmir and in some States particularly Gujarat and Uttar Pradesh and the Union Territory of Andaman & Nicobar Islands, the Secretary of the District Legal Services Committee was not made a member of the Review Committee.
42. It was also stated that the State Legal Services Authority had been requested to appoint an adequate number of panel lawyers and to instruct them to take steps for the early release of undertrial prisoners.
43. When the matter was taken up on 16th October, 2015 the Social Justice Bench expressed its distress that only three States had responded to the information sought by the Ministry of Home Affairs with regard to holding the quarterly meeting of the Under Trial Review Committee on or before 30th September, 2015. Learned counsel appearing for the Union of India stated that the matter would be taken up with all the State Governments with due seriousness and it would be ensured that such meetings are held regularly. It was also stated that the latest status report would be filed in the second week of January, 2016.
44. Learned amicus curiae informed the Social Justice Bench that the Under Trial Review Committee had been set up in every district and a representative of the District Legal Services Committee was included in the said Committee.

The order dated 16th October, 2015 reads as follows:-

“It is very disconcerting to hear from learned counsel for the Union of India that there is no information available except from three States with regard to the release of under trial prisoners.

A meeting of the Under Trial Review Committee was supposed to be held on or before 30th September, 2015, but only three States have responded to the information sought by the Ministry of Home Affairs, Government of India.

Learned counsel for the Union of India says that the matter will now be taken up very seriously with all the State Governments and the Union Territories and it will be ensured that the meetings are regularly held in terms of the Advisories given by the Ministry of Home Affairs at least once in every three months.

Learned counsel for the Union of India also says that the latest status report will be filed in the second week of January, 2016.

In the meanwhile, learned amicus curiae informs us that the Under Trial Review Committee has been set up in every District and a representative of the District Legal Services Authority has been included in all the Under Trial Review Committees and, therefore, to this extent the order dated 18th September, 2015 has been complied with.

List the matter on 29th January, 2016. We make it clear that learned counsel for the Union of India should be fully briefed in all aspects of the case.”

45. In compliance with the order passed on 16th October, 2015 an affidavit dated 22nd January, 2016 was filed by the Ministry of Home Affairs in which it was stated that a detailed evaluation of the software for the e-Prisons Project had been completed and guidelines had also been circulated to all the States for their proposals and for exercising their option for selecting the appropriate software.



46. It was stated in the affidavit that a provision for funds had been made for the application software from the Crime and Criminal Tracking Network & System (CCTNS) project and an amount of Rs.227.01 crores had been approved for the implementation of the e-Prisons Project. It was stated that the e-Prisons proposals had been received from seven States and other States/Union Territories had been asked to expedite their proposal for evaluation by the Ministry of Home Affairs.
47. With regard to the Model Prison Manual, it was stated that the revised Model Prison Manual had been approved by the competent authority and it was circulated to all States and Union Territories. The revised manual also included a provision for a suitable crèche for the children of women inmates in the prison.
48. With regard to the quarterly meetings of the Under Trial Review Committee, the affidavit disclosed the dates on which such Committees had met but on a perusal of the chart annexed to the affidavit there is a clear indication that not every such Committee met on a quarterly basis. This is most unfortunate.
49. With regard to the undertrial prisoners who could be considered for release under the provisions of Section 436A of the Cr.P.C., some progress had been made except in the States of Assam, Bihar, Chhattisgarh, Goa, Karnataka, Meghalaya, West Bengal, and the Union Territories of Dadra & Nagar Haveli and Lakshadweep. It was stated in the affidavit that notwithstanding the lack of detailed information it did appear that due to the institutionalization of the exercise, the number of undertrial prisoners eligible for release under Section 436A of the Cr.P.C. had been considerably reduced in some States.
50. In the hearing that took place on 29th January, 2016 it was pointed out that considerable progress had been made inasmuch as the Model Prison Manual had been finalized and perhaps circulated to all the States and Union Territories; Under Trial Review Committees had been set up in every district but unfortunately many of such Committees were not meeting on a regular basis every quarter; the application software for prison management had more or less been identified but a final decision was required to be taken in this regard; steps were required to be taken for the release of undertrial prisoners particularly in the State of Uttar Pradesh and the State of Maharashtra and wherever necessary, the number of panel lawyers associated with the State Legal Services Authority/District Legal Services Committee were required to be increased to meet the requirement of early release of undertrial prisoners and prisoners who remain in custody due to their poverty and inability to furnish bail bonds. In addition, it was pointed out that steps should be taken to ensure that wherever persons are in custody under offences that are compoundable, steps should be taken to compound the offences so that overcrowding in jails is reduced.
51. Has anything changed on the ground? The prison statistics available as on 31st December, 2014 from the website of the NCRB<sup>7</sup> indicate that as far as overcrowding is concerned, there is no perceptible change and in fact the problem of overcrowding has perhaps been accentuated with the passage of time. The figures in this regard are as follows:

|             | Central Jails  | District Jails   |
|-------------|----------------|------------------|
| Capacity    | 1,52,312       | 1,35,439         |
| Actual      | 1,84,386       | 1,79,695         |
| %           | 121.1%         | 132.7%           |
| Undertrials | 95,519 (51.8%) | 1,43,138 (79.7%) |

52. The maximum overcrowding is in the jail in the Union Territory of Dadra & Nagar Haveli (331.7%) followed by Chhattisgarh (258.9%) and then Delhi (221.6%).

<sup>7</sup> <http://ncrb.nic.in>

53. It is clear that in spite of several orders passed by this Court from time to time in various petitions, for one reason or another, the issue of overcrowding in jails continues to persist and apart from anything else, appears to have persuaded Justice R.C Lahoti to address a letter of the Chief Justice of India on this specific issue of overcrowding in prisons.
54. We cannot forget that the International Covenant on Civil and Political Rights, to which India is a signatory, provides in Article 10 that: "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person." Similarly, Article 5 of the Universal Declaration of Human Rights (UDHR) provides: "No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment."

With reference to the UDHR and the necessity of treating prisoners with dignity and as human beings, Vivien Stern (now Baroness Stern) says in *A Sin Against the Future: Imprisonment in the World* as follows:

"Detained people are included because human rights extend to all human beings. It is a basic tenet of international human rights law that nothing can put a human being beyond the reach of certain human rights protections. Some people may be less deserving than others. Some may lose many of their rights through having been imprisoned through proper and legal procedures. But the basic rights to life, health, fairness and justice, humane treatment, dignity and protection from ill treatment or torture remain. There is a minimum standard for the way a state treats people, whoever they are. No one should fall below it."<sup>8</sup>

55. In a similar vein, it has been said, with a view to transform prisons and prison culture:
- "Treating prisoners not as objects, but as the human beings they are, no matter how despicable their prior actions, will demonstrate an unflinching commitment to human dignity. It is that commitment to human dignity that will, in the end, be the essential underpinning of any endeavor to transform prison cultures."<sup>9</sup>
56. The sum and substance of the aforesaid discussion is that prisoners, like all human beings, deserve to be treated with dignity.

To give effect to this, some positive directions need to be issued by this Court and these are as follows:

1. The Under Trial Review Committee in every district should meet every quarter and the first such meeting should take place on or before 31st March, 2016. The Secretary of the District Legal Services Committee should attend each meeting of the Under Trial Review Committee and follow up the discussions with appropriate steps for the release of undertrial prisoners and convicts who have undergone their sentence or are entitled to release because of remission granted to them.
2. The Under Trial Review Committee should specifically look into aspects pertaining to effective implementation of Section 436 of the Cr.P.C. and Section 436A of the Cr.P.C. so that undertrial prisoners are released at the earliest and those who cannot furnish bail bonds due to their poverty are not subjected to incarceration only for that reason. The Under Trial Review Committee will also look into issue of implementation of the Probation of Offenders Act, 1958 particularly with regard to first time offenders so that they have a chance of being restored and rehabilitated in society.
3. The Member Secretary of the State Legal Services Authority of every State will ensure, in coordination with the Secretary of the District Legal Services Committee in every district,

8 Vivien Stern, *A Sin Against the Future: Imprisonment in the World* 192 (1998).

9 The Mess We're In: Five Steps Towards the Transformation of Prison Cultures by Lynn S. Branham, *Indiana Law Review*, Vol. 44, p. 703, 2011

that an adequate number of competent lawyers are empanelled to assist undertrial prisoners and convicts, particularly the poor and indigent, and that legal aid for the poor does not become poor legal aid.

4. The Secretary of the District Legal Services Committee will also look into the issue of the release of undertrial prisoners in compoundable offences, the effort being to effectively explore the possibility of compounding offences rather than requiring a trial to take place.
5. The Director General of Police/Inspector General of Police in-charge of prisons should ensure that there is proper and effective utilization of available funds so that the living conditions of the prisoners is commensurate with human dignity. This also includes the issue of their health, hygiene, food, clothing, rehabilitation etc.
6. The Ministry of Home Affairs will ensure that the Management Information System is in place at the earliest in all the Central and District Jails as well as jails for women so that there is better and effective management of the prison and prisoners.
7. The Ministry of Home Affairs will conduct an annual review of the implementation of the Model Prison Manual 2016 for which considerable efforts have been made not only by senior officers of the Ministry of Home Affairs but also persons from civil society. The Model Prison Manual 2016 should not be reduced to yet another document that might be reviewed only decades later, if at all. The annual review will also take into consideration the need, if any, of making changes therein.
8. The Under Trial Review Committee will also look into the issues raised in the Model Prison Manual 2016 including regular jail visits as suggested in the said Manual.

We direct accordingly.

57. A word about the Model Prison Manual is necessary. It is a detailed document consisting of as many as 32 chapters that deal with a variety of issues including custodial management, medical care, education of prisoners, vocational training and skill development programmes, legal aid, welfare of prisoners, after care and rehabilitation, Board of Visitors, prison computerization and so on and so forth. It is a composite document that needs to be implemented with due seriousness and dispatch.
58. Taking a cue from the efforts of the Ministry of Home Affairs in preparing the Model Prison Manual, it appears advisable and necessary to ensure that a similar manual is prepared in respect of juveniles who are in custody either in Observation Homes or Special Homes or Places of Safety in terms of the Juvenile Justice (Care and Protection of Children) Act, 2015.
59. Accordingly, we issue notice to the Secretary, Ministry of Women and Child Development, Government of India, returnable on 14th March, 2016. The purpose of issuance of notice to the said Ministry is to require a manual to be prepared by the said Ministry that will take into consideration the living conditions and other issues pertaining to juveniles who are in Observation Homes or Special Homes or Places of Safety in terms of the Juvenile Justice (Care and Protection of Children) Act, 2015.
60. The remaining issues raised before us particularly those relating to unnatural deaths in jails, inadequacy of staff and training of staff will be considered on the next date of hearing.

**(Madan B. Lokur)**  
**(R.K. Agrawal)**

**New Delhi; February 5, 2016**



**SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS**

**WRIT PETITION(S)(CIVIL) NO(S).406/2013**

**RE-INHUMAN CONDITIONS IN 1382 PRISONS**

**(With appln.(s) for exemption from filing O.T.)**

Date : 07/08/2015 This petition was called on for hearing today.

CORAM : **HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE UDAY UMESH LALIT**

For Petitioner(s) By Post

For Respondent(s) Mr. Neeraj Kishan Kaul, ASG  
Ms. Binu Tamta, Adv.  
Ms. Sushma Suri, AOR  
Ms. Nikita Shrivastava, Adv.

NALSA Mr. Rajesh Kumar Goel, Director, NALSA

UPON hearing the counsel the Court made the following

**ORDER**

We have gone through the compliance report filed on behalf of NALSA and we appreciate the work done by NALSA within the time frame prescribed.

We find from the report that the Under Trial Review Committees have been established in large number of districts across the country. Mr. Rajesh Kumar Goel, Director, NALSA the nodal officer will look into the matter and ensure that, wherever necessary, the Under Trial Review Committee should be established and should meet regularly.

We are told that the Under Trial Review Committee consists of the District Judge, the Superintendent of Police and the District Magistrate. Since the issues pertaining to under trial prisoners are also of great concern of the District Legal Services Authorities, we direct that the Under Trial Review committee should also have the Secretary of the District Legal Services Authority as one of the members of the Committee. The Ministry of Home Affairs will issue a necessary order in this regard to the Superintendent of Police to associate the Secretary of the District Legal Services Authority in such meetings.

It is stated that so far as a software for the prisoners is concerned, the Ministry of Home Affairs has appointed a Project Management Consultant and at present there are four kinds of software in existence in the country with regard to prison management. It is stated that a meeting will be held on 20th August, 2015 with the Director General (Prisons)/Inspector General (Prisons) to evaluate the existing application software.

We expect an early decision in the matter and early implementation of the decision that is taken.

It is stated that a Model Prison Manual is being looked into since the earlier Manual was of considerable vintage. We are told that a meeting is likely to be held towards the end of this month to finalize the Model Prison Manual.

Learned ASG is unable to inform us about the composition of the Committee that is looking into the Model Prison Manual. We have suggested to him (and this suggestion has been accepted) that a multi-

disciplinary body including members from Civil Society, NGOs concerned with under trial prisoners as also experts from some other disciplines, including academia and whose assistance would be necessary, should also be associated in drafting the comprehensive Model Prison Manual.

To the extent possible, the Model Prison Manual should be finalized at the earliest and preferably within a month or two, but after having extensive and intensive consultations with a multi-disciplinary body as above.

In the Model Prison Manual, the Ministry of Home Affairs should also look into the possibility of having a creche for the children of prisoners, particularly women prisoners as it exists in Tihar Jail.

We find that the number of under trial prisoners in the State of Maharashtra is extremely large and we also think that there are not adequate number of legal aid lawyers to look into the grievances of under trial prisoner. Mr. Rajesh Kumar Goel, Director, NALSA says on behalf of NALSA that necessary steps will be taken to appoint adequate number of "legal aid lawyers so that necessary steps can be taken with regard to the release of under trial prisoners in accordance with law including those who have been granted bail but are unable to furnish the bail bond.

List the matter on 18th September, 2015.

**(SANJAY KUMAR-1)**  
COURT MASTER

**(JASWINDER KAUR)**  
COURT MASTER

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**SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS**

**WRIT PETITION(S)(CIVIL) NO(S). 406/2013**

**RE-INHUMAN CONDITIONS IN 1382 PRISONS  
(With appln.(s) for exemption from filing O.T.)**

Date : 18/09/2015 This petition was called on for hearing today.

CORAM : **HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE UDAY UMESH LALIT**

For Petitioner(s) By Post  
Mr. Gaurav Agrawal, Adv. (A.C.)

For Respondent(s) Mr. Neeraj Kishan Kaul, ASG  
Ms. Binu Tamta, Adv.  
Mr. R.M. Bajaj, Adv.  
Ms . Sushma Suri, AOR

NALSA Mr. Rajesh Kumar Goel, Director, NALSA

UPON hearing the counsel the Court made the following

**ORDER**

This petition pertains to what has been described as inhuman conditions in 1382 prisons across the country.

On our request, Mr. Gaurav Agrawal, Advocate has agreed to assist us in the matter as Amicus Curiae since the complaint was received by Post. The Registry should give a copy each of all the documents in this matter to Mr. Gaurav Agrawal.

Learned Additional Solicitor General has drawn our attention to the order dated 7th August, 2015 and in compliance thereof he has stated that the Ministry of Home Affairs has written to the Directors General of all the States/Union Territories on 14th August, 2015 to ensure that the Secretary of the District Legal Services Committee is included as a member in the Under Trial Review Committee. A similar letter was written by NALSA on 11th August, 2015. NALSA should follow up on this and ensure that it is effectively represented in the Under Trial Review Committee.

It is not yet clear whether the Under Trial Review Committee has been set up in every District. Learned Additional Solicitor General and Mr. Rajesh Kumar Goel, Director, NALSA will look into this and let us know the progress on the next date of hearing.

As far as the software for Prison Management is concerned, it is stated by the learned Additional Solicitor General that all the Directors General of Police have been asked to intimate which of the four available software is acceptable to them. He further states that the software will be integrated on the cloud so that all information can be made available regardless of which software is being utilized. He expects the needful to be done within a period of about two months.

We expect the Directors General of Police in every State/Union Territory to respond expeditiously to any request made by the Ministry of Home Affairs in this regard.

With regard to the Model Prison Manual of 2003, it is stated by the learned Additional Solicitor General that meetings have been held in this regard and it is expected that the Model Prison Manual will be made available by sometime in the middle of December, 2015. He states that people from academia



as well as NGOs are associated in the project. It is expected that the Prison Manual will also take care of establishing a creche in respect of women prisoners who have children.

With regard to the release of under trial prisoners, particularly in the States of Uttar Pradesh and Maharashtra, as mentioned in our order dated 24th April, 2015, learned Additional Solicitor General says that at the present moment he does not have any instructions in this regard, but the Ministry of Home Affairs will write to the State Governments/Union Territories to take urgent steps in terms of our orders.

Mr. Rajesh Kumar Goel, Director, NALSA says that legal aid lawyers have been instructed to take steps for the possible release of under trial prisoners in accordance with law.

Mr. Rajesh Kumar Goel has also drawn our attention to paragraph 4 of the order dated 24th April, 2015. We make it clear that there is no mandate that a person who has completed half the period of his sentence, in the case of multiple offences, should be released. This is entirely for the Under Trial Review Committee and the competent authority to decide and there is absolutely no direction given by this Court for release of such under trials. Their case will have to be considered by the Under Trial Review Committee and the competent authority in accordance with law.

Mr. Rajesh Kumar Goel, Director, NALSA says that steps are being taken to appoint an adequate number of panel lawyers.

With reference to the release of under trial prisoners, he says that in the State of Maharashtra, as per the information available, 797 under trial prisoners were entitled to bail and with the efforts of the State Legal Services Authority, nearly 503 have since been released. Steps are being taken with regard to the remaining under trial prisoners.

Mr. Rajesh Kumar Goel, Director, NALSA says that the Member Secretaries of the State Legal Services Authority will be advised to compile relevant information with regard to the cases of compoundable offences pending in the States so that they can also be disposed of at the earliest. We expect the States of Uttar Pradesh and Maharashtra to expeditiously respond to the letter written by NALSA since the maximum number of cases pertaining to compoundable offences are pending in these States.

List the matter on 16th October, 2015.

**(SANJAY KUMAR-I)**  
COURT MASTER

**(MALA KUMARI SHARMA)**  
COURT MASTER

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IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
**WRIT PETITION (CIVIL) NO. 867 OF 2013**

*Parivartan Kendra ....Appellant(s)*  
*versus*  
*Union of India and others ....Respondent(s)*

**JUDGMENT**

**M.Y. Eqbal, J.:**

By way of present writ petition filed in public interest under Article 32 of the Constitution of India, the petitioner – a registered NGO seeks to highlight the plight of the acid attack victims and the inadequacy how the compensation payable to the victims as per the orders of the Apex Court in *Laxmi vs. Union of India* (in Writ Petition (Crl.) No.129 of 2006). Petitioner also highlights the lack of a legal guarantee to free medical care, rehabilitative services or adequate compensation under the Survivor Compensation Schemes.

2. The petitioner highlighting the plight of two dalit girls of Bihar, who were attacked around midnight of October 21, 2012 by four assailants who threw acid on the face and bodies of the girls while they were sleeping on their rooftops. It is alleged that these young assailants used to harass the elder sister on the streets, market and in the auto rickshaw while she was going to computer classes or to work. This victim wanted to be a computer engineer and used to go to college regularly and supported her family working as a daily wage worker. However, these assailants used to make sexual advances towards her, pass lewd comments, and also used to pull her dupatta. They terrorized her and her family members by roaming near her house on their motorcycles, tore the curtains of their house and told her that if she did not heed to their demands and agree to have sexual relations with them they would damage and destroy her face.
3. In the aforesaid midnight, while both sisters were sleeping, assailants Anil Rai, Ghanshyam Rai, Badal and Raja climbed upon the roof and Anil covered the elder sister's mouth so that she could not scream and Ghanshyam and Raja held her legs so that she could not move. When Anil Rai was pouring the acid on her body and face, the acid also fell on her sister's body and burnt her arm. After the attack, these men did not make any effort to flee as they wanted to stay and enjoy the moment. As the acid started burning the girls, the girls started screaming and crying waking up their parents, who rushed to the rooftop. Upon this, the assailants fled. The victims were rushed to the Patna Medical College and Hospital. According to the petitioner, the doctors arrived only the next morning and did not give them proper treatment and the family had to buy all the medicines on their own. Thereafter, victims' family was given Rs.2,42,000/from the Government of Bihar for the treatment of both. It has been contended by the petitioner that till the filing of this writ petition more than Rs. 5 lakhs had already been spent on their treatment and still the victims require more treatment.
4. It has been submitted by the petitioner that proper and adequate treatment was not given to the victim. The Patna Hospital waited for more than a month to conduct elder sister's grafting surgeries. Three grafting surgeries were performed on the elder sister. It is claimed that all these three surgeries were not performed properly and that the Hospital staff and doctors mistreated the victim and their family as they belonged to a lower caste. With the help of the petitioner-Society, the victim was transferred to Safdarjung Hospital, Delhi on 5th April, 2013, where she finally received proper treatment. It has been further contended by the petitioner that the Police also arrested the four perpetrators a month after the attack in November, 2012 in response to

intense pressure from social organizations and the media. On 8.2.2013, the IG of Police had made a statement in an interview that the statement of the victim would be taken under Section 164 of the Criminal Procedure Code. However, according to the petitioner, no such statement had been taken till filing of the writ petition. The victim and her family are, therefore, appalled by the treatment they have received at the hands of the Patna Hospital, the Police and the Government of Bihar.

5. By way of present writ petition, the petitioner has sought justice, compensation and restoration of dignity of the survivors of the acid attack, and also the assurance that these horrific events are not repeated elsewhere. It is contended that despite orders and directions of the Apex Court in Laxmi's case (supra), acid is still readily available to most of the population in India and the acid attackers are living with impunity, and the victims are not in a position to afford basic care or services. Since buying acid is simple, it is being used to settle most minor disputes. An acid attack survivor needs surgeries throughout his/her lifetime with each surgery costing around Rs.3 lakhs. It has been further pleaded by the petitioner that this crime is mainly committed in four countries of the world, namely, Bangladesh, Pakistan, Cambodia and India. All the other three countries have engaged in paving the way to an effective remedy for the survivors of the victims. Petitioner contends that Bangladesh passed a law in 2002, which is much stronger law than the Indian Law as Indian Law neither effectively address the gravity of acid attacks nor does it adequately help the acid attack survivors.
6. The petitioner submits that the failure of the States to provide compensation under Survivor Compensation Schemes have caused the survivors to be isolated from all sections of society as they are unable to leave their house because of their disfigurements. The compensation of Rs. 3 Lakh does not cover the entire expenses incurred by an acid attack victim. The petitioner further contends that the Union of India has not developed any standard treatment and management guidelines; public health facilities etc., to treat acid attack victims. The petitioner has sought development of comprehensive rehabilitation scheme for acid attack survivors i.e., housing, education and employment.
7. The petitioner has prayed for issuance of writ of mandamus to the State of Bihar to reimburse Rs. 5 lakh to the victim's family which is the amount spent on her treatment so far and for any other expenditure incurred on the treatment of the minor sister, and to provide compensation of at least Rs.10 Lakhs to the victims' family in lieu of their pain and suffering. The petitioner has also inter alia prayed for issuance of writ of mandamus or directions to develop a standard treatment and management guidelines for the treatment and handling of acid attack victims by constituting a panel of experts; to direct all private hospitals to provide free treatment in acid attack cases and to have pictorial displays with the first aid and primary care protocols and guidelines to neutralize the acid and stabilize the survivor in the all Public Health Centres, sub-centres and government hospitals. Petitioner has also prayed for inclusion of acid attacks in the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and to reform educational programs in primary school to understand the gravity of violence against women.
8. We have heard Mr. Colin Gonsalves, learned senior counsel appearing for the petitioner, and learned counsel appearing for the Union of India, State of Bihar and other States.
9. Before we proceed further, we would like to go through the orders passed by the Apex Court in the case of W.P. (Crl.) No. 129 of 2006 titled as Laxmi vs. Union of India, dealing with a similar case of acid attack victim. On 18.07.2013, this Court passed the following order:
  - "6. The Centre and States/Union Territories shall work towards making the offences under the Poison Act, 1919 cognizable and non-bailable.
  7. In the States/Union Territories, where rules to regulate sale of acid and other corrosive substances are not operational, until such rules are framed and made operational, the Chief Secretaries of the concerned States/Administrators of the Union Territories shall ensure the compliance of the following directions with immediate effect:

- (i) Over the counter, sale of acid is completely prohibited unless the seller maintains a log/register recording the sale of acid which will contain the details of the person(s) to whom acid(s) is/are sold and the quantity sold. The log/register shall contain the address of the person to whom it is sold.
- (ii) All sellers shall sell acid only after the buyer has shown:
  - a) a photo ID issued by the Government which also has the address of the person.
  - b) specifies the reason/purpose for procuring acid.
- (iii) All stocks of acid must be declared by the seller with the concerned Sub-Divisional Magistrate (SDM) within 15 days.
- (iv) No acid shall be sold to any person who is below 18 years of age.
- (v) In case of undeclared stock of acid, it will be open to the concerned SDM to confiscate the stock and suitably impose fine on such seller up to Rs. 50,000/-
- (vi) The concerned SDM may impose fine up to Rs. 50,000/on any person who commits breach of any of the above directions.

8. The educational institutions, research laboratories, hospitals, Government Departments and the departments of Public Sector Undertakings, who are required to keep and store acid, shall follow the following guidelines:

- (i) A register of usage of acid shall be maintained and the same shall be filed with the concerned SDM.
- (ii) A person shall be made accountable for possession and safe keeping of acid in their premises.
- (iii) The acid shall be stored under the supervision of this person and there shall be compulsory checking of the students/personnel leaving the laboratories/place of storage where acid is used.

9. The concerned SDM shall be vested with the responsibility of taking appropriate action for the breach/default/violation of the above directions.

10. Section 357A came to inserted in the Code of Criminal Procedure, 1973 by Act 5 of 2009 w.e.f. 31.12.2009. Inter alia, this Section provides for preparation of a 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.

11. We are informed that pursuant to this provision, 17 States and 7 Union Territories have prepared 'Victim Compensation Scheme' (for short "Scheme"). As regards the victims of acid attacks the compensation mentioned in the Scheme framed by these States and Union Territories is un-uniform. While the State of Bihar has provided for compensation of Rs. 25,000/in such scheme, the State of Rajasthan has provided for Rs. 2 lakhs of compensation. In our view, the compensation provided in the Scheme by most of the States/Union Territories is inadequate. It cannot be overlooked that acid attack victims need to undergo a series of plastic surgeries and other corrective treatments. Having regard to this problem, learned Solicitor General suggested to us that the compensation by the States/Union Territories for acid attack victims must be enhanced to at least Rs. 3 lakhs as the after care and rehabilitation cost. The suggestion of learned Solicitor General is very fair.

12. We, accordingly, direct that the acid attack victims shall be paid compensation of at least ` 3 lakhs by the concerned State Government/Union Territory as the after care and rehabilitation cost. Of this amount, a sum of Rs. 1 lakh shall be paid to such victim within 15 days of 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. The balance sum of ` 2 lakhs

shall be paid as expeditiously as may be possible and positively within two months thereafter. The Chief Secretaries of the States and the Administrators of the Union Territories shall ensure compliance of the above direction.”

10. On 3rd December, 2013, in Laxmi’s case (supra), when the affidavit of State of Haryana was placed before the Bench, in which it stated that the Government of Haryana is in the process of framing a scheme for full medical treatment, short term as well as long term, for specialised plastic surgery, corrective surgeries, providing specialised psychological treatment to the acid victims to help them to come out of the horror and trauma of the acid attack and their rehabilitation, this Court directed the Chief Secretaries of the States (other than Haryana) and the administrators of the Union Territories to file affidavit and indicate to this Court, the State's view in bearing 100% cost of treatment of the acid victims in line with the decision taken by the Government of Haryana and also with regard to framing of scheme on the lines of Haryana Government for medical treatment at specialised hospitals having facility for plastic surgery, corrective surgery and psychological as well as other treatment to the acid victims. This Court further directed the Chief Secretaries of the States and Administrators of the Union Territories to issue necessary instructions to the Police Stations within their respective State/Union Territory that as and when an FIR is lodged with the police relating to acid attack, the concerned Police Station will send a communication to the jurisdictional S.D.M. about receipt of such information. Upon receipt of such information, the jurisdictional S.D.M. shall then make inquiry into the procurement of acid by the wrong doer and take appropriate action in the matter.

11. While disposing of the writ petition of Laxmi versus Union of India, this Court inter alia held, thus:

“10. We have gone through the chart annexed along with the affidavit filed by the Ministry of Home Affairs and we find that despite the directions given by this Court in Laxmi v. Union of India (2014) 4 SCC 427], the minimum compensation of Rs. 3,00,000/(Rupees three lakhs only) per acid attack victim has not been fixed in some of the States/Union Territories. In our opinion, it will be appropriate if the Member Secretary of the State Legal Services Authority takes up the issue with the State Government so that the orders passed by this Court are complied with and a minimum of Rs. 3,00,000/(Rupees three lakhs only) is made available to each victim of acid attack.

11. From the figures given above, we find that the amount will not be burdensome so far as the State Governments/Union Territories are concerned and, therefore, we do not see any reason why the directions given by this Court should not be accepted by the State Governments/Union Territories since they do not involve any serious financial implication.

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13. Insofar as the proper treatment, aftercare and rehabilitation of the victims of acid attack is concerned, the meeting convened on 14.03.2015 notes unanimously that full medical assistance should be provided to the victims of acid attack and that private hospitals should also provide free medical treatment to such victims. It is noted that there may perhaps be some reluctance on the part of some private hospitals to provide free medical treatment and, therefore, the concerned officers in the State Governments should take up the matter with the private hospitals so that they are also required to provide free medical treatment to the victims of acid attack.

14. The decisions taken in the meeting read as follows:

- The private hospitals will also be brought on board for compliance and the States/UTs will use necessary means in this regard.
- No hospital/clinic should refuse treatment citing lack of specialized facilities.

- First-aid must be administered to the victim and after stabilization, the victim/patient could be shifted to a specialized facility for further treatment, wherever required.
- 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.

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17. We, therefore, issue a direction that the State Governments/Union Territories should seriously discuss and take up the matter with all the private hospitals in their respective State/Union Territory to the effect that the 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.

18. We also issue a direction that the hospital, where the victim of an acid attack is first treated, should give a certificate that the individual is a victim of an acid attack. This certificate 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.

19. In the event of any specific complaint against any private hospital or government hospital, the acid attack victim will, of course, be at liberty to take further action.

20. With regard to the banning of sale of acid across the counter, we direct the Secretary in the Ministry of Home Affairs and Secretary in the Ministry of Health and Family Welfare to take up the matter with the State Governments/Union Territories to ensure that an appropriate notification to this effect is issued within a period of three months from today. It appears that some States/Union Territories have already issued such a notification, but, in our opinion, all States and Union Territories must issue such a notification at the earliest.

21. The final issue is with regard to the setting up of a Criminal Injuries Compensation Board. In the meeting held on 14.03.2015, the unanimous view was that since the District Legal Services Authority is already constituted in every district and is involved in providing appropriate assistance relating to acid attack victims, perhaps it may not be necessary to set up a separate Criminal Injuries Compensation Board. In other words, a multiplicity of authorities need not be created.

22. In our opinion, this view is quite reasonable. Therefore, in case of any compensation claim made by any acid attack victim, the matter will be taken up by the District Legal Services Authority, which will include the District Judge and such other co-opted persons who the District Judge feels will 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. This body will function as the Criminal Injuries Compensation Board for all purposes.”

12. The above mentioned direction given by this Court in Laxmi’s case (supra) is a general mandate to the State and Union Territory and is the minimum amount which the State shall make available to each victim of acid attack. The State and Union Territory concerned can give even more amount of compensation than Rs.3,00,000/as directed by this Court. It is pertinent to mention here that the mandate given by this Court in Laxmi’s case nowhere restricts the Court from giving more compensation to the victim of acid attack, especially when the victim has suffered serious injuries on her body which is required to be taken into consideration by this court. In peculiar facts, this court can grant even more compensation to the victim than Rs. 3,00,000/-.
13. We have come across many instances of acid attacks across the country. These attacks have been rampant for the simple reason that there has been no proper implementation of the regulations or control for the supply and distribution of acid. There have been many cases where the victims



of acid attack are made to sit at home owing to their difficulty to work. These instances unveil that the State has failed to check the distribution of acid falling into the wrong hands even after giving many directions by this Court in this regard. Henceforth, a 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.

14. When we consider the instant case of the victims, the very sight of the victim is traumatizing for us. If we could be traumatized by the mere sight of injuries caused to the victim by the inhumane acid attack on her, what would be the situation of the victim be, perhaps, we cannot judge. Nonetheless we cannot be oblivious of the fact of her trauma.
15. From perusal of the record of the case, it is found that elder sister suffered 28 % burns on her body and 90% on her face, owing to the alleged brutal attack on her. Due to the acid attack, the victim had undergone several surgeries, and has to undergo many more corrective and curative surgeries for her treatment.
16. Admittedly, three skin grafting surgeries were conducted by the PMCH but they were all improperly conducted as testified at Sarfardarjung Hospital. The victim, was brought to Delhi by the petitioner and in Delhi some skin grafting surgeries were again conducted at the Sarfardarjung Hospital for Neck, Lips, Eyes, Nose, Arm, Forehead and Ear. Further skin grafting surgeries were also conducted at Fortis Hospital for Neck, Lips, Nose, Eye and Arm. In the opinion of victim's doctor also, she would be required to undergo multiple corrective and curative operations and medical support for the rest of her life. Victim would be required to have corrective and curative surgeries for Neck, Lips, Eyes, Nose, Arm, Forehead, Ears, Breasts and Elbow. Apart from the above medical conditions/treatment, which she is required to undergo, there are many other consequences, which an acid attack brings out in the life of the victim.
17. Considering the plight of the victim we can sum up that:
  - the likeliness of the victim getting a job which involves physical exertion of energy is very low.
  - the social stigma and the pain that she has to go through for not being accepted by the society cannot be neglected. Furthermore, the general reaction of loathing which she would have to encounter and the humiliation that she would have to face throughout her life cannot be compensated in terms of money.
  - as a result of the physical injury, the victim will not be able to lead a normal life and cannot dream of marriage prospects.
  - since her skin is fragile due to the acid attack she would have to take care of it for the rest of her life. Therefore, the after care and rehabilitation cost that has to be incurred will have huge financial implications on her and her family.
18. On perusal of various contentions and evidence, we find it imperative to mention that even after this Court having passed an order dated 06.02.2013 directing the Union of India and States to implement compensation payable to acid attack victims by creation of a separate fund, only 17 States have been notified of the Victim Compensation Schemes (VSC). Out of which 7 states and 4 Union territories have not initiated the VSC. Even in those States where the Scheme has been implemented a meager compensation ranging between Rs.25,000/to Rs. 2 lakhs is provided for medical care. And many States have not provided any compensation for rehabilitation at all. In the present case, the Govt. of Bihar has fixed a pitiable amount of Rs.25,000/for the victims of acid attack.
19. The Guidelines issued by orders in the Laxmi's case are proper, except with respect to the compensation amount. We just need to ensure that these guidelines are implemented properly.

Keeping in view the impact of acid attack on the victim on his social, economical and personal life, we need to enhance the amount of compensation. We cannot be oblivious of the fact that the victim of acid attack requires permanent treatment for the damaged skin. The mere amount of Rs. 3 lakhs will not be of any help to such a victim. We are conscious of the fact that enhancement of the compensation amount will be an additional burden on the State. But prevention of such a crime is the responsibility of the State and the liability to pay the enhanced compensation will be of the State. The enhancement of the Compensation will act in two ways:-

1. It will help the victim in rehabilitation;
  2. It will also make the State to implement the guidelines properly as the State will try to comply with it in its true spirit so that the crime of acid attack can be prevented in future.
20. Having regard to the problems faced by the victims, this Court in the case of Laxmi v. Union of India & Ors by an order dated 18.07.2013, enhanced the compensation, stating that, "at least Rs.3 Lakhs must be paid to the victims of acid attacks by the concerned Government". Therefore, a minimum of Rs.3 Lakhs is to be awarded by the Government to each victim of acid attack. In the present case, a minimum amount of Rs. 6 Lakhs has to be awarded to the sisters.
21. In peculiar facts of the case, we are of the view that victim Chanchal deserves to be awarded a compensation more than what has been prescribed by this Court in the Laxmi's case (supra). Though in this case we are not issuing any guidelines different from the guidelines issued in Laxmi's case, we should not forget that the younger sister was also injured by the acid attack. Although her degree of sufferance is not as that of the elder one, but she also requires treatment and rehabilitation. It is to be noted that this Court in Laxmi's case (supra) doesn't put a bar on the Govt. to award compensation limited to Rs.3 Lakhs. The State has the discretion to provide more compensation to the victim in the case of acid attack as per Laxmi's case guidelines. It is also to be noticed that this Court has not put any condition in Laxmi's case as to the degree of injuries which a victim has suffered due to acid attack. In the instant case, the victim's father has already spent more than Rs. 5 lakhs for the treatment of the victim. In consideration of the severity of the victim's injury, expenditure with regard to grafting and reconstruction surgery, physical and mental pain, etc., we are of the opinion that the victim (Chanchal) should be compensated to a tune of at least Rs. 10 Lakhs. Suffice it to say that the compensation must not only be awarded in terms of the physical injury, we have also to take note of victim's inability to lead a full life and to enjoy those amenities which is being robbed of her as a result of the acid attack. Therefore, this Court deems it proper to award a compensation of Rs. 10 lakhs and accordingly, we direct the concerned Government to compensate the victim Chanchal to a tune of Rs. 10 Lakhs, and in light of the Judgment given in Laxmi's case we direct the concerned State Government of Bihar to compensate the main victim's sister, Sonam to a tune of Rs. 3 Lakhs. Of the Total amount of Rs. 13 Lakhs, a sum of Rs. 5 lakhs shall be paid to the victim and her family within a period of one month and the remaining sum of Rs. 8 lakhs shall be paid to the victims within a period of three months from the date of this order. Furthermore, the State shall upon itself take full responsibility for the treatment and rehabilitation of the victims of acid attack as per the Guidelines provided in Laxmi's case, (2015) 5 SCALE 77, vide order dated 10.4.2015.
22. Disposing of the present writ petition, we additionally direct all the States and Union Territories to consider the plight of such victims and take appropriate steps with regard to inclusion of their names under the disability list.

New Delhi, December 07, 2015

(M.Y. Eqbal)  
(C. Nagappan)

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IN THE SUPREME COURT OF INDIA  
CRIMINAL ORIGINAL JURISDICTION  
**WRIT PETITION (CRL.)NO.129 OF 2006**

*LAXMI ...PETITIONER*  
*VERSUS*  
*UNION OF INDIA & ORS. ...RESPONDENTS*

**ORDER**

Pursuant to our order dated 06.02.2015, the Ministry of Home Affairs has filed an affidavit dated 8th April, 2015.

We have heard learned counsel for the parties in considerable detail.

A meeting was convened by the Secretary in the Ministry of Home Affairs, Government of India and the Secretary in the Ministry of Health and Family Welfare, Government of India with all the Chief Secretaries/their counterparts in the States/Union Territories on 14.03.2015.

From the affidavit, the provisional figures for 2014 indicate that there were 282 acid attacks in all the States. The majority of acid attacks were in the States of Uttar Pradesh (185), Madhya Pradesh (53) and Gujarat (11).

As far as the Union Territories are concerned, Delhi is the only Union Territory where acid attacks have taken place and the total number of such attacks in the year 2014 provisionally is 27.

In all, therefore, 309 acid attacks are said to have taken place provisionally in the year 2014.

As mentioned in our order dated 06.02.2015, with the amendment to the Indian Penal Code, nothing survives in the first prayer made by the petitioner.

The second and third prayers relate to the cost of treatment of the acid attack victims and application of Section 357C of the Code of Criminal Procedure, 1973, which was inserted by an Amendment Act in 2013 with effect from 03.02.2013.

In the meeting convened by the Secretary in the Ministry of Home Affairs and the Secretary in the Ministry of Health and Family Welfare on 14.03.2015, it has been noted that a Victim Compensation Scheme has already been notified in almost all the States and Union Territories. However, we are told today that the Victim Compensation Scheme has been notified in all States and Union Territories.

We have gone through the chart annexed along with the affidavit filed by the Ministry of Home Affairs and we find that despite the directions given by this Court in *Laxmi Vs. Union of India* [(2014) 4 SCC 427], the minimum compensation of Rs.3,00,000/(Rupees three lakhs only) per acid attack victim has not been fixed in some of the States/Union Territories. In our opinion, it will be appropriate if the Member Secretary of the State Legal Services Authority takes up the issue with the State Government so that the orders passed by this Court are complied with and a minimum of Rs.3,00,000/(Rupees three lakhs only) is made available to each victim of acid attack.

From the figures given above, we find that the amount will not be burdensome so far as the State Governments/Union Territories are concerned and, therefore, we do not see any reason why the directions given by this Court should not be accepted by the State Governments/Union Territories since they do not involve any serious financial implication.

We also direct the Member Secretary of the State Legal Services Authority to obtain a copy of the Victim Compensation Scheme from the concerned State/Union Territory and to give it wide and adequate

publicity in the State/Union Territory so that each acid attack victim in the States/Union Territories can take the benefit of the Victim Compensation Scheme.

Insofar as the proper treatment, aftercare and rehabilitation of the victims of acid attack is concerned, the meeting convened on 14.03.2015 notes unanimously that full medical assistance should be provided to the victims of acid attack and that private hospitals should also provide free medical treatment to such victims. It is noted that there may perhaps be some reluctance on the part of some private hospitals to provide free medical treatment and, therefore, the concerned officers in the State Governments should take up the matter with the private hospitals so that they are also required to provide free medical treatment to the victims of acid attack.

The decisions taken in the meeting read as follows:

- The States/UTs will take a serious note of the directions of the Supreme Court with regard to treatment and payment of compensation to acid attack victims and to implement these directions through the issue of requisite orders/notifications.
- The private hospitals will also be brought on board for compliance and the States/UTs will use necessary means in this regard.
- No hospital/clinic should refuse treatment citing lack of specialized facilities.
- First-aid must be administered to the victim and after stabilization, the victim/patient could be shifted to a specialized facility for further treatment, wherever required.
- 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.

We expect the authorities to comply with these decisions.

Although it is not made clear in the meeting held on 14.03.2015, what we understand by free medical treatment is not only provision of physical treatment to the victim of acid attack but also availability of medicines, bed and food in the concerned hospital.

We, therefore, issue a direction that the State Governments/Union Territories should seriously discuss and take up the matter with all the private hospitals in their respective State/Union Territory to the effect that the 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.

We also issue a direction that the hospital, where the victim of an acid attack is first treated, should give a certificate that the individual is a victim of an acid attack. This certificate 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.

In the event of any specific complaint against any private hospital or government hospital, the acid attack victim will, of course, be at liberty to take further action.

With regard to the banning of sale of acid across the counter, we direct the Secretary in the Ministry of Home Affairs and Secretary in the Ministry of Health and Family Welfare to take up the matter with the State Governments/Union Territories to ensure that an appropriate notification to this effect is issued within a period of three months from today. It appears that some States/Union Territories have already issued such a notification, but, in our opinion, all States and Union Territories must issue such a notification at the earliest.

The final issue is with regard to the setting up of a Criminal Injuries Compensation Board. In the meeting held on 14.03.2015, the unanimous view was that since the District Legal Services Authority is

already constituted in every district and is involved in providing appropriate assistance relating to acid attack victims, perhaps it may not be necessary to set up a separate Criminal Injuries Compensation Board. In other words, a multiplicity of authorities need not be created.

In our opinion, this view is quite reasonable. Therefore, in case of any compensation claim made by any acid attack victim, the matter will be taken up by the District Legal Services Authority, which will include the District Judge and such other co-opted persons who the District Judge feels will 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. This body will function as the Criminal Injuries Compensation Board for all purposes.

A copy of this order be sent to learned counsel appearing for the Secretary in the Ministry of Home Affairs and the Secretary in the Ministry of Health and Family Welfare for onward transmission and compliance to the Chief Secretary or their counterparts in all the States and Union Territories.

The Chief Secretary will ensure that the order is sent to all the District Magistrates and due publicity is given to the order of this Court.

A copy of this order should also be sent to the Member Secretary of NALSA for onward transmission and compliance to the Member Secretary of the State Legal Services Authority in all the States and Union Territories. The Member Secretary of the State Legal Services Authority will ensure that it is forwarded to the Member Secretary of each District Legal Services Authority who will ensure that due publicity is given to the order of this Court.

The writ petition is disposed of in the above terms.

**(MADAN B. LOKUR)**  
**(UDAY UMESH LALIT)**

**NEW DELHI**

**APRIL 10, 2015**

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Supreme Court of India  
**WRIT PETITION (CIVIL) 559 OF 1994**

*R.D. Upadhyay*  
vs  
*State Of A.P. & Ors*

DATE OF JUDGMENT: 13/04/2006

BENCH: **Y.K. Sabharwal, C.K. Thakker & P.K. Balasubramanyan**

**JUDGMENT**

**Y.K. Sabharwal, CJI.**

Concerned by the plight of the undertrial prisoners languishing in various jails in the country, various directions were issued by this Court from time to time. Presently, we are considering mainly the issue of directions for the development of children who are in jail with their mothers, who are in jail either as undertrial prisoners or convicts. Children, for none of their fault, but per force, have to stay in jail with their mothers. In some cases, it may be because of the tender age of the child, while in other cases, it may be because there is no one at home to look after them or to take care of them in absence of the mother. The jail environment are certainly not congenial for development of the children.

For the care, welfare and development of the children, special and specific provisions have been made both in Part III and IV of the Constitution of India, besides other provisions in these parts which are also significant. The best interest of the child has been regarded as a primary consideration in our Constitution. Article 15 prohibits discrimination on grounds of religion, race, caste, sex or place of birth. Article 15(3) provides that this shall not prevent the State from making any special provision for women and children. Article 21A inserted by 86th Constitutional Amendment provides for free and compulsory education to all children of the age of six to fourteen years. Article 24 prohibits employment of children below the age of fourteen years in any factory or mine or engagement in other hazardous employment. The other provisions of Part III that may be noted are Articles 14, 21 and 23. 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. Article 21 provides that no person shall be deprived of his life or personal liberty except according to procedure established by law. Article 23 prohibits trafficking in human beings and forced labour. We may also note some provisions of Part IV of the Constitution. Article 39(e) directs the State to ensure 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. Article 39(f) directs the State to ensure 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. Article 42 provides that the State shall make provision for securing just and humane conditions of work and maternity relief. Article 45 stipulates that the State shall endeavour to provide early childhood care and education for all children until they complete the age of six years. Article 46 provides that the State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation. 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 and, in particular, the 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.



Apart from the aforesaid constitutional provisions, there are wide range of existing laws on the issues concerning children, such as, the Guardians and Wards Act, 1890, Child Marriage Restraint Act, 1929, the Factories Act, 1948, Hindu Adoptions and Maintenance Act, 1956, Probation of Offenders Act, 1958, Orphanages and Other Charitable Homes (Supervision and Control) Act, 1960, the Child Labour (Prohibition and Regulation) Act, 1986, Juvenile Justice (Care and Protection of Children) Act, 2000, the Infant Milk Substitutes, Feeding Bottles and Infant Foods, (Regulation of Production, Supply and Distribution) Act, 1992, Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, Immoral Traffic (Prevention) Act, 1986.

The Juvenile Justice Act, 2000 replaced the Juvenile Justice Act, 1986 to comply with the provisions of the Convention on the rights of the child which has been acceded to by India in 1992.

In addition to above, the national policy for children was adopted on 22nd August, 1974. This policy, inter alia, lays down that State shall provide adequate services for children both before and after birth, and during the growing stages for their full physical, mental and social development. The measures suggested include amongst others a comprehensive health programme, supplementary nutrition for mothers and children, promotion of physical education and recreational activities, special consideration for children of weaker sections and prevention of exploitation of children.

India acceded to the UN Convention on the rights of the child in December 1992 to reiterate its commitment to the cause of the children. The objective of the Convention is to give every child the right to survival and development in a healthy and congenial environment.

The UN General Assembly Special Session on children held in New York in May 2002 was attended by an Indian delegation led by Minister of Human Resource Development and consisted of Parliamentarians, NGOs and officials. It was a follow up to the world summit held in 1990. The summit adopted the declaration on the survival, protection and development of children and endorsed a plan of action for its implementation.

The Government of India is implementing various schemes and programmes for the benefit of the children. Further, a National Charter for children 2003 has been adopted to reiterate the commitment of the Government to the cause of the children in order to see that no child remains hungry, illiterate or sick. By the said Charter, the Government has affirmed that the best interests of children must be protected through combined action of the State, civil society and families and their obligation in fulfilling children's basic needs. National Charter has been announced with a view to securing for every child inherent right to enjoy happy childhood, to address the root causes that negate the health, growth and development of children and to awake the conscience of the community in the wider societal context to protect children from all forms of abuse, by strengthening the society and the nation. The National Charter provides for survival, life and liberty of all children, promoting high standards of health and nutrition, assailing basic needs and security, play and leisure, early childhood care for survival, growth and development, protection from economic exploitation and all forms of abuse, protection of children in distress for the welfare and providing opportunity for all round development of their personality including expression of creativity etc. The National Institute of Criminology and Forensic Sciences conducted a research study of children of women prisoners in Indian jails. The salient features of the study brought to the notice of all Governments in February 2002, are :

- (i) The general impression gathered was the most of these children were living in really difficult conditions and suffering from diverse deprivations relating to food, healthcare, accommodation, education, recreation, etc.

- (ii)** No appropriate programmes were found to be in place in any jail, for their proper bio-psycho-social development. Their looking after was mostly left to their mothers. No trained staff was found in any jail to take care of these children.
- (iii)** It was observed that in many jails, women inmates with children were not given any special or extra meals. In some cases, occasionally, some extra food, mostly in the form of a glass of milk, was available to children. In some jails, separate food was being provided only to grown up children, over the age of five years. But the quality of food would be same as supplied to adult prisoners.
- (iv)** No special consideration was reported to be given to child bearing women inmates, in matters of good or other facilities. The same food and the same facilities were given to all women inmates, irrespective of the fact whether their children were also living with them or not.
- (v)** No separate or specialised medical facilities for children were available in jails.
- (vi)** Barring a few, most mother prisoners considered that their stay in jails would have a negative impact on the physical as well as mental development of their children.
- (vii)** Crowded environment, lack of appropriate food, shelter and above all, deprivation of affection of other members of the family, particularly the father was generally perceived by the mothers as big stumbling blocks for the proper development of their children in the formative years of life.
- (viii)** Mother prisoners identified six areas where urgent improvement was necessary for proper upkeep of their children. They related to food, medical facilities, accommodation, education, recreation and separation of their children from habitual offenders.
- (ix)** No prison office was deployed on the exclusive duty of looking after these children or their mothers. They had to perform this duty alongside many other duties including administrative work, discipline maintenance, security-related jobs etc. None of them was reported to have undergone any special training in looking after the children in jails.

Some of the important suggestions emanating from the study are :

- (i)** In many States, small children were living in sub-jails which were not at all equipped to keep children. Women prisoners with children should not be kept in such sub-jails, unless proper facilities can be ensured which would make for a conducive environment there, for proper bio-psycho-social growth of children.
- (ii)** Before sending a woman in stage of pregnancy, to a jail, the concerned authorities must ensure that particular jail has got the basic minimum facilities for child delivery as well as for providing pre-natal and post-natal care for both to the mother and the child.
- (iii)** The stay of children in crowded barracks amidst women convicts, undertrials, offenders relating to all types of crime including violent crimes, is certainly harmful for such children in their personality development. Children are, therefore, required to be separated from such an environment on priority basis, in all such jails.
- (iv)** 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 to them on regular basis.
- (v)** Children of women prisoner should be provided with clothes, bed sheets, etc. in multiple sets. Separate utensils of suitable size and material should also be provided to each mother-prisoner for giving food to her child.
- (vi)** Medical care for every child living in a jail has to be fully ensured. Also, in the event of a women prisoner falling ill herself, alternative arrangements for looking after the child should be made by the jail staff.

- (vii)** Adequate arrangements should be available in all jails to impart education, both formal and informal, to every child of the women inmates. Diversified recreational programmes/facilities should also be made available to the children of different age groups.
- (viii)** A child living in a jail along with her incarcerated mother is not desirable at all. In fact, this should be as only the last resort when all other possibilities of keeping the child under safe custody elsewhere have been tried and have failed. In any case, it should be a continuous endeavour of all the sectors of the criminal justice system that the least number of children are following their mothers to live in jails.

The State Governments and Union Territories were requested to consider the aforesaid suggestions for implementation.

By filing IA Nos.1 and 7, the attention of this Court has been drawn to the plight of little children on account of the arrest of their mothers for certain criminal offences. I.A. No. 1 was filed by Women's Action Research and Legal Action for Women (WARLAW), through its program coordinator, Ms. Babita Verma stating that more than 70% of the women prisoners are married and have children. At the time of arrest of the women prisoners having children, indiscriminate arrest is not confined only to women/mother prisoners but such arrest is automatically extended to these children who are of tender age and there is no one to look after the child and take care of the child without their mother. Such children are perforce subjected to a kind of arrest for no offence committed by them. Further, the atmosphere in jail is not congenial for a healthy upbringing of such children. There are two non-Governmental organizations (NGO's), namely Mahila Pratiraksha Mandal and Navjyothi who are counsellors. Adjoining the jail premises at Delhi there is Nari Niketan which is a women's reform home. Some of the children who are detained in jail are sent to Kirti Nagar Children's home for their studies. The arrangement pertaining to the education and looking after of these children is not adequate. To the best of the information of the applicant, there is no specific provision or regulation in Jail Manual for facilitating the mother prisoners to meet the children. It is for the family protection of these women prisoners including their minor children that the trial period of undertrials shall be minimised and a period of two years shall be fixed.

It was suggested that arrest of women suspects be made only by lady police. Such arrests should be sparingly made as it adversely affects innocent children who are taken into custody with their mother. To avoid arrest of innocent children the care and custody of such children may be handed over to voluntary organizations which can assist in the growth of children in a congenial and healthy atmosphere. Periodic meeting rights should be available to the women/mother prisoners in order to mother the healthy upkeep of the children.

A letter dated 8th March, 2000 written by a 6 years old girl child, studying in upper KG in a school at Bangalore, to Chief Justice of India enclosing an article 'Dogged by Death in Jail' in a women's magazine dated 20th January, 2000 narrating plight of children in jail with their mothers, was registered as IA No.7. The article, inter alia, notes that the fate of the women undertrials is more pitiable because some of them live with their tiny tots whether born at home or inside the jail and that a visitor to jail is sure to see a series of moving scenes.

The order dated 20th March, 2001 notes that the learned Solicitor General shares the concern of the Court regarding the plight of the children in jail and the submission that with a view to frame some guidelines and issue instructions, it would be necessary to first ascertain the number of female prisoners in each of the jails, in each of the States/union Territories, the offences for which they have been arrested; the duration of their detention and whether children with any of those female prisoners are also lodged in jail. The Court directed the States and Union Territories to disclose on affidavit the following :

- (i) The number of female prisoners (undertrial) together with the nature of offence for which they have been detained;
- (ii) Period of their detention;
- (iii) Children, if any, who are with the mothers lodged in the jail;
- (iv) Number of convicted female prisoners and whether any children are also lodged with such convicts in the jails;
- (v) Whether any facilities are available in the jail concerned for taking care of such children and, if so, the type of facilities."

Various State Governments and Union Territories submitted reports which provided detailed answers to the aforesaid questions. The following is a brief conspectus of the reports filed :

In the Andaman & Nicobar Islands, children are allowed to live with their mothers up to the age of 5 years. A special diet is prescribed for children by the Medical Officer including proper vitamins and minerals. As far as the future of the children is concerned, in consultation with the District Magistrate, the children are handed over to the relatives or to some trustworthy person as selected by the District Magistrate himself.

In Andhra Pradesh, milk is provided to the children every day with a protein diet for elder kids. Special medical facilities are available as prescribed by the Medical Officer. Vaccines like Polio etc are provided at regular intervals. Education is also provided.

In Assam, children are allowed to live with their mothers up to the age of 6 years. Literary training is provided to small children who are lodged with their prisoner mothers. Lady teachers are also present. Instructions have been issued to provide sufficient study material to the children, as also adequate playing material. As for their future, in consultation with the District Magistrate, the children are handed over to the relatives or to some trustworthy person as selected by the District Magistrate himself.

In Bihar, children are allowed to live with their mothers up to the age of 2 years and up to 5 years in special cases where there is no other caretaker for child. Provision is made for special ration above and beyond the normal labouring ration for nursing mother and for supplementary cow's milk for children under the age of one year not receiving sufficient milk from the mother. Provision is also made for ration for children from 12-18 months, and from 18-24 months or as specified by the Medical Officer. Health and clothing facilities are provided by the Government. Toys and other forms of entertainment are also available in some jails.

In Chandigarh, a special diet is provided for. Medical facilities are also present.

In Chhattisgarh, children are allowed to live with their mothers up to the age of 6 years. Normal food and additional milk is provided. Polio drops are provided on pulse polio day. Medical treatment is done by full time and part time doctors present in the jail. Children are sent outside for expert medical treatment and advice if required. NGO's have provided for clothes. Inside the jail, a child education centre is being run so that they develop interest in education and may learn to read and write. TV and fans for the female prisoners and their kids have been provided by some social service organizations, as also sports and recreation material, swings and cycles. Children are taken to public parks and for public functions to get acquainted with the outside world. After the age of six, these children are sent to the local 'children's home', where their primary education starts. Female children are sent to the Rajkumari Children's Home at Jabalpur where there is adequate arrangement of education. In Delhi, children are allowed to live with their mothers up to the age of 6 years. A special diet inclusive of 750 gm milk and one egg each is provided to children in jail. Proper diets and vaccine for popular diseases are adequately provided for the children. Clothing is also provided for. Children above 4 years are taught to read and write. They are prepared for admission to outside schools. Sponsorships for the funding of the

children education is provided for by the CASP (Community Aid Sponsorship Programme). Two NGO's by the name of Mahila Pratikraksha mandal and Navjyoti Delhi Police Foundation run crèches. Picnics are arranged by NGO's to take them to the Zoo and parks and museums to make them familiar with the outside world. Admission of the children above 5 years of age to Government cottage homes and to residential schools is facilitated through NGO's.

In Goa, the report states that dietary facilities for children are provided by the Government. The Medical Officer of the primary Health Centre, Candolim visits prisoners and children twice a week. If required, they are sent for better treatment to Government Hospitals. In Gujarat, a special diet and special medical facilities as prescribed by the Medical Officer are available for children. Cradle facilities are provided for infants. In Haryana, a standard diet of rice, flour, milk and dal is provided with a special diet provided on the advice of Medical Officer. Health issues are looked after as per the advice of Medical Officer. Regular literacy classes are taken by two lady teachers on deputation from the State Education Dept. at Borstal Jail, Hissar. Books and toys are provided.

In Himachal Pradesh, children are allowed to live with their mothers up to the age of 4 years or in special cases up to 6 years by the approval of the Superintendent. Children under the age of 1 year are provided with milk, sugar and salt. Provision is also made for ration for children from 12-18 months and from 18-24 months. Extras may be ordered by the Medical Officer. Female prisoners and their children are in a separate ward, with its own toilets. This ensures that there is no mixing between the children and the male prisoners.

In Jammu & Kashmir, a special diet is available, as prescribed by the Medical Officer. Supplements are also provided to breast feeding mothers.

In Jharkhand, children are allowed to live with their mothers up to the age of 5 years. Provisions are made for special ration above and beyond the normal labouring ration for nursing mother and for supplementary cow's milk for children under the age of 1 year not receiving sufficient milk from the mother. Provision is also made for ration for children from 12-18 months and from 18-24 months. Health and clothing are taken care of by the Jail superintendent. Toys and items of entertainment have been provided in some jails.

In Karnataka, children are allowed to live with their mothers up to the age of 6 years. Education is looked after for by various NGO's. When the children are to leave the jail, they are handed over to the relatives or to some trustworthy person, Agency or school.

In Kerala, a special diet and medical facilities are made available as prescribed by the Medical Officer. Special clothing can also be so prescribed.

In Lakshadweep, it was reported that there is no undertrial prisoner lodged in jail along with her child and, therefore, need for making arrangements for children along with mothers is not felt necessary.

In Madhya Pradesh, children are allowed to live with their mothers up to the age of 4 years or in special cases up to 6 years by the approval of the Superintendent. There is provision for special ration above and beyond the normal labouring ration for nursing mother and for supplementary cow's milk for children under the age of 1 year not receiving sufficient milk from the mother. Provision is also made for ration for children from 12-18 months and from 18-24 months. For children who are leaving the jail, in consultation with the District Magistrate the children are handed over to the relatives or to some trustworthy person as selected by the District Magistrate himself. In Maharashtra, children are allowed to live with their mothers up to the age of 4 years. They are to be weaned away from their mothers between the ages of 3 to 4 years. A special diet is prescribed under the Maharashtra Prison Rules. Changes can be recommended by the Medical Officer. Specific amounts of jail-made carbolic soap and coconut oil are to be provided for by the authorities. Garments are to be provided as per the Maharashtra Prisons Rules. Two coloured cotton frocks, undergarments and chaddies per child have been prescribed per year. A



nursery school is conducted by 'Sathi', an NGO in the female jail on a regular basis. Primary education is provided for by 'Prayas', a voluntary organization in Mumbai Central Prisons. A small nursery with cradles and other reasonable equipments is provided in each women's ward. Toys are also provided for by the authorities. On leaving the jail, children are handed over to the nearest relative, in whose absence to the officer-in-charge of the nearest Government remand home, or institution set up for the care of the destitute children under the Bombay Children Act, 1948.

In Manipur, provision is made for special ration above and beyond the normal labouring ration for nursing mother and for supplementary cow's milk for children under the age of one year not receiving sufficient milk from the mother. Provision is also made for ration for children from 12-18 months and from 18-24 months. The Superintendent is entrusted with the responsibility of providing clothing for children who are allowed to reside with their mothers. In Meghalaya, children are allowed to live with their mothers up to the age of 6 years. All aspects of the children's welfare are taken care of according to the Rules under the State Jail Manual.

In Mizoram, children are allowed to live with their mothers up to the age of 6 years. A special diet is prescribed under the Rules of the Jail Manual. However, no proper facilities for education or recreation exist. In Nagaland, the provisions of the Assam Jail Manual have been adopted vis-à-vis facilities for women and for children living with their mothers.

In Orissa, children are allowed to live with their mothers up to the age of 4 years or in special cases up to 6 years by the approval of the Superintendent. A special diet is available, as prescribed by the Medical Officer. Children are provided with suitable clothing. On leaving the jail, in consultation with the District Magistrate, the children are handed over to the relatives or to some trustworthy person, as selected by the District Magistrate himself. In Pondicherry, a special diet is available as prescribed by the Medical Officer. Play things, toys etc. are provided to the children at Government cost or through NGOs.

In Punjab, children under the age of one year are provided with milk and sugar. Provision is also made for ration for children from 12-18 months and from 18-24 months. Extra diet is available on the advice of the Medical Officer. There is a play way nursery and one aaya or attendant who looks after the children from time to time. In Rajasthan, a special diet is available under the rules of the Jail Manual. Special medical facilities are also provided for as prescribed in the manual. Clothing and toys are provided for by NGOs.

In Tamil Nadu, children are allowed to live with their mothers up to the age of 6 years. A special diet and special clothing are available as prescribed by the Medical Officer. Children under 3 years of age are treated in the crèche and those upto the age of 6 years are treated in the nursery. Oil, soap and hot water are available for children. On leaving the jail, in consultation with the District Magistrate, the children are handed over to the relatives or to some trustworthy person, as selected by the District Magistrate himself.

In Tripura, the diet of children is as per the instructions of the Medical Officer. Medical care and nursing facilities are available. Mothers accompanied by children are kept separately.

In Uttar Pradesh, children are allowed to live with their mothers up to the age of 6 years. A special diet is available under the Rules of the Jail Manual. On leaving prison, in consultation with the District Magistrate, the children are handed over to the relatives or to some trustworthy person, as selected by the District Magistrate himself.

In Uttaranchal, food is provided as under the Rules of the Jail manual. Education provided for by the Government, which also makes arrangement for extra-curricular activities such as sports.

In West Bengal, normal facilities are available and in addition to that Inner Wheel club also runs a Homeopathic clinic for children. A non-formal school is run by an NGO for rendering elementary education



to the children. From the various affidavits submitted, it seems that there were 6496 undertrial women with 1053 children and 1873 convicted women with 206 children. On 23rd January, 2002, it was noted that three matters were required to be dealt with by the Court: (1) Creation of sufficient number of subordinate courts as well as providing adequate infrastructure and filling up of the existing vacancies; (2) necessary direction with regard to dealing with the children of women undertrial prisoners/women convicts inside jail; and (3) arrangement required to be made for mentally unsound people who are either undertrial prisoners or have been convicted. It was then directed that the question of dealing with the children of women undertrial prisoners and women convicts be taken up first. That is how we have taken up this issue for consideration, perused various reports, heard Mr. Ranjit Kumar, Senior Counsel, who assisted this Court as Amicus Curiae, Mr. Sanjay Parikh and other learned counsel appearing for Union of India and State Governments. We place on record our appreciation for the able assistance rendered by learned Amicus and other learned counsel. It may be noted that on 29th August, 2002, a field action project prepared by the Tata Institute of Social Science on situation of children of prisoners was placed before this Court. Responses thereto have been filed by the Union of India as well as the State Governments. The report puts forward five grounds that form the basis for the suggestion to provide facilities for minors accompanying their mothers in the prison :

- a) The prison environment is not conducive to the normal growth and development of children;
- b) Many children are born in prison and have never experienced a normal family life, sometimes till the age permitted to stay inside (four to five years);
- c) Socialization patters get severely affected due to their stay in prison. Their only image of male authority figures is that of police and prison officials. They are unaware of the concept of a home, as we know it. Boys may sometimes be found talking in the female gender, having grown up only among women confined in the female ward. Unusual sights, like animals on the road (seen on the way to Court with the mother) are frightening.
- d) Children get transferred with their mothers from one prison to another, frequently (due to overcrowding), thus unsettling them; and
- e) Such children sometimes display violent and aggressive, or alternatively, withdrawn behavior in prison.

Specific suggestions have been put forward vis-à-vis children once they reach the confines of the prison. The minimum is the existence of a Balwadi for such children, and a crèche for those under the age of two. The Balwadi should be manned by a trained Balwadi teacher and should have the facilities of a visiting psychiatrist and pediatrician. A full-time nurse could also be made available. Immunization should take place on a regular basis. If the child is sick and needs to be taken outside the prison, the mother should be allowed to accompany the child. The Balwadi would provide free space, toys and games for children. It can also organize programmes on mother and child care, hygiene and family life for mothers. It has also been suggested that these facilities should be located outside, but attached to the prison. This would combat the negative psychological impact of the prison environment and expose the children to 'normal' figures not found in the women's barracks. It is also suggested that specialized clothing including winter-wear and bedding including plastic sheets should be provided to children. Concerns have also been raised regarding the issuance of a birth certificate that mentions the prison as the place of birth of a child born in prison. It is suggested that child's residence should be mentioned as the place of birth and not the prison.

Emphasis has been placed on the diet of such children. It recommends that a special diet be prescribed, as per the norms suggested by a nutrition or child development expert body such as the National Institute of Public Cooperation and Child Development. The diet should be standardized according to the age of the child and not prescribed as uniform irrespective of the age of the child. The

special needs of the child should be kept in mind, for instance, milk needs to be kept fresh which will not be the case if it is handed out only once in the morning. Toned milk may be required or boiled water may need to be provided. For satisfying these needs and providing a satisfactory diet may even require the creation of a separate kitchen unit for children.

Several suggestions have been made vis-à-vis the judiciary, legal aid authorities, the Department of Women and Child Development/Welfare and the Juvenile Justice Administration (under the Juvenile Justice Act) and the Probation Department in relation to the welfare measures that can be taken for children of undertrial and incarcerated prisoners, both living within and outside the jail premises. The Union of India, in its affidavit, has pointed out that it has taken several measures for the benefit of children in general, including children of women prisoners in this larger group. These measures include 'Sarva Shiksha Yojna', Reproductive and Child Health Programme, and Integrated Child Development Projects and passing of the Juvenile Justice (Care and Protection of Children) Act, 2000 for the welfare of children in general.

Union of India also pointed out that the Swadhar scheme has been launched by the Department of Woman and Child Development with the objective of providing for the primary needs of shelter, food, clothing, care, emotional support and counselling to the women convicts and their children, when these women are released from jail and do not have any family support, among other groups of disadvantaged women.

Reference has already been made to the report of the National Institute of Criminology and Forensic Sciences which was forwarded to various States and Union Territories in 2002.

Union of India also brought to the notice of the Court that a Jail Manual Bill ("The Prison Management Bill, 1998") had been prepared which, inter alia, deals with the plight of women prisoners, under Chapters XIV and XVI. This Bill was prepared with the laudable aim of bringing uniformity to jail management across the country. It is important to note that Chapter II of the Bill delineates various rights and duties of prisoners. The rights include the right to live with human dignity; adequate diet, health and medical care, clean hygienic living conditions and proper clothing; the right to communication which includes contact with family members and other persons; and the right to access to a court of law and fair and speedy justice. Clearly, the rights of children of women prisoners living in jail are broader than this categorization, since the children are not prisoners as such but are merely victims of unfortunate circumstances. It is also important to note that Section 33 of the Bill mandates the provision of a Fair Price Shop in all prisons accommodating more than 200 prisoners. This shop should also offer essential items for children of prisoners. In addition, Section 60 (1)(d) provides for temporary or special leave being granted to a prisoner who shows sufficient cause to the State Government or the concerned authority. This can be utilized to grant parole to pregnant women. It may also be noted that Chapter IV of the Bill relates to release and after care and Chapter XVI deals with special categories of prisoners. Both these chapters have a special significance when considering the rights of Children of Women prisoners.

The Union of India noted that the "National Expert Committee on Women Prisoners", headed by Justice V.R. Krishnaiyer, framed a draft Model Prison Manual. Chapter XXIII of this manual makes special provision for children of women prisoners. This manual was circulated to the States and Union Territories for incorporation into the existing jail manuals. It is significant to note that this committee has made important suggestions regarding the rights of women prisoners who are pregnant, as also regarding child birth in prison. It has also made suggestions regarding the age up to which children of women prisoners can reside in prison, their welfare through a crèche and nursery, provision of adequate clothes suiting the climatic conditions, regular medical examination, education and recreation, nutrition for children and pregnant and nursing mothers. Various provisions of the Constitution and statutes have been noticed earlier which cast an obligation on the State to look after the welfare of children and provide for social, educational and cultural development of the child with its dignity intact and protected

from any kind of exploitation. Children are to be given opportunities and facilities to develop in a healthy manner and in a condition of freedom and dignity. We have also noted U.N. conventions to which India is a signatory on the Rights of the Child.

This Court has, in several cases, accepted International Conventions as enforceable when these Conventions elucidate and effectuate the fundamental rights under the Constitution. They have also been read as part of domestic law, as long as there is no inconsistency between the Convention and domestic law (See *Vishaka v. State of Rajasthan* [(1997) 6 SCC 241]). In *Sheela Barse v. Secretary, Children's Aid Society* [(1987) 3 SCC 50] which dealt with the working of an Observation Home that was maintained and managed by the Children's Aid Society, Bombay, it was said:

"5. Children are the citizens of the future era. On the proper bringing up of children and giving them the proper training to turn out to be good citizens depends the future of the country. In recent years, this position has been well realised. In 1959, the Declaration of all the rights of the child was adopted by the General Assembly of the United Nations and in Article 24 of the International Covenant on Civil and Political Rights, 1966. The importance of the child has been appropriately recognised. India as a party to these International Charters having ratified the Declaration, it is an obligation of the Government of India as also the State machinery to implement the same in the proper way. The Children's Act, 1948 has made elaborate provisions to cover this and if these provisions are properly translated into action and the authorities created under the Act become cognizant of their role, duties and obligation in the performance of the statutory mechanism created under the Act and they are properly motivated to meet the situations that arise in handling the problems, the situation would certainly be very much eased."

True, several legislative and policy measures, as aforementioned, have been taken over the years in furtherance of the rights of the child. We may again refer to the Juvenile Justice Act which provides for the care and rehabilitation of neglected and delinquent children, under specially constituted Juvenile welfare boards/courts. It provides for institutionalization of such children, if necessary. Juvenile children's homes have been set up both by the State as well as by NGO's to house such children. In some states, Social Welfare and Women and Child Development/Welfare Departments have specific schemes for welfare and financial assistance to released prisoners, dependants of prisoners and families of released prisoners. Some States have appointed Prison Welfare Officers to look after the problems of prisoners and their families. In some other States, Probation Officers are performing this task, apart from their role under the P.O. Act, 1958.

However, on the basis of various affidavits submitted by various State Governments and Union Territories, as well as the Union of India, it becomes apparent that children of women prisoners who are living in jail require additional protection. In many respects, they suffer the consequences of neglect. While some States have taken certain positive measures to look after the interests of these children, but a lot more is required to be done in the States and Union Territories for looking after the interest of the children. It is in this light that it becomes necessary to issue directions so as to ensure that the minimum standards are met by all States and Union Territories vis-à-vis the children of women prisoners living in prison.

In light of various reports referred to above, affidavits of various State Governments, Union Territories, Union of India and submissions made, we issue the following guidelines :

1. 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.
2. Pregnancy:

- a. 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.
- b. 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.
- c. 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.

**3. Child birth in prison:**

- a. 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.
- b. 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.
- c. As far as circumstances permit, all facilities for the naming rites of children born in prison shall be extended.

**4. Female prisoners and their children:**

- a. Female prisoners shall be allowed to keep their children with them in jail till they attain the age of six years.
- b. No female prisoner shall be allowed to keep a child who has completed the age of six years. Upon reaching the age of six years, the child shall be handed over to a suitable surrogate as per the wishes of the female prisoner or shall be sent to a suitable institution run by the Social Welfare Department. As far as possible, the child shall not be transferred to an institution outside the town or city where the prison is located in order to minimize undue hardships on both mother and child due to physical distance.
- c. Such children shall be kept in protective custody until their mother is released or the child attains such age as to earn his/her own livelihood.
- d. Children kept under the protective custody in a home of the Department of Social Welfare shall be allowed to meet the mother at least once a week. The Director, Social Welfare Department, shall ensure that such children are brought to the prison for this purpose on the date fixed by the Superintendent of Prisons.
- e. When a female prisoner dies and leaves behind a child, the Superintendent shall inform the District Magistrate concerned and he shall arrange for the proper care of the child. Should the concerned relative(s) be unwilling to support the child, the District Magistrate

shall either place the child in an approved institution/home run by the State Social Welfare Department or hand the child over to a responsible person for care and maintenance.

**5. Food, clothing, medical care and shelter:**

- a.** 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.
- b.** State/U.T. Governments shall lay down dietary scales for children keeping in view the calorific requirements of growing children as per medical norms.
- c.** 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.
- d.** Separate utensils of suitable size and material should also be provided to each mother prisoner for using to feed her child.
- e.** Clean drinking water must be provided to the children. This water must be periodically checked.
- f.** 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.
- g.** 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.
- h.** Sleeping facilities that are provided to the mother and the child should be adequate, clean and hygienic.
- i.** Children of prisoners shall have the right of visitation.
- j.** The Prison Superintendent shall be empowered in special cases and where circumstances warrant admitting children of women prisoners to prison without court orders provided such children are below 6 years of age.

**6. Education and recreation for children of female prisoners:**

- a.** The child of female prisoners living in the jails shall be given proper education and recreational opportunities and while their mothers are at work in jail, the children shall be kept in crhches under the charge of a matron/female warder. This facility will also be extended to children of warders and other female prison staff.
- b.** There shall be a crhche and a nursery attached to the prison for women where the children of women prisoners will be looked after. Children below three years of age shall be allowed in the crhche and those between three and six years shall be looked after in the nursery. The prison authorities shall preferably run the said crhche and nursery outside the prison premises.

**7.** In many states, small children are living in sub-jails that are not at all equipped to keep small children. Women prisoners with children should not be kept in such sub-jails, unless proper facilities can be ensured which would make for a conducive environment there, for proper biological, psychological and social growth.

**8.** The stay of children in crowded barracks amidst women convicts, undertrials, offenders relating to all types of crimes including violent crimes is certainly harmful for the development of their



personality. Therefore, children deserve to be separated from such environments on a priority basis.

**9. Diet :**

Dietary scale for institutionalized infants/children prepared by Dr. A.M. Dwarkadas Motiwala, MD (Paediatrics) and Fellowship in Neonatology (USA) has been submitted by Mr. Sanjay Parikh. The document submitted recommends exclusive breastfeeding on the demand of the baby day and night. If for some reason, the mother cannot feed the baby, undiluted fresh milk can be given to the baby. It is emphasized that "dilution is not recommended; especially for low socio-economic groups who are also illiterate, ignorant, their children are already malnourished and are prone to gastroenteritis and other infections due to poor living conditions and unhygienic food habits. Also, where the drinking water is not safe/reliable since source of drinking water is a question mark. Over-dilution will provide more water than milk to the child and hence will lead to malnutrition and infections. This in turn will lead to growth retardation and developmental delay both physically and mentally." It is noted that since an average Indian mother produces approximately 600-800 ml. milk per day (depending on her own nutritional state), the child should be provided at least 600 ml. of undiluted fresh milk over 24 hours if the breast milk is not available. The report also refers to the "Dietary Guidelines for Indians - A Manual," published in 1998 by the National Institute of Nutrition, Council of Medical Research, Hyderabad, for a balanced diet for infants and children ranging from 6 months to 6 years of age. It recommends the following portions for children from the ages of 6-12 months, 1-3 years and 4-6 years, respectively: Cereals and Millets 45, 60-120 and 150-210 grams respectively; Pulses 15, 30 and 45 grams respectively; Milk 500 ml (unless breast fed, in which case 200 ml); Roots and Tubers 50, 50 and 100 grams respectively; Green Leafy Vegetables 25, 50 and 50 grams respectively; Other Vegetables 25, 50 and 50 grams respectively; Fruits 100 grams; Sugar 25, 25 and 30 grams respectively; and Fats/Oils (Visible) 10, 20 and 25 grams respectively. One portion of pulse may be exchanged with one portion (50 grams) of egg/meat/chicken/fish. It is essential that the above food groups to be provided in the portions mentioned in order to ensure that both macronutrients and micronutrients are available to the child in adequate quantities.

- 10.** Jail Manual and/or other relevant Rules, Regulations, instructions etc. shall be suitably amended within three months so as to comply with the above directions. If in some jails, better facilities are being provided, same shall continue.
- 11.** Schemes and laws relating to welfare and development of such children shall be implemented in letter and spirit. State Legislatures may consider passing of necessary legislations, wherever necessary, having regard to what is noticed in this judgment.
- 12.** The State Legal Services Authorities shall take necessary measures to periodically inspect jails to monitor that the directions regarding children and mother are complied with in letter and spirit.
- 13.** The Courts dealing with cases of women prisoners whose children are in prison with their mothers are directed to give priority to such cases and decide their cases expeditiously.
- 14.** Copy of the judgment shall be sent to Union of India, all State Governments/Union Territories, High Courts.
- 15.** Compliance report stating steps taken by Union of India, State Governments, Union territories and State Legal Services Authorities shall be filed in four months whereafter matter shall be listed for directions.

In view of above, Writ Petition (Civil) No.133 of 2002 is disposed of.

□□□



Supreme Court of India  
**1989 AIR 2039**

*PT. PARMANAND KATARA*

*Vs.*

*UNION OF INDIA & ORS.*

**Bench: Misra Rangnath**

DATE OF JUDGMENT : 28/08/1989

**ACT:**

Constitution of India, 1950: Article 21--Obligation on the State to preserve life--Every doctor has professional obligation to extend services to protect life--All Government hospitals/Medical institutions to provide immediate medical aid in all cases.

Indian Medical Council Act, 1860: Section 33--Indian Medical Council/Code of Medical Ethics--Clauses 10 and 13--Obligation to sick--Patient not to be neglected--Court emphasized necessity to provide immediate medical aid. Practice and Procedure: Medical professional--Law courts will not summon unless evidence is necessary--Should not be made to wait and waste time unnecessarily.

**HEADNOTE:**

The petitioner, who claims himself to be a human right activist, filed this writ petition in public interest on the basis of a newspaper report concerning the death of a scooterist who was knocked down by a speeding car. The report further states that the injured person was taken to the nearest hospital but the doctors there refused to attend on him; that they told that he be taken to another hospital, located some 20 kilometers away, which was authorised to handle medico-legal cases; and that the victim succumbed to his injuries before he could be taken to the other hospital. The petitioner has prayed the directions be issued to the Union of India that every injured citizen brought for treatment should instantaneously be given medical aid to preserve life and thereafter the procedural criminal law should be allowed to operate in order to avoid negligent death, and in the event of breach of such direction, apart from any action that may be taken for negligence, appropriate compensation should be admissible.

The Secretary, Ministry of Health & Family Welfare of the Union of India, the Medical Council of India, and the Indian Medical Association were later impleaded as respondents.

Documents relating to the steps taken from time to time in this regard were produced. by the respondents. Reference was made to the Code of Medical Ethics drawn up by the Medical Council of India, wherein the need to attend to the injured/serious persons immediately without waiting for the police report or completion of police formalities was recognised and the Government of India was requested to take necessary and immediate steps to amend various provisions of law which come in the way of government doctors as well as other doctors in private hospitals or public hospitals in this regard. The proceedings of the meeting held on 29.5.1986 in which the Director General of Health Services acted as Chairman were also referred to. This Committee had formulated some guidelines. On behalf of the Union of India it was stated that there was no provision in the Indian Penal Code, Criminal Procedure Code, or the Motor Vehicles Act, etc. which prevented doctors from promptly attending seriously injured persons and accident cases before the arrival of police.

Disposing of the Writ Petition, this Court,

**HELD:**

- (1) Article 21 of the Constitution casts the obligation on the State to preserve life. [1005G]
- (2) There can be no second opinion that preservation of human life is of paramount importance. That is so on account of the fact that once life is lost, the status quo ante cannot be restored as resurrection is beyond the capacity of man. [1005F]
- (3) The patient whether he be an innocent person or a criminal liable to punishment under the laws of the society, it is the obligation of those who are incharge of the health of the community to preserve life so that the innocent may be protected and the guilty may be punished. Social laws do not contemplate death by negligence to tantamount to legal punishment. [1005F]
- (4) Every doctor whether at a Government hospital or otherwise has the professional obligation to extend his services with due expertise for protecting life. [1006A]
- (5) No law or State action can intervene to avoid/delay the discharge of the paramount obligation cast upon members of the medical profession. The obligation being total, absolute and paramount, laws of procedure whether in statute or otherwise which would interfere with the discharge of this obligation cannot be sustained and must, therefore, give way. [1006B]
- (6) The Court gave directions for giving adequate publicity to the decision in this case by the national media, the Doordarshan and the all India Radio, as well as through the High Courts and the Sessions Judges. [1006E-F]

Per G.L. Oza, J. (concurring)

- (1) The Code of Medical Ethics framed by the Medical Council was approved on 23rd October, 1970. This only reveals an unfortunate state of affairs where the decisions are taken at the highest level good intentioned and for public good but unfortunately do not reach the common man and it only remains a text good to read and attractive to quote. [1007D-E]
- (2) It is clear that there is no legal impediment for a medical professional when he is called upon or requested to attend to an injured person needing his medical assistance immediately. There is also no doubt that the effort to save the person should be the top priority not only of the medical professional but even of the police or any other citizen who happens to be connected with the matter or who happens to notice such an incident or a situation. [1008F]
- (3) The members of the legal profession, our law courts and everyone concerned will also keep in mind that a man in the medical profession should not be unnecessarily harassed for purposes of interrogation or for any other formality and should not be dragged during investigations at the police station and it should be avoided as far as possible. [1009C]
- (4) Law courts will not summon a medical professional to give evidence unless the evidence is necessary and even if he is summoned, attempt should be made to see that the men in this profession are not made to wait and waste time unnecessarily. [1009D]

**JUDGMENT:**

ORIGINAL JURISDICTION: Writ Petition (Criminal) No. 270 of 1988.

(Under Article 32 of the Constitution of India). Pt. Parmanand Katara-in-person.

A.D. Singh, U.R. Lalit (N.P.). R.B. Misra. Ms. A. Subhashini, B.R. Agarwala, Ms. Sushma Manchanda, Ms. Suman Rastogi and Ms. Indu Malhotra (N.P.) for the Respondents.

The following judgments of the Court were delivered RANGANATH MISRA, J. The petitioner who claims himself to be a 'small human right activist and fighting for the good causes for the general public interest' filed this application under Article 32 of the Constitution asking for a direction to the Union of India that every injured citizen brought for treatment should instantaneously be given medical aid to preserve life and thereafter the procedural criminal law should be allowed to operate in order to avoid negligent death and in the event of breach of such direction, apart from any action that may be taken tot negligence, appropriate compensation should be admissible. He appended to the writ petition a report entitled 'Law helps the injured to die' published in the Hindustan Times. In the said publication it was alleged that a scooterist was knocked down by a speeding car. Seeing the profusely bleeding scooterist, a person who was on the road picked up the injured and took him to the nearest hospital. The doctors refused to attend on the injured and told the man that he should take the patient to a named different hospital located some 20 kilometers away authorised to handle medico-legal cases. The samaritan carried the victim, lost no time to approach the other hospital but before he could reach, the victim succumbed to his injuries.

The Secretary, Ministry of Health & Family Welfare of the Union of India, the Medical Council of India and the Indian Medical Association were later impleaded as respondents and return to the rule has been made by each of them. On behalf of the Union of India, the Under Secretary in the Ministry of Health & Family Welfare filed an affidavit appending the proceedings of the meeting held on 29.5. 1986 in which the Director-General of Health Services acted as Chairman. Along with the affidavit, decisions of papers relating to the steps taken from time to time in matters relating to matters relevant to the application but confined to the Union Territory of Delhi were filed. A report in May, 1983, submitted by the Sub-Committee set up by the Home Department of the Delhi Administration on Medico-Legal Centers and Medico-Legal Services has also been produced. The Secretary of the Medical Council of India in his affidavit referred to clauses 10 and 13 of the Code of Medical Ethics drawn up with the approval of the Central Government under s. 33 of the Act by the Council, wherein it had been said:

"10 . Obligations to the sick:

Though a physician is not bound to treat each and every one asking his services except in emergencies for the sake of humanity and the noble traditions of the profession, he should not only be ever ready to respond to the calls of the sick and the injured, but should be mindful of the high character of his mission and the responsibility he incurs in the discharge of his ministrations, he should never forget that the health and the lives of those entrusted to his care depend on his skill and attention. A physician should endeavour to add to the comfort of the sick by making his visits at the hour indicated to the patients.

13. The patient must not be neglected: A physician is free to choose whom he will serve. He should, however, respond to any request for his assistance in an emergency or whenever temperate public opinion expects the service. Once having undertaken a case, the physician should not neglect the patient, nor should he withdraw from the case without giving notice to the patient, his relatives or his responsible friends sufficiently long in advance of his withdrawal to allow them to secure another medical attendant. No provisionally or fully registered medical practitioner shall wilfully commit an act of negligence that may deprive his patient or patients from necessary medical care."

The affidavit has further stated: "The Medical Council of India therefore expects that all medical practitioners must attend to sick and injured immediately and it is the duty of the medical practitioners to make immediate and timely medical care available to every injured person whether he is injured in accident or otherwise. It is also submitted that the formalities under the Criminal Procedure Code or any other local laws should not stand in the way of the medical practitioners attending an injured person. It should be the duty of a doctor in each and every casualty department of the hospital to attend such person first and thereafter take care of the formalities under the Criminal Procedure Code. The life of

a person is far more important than the legal formalities. In view of this, the deponent feels that it is in the interest of general human life and welfare that the Government should immediately make such provisions in law and amendments in the existing laws, if required, so that immediate medical relief and care to injured persons and/or serious patients are available without any delay and without waiting for legal formalities to be completed in the presence of the police officers. The doctor attending such patients should be indemnified under law from any action by the Government/police authorities/ any person for not waiting for legal formalities before giving relief as a doctor would be doing his professional duty; for which he has taken oath as medical practitioner.

It is further submitted that it is for the Government of India to take necessary and immediate steps to amend various provisions of law which come in the way of Government Doctors as well as other doctors in private hospitals or public hospitals to attend the injured/serious persons immediately without waiting for the police report or completion of police formalities. They should be free from fear that they would be unnecessarily harassed or prosecuted for doing his duty without first complying with the police formalities ..... It is further submitted that a doctor should not feel himself handicapped in extending immediate help in such cases fearing that he would be harassed by the Police or dragged to Court in such a case. It is submitted that Evidence Act should also be so amended as to provide that the Doctor's diary maintained in regular course by him in respect of the accident cases would be accepted by the courts in evidence without insisting the doctors being present to prove the same or subject himself to cross-examination/harassment for long period of time."

The Indian Medical Association which is a society registered under Act 21 of 1860 through its Secretary has stated in the affidavit that the number of deaths occurring on account of road accidents is on the increase due to lack of timely medical attention. In the affidavit it has further stated:

"The second reason is on account of the prevailing police rules and Criminal Procedure Code, which necessitate the fulfilment of several legal formalities before a victim can be rendered medical aid. The rationale behind this complicated procedure is to keep all evidence intact. However, time given to the fulfilment of these legal technicalities sometimes takes away the life of a person seriously injured. Members of public escorting the injured to the nearest hospital are reluctant to disclose their name or identity as he is detained for eliciting information and may be required to be called for evidence to Courts in future. Similarly, the private practicing doctors are harassed by the police and are, therefore, reluctant to accept the roadside casualty. It is submitted that human life is more valuable and must be preserved at all costs and that every member of the medical profession, may, every human being, is under an obligation to provide such aid to another as may be necessary to help him survive from near-fatal accidents."

The Committee under the Chairmanship of the Director-General of Health Services referred to above had taken the following decisions:

"1. Whenever any medico-legal case attends the hospital, the medical officer on duty should inform the Duty Constable, name, age, sex of the patient and place and time of occurrence of the incident, and should start the required treatment of the patient. It will be the duty of the Constable on duty to inform the concerned Police Station or higher police functionaries for further action.

Full medical report should be prepared and given to the Police, as soon as examination and treatment of the patient is over. The treatment of the patient would not wait for the arrival of the Police or completing the legal formalities.

2, Zonalisation as has been worked out for the hospitals to deal with medicolegal cases will only apply to those cases brought by the Police. The medico-legal cases coming to hospital of their own (even if the incident has occurred in the zone of other hospital) will not be denied the treatment by the hospital where the case reports, nor the case will be referred to other hospital because the incident has occurred

in the area which belongs to the zone of any other hospital. The same police formalities as given in para 1 above will be followed in these cases.

All Government Hospitals, Medical Institutes should be asked to provide the immediate medical aid to all the cases irrespective of the fact whether they are medicolegal cases or otherwise. The practice of certain Government institutions to refuse even the primary medical aid to the patient and referring them to other hospitals simply because they are medico-legal cases is not desirable. However, after providing the primary medical aid to the patient, patient can be referred to the hospital if the expertise facilities required for the treatment are not available in that Institution."

(underlining are ours) To the said affidavit of the Union of India also, the minutes of the 10th Meeting of the Standing Committee on Forensic Medicine (a Committee set up by the Ministry of Home Affairs of the Government of India) held on 27.4.1985 have been appended. These minutes show that the Committee was a high-powered one consisting of the Director General, the Joint Secretary of the Ministry of Health of the Government of India, a Professor from the All Indian Institute of Medical Sciences, the Professor of Forensic Medicine from Maulana Azad Medical College, New Delhi, the Director & Professor of Forensic Medicine, Bhopal, the Deputy Director, Central Forensic Science Laboratory, Calcutta and certain officers of the Ministry. The proceedings indicate that the Director-Generals of Police, Tamil Nadu and Uttar Pradesh were also members of the Committee. From the proceedings it appears that the question of providing medico-legal facilities, at the upgraded primary health centers throughout the country was under consideration but the Committee was of the opinion that time was not ripe to think of providing such facilities at the upgraded primary health centers. One of the documents which forms part of the Union of India's affidavit is the copy of a letter dated 9th of May, 1978 which indicates that a report on some aspects of Medico Legal Practice in India had been prepared and a copy of such report was furnished to the Health Secretaries of all the States and Union Territories more than eleven years back. From these documents appended to the affidavit of the Union of India, it is clear that the matter has been engaging the attention of the Central Government as also of the Governments of the States and the Union Territories for over a decade. No improvement of the situation,, however, is perceptible and the problem which led to the filing of this petition seems to exist in hospitals and private nursing homes and clinics throughout the country.

In course of the hearing, we directed the petitioner to place on record for the consideration of the Court and the respondents a draft guideline which could be prescribed to ease the situation keeping the professional ethics in view. When the same was filed, copies thereof were circulated to the respondents and all parties have been heard on the basis of the guidelines submitted on behalf of the petitioner.

The Medical Council of India has placed on record a copy of the Code of Medical Ethics and counsel has made a statement that there is no prohibition in law justifying the attitude of the doctors as complained. On the other hand, he stated that it is a part of the professional ethics to start treating the patient as soon as he is brought before the doctor for medical attention inasmuch as it is the paramount obligation of the doctor to save human life and bring the patient out of the risk zone at the earliest with a view to preserving life. In the affidavit filed on behalf of the Union of India on 3rd August, 1989, it has been said:

"There are no provisions in the Indian Penal Code, Criminal Procedure Code, Motor Vehicles Act etc. which prevent Doctors from promptly attending seriously injured persons and accident case before the arrival of Police and their taking into cognisance of such cases, preparation of F.I.R. and other formalities by the Police. However, the deponent most humbly submits that the respondent shall always abide by the directions and guidelines given by the Hon'ble Court in the present case."

There can be no second opinion that preservation of human life is of paramount importance. That is so on account of the fact that once life is lost, the status quo ante cannot be restored as resurrection is beyond the capacity of man. The patient whether he be an innocent person or be a criminal liable to



punishment under the laws of the society, it is the obligation of those who are in-charge of the health of the community to preserve life so that the innocent may be protected and the guilty may be punished. Social laws do not contemplate death by negligence to tantamount to legal punishment.

Article 21 of the Constitution casts the obligation on the State to preserve life. The provision as explained by this Court in scores of decisions has emphasised and reiterated with gradually increasing emphasis that position. A doctor at the Government hospital positioned to meet this State obligation is, therefore, duty-bound to extend medical assistance for preserving life. Every doctor whether at a Government hospital or otherwise has the professional obligation to extend his services with due expertise for protecting life. No law or State action can intervene to avoid/delay the discharge of the paramount obligation cast upon members of the medical profession. The obligation being total, absolute and paramount, laws of procedure whether in statutes or otherwise which would interfere with the discharge of this obligation cannot be sustained and must, therefore, give way. On this basis, we have not issued notices to the States and Union Territories for affording them an opportunity of being heard before we accepted the statement made in the affidavit of the Union of India that there is no impediment in the law. The matter is extremely urgent and in our view, brooks no delay to remind every doctor of his total obligation and assure him of the position that he does not contravene the law of the land by proceeding to treat the injured victim on his appearance before him either by himself or being carried by others. We must make it clear that zonal regulations and classifications cannot also operate as fetters in the process of discharge of the obligation and irrespective of the fact whether under instructions or rules, the victim has to be sent elsewhere or how the police shall be contacted, the guideline indicated in the 1985 decision of the Committee, as extracted above, is to become operative. We order accordingly.

We are of the view that every doctor wherever he be within the territory of India should forthwith be aware of this position and, therefore, we direct that this decision of ours shall be published in all journals reporting decisions of this Court and adequate publicity highlighting these aspects should be given by the national media as also through the Doordarshan and the All India Radio. The Registry shall forward adequate number of copies of this judgment to every High Court so that without delay the respective High Courts can forward them to every Sessions Judge within their respective jurisdictions and the Sessions Judges in their turn shall give due publicity to the same within their jurisdictions. The Medical Council of India shall forward copies of this judgment to every medical college affiliated to it. Copies of the judgment shall be forwarded to every State Government with a direction that wide publicity should be given about the relevant aspects so that every practicing doctor would soon become aware of the position. In case the State Governments and the Union Territories which have not been heard file any representation against the direction, they shall have liberty to appear before this Court and ask for appropriate direction within three months from now. Applications filed after that date shall not be entertained by the Registry of this Court. Until altered, this judgment shall be followed.

Before we part with the case, we place on record our appreciation of the services rendered by the petitioner by inviting the attention of the Court to the problem raised in this case. We must also place on record our appreciation of the cooperation and understanding exhibited by the Union of India in the relevant Ministry, the Medical Council of India and the Indian Medical Association.

No order for costs.

OZA, J. I entirely agree with what has been observed by my learned brother and also agree with the directions indicated in the Order made by Hon'ble Shri Justice R.N. Misra but I would like to add:

As has been quoted by my learned brother, a high power committee by the Government of India was appointed at a high level and this was long before and the proceedings of 29th May, 1986 have been filed and have also been quoted. The Medical Council of India alongwith their affidavit have filed Code of Medical Ethics which everyone in the medical profession is expected to follow but still the news item which is the starting point of this petition is of 1988. The Code of Medical Ethics flamed by the Medical



Council was approved on 23rd October, 1970. This only reveals an unfortunate state of affairs where the decisions are taken at the higher level good intentioned and for public good but unfortunately do not reach the common man and it only remains a text good to read and attractive to quote.

It could not be forgotten that seeing an injured man in a miserable condition the human instinct of every citizen moves him to rush for help and do all that can be done to save the life. It could not be disputed that inspite of development economical, political and cultural still citizens are human beings and all the more when a man in such a miserable state hanging between life and death reaches the medical practitioner either in a hospital (run or managed by the State) public authority or a private person or a medical professional doing only private practice he is always called upon to rush to help such an injured person and to do all that is within his power to save life. So far as this duty of a medical professional is concerned its duty coupled with human instinct, it needs no decision nor any code of ethics nor any rule or law. Still in the Code of Medical Ethics framed by the Medical Council of India Item 13 specifically provides for it. Item 13 reads as under:

"13. The patient must not be neglected. A physician is free to choose whom he will serve. He should, however, respond to any request for his assistance in an emergency or whenever temperate public opinion expects the service. Once having undertaken a case, the physician should not neglect the patient, nor should he withdraw from the case without giving notice to the patient, his relatives or his responsible friends sufficiently long in advance of his withdrawal to allow them to secure another medical attendant. No provisionally or fully registered medical practitioner shall wilfully commit an act of negligence that may deprive his patient or patients from necessary medical care."

Medical profession is a very respectable profession.

Doctor is looked upon by common man as the only hope when a person is hanging between life and death but they avoid their duty to help a person when he is facing death when they know that it is a medico-legal case. To know the response of the medical profession the Medical Council of India and also the All India Medical Association were noticed and were requested to put up their cases. Some apprehensions were expressed because of some misunderstanding about the law of procedure and the police regulations and the priorities in such situations. On the basis of the affidavit filed by the Union of India and considering the matter it is clear that there is no legal impediment for a medical professional when he is called upon or requested to attend to an injured person needing his medical assistance immediately. There is also no doubt that the effort to save the person should be the top priority not only of the medical professional but even of the police or any other citizen who happens to be connected with the matter or who happens to notice such an incident or a situation. But on behalf of the medical profession there is one more apprehension which sometimes prevents a medical professional in spite of his desire to help the person, as he apprehends that he will be witness and may have to face the police interrogation which sometimes may need going to the police station repeatedly and waiting and also to be a witness in a court of law where also he apprehends that he may have to go on number of days and may have to wait for a long time and may have to face sometimes long unnecessary cross-examination which sometimes may even be humiliating for a man in the medical profession and in our opinion it is this apprehension which prevents a medical professional who is not entrusted with the duty of handling medico-legal cases to do the needful, he always tries to avoid and even if approached directs the person concerned to go to a State hospital and particularly to the person who is in charge of the medico-legal cases. We therefore have no hesitation in assuring the persons in the medical profession that these apprehensions, even if have some foundation, should not prevent them from discharging their duty as a medical professional to save a human life and to do all that is necessary but at the same time. We hope and trust that with this expectation from the members of the medical profession, the policy, the members of the legal profession, our law courts and everyone concerned will also keep in mind that a man in the medical profession should not be unnecessarily harassed for purposes of interrogation or for any other formality and should not be dragged during investigations at the police station and it should

be avoided as far as possible. We also hope and trust that our law courts will not summon a medical professional to give evidence unless the evidence is necessary and even if he is summoned, attempt should be made to see that the men in this profession are not made to wait and waste time unnecessarily and it is known that our law courts always have respect for the men in the medical profession and they are called to give evidence when necessary and attempts are made so that they may not have to wait for long. We have no hesitation in saying that it is expected of the members of the legal profession which is the other honourable profession to honour the persons in the medical profession and see that they are not called to give evidence so long as it is not necessary. It is also expected that where the facts are so clear it is expected that necessary harassment of the members of the medical profession either by way of requests for adjournments or by cross examination should be avoided so that the apprehension that the men in the medical profession have which prevents them from discharging their duty to a suffering person who needs their assistance utmost, is removed and a citizen needing the assistance of a man in the medical profession receives it.

We would also like to mention that whenever on such occasions a man of the medical profession is approached and if he finds that whatever assistance he could give is not sufficient really to save the life of the person but some better assistance is necessary-it is also the duty of the man in the medical profession so approached to render all the help which he could and also see that the person reaches the proper expert as early as possible.

R.S.S.                      Petition disposed of.







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