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# **Manual For District Legal Services Authorities 2023**



**NATIONAL LEGAL SERVICES AUTHORITY**

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**MANUAL  
FOR  
DISTRICT LEGAL SERVICES AUTHORITIES  
2023**

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**NATIONAL LEGAL SERVICES AUTHORITY**







**Dr Justice D Y Chandrachud**  
Chief Justice of India

## Foreword

Article 39A of the Constitution of India enshrines a constitutional pledge of equal justice. It envisages a legal system that ensures opportunities for securing justice are not denied to any section of the society due to social and economic disabilities. Facilitation and delivery of free legal services goes to the very heart of the constitutional values by enabling equality of opportunity and social justice.

The Legal Services Authorities Act, 1987 is an ambitious project of constitutional reach to provide free and competent legal services to the disadvantaged and marginalized sections of the society. Legal Services Institutions have been established under the 1987 Act to provide legal services at national, state, district, and taluk levels. It is the constitutional duty of these institutions to ensure that access to justice penetrates every rung of the society. However, one of the major obstacles to securing equal justice in action is ineffective delivery of legal services.

The District Legal Services Authority ("DLSA") performs the function of delivering legal services to the disadvantaged and marginalized sections of society at the district level. The DLSAs perform responsibilities such as establishment of legal services clinics, provision of legal representation, implementation of legal aid schemes, and organization of legal awareness camps and lok adalats. The DLSAs are also responsible for securing humane conditions in jails by monitoring the release of undertrial prisoners who are granted bail and assisting convicted





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prisoners in preparing their applications for premature release in terms of applicable regulations. By performing their constitutional and statutory responsibilities, the DLSAs enhance the credibility of the justice delivery system at the grassroots level and act as a catalyst for social justice.

This manual lays down in detail the procedures relating to administration of legal services by the DLSAs. It reiterates the responsibilities of the DLSAs, which include managing human resources, conducting outreach activities, implementing legal aid schemes, spreading legal awareness and literacy, and coordinating with other legal services institutions.

This manual will provide greater impetus to the DLSAs in fulfilling their constitutional mandate of delivering effective legal services to every individual of the society. The DLSAs should make use of this manual to determine the appropriate procedures for managing everyday operations and administering legal services. The detailed guidance provided in the manual will result in effective management and uniformity in functioning of the DLSAs across India.

I take this opportunity to congratulate National Legal Services Authority for bringing out this manual. I would also like to appreciate the assistance provided by officials of the NALSA in making this manual a reality.

*Dhananjaya Chandrachud*

**Dr Justice Dhananjaya Y Chandrachud**



*Sanjay Kishan Kaul*  
Judge, Supreme Court of India  
&  
Executive Chairman,  
National Legal Services Authority



B-Block, Ground Floor,  
Additional Building Complex,  
Supreme Court of India, New Delhi-110001



*“My mission in life is to wipe every tear, from every eye”.*

*Mahatma Gandhi*

The constitutional promise of equality mandates unfettered access to justice. Our individual freedoms are underpinned by our ability to approach the law and the appropriate machinery created for that purpose. Thus, a society built on the Rule of Law must ensure the availability of easy, smooth, and undeterred access to justice.


In this regard, NALSA, constituted under The Legal Services Authorities Act, 1987; along with various committees at the Supreme Court and the High Courts, and other authorities at the State level, functioning under its aegis, are taking firm and effective steps. The aim of this effort is to make all sections of the society believe that they are not alone in seeking access to justice.

Consistency in providing access to justice throughout India is now the need of the hour. The process of availing and delivering justice through various institutions pan-India needs to be standardised and homogenized to boost the belief of the common man in our legal system. The person living in the remotest part of the country, with limited resources, must be assured that he can access the Courts of law with ease and convenience, and access a level-playing field in his pursuit of justice.

I am delighted to share that NALSA has created a Manual for the aid and assistance of District Legal Services Authorities, aiming to standardise processes by incorporating all relevant statutory provisions, rules, regulations, guidelines, and standard operating procedures in one place. This would serve as a ready reckoner for the new Chairpersons and Secretaries of the District Legal Services Authorities.

I believe that the real purpose of this Manual will only be achieved if State Legal Services Authorities at their level ensure that it is put to optimum use by the DLSAs. NALSA must regularly update this Manual and publish newer editions, as NALSA's scope and mission is bound to expand in the future.

I convey my best wishes to all the DLSAs in their quest to make the journey of access to justice for each citizen of this country a meaningful one.

  
(Sanjay Kishan Kaul)  
June 2, 2023





*Sanjiv Khanna*  
*Judge*  
*Supreme Court of India*



*6, Moti Lal Nehru Place*  
*New Delhi-110011*  
*Phone : 23019317*



### **MESSAGE**

Equal protection of the laws, right to fair trial, and efficient redressal mechanisms against injustice are intrinsic for Rule of Law in the society.

With the objective to secure equal 'Access to Justice' for all, the Legal Services Authorities Act, 1987 (Act) mandates creation of legal services authorities at National, State, District and Taluka levels to provide free and competent legal services to the weaker sections of the society. These institutions derive support from a vast network of trained and motivated personnel including 50,000 Panel Lawyers and 45,000 Para-Legal Volunteers

The District Legal Services Authorities (DLSA), being the primary point of convergence for delivery of legal services, are the cornerstone of providing Access to Justice at the grass root level. With the introduction of several schemes for identified beneficiaries by NALSA, and the implementation of various judicial directives and Rules and Regulations framed under the Act, the role and responsibility of the DLSAs has increased manifold. This necessitates standardisation and synchronisation of processes and functioning of the DLSAs across the country.

It gives me immense pleasure that NALSA has accomplished the arduous task of bringing out a Manual which shall serve as a ready reckoner to the DLSAs. This is significant as India has the largest coverage of free legal services in the world, with almost 80% of the population eligible for free legal services.

While the Manual provides information and guidance to the DLSAs for their functioning, it also sets out the mission of ensuring greater accountability and quality of legal services.

I am certain that this Manual will not only guide the present functionaries of the DLSAs in their endeavour to provide 'Access to Justice' for all, but also be passed on as a baton and a comprehensive guide to the succeeding office-bearers of the DLSAs.

I offer my best wishes to NALSA in its endeavours of realising the Constitutional promise of Access to Justice, a living reality for all.

A handwritten signature in black ink, appearing to read 'S. Khanna'.

**Sanjiv Khanna**





अरजुन राम मेघवाल  
Arjun Ram Meghwal



विधि एवं न्याय राज्य मंत्री (स्वतंत्र प्रभार)  
व  
संसदीय कार्य और संस्कृति राज्य मंत्री  
भारत सरकार, नई दिल्ली-110001  
MINISTER OF STATE (I/C) FOR LAW & JUSTICE  
AND  
MINISTER OF STATE FOR  
PARLIAMENTARY AFFAIRS AND CULTURE  
GOVERNMENT OF INDIA, NEW DELHI-110001

### **MESSAGE**

It gives me immense pleasure to learn that the National Legal Service Authority is bringing out a "Manual for District Legal Service Authority" to create awareness about NALSA on the occasion The 19th All India Meet of State Legal Services on 30th June 2023 at Srinagar, J&K.

I am informed that the present manual will enhance ease and transparency in the day-to-day activities of NALSA. It will also help towards streamlining human resource management and financial management of Legal Aid Clinics, District Legal Services Authority, State Legal Services Authority, and Taluka Legal Services Committees, which is highly commendable. I earnestly believe that through this manual, the authorities will be able to provide effective legal assistance to eligible stakeholders.

The completion of 75 years of our Independence marked the beginning of Amrit Kaal wherein we march forward to realize the vision of Prime Minister Shri Narendra Modi Ji to transform India into a developed nation by 2047. This era will be characterized by legal empowerment of every citizen in building Just Society. To achieve this goal, it is imperative that we invest in models that enable citizens to have easy access to their legal rights and entitlements through a unified digital platform.

I would like to congratulate NALSA and the State Legal Services Authorities on their efforts to secure justice for every section of society by developing a robust Legal System while focussing on ways to improve of legal aid delivery. NALSA has been performing an exemplary and instrumental role in promoting the ideals enshrined in our constitution.

I extend my heartiest congratulations and sincere appreciation to the organizers for their initiative.

  
(Arjun Ram Meghwal)





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

**संतोष स्नेही मान**  
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### ACKNOWLEDGEMENT

The 'Manual for District Legal Services Authorities' is the result of stellar leadership of *Hon'ble Mr. Justice Sanjay Kishan Kaul*, Judge, Supreme Court of India & Executive Chairman, NALSA and the constant guidance of *Hon'ble Mr. Justice Sanjeev Khanna*, Judge, Supreme Court of India & Member, Advisory cum Consultative Panel of NALSA. Under the guidance of their Lordships, NALSA took up the mammoth task of making this Manual a comprehensive ready reckoner for the District Legal Services Authorities.

I would like to thank *Hon'ble Mr. Justice Ashok Kumar Jain*, Judge, High Court of Rajasthan, the former Member Secretary, NALSA for beginning this exercise and developing the first draft of the Manual.

I heartily acknowledge the sincere assistance of my colleagues, *Mr. Yajuvender Singh*, Director, NALSA and *Mr. Sumeet Anand*, Officer on Special Duty, NALSA in preparation of this Manual. I appreciate the valuable inputs of the Member Secretaries along with the Secretaries of DLSAs from the SLSAs of *Arunachal Pradesh, Delhi, Gujarat, Haryana, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Uttar Pradesh, and West Bengal*. My special appreciation for the dedicated involvement of *Ms. Harshita Mishra, Ms. Saema Jain, Ms. Rishika Srivastava* and *Ms. Jyoti Maheshwari*, Officers of the Delhi Judicial Services, in the review and editing of this Manual. I acknowledge the commitment of NALSA's Research Team – *Mr. Siddharth Lamba* and *Mr. Siddhant Kumar* in the completion of the Manual.

Santosh Snehi Mann,  
Member Secretary, NALSA



## ABOUT THE MANUAL

The *Manual for District Legal Services Authorities (DLSA)*, hereinafter referred as ‘*The Manual*’ aims to provide guidance to the District Legal Services Authorities on the day-to-day work and activities of DLSA, and related processes to ensure their smooth and efficient functioning.

The Manual aims to serve the following objectives:

- To serve as a reference book laying out the specific roles and functions of DLSA such as providing legal aid and representation to the eligible beneficiaries, conduct of outreach activities and management of resources, as given in various laws, rules and regulations, schemes, Standard Operating Procedures (SOPs), advisories, circulars, etc.
- Providing procedures for day-to-day functioning of DLSAs in the operational aspects, including management of front office, processing of legal aid applications, conduct of Lok Adalats, coordination with other legal service institutions, constitution of Under-Trial Review Committees, visits to places of detention, grievance management and the implementation of victim compensation scheme.
- To act as a ready reckoner, to enable uniformity in processes, and consistency in decision-making, through standardisation in the functioning of DLSAs across the country. The Manual is an effort to streamline the administration and functioning of DLSAs and aims to achieve the goal of ‘***Strengthening and Standardising the Processes of Legal Services***’ at the DLSA level which is the primary unit for delivery of legal aid and assistance under the Legal Services Authorities Act, 1987.

The manual outlines the history of legal aid and legal service institutions in India and procedures relating to administration of legal services under the Legal Services Authorities Act, 1987. It also delineates various regulations and schemes of the National Legal Services Authority (NALSA).

It is hoped that adherence to the processes outlined in this Manual will lead to:

- Effective and efficient management of District Legal Services Authorities, across the country.
- Encourage uniform functioning and consistent decision-making, through standardisation of procedures.
- Ease of access to legal service institutions for the general population.
- Improvement in quality of legal services and assistance.
- Effective supervision, monitoring and evaluation of legal services systems.



## DISCLAIMER

1. Manual for District Legal Services Authorities, *hereinafter referred as 'The Manual'*, is intended to be a reference book for the District Legal Services Authorities (DLSA) on their role and functions, and is strictly meant for internal circulation amongst the Legal Services Institutions as defined in Section 2 (e) of *The National Legal Services Authority (Free and component Legal Services) Regulations, 2010* only.
2. The Manual must not be treated as a substitute or a source for any law, rules, regulations, or any other document, as may be referred to in the Manual.
3. All efforts have been made to provide accurate and updated information in the Manual with a cut-off date of 1<sup>st</sup> May, 2023.
4. Any error or omission in the Manual must be brought to the notice of the Member Secretary, NALSA, New Delhi.
5. NALSA welcomes suggestions and feedback for further improvement of the Manual.
6. No part of the Manual may be reproduced, distributed, or transmitted in any form, through any means, for any purpose other than as mentioned above, without obtaining prior written permission of NALSA, through the Member Secretary, NALSA.

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# NATIONAL LEGAL SERVICES AUTHORITY



## ***MOTTO***

*Access to Justice for all.*

## ***VISION***

*To promote an inclusive legal system, in order to ensure meaningful justice to the marginalised and disadvantaged sector.*

## ***MISSION***

*To legally empower the marginalised and excluded groups of society by providing effective legal representation, legal literacy and awareness and bridge the gap between legally available benefits and the entitled beneficiaries.*



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*Motto, Mission and Vision*

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## **PART A: INTRODUCTION**

## 1. ORIGIN AND EVOLUTION OF LEGAL AID IN INDIA

- 1.1 Article 39A of the Constitution of India provides that State shall secure that the operation of the legal system promotes justice on the basis of equal opportunity, and shall in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. Articles 14 and 22(1) also make it obligatory for the State to ensure equality before law and a legal system which promotes justice on the basis of equal opportunity to all. Through judicial interpretation, the scope of Article 21 has been widened to include within its ambit the right to free legal aid and representation to entitled persons. It has now been established that the right to free legal services is an essential part of reasonable, fair and just procedure and this is implicit in Article 21 of the Constitution<sup>1</sup>. Further, the Hon'ble Supreme Court of India, in several judgments has emphasised on the importance of legal representation through State funded legal aid services. It has cast a duty upon the Magistrates to ensure that no individual goes unrepresented in any proceedings before the Court<sup>2</sup>.
- 1.2 Just after independence in 1949, the first and most important study on the issue of legal aid was made by the “*Committee on Legal Aid and Legal Advice*”, also known as “*The Bombay Committee, 1949*” appointed by the Government of Bombay under the Chairmanship of Justice N. H. Bhagwati.
- 1.3 Simultaneously, a Committee was constituted by the Government of West Bengal under the Chairmanship of Sir Arthur Trevor Harries to examine the question of availability and administration of legal services in the State, called the, “*Trevor Harries Committee in West Bengal, 1949*”. In 1958, Kerala took the lead in enacting a legislation called the “*Kerala Legal Aid (to the Poor) Rules*”.
- 1.4 In 1958, the First Law Commission of India submitted, “*14<sup>th</sup> Report of the Law Commission of India (1958)*” titled “*Reforms in the Administration of Justice*”. The Report dedicated an entire Chapter on Legal Aid.
- 1.5 Since 1952, the Government of India also started addressing the issue of legal aid. In early 1960, the Union Government again took the initiative and prepared an outline for legal aid scheme, which was sent to various Legal Aid Organisations and States for their comments and to enable them to draft their own Schemes on similar lines. The “*Central Government Scheme of 1960*” was an amalgamation of the recommendations of the ‘Bombay Committee’ and the ‘Trevor Harries Committee’ with a few modifications.
- 1.6 The question of legal aid was again discussed at “*The Third All India Lawyer’s Conference (1962)*”. The Conference made various recommendations, the most

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<sup>1</sup> Hussainara Khatoon (IV) v. State of Bihar, AIR 1979 SC 1396.

<sup>2</sup> Khatri & Ors. Vs. State of Bihar (1981) 1SCC 627; Mohammed Ajmal Mohammed Amir Kasab alias Abu Mughid Vs. State of Maharashtra (2012) 8 SCR 295.

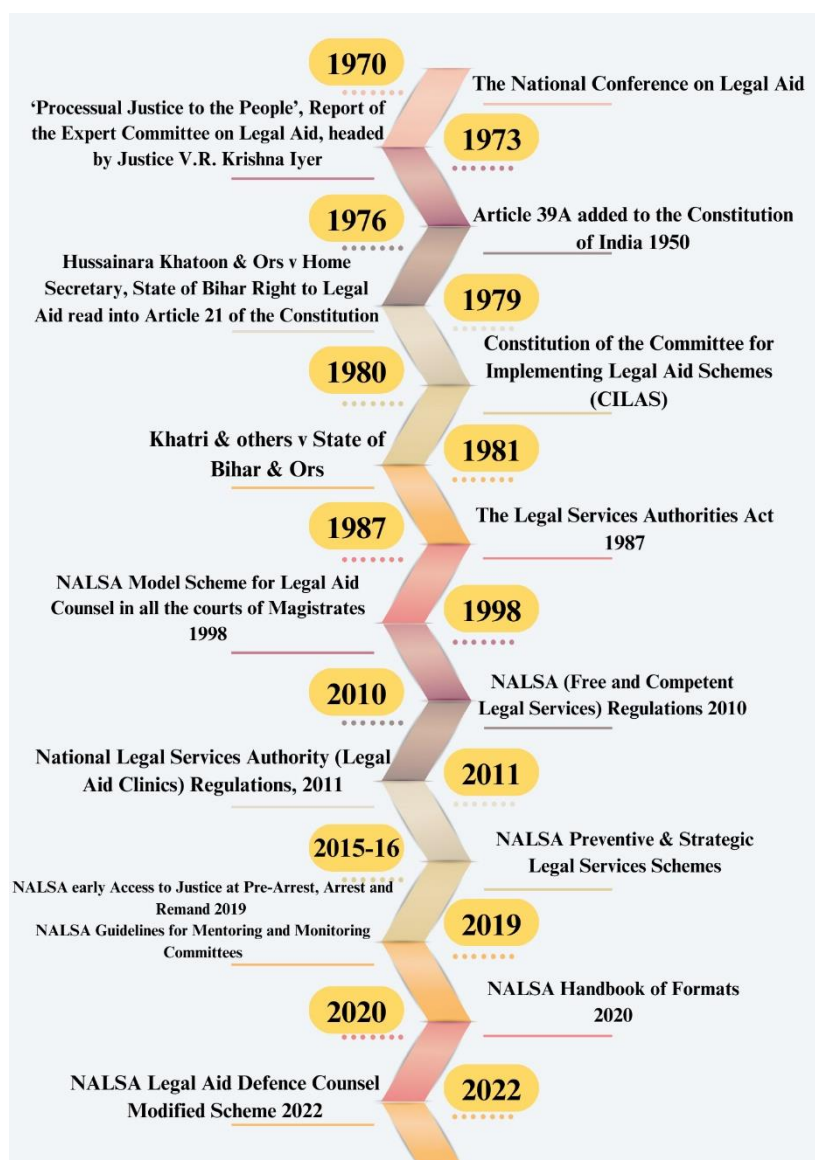


important being the provision of legal aid, which was essentially the obligation of the Central and State Governments and that the Governments, both at the Central and State level, should put into effect a comprehensive scheme of legal aid and advice immediately.

- 1.7 In the “*National Conference on Legal Aid*” held in March, 1970 in Delhi, an objective assessment of the extant legal aid programmes and of functioning of institutions comprising the justice system was made.
- 1.8 In June, 1970 the Government of Gujarat constituted a Committee under the Chairmanship of Justice P. N. Bhagwati, known as “*The Gujarat Committee, 1970*” and also known as “*Bhagwati Committee*”, to consider the question of grant of legal aid to the poor, people of limited means, and the backward classes in civil, criminal, revenue, labour and other proceedings and to make such recommendations, as may be desirable, so that legal advice could be made available easily and speedily.
- 1.9 Keeping a close touch with the progress in legal aid movement, the Government of India appointed an expert Committee in October, 1972 on legal aid under the Chairmanship of Justice V. R. Krishna Iyer to consider making legal aid and advice available to the weaker sections of the society and persons of limited means in general, and citizens belonging to socially and educationally backward classes in particular.
- 1.10 In May, 1976 the Government of India appointed a two-member Committee consisting of Justice P. N. Bhagwati and Justice Krishna Iyer. The terms of reference of the Committee was to consider the question of legal aid and advice to the weaker sections of the society, to assess the extent and nature of unmet legal needs for the economically underprivileged persons, to assess the value and effectiveness of legal aid schemes in operation in the country, to make recommendation for establishing and operating comprehensive dynamic legal service programmes for effective implementation of beneficial schemes framed by the Government, and finally to draw up uniform legal service programme for all States. The Juridicare Committee submitted its Report in 1977 titled “*National Juridicare: Equal Justice- Social Justice*”.
- 1.11 Meanwhile, the Swaran Singh Committee, which was setup in 1976, tabled its recommendations before the Government. In order to give effect to some of the recommendations of the Committee, the Constitution (42<sup>nd</sup> Amendment) Act was passed by the Parliament which came into force in December, 1976. It was through this Amendment that Article 39-A was introduced into the Constitution as a part of Directive Principles of State Policy.
- 1.12 In 1980, a Committee was constituted at the national level to oversee and supervise legal aid programmes throughout the country under the Chairmanship of Hon’ble Mr. Justice P.N. Bhagwati, the then a Judge of the Supreme Court of India. This Committee came to be known as CILAS (Committee for Implementing Legal Aid Schemes) and started monitoring legal aid activities throughout the country. The introduction of Lok

Adalats added a new chapter to the justice dispensation system of this country and succeeded in providing a supplementary forum to the litigants for amicable settlement of their disputes.

- 1.13 The Legal Services Authorities Act was enacted in 1987 to give a statutory base to the legal aid programmes throughout the country, on a uniform pattern. This Act came into being on 9th of November, 1995, after certain amendments were introduced therein by the Amendment Act of 1994. Hon'ble Mr. Justice R.N. Mishra, the then Chief Justice of India played a key role in enforcement of the Act.
- 1.14 National Legal Services Authority was constituted on 5th December, 1995. His Lordship Hon'ble Dr. Justice A.S. Anand, Judge, Supreme Court of India took over as the Executive Chairman of National Legal Services Authority on 17th July, 1997.



## **2. OVERVIEW OF LEGAL SERVICES AUTHORITIES ACT, 1987**

- 2.1 The Preamble to the Constitution of India, promises of securing to all the citizens, Justice – Social, Economic and Political. Towards the fulfilment of this promise, Article 39 A of the Constitution of India provides for free and competent legal aid to the weaker sections of the society to ensure that opportunity of securing justice is not to be denied to any citizen by reason of economic or other disability. In light of the Constitutional mandate, the Legal Services Authorities Act was enacted by the Parliament in 1987, which came into force on 9th November, 1995 to establish a nationwide uniform network for providing free and competent legal services to the weaker sections of the society.
- 2.2 The National Legal Services Authority (NALSA) has been constituted under Section 4 of the Legal Services Authorities Act, 1987 to provide free and competent Legal Services to the weaker sections of the society. The Chief Justice of India is the Patron-in-Chief; and the Senior most Judge of the Supreme Court of India is the Executive Chairman of NALSA. The National Legal Services Authority (NALSA) coordinates and monitors the functioning of Legal Services Institutions (LSI) throughout the Country, as well as voluntary social service institutions and other legal services organisations and giving directions for the proper implementation of the Legal Services programmes in the country. It also monitors and evaluates the implementation of legal aid programmes at periodic intervals and provides for independent evaluation of programmes and schemes implemented in whole or in part of the country by funds provided under this Act. NALSA receives grants-in-aid from the Central Government for implementing legal aid schemes and programmes. The grants are further disbursed by NALSA to the State Legal Services Authorities and Supreme Court Legal Services Committee.
- 2.3 Chapter III of the Legal Services Authorities Act, 1987 deals with State Legal Services Authorities and their functions. The State Legal Services Authorities (SLSA), District Legal Services Authorities (DLSA) and Taluk Legal Services Committees (TLSC) have also been constituted under the said Act. The Act also provides for constitution of Supreme Court Legal Services Committee (SCLSC) for providing legal aid in matters coming before the Supreme Court and High Court Legal Services Committee (HCLSC) to provide legal aid to the eligible persons in legal matters coming before the High Courts.
- 2.4 These institutions have been established to ensure equal justice through provisions of legal aid and assistance to the weaker sections of the society at all levels throughout the country. To address the lack of ability of persons in seeking justice on grounds of economic, or other disabilities, the Legal Services Authorities Act, 1987 has laid down a framework for the constitution of legal services institutions at all levels in the country, from the lowest to the highest court of the country, in order to ensure equal opportunity to access justice to all the citizens of the country.

- 2.5 Chapter IV of the Act, deals with entitlement to legal services and Section 12 of the Act, specifically provides for the categories of persons, who are entitled to avail legal aid and the same is discussed in greater detail, in Chapter 5 of this Part.
- 2.6 Chapter VI of the Act deals with Lok Adalats. Section 19 of the Act provides for the establishment of Lok Adalats. Legal Services Institutions at all levels, including the Supreme Court Legal Services Committee, High Court Legal Services Committee, and at the state, and district levels, shall hold Lok Adalats. Lok Adalats serve as an effective alternate dispute resolution mechanism. Its purpose is to provide speedy and effective disposal of cases in a cost-effective manner. Matters settled in the Lok Adalats attain finality and the court fees paid by the litigants is also refunded.
- 2.7 Chapter VI A of the Act introduced by way of amendment in 2002, provides for constitution of Permanent Lok Adalats for settlement of disputes pertaining to public utility services.
- 2.8 Section 25 of the Act provides that the Act shall have an overriding effect on any other law or any instrument of law in cases of any inconsistency.
- 2.9 Section 27 to 29 of the Act provide for the powers of making rules to the Central Government, State Government, Central Authority (NALSA).

### **3. STATUTORY CONSTITUTION AND FUNCTIONS OF LEGAL SERVICES INSTITUTIONS**

#### **A. National Legal Services Authority (NALSA)**

- 3.1 As per Section 3 of the Legal Services Authority Act, 1987, the Central Government must constitute a body to be called the National Legal Services Authority to exercise the powers and perform the functions conferred on, or assigned to it as defined in section 2(aa) under this Act.
- 3.2 Statutory Constitution of NALSA:

The Central Authority Viz National Legal Services Authority shall consist of—

- a) the Chief Justice of India who shall be the Patron-in-Chief;
- b) a serving or retired Judge of the Supreme Court to be nominated by the President, in consultation with the Chief Justice of India, who shall be the Executive Chairman; and
- c) such number of other members, possessing such experience and qualifications, as may be prescribed by the Central Government, to be nominated by that Government in consultation with the Chief Justice of India.

- 3.3 As per Section 3(3), the Central Government shall, in consultation with the Chief Justice of India, appoint a person to be the *Member-Secretary* of the Central Authority, possessing such experience and qualifications as may be prescribed by the Government, to exercise such powers and perform such duties under the Executive Chairman of the Central Authority as may be prescribed by the Government, or as may be assigned to him by the Executive Chairman of the Authority.
- 3.4 Besides, the Central Authority may appoint such number of officers and other employees as may be prescribed by the Central Government, in consultation with the Chief Justice of India, for the efficient discharge of its functions under this Act.
- 3.5 As per Section 3(4) and (6) of the Act, members, Member Secretary and officers & other employees of the Central Authority shall be subject to conditions of service as may be prescribed by the Central Government in consultation with the Chief Justice of India.
- 3.6 Statutory Functions of NALSA: As per Section 4, the Central Authority/ National Legal Services Authority has to perform following functions:
- a) lay down policies and principles for making legal services available under the provisions of this Act;
  - b) frame the most effective and economical schemes for the purpose of making legal services available under the provisions of this Act;
  - c) utilise the funds at its disposal and make appropriate allocations of funds to the State Authorities and District Authorities;
  - d) take necessary steps by way of social justice litigation with regard to consumer protection, environmental protection or any other matter of special concern to the weaker sections of the society and for this purpose, give training to social workers in legal skills;
  - e) organise legal aid camps, especially in rural areas, slums or labour colonies with the dual purpose of educating the weaker sections of the society as to their rights as well as encouraging the settlement of disputes through LokAdalats;
  - f) encourage the settlement of disputes by way of negotiations, arbitration and conciliation;
  - g) undertake and promote research in the field of legal services with special reference to the need for such services among the poor;
  - h) to do all things necessary for the purpose of ensuring commitment to the fundamental duties of citizens under Part IVA of the Constitution;

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

3.7 As per Section 5 of the Act, in the discharge of its functions under this Act, the Central Authority shall, wherever appropriate, act in coordination with other governmental and non-governmental agencies, universities and others engaged in the work of promoting the cause of legal services to the poor.

## **B. Supreme Court Legal Services Committee**

3.8 As per Section 3A of the Legal Services Authority Act, the Central Authority shall constitute a committee to be called the Supreme Court Legal Services Committee for the purpose of exercising such powers and performing such functions, as may be determined by regulations made by the Central Authority.

3.9 Statutory Constitution of SCLSC: As per Section 3A (2), the Committee shall consist of—

- a) a sitting Judge of the Supreme Court who shall be the Chairman; and



- b) such number of other members possessing such experience and qualifications as may be prescribed by the Central Government, to be nominated by the Chief Justice of India
- 3.11 As per Section 3A(3), the Chief Justice of India shall appoint a person to be the Secretary to the Committee, possessing such experience and qualifications, as may be prescribed by Central Government. The Committee may also appoint such number of officers and other employees, as may be prescribed by the Central Government, in consultation with the Chief Justice of India, for the efficient discharge of its functions.
- 3.12 Besides, in exercise of powers conferred under Section 27 of the Act, the Central Government has framed *Supreme Court Legal Services Committee Rules, 2000*, wherein it has been prescribed that the Supreme Court Legal Services Committee shall consist of not more than nine Members.
- 3.13 Further, the following shall be the ex-officio Members of the Supreme Court Legal Services Committee
- a) Attorney General of India
  - b) Additional Secretary in the Department of Legal Affairs, Ministry of Law, Justice and Company Affairs, Government of India or his nominee
  - c) Additional Secretary in the Department of Expenditure of the Ministry of Finance, Government of India or his nominee; and
  - d) Registrar General of the Supreme Court of India.
  - e) The Chief Justice of India may also nominate other Members from amongst those possessing the qualification and experience prescribed in Sub-Rule (4) of the Rules.
- 3.15 As far as qualifications are concerned, it is prescribed that a person shall not be qualified for nomination as a Member unless he is
- a) an eminent person in the field of law,
  - b) a person of repute who is specially interested in the implementation of the Legal Services Schemes; or
  - c) an eminent social worker who is engaged in the upliftment of the weaker sections of the society including Scheduled Castes, Scheduled Tribes, women, children, rural and urban labour.
- 3.16 Statutory Functions of SCLSC: The powers have been given to Central Authority (NALSA) to prescribe functions of the Supreme Court Legal Services Committee. The same are contained in Supreme Court Legal Service Committee Regulations, 1996.

### **C. State Legal Services Authority (SLSA)**

- 3.17 As per Section 6, every State Government shall constitute a body to be called the Legal Services Authority for the State to exercise the powers and perform the functions conferred on, or assigned to, a State Authority under this Act.
- 3.18 Statutory Constitution of SLSA - The State Legal Services Authority shall consist of:
- a) the Chief Justice of the High Court who shall be the Patron-in-Chief;
  - b) a serving or retired Judge of the High Court, to be nominated by the Governor, in consultation with the Chief Justice of the High Court, who shall be the Executive Chairman; and
  - c) such number of other members, possessing such experience and qualifications as may be prescribed by the State Government, to be nominated by that Government in consultation with the Chief Justice of the High Court.
  - e) As per Section 6(3), the State Government shall, in consultation with the Chief Justice of the High Court, appoint a person belonging to the State Higher Judicial Service, not lower in rank than that of a District Judge, as the Member-Secretary of the State Authority, to exercise such powers and perform such duties under the Executive Chairman of the State Authority as may be prescribed by that Government or as may be assigned to him by the Executive Chairman of that Authority.
- 3.19 Statutory Functions of SLSA:
- i. As per Section 7 of the Act, it shall be the duty of the State Authority to give effect to the policy and directions of the Central Authority.
  - ii. Besides this, as per Section 7(2), State Authority shall perform all or any of the following functions, namely:
    - a) give legal service to persons who satisfy the criteria laid down under this Act;
    - b) conduct Lok Adalats, including Lok Adalats for High Court cases;
    - c) undertake preventive and strategic legal aid programmes; and
    - d) perform such other functions as the State Authority may, in consultation with the Central Authority, fix by regulations.
  - iii. As per Section 8, in the discharge of its functions, the State Authority shall appropriately act in coordination with other governmental agencies, non-governmental voluntary social service institutions, universities and other bodies engaged in the work



of promoting the cause of legal services to the poor and shall also be guided by such directions, as the Central Authority may give to it in writing.

#### **D. High Court Legal Service Committee (HCLSC)**

3.20 As per Section 8A of the Act, the State Authority shall constitute a Committee to be called the High Court Legal Services Committee for every High Court, for the purpose of exercising such powers and performing such functions, as may be determined by regulations, made by the State Authority.

3.21 Statutory Constitution of HCLSC: The Committee shall consist of -

- a) a sitting Judge of the High Court who shall be the Chairman; and
- b) such number of other members possessing such experience and qualifications, as may be determined by regulations made by the State Authority, to be nominated by the Chief Justice of the High Court.
- e) Besides, the Chief Justice of the High Court shall appoint a Secretary to the Committee possessing such experience and qualifications, as may be prescribed by the State Government.

3.22 Statutory Functions of HCLSC: The functions of the High Court Legal Services Committee have not been laid down in the Act. Its function are determined by the Regulations made by SLA.

#### **E. District Legal Services Authority (DLA)**

3.23 Section 9 of the Act provides that the State Government shall, in consultation with the Chief Justice of the High Court, constitute a body to be called the District Legal Services Authority for every District in the State to exercise the powers and perform the functions conferred on, or assigned to, the District Authority under this Act.

3.24 A District Authority shall consist of -

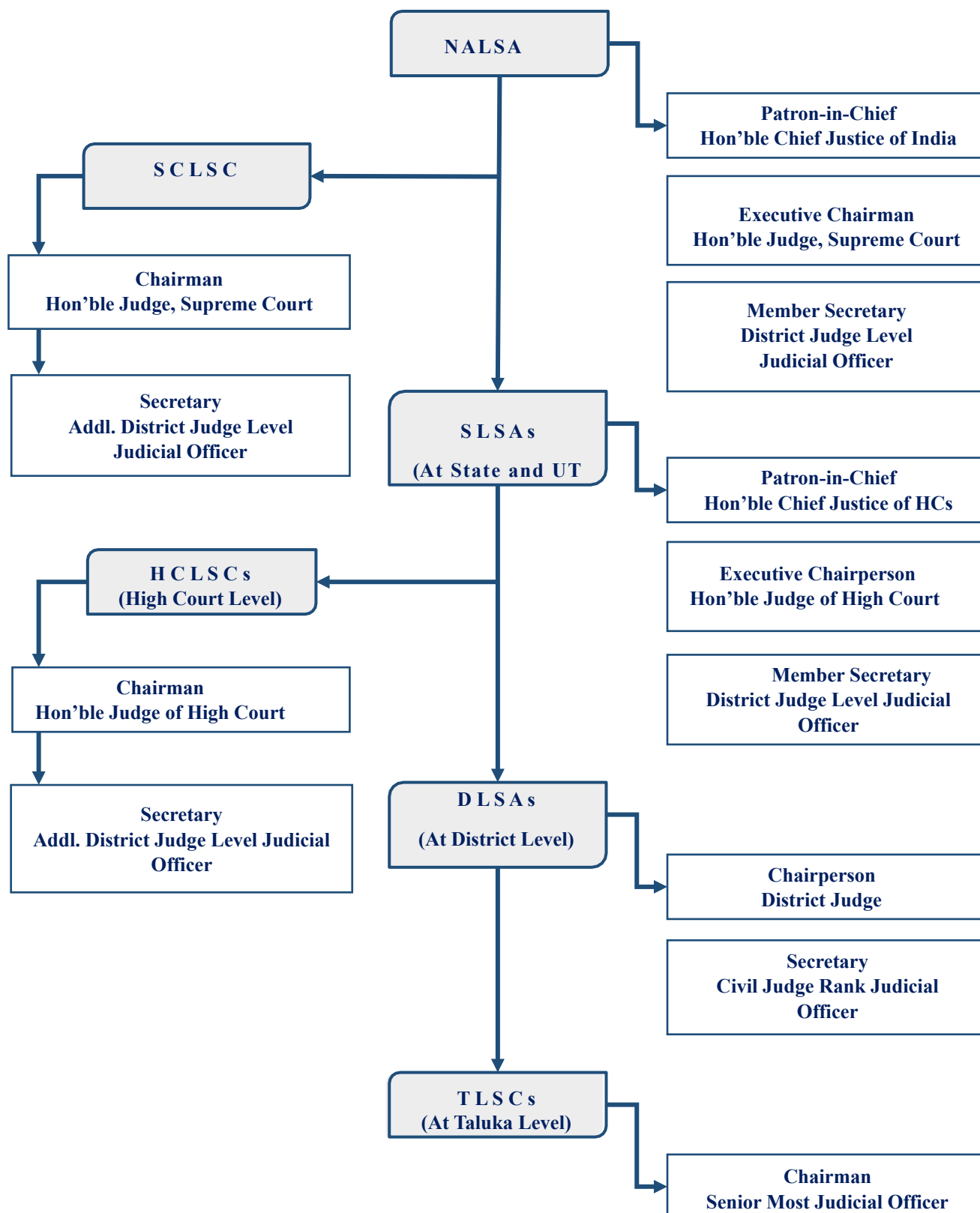
- a) the District Judge who shall be its Chairman; and
- b) such number of other members, possessing such experience and qualifications, as may be prescribed by the State Government, to be nominated by that Government in consultation with the Chief Justice of the High Court.
- c) Besides, the State Authority shall, in consultation with the Chairman of the District Authority, appoint a person belonging to the State Judicial Service, not lower in rank, than that of a Subordinate Judge or Civil Judge posted at the seat of the District Judiciary as Secretary of the District Authority to exercise such powers and perform such duties, under the Chairman of that Committee as may be assigned to him by such Chairman.

- 3.25 Statutory Functions of DLSA: As per Section 10, it shall be the duty of every District Authority to perform such functions of the State Authority in the District, as may be delegated to it, from time to time by the State Authority.
- 3.25 In addition, the District Authority may perform all or any of the following functions,
- (a) coordinate the activities of the Taluk Legal Services Committee and other legal services in the District;
  - (b) organize Lok Adalats within the District; and
  - (c) perform such other functions as the State Authority may fix by regulations.
- 3.26 Further, as per Section 11, in the discharge of its functions under this Act, the District Authority shall, wherever appropriate, act in coordination with other governmental and non-governmental institutions, universities and others engaged in the work of promoting the cause of legal services to the poor and shall also be guided by such directions, as the Central Authority or the State Authority may give to it in writing.

## **F. Taluk Legal Services Committee (TLSC)**

- 3.27 As per Section 11A of the Act, the State Authority may constitute a Committee, to be called the Taluk Legal Services Committee, for each taluk or mandal or for group of taluks or mandals.
- 3.28 Statutory Constitution of TLSC: The Committee shall consist of -
- a) The senior-most Judicial Officer operating within the jurisdiction of the Committee who shall be the ex officio Chairman; and
  - b) such number of other members, possessing such experience and qualifications, as may be prescribed by the State Government, to be nominated by that Government in consultation with the Chief Justice of the High Court.
- 3.29 Statutory Functions of TLSC: As per Section 11B of the Act, the Taluk Legal Services Committee may perform all or any of the following functions, namely
- a) co-ordinate the activities of legal services in the taluk;
  - b) organize Lok Adalats within the taluk; and
  - c) perform such other functions as the District Authority may assign to it.

#### 4. ORGANOGRAM OF THE LEGAL SERVICES AUTHORITIES/ COMMITTEES



## 5. PERSONS ENTITLED TO LEGAL AID

5.1 According to Section 12 of the Legal Services Authorities Act, 1987, the following categories of persons are entitled to free legal aid and services:

- i. Scheduled Caste or Scheduled Tribe
- ii. Victim of Human Trafficking or *Begar*
- iii. Woman or Child
- iv. Person with Disabilities
- v. Victim of Mass, Natural or Industrial Disaster, Ethnic violence, Caste Atrocity etc.
- vi. Industrial Workman
- vii. Person in Custody, including Custody in a Protective Home or Psychiatric Hospital etc.
- viii. Person with Annual Income Less Than as Prescribed

5.2 Additionally, certain other categories of persons have been included in the list of persons entitled to free legal aid in some States. These additional categories of persons are:

- i. HIV affected Person
- ii. Senior Citizen
- iii. Victim of Acid Attack
- iv. Transgender Person
- v. Victim of Drug Abuse

5.3 States have identified different income amounts for assigning eligibility. The table below provides state wise list of income and additional categories for availing legal aid as of May 2023.

S. No.	Name of the SLSA	Annual income ceiling limit	Any category other than specified in Section 12 of the Legal Services Authorities Act, 1987 eligible for legal aid in your State.
1	Andhra Pradesh	₹ 300,000	-
2	Arunachal Pradesh	₹ 100,000	Transgender

3	Assam	₹ 300,000	-
4	Bihar	₹ 150,000	(a) a transgender (b) a senior citizen (c) a person infected with HIV or suffering from Cancer of any type (d) a worker of unorganized sector (e) an acid attack victim
5	Chhattisgarh	₹ 150,000	-
6	Goa	₹ 300,000	-
7	Gujarat	₹ 100,000	Victims of Mob Lynching and Transgenders
8	Haryana	₹ 300,000	<p>As per Rule- 19 of the Haryana State Legal Services Authority Rules, 1996, there are 10 categories other than specified in Section-12 of the Legal Services Authorities Act, 1987 who are eligible for legal aid in the State of Haryana are as under:-</p> <ol style="list-style-type: none"> <li>1. To a person in a psychiatric hospital or psychiatric nursing home within the meaning of clause (q) of Section 2 of the Mental Health Act, 1987; or</li> <li>2. In a test case, the decision of which is likely to affect cases of numerous other persons belonging to the poor and weaker sections of the society; or</li> <li>3. To a person , in a special case, which for reasons to be recorded in writing is considered otherwise deserving of legal service where the means test is not satisfied, or</li> <li>4. To a person in the case where the High Court or the Supreme Court provides legal service under any order in that case legal service would be deemed to have been provided by the Authority/Committee in relaxation of all the conditions laid down in this rule, or</li> <li>5. To a person in case of public interest litigation.</li> <li>6. To an ex-serviceman, and the families of such persons who have died in action; or</li> </ol>

			<p>7. To riot victims, and the families of such persons as well as terrorist victims and families of such persons; or</p> <p>8. To freedom fighters; or</p> <p>9. Transgender people, or</p> <p>10. Senior Citizen that is person who is citizen of India and has attained the age of 60 years or above.</p>
9	Himachal Pradesh	₹ 300,000	Transgender & HIV Positive
10	Jharkhand	₹ 300,000	-
11	Karnataka	₹ 300,000	-
12	Kerala	₹ 300,000	-
13	Madhya Pradesh	₹ 200,000	
14	Maharashtra	₹ 300,000	-
15	Manipur	₹ 300,000	
16	Meghalaya	₹ 300,000	-
17	Mizoram	₹ 25,000	-
18	Nagaland	₹ 100,000	-
19	Odisha	₹ 300,000	-
20	Punjab	₹ 300,000	-
21	Rajasthan	₹ 300,000	
22	Sikkim	₹ 300,000	-
23	Tamil Nadu	₹ 300,000	-
24	Telangana	₹ 300,000	-
25	Tripura	₹ 150,000	-
26	Uttar Pradesh	₹ 300,000	-
27	Uttarakhand	₹ 300,000	<p>1. Ex Service men</p> <p>2. Persons from transgender community</p> <p>3. Senior Citizens</p> <p>4. HIV/AIDS Infected Persons</p>
28	West Bengal	₹ 100,000	-
29	A & N Islands	₹ 300,000	-
30	Chandigarh	₹ 300,000	-
31	D & N Haveli	₹ 15,000	
32	Daman & Diu	₹ 100,000	-
33	Delhi	₹ 300,000	<p>1. Senior citizens with an annual income less than Rs. 4 lakh</p> <p>2. Transgender with an annual income less than Rs. 4 lakh</p> <p>3. Victims of acid attack</p> <p>4. Persons infected &amp; affected with HIV (AIDS)</p>

34	Jammu & Kashmir	₹ 300,000	-
35	Lakshadweep	₹ 300,000	-
36	Ladakh	₹ 100,000	No
37	Puducherry	₹ 100,000	-

## 6. SUPREME COURT DIRECTIVES

### 6.1. Women and Children

#### a. *Nipun Saxena v. Union of India*<sup>3</sup>-

- i. The NALSA Scheme Compensation Scheme for women Victims/Survivors of Sexual Assault/other Crimes – 2018 “*should be implemented by all the State Governments and Union Territory Administrations.*”<sup>4</sup>
- ii. “No person can print or publish in print, electronic, social media, etc. the name of the victim or even in a remote manner disclose any facts which can lead to the victim being identified and which should make her identity known to the public at large.”<sup>5</sup>

#### b. *Environment and Consumer Protection Foundation v. Union Of India*<sup>6</sup> (Vrindavan Widows Case)

- i. NALSA was mandated to create a mechanism to provide Legal Services at Shelter Homes where widowed women reside. Based on that NALSA had prepared “Ensuring Access to Justice for Widows Living in Shelter Homes”, it provides that- “*The District Legal Services Authority shall constitute a team of five members consisting of 4 Para Legal Volunteers (PLVs) and 1 Panel Lawyer. Preferably team shall be comprised of women PLVs and Panel Lawyers, if feasible one representative of DWCD and SCW as well. Credible NGOs already working in the field may be also associated with the team.*”
- ii. *After formation of the team, a workshop be conducted for the team so as to apprise the team members about the various welfare schemes, programmes and policies related to the Widows. They be also apprised about Woman laws and law regarding inheritance.*”

#### c. *Bachpan Bachao Andolan v. Union of India & Ors.*<sup>7</sup>-

<sup>3</sup> Writ Petition (Civil) No. 565/2012.

<sup>4</sup> Order dated 11.05.2018.

<sup>5</sup> Order dated 11.12.2018.

<sup>6</sup> Writ Petition (Civil) No. 659 of 2007, Judgment dated 11.08.2017.

<sup>7</sup> Writ Petition(s)(Civil) No(s). 75/2012; Writ Petition(s)(Civil) No(s). 427/2022.

- i. *The National Legal Services Authority and the Legal Services Authorities working under it were to avail the services of the Para-Legal Volunteers, who have been recruited by the Legal Services Authorities 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 after a missing child is recovered.*
- iii. *A Standard Operating Procedure must be developed to handle the cases of missing children and to invoke appropriate provisions of law where trafficking, child labour, abduction, exploitation and similar issues are disclosed during investigation or after the recovery of the child, when the information suggests the commission of such offences. 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.”<sup>8</sup>*
- iv. *“The Scheme for Empanelment of Para-Legal Volunteers in Police Stations for Missing Children framed by the Delhi State Legal Service Authority may be circulated to all the State Legal Services Authorities and the Legal Services Authorities of the Union Territories so that appropriate schemes can be framed for appointment of Para-Legal Volunteers in Police Stations for missing 4 children and other offences against the children using the scheme as a model scheme with appropriate modifications.”<sup>9</sup>*

**d. *Sampoorna Behura v. Union of India*<sup>10</sup>-**

- i. *“...it must also be mentioned that there is a dire need to have quality legal aid lawyers who can assist juveniles in conflict with law. This is an issue that must be taken up with all earnestness by the State Legal Services Authority.”*
- ii. *“...that District Legal Services Authorities may make unscheduled visits to them to ascertain whether they are in fact functioning as they should. We are of opinion that this system is definitely worth implementing and we expect NALSA to go ahead with the suggestion given.”*
- iii. *“State Governments and Union Territories would be well advised to appoint eminent persons from civil society as Visitors to monitor and supervise the Child Care Institutions in all the districts. This will ensure that the management and maintenance of these Institutions are addressed. We have no doubt that the State*

<sup>8</sup> Order dated 10.05.2013.

<sup>9</sup> Order dated 01.09.2022.

<sup>10</sup> Writ Petition (Civil) No. 473 OF 2005, Judgment dated 09.02.2018.



*Legal Service Authorities and the District Legal Service Authorities will extend full assistance and cooperation to the government authorities in this venture as well as to the Visitors.”*

## 6.2. Victims of Human trafficking or Begar-

### a. *Budhadev Karmaskar v. The State of West Bengal and Ors.*<sup>11</sup>-

- i. The Court while discussing the issue of providing a helpline number to sex workers, directed - “...all the State Legal Services Authorities should provide a helpline number to the NGOs and to the State machinery as well as to the sex workers and victims of sex trade who are in distress and who are compelled to continue with the sex trade, so that they can avail the benefit of the helpline number for providing legal assistance, to get them rescued or any other assistance which may be offered to them by way of Free Legal Aid.”<sup>12</sup>
- ii. Court directed distribution of dry rations to sex workers who are identified by National Aids Control Organisation without insisting on proof of identity. The Court stated that-“The District Legal Services Authorities are directed to take active steps in assisting the distribution of dry rations to the sex workers without insisting on proof of identity.”<sup>13</sup>
- iii. While discussing the issue of issuance of Aadhar Card/ Voter Cards to sex workers, the Court stated that-“...The Community Based Organisations shall submit a list of members which shall be verified by the concerned District Legal Service Authority/State AIDS Control society. On such verification, the list shall be forwarded to the competent authorities in the State Governments/Union Territories for issuance of ration cards/voter cards.”<sup>14</sup>
- iv. “The State Governments should take into account the list submitted by Community Based Organisations which required to be verified by the concerned District Legal Service Authority/State AIDS Control Society. The competent authorities were directed to issue rations cards after verification of such lists.”<sup>15</sup>
- v. “The Central Government and the State Governments, through National Legal Services Authority, State Legal Services Authority and District Legal Services Authority, should carry out workshops for educating the sex workers about their rights vis-a-vis the legality of sex work, rights and obligations of the police and what is permitted/prohibited under the law.”<sup>16</sup>

<sup>11</sup> Criminal Appeal No.135/2010.

<sup>12</sup> Order dated 24.08.2011.

<sup>13</sup> Order dated 29.09.2020.

<sup>14</sup> Order dated 10.01.2022.

<sup>15</sup> Order dated 28.02.2022.

<sup>16</sup> Order dated 19.05.2022, Judgment dated 17.07.2018.

### 6.3. Victim of Mass, Natural Disaster, Ethnic Violence, Caste Atrocity, etc.-

- a. *Tehseen S. Poonawalla v. Union of India*<sup>17</sup>- “The victim(s) or the next of kin of the deceased in cases of mob violence and lynching shall receive free legal aid if he or she so chooses and engage any advocate of his/her choice from amongst those enrolled in the legal aid panel under the Legal Services Authorities Act, 1987.”

### 6.4. Persons in Custody (Including Protective Home or Psychiatric Hospital, etc.)-

- a. *In Re-Inhuman Conditions in 1382 Prisons*<sup>18</sup>-

- i. “...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.”<sup>19</sup>
- ii. “...the Secretary of the District Legal Services Committee (to ensure that) in every district, that an adequate number of competent lawyers are empanelled to assist undertrial prisoners...”

“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.”<sup>20</sup>

- b. *Imtiyaz Ramzan Khan v. State of Maharashtra*<sup>21</sup>-

- i. “We, therefore, direct all Legal Services Authorities/Committees in every State to extend similar such facility in every criminal case wherever the accused is lodged in jail. They shall extend the facility of video conferencing between the counsel on one hand and the accused or anybody in the know of the matter on the other, so that the cause of justice is well served.”

- c. *Shankar Mahto v. State of Bihar*<sup>22</sup>-

- i. “Secretaries of the DLSAs to direct Panel lawyers to maintain complete trial file.”

<sup>17</sup> Writ Petition (Civil) No. 754/ 2016.

<sup>18</sup> Writ Petition(Civil) No. 406/2013.

<sup>19</sup> Order dated 24.04.2015.

<sup>20</sup> Order dated 05.02.2016.

<sup>21</sup> Special Leave Petition (Criminal) No. 6740/ 2018, Judgment dated 14.08.2018.

<sup>22</sup> CRLMP No. 7862 of 2017.

- ii. *“The Secretaries of all the DLSAs shall ensure that all the panel lawyers of legal aid shall be thoroughly briefed that while defending the accused in a legal aided case they shall obtain copy of charge, prosecution/defence evidence; statement of accused, and other additional relevant documents filed during the trial and shall maintain their trial file complete in all respect along with judgment and order on sentence.”*
- iii. *“The Secretaries of all the DLSAs shall ensure that as and when the order of sentence is passed, Legal Aid Counsels shall immediately then and there hand over their entire trial file along with copy of judgment and order on sentence to the convict against duly written receipt This receipt shall be for ensuring timely filing of appeals on behalf of convicts and it shall be submitted before the respective DLSA office within seven days of passing of order on sentence.”*
- iv. *“The Secretaries of all the DLSAs shall ensure that as and when any convict, his/her family members or duly authorized counsel approaches them in writing for obtaining a soft copy of the entire trial file for the purpose of filing appeal, the same shall be provided to the applicant free of cost immediately in the form of a C.D. or a pen drive brought by the parties.”*
- v. *“The Secretaries of all the DLSAs shall maintain digital/scanned and book marked copy of the trial court record of all the conviction of their district after obtaining them from office of District & Sessions Judge.”*
- vi. *“Member Secretary, SLSA and Secretary, DLSA shall ensure that the list containing data of all convictions of a particular district maintained is accessible to jail visiting advocates of DLSA as well as HCLSC. This can be done by ensuring that all the digitized legal services clinics in the jails are duly connected with NIC Net.”*
- vii. *“Each HCLSC, DLSA as well as Jail Legal Services Clinic shall be provided with login ID and password so as to enable them to update the data sheet / spread sheet culled out CIS database qua each inmate convicted by Sessions Court. They shall be given functionality to only update the relevant columns supposed to be entered by them.”*
- viii. *“The Secretaries of all the DLSAs shall regularly visit the jail at least fortnightly to ensure that all the suggestions being made are complied with by the Jail Authorities, Jail Visiting Advocates of DLSA and HCLSC and the Legal Services Clinics and submit a soft copy report to the Central Office, DSLSA.”*

- ix. *“The Secretaries of all the DLSAs shall interact with all the convicts lodged in the assigned Jail so as to ensure that their appeal is filed in time and shall take requisite remedial steps in case wherever necessary.”*<sup>23</sup>

**d. In Re Policy Strategy for Grant of Bail<sup>24</sup>-**

- i. *“If the accused is not released within a period of 7 days from the date of grant of bail, it would be the duty of the Superintendent of Jail to inform the Secretary, DLSA who may depute para legal volunteer or jail visiting advocate to interact with the prisoner and assist the prisoner in all ways possible for his release.*

*NIC would make attempts to create necessary fields in the e-prison software so that the date of grant of bail and date of release are entered by the Prison Department and in case the prisoner is not released within 7 days, then an automatic email can be sent to the Secretary, DLSA.*

*The Secretary, DLSA with a view to find out the economic condition of the accused, may take help of the Probation Officers or the Para Legal Volunteers to prepare a report on the socio-economic conditions of the inmate which may be placed before the concerned Court with a request to relax the condition (s) of bail/surety.”*

**6.5. Victims of Acid Attack-**

**a. Laxmi v. Union of India<sup>25</sup>-**

- i. *“...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/- is made available to each victim of acid attack.”*
- ii. *“...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.”*

<sup>23</sup> As per the two-part report of ‘Two Part Report of NALSA And Ld. Amicus Curiae for ensuring timely filing of Appeals on behalf of Convicts’ dated 16.04.2018.

<sup>24</sup> SMWP(CrL) No. 4/2021 in order dated 31.01.2023.

<sup>25</sup> Writ Petition (Criminal) No. 129/2006 in order dated 18.07.2013.

**b. *Parivartan Kendra v. Union of India*<sup>26</sup>-**

- i. *“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.”*
- ii. *“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.”*

**6.6. Vulnerable Witnesses**

**a. *In Re Children in Street Condition*<sup>27</sup>-**

- i. The Hon’ble Court approved SOP for ‘Recording Evidence of children through Video Conferencing. However, Court highlighted that the SOP is merely a broad guideline. The SOP states that-
  - “1. *It is suggested that testimony of children, who are victims of inter-state/inter-district child trafficking, is recorded through video conferencing either at the video conferencing room of the court complex in the district or vulnerable witness room in the court complex of the district or the office of DLSA in the district where the child is residing.*
  2. *To facilitate the above, it is prayed that the Ld. District Judges of all districts may ascertain the availability of video conferencing facility in the district/Taluk court complex or DLSA office and communicate the same to the jurisdictional High Court. The High Court may be requested to place the said information on its website on or before 30.04.2022. Further, it is prayed that efforts should be made to ensure that such video-conferencing infrastructure/facility is created in every district, especially in those states where the incidence of child trafficking cases is high.*
  3. *The Secretary, DLSA of the district can be requested to be the Remote Point Coordinator (RPC) for recording of the testimony of child witnesses. However, if the Chairman of the DLSA considers necessary or desirable, he/she may appoint a Retired judicial Officer as a Remote Point Coordinator. It is prayed that the Hon’ble High Courts may place the aforesaid information i.e. the names and contact details of the RPC of each district on the website alongwith the information in para 2 above.*

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<sup>26</sup> Writ Petition (Civil) No. 867/ 2013, Judgment dated 07.12.2015.

<sup>27</sup> SMW (C) No(s). 6/2021 in order dated 01.02.2022.

4. *When an offence of inter-state/inter-district child trafficking is taken up for trial by a Court, and if the Court point and the remote point have video conferencing facilities, the Trial Court should ordinarily give preference to examination of the child witness through video conferencing.*
5. *The authorized officer at the Court Point may get in touch with the RPC at the Remote Point and work out all modalities for recording of the child witness statement through video conferencing.*
6. *If video conferencing is feasible, a date and time be fixed by the trial court for examination of the witness(es). Summons may be issued to the child witness(es) to present himself/herself for evidence before the RPC. The summons may be served in addition through the local process server of the remote point. The witness would be required to come with identification documents. The summons would also have the name and contact details of the RPC at the Remote Point and would also mention that the witness can take help of legal aid or other assistance through the Secretary, District Legal Service Authority, if required.*
7. *The child witness shall be entitled to the presence of a support person as defined in the Protection of Children from Sexual Offences Rules, 2020 or any other applicable laws/guidelines or as allowed by the Trial Court. Further, best practices that are required to be followed in recording the evidence of child witnesses should continue to be followed even during the recording of the testimony through video conferencing. These include, ensuring that the child witness is provided diet money on the basis of the distance travelled by him or her to reach the remote point, the presence of a police officer at the remote point to ensure that the child witness does not come in contact with the accused (if out on bail) or any relative of the accused, and any other best practice required by the law/relevant guidelines/being followed by the States.*
8. *Copy of documents, if any, required to be marked or shown to the witness may be transmitted by the Court electronically to the RPC. The RPC at the Remote Point would assist in examination of the witness and ensure that no tutoring takes place and no unauthorized person or recording device is present in the room.*
9. *The RPC may take all measures possible and shall seek the assistance of the support person to ensure that the child witness is comfortable. Questions posed by the Public Prosecutor/ Defense Counsel may be put to the Ld. Trial Judge, who in turn will put them to the witness and the Trial Court would record the testimony of the witness. The RPC may help with translation or take the assistance of a translator/ special educator if required or render any other assistance which the Learned Trial Court may require.*



10. *On completion of recording of evidence, the deposition will be sent by the Trial Court on email to the RPC at the Remote Point who shall take a print-out and read the same out to the witness. After ascertaining the deposition is correct and verified as under law including the affixation of the child's thumb impression/signature, the RPC may certify the same and send the deposition back, in a secure manner, to the Trial Court by Speed Post and by electronic means as permitted by law. An original may also be kept by RPC in case the Speed Post is misplaced for some reason.*
11. *Whenever a Trial Court proposes to record the testimony of a child witness, who is residing in another State, an intimation of the same should also be given to the Registrar of the High Court of the Court point. The Ld. Registrar may intimate the same to the Ld. Registrar of the High Court of the Remote Point with a request to render all assistance possible for recording of the testimony of the child.*
12. *This Standard Operating Procedure is only a broad guideline. The method and manner of recording of testimony be dependent upon the video conferencing rules framed by the respective High Courts, which would be kept in mind while recording the testimony of the child witness. It should be kept in mind that the recording of the testimony should be done expeditiously, without undue delay. It can also be done at Taluk level as in some cases, video conferencing room can be available in a court complex at Taluk level or Sub Divisional level."*

## **7. NALSA RULES AND REGULATIONS, SCHEMES, GUIDELINES AND SOPs**

- 7.1 NALSA being the Central Authority, is empowered by Section 4(a) of the Legal Services Authorities Act 1987 (hereinafter referred to as the Act) to lay down policies and principles for making legal services available under the provisions of the Act. Section 4(b) further empowers NALSA to frame the most effective and economical schemes for the purpose of making legal services available under the Act. Further, it is empowered to co-ordinate and monitor the functioning of State Authorities, District Authorities, Supreme Court Legal Services Committee, High Court Legal Services Committees, Taluk Legal Services Committees and voluntary social service institutions and other legal services organisations and give general directions for the proper implementation of the legal services programmes. The power of the Central Authority to make regulations, has also been outlined in the Act [Section 29].
- 7.2 In exercise of these powers, NALSA has adopted and prepared regulations and guidelines for the effective functioning of LSIs.
- 7.3 The regulations on Lok Adalat's and Legal Services Clinics, provide guidance for their functioning, the NALSA (Free and Competent Legal Services) Regulation 2010, lays

down a framework for the monitoring, mentoring and evaluation of the quality of legal aid services provided.

- 7.4 The various regulations and schemes also mandate that the LSIs appoint individuals to provide legal services. These include panel lawyers, retainer lawyers, jail visiting lawyers, remand lawyers and convict or community paralegal volunteers.
- 7.5 The regulations also direct the setup of Monitoring and Mentoring Committees at each level -- the Supreme Court, High Court, District and Sub-Division -- with the intent of ensuring accountability of legal aid services rendered. The regulations envisage a reporting model wherein the Monitoring and Mentoring Committee must submit bi-monthly reports containing its independent assessment on the progress of each and every legal aid case and the performance of the panel lawyer or retainer lawyer to the respective Executive Chairman or Chairman of the LSI.
- 7.6 A number of schemes have also been framed since the inception of legal services. These Schemes cover a broad range of beneficiaries (refer to Section 12 of the Act as regards eligible beneficiaries) and are in line with NALSA's vision to promote an inclusive legal system to ensure fair and meaningful justice to marginalised and disadvantaged sections.
- 7.7 A list of rules, regulations, guidelines, standard operating procedures and schemes is provided below:

#### National Legal Services Authority Regulations

1. The Supreme Court Legal Services Committee Regulations, 1996;
2. NALSA (Lok Adalat) Regulations, 2009;
3. NALSA (Free and Competent Legal Services) Regulations, 2010;
4. NALSA (Legal Services Clinics) Regulations, 2011.

#### Rules

1. NALSA Rules 1995;
2. SCLSC Rules 2000;
3. The Permanent Lok Adalat (other terms and conditions of appointment of Chairman and Other Persons) Rules 2003.

#### Guidelines

1. Front office Guidelines 2019;
2. Guidelines for Functioning of Mentoring and Monitoring Committees at District Level 2018.



Standard Operating Procedures

1. NALSA's Standard Operating Procedures on Access to Legal Aid Services to Prisoners and the Functioning of Prison Legal Aid Clinics 2022 which has replaced NALSA's Standard Operating Procedures for Representation of Persons in Custody 2016
2. NALSA's Standard Operating Procedures for Under Trial Review Committees 2018
3. NALSA's Standard Operating Procedures for Redressal of Complaints/Public Grievances
4. NALSA's Standard Operating Procedure for NALSA Legal Assistance Centre
5. NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022

National Legal Services Authority Schemes

1. NALSA (Legal Services to Disaster Victims through Legal Services Authorities) Scheme, 2010
2. NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015
3. NALSA (Legal Services to the Workers in the Unorganised Sector) Scheme, 2015
4. NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015
5. NALSA (Legal Services to the Mentally Ill and Mentally Disabled Persons) Scheme, 2015
6. NALSA (Effective Implementation of Poverty Alleviation) Scheme, 2015
7. NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2015
8. NALSA (Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace) Scheme, 2015
9. NALSA (Legal Services to Senior Citizens) Scheme, 2016
10. NALSA (Legal Services to Victims of Acid Attacks) Scheme, 2016
11. NALSA's Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes, 2018
12. Early Access to Justice at Pre-Arrest, Arrest and Remand Stage 2019
13. NALSA's Model Scheme for Legal Aid Counsel in all Courts of Magistrates 1998
14. NALSA's Legal Aid Defence Counsel Scheme (Modified 2022)
15. Scheme for Para-Legal Volunteers (Revised)

## **PART B: RESOURCES AND INFRASTRUCTURE OF DLSA**

## 1. HUMAN RESOURCES

1.1. Human resources required at DLSAs to perform requisite statutory functions under the Legal Services Authority Act, 1987 can be divided in the following categories:

- a. Panel Lawyers
- b. Legal Aid Defence Counsels
- c. Pro Bono Counsels
- d. Pro Bono and Other Experts
- e. Para Legal Volunteers
- f. Mediators and Counsellors
- g. Office Staff

### A. Panel Lawyers

1.2. Regulation 2 (eb) of National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010 defines 'panel lawyer' as a legal practitioner empanelled as a panel lawyer under Regulation<sup>8</sup>.

1.3. Procedure for Empanelment of Panel Lawyer is provided below:

- (i) Every Legal Services Institution shall invite applications from legal practitioners for their empanelment as panel lawyers and such applications shall be accompanied with proof of the professional experience with special reference to the type of cases which the applicant-legal practitioners may prefer to be entrusted with.<sup>28</sup>
- (ii) The size of the panel should be optimised so that each lawyer can be allotted sufficient cases.<sup>29</sup>
- (iii) The applications received shall be scrutinised and selection of the panel lawyers shall be made by the Executive Chairman or Chairman of the Legal Services Institution in consultation with the Attorney General for the Supreme Court, Advocate General for the High Court, District Attorney or Government Pleader for District and Taluka level and the Monitoring and Mentoring Committee.<sup>30</sup>

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<sup>28</sup> Regulation 8 (1) of National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

<sup>29</sup> Regulation 8 (1) Proviso of National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

<sup>30</sup> Regulation 8 (2) of National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

- (iv) However, the Executive Chairman or Chairman of the Legal Services Institution may also suo moto empanel any legal practitioner<sup>31</sup>.
- (v) No legal practitioner having less than three years' experience at the Bar shall ordinarily be empanelled.<sup>32</sup>
- (vi) District Legal Services Authorities and Taluk Legal Services Committees shall get the panel approved from the Executive Chairman of the State Legal Services Authority.<sup>33</sup>
- (vii) The Executive Chairman or Chairman of the Legal Services Institution may maintain separate panels for dealing with different types of cases like Civil, Criminal, Constitutional Law, Environmental Law, Labour Laws, Matrimonial disputes, Juvenile Justice, etc.<sup>34</sup>
- (viii) The panel prepared will be for the period of three years and shall also be reviewed and updated periodically by the Chairman, DLSA as the case may be, keeping in view the performance of the panel lawyers.<sup>35</sup>

#### 1.4. Selection Criteria for Panel Lawyers:

- (i) The Executive Chairman or Chairman of the Legal Services Institution shall take into consideration the competency, integrity, suitability, and experience of lawyers for the empanelment.<sup>36</sup>
- (ii) DLSAs to ensure an inclusive list panel lawyers that may have representation of the Scheduled Castes, the Scheduled Tribes, women and differently abled lawyers in the panel.<sup>37</sup>

#### 1.5. Role of Panel Lawyers:<sup>38</sup>

- (i) To represent persons in court when assigned by the legal service institutions.
- (ii) To submit reports whenever called for by the Monitoring and Mentoring Committee of the concerned LSI in the prescribed format.
- (iii) If the client is in prison, then to visit him/her in prison or communicate with him/her through Video Conferencing regularly and meet him/her in the court complex for a substantial period to interact with prisoner in order to have a better understanding of the case in hand and to seek instructions with regard to

<sup>31</sup> Ibid.

<sup>32</sup> Regulation 8 (3) of National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

<sup>33</sup> Regulation 8 (4) of National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

<sup>34</sup> Regulation 8 (7) of National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

<sup>35</sup> Regulation 8 (13) of National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

<sup>36</sup> Regulation 8 (5) of National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

<sup>37</sup> Regulation 8 (6) of National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

<sup>38</sup> Duty Notes for Panel Lawyers, NALSA's Handbook of Formats, Page 5.

the case and to apprise him/her about the progress of the case. Efforts should be made to visit such clients every 15 days in between hearings to apprise them of the progress in their cases and ascertain their well-being while in detention.

- (iv) The panel lawyer assigned a particular case shall inform the next date of hearing and the purpose of the same to the Secretary, DLSA, within 3 days of the date of hearing in the court.
- (v) To update the Front Office about the proceedings in the Court.
- (vi) To submit the report of completion of proceedings in prescribed format after the conclusion of each case.
- (vii) To state reasons to the Member Secretary/Secretary of the LSI if desirous of withdrawing from a case assigned.
- (viii) Not ask for or receive any fee or consideration from your client assigned to you through LSI or court.
- (ix) Panel lawyers may be assigned a case of a subject matter, other than for which he has been empanelled, by the Member-Secretary or Secretary.<sup>39</sup>

#### 1.6. Issuance of Empanelment letters upon Selection:

- (i) The Secretary, DLSA shall issue a letter of empanelment to the lawyers within a week of approval as per format given in the NALSA's Handbook of Formats 2020, Section 1, Part I 'Panel Lawyers', Format A Empanelment Letter. The letter shall be accompanied by duty notes, reporting formats as provided in the Handbook of Formats and any other relevant documents.

#### 1.7. Payment of Fee/ Honorarium:

- (i) Panel lawyers shall be paid fee in accordance with the Schedule of fee, as approved under the State regulations. The State Legal Services Authority and DLSA shall undertake periodic revision of the honorarium to be paid to panel lawyers for the different types of services rendered by them in legal aid cases. As soon as the report of completion of the proceedings is received from the panel lawyer, the DLSA shall, without any delay, pay them.<sup>40</sup> The minimum fee recommended by NALSA for Panel Lawyers is as follows:
- (ii) 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.1200/-

<sup>39</sup> Regulation 8 (8) of National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

<sup>40</sup> Regulation 14 of National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

- (iii) Drafting of Miscellaneous applications such as stay, bail, direction, exemption etc. - Rs. 400/- per application subject to maximum of Rs. 800/- for all applications.
- (iv) Appearance - Rs. 750/- per effective hearing and Rs. 500/- for non-effective hearing subject to a maximum of Rs. 7,500/- (per case).<sup>41</sup>

▪ **Retainer Lawyers**

- 1.8. The Chairman of the Legal Services Institution may, in consultation with the Executive Chairman of the State Legal Services Authority or National Legal Services Authority, as the case may be, prepare a list of legal practitioners from among the panel lawyers to be designated as Retainers.<sup>42</sup>
- 1.9. The Retainer lawyers shall be selected for a period fixed by the Executive Chairman on rotation basis or by any other method specified by the Executive Chairman.<sup>43</sup> The number of Retainer lawyers in the panel should not exceed the minimal requirement as determined by the Chairman, DLSA.<sup>44</sup>
- 1.10. The following are the roles and responsibilities of a retainer lawyer<sup>45</sup>:
  - (i) To be present at the Front Office of the LSI as per the roster.
  - (ii) To render services like drafting of applications, notices, written statements, provide free legal advice, render legal opinions etc. to persons approaching LSI for assistance.
  - (iii) To abide by the provisions of the NALSA (Free and Competent Legal Services) Regulations 2010.
  - (iv) To assist the LSI in setup of legal literacy clubs and implementation of other legal aid schemes by the LSI.
  - (v) If assigned, to attend court during remand hours and assist undertrials who are unrepresented where remand lawyer has not been appointed.
  - (vi) To assist the legal service institutions in mentoring and evaluating the work of PLVs and dealing with legal aid work at the front office.
  - (vii) To assist the Monitoring and Mentoring Committee of the LSI in its functioning.
  - (viii) To maintain a diary and maintain a record of work undertaken and submit the report of the work to the legal service institutions by the 10th of each month as

<sup>41</sup> <https://nalsa.gov.in/acts-rules/guidelines/minimum-fee-recommended-by-nalsa-for-panel-lawyers>.

<sup>42</sup> Regulation 8 (9) of National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

<sup>43</sup> Regulation 8 (10) of National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

<sup>44</sup> Regulation 8 (11) of National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

<sup>45</sup> Duty Notes for Retainer Lawyers, NALSA's Handbook of Formats, Page 9.

per prescribed format. Also, the panel lawyers shall not ask for or receive any fee, remuneration or any valuable consideration in any manner, from the person to whom he has rendered legal services under these regulations.<sup>46</sup>

1.11. Honorarium of Retainer lawyers:

- a) The honorarium for the retainer lawyer shall be paid as prescribed by NALSA/SLSA. Provided that this honorarium is in addition to the fee payable for each case entrusted to the Retainer lawyer by the DLSA.<sup>47</sup>
- b) The honorarium payable to Retainer lawyer shall not be less than, -
  - (i) rupees forty thousand per month in the case of Supreme Court Legal Services Committee;
  - (ii) rupees twenty five thousand per month in the case of State Legal Services Authority or High Court Legal Services Committee;
  - (iii) rupees fifteen thousand per month in the case of District Legal Services Authority;
  - (iv) rupees ten thousand per month in the case of the Taluk Legal Services Committee.<sup>48</sup>

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

▪ **Duty Lawyers**

- 1.12. The Secretary, DLSA shall depute duty lawyers for providing legal assistance at the pre-arrest and arrest stages. The detailed role of duty lawyers has been provided in Part D.
- 1.13. The Legal Services Authorities have to frame fortnightly or monthly duty rosters of advocates and PLVs in such a manner that all the police stations are covered. The Advocates and/or PLVs on duty may make random visits to the respective Police Stations and be available on call on the day of their duty.<sup>49</sup>
- 1.14 The engagement of duty lawyers should be proportionate to the requirement. Duty Rosters may also spell out the duties at different periods of the day i.e. during office hours and non-office hours.<sup>50</sup>

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<sup>46</sup> Regulation 8 (16) of National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

<sup>47</sup> Proviso of Regulation 8 (12) of National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

<sup>48</sup> Regulation 8 (12) of National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

<sup>49</sup> Para 5(iii) of the NALSA's Early Access to Justice at Pre-Arrest, Arrest and Remand Stage.

<sup>50</sup> Ibid.

▪ **Remand Lawyers**

- 1.15. DLSA shall depute some panel lawyers as remand advocates in the Magisterial Courts, Sessions Court and also in the courts of Executive Magistrate as per the requirement. In other words, deputing of Remand Advocate should be proportionate to the actual requirement which should be periodically reviewed. One lawyer may be deputed for two or more courts keeping in view the workload.<sup>51</sup>
- 1.16. It is the responsibility of the remand advocate to inter alia interact with the arrestee, file bail applications and ensure production of accused before concerned courts in person or through VC on every date extending<sup>52</sup>. The detailed roles and responsibilities of a remand advocate has been discussed subsequently in Part D.

▪ **Jail Visiting Lawyer**

- 1.17. 'Jail Visiting lawyer(s)' means the lawyer(s) assigned work of visit to Prisons either from the panel prepared under regulation 8 of the NALSA (Free and Competent Legal Services) Regulations 2010 or Legal Aid Defence Counsels appointed under the LADC scheme and also those who are offering services on pro-bono basis at the request of Legal services institution(s).<sup>53</sup>
- 1.18. JVLs shall be appointed by the DLSA from the office of LADC, if functional in the district and if not then from pool of panel lawyers. The tenure of the JVL must be such as to ensure a semblance of continuity and smooth transition to another individual. The number of JVLs appointed would be directly proportional to the population of inmates in the respective prisons they would be appointed to. The suggested proportion is as follows:
- (i) For every Central & District Prison, 2 to 3 Jail Visiting Lawyers be appointed.
  - (ii) For every Sub-Jail, 1 Jail Visiting Lawyer be appointed.<sup>54</sup>
  - (iii) Appointment of women advocates for women enclosures - To ensure access to legal representation and assistance to women prisoners, the DLSA would select and appoint women jail visiting lawyer(s) to provide services in women enclosures and women prisons.<sup>55</sup>
  - (iv) Appointment of transgender advocate, if available for transgender enclosure. Where prisons have transgender enclosure, the DLSA should make endeavour

<sup>51</sup> Para 4.3.1 of the NALSA's Early Access to Justice at Pre-Arrest, Arrest and Remand Stage.

<sup>52</sup> Para 4.3.2 of the NALSA's Early Access to Justice at Pre-Arrest, Arrest and Remand Stage.

<sup>53</sup> Definitions of the NALSA's Standard Operating Procedures on Access to Legal Aid Services to Prisoners and Functioning of the Prison Legal Aid Clinics, 2022.

<sup>54</sup> Regulation 3.1.1 of the NALSA's Standard Operating Procedures on Access to Legal Aid Services to Prisoners and Functioning of the Prison Legal Aid Clinics, 2022.

<sup>55</sup> Regulation 3.1.2 of the NALSA's Standard Operating Procedures on Access to Legal Aid Services to Prisoners and Functioning of the Prison Legal Aid Clinics, 2022.



to appoint a transgender jail visiting lawyer or a lawyer who has received specialized training to address concerns of transgender persons in detention.<sup>56</sup>

- 1.19. Periodicity of Visits to PLAC: The JVLs must visit the clinics as many days as required and in accordance with the caseload. In instances of prisons with higher prisoner population, visits by JVLs must be made more frequently. The timings of visits must be fixed but not less than 3 hours per day and complied with to the maximum extent. The suggested periodicity of visits is as follows:
- (i) For every Central Prison, at least 5 visits per week;
  - (ii) For every District Prison, at least 4 visits per week;
  - (iii) For every Sub-Jail, at least 2 visits per week for subjails and other jails.
  - (iv) For every Women Prison/ Enclosure (as part of the main prison) - (i) with a women prison population of more than 100, at least two visits per week; (ii) with a prison population of less than 100, at least one visit per week. Similarly, periodicity can be adopted for transgender enclosures as well.<sup>57</sup>
- 1.20. Payment of JVLs: The payment of honorarium to JVL(s) should normally include the costs incurred in the conveyance to the prisons and back. Additional payment on account of conveyance shall not be made from NALSA fund. The payment to the JVLs must be cleared promptly upon the submission of the weekly report(s) and proof of visit(s), if any. (The rate of honorariums may be revised on a regular basis, subject to directions of NALSA).<sup>58</sup>
- 1.21. Withdrawal of Cases from Panel Lawyers:
- (i) If a panel lawyer is desirous of withdrawing from a case he shall state the reasons thereof to the Member-Secretary or the Secretary, as the case may be, and the panel lawyer may be permitted to do so by an order.<sup>59</sup>
  - (ii) If the panel lawyer engaged is not performing satisfactorily or has acted contrary to the object and spirit of the Act and these regulations, the Legal Services Institution shall take appropriate steps including withdrawal of the case from such lawyer and his removal from the panel.<sup>60</sup>

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<sup>56</sup> Regulation 3.1.3 of the NALSA's Standard Operating Procedures on Access to Legal Aid Services to Prisoners and Functioning of the Prison Legal Aid Clinics, 2022.

<sup>57</sup> Regulation 3.1.4 of the NALSA's Standard Operating Procedures on Access to Legal Aid Services to Prisoners and Functioning of the Prison Legal Aid Clinics, 2022.

<sup>58</sup> Regulation 3.1.5 of the NALSA's Standard Operating Procedures on Access to Legal Aid Services to Prisoners and Functioning of the Prison Legal Aid Clinics, 2022.

<sup>59</sup> Regulation 8 (15) of National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

<sup>60</sup> Regulation 8 (17) of National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

## B. Legal Aid Defence Counsels

- 1.22. NALSA has envisaged a legal aid delivery-based model for providing legal aid in criminal matters (in Sessions and Magistrates' Courts) on the lines of public defender system which will involve salaried lawyers with Assistants.<sup>61</sup> The said unit would be dealing exclusively with the legal aid work in criminal matters. Lawyers engaged for it shall not be taking any private cases. It will create institutional capacity to effectively provide legal aid to the needy in the criminal justice system. The human resources required for a Legal Aid Defense Counsel Office are given in the table below<sup>62</sup>.

S. No.		No. required
1.	Chief Legal Aid Defense Counsel	01
2.	Deputy Chief Legal Aid Defense Counsel	01 to 3
3.	Assistant Legal Aid Defense Counsel	02 to 04
4.	Office Assistants/ Clerks	01 to 03
5.	Receptionist-cum-Data Entry Operator (Typist)	01
6.	Office peon (Munshi/Attendant)	01

- 1.23. Number of Deputy and Assistant Legal aid Defense Counsel may be increased or decreased as per the requirement in individual districts, subject to prior approval of Hon'ble Executive Chairman, SLISA. Number of Legal Aid Defense Counsels shall be proportionate to the actual work and also requirement.
- 1.24. Legal Aid Defence Counsels shall be engaged on contract basis in each place/district initially for a period of two years with a stipulation of extension on yearly basis subject to satisfactory performance. The performance of every human resource shall be assessed every six months by SLISA in consultation with DLSA concerned.
- 1.25. Selection Procedure for LADC:<sup>63</sup>
- After due publicity including public notice, applications will be invited and a fair, transparent and competitive selection process shall be adopted by DLSA under guidance of SLISA. The selection of Chief Legal Aid Defense Counsel, Deputy Chief Legal Aid Defense Counsels, Assistant Legal Aid Defense Counsels will be purely based on merit, taking into account the knowledge, skills, practice and experience of candidates. The selection shall be carried out by Selection committee under the Chairmanship of the Principal District & Sessions Judge (Chairman, DLSA) as envisaged in NALSA (Free and Competent Legal Services) Regulations 2010, subject to final approval by the Executive Chairman, SLISA. In the selection committee at least three senior most judicial officers posted at HQ, dealing mainly with criminal cases

<sup>61</sup> Legal Aid Defense Counsel Scheme (Modified), 2022.

<sup>62</sup> Clause 3 of Legal Aid Defense Counsel Scheme, 2022.

<sup>63</sup> Clause 4 of Legal Aid Defense Counsel Scheme, 2022.

preferably sessions cases shall be included. No person with conflict of interest shall be part of selection process. After approval by the Executive Chairman, SLSA, engagement contract shall be executed between the Secretary DLSA and the person so engaged. The format of contract for engagement, as provided by NALSA to be used with required modifications.

1.26. The suggested eligibility criteria are as follows: -

a) Qualifications for Chief Legal Aid Defense Counsel:

- (i) Practice in Criminal law for at least 10 years,
- (ii) Excellent oral and written communication skills,
- (iii) Excellent understanding of criminal law,
- (iv) Thorough understanding of ethical duties of a defense counsel
- (v) Ability to work effectively and efficiently with others with capability to lead
- (vi) Must have handled at least 30 criminal trials in Sessions Courts, aforesaid condition of handling 30 criminal cases can be relaxed in appropriate circumstances,
- (vii) Knowledge of computer system is preferable.
- (viii) Quality to lead the team with capacity to manage the office.

b) Qualifications for Deputy Chief Legal Aid Defense Counsel:

- (i) Practice in Criminal law for at least 7 years,
- (ii) Excellent understanding of criminal law,
- (iii) Excellent oral and written communication skills,
- (iv) Skill in legal research,
- (v) Thorough understanding of ethical duties of defense counsel,
- (vi) Ability to work effectively and efficiently with others,
- (vii) Must have handled at least 20 criminal trials in Sessions Courts, may be relaxed in exceptional circumstances, by Hon'ble Executive Chairman, SLSA,
- (viii) IT Knowledge with proficiency in work.

c) Qualification for Assistant Legal Aid Defense Counsel:

- (i) Practice in criminal law from 0 to 3 years.
- (ii) Good oral and written communication skills.
- (iii) Thorough understanding of ethical duties of defense counsel.
- (iv) Ability to work effectively and efficiently with others.
- (v) Excellent writing and research skills.
- (vi) IT Knowledge with high proficiency in work.

1.27. Work Profiles: <sup>64</sup>

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<sup>64</sup> Clause 5 of Legal Aid Defense Counsel Scheme, 2022.

a) Chief Legal Aid Defense Counsel:

- (i) Conducting trials and appeals and bail matters in courts along with deputy chief and assistant legal Aid Defense Counsels,
- (ii) Assigning duties to deputy legal Aid Defense Counsels in the office,
- (iii) Assigning duties of Assistant legal Aid Defence Counsel for assisting him and Deputy Chief legal Aid Defense Counsel and for other work including legal research,
- (iv) Ensure proper legal research, planning effective defence strategy and thorough preparation in each and every legal aided case,
- (v) Ensure maintenance of complete files of legal aid seekers,
- (vi) Ensure proper documentation with regard to legal aid assistance provided, ensure maintenance of up-to-date record of legal aided cases,
- (vii) Will be overall in charge of administration of the office of Legal Aid Defense Counsel Office.
- (viii) Ensure quality legal aid,
- (ix) Consultation and ensuring updation of the case progress to the client and his/her relative(s),
- (x) Any work/duty assigned by Legal Services Authority.

b) Deputy Chief Legal Aid Defense Counsel:

- (i) Conducting trials/ appeals/ Remand work /Bail applications/visits to prisons etc., as assigned by Chief Legal Aid Defense Counsel.
- (ii) Filing and arguing appeals and bail applications in Courts.
- (iii) Maintaining complete case files.
- (iv) Doing legal research in legal aided cases and guiding assistant Legal Aid Defense Counsel and law students attached with the office in legal research.
- (v) Proper client interviews at various stages for quality research work and representation at remand, trial and appellate stage.
- (vi) All or any of the work of the Chief defence Counsel as per assignment,
- (vii) Any work/duty assigned by Legal Services Authority.

c) Assistant Legal Aid Defense Counsel.

- (i) Filing of cases, conducting trials in Magistrate trial cases,
- (ii) Remand/bail and other miscellaneous work,
- (iii) Legal research in legal aided cases,
- (iv) Visits to Prison and Legal aid Clinics as per directions,
- (v) Providing assistance at pre-arrest stage to suspects,
- (vi) Assisting Chief Legal Aid Defense Counsel and Deputy Legal Aid Defense Counsel(s) in conduct of legal aid cases,
- (vii) Assisting in developing a defence strategy after sifting through all of the evidence collected by the prosecution and after hearing the accused's version of what happened during the alleged crime in question,

- (viii) Visiting location/area of alleged crime, having discussions with family members etc, for effective and meaningful input of defense strategy,
- (ix) Handling queries of legal aid seekers,
- (x) Updating legal aid seekers about the progress of their cases,
- (xi) Assisting in maintaining complete files of legal aided cases,
- (xii) Handling legal queries relating to criminal matters on telephone,
- (xiii) Any other work related to legal aid assigned by Chief Legal Aid Defense Counsel,
- (xiv) Any work/duty assigned by Legal Services Authority

### **C. Pro- Bono Lawyers**

- 1.28. The Secretary, DLSA shall maintain a separate panel of pro bono counsels. The Member-Secretary may send a request to Senior Advocates to volunteer their pro bono professional services for rendering advice as and when required.<sup>65</sup> The Secretary, DLSA shall take need based services of pro bono lawyers on the basis of their expertise.

### **D. Pro Bono and Other Experts**

- 1.29. DLSAs shall maintain a separate panel of senior lawyers, law firms, retired judicial officers, mediators, conciliators and law professors in the law universities or law colleges for providing legal advice and other legal services like drafting and conveyancing on a pro bono basis.<sup>66</sup>
- 1.30. DLSAs shall maintain a separate panel of retired senior bureaucrats, senior executives, retired police officials, doctors, engineers, psychiatrists, marriage counsellors, chartered accountants, educationists and other experts of the specialised field for legal services and honorarium payable to them shall be decided by the Executive Chairman of State Legal Services Authority or the Chairman of the Supreme Court Legal Committee, as the case may be.<sup>67</sup>

### **E. Para Legal Volunteers<sup>68</sup>**

- 1.31. “Para-Legal Volunteer” means a para-legal volunteer trained under the ‘National Legal Services Authority Scheme for Para Legal Volunteers’ and empanelled by a Legal Services Institution.<sup>69</sup>
- 1.32. Eligibility Criteria for PLVs:
- (i) PLVs shall be literate, preferably matriculate, with a capacity for overall

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<sup>65</sup> Rule 9 (3) National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

<sup>66</sup> Regulation 9 (1) of the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

<sup>67</sup> Regulation 9 (2) of the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

<sup>68</sup> Scheme For Para-Legal Volunteers (Revised) & Module For The Orientation - Induction - Refresher Courses For PLV Training.

<sup>69</sup> Rule 2 (f) of National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

comprehension.

- (ii) Preferably PLVs shall be selected from persons, who do not look up to the income they derive from their services as PLVs, but they should have a mind-set to assist the needy in the society coupled with the compassion, empathy and concern for the upliftment of marginalised and weaker sections of the society. They must have unflinching commitment towards the cause which should be translated into the work they undertake.

1.33. Groups from which PLVs can be selected:

- (i) Teachers (including retired teachers)
- (ii) Retired government servants and senior citizens
- (iii) MSW students and teachers
- (iv) Anganwadi workers
- (v) Doctors/physicians
- (vi) Students from any stream including humanities, arts, social sciences, etc. and Law Students (until they enroll as Lawyers)
- (vii) Members of non-political, service-oriented NGOs and clubs
- (viii) Members of women neighbourhood groups, Maithri Sanghams and other Self-Help Groups including marginalised/vulnerable groups
- (ix) Educated prisoners with good behaviour serving long term sentences in prisons
- (x) Any other person whom the DLSA or TLSC deems fit to be identified as PLVs.

1.34. The Selection Committee for appointment of PLVs at District Level shall consist of three members:

- (i) The Chairman of the District Legal Services Authority
- (ii) The Secretary of the District legal Services Authority.
- (iii) One member appointed at the discretion of the Chairman of the DLSA.

1.35. The Chairman of the District Legal Services Authority shall constitute a Committee for the appointment of PLVs at Taluk Level, it shall consist of four members:

- (i) The Chairman of DLSA
- (ii) Member Secretary of DLSA
- (iii) The Chairman of TLSC
- (iv) One member at the discretion of the Chairman of DLSA.

1.36. Method of Selection of PLVs:

- (i) The selection committee is entitled to use its discretion and shortlist the number of candidates for interview depending on the number of applications received.

- (ii) Preference should be given to women while selecting PLVs.
  - (iii) Representation from suitable applicants belonging to SC/ST, minority and other backward classes must be ensured.
- 1.37. Issuance of Identity Cards: Upon completion of training, the Secretary, DLSA shall issue each PLV an identity card bearing the emblem of the District Legal Services Authority. The identity card, shall have a validity of one year and shall have,
- (i) serial number;
  - (ii) name and address of the PLV;
  - (iii) contact number of the PLV;
  - (iv) photograph of the PLV;
  - (v) the date of issue and the period of validity of the identity card.
- 1.38. It shall be clearly printed on the reverse side of the identity card that the loss of the identity card should be reported to the nearest Police Station as also its recovery. The identity card shall not be used for availing of traveling concession either in bus or in any mode of transport. It shall not be used for availing of any governmental benefits or loan by the holder of the card. The identity card shall not be used for availing of any other facilities, except for the purpose of identification of the person as PLV.
- 1.39. The Secretary, DLSA shall maintain a directory of PLVs, which shall be updated periodically. The directory should contain details of PLVs including their names, addresses, telephone/cell phone numbers, email ID, number and date of expiry of identity card issued.
- 1.40. Tenure of Engagement- The PLV shall be selected for a period of one year, upon completion of which he/she may seek renewal/continuation upon submission of an application to the Chairman, DLSA.
- 1.41. Places and Areas of Engagement of PLVs:
- (i) Front Office<sup>70</sup>
  - (ii) Prison Legal Aid Clinics in Jail<sup>71</sup>
  - (iii) Legal Services Clinics<sup>72</sup>
  - (iv) Legal literacy classes and camps organised by DLSA.
  - (v) Lok Adalats, mediations or conciliation programmes.
  - (vi) Police Stations
  - (vii) Clinics at the village or community level<sup>73</sup>

<sup>70</sup> Regulation 4 (4) of National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

<sup>71</sup> Para 3.4.2 of NALSA Standard Operating Procedures on Access to Legal Aid Services to prisoners and Functioning of the Prison Legal Aid Clinics, 2022.

<sup>72</sup> Regulations 10, 16 and 25 of National Legal Services Authority (Legal Services Clinics) Regulations, 2011.

<sup>73</sup> As per the resolution in the 13th All India Meet of SLSAs organized by NALSA in 2015, PLVs shall be required to visit clinics at the village or community level at least twice a week, i.e., on Wednesdays and Sundays and panel lawyers should also accompany the PLVs on such visits.



- (viii) Lock ups
- (ix) Psychiatric hospitals

1.42. Disqualification & Removal of PLVs- The Secretary DLSA shall disqualify and remove PLV from the panel if she/he:

- (i) fails to evince interest in the Scheme.
- (ii) has been adjudged insolvent.
- (iii) has been accused of an offence.
- (iv) has become physically or mentally incapable of acting as PLVs.
- (v) has so abused his/her position or misconducted in any manner as to render
- (vi) his/her continuance prejudicial to the public interest.
- (vii) is an active political enthusiast of a political party. Any such Para-Legal Volunteer may be removed by the Chairman, District Legal Services Authority after suitable enquiry and intimation of the same should be sent to the State Legal Services Authority.

1.43. Monthly Reporting by PLVs- The Scheme for Para-Legal Volunteers provides that<sup>74</sup> the Para-Legal Volunteers shall submit monthly reports of their activities to the DLSA/TLSC under whom they are working in the prescribed format. A diary to record the daily activities shall be maintained by each PLVs. The diary shall be printed and given to PLVs by the District Legal Services Authority. Such diary shall be verified and endorsed by the Secretary, DLSA or the Chairman, TLSC.

- (i) This diary shall be referred to as the 'Daily Diary,' the 'Daily Diary' is to be submitted to the Secretary, DLSA after completion of each month. Sample Format' for 'Daily Diary' is provided herewith-

Sample Format for Daily Diary

Date: _____		Page No. _____	
Name of PLV: _____			
S. No.	Place Visited	Details of Beneficiary Assisted	Description of Assistance provided

- Details of Training Session/ Awareness Camp/ Lok Adalat/ Other Events attended-

S. No.	Event Attended	Nature of Service Provided/ Training Received

<sup>74</sup> Para 4 and 5, Page No. 8, Scheme for Para-Legal Volunteers.



## F. Mediators and Counsellors:

- 1.43. Under Section 4 (f), Legal Services Authorities Act, 1987, the function of the NALSA includes to encourage the settlement of disputes by way of negotiations, arbitration and conciliation.
- 1.44. In the Chief Justice Conference-2013<sup>75</sup>, the issue was of settlement of disputes through Mediation was discussed and the following resolutions were passed:
- (i) State Legal Services Authority shall have the overall control and supervision of the Mediation Centres and the Mediation Monitoring committees at the High Court level will function in accordance with the directions given by the MCPC.
  - (ii) For the purpose of appointment as a Mediator, an Advocate with five years', instead of ten years' standing, could be considered.
  - (iii) Steps be taken for setting up Mediation centres/A.D.R. Centres at the district level, where they are yet to be set up.
  - (iv) Para-legal volunteers in the rural areas, and in particular women, be drawn from the community to man the centres.
- 1.45. Maintenance of a Panel of Mediators and Counselors by DLSAs:
- (i) DLSA Secretary shall maintain a panel of mediators who have undergone the required 40 hours training as stipulated by the Mediation and Conciliation Project Committee of the Supreme Court, as a mediator. Additionally, she/he also must have at least ten mediations resulting in a settlement and at least 20 mediations in all to be eligible to be accredited as a qualified mediator.<sup>76</sup>
  - (ii) DLSA Secretary to maintain a panel of counsellors. Counsellors may be trained mediators or persons with a masters in Social Work or a degree in psychology or related degrees.
  - (iii) DLSA Secretary shall take steps to institutionalize pre-litigation mediation and strengthen the implementation of ADR mechanism.<sup>77</sup>

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<sup>75</sup> Resolution 12, Chief Justice Conference-2013.

<sup>76</sup> Direction by Mediation and Conciliation Project Committee, Supreme Court of India set up in 2005.

<sup>77</sup> Resolution adopted in the Chief Justices' Conference, 2022 held on 29<sup>th</sup> April, 2022.

1.46. Role of Mediators and Counselors:

S. No.	Mediators	Counselors
1.	Be neutral and impartial and use specialized communication and negotiation techniques.	Be neutral and impartial and use specialized communication and negotiation techniques.
2.	To facilitate communication between the parties.	To guide and advice the party to identify the problem and look at things from a new perspective.
3.	Identify the barriers to an agreement, the interests of the parties and develop terms of agreement.	To guide parties to work on the problem and resolve it by securing the relationship.

**G. Office Staff**

1.47. Office Staff at DLSA Office- The District Authority may appoint such number of officers and employees as may be prescribed by the State Government in consultation with the Chief Justice of the High Court for the efficient discharge of its functions.<sup>78</sup>

1.48. Office Staff at LADC Office- Under the LADCs, apart from the legal defence counsels, the following human resources are there:

- (i) Office Assistant/ Clerks
- (ii) Receptionist-cum-Data Entry Operator
- (iii) Office peon (Munshi/Attendant)

1.49. Qualification for Office Assistant/ Clerks:

- (i) Educational Qualification: Graduation
- (ii) Basic word processing skills and the ability to operate computer and skills to feed data,
- (iii) Good Typing speed with proper setting of petition,
- (iv) Ability to take dictation and prepare files for presentation in the Courts,
- (v) File maintenance and processing knowledge.

1.50. Work Profile of Office Assistant/ Clerks:

- (i) Keeping updated record of legal aided cases,
- (ii) Uploading the updated record/progress of the legal aided cases on NALSA portal and digital platforms as per directions,
- (iii) Maintaining complete files of legal aided cases and keeping files with proper index in a systematic manner,

<sup>78</sup> Section 9(5), Legal Services Authorities Act, 1987.

- (iv) Typing applications, petitions, appeals etc.,
- (v) Doing ministerial work related to cases such as filing applications for copies of orders, judgement etc.,
- (vi) Any other task assigned by the Chief Legal Aid Defense Counsel,
- (vii) Any work/duty assigned by Legal Services Authority,
- (viii) All duties assigned to Receptionist cum data entry operator.

**1.51. Qualification for Receptionist-cum-Data Entry Operator:**

- (i) Educational Qualification: Graduation,
- (ii) Excellent verbal and written communication skills,
- (iii) Word and data processing abilities,
- (iv) The ability to work telecommunication systems (telephones, fax machines, switchboards etc),
- (v) Proficiency with good typing speed.

**Note:** Qualifications may be reasonably relaxed in case of exceptional candidate or circumstances after the approval of the Executive Chairman, SLSA.

**1.52. Work Profile for Receptionist-cum-Data Entry Operator:**

- (i) Greeting clients and visitors and answering visitor inquiries,
- (ii) Answering and routing incoming calls on a multi-line telephone system,
- (iii) Scheduling and routing legal aid seekers,
- (iv) Maintaining the waiting area, lobby or other office areas,
- (v) Scanning, photocopying, faxing,
- (vi) Collecting and routing mail and hand-delivered packages,
- (vii) Answering face-to-face enquiries and providing information when required,
- (viii) Uploading, at the initial point, legal aided cases on NALSA portal & other platforms and updating the information from time to time,
- (ix) Any work/duty assigned by Legal Services Authority.

**1.53. Work Profile of Office peon (Munshi/Attendant):**

- (i) General work of MTS, Munshi or Peon,
- (ii) Cleaning the office before the commencement of office hours,
- (iii) Ensuring that all places in the office are kept clean,
- (iv) Bringing and serving water, beverages to the visitors in the office,
- (v) Carrying dak, misc. work etc.
- (vi) Any other work assigned by Legal Services Authority.

## 2. PHYSICAL INFRASTRUCTURE

### A. Front Office:

- 2.1. Every District Legal Services Authority must have a Front Office set up in accordance with the Front Office Guidelines issued by NALSA and Regulation 4 of the NALSA (Free and Competent Legal Services) Regulations, 2010. The front office must create space for the reception of legal aid beneficiaries to approach the legal aid service institution to access assistance and legal representation in courts. The location of the Front Office should be such as is visible to litigants and other people who are visiting courts or the offices of Legal Services Institutions. It should not be far away from the courts and sign boards spelling out the front office and time of opening and closing should be displayed outside the Front Office.<sup>79</sup>
- 2.2. The Secretary, DLSA must ensure that the Front Office:
  - i. is well maintained, and have necessary infrastructure including at least one table, three chairs for PLVs, one/two chairs for Panel Lawyers.<sup>80</sup>
  - ii. has two visitors' chairs.<sup>81</sup>
  - iii. has a notice board, a computer, a scanner and printer and a legal aid helpline number.<sup>82</sup>
  - iv. has a suggestion box and complaint box, both clearly labelled<sup>83</sup>
  - v. has a waiting area with sufficient seating arrangement for visitors<sup>84</sup>
  - vi. has drinking water facility.<sup>85</sup>
  - vii. has available newspapers, magazines etc for visitors<sup>86</sup>
  - viii. has a LED monitor affixed at an appropriate place for displaying functions of DLSA, entitlements to free legal services, documentaries related to legal services, NALSA theme song, success stories etc. This LED monitor can also be utilised for video conferencing along with necessary equipment such as webcam or desktop VC facility.<sup>87</sup>
  - ix. has Bare Acts of various important enactments such as Code of Civil Procedure, Code of Criminal Procedure, Indian Evidence Act etc.<sup>88</sup>
  - x. has available compilations of welfare schemes of central and state governments for information of visitors.<sup>89</sup>

<sup>79</sup> Para 3 (1) of NALSA Front Office Guidelines.

<sup>80</sup> Para 3 (2) of NALSA Front Office Guidelines.

<sup>81</sup> Para 3 (2) of NALSA Front Office Guidelines.

<sup>82</sup> Para 3 (2) of NALSA Front Office Guidelines.

<sup>83</sup> Para 3 (2) of NALSA Front Office Guidelines.

<sup>84</sup> Para 3 (2) of NALSA Front Office Guidelines.

<sup>85</sup> Para 3 (2) of NALSA Front Office Guidelines.

<sup>86</sup> Para 3 (2) of NALSA Front Office Guidelines.

<sup>87</sup> Para 3 (2) of NALSA Front Office Guidelines.

<sup>88</sup> Para 3 (8) of NALSA Front Office Guidelines.

<sup>89</sup> Ibid.

2.3. In order to strengthen the expanding roles of DLSA, front offices should also have the following infrastructure/facilities.

- (i) Mediation and Counselling Rooms: Every DLSA should have a Mediation Centre within its premises with all the necessary equipment and facilities necessary for mediation. There must be a co-ordinator in the mediation centre to look into the requirements of Centre. The atmosphere of the Mediation Centre / Rooms must be positive and litigant friendly. Some quotes / slogans suggesting the significance of the mediation can be depicted outside the mediation centre / room. The design of the room should be such as can inspire the confidence of litigant who could open up and express his feelings before mediator.
- (ii) Library: Every DLSA should have a library containing bare acts as well as books and commentaries to be referred by lawyers for their cases, irrespective of being legal aid or otherwise. Contribution of books/reports/magazines/other documents from judicial officers, lawyers, local law colleges, civil society organisations, etc may be sought for the library. The library should have adequate seating and drinking water facility.
- (iii) Conference Room: Every DLSA should have a conference room where the Chairman and/or Secretary, DLSA is able to interact with the lawyers and para-legal volunteers to seek their feedback. This room shall also be used for convening of meetings of Monitoring and Mentoring Committee and other meetings. The conference room will also serve as a venue to organise refresher courses/ orientation/ training programmes by the DLSA for the continued training of its various functionaries.
- (iv) Video Conferencing Facility: Every DLSA should ensure that its office is equipped with video conferencing facility and that the staff of DLSA is adequately trained to manage and use the facility. This facility will not only be used by the Secretary DLSA and the staff of DLSA but shall also be made available to the legal services lawyers and para-legal volunteers.
- (v) Record Room: Every DLSA should ensure that one room can be designated as a record room where all records and files can be stored in an organized manner. DLSA must ensure that corridors are not used to keep files, documents or other material.
- (vi) Signages: DLSA Secretary should ensure that the Court Complex has signages at prominent places indicating the location of the DLSA office and its working hours. In each DLSA office, including the front office and the office of the LADCS, there shall be boards and posters dispensing relevant information about right to free legal aid and the functions of NALSA, SLSAs and DLSAs.

These boards shall carry information in the multiple languages, including local language that can be easily understood by all.

- (vii) Office Furniture and Electronic Appliances: Every District Legal Aid Authority should account for its fixed assets. It must have adequate furniture including but not limited to table, chairs, cupboards, CCTV cameras and LED screens. It must have a notice board at visible area. There should also be a complaint box and a suggestion box at the office of DLSA.
- (viii) IT Infrastructure: DLSA should have enough number of computers, printers and scanners for the Secretary and the staff members. The office of DLSA must be equipped with fast speed internet and video-conferencing facility. It should have web-cams, microphones and speakers installed for this purpose.

## **B. Legal Aid Defence Counsel Office:**

- 2.4. In all designated districts, every DLSA should also have an office of the Legal Aid Defence Counsel established in the same premises or at any other location in accordance with the Legal Aid Defence Counsel Modified Scheme, 2022. The requirements for Legal Aid Defence Counsel Office is as follows:
- a) The space required for the office if provided as:
    - (i) Class A Cities 800 to 1000 square feet.
    - (ii) Class B Cities 700 to 800 square feet.
    - (iii) Class C Cities 500 to 600 square feet.
  - b) A spacious office room(s) for Legal Aid Defense Counsel with a separate cabin for consultation.
  - c) A room for ministerial staff, reception and waiting area.
  - d) Computers and printers, internet connection, telephone.
  - e) Furniture consisting of tables, chairs and almirahs.
  - f) It should have adequate space and infrastructural set up for functionaries to interact with litigants and to physically hold documents needed to pursue litigation in courts and also evolve mechanisms related to the retention of documents. There must be separate cubicles for the counsels to provide legal advice, ensuring confidentiality and privacy of the interaction with the clients.

### 3. FINANCIAL RESOURCES

- 3.1 This section provides instructions for the accurate and appropriate management of financial resources by District Legal Services Authority. Financial resource management comprises of preparations of budgets and outlay for the activities of the DLSA, as well as the management and maintenance of accounts. Accounting is the system of recording, summarizing, and analysing financial transactions. This section will explain the basics of account-keeping and document the internal accounting procedures for the DLSAs. Its purpose is to ensure that assets are safeguarded, financial statements are in conformity with generally accepted accounting principles, and finances are managed with responsible stewardship. Every person having a role in the management of DLSA's fiscal operations is expected to work as per the guidelines/instructions given in this manual, in order to serve NALSAs commitment to proper, accurate financial management and reporting.

#### A. National Legal Aid Fund

- 3.2 Section 15 of the Legal Services Authorities Act, provides that the Central Authority shall establish a fund to be called the National Legal Aid Fund and there shall be credited thereto—
- (a) all sums of money given as grants by the Central Government under section 14;
  - (b) any grants or donations that may be made to the Central Authority by any other person for the purposes of this Act;
  - (c) any amount received by the Central Authority under the orders of any court or from any other source.
- 3.3 The National Legal Aid Fund shall be applied for meeting—
- (a) the cost of legal services provided under this Act including grants made to State Authorities;
  - (b) the cost of legal services provided by the Supreme Court Legal Services Committee;
  - (c) any other expenses which are required to be met by the Central Authority.
- 3.3 *It was resolved in the Central Authority Meeting held on 13<sup>th</sup> September, 1997 under Agenda Item no. 5 that the National Legal Aid Fund has to be a revolving fund and NALSA should be an independent body having financial autonomy.*

## **B. State Legal Aid Fund**

- 3.4 Section 16 of the Legal Services Authorities Act, 1987 provides that a State Authority shall establish a fund to be called the State Legal Aid Fund and there shall be credited thereto -
- (a) all sums of money paid to it or any grants by the Central Authority for the purposes of this Act;
  - (b) any grants or donations that may be made to the State Authority by the State Government or by any person for the purposes of this Act;
  - (c) any other amount received by the State Authority under the orders of any court or from any other source.
- 3.5 A State Legal Aid Fund shall be applied for meeting -
- (a) the cost of functions referred to in section 7;
  - (b) the cost of legal services provided by the High Court Legal Services Committee;
  - (c) any other expenses which are required to be met by the State Authority.]

## **C. District Legal Aid Fund**

- 3.6 Section 17 of the Legal Services Authorities Act, 1987 envisages that every District Authority shall establish a fund to be called the District Legal Aid Fund and there shall be credited thereto -
- (a) all sums of money paid or any grants made by the State Authority to the District Authority for the purposes of this Act;
  - (b) any grants or donations that may be made to the District Authority by any person, with the prior approval of the State Authority, for the purposes of this Act;
  - (c) any other amount received by the District Authority under the orders of any court or from any other source.
- 3.7 A District Legal Aid Fund shall be applied for meeting -
- (a) the cost of functions as referred in section 10 and 11B of the Legal Services Authorities Act, 1987;
  - (b) any other expenses which are required to be met by the District Authority.

## **D. Grant of Funds and Supervision of TLSC**

- 3.8 Section 17(2) of the Legal Services Authorities Act, 1987 envisages that the District Legal Aid Fund shall be applied for meeting the cost of functions referred to in Section 10 and 11B of the said Act.



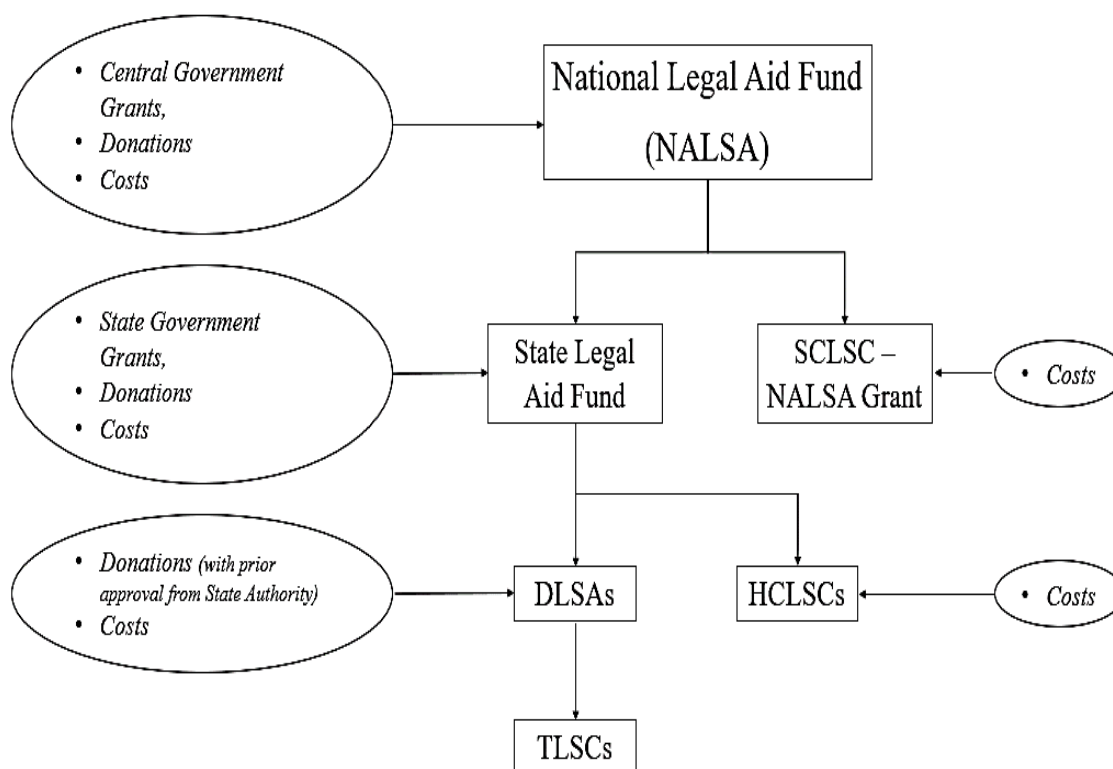
3.9 Section 11B stipulates that Taluk Legal Services Committee may perform all or any of the following functions namely:

- (a) coordinate the activities of legal services in the taluk;
- (b) organise Lok Adalats within the taluk, and
- (c) perform such other functions as the District Authority may assign to it.

3.10 Therefore, the District Legal Aid Fund shall also be applied to bear the expenses for performing the functions of the TLSCs, as provided under the Legal Services Authorities Act, 1987.

## E. Flow of Funds

3.11 Organogram:



## F. NALSA directives on expenditure

3.11 The Secretary, DLSA shall keep himself/herself informed of all the instructions and guidelines issued by NALSA and SLA from time to time, in regard to maintenance of proper accounts and relevant record.

- 3.12 Under Section 18 of the Legal Services Authorities Act, 1987, the DLSA is required to maintain proper accounts and relevant record. DLSA is also required to prepare Annual Statement of Accounts including Income and Expenditure Account and Balance Sheet of Legal Aid Fund in the format as prescribed by the Government of India in consultation with the Comptroller and Auditor General of India, which shall be forwarded annually by the DLSA to the SLSA or NALSA, which is then shared by the competent authorities to the Central Government or the State Governments, as the case may be.
- 3.13 The Secretary, DLSA and all other personnel under his supervision, with a role in the management of DLSA, in particular fiscal operations, are expected to work as per the guidelines/instructions provided herein.
- 3.14 Under Section 18 of the Legal Services Authorities Act, 1987 the Central Authority, State Authority and District Authority are required to maintain proper accounts and relevant record. Also require to prepare Annual Statement of Accounts including Income and Expenditure Account and Balance Sheet of Legal Aid Fund in the format as prescribed by the Government of India in consultation with the Comptroller and Auditor General of India and shall be forwarded annually by the Authorities to the Central Government or the State Governments, as the case may be.
- 3.15 Purpose of accounting is to accumulate, report on financial information about the performance of an institution, fiscal position and to ensure that the assets are safeguarded. Instructions/ guidelines are issued with commitment towards appropriate, accurate financial management and reporting. It is also advised to observe the prevalent basic norms of account keeping and correct documentation.
- 3.16 NALSA has issued following guidelines on 31.03.2022 which is to be adhered by all Legal Services Authorities or institutions receiving Grants in Aid from NALSA (Modified on 22.05.2023):
  - (i) All such administrative expenses, which are not part of State/ District Legal Aid Funds shall not be depicted in the Annual Statement of Accounts furnished along with the Utilization Certificate of Grants released from National Legal Aid Fund.
  - (ii) Mere transfer of fund to DLSAs/HCLSC or any other Legal services institution etc. shall not be treated as utilization of fund by the SLSA.
  - (iii) Legal Aid Activity wise expenditure incurred by the each DLSA/ HCLSC/TLSC and by the SLSA shall be compiled and properly reflected in the Annual Statement of Accounts. Detailed schedule should be attached separately, if required.

- (iv) Assets acquired from NALSA fund and disposal thereof, if any, shall be properly reflected in the Annual Statement of Accounts. Detailed schedule should be attached separately.
- (v) State Legal Services Authorities will not made any expenditure from NALSA fund on the following items without prior permission of NALSA from the FY 2022-23 onwards:
  - a) Engagement of Project Co-ordinators and Project Assistants by SLSAs/DLSAs,
  - b) Engagement of employment of Ministerial staff including Accounts Clerks,
  - c) Engagement of Front Office Co-ordinators
  - d) Hiring of vehicles for SLSAs/DLSAs,
  - e) Purchase of equipment and computer peripherals,
  - f) Engagement of outsourced staff (Data Entry Operators),
  - g) Purchase of vehicles for SLSAs/DLSAs,
  - h) Expenses in connection with victim Compensation applications and for distribution of Compensation,
  - i) Distribution of food and other necessities,
  - j) Expenditure for plantation of trees and their fencing thereof
- (vi) The National Legal Services Authority allocates consolidated funds to SLSA for implementation of various legal aid activities/ programmes but henceforth, from the FY 2023-24 onwards allocation/expenditure from National Legal Aid Fund will be made subject to the ceilings as prescribed below :-
  - a) Legal Aid and Advice (50%);
  - b) Alternative Dispute Resolution & Mediation (25%);
  - c) Awareness and Outreach Programmes and Other (25%);
- (vii) Henceforth, from the FY 2023-24 onwards Monthly Expenditure Report (MER) consisting all expenditure of National Legal Aid Fund shall be submitted by all DLSAs to the concerned SLSA and the SLSA after compiling Monthly Expenditure Report (MER) received from DLSAs under their administrative jurisdiction shall submit the same to NALSA.

- (viii) DLSA will send detailed Contingent bills i.e. vouchers exceeding payment of ₹ 10,000.00 (₹ Ten Thousand) to the concerned SLSA along with Monthly Expenditure Report (MER) and SLSA will send detailed Contingent bills i.e. vouchers exceeding payment of ₹ 25,000.00 (₹ Twenty Five Thousand) to NALSA along with Monthly Expenditure Report (MER).
- (ix) Time schedule for submission of Monthly Expenditure Report (MER) are as under:
  - (a) District Legal Services Authority (DLSA) to State Legal Services Authority (SLSA): 5<sup>th</sup> of the following month.
  - (b) State Legal Services Authority (SLSA) to National Legal Services Authority (NALSA): 10<sup>th</sup> of the following month
- (x) Time schedule for submission of Annual Accounts as per Rule 237 of General Financial Rule (GFR), 2017 are as under:
 

*The dates prescribed for submission of the annual accounts for Audit leading to the issue of Audit Certificate by the Comptroller and Auditor General of India and for submission of annual report and audited accounts to the nodal Ministry for timely submission to the Parliament/ State Legislature are listed below:*

  - (a) *Approved and authenticated annual accounts to be made available by SLSA/DLSA to the concerned Audit Office and commencement of audit of annual accounts. .... 30th June.*
  - (b) *Issue of the final SAR in English version with audit certificate to SLSA or DLSA/Government concerned. .... 31st October*
  - (c) *Submission of the Annual Report and Audited Accounts to the Nodal for it to be laid on the Table of the Parliament/State Legislature. .... 31st December*
- (xi) The Member Secretaries of all State Legal Services Authorities shall also ensure that all transactions by the Implementing Agencies under their jurisdiction are got done through PFMS.

## **4. ACCOUNTS AND AUDIT**

### **A. Expenditure in accordance with GFR Rules, 2017**

- 4.1 The Authorities while making procurement of goods and services must strictly adhere to the GFR Rule 149 and 154.
- 4.2 Rule 149 Government e-Market place (GeM). DGS&D or any other agency authorized by the Government will host an online Government e-Marketplace (GeM) for common

use Goods and Services. DGS&D will ensure adequate publicity including periodic advertisement of the items to be procured through GeM for the prospective suppliers. The Procurement of Goods and Services by Ministries or Departments will be mandatory for Goods or Services available on GeM. The credentials of suppliers on GeM shall be certified by DGS&D. The procuring authorities will certify the reasonability of rates. The GeM portal shall be utilized by the Government buyers for direct on-line purchases as under: -

- (i) Up to Rs.50,000/- through any of the available suppliers on the GeM, meeting the requisite quality, specification and delivery period.
- (ii) Above Rs.50,000/- and up to Rs.30,00,000/- through the GeM Seller having lowest price amongst the available sellers, of at least three different manufacturers, on GeM, meeting the requisite quality, specification and delivery period. The tools for online bidding and online reverse auction available on GeM can be used by the Buyer if decided by the competent authority.
- (iii) Above Rs.30,00,000/- through the supplier having lowest price meeting the requisite quality, specification and delivery period after mandatorily obtaining bids, using online bidding or reverse auction tool provided on GeM.
- (iv) The invitation for the online ebidding/reverse auction will be available to all the existing Sellers or other Sellers registered on the portal and who have offered their goods/services under the particular product/service category, as per terms and conditions of GeM.
- (v) The above mentioned monetary ceiling is applicable only for purchases made through GeM. For purchases, if any, outside GeM, relevant GFR Rules shall apply.
- (vi) The Ministries/Departments shall work out their procurement requirements of Goods and Services on either “OPEX” model or “CAPEX” model as per their requirement/ suitability at the time of preparation of Budget Estimates (BE) and shall project their Annual Procurement Plan of goods and services on GeM portal within 30 days of Budget approval.
- (vii) The Government Buyers may ascertain the reasonableness of prices before placement of order using the Business Analytics (BA) tools available on GeM including the Last Purchase Price on GeM, Department’s own Last Purchase Price etc.
- (viii) A demand for goods shall not be divided into small quantities to make piecemeal purchases to avoid procurement through L-1 Buying / bidding / reverse auction on GeM or the necessity of obtaining the sanction of higher authorities required with reference to the estimated value of the total demand.

- 4.3 Rule 154** Purchase of goods without quotation Purchase of goods upto the value of Rs. 25,000 (Rupees twenty five thousand) only on each occasion may be made without inviting quotations or bids on the basis of a certificate to be recorded by the competent authority in the following format.

*“I \_\_\_\_\_ am personally satisfied that these goods purchased are of the requisite quality and specification and have been purchased from a reliable supplier at a reasonable price.”*

## **B. Maintenance of Books of Accounts**

### **4.4 Cash Book/Pay bill Register:**

- a) Cash book is also called as Cash journal or Cash book. Basic Documents for the Cash book are payment vouchers, receipt vouchers and contra vouchers. Therefore, first of all, vouchers are prepared for all the transactions relating to Cash then these vouchers are recorded in Cash book.
- b) Cash book is divided in two parts i.e., receipt side and payment side. Receipt side is called as debit side of Cash account and the payment side is called the credit side of Cash account. Both debit and credit sides have the columns like date, particulars, ledger folio and amount. In date column the date of voucher is written, in particulars the account head other than bank account is written, ledger folio is used when the entry is posted to ledger and in amount column the amount of voucher is written.
- c) All payment vouchers are recorded in payment side and all receipt vouchers are recorded in receipt side. Contra vouchers relating to bank are also recorded in Cash book. If the cash is withdrawn from bank, then the voucher is written in receipt side of Cash book. If the cash is being deposited into bank the contra is recorded in payment side of the Cash book.
- d) The balancing of Cash book must be done on daily basis. Balancing means all receipt minus all payments. The pages of Cash book are always serially numbered. e) A point is to be noted here that cash book can never show the credit balance. Credit balance means that the payments are more than receipts. Balance of bank in Cash book may be either in debit or nil.
- e) Additional Points to be Noted: -
  - i. Cash book must be maintained on daily basis.
  - ii. Heading under which particular income or expenses has to be booked should be mentioned

- iii. Voucher number should be mentioned against amount booked and ledger folio number too.
- iv. Balance as per cash/bank book should be matched on daily basis with bank. If there is difference, make bank reconciliation statement.
- v. Cash book should be placed daily before higher authority for their authentication.
- vi. When payment is made through cheque for expenditure, cheque details should be mentioned.

4.5 Ledger Book: GPF/NPS Ledger:

- a. Ledger is a main and principal book which has different sets of accounts. Ledger is called as the mirror of all transactions relating to a particular period. All the entries relating to particular accounts are summarized in these accounts.
- b. Every page of ledger contains the following particulars:-
  - i. Serial number of ledger account
  - ii. Name of account
  - iii. Date
  - iv. Particulars
  - v. Ledger Folio (L/F)
  - vi. Amount Debit
  - vii. Amount Credit
  - viii. Balance with a sub column Debit or Credit .

4.6 Points to be Noted for Ledger Book: -

- i. Posting of the entries in ledger must be date wise. Date of entry in day books must be the date of entry in ledger.
- ii. All amounts shown in debit side in journal must be posted in debit side of a particular account. In 'particulars' column of ledger, the name of the other.
- iii. Account as shown in journal, relating to same entry, must be written and the account head must start with 'To'
- iv. All amounts shown in credit side in journal must be posted in credit side of a particular account. In 'particulars' column of ledger, the name of the other account as shown in journal, relating to same entry, must be written and the account head must start with 'By'.
- v. In ledger, cash folio number & voucher number should be mentioned.

- vi. Then the balancing of the ledger should be done. Balancing may be done as running or can be done after doing the totals of debit and credit side. If the total of debit side is more than credit side then the balance should be shown as debit balance in balance column and if the total of credit side is more than the total of debit side then balance should be shown as credit balance in balance column. If the totals of debit and credit sides are equal then the balance should be shown as 'nil' in balance column.
- vii. Income and Expenditure heading should be same as in previous year so that comparison of expenditure can be easily done.
- viii. Heading of Income & Expenditure should be same as mentioned in consolidated Financial Statement.
- ix. Income and expenditure should be classified as per instruction issued by authority.
- x. Quarterly Trial Balance should be prepared so that error, if any, can be traced.

#### 4.7 Vouchers:

- a. Voucher is a very primary accounting record which shows the authenticity of the transactions. To record any transaction in account books, first of all a voucher is prepared by the accountant. Therefore, we call the vouchers as the basis of the accounting system. Voucher is prepared by the accountant with the help of source document. Source document means any proof relating to the business transactions. These documents include: - bills, cash memos, receipts, bank deposit slips, cheque book counter foils, challans and other details which show the happening of any transaction in a business firm.
- b. Voucher shows the following details: -
  - i. Type of Voucher i.e., Receipt, Payment or Journal Voucher
  - ii. Date of Voucher
  - iii. Debit Column
  - iv. Credit Column
  - v. Amount in figures and words.
  - vi. Total Column
  - vii. Particulars column in which brief description of the transaction is being mentioned
  - viii. Signature of accountant



- ix. Signature of Manager or another authorized person.
- c. Preparation of any Voucher: Voucher is an initial document of accounting system. If there is any mistake while preparing the voucher then everything, automatically will become wrong. Therefore, an accountant must follow the following procedure while preparing the vouchers: -
  - i. He/She must verify the supporting documents thoroughly in respect of date, amount, nature of transactions etc.
  - ii. The supporting documents must be approved by an appropriate authority.
  - iii. Then, the accountant has to select the type of voucher to be prepared for the transaction.
  - iv. He must have the thorough knowledge of accounting rules.
  - v. He has to make sure that the total of debit and credit side of voucher is equal.
  - vi. The accountant must have good command over the various accounting heads which are supposed to be debited or credited.
  - vii. Every Voucher should be prepared date & serial wise.
  - viii. Each and Every voucher should have authentication
  - ix. Every Voucher has two parts i.e., one part refer what goes debit & another part refer what goes credit. It should be clearly mentioned that which account have been debited or which have been credited.
  - x. Every voucher should have brief narration and nature of expenses and under which head expense has been booked.
  - xi. Documents, letter & office noting must be attached.
  - xii. If Voucher payment has been made through Cheque, then Cheque number should also be mentioned

#### **4.8 Fixed Asset Register:**

- a. A Fixed Assets Register (FA Register) is a register which shows all the permanent assets owned by an organization. The register shows the quantity and value of things like chairs, tables, fans, furniture, vehicles, land, buildings etc. It may also show where these assets are kept or used. Sometimes a serial number is also put on the item and noted here. Having this information can help you check whether all these assets are in your possession. The total value of these assets can also be crosschecked with Balance Sheet or ledger.

- b. Maintain Register: Different sheets are opened for different type of items. For example, all tables, chairs, almirahs etc. are written together on one sheet as Furniture. Similarly, all cycles, motor-cycles, jeeps are written together on one sheet as Vehicles. After each type, you should leave a few sheets blank for future additions. Record is maintained only of those assets which are owned by us.
- c. Format of Fixed Assets Register:

Asset Category: Building/Machinery/Furniture etc.

Page No.

S. No.	Accounting Year	Description of Item	Quantity	Bill Date	Voucher No. / Date	Amount (Rs.)	Purchased / Sold	Location / Identification	Funded by

#### 4.9 Monthly Bank Reconciliation Register:

- a. When the balances as per bank day book and the pass book or bank statement do not match then to know the reason of the differences, a statement is prepared. This statement is called bank reconciliation statement. By preparing the bank reconciliation statement the adjustment entries are also passed in the books. If there is any mistake from bank's side then the bank is informed to correct the account at their end. Normally, the bank reconciliation is prepared at the end of every month.
- b. We are describing the various steps to be taken while preparing bank reconciliation statement: -
- First of all, accountant must check that the opening balances of bank statement and bank book are matching with the balances as per last bank reconciliation statement.
  - All entries must be checked very carefully and ticked in bank statement and the bank book. - Pending entries in last bank reconciliation also must be checked and make sure that all the entries are ticked.
  - Then make the list of non-ticked entries on a separate piece of paper.
  - Now, to reconcile the balances of bank statement and bank book, the accountant has to take a base of one balance either as per bank statement or as per bank book.

#### 4.10 Stationery/Stock Register

- a. All the Legal Services Authorities are required to maintain a record of goods purchased or stored in the Stock Register as per 211 of GFR-2017. The Secretary, DLSA should check the Register and will physically verify the stock at least once in a year.
- b. As per provision of Rule 211 of GFR,2017; *The Officer-in-charge of stores shall maintain suitable item-wise lists and accounts and prepare accurate returns in respect of the goods and materials in his charge making it possible at any point of time to check the actual balances with the book balances. The form of the stock accounts mentioned above shall be determined with reference to the nature of the goods and materials, the frequency of the transactions and the special requirements of the concerned Ministries/Departments. (ii) Separate accounts shall be kept for a) Fixed Assets such as plant, machinery, equipment, furniture, fixtures etc. in the Form GFR-22. (b) Consumables such as office stationery, chemicals, maintenance spare parts etc. in the Form GFR-23. (c) Library books in the Form GFR 18 (d) Assets of historical/artistic value held by museum/government departments in the Form GFR-24. Note: These forms can be supplemented with additional details by Ministries/ Departments as required.*
- c. The draft format of Stock Register is as under:-

FORM GFR 23 [ See Rule211 (ii) (b) ]

STOCK REGISTER OF CONSUMABLES SUCH AS STATIONERY, CHEMICALS,  
SPARE PARTS ETC. Name of Article..... Unit of Accounts

.....

Sr.No.	Date	Suppliers Invoice No. and Date	Receipt	Issue Voucher No.	Issue	Balance	Unit Price

### C. Processing of Bills

- 4.11 The individual entries should be made in the bill book in respect of the bills received in a day instead of doing one collective entry for all the bills received in a day. Also, the details of the bills should be mentioned in the bill book.
- 4.12 Proper noting's should be prepared for getting approval before making payment of bill.

- 4.13 Payments for bills of Advocates, PLV's should be made on monthly basis instead of quarterly basis so as to avoid delay in payments.

#### **D. Laying of Accounts in Legislature/ Parliament**

- 4.14 Section 18(4) (5) and (6) of the Legal Services Authorities mandates for the laying of accounts before the House of Parliament and the State Legislature. It provides that the accounts of the Authorities, as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon, shall be forwarded annually by the Authorities to the Central Government or the State Governments, as the case may be.
- 4.15 The Central Government shall cause the accounts and the audit report received by it to be laid, as soon as may be after they are received, before each House of Parliament.
- 4.16 The State Government shall cause the accounts and the audit report received by it to be laid, as soon as may be after they are received, before the State Legislature.
- 4.17 All the States /UT Legal Services Authorities are to strictly adhere to the time schedule as per Rule 237 of General Financial Rule (GFR), 2017 and Rule 18(4) & (6) of the Legal Services Authorities Act, 1987.
- 4.18 Time schedule for submission of annual accounts as per Rule 237 of General Financial Rule (GFR), 2017 is as under:
- 4.19 The dates prescribed for submission of the annual accounts for Audit leading to the issue of Audit Certificate by the Comptroller and Auditor General of India and for submission of annual report and audited accounts to the nodal Ministry for timely submission to the Parliament are listed below: -

- i. *Approved and authenticated annual accounts to be made available by Autonomous Body to the concerned Audit Office and commencement of audit of annual accounts..... 30<sup>th</sup> June*
- ii. *Issue of the final SAR in English version with audit certificate to Autonomous Body/Government concerned..... 31<sup>st</sup> October*
- iii. *Submission of the Annual Report and Audited Accounts to the Nodal Ministry for it to be laid on the Table of the Parliament/State Legislature. .... 31<sup>st</sup> December*

#### **E. Utilisation Certificates (Annual Statement of Accounts)**

- 4.20 Section 18(1) of the Legal Services Authorities Act, 1987 lays down that the Central Authority, State Authority, or the District Authority, as the case may be, shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the income and expenditure account and the balance-sheet in such form and

in such manner as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

4.21 The Legal Services Authorities as per Rule 12A of the National Legal Services Authority Rules, 1995 shall maintain their accounts and prepare their Annual Statement of Accounts (Refer to Form 1 to Form 5 appended to NALSA Rules, 1995). Annual Statement of Accounts comprises three documents:

- i. Income and Expenditure Statement,
- ii. Receipt & Payment and
- iii. Balance sheet includes all Receipt & Payment of SLSAs viz. Budget received from State Govt. meant for Establishment Expenditure (for Salary, Domestic Travel, Office Expenses etc.), Grants-in-Aid received from State Govt. and Grants-in-Aid received from NALSA and utilization thereof. The activity-wise bifurcation of expenditure incurred from the NALSA fund i.e. after compilation of Legal Aid Activity wise expenditure incurred by each of DLSA/TLSC etc. including expenditure incurred by the SLSA should be properly reflected.

4.22 Rule 238 (2) of General Financial Rule (GFR), 2017 is as under:

*“In respect of recurring Grants, Ministry or Department concerned should release any amount sanctioned for the subsequent financial year only after Utilization Certificate in respect of Grants of preceding financial year is submitted. Release of Grants-in-aid in excess of seventy five per cent of the total amount sanctioned for the subsequent financial year shall be done only after utilisation certificate and the annual audited statement relating to Grants-in-aid released in the preceding year are submitted to the satisfaction of the Ministry/Department concerned. Reports submitted by the Internal Audit parties of the Ministry or Department and Inspection Reports received from Indian Audit and Accounts Department and the performance reports if any received for the third and fourth quarter in the year should also be looked into while sanctioning further Grants.”*

## **F. Annual Report (Covering all legal aid activities)**

4.23 Rule 242 (2) of General Financial Rules, 2017 provides for Submission of Achievement-cum-Performance Reports:

- i. The Grantee Institutions or Organisations should be required to submit performance-cum-achievement reports soon after the end of the financial year, and in any case, not later than six months after the close of the financial year.

- ii. In regard to non-recurring Grants such as those meant for celebration of anniversaries, conduct of special tours and maintenance, Grants for education, performance-cum-achievement reports need not be obtained.
- iii. In the case of recurring Grants, submission of achievement-cum-performance reports should usually be insisted upon in all cases. However, in the case of Grants-in-aid not exceeding Rupees twenty-five lakhs, the sanctioning authority may dispense with the submission of performance-cum-achievement reports and should, in that event, refer to the Utilization Certificates and other information available with it to decide whether or not the Grants-in-aid should continue to be given.
- iv. The Annual Reports and Audited Statements of Accounts of Autonomous Organisations are required to be laid on the table of the Parliament. In such cases, the Ministries or Departments of Central Government need not incorporate performance-cum-achievement reports in the Annual Reports.
- v. In all other cases, if the Grants-in-aid exceed Rupees ten lakhs but less than rupees fifty lakhs, the Ministry or Departments of the Central Government should include a statement in their Annual Report of their own assessment of the achievements or performance of the Institution or Organisations.
- vi. In cases where the Grants-in-aid are for Rupees fifty lakhs or more, the Ministry or Departments of the Central Government should include in their Annual Report a review of the utilization of the Grants-in-aid individually, specifying in detail the achievements vis-à-vis the amount spent, the purpose and destination of Grants.
- vii. Where the accounts of the Grantee Institutions or Organisations are audited by the CAG of India copies of the performance-cum-achievement reports, furnished by the grantee Institution to the Administrative Ministry or sanctioning authority should be made available to audit. In other cases copies of such reports, received by the Departments of the Central Government or the sanctioning authority should be made available to audit when local audit of such Grant-in-aid in the Administrative Ministry or Department or sanctioning authority is conducted or when it is called for by the Accountant General.

## **G. Status of Internal Audit and C&AG Audit**

- 4.24 Section 18 (2) and (3) of the Legal Services Authorities Act, 1987 stipulates that the accounts of the Authorities shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority concerned to the Comptroller and Auditor-General of India. The Comptroller and Auditor-General of India and any other person appointed by him in connection with the auditing of the

accounts of an Authority under this Act shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the auditing of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Authorities under this Act.

## H. Activity wise expenditure Register

- 4.25 The Secretary, DLSA shall keep themselves informed of all the instructions and guidelines issued by NALSA and SLSA and from time to time, in regard to maintenance of proper accounts and relevant record. They shall maintain an activity wise record of the expenditure.
- 4.26 The Secretary, SLSA should keep in mind the following expenditure ceiling as prescribed by NALSA referred as **Annexure -A**.

### Annexure-A

#### **Heads for Budget allocation and expenditure from NALSA Grant from the FY 2023-24 onward**

S.No.	Activities	Expenditure ceiling in percentage (%) w.r.t. Budget
(1)	<b>Legal Aid and Advice:</b>	50%
	(a) Fees for panel lawyers for legal aid cases assigned to them.	
	(b) Honorarium to Remand and duty lawyers but other than retainer lawyers.	
	(c) Honorarium to lawyers for jail visits / police station and others, if any.	
	(d) Entire expenses on Legal Aid Defence Counsel System.	
	(e) Other incidental expenses in providing Legal aid, assistance and advice	
	(f) Miscellaneous expenses	
(2)	(g) Expenses related to Court based legal representations	25%
	<b>Alternate Dispute Resolution (ADR):</b>	
	<b>Lok Adalats</b>	
	(a) Honorarium for Lok Adalat Benches / Staff as per NALSA Regulation.	
	(b) Other Administrative expenses in organisation of Lok Adalats including publicity for NLA.	
	<b>Mediation:</b>	
	(a) Expenses for mediation and honorarium to mediators.	
	(b) Expenses for mediators training programmes.	
	(c) Other miscellaneous expenses incidental to Mediation activities.	



<b>(3)</b>	<b>Awareness &amp; Outreach Activities:</b>	<b>25%</b>
	<b>(A) Legal Awareness Programmes</b>	
	(a) Payments to lawyers/resource persons of such programmes.	
	(b) Payments to para legal volunteers	
	(c) Organizational expenses	
	(d) Awareness through media, radio, television, community media, social media etc.	
	(e) Advertisement & publicity expenses on any media	
	<b>(B) Outreach Activities</b>	
	(a) Organisational expenses of Legal services Camps including pre-camp activities	
	(b) I.E.C. materials including pamphlets, booklets, videos, short-films etc.	
	(c) Utilization and publicity through mobile vans.	
	(d) Incidental expenditure in organisation of awareness & outreach activities etc.	
	<b>(C) Others</b>	
	<b>(i) Front Offices at SLSAs, DLSAs and HCLSCs</b>	
	(a) Fee for Retainer Lawyers, whether engaged on Monthly & daily basis.	
	(b) Para-Legal Volunteers, if deputed in front offices of DLSAs	
	(c) Payment related to helpline, internet charges and official mobile numbers used to provide legal services.	
	<b>(ii) Capacity Building Programmes including organisation expenses &amp; honorarium to resource persons</b>	
	<b>(iii) Legal Services Clinics (LACs) at Mandal, Taluk, Village Panchayat etc.</b>	
	(a) Payment to para- legal volunteers.	
	(b) Honorarium of Lawyers, if visiting such clinics.	
	<b>(iv) Jail Legal Aid clinics, Taluka Legal services Committees, LACs in JJBs etc.</b>	
	(a) Honorarium to para-legal volunteers.	
	(b) Administrative expenses of clinics and TLSCs.	
	<b>(v) Entire Expenses in organising seminars / meets / consultations, etc.</b>	
	<b>(vi) Audit and other fees to Auditors.</b>	
	<b>(vii) All other miscellaneous expenses incidental and related to legal aid to poor programme, if not provided otherwise.</b>	



## PART C: LEGAL SERVICES

## 1. TYPES OF LEGAL SERVICES

- 1.1 Provision of legal services to eligible persons i.e. the weaker sections of the society is one of the core responsibilities of any DLSA. Section 2(c) of the Legal Services Authorities Act, 1987 states that legal service “includes the rendering of any service in the conduct of any case or other legal proceeding before any court or other authority or tribunal and the giving of advice on any legal matter”. DLSAs provide legal services of the following types:

### A. Court based legal aid and assistance:

- 1.2 Court based legal aid and assistance means appointing of panel lawyers to represent persons eligible for the same under Section 12 Legal Services Act, 1987 before Courts. The term “Court” has been defined in Section 2(aaa) of the Legal Services Authorities Act, 1987 as “a civil, criminal or revenue court and includes any tribunal or any other authority constituted under any law for the time being in force, to exercise judicial or quasi-judicial functions.”
- 1.3 Court based legal aid and assistance can be given for filing as well as for defending cases.<sup>90</sup>
- 1.4 This service can be availed of by an eligible person from the very initial stage of filing or receiving of court process and it may be also availed by such person during the pendency of the proceedings.
- 1.5 To ensure that effective Court based legal aid and assistance is effective and competent, the DLSA Secretary shall ensure adherence with the Guidelines for Functioning of Mentoring and Monitoring Committees at District Level, 2018, which explained in Part H of this manual.

### B. Legal Advice:

- 1.6 Not everyone who visits the DLSA office or tries to avail of its services through any of the other access points mentioned in Chapter 2, Part C, requires Court based legal aid or want to litigate. Many only require legal advice to understand their legal rights and liabilities. Hence, DLSA shall provide free legal advice through its Front Office, Legal Services Clinic, Legal helpdesks, tele-law application and helpline number.
- 1.7 The Chairman of DLSA may maintain a separate panel of senior lawyers, law firms, retired judicial officers, mediators, conciliators and law professors in the law

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<sup>90</sup> Section 12, Legal Services Authorities Act, 1987.

universities or law colleges for providing legal advice and other legal services like drafting and conveyancing.<sup>91</sup>

### C. Other legal assistance:

- 1.8 DLSA shall also provide legal assistance to eligible beneficiaries even if the same is not Court based. Illustratively, this includes but is not limited to:
- i. drafting of legal notices or reply to it,
  - ii. filing police complaints
  - iii. drafting replies to notices sent by police officers,
  - iv. drafting applications for witness protection
  - v. applying for documents like Aadhar card, Voter ID card, etc
  - vi. applying for government schemes and benefits
  - vii. obtaining medical assistance from a hospital under the victim compensation scheme,
  - viii. conveyancing
- 1.9 DLSA may appoint para-legal volunteers to assist persons approaching it and such para-legal volunteers shall accompany the beneficiary to the relevant authority, if required.
- 1.10 In case of non-legal problems, matters should be referred to relevant government departments, and while doing so required assistance should be provided in the form of drafting of applications, filing up of forms etc.
- 1.11 If the applicant is not covered under the categories mentioned in section 12, he or she shall be advised to seek assistance from any other body or person rendering free legal services either voluntarily or under any other scheme.<sup>92</sup>

## 2. ACCESS POINTS:

- 2.1 The Secretary, DLSA must ensure that appropriate facilities for accessing legal services are made available in their district, and in every sub-division or taluka that falls within their jurisdiction. All measures should be taken to provide assistance to legal aid beneficiaries to seek legal aid, advice or assistance from any of the following physical and virtual access points:

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<sup>91</sup> Regulation 9(1), The National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

<sup>92</sup> Regulation 7(3), The National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

## A. Physical

### ▪ Front Offices at Court Complexes

- 2.2 Every DLSA must have a Front Office which is intended to ensure delivery of high-quality legal services and work as One Stop Centres for legal aid beneficiaries.<sup>93</sup> The Secretary must ensure adherence to the Front Office Guidelines of NALSA, 2019.
- 2.3 DLSA must depute retainer lawyers, paralegal volunteers and panel advocates to the Front Office.<sup>94</sup> The Secretary may also consider deputing persons with qualifications of Master's degree in Social Work or Diploma or Master's degree in psychiatry or psychology to the Front Office, for visits as and when necessary.<sup>95</sup>
- 2.4 The Secretary, DLSA shall ensure that all personnel are oriented and well versed with the following functions of the Front Office:
  - i. Providing legal advice;
  - ii. Drafting applications, petitions, replies etc,
  - iii. Attending legal aid helpline number,
  - iv. Receiving and maintaining record with regard to legal aid applications,
  - v. Uploading legal aid applications on Web Portal of NALSA,
  - vi. Maintaining up to data of court-based matters and maintaining data in prescribed formats,
  - vii. Updating legal aid beneficiary about particulars of a panel lawyer marked for his/her matter and also updating him regularly about the status of his case.<sup>96</sup>
- 2.5 The Secretary, DLSA to ensure that the following registers and booklets are maintained at the Front Office:<sup>97</sup>
  - i. Front Office Register for Visitors
  - ii. Legal Aid Monitoring Register
  - iii. Legal Services Helpline Register

<sup>93</sup> Regulation 4(1A), The National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

<sup>94</sup> Section 3(3), Front Office Guidelines, NALSA.

<sup>95</sup> Section 1, Front Office Guidelines, NALSA.

<sup>96</sup> Section 2, Front Office Guidelines, NALSA.

<sup>97</sup> Section 2, Front Office Guidelines, NALSA.

- 2.6 These may be maintained in soft version in computers on excel sheets or other software as deemed fit.
- 2.7 The Secretary, DLSA may also keep copies of feedback forms at the Front Office. Kindly refer to suggestive formats provided below.

▪ **Office of Legal Aid Defence Counsels**

- 2.8 The Legal Aid Defence Counsel System Modified Scheme, 2022 provides that Legal Aid Defence Counsel Office shall provide legal advice and assistance to all persons visiting the office.<sup>98</sup> They shall also provide legal assistance at pre-arrest stage, as and when the need arises.<sup>99</sup>
- 2.9 The Scheme, as on 31<sup>st</sup> May, 2023, provides that civil matters, cases of complainant and matters pending before Juvenile Justice Boards/CWCs will not fall within the scope of work of Legal Aid Defence Counsels.<sup>100</sup> Hence, if any beneficiary approaches the office of the Legal Aid Defence Counsel for legal aid, assistance or advice which falls outside its scope of work, it shall refer such person to the Front Office of DLSA.

▪ **Legal Services Clinics:**

- 2.10 The NALSA (Legal Services Clinics) Regulations 2011 provide for establishment, functioning and monitoring of Legal Services Clinics. DLSA shall, subject to financial resources available, establish legal services clinics in all villages or cluster of villages, depending on the size of such villages, which shall be called the Village Legal Care and Support Centre. It shall also establish legal services clinics in jails, educational institutions, community centres, protection homes, courts, juvenile justice boards and other areas, especially where the people face geographical, social and other barriers for access to the legal services institutions.<sup>101</sup> These shall serve as the point of first contact for help and advice.
- 2.11 Every person entitled to free legal services as per Section 12 of the Legal Services Authorities Act 1987 shall be eligible to get free legal services in the legal services clinic.
- 2.12 While deciding the location of the legal services clinic, the Secretary, DLSA shall bear in mind that the clinic is located at a place where people have easy access. The State Legal Services Authority shall call upon the local body institutions like the village panchayat, mandal or block panchayat, municipality and corporation etc, to provide space for the functioning of the legal aid clinic.<sup>102</sup>

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<sup>98</sup> Clause 2, Legal Aid Defence Counsel Modified Scheme 2022.

<sup>99</sup> Clause 2, Legal Aid Defence Counsel Modified Scheme 2022.

<sup>100</sup> Clause 2, Legal Aid Defence Counsel Modified Scheme 2022.

<sup>101</sup> Regulation 3, National Legal Services Authority (Legal Services Clinics) Regulations, 2011.

<sup>102</sup> Regulation 11, National Legal Services Authority (Legal Services Clinics) Regulations, 2011.

- 2.13 The Secretary, DLSA shall depute at least 02 para legal volunteers, who shall assist the panel lawyers performing duty in the clinic.<sup>103</sup> Panel Lawyers or Retainer Lawyers with skills for amicable settlement of disputes shall alone be considered for being deputed to the legal services clinic. Preference shall be given to women lawyers having practice of at least 03 years.<sup>104</sup>
- 2.14 The Secretary, DLSA shall decide the frequency of visits to the clinics by the lawyers and PLVs. He/she may also, subject to local conditions and requirements of the people in the locality, decide to keep the clinic functioning on all Sundays and holidays.<sup>105</sup>
- 2.15 The Secretary, DLSA shall ensure that clinics should have a signboard, both in English and in the local language, depicting the name of the legal services clinic, working hours and the day on which the legal services shall remain open.<sup>106</sup>
- 2.16 The Secretary, DLSA shall ensure the availability of basic infrastructural facilities including a table and 5-6 chairs, which may be provided by the local body if the clinic is established in its building or in a hired premises by the DLSA itself.<sup>107</sup>
- 2.17 The Secretary, DLSA shall ensure that adequate publicity is given to the legal services clinic. He or she may reach out to the elected representatives of the local body institutions to spread the message of the utility of the clinic to the people in his or her constituency or ward.<sup>108</sup>
- 2.18 The Secretary, DLSA shall prescribe the various registers and records to be kept in the clinic, including:
  - i. A register for recording names and addresses of the persons seeking legal services, name of the lawyer or para legal volunteer who renders services in the clinic, nature of service rendered, remarks of the lawyer or para legal volunteer and signature of person seeking legal services.
  - ii. A register for recording attendance of legal aid lawyer and paralegal volunteers.
  - iii. Any other register, he or she may deem fit.<sup>109</sup>
- 2.19 The Secretary, DLSA shall review the registers for legal aid clinics every fortnight. He or she will submit a monthly report on the functioning of the clinics to the SLA.

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<sup>103</sup> Regulation 5, National Legal Services Authority (Legal Services Clinics) Regulations, 2011.

<sup>104</sup> Regulation 8, National Legal Services Authority (Legal Services Clinics) Regulations, 2011.

<sup>105</sup> Regulation 13, National Legal Services Authority (Legal Services Clinics) Regulations, 2011.

<sup>106</sup> Regulation 13, National Legal Services Authority (Legal Services Clinics) Regulations, 2011.

<sup>107</sup> Regulation 14, National Legal Services Authority (Legal Services Clinics) Regulations, 2011.

<sup>108</sup> Regulation 15, National Legal Services Authority (Legal Services Clinics) Regulations, 2011.

<sup>109</sup> Regulation 20, National Legal Services Authority (Legal Services Clinics) Regulations, 2011.

- 2.20 The DLSA shall have the direct administrative control of all clinics established by it, whereas the SLSA shall have the power to issue instructions and guidelines on the working of the clinics.<sup>110</sup>
- 2.21 The DLSA may organize Lok Adalats for pending as well as pre-litigative matters at the legal services clinic or near its premises. The NALSA (Lok Adalat) Regulations, 2009 shall be followed.
- 2.22 The following services shall be offered at the legal services clinic:<sup>111</sup>
- 2.23 It shall work as a Single Window Facility for helping disadvantaged people in solving their legal problems.
- 2.24 Preparing applications for job card under Mahatma Gandhi National Rural Employment Guarantee Scheme and for identity card for different Government purposes
- 2.25 Liaison with government offices and public authorities in order to help the persons approaching the clinic
- 2.26 Provide initial advice on legal problems and drafting petitions, representations or notices
- 2.27 Filing up the form of various benefits available under the Government schemes
- 2.28 Referring the eligible beneficiaries to legal services institutions for assistance. advice and representation
- 2.29 If the para-legal volunteers or the lawyers feel that such dispute can be resolved through any of the ADR mechanisms, they may refer such disputes to the legal services institution having territorial jurisdiction or to the District ADR centre.
- 2.30 The Secretary, DLSA should ensure that the paralegal volunteers assigned to the clinic are aware of their functions, as listed below, in relation to the legal aid clinic:<sup>112</sup>
  - i. The para-legal volunteers engaged in the legal aid clinic shall provide initial advice to the persons seeking legal service, help such people, especially the illiterate, in drafting petitions, representations or notices and filling-up the application forms for various benefits available under the government schemes.
  - ii. Para-legal volunteers shall, if necessary, accompany the persons seeking legal services to attend the government offices for interacting with the officials and for solving the problems of such persons.

<sup>110</sup> Regulation 19, National Legal Services Authority (Legal Services Clinics) Regulations, 2011.

<sup>111</sup> Regulation 9, National Legal Services Authority (Legal Services Clinics) Regulations, 2011.

<sup>112</sup> Regulation 10, National Legal Services Authority (Legal Services Clinics) Regulations, 2011.

- iii. If services of a lawyer are required at the legal aid clinic, the para-legal volunteers shall, without any delay, contact the nearest legal services institution to make available the services of a lawyer, in case the same is not already available and in case of emergency, the para-legal volunteers may take the persons seeking legal services in the legal aid clinic to the nearest legal services institutions.
- iv. Para-legal volunteers shall distribute pamphlets and other materials in aid of legal education and literacy to the persons seeking legal services in the legal aid clinic.
- v. Para-legal volunteers shall take active part in the legal awareness camps organised by the legal services institutions in the local area of the legal aid clinic.

▪ **One Stop Centres for Women**

- 2.31 One stop centre (OSCs), mandated to be set up for each district, are intended to support women affected by violence, in private and public spaces, within the family, community and the workplace. These centres are governed by the One Stop Centre Scheme Implementation Guidelines, 2017 of the Ministry of Women and Child Development, Government of India.
- 2.32 The guidelines specify that legal aid and counselling which would be provided by empanelled advocates or the National/State/District Legal Services Authority at these centres.<sup>113</sup> Apart from legal aid and counselling, the following facilities are provided at the One Stop Centres:
  - i. Emergency Response and Rescue Services
  - ii. Medical Assistance
  - iii. Assistance in lodging FIR/NCR/DIR
  - iv. Psycho-social support/counselling
  - v. Shelter
  - vi. Video conferencing facilities
- 2.33 The Secretary, DLSA must assign adequate number of paralegal volunteers and lawyers to the OSC.<sup>114</sup>

<sup>113</sup> Guideline 6, One Stop Centre Scheme Implementation Guidelines, 2017 of the Ministry of Women and Child Development, Government of India.

<sup>114</sup> Guideline 10.7, One Stop Centre Scheme Implementation Guidelines, 2017 of the Ministry of Women and Child Development, Government of India.



- 2.34 The guidelines also envisage the formation of a Task Force of which the Secretary, DLSA is a member.<sup>115</sup> The Secretary, DLSA shall be a member of the Task Force, and in addition to carrying out the functions of the Task Force, he/she shall also
- i. Prepare list of dedicated and sensitive lawyers ready to give legal aid to the women affected by violence and liaison with OSC
  - ii. Prepare a list of district wise para legal volunteers
  - iii. Provide support in ensuring expeditious disposal of cases
  - iv. Facilitate compensation to survivors of violence.
  - v. The Secretary, DLSA should ensure that the Paralegal volunteer and lawyers are aware of the following roles and responsibilities in relation to the OSCs.<sup>116</sup>
- 2.35 She/he will inform and orient the woman about her legal rights and help/guide the woman to initiate legal proceedings against the abuse/violence suffered, if she is willing to do so.
- 2.36 She/he will coordinate/liaise with the Public Prosecutor or the SLSA/DLSA Lawyer, to support the woman even after her case has been filed in court as well as to ensure there is follow-up of the case to its logical conclusion.
- 2.37 She/he will simplify legal procedures for the affected women and advocate for her exemption from court hearings.

▪ **Help Desks at Legal Awareness Camps**

- 2.38 Section 4(l) of the Legal Services Authority Act, 1987, mandates the Central Authority, i.e., NALSA, to “take appropriate measures for spreading legal literacy and legal awareness amongst the people and, in particular, to educate weaker sections of the society about the rights, benefits and privileges guaranteed by social welfare legislations and other enactments as well as administrative programmes and measures”. Section 7 of the Act provides that, “it shall be the duty of the State Authority to give to effect to the policy and directions of the Central Authority and to perform such other functions as the State Authority may, in consultation with the Central Authority, fix by regulations.” Section 10 entrusts the DLSA to perform such of the functions of the State Authority in the District as may be delegated to it from time to time by the State Authority.

<sup>115</sup>Guideline 10.3, One Stop Centre Scheme Implementation Guidelines, 2017 of the Ministry of Women and Child Development, Government of India.

<sup>116</sup> Guideline 10.7, One Stop Centre Scheme Implementation Guidelines, 2017 of the Ministry of Women and Child Development, Government of India.

- 2.39 DLSAs shall set up help desks at legal awareness camps that are organized at various public places.
- 2.40 Help desks are to be manned by a panel lawyer and a para legal volunteer to address the legal problems of persons approaching the help desk and guiding them with their problems.
- 2.41 In case detailed legal aid is required to be given and documents need to be seen, the panel lawyers and para legal volunteer must guide the person to approach DLSA through any of the modes like front office, email, help line number, etc.
- 2.42 DLSA Secretary to ensure that all human resources of DLSA must be well aware of all modes through which beneficiaries can reach DLSA for legal aid and assistance.

## **B. Virtual**

### ▪ **NALSA/SLSA/DLSA Website**

- 2.43 DLSA Secretary to spread awareness about NALSA/SLSA/DSLSEA websites amongst the masses to encourage people to approach legal services institutions through the means of the websites too. This may be done in the following ways:
- 2.44 DLSA shall ensure that the information boards and banners at the front offices also mention the NALSA/SLSA/DSLSEA websites.
- 2.45 DLSA to ensure that any Information Boards installed at various public places mention the NALSA/SLSA/DSLSEA websites clearly.
- 2.46 DLSA to ensure that the NALSA/SLSA/DSLSEA websites are mentioned at conspicuous places at all help desks and Legal Services Centers and Clinics.
- 2.47 The Secretary, DLSA shall make information available to the public through their website. The DLSA website must include the basic eligibility criteria for persons to be beneficiaries under the Legal Services Authorities Act, 1987. It must also include the details of services provided by DLSAs, the contact details of the office and all the access points.
- 2.48 The DLSA website shall also include all the relevant information regarding the legal aid process including the process for filing of applications and documentation.
- 2.49 The DLSA website shall mention the e-mail of the DLSA as well as of NALSA and the SLSEA. Further, requests received through the e-mails must be considered for free legal services after verification of the identity of the applicant and on ensuring that he or she owns the authorship of the grievances projected.<sup>117</sup>

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<sup>117</sup> Regulation 3 (7) of National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

- 2.50 The DLSA website shall also contain information on NALSA's various socio-legal schemes and other schemes which may benefit beneficiaries. Any assistance needed to access these welfare schemes may be processed through the legal aid institution.
- 2.51 The DLSA website must also contain information regarding legal awareness camps and assistance schemes.
- 2.52 The DLSA website shall also contain success stories
- 2.53 The DLSA website shall also contain information regarding Lok Adalats and pre-litigation

▪ **NALSA Legal Services Management System (LSMS) Mobile Application**

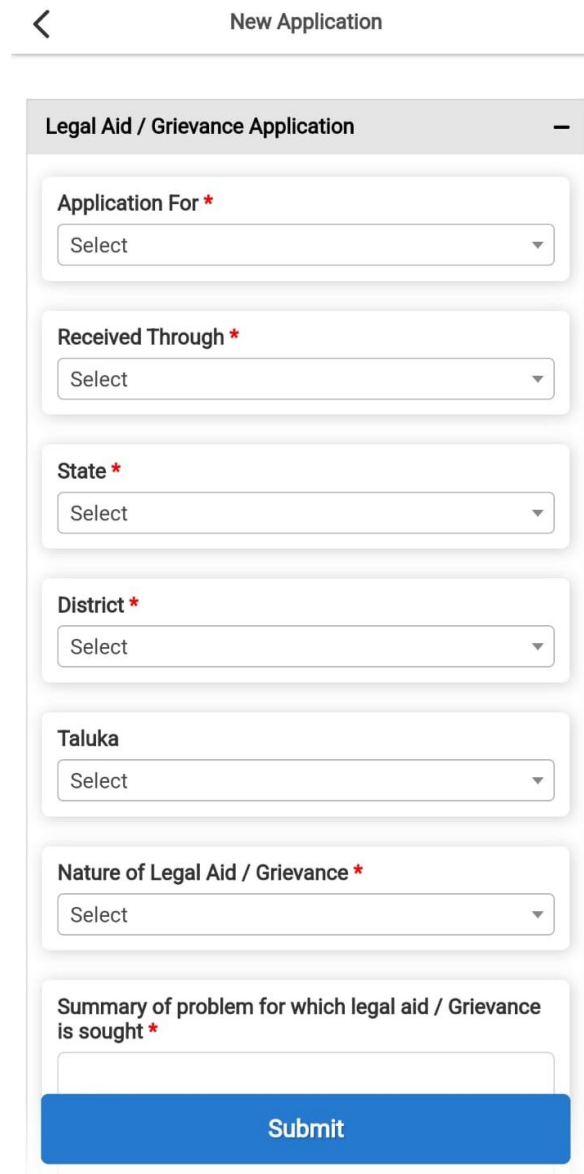
- 2.54 The NALSA LSMS Mobile Application is aimed at raising public awareness and ensuring delivering justice in an inclusive manner. Through the application, the beneficiaries may apply for legal aid, related services as well as assistance from the DLSAs, High Court Legal Services Committees as well as the Supreme Court Legal Services Committee.
- 2.55 The Application can run on iOS as well as Android on the lowest versions. The homepage of the Application looks as under:



- 2.56 The features of NALSA LSMS- Mobile Application are as follows:

- **Apply for Free Legal Aid:**

2.57 Persons can apply for free legal aid through the Application. A screenshot of the page that shall open when applying for legal aid is given below:



The screenshot shows a mobile application interface for a 'New Application'. The form is titled 'Legal Aid / Grievance Application' and contains several dropdown menus and a text input field. The fields are: 'Application For \*' (dropdown), 'Received Through \*' (dropdown), 'State \*' (dropdown), 'District \*' (dropdown), 'Taluka' (dropdown), 'Nature of Legal Aid / Grievance \*' (dropdown), and 'Summary of problem for which legal aid / Grievance is sought \*' (text input). A blue 'Submit' button is at the bottom.

2.58 The person applying will have to put in his personal details and details of the legal aid required in the application for his application to be processed.

- **Apply for Victim Compensation**

2.59 Persons can apply for Compensation through the Application. LSMS Mobile Application allows for applications to be filed for seeking interim as well as final compensation.

- **Apply for Mediation**

2.60 Persons can apply for mediation through the LSMS Mobile Application. The applications can be made for pre institution mediation as well as for mediation in pending cases.

- **Track your Application**

2.61 The persons applying through the LSMS Mobile Application may track their applications on the Application by putting in their application registration details.

2.62 The Secretary, DLSA must ensure that adequate outreach and awareness initiatives are undertaken to popularize NALSA's LSMS Mobile application for legal aid and assistance.

- **Centralized Public Grievance Redressal and Monitoring System (CPGRAMS)/ Public Grievance Monitoring System (PGMS)**

2.63 Centralized Public Grievance Redress and Monitoring System (CPGRAMS) is an online platform, created by the Department of Administrative Reforms & Public Grievances, available to the citizens 24x7 to lodge their grievances to the public authorities on any subject related to service delivery. It is a single portal connected to all the Ministries/Departments of Government of India and States. Every Ministry and States have role-based access to this system. CPGRAMS is also accessible to the citizens through standalone mobile application downloadable through Google Play store and mobile application integrated with UMANG.

2.64 The DLSA Secretary to spread awareness about CPGRAMS and PGMS amongst the masses to educate them about the option to lodge their grievances through these platforms.

2.65 The DLSA Secretary shall reach out to any person lodging their grievance through CPGRAMS or PGMS and provide them the required legal aid/assistance.

- **Toll Free NALSA Helpline Number- 15100**

2.66 The DLSA Secretary shall spread awareness about NALSA's toll free helpline number- 15100 amongst the masses to enable them to reach out through this mode.

2.67 The DLSA Secretary shall display the helpline number at the front offices, on the DLSA websites, on banners/standees/information boards and get it mentioned conspicuously on pamphlets and other material distributed amongst the masses for awareness.

- **Vidhi Chatbox**

2.68 NALSA introduced Tidio Chatbot on NALSA LSMS and LACMS web portal with the name – VIDHI, a virtual assistant.

- 2.69 Vidhi Chatbox can be used by persons to ask legal questions and seek legal assistance. Documents can also be uploaded on the chatbox to make it easier for the AI to respond to the legal queries. DLSA Secretary shall spread awareness about Vidhi chatbox amongst the masses.

### 3. PROCESSING OF LEGAL AID APPLICATIONS

- 3.1 streamlined procedure of processing the legal aid applications is available, both through physical as well as virtual access points.<sup>118</sup> The Secretary, DLSA shall ensure that the various modes of submission of legal aid applications, both online and offline are available to legal aid beneficiaries.<sup>119</sup>

#### A. Applications received through physical access points

- 3.2 The physical access points, due to easy availability, are most commonly resorted to, by the legal aid beneficiaries.
- (a) Each District Legal Services Authority, High Court Legal Services Committee and State Legal Services Authority has a front office where an application can be moved. An application for claiming legal services can be presented in English or in any local language. The prescribed form (Form -I)<sup>120</sup> is available at the nearest Legal Services Authority and can be submitted either at the Authority physically, or an application can be posted to the Authority.
- (b) An individual can also make an application in writing on a simple piece of paper with the necessary details such as name, gender, residential address, employment status, nationality, category (general/SC/ST) (with proof in support), income per month (with affidavit), the case for which legal aid is required, reason for seeking legal aid, etc. and submit it physically or send by post.
- (c) In cases, where the applicant is illiterate or unable to give the application, the applicant can make an oral request and, in such cases, a paralegal volunteer or an officer of the concerned Legal Services Authority will assist the individual, in such cases.<sup>121</sup> The applicant is required to affix signature initials or thumb impression on the same.

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<sup>118</sup>Available at, <https://nalsa.gov.in/services/legal-aid/how-to-apply>.

<sup>119</sup>Available at, <https://nalsa.gov.in/services/legal-aid/claiming-free-legal-aid-application-procedure>.

<sup>120</sup> Form-I, National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

<sup>121</sup>Rule 3 (4) of National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

## B. Applications received through virtual access points

3.3 The applicant also has the facility of applying for legal aid online, the form of which is available on the NALSA website<sup>122</sup> and the respective State Legal Services Authority website.

3.4 An applicant also has the facility of sending the application online i.e., by email to NALSA (at [nalsa-dla@nic.in](mailto:nalsa-dla@nic.in)).<sup>123</sup>

### ▪ Eligibility

3.5 The list of persons eligible for availing legal aid, is specified in Section 12 of the Legal Services Authorities Act, 1987.

3.6 Depending upon the territorial and subject matter jurisdiction of the case, the applicant should approach the following appropriate authority:

- a. Taluk Legal Services Committee which is in the premises of the Court in that Taluk; or
- b. District Legal Services Authority which is in the premises of the District Court in the District Headquarters; or
- c. The concerned State Legal Services Authority (for particular cases, panels of which are maintained at State level);
- d. The High Court Legal Services Committee which is in the premises of the concerned High Court; or
- e. The Supreme Court Legal Services Committee for cases before the Hon'ble Supreme Court.<sup>124</sup>

### ▪ Supporting Documents

3.7 The applicants may submit their identity proof, SC/ST proof (in case the applicant belongs to the category), income proof (with affidavit). The applicant must either submit a self-certificate or a self-attested copy of the relevant documents/certificate to show that he/she falls under the categories of persons entitled to free legal services under Section 12 of the Act. This requirement shall not be applicable to persons in custody.<sup>125</sup>

<sup>122</sup> The Application form for Legal Aid is available on:

<https://nalsa.gov.in/lams/nologin/applicationFiling.action?requestLocale=en>.

<sup>123</sup> Available at <https://nalsa.gov.in/services/legal-aid/claiming-free-legal-aid-application-procedure>.

<sup>124</sup> Available at, <https://nalsa.gov.in/services/legal-aid/claiming-free-legal-aid-application-procedure>.

<sup>125</sup> Regulation 5, The National Legal Services Authority (Free and Competent Legal Services Regulations), 2010.

- 3.8 The applicant shall also be informed that if free legal services have been obtained by furnishing incorrect or false information or in a fraudulent manner, the legal services shall be stopped forthwith and that the expenses incurred by the Legal Services Institutions shall be recoverable from him or her.<sup>126</sup>

▪ **Scrutiny**

- 3.9 Upon receipt of application, DLSA shall immediately make an entry with regards to the application received in a register maintained for this purpose/excel sheet and also on the NALSA Portal. The hard copy of the /application received must be scanned and stored.
- 3.10 The Secretary, DLSA shall either himself, or through a person, deputed for this, scrutinise and evaluate every application to ascertain:
- The eligibility of the applicant
  - existence of a *prima facie* case to prosecute or defend, provided that a defendant in a civil case and an accused or a convict in a criminal case shall be deemed to have a *prima facie* case to defend or to file an appeal against his conviction and sentence.
- 3.11 However, where there is difficulty to determine the *prima facie* case to prosecute, the DLSA Secretary may for this purpose, seek opinion from a panel lawyer having more than seven years standing at the bar.<sup>127</sup>
- 3.12 In case a Legal Aid Counsel has been appointed, DLSA must update the register/excel sheet and the NALSA Portal in this regard.

▪ **Interaction of beneficiary with Secretary, DLSA**

- 3.13 The Secretary, DLSA shall inform any person, whose application has been rejected, that he or she may prefer appeal to the Chairman, DLSA, whose decision or order in the appeal, shall be final.
- 3.14 In the event, the legal aid application is accepted, an assignment letter accompanied with duty notes shall be issued forthwith to the panel lawyer so assigned as per prescribed format. Simultaneously, an intimation letter must also be issued to the legal aid beneficiary as per prescribed format.

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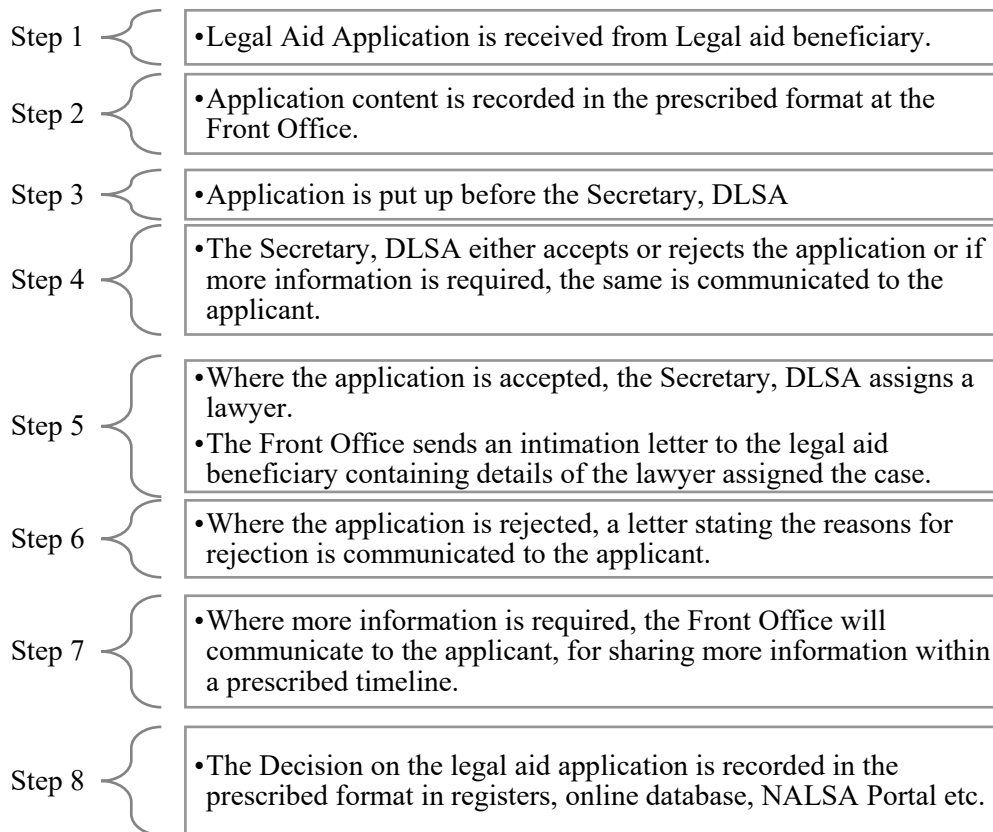
<sup>126</sup> Regulation 6, The National Legal Services Authority ( Free and Competent Legal Services Regulations), 2010.

<sup>127</sup> Regulation 7, The National Legal Services Authority ( Free and Competent Legal Services Regulations), 2010.



■ **Timeline**

- 3.15 A decision on application for legal services shall be taken immediately, but not more than seven days from the date of receipt of the application.<sup>128</sup>



## 4. CASE ASSIGNMENT

### A. Criteria

- 4.1 In all cases where there is a possibility of life sentence or death sentence, Advocates who have put in minimum of 10 years practice at the Bar alone can be considered to be appointed as Amicus Curiae or through legal services to represent an accused.<sup>129</sup>
- 4.2 Secretary, DLSA shall ensure cases and other legal services work are assigned in an equitable manner among the empanelled advocates, and that no advocate is either unduly favoured or unduly burdened.
- 4.3 While allocating work, the Secretary DSLA shall keep in mind the feedbacks received from the Courts, the beneficiaries and the panel advocates.

<sup>128</sup> Regulation 7(2), The National Legal Services Authority (Free and Competent Legal Services Regulations), 2010.

<sup>129</sup> Anokhi Lal v. State of Madhya Pradesh AIR 2020 SC 232.

- 4.4 If the Monitoring and Mentoring Committee or Chairperson of the DLSA is of the opinion that services of senior advocate, though not included in the approved panel of lawyers, has to be provided in any particular case DLSA may engage such senior advocate and the Chairperson of DLSA may decide the honorarium of such senior advocate.<sup>130</sup>
- 4.5 The Hon'ble Supreme Court of India, in the case **Ramamand @ Nandlal Bharti vs. State of Uttar Pradesh**<sup>131</sup> observed as follows:
- “This case provides us an opportunity to remind the learned District and Sessions Judges across the country conducting sessions trials, more particularly dealing with serious offences involving severe sentences, to appoint experienced lawyers who had conducted such cases in the past. It is desirable that in such cases senior advocate practising in the trial court shall be requested to conduct the case himself or herself on behalf of the underdefended accused or at least provide good guidance to the advocate who is appointed as amicus curiae or an advocate from the legal aid panel to defend the case of the accused persons. Then only the effective and meaningful legal aid would be said to have been provided to the accused.”*
- 4.6 If the panel lawyer engaged is not performing satisfactorily or has acted contrary to the object and spirit of the Act and these regulations, the Legal Services Institution shall take appropriate steps including withdrawal of the case from such lawyer and his removal from the panel.
- 4.7 It will be the responsibility of the Secretary DLSA to supervise the allocation of work among the empanelled advocates.
- 4.8 The Legal Services Institution shall be at liberty for withdrawing any case from a Retainer Panel Lawyer during any stage of the proceedings.
- 4.9 If a panel lawyer is desirous of withdrawing from a case he shall state the reasons thereof to the Member-Secretary or the Secretary, as the case may be, and the panel lawyer may be permitted to do so by an order.

## **B. Meeting of the beneficiary with the lawyer**

- 4.10 The panel lawyer should respond quickly to the assignment of a case to him and should fix a meeting with the litigant as early as possible. This initial interaction should preferably be conducted within 24 hours of intimation of assignment of case to him.

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<sup>130</sup> Regulation 15, The National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

<sup>131</sup> Ramamand @ Nandlal Bharti vs. State of Uttar Pradesh, 2022 SCC OnLine SC 1396.

- 4.11 If he is unable to do so, he must communicate with the litigant over phone and fix an appointment for comprehensive briefing about the case of the litigant. In no case should the initial meeting be beyond a period of 7 days of assignment of the case.
- 4.12 If the Counsel is not available for a longer period, he shall inform the litigant and the DLSA accordingly so that DLSA can take remedial steps.

### **C. Timeline**

- 4.13 A decision on application for legal services shall be taken immediately by DLSA, but not more than seven days from the date of receipt of the application.<sup>132</sup>
- 4.14 Secretary DLSA must ensure that panel advocates and pro-bono counsels take the necessary steps including drafting, printing and filings expeditiously as possible.
- 4.15 Secretary shall take regular feedbacks from the panel advocates and pro-bono counsels appointed for legal aid case, till the matters remains pending in Court.
- 4.16 Whenever any Advocate is appointed as Amicus Curiae, some reasonable time may be provided to enable the counsel to prepare the matter. There cannot be any hard and fast rule in that behalf. However, a minimum of seven days' time may normally be considered to be appropriate and adequate.<sup>133</sup>

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<sup>132</sup> Regulation 7(2), The National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

<sup>133</sup> Anokhi Lal v. State of Madhya Pradesh AIR 2020 SC 232

## **PART D:**

# **LEGAL SERVICES IN CRIMINAL CASES**

## 1. EARLY ACCESS TO JUSTICE AT PRE-ARREST, ARREST AND REMAND STAGE:

- 1.1 Right to free legal aid and assistance is an essential ingredient of reasonable, fair, and just criminal procedure as implicit in the guarantee of Article 21. It is therefore essential that Access to Justice through a free and competent legal practitioner is available at all stages of the criminal process, including the stage of questioning.
- 1.2 United Nations Principles and Guidelines on Access to Legal Aid, in Criminal Justice System, provides for the right to legal aid of any person, who is “*detained, arrested, suspected of, or charged with a criminal offence, punishable by a term of imprisonment or the death penalty*” at all stages of the criminal justice process.<sup>134</sup>
- 1.3 The Hon’ble Supreme Court in *Nandini Sathpaty v P.L Dani*<sup>135</sup>, observed as follows concerning the need for providing legal assistance at early stages:

*“The spirit and sense of Art. 22 (1) is that it is fundamental to the rule of law that the services of a lawyer shall be available for consultation to any accused person under circumstances of near-custodial interrogation. Moreover, the observance of the right against self-incrimination is best promoted by conceding to the accused the right to consult a legal practitioner of his choice.”*
- 1.4 Further, the Hon’ble Supreme Court in *D. K. Basu v State of West Bengal*<sup>136</sup> inter alia directed the following as a preventive measure in all cases of arrest or detention:

*“The arrestee may be permitted to meet his lawyer during interrogation, though not throughout the interrogation.”*
- 1.5 Section 41D of the Code of Criminal Procedure gives statutory recognition to the right to legal assistance to a person when he is arrested and interrogated.
- 1.6 The pre-trial stages of the criminal procedure are:
  - **Pre-arrest:** The inclusion of Section 41A to the CrPC has created a pre-arrest stage, thereby, necessitating the enforcement of the right to legal aid even prior to arrest when a suspect can be issued a notice of appearance to appear before the police for questioning.

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<sup>134</sup> Principle 3, Clause 20, Resolution No. 67/187, United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (2012) available at <[http://www.unodc.org/documents/justice-and-prisonreform/UN\\_principles\\_and\\_guidelines\\_on\\_access\\_to\\_legal\\_aid.pdf](http://www.unodc.org/documents/justice-and-prisonreform/UN_principles_and_guidelines_on_access_to_legal_aid.pdf)>.

<sup>135</sup> AIR 1978 SC 1025.

<sup>136</sup> AIR 1997 SC 610.

- **Arrest:** The presence of a lawyer at the stage of arrest can make a huge difference to how the accused is treated in police custody. A lawyer at this stage can ensure that the police respect the rights of the accused and prevent unwarranted harm to the accused.
- **Remand:** Efficient representation to unrepresented arrestees at the remand stage is quite imperative to ensure that unnecessary arrests are challenged, bail applications are filed, unnecessary remands are resisted and procedural rights are protected.

1.7 The roles of Duty lawyers, remand advocates and PLVs at the stages of pre-arrest, arrest and remand stage are given under:

### A. Duty Lawyer:

1.8 The Secretary, DLSA shall depute duty lawyers for providing legal assistance at the pre-arrest and arrest stages.

1.9 The Secretary, DLSA shall maintain duty roster of duty panels with regard to the police stations under its jurisdiction and share the roster with the respective police stations so that the police authorities may be able to intimate the lawyer so deputed, whenever his assistance is required.

1.10 The responsibilities of the duty lawyer at the pre arrest stage are as under:

- i. The lawyer shall apprise himself of the allegations against the person called for interrogation.
- ii. He shall explain the alleged offence and the matter for which the person has been called for interrogation.
- iii. He shall provide legal advice and assistance as sought and required in the situation.
- iv. He shall not interrupt or obstruct interrogation.
- v. He shall appropriately advise the police, if it proceeds to arrest the suspect unnecessarily and without any basis. In this regard, he shall put the position of law before police officials keeping in view the circumstance of the case.
- vi. In case the suspect is a foreigner, the duty lawyer shall inform the police to intimate the concerned High Commission, Embassy/Consulate.
- vii. In case, the suspect does not understand the language then arrangement be made for an interpreter, the expenses of which may be borne by the DLSA from Grants in Aid.
- viii. He shall ensure that women are not called to the police station or to any place other than their place of residence for questioning.

- ix. In case a child has been called to the Police Station, the lawyer shall take necessary steps to safeguard his rights as provided under Juvenile Justice (Care and Protection Act) 2015.<sup>137</sup>

1.11 The responsibilities of the duty lawyer at the arrest stage are as under:

- i. He shall apprise himself of the allegations against the accused and the grounds of arrest.
- ii. He shall explain to the Arrestee, the alleged offence and the grounds of arrest.
- iii. He shall provide legal advice and assistance as sought and required in the situation.
- iv. He shall not interrupt or obstruct interrogation.
- v. In case of bailable offences, he shall take necessary steps for securing the bail of the arrestee at the police station itself. Wherever necessary and feasible, family members or friends of the arrestee be contacted through PLVs for this purpose.
- vi. In case the arrestee is a foreigner, the duty lawyer shall inform the police to intimate the High Commission, Embassy/Consulate.
- vii. In case, the arrestee does not understand the language then arrangement be made for interpreter, the expenses of which may be borne by the DLSA from Grant in Aid.
- viii. He shall ensure that the distinctive needs of women arrestees are met by seeking to ensure that procedures of criminal Justice are complied with. This may include ensuring that they are detained separately from males and that female police officer remains present during interrogation.
- ix. In case arrested persons apparently appears to be a child, the lawyer shall take necessary steps to safeguard his rights as provided under Juvenile Justice (Care and Protection Act) 2015.<sup>138</sup>

## **B. Remand Advocate**

1.12 DLSA shall depute Remand Advocates in the Magisterial Courts, Sessions Court and also in the courts of Executive Magistrate as per the requirement. In other words, deputing of Remand Advocate should be proportionate to the actual requirement which should be periodically reviewed. One lawyer may be deputed for two or more courts

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<sup>137</sup> Para 4.1.3 of NALSA, Early Access to Justice at Pre-Arrest, Arrest and Remand Stage Framework, 2019.

<sup>138</sup> Para 4.2.3 of NALSA, Early Access to Justice at Pre-Arrest, Arrest and Remand Stage Framework, 2019.

keeping in view the workload. Duty Rosters must be sent to the Courts, in advance to give prior intimation about the Remand Advocates.<sup>139</sup>

- 1.13 DLSA shall also ensure that duty lawyers attend to the remand work even during holidays and after court hours as and when an unrepresented arrestee is produced for remand.<sup>140</sup>

▪ **Role and responsibilities of Remand Advocate**<sup>141</sup>

- 1.14 Ascertain the requirement, if any for representation of an accused, through Remand Advocate, by finding out whether the accused already has legal assistance.
- 1.15 Procure the copy of the application for sending the accused to Judicial Custody/Police Custody.
- 1.16 Hold necessary interaction with the arrestee and inform him of his rights, the grounds for arrest and to determine the allegations, details of arrest etc, to represent him more effectively.
- 1.17 Challenge unnecessary detention and move bail applications, in appropriate cases, by determining whether the guidelines in **Arnesh Kumar v. State of Bihar**<sup>142</sup>, have been followed.
- 1.18 Translation of documents, if the accused does not understand the language, in which the documents have been prepared.
- 1.19 To keep a tab on whether the accused is being produced regularly, for his remand, either through VC or physically and if not, necessary intimation may be given to the Court concerned.
- 1.20 Taking care of the special requirements and statutory obligations, in case of special arrestees, like foreigners, women, children, arrestees of unsound mind etc.
- 1.21 In case the arrestee is a foreigner, the remand lawyer shall request the court to direct the police to intimate the concerned High Commission or Embassy/Consulate.
- 1.22 During remand by way of video conferencing, Remand Advocate shall inform the accused through VC only that he is representing him. In case the accused wants to interact before the remand with a lawyer, permission be sought from the court for such interaction. In case remand is given by the court, the next date be intimated to the inmate. In this regard information be also given to the jail clinic.

<sup>139</sup>Para 4.3.1 of NALSA, Early Access to Justice at Pre-Arrest, Arrest and Remand Stage Framework, 2019.

<sup>140</sup>Para 4.3.1 of NALSA, Early Access to Justice at Pre-Arrest, Arrest and Remand Stage Framework, 2019.

<sup>141</sup>Para 4.3.2 of NALSA, Early Access to Justice at Pre-Arrest, Arrest and Remand Stage Framework, 2019.

<sup>142</sup> (2014) 8 SCC 273.



- 1.23 Persons who are produced before Executive Magistrates for the purpose of detention be effectively represented, in case legal aid is required by any such person. In such a case, interaction with such persons, obtaining the copy of application and other documents, preparing a case for resisting preventive detention are some of the pre-requisite steps for effective representation. If the order for preventive detention is passed, the detainee will be apprised of his rights to move higher authorities/courts. In case the legal aid is required for moving higher courts, the requisite steps be taken by Legal Services Authorities in this regard.
- 1.24 Remand Advocates shall be duly trained in Juvenile Justice Law. In case the arrested person apparently appears to be a child in conflict with law, submission be made before the Magistrate to take the steps as per Juvenile Justice Law. Application in this regard be moved before the court. Efforts be also made in coordination with the family members of such a person to collect the documents reflecting about his date of birth.
- 1.25 Whenever a person of unsound mind is produced for a remand, the Remand Lawyer shall take steps in accordance with chapter XXV of Code of Criminal Procedure of 1973. Submission for his bail be made in accordance with section 330 CrPC. His rights provided under Mental Healthcare Act, 2017 be also secured such as right to access Mental Healthcare, right to protection from cruel, inhuman and degrading treatment. In this regard office of DLSA shall be duly intimated so that the protections under Mental Healthcare Act, 2017 be actualized.

### **C. Para-Legal Volunteers (PLVs)**

- 1.22 The PLV upon receiving information about the arrest of a person in the locality shall visit the Police Station and ensure that the arrested person gets legal assistance, if necessary, through the nearest legal services institutions.<sup>143</sup>
- 1.23 PLVs shall be deputed to make regular visits to the police stations. The primary role of these PLVs shall involve assisting persons arrested or called for questioning in availing free legal services. This includes giving them information about their Right to consult a Lawyer during interrogation under Section 41-D and that he may avail free Legal Aid for this purpose.
- 1.24 In case of arrest, the PLV shall inform and facilitate the person arrested to get legal aid including assignment of Lawyer. The PLV shall also inform the arrested person his rights under the law.

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<sup>143</sup> Scheme For Para-Legal Volunteers (Revised) & Module For The Orientation - Induction –Refresher Courses For Plv Training

## 2. BAIL APPLICATIONS

- 2.1 It is one of DLSAs core responsibilities to ensure that nobody is detained in custody, police, judicial or otherwise, unnecessarily. For this purpose, measures like E-prisons portal and Under-trial Review Committees are already in place, which have been discussed separately in this manual. DLSAs must ensure that bail applications are filed and processed at the earliest and timely release of the accused persons is secured.
- 2.2 Bail as a matter should be aggressively pursued by the DLSA and the capacity of prisons must be augmented as if the prison population goes beyond a point, it would be human rights violation of the prisoners.<sup>144</sup>
- 2.3 DLSA shall be responsible for filing bail applications of following categories of UTPs:
- UTPs eligible to be released on bail u/s 167(2)(a)(i) & (ii) of the Cr.P.C., where investigation is not completed in 60/90 days or such period as may be specified in a special statute for this purpose.
  - UTPs who have undergone up to one half of the maximum period of imprisonment specified for the offence charged with, as given in Section 436A Cr.P.C).
- 2.4 The PLVs posted at the Prison Legal Aid Clinics will maintain, case to case information in the following format of all UTPs and shall create an entry of the particular UTP in the register so maintained for this purpose, on the day of the admission of the UTP in the prison, for the purpose of the abovementioned point:

S. No.	Name of the UTP	Date of Admission in the prison	Whether Legal Aid Lawyer or Private Lawyer or Does not have legal representation	Date of eligibility for bail as per the category mentioned in point (a) above.	Date of eligibility for bail as per the category mentioned in point (b) above.	Remarks
To be filled by PLV on the day of admission of the UTP.				To be filled by the Jail Visiting Lawyer within 7 days of the admission of the UTP		

<sup>144</sup> 18th All India Meet at Jaipur, 16th -17th July, 2022

- 2.5 In addition to the above, the Secretary DLSA will ensure that bail applications are filed in all cases of UTPs where the trial has not completed within one year of filing the chargesheet and the offence charged with has a maximum punishment of less than 7 years. In cases where such UTP is represented by a private lawyer, the PLV posted at the Prison Legal Aid Clinic will legal assistance to the UTP and inform her or him about their legal right to be considered for release on bail on the ground of delay in trial, as has been held by the Supreme Court in several cases.
- 2.5 The Jail Visiting Lawyer shall collect all relevant information regarding the case of the UTPs to find out the date of eligibility for bail under the above-mentioned categories.
- 2.6 The Jail Visiting Lawyer posted at the Prison Legal Aid Clinic, shall intimate the Secretary DLSA, shall submit weekly report to the Secretary DLSA of all such UTPs who become eligible for filing of bail as per the above-mentioned category in the next week.

#### A. Filing

- 2.3 As and when information is received by the Duty Advocate that a person has been arrested for a bailable offence and that the arrestee is desirous of seeking legal assistance from DLSA, it shall be the duty of Duty Advocate to file the bail application at the police station itself, as soon as the Duty Advocate is assigned the case, as per law.<sup>145</sup> Necessary assistance be also provided by the Duty Advocate to the arrested person in furnishing bail bonds, if any, by contacting family members, friends, acquaintances etc. Duty advocate may also seek assistance of PLVs to carry out this process.<sup>146</sup>
- 2.4 Whenever any arrestee accused of having committed a bailable offence is produced before a Judicial Magistrate/Metropolitan Magistrate for seeking first remand, it shall be the duty of the Remand Advocate present to move a bail application on behalf of such arrestee.<sup>147</sup> This application for bail must be filed on the same day itself.
- 2.5 In case of person arrested for non-bailable offence, it shall be the duty of the Remand Advocate to file bail application in appropriate cases, during the first remand hearing itself.<sup>148</sup> The Remand Advocate should interact with the arrestee and inspect the file to gather relevant information.
- 2.6 In case the arrestee or the lawyer does not understand the language in which the documents have been prepared by the police, submission be made before the court to

<sup>145</sup>Guideline 1.2, Arrest Stage, NALSA Early Access to Justice at Pre-Arrest, Arrest and Remand Stage Guidelines.

<sup>146</sup> Guideline 4.3.2, NALSA Early Access to Justice at Pre-Arrest, Arrest and Remand Stage Guidelines.

<sup>147</sup> Guideline 4.3.2(d), NALSA Early Access to Justice at Pre-Arrest, Arrest and Remand Stage Guidelines.

<sup>148</sup> Guideline 4.3.2(d), NALSA Early Access to Justice at Pre-Arrest, Arrest and Remand Stage Guidelines.

provide the translated documents so that arrestee may understand the allegations and the case of the prosecution against him. This will also facilitate effective interaction with arrestee.<sup>149</sup>

- 2.7 The Remand advocate shall also make sure that he assesses the socio-economic condition of the arrestee beforehand and brings them to the notice of the Court during arguments on bail. This will enable the Court in imposing suitable bail conditions and surety requirements, if bail is granted.
- 2.8 If the arrestee is a resident of some other place and obtaining local surety may be difficult for him, a submission may be made before the court not to order furnishing of local sureties. In this regard reference can be made to the observations of the Hon'ble Supreme Court in *Moti Ram & Ors vs State of M.P.*<sup>150</sup>
- 2.9 In cases where the UTRC makes a recommendation for bail and the concerned UTP is represented by a Legal Aid Counsel, the Secretary DLSA shall ensure that the bail application is filed within a week.
- 2.10 DLSAs will limit their intervention through filing of bail applications to those cases where the arrestee or accused person is desirous of seeking legal aid from Legal Services Authorities and will not intervene where the accused person is already represented by a private counsel.

## **B. Follow Up**

- 2.11 The office of DLSA shall take regular updates from the Remand Advocate or the Legal Aid Counsel of the accused, as the case may be, to monitor the progress of the bail applications.
- 2.12 Remand Advocate shall apprise the arrestee about the bail application and the next date if the matter is postponed by the court for hearing arguments.<sup>151</sup>
- 2.13 In case of grant of bail, the Remand Advocate shall also assist in furnishing of bail bonds. Wherever necessary, family members be also contacted through PLVs, for filing of bail bonds.<sup>152</sup>
- 2.14 If the accused is not released within a period of 7 days from the date of grant of bail, it would be the duty of the Superintendent of Jail to inform the Secretary, DLSA who may depute para legal volunteer or jail visiting advocate to interact with the prisoner and assist the prisoner in all ways possible for his release.<sup>153</sup>

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<sup>149</sup>Guideline 4.3.2(f), NALSA Early Access to Justice at Pre-Arrest, Arrest and Remand Stage Guidelines.

<sup>150</sup>1978 AIR 1594, 1979 SCR (1) 33, Guideline 4.3.2(e), NALSA Early Access to Justice at Pre-Arrest, Arrest and Remand Stage Guidelines.

<sup>151</sup> Guideline 4.3.2(d), NALSA Early Access to Justice at Pre-Arrest, Arrest and Remand Stage Guidelines.

<sup>152</sup>Guideline 4.3.2(d), NALSA Early Access to Justice at Pre-Arrest, Arrest and Remand Stage Guidelines.

<sup>153</sup> In re: Policy Strategy for Grant of Bail 2023 SCC OnLine SC 483..

- 2.15 The Secretary, DLSA with a view to find out the economic condition of the accused, may take help of the Probation Officers or the Para Legal Volunteers to prepare a report on the socioeconomic conditions of the inmate which may be placed before the concerned Court with a request to relax the condition (s) of bail/surety.<sup>154</sup>
- 2.16 In order to monitor the number and status of persons who have not been released despite having been granted bail, e-prisons portal shall be used by the Secretary, DLSA and any action taken for their release shall be updated on the portal. The E-prisons Portal has been explained in detail in Chapter 3d, Part C of this manual.
- 2.17 In case of rejection of the bail, intimation has to be given to the office of DLSA. The arrestee must also be informed about his right to move Higher Courts. In case the arrestee takes an informed decision for availing the said right, DLSA shall provide legal services for the same.<sup>155</sup>

### 3. UNDER-TRIAL PRISONERS

- 3.1 Persons in custody are entitled to legal aid<sup>156</sup> and therefore it is mandatory for DLSA to provide legal aid to such persons. An undertrial prisoner may apply for legal aid by either filing a legal aid application through Duty Advocate/Remand Advocate or the Court where he is produced or the Jail where he is lodged.

#### A. Applications for legal aid received through courts

##### ▪ Scrutiny:

- 3.2 An under-trial prisoner can apply for legal aid through the Court concerned. Such application for legal aid can be forwarded by the court or it can merely be an order of the Court containing a request for providing legal aid to a person in custody. In both the cases, after processing the application and making the required entries in records maintained and the NALSA Portal, DLSA should do the following:
- DLSA should then check if any legal aid counsel has already provided to the UTP in that particular case itself. If so, already appointed legal aid counsel should be asked to file a status report.
  - If not, legal aid counsel must be appointed right away by the DLSA.
  - A reference letter must be issued to the Legal Aid Advocate on the same date and the DLSA Secretary must ensure that such reference letters are properly numbered and dated.

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<sup>154</sup> In re: Policy Strategy for Grant of Bail 2023 SCC OnLine SC 483.

<sup>155</sup> Guideline 4.3.2(d), NALSA Early Access to Justice at Pre-Arrest, Arrest and Remand Stage Guidelines.

<sup>156</sup> Section 12, Legal Services Authorities Act, 1987.

- iv. Upon appointing the Legal Aid Counsel, DLSA must update the register/excel sheet and the NALSA Portal in this regard.
- 3.3 DLSAs should ensure that a sufficient number of proforma of legal aid applications should be kept in all courts dealing with criminal matters at Magisterial and Sessions level.
- 3.4 Timeline: After scrutiny of an application or order for providing legal aid to an Under Trial Prisoner, DLSA should act swiftly without any undue delay. It should be borne in mind that to provide competent legal aid, the defending legal aid lawyer should get sufficient time to study the case and interact with the accused to present an effective defence and therefore, endeavour should be made to appoint the legal aid counsel the same day.
- 3.5 Intimation to Court: It shall be the duty of DLSA to intimate to the court concerned about the appointment of legal aid lawyer to a UTP. It may be ensured through sending a copy of the Authority letter issued to the legal aid lawyer, to the court concerned. Simultaneous intimation should also be made to the accused/UTP through jail concerned.

## **B. Applications for legal aid and other applications received through Jail Authority**

### **▪ Scrutiny:**

- 3.6 An under-trial prisoner can apply for legal aid or for other reliefs from the Jail in which he is lodged. These applications are to be drafted by the Jail Visiting Advocate as per the NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.
- 3.7 Upon receiving any application from a UTP in jail, the same must be immediately scrutinized. The decision on the application is to be made immediately by the DLSA Secretary and he/she must ensure that a Legal Aid Counsel is appointed within 48 hours of the request being so received.<sup>157</sup>
- 3.8 DLSAs must instruct all Jail Visiting Advocates who draft these applications on behalf of UTPs to mention the date on them without fail. This enables DLSA to keep a check that applications are forwarded to it in a timely manner by the Jail authorities.
- 3.9 Upon receiving an application for legal aid and making the required entries with respect to it in the records maintained and the NALSA Portal, DLSA must take the following steps:

<sup>157</sup> Part B, 7.2, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

- i. DLSA should then check if any legal aid counsel has already provided to the UTP in that particular case itself. If so, already appointed legal aid counsel should be asked to file a status report.
  - ii. If not, legal aid counsel must be appointed right away by the DLSA.
  - iii. A reference letter must be issued to the Legal Aid Advocate on the same date and the DLSA Secretary must ensure that such reference letters are properly numbered and dated.
  - iv. Upon appointing the Legal Aid Counsel, DLSA must update the register/excel sheet and the NALSA Portal in this regard.
- 3.10 With respect to other applications received from the UTP through the Jail Authorities, DLSA must take the following steps:
- i. DLSA should immediately find the details of the Legal Aid Counsel representing the UTP.
  - ii. DLSA must make an entry in its records with respect to the application and the date on which it is received.
  - iii. The application must be given to the Legal Aid Advocate representing the UTP with the instruction to file it before the Court or other relevant authority.
  - iv. In case of a convict applying for legal aid to file the appeal, the DLSA Secretary must coordinate immediately with the High Court Legal Services Committee (HCLSC) or the Supreme Court Legal Services Committee (SCLSC), as the case may be.<sup>158</sup>
  - v. The DLSA Secretary in coordination with Jail Visiting Advocate/Para-legal Volunteer and prison authorities must prepare and collate the relevant documentation necessary for filing of the petition/jail appeal. The same shall be sent to the concerned HCLSC/SCLSC by the DLSA.<sup>159</sup>
- **Timeline:**
- 3.11 The application should reach the Secretary DLSA within 24 hours of the request for legal aid being made by the prisoner.
- 3.12 In case the person needs time to consider as to whether he requires legal aid, the paralegal/s shall do the follow-up once every two days till the person has either engaged a private lawyer or agrees to opt for a legal aid lawyer.<sup>160</sup>

<sup>158</sup> Part F, 15.4, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

<sup>159</sup> Part F, 15.5, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

<sup>160</sup> Part C, 8.2(a), NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.



- 3.13. Secretary DLSA should decide upon the applications received from the prison at the earliest and in any case within 7 days.<sup>161</sup>
- 3.14 The Legal Aid Counsel must inform and update the DLSA about the filing of the application, the date till which matter is adjourned (if any) and the outcome to the application. This information should preferably be given to the DLSA on the same day as that of filing, hearing and decision.

▪ **Intimation to Jail Authority:**

- 3.15 It shall be the duty of DLSA to intimate the Jail Superintendent about the action taken after receiving the application, so that the same can be conveyed to the UTP. This update must be sent by the DLSA to the Jail Authorities within 3 days of receiving the application. Update must also be given within 3 days to the Jail Visiting Advocate by DLSA so that he/she may communicate the same to the UTP.

**C. Prison Legal Aid Clinics**

- 3.16 **Establishment and Operationality the Prison Legal Aid Clinic (PLAC):** The DLSA Secretary should ensure that each prison within his/her jurisdiction has a prison legal aid clinic.<sup>162</sup> The following must be ensured by the DLSA Secretary for effective functioning of the PLAC:
- 3.17 **Location of the PLAC:** The DLSA shall, along with the Prison Superintendent, ensure that the PLAC is located at such a common area which has open and unfettered access for prisoners. Even in prisons, where there is paucity of space, in no circumstance the PLAC shall be located as part of the office building as this would hinder the access of prisoners to the PLAC.<sup>163</sup>
- 3.18 **Infrastructure of PLAC:** As far as possible, a separate room must be designated as a PLAC. DLSA shall ensure that every PLAC is equipped with adequate infrastructure including tables, chairs, cupboards, computer, internet, printer etc. as the need be. DLSA shall also provide basic law books including copies of the IPC, CrPC, IEA, for use both by the functionaries of PLAC and prisoners.<sup>164</sup>
- 3.19 **Display of information on clinic timings:** The DLSA should ensure that information regarding the PLAC timings and location are displayed in common areas inside the prison. The names of the JVLs and PLVs, and the schedule of their visits, should be clearly displayed inside the PLAC. Information regarding the clinics and presence of

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<sup>161</sup> Part C, 8.2(a), NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

<sup>162</sup> Part A, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

<sup>163</sup> Part A, 1.1, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

<sup>164</sup> Part A, 1.2, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.



JVL or PLV can also be communicated to prisoners via use of public announcement systems, where available.<sup>165</sup>

3.20 **Operationality of PLAC:** The Secretary, DLSA should ensure that:

3.21 In larger jails like Central Prisons, the Legal Aid Clinic shall function at least 5 days per week with the help of PLVs selected and trained from amongst the long-term prisoners and the lawyers deputed by the District Legal Services Authority.<sup>166</sup>

3.22 The District Legal Services Authority shall instruct the lawyers and the PLVs deputed to the Legal Aid Clinics in Central Prisons to have acquaintance with the jail manual and the other rules/regulations relating to prisons.<sup>167</sup>

3.23 There are Legal Aid Clinics in the District Jails/Sub-jails also. The Clinic will be operational for at least 4 days per week in District Jails and for at least 2 days per week for every Sub-Jail/ Taluka prison.<sup>168</sup> However, one PLV can be deputed to such jails on daily basis to ascertain whether any newly admitted undertrial prisoner requires legal services. The PLV shall report back to the District Legal Services Authority with the information so collected from the jails. On receipt of the information, the District Legal Services Authority shall immediately take steps for appointing a panel lawyer or direct the Retainer lawyer to appear on behalf of the undertrial prisoners.<sup>169</sup>

3.24. For every Women Enclosure (as part of the main prison), DLSA shall ensure that the PLAC is operational for 3 days per week.<sup>170</sup>

- **PLAC Functionaries:** Secretary DLSA to ensure the appointment of following personnel to each clinic:

### **Jail Visiting Lawyers (JVLs)**

3.25 JVLs shall be appointed by the DLSA from the office of LADCS, if functional in the district and if not then from pool of panel lawyers. The number of JVLs appointed would be directly proportional to the population of inmates in the respective prisons they would be appointed to. The suggested proportion is as follows:

- i. For every Central & District Prison : 2 to 3 Jail Visiting Advocates
- ii. For every Sub-Jail: 1 Jail Visiting Lawyer<sup>171</sup>

<sup>165</sup> Part A, 1.3, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

<sup>166</sup> Part A, 1.4, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

<sup>167</sup> NALSA's National Plan of Action for 2012-13 presented at the 10th All-India Meet of the State Legal Services Authorities, 2012, page 13.

<sup>168</sup> Part A, 1.4, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

<sup>169</sup> NALSA's National Plan of Action for 2012-13 presented at the 10th All-India Meet of the State Legal Services Authorities, 2012, page 13.

<sup>170</sup> Part A, 3.1.1, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

<sup>171</sup> Part A, 3.1.1, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

- 3.26 To ensure access to legal representation and assistance to women prisoners, the DLSA would select and appoint women jail visiting lawyer(s) to provide services in women enclosures and women prisons. Steps should be taken towards ensuring interaction and communication between beneficiaries i.e. women prisoners and lawyers (both panel lawyers and jail visiting lawyers).<sup>172</sup>
- 3.27 Where prisons have transgender enclosure, the DLSA should make endeavour to appoint a transgender jail visiting lawyer or a lawyer who has received specialized training to address concerns of transgender persons in detention.<sup>173</sup>
- 3.28 Tenure of JLVs: The tenure of the JVL must be such as to ensure a semblance of continuity and smooth transition to another individual.<sup>174</sup>
- 3.29 Periodicity of Visits to PLAC by JLVs<sup>175</sup>: The JVLs must visit the clinics as many days as required and in accordance with the caseload. The timings of visits must be fixed but not less than 3 hours per day and complied with to the maximum extent. The suggested periodicity of visits is as follows:
- i. For every Central Prison, at least 5 visits per week;
  - ii. For every District Prison, at least 4 visits per week;
  - iii. For every Sub-Jail, at least 2 visits per week for sub jails and other jails.
  - iv. For every Women Prison/ Enclosure (as part of the main prison) -
    - a. with a women prison population of more than 100, at least two visits per week;
    - b. with a prison population of less than 100, at least one visit per week.
- 3.30 Similar periodicity can be adopted for transgender enclosures as well.
- 3.31 The functions of the Jail Visiting Lawyer shall be as follows:<sup>176</sup>
- i. To visit the prison legal aid clinic as prescribed in most disciplined manner.
  - ii. To identify cases eligible for release under the mandate of the Undertrial Review Committee (UTRC).
  - iii. To interact with inmates identified by the paralegal volunteers and provide legal advice.
  - iv. To draft applications and petitions for parole/juvenility/bail etc. for the undertrials and convicts present in the clinic.

<sup>172</sup>Part A, 3.1.2, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

<sup>173</sup>Part A, 3.1.3, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

<sup>174</sup>Part A, 3.1.1, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

<sup>175</sup> Part A, 3.1.4, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

<sup>176</sup>Part A, 3.4.1, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

- v. To ensure filling of legal aid application form for those who need legal aid lawyers and submit the same to the legal services authority, without any delay.
- vi. To conduct legal awareness camps inside prisons including apprising new entrants to prison about the free legal services provided by TSLC or SDLSC, DLSA, HCLSC and SCLSC.
- vii. To train the paralegal volunteers and oversee the effective functioning of the PLAC.
- viii. To regularly inform the inmates about the status of their cases.
- ix. To communicate to the defense lawyer any pertinent information that an inmate has requested to be shared with his/her lawyer.
- x. To get acquainted with the prison manual and the other rules & regulations relating to prisons.
- xi. To ensure that the registers are filled by the paralegals accurately.
- xii. To record attendance and work in the registers available and also record in digital manner, if provided at the prison.
- xiii. To also represent the inmates in courts in some cases, if appointed by the LSI but not otherwise.
- xiv. To submit a weekly report of the work to the legal service institutions by 1<sup>st</sup> working day of preceding week.
- xv. To also submit a copy of the register of beneficiaries maintained at the clinic.
- xvi. To ensure that a copy of the charge sheet or any document taken from any prisoner is returned.
- xvii. To not canvass or solicit for any case in your private capacity.
- xviii. To prioritise and focus on personal interactions with the inmates in the PLAC during the visit and then document and prepare the petitions.
- xix. To send intimation to the DLSA in advance if he is unable to visit the PLAC on a particular day.
- xx. To assist the UTRC by coordinating with the inmates and the courts on cases eligible for release.
- xxi. To follow the directions given under NALSA SOP for representing persons in custody.
- xxii. To bring into notice of DLSA about the concern of inmates in respect of conditions in jail.
- xxiii. Updating information on digital platform of legal aid and legal aid e-prison.
- xxiv. Working on NALSA mobile app and digital report mechanism.

### **Paralegal Volunteers:**

3.32 In addition to appointment of JVLs for each PLAC, the DLSA should assign each PLAC with adequate number of convict and community PLVs. The number of PLVs appointed would be proportional to the population of inmates in the respective prisons they would be appointed to. The suggested proportion is as follows:

- i. For every Central Prison: 2 community PLVs and 2-3 convict PLVs

- ii. For every District Prison: 1 community PLV and 1-2 convict PLVs be appointed
  - iii. For every Sub-Jail: 1 community PLV<sup>177</sup>
- 3.33 Appointment of Convict PLVs: Convict PLVs shall be appointed by the DLSA from among the convicts lodged in the relevant prison. Presence of convict PLVs would ensure regular interaction of prisoners with PLVs, and further effective management of the clinics. The selection of the convict PLV would take into account the candidate's position among the prison population as well as minimum criteria of basic education, orientation, character and behavior necessary to ensure proper functioning, documentation and reporting to authorities.<sup>178</sup>
- 3.34 Appointment of Community PLV(s): The DLSA Secretary should appoint community para-legal volunteer(s) to each PLAC, to bridge the gap between the beneficiaries and Legal Services Institutions. They would discharge similar responsibilities of regular and detailed interaction with prisoners, as convict PLVs.<sup>179</sup>
- 3.35 Tenure of PLVs: The tenure would be for a minimum period as prescribed under any directions or policy either by NALSA or SLISA, subject to renewal post assessment of previous performance.
- 3.36 The functions of PLVs engaged in PLACs are as follows:
- i. To manage/ organise legal aid clinics inside prisons, as prescribed.
  - ii. To take steps towards identification of inmates who are in need of legal assistance.
  - iii. This would involve reaching out to all prisoners whether beneficiary of legal aid or not, especially the new entrants.
  - iv. To seek permission from the prison authorities to visit the wards/ enclosures of prisoners to ascertain that no one remains unrepresented.
  - v. To fill out the legal aid application form and promptly send it to the concerned DLSA/SDLSC & also ensure that the prisoners interact with the jail visiting lawyer on his next visit to prison.
  - vi. To coordinate and assist the jail-visiting lawyers in providing legal advice and aid.
  - vii. They would also give updates on the case of the inmates.
  - viii. To counsel inmates and explain any legal provision pertaining to their case. Where there are doubts, then refer the case to the Jail Visiting Lawyer.
  - ix. To receive legal aid lawyer appointment letters, replies from legal service institutions and other authorities, maintain record and give copies to the concerned prisoner.
  - x. If he comes across a prisoner who claims to be a juvenile at the time of

<sup>177</sup>Part A, 3.2.3, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

<sup>178</sup>Part A, 3.2.1, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

<sup>179</sup>Part A, 3.2.2, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

- commission of offence or at arrest, to draft an application to bring the case to the attention of the concerned Legal Services Authority, Juvenile Justice Board and the Child Welfare Committee.
- xi. To submit weekly reports to the DLSA.
  - xii. To submit reports to the DLSA about the Undertrial Review Committee on cases eligible under section 436/436A Cr.P.C.
  - xiii. To write to the concerned LSI about any queries, grievances or for shortage of any basic requirements for the smooth functioning of the clinic.
  - xiv. In case of community PLV to contact the family members of the inmates so as to intimate about his detention and if needed facilitate interviews with family members
  - xv. To keep track of non-production of any inmate in the court as per the date given and inform the Secretary, DLSA/SDLSC or TLCS.
  - xvi. To assist the inmate in filing any complaint or grievances relating to their stay in prison.
  - xvii. To maintain the registers in the clinic. The Paralegal Volunteers shall maintain registers recording name, father's name, age, date of admission, offences charged under, case ref & concerned court, details of lawyer, status of case, next production.
  - xviii. To regularly update the registers. In particular, document each prison clinic, record information on all cases, and assist in follow up of cases such as case status, bail, lawyer appointment, next date of hearing, communicating client instructions.
  - xix. To keep a record of the letters, applications, and petitions written through prison and sent to relevant agencies and similarly keep a record of the documents received.
  - xx. To send reminders/ letters to the corresponding Legal Services Authority to seek information regarding status of case, name and contact details of the assigned legal aid lawyer.
  - xxi. To send a monthly report of their work to the Secretary of the DLSA/SDLSC or TLCS by 5th of every month.
  - xxii. To submit a copy of the legal aid register for review to the Secretary of the DLSA/ SDLSC or TLCS every month.
  - xxiii. To not seek any money/ benefits for the work done from the inmates or their families.
  - xxiv. Updating information on digital platform of legal aid and legal aid e-prison.
  - xxv. Working on NALSA mobile app and digital report mechanism.

### **Process of Functioning of Prison Legal Aid Clinic at a Glance**

#### **STEP 1**

##### **Access to Prison Legal Aid Clinic by the Prisoner**

- Prisoner may approach the Prison Legal Aid Clinic (PLAC) or Jail Visiting Lawyer (JVL) or convict/community paralegal (PLV) or welfare officer or any prison officer/staff for legal assistance.
- If any prisoner approaches any prison officer/staff for legal assistance, the same must be communicated to the JVL and the convict/community paralegal at the earliest.
- JVLs/PLVs should also visit admission ward everyday and other wards once a week and ensure that no inmate is unrepresented and in need of any legal assistance.
- District & Sessions Judge and the DLSA Secretary, must also enquire if any inmate, whether undertrial or convict, is in need of legal aid during their visits to prison.

#### **STEP 2**

##### **Filing of Application for legal aid & providing other legal assistance**

- JVL/PLV must interact with the inmate and coordinate with the prison authorities to record basic case details in the prescribed format and make a note in the register, maintained at the PLAC.
- JVL/PLV must facilitate filling up of the Application Form-I of the NALSA's (Free and Competent Legal Services) Regulations, 2010, by the prisoner. The same must also be noted in the register at the PLAC.
- The process of filing of application; appointment of panel lawyer; and the Dos and Dents of the legal aid lawyer must be communicated to the prisoner.
- The filled up Form-I must be submitted by the JVL/Community PLV to the DLSA office at the earliest (within 24 hours of filing of application).
- The JVL/PLV must provide any other legal assistance (eg. drafting of applications for bail, parole, furlough, premature release; expalining trial and other legal procedures, etc.) to all prisoners.

#### **STEP 3**

##### **Processing of Application and Appointment of Panel Lawyer**

- The decision on the application is to be made immediately by the DLSA Secretary and should not exceed 7 days.
- In case of a convict applying for legal aid to file the appeal, the DLSA Secretary must coordinate immediately with the High Court Legal Services Committee (HCLSC) or the Supreme Court Legal Services Committee (SCLSC), as the case may be.
- The DLSA Secretary in coordination with JVL/PLV and prison authorities must prepare and collate the relevant documentation necessary for filing of the petition/jail appeal. The same shall be sent to the concerned HCLSC/SCLSC by the DLSA.

#### **STEP 4**

##### **Intimation to the Prisoner and Regular communication and update about the progress of the case**

- Community paralegal/JVL to communicate name and details of lawyers appointed by DLSA/SDLSC/HCLSC/SCLSC.
- Convict paralegal/JVL should record details such as name, date of appointment and contact details in register and inform the inmate.
- It should be duty of convict/community paralegal to ensure that a copy of basic case record including client instructions is shared with JVL/lawyer appointed to represent case in court.
- JVL/Community PLV to coordinate with the appointed lawyer to know the progress of the case so that the same must be communicated to the concerned prisoners. The basic case record document/register at the Prison Legal Aid Clinic must also be updated.
- In case of convicts, JVL/PLV must coordinate with DLSA and prison authorities to ensure communication with their legal aid lawyer appointed at the HCLSC/SCLSC through phone or video conferencing.
- Upon conclusion of a case or release on bail, the JVL/PLV should record it as such in the register as well as update the basic case record.

### **3.37 Formats used at different stages: Kindly refer to the formats available in NALSA's Handbook of Formats 2020:**

- Section 1 - Chapter IV (Pages 15 - 19) for Jail Visiting Lawyers appointed to Prison Legal Aid Clinics.
- Section 1 - Chapter V (Pages 20 - 25) for Community Para Legal Volunteers



appointed to Prison Legal Aid Clinics.

- iii. Section 1 - Chapter VI (Pages 26 - 32) for Convict Para Legal Volunteers appointed to Prison Legal Aid Clinics.

3.38 Digitization of records: All these records must be maintained on the computers available in Prison Legal Aid Clinics and regularly updated by JVL and PLV as per directions.<sup>180</sup>

3.39 Role of Law Colleges/Students in assisting DLSA in the functioning of PLAC: Law College through their legal aid clinics and law students can assist the Legal Services Institution to ensure minimum levels of legal awareness among persons in custody. Furthermore, students can support panel lawyers in providing legal research for their legal aid matters. Lastly, they can also be appointed as volunteers to assist the Legal Services Institutions in bridging gaps with geographically remote locations to ensure access to justice. Formal proposals for collaboration in assisting prison legal aid clinics by university/ college legal aid clinics, may be considered by the Chairman, DLSA and appropriate permission may be granted for collaborative work.<sup>181</sup>

3.40 DLSA will have the following duties with regards to PLACs:

- i. Inform prisoners about right to legal aid and that a legal aid lawyer is provided free of charge to prisoners, irrespective of financial status;<sup>182</sup>
- ii. Inform prisoners that they have a right to complaint and seek redressal against a legal aid advocate;<sup>183</sup>
- iii. Organized legal awareness programmes in prisons;<sup>184</sup>
- iv. Process application for legal aid whether written or oral, within 48 hours and send intimation to the prisoner through the Jail Superintendent<sup>185</sup>
- v. Maintain a complaint box in the prison and process the grievances received through it;<sup>186</sup>
- vi. Assist newly admitted prisoners by organizing case tables during which PLVs would be present for noting necessary details and providing legal assistance<sup>187</sup>
- vii. Ensure that PLAC strengthens communication of prisoners with their lawyers;<sup>188</sup>
- viii. Provide legal assistance to vulnerable groups in prisons including but not limited to:

<sup>180</sup>Part A, 3.6, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

<sup>181</sup>Part A, 3.6, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

<sup>182</sup>Part B, 6, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

<sup>183</sup>Part B, 6, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

<sup>184</sup>Part B, 13, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

<sup>185</sup>Part B, 7, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

<sup>186</sup>Part B, 14, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

<sup>187</sup>Part B, 8, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

<sup>188</sup>Part H, 17, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

- a) Women Prisoners
- b) Transgender Prisoners
- c) Prisoners belonging to other states
- d) Prisoners without family support
- e) Prisoners who are unable afford surety for bail
- f) Older Prisoners
- g) Young Offenders and Alleged Juveniles
- h) Prisoners Suffering from Mental Illnesses
- i) Prisoners suffering from Physical Disabilities
- j) Prisoners suffering from alcohol and drug dependency, terminal illnesses, HIV and other medical issues
- k) Foreign National Prisoners
- l) Asylum seekers and refugees
- m) Stateless prisoners
- n) Prisoners on Death Row
- o) Prisoners on Life Sentence
- p) Prisoners belonging to religious and caste-based minorities
- q) Prisoners given prison punishment

**3.41 PLAC's Role in the Under Trial Review Committees (UTRC) process;**

- i. The PLAC functionaries can play an important role in identifying the eligible persons under the mandated categories of review of the UTRC and assisting the prison and the DLSA:
- ii. The JVLs and PLVs shall be well informed about the eligible categories of cases that are reviewed by the district-level Under Trial Review Committee.
- iii. In case they come across any eligible prisoner within these eligible categories of the UTRC, they shall inform the DLSA Secretary about the same so that a particular case can be shortlisted and reviewed by the UTRC in its next meeting.

**3.42 Other important functions of PLAC:**

- i. Case Status Information: Undertrials shall be provided information about the status of their case/es by the PLAC once in two months. Special attention shall



be given to apprise women prisoners about their case status and making them aware about the stages of hearings, etc. Lawyers may also be encouraged to send updates on the progress of cases to their clients in prison. For this purpose, NALSA portal or postcards can be specially developed by the postal department and provided free of cost to the legal aid lawyers from the DLSA Office.<sup>189</sup>

- ii. E-court Kiosks: PLAC shall ensure that the kiosks provided to all prisons under the e-courts project are always operational. In case they are not, the same shall be communicated to the Prison Superintendent and DLSA Secretary so that timely steps could be taken.<sup>190</sup>
- iii. Access to information by Family members: The PLAC and the prison shall publicize about NALSA's portal through which family members could access the information about the case/s of their relative detained in prison.<sup>191</sup>

#### D. e-Prison Portal

3.43 In *In Re Policy Strategy for Grant of Bail* (Suo Motu WP (Criminal) No. 4/2021), the Hon'ble Supreme Court of India discussed the issue of non-release of accused persons despite grant of bail was discussed and issued the following directions:

- i. The Court which grants bail to an undertrial prisoner/convict would be required to send a soft copy of the bail order by e-mail to the prisoner through the Jail Superintendent on the same day or the next day. The Jail Superintendent would be required to enter the date of grant of bail in the e-prisons software.
- ii. If the accused is not released within a period of 7 days from the date of grant of bail, it would be the duty of the Superintendent of Jail to inform the Secretary, DLSA who may depute para legal volunteer or jail visiting advocate to interact with the prisoner and assist the prisoner in all ways possible for his release.
- iii. NIC would make attempts to create necessary fields in the e-prison software so that the date of grant of bail and date of release are entered by the Prison Department and in case the prisoner is not released within 7 days, then an automatic email can be sent to the Secretary, DLSA.
- iv. The Secretary, DLSA with a view to find out the economic condition of the accused, may take help of the Probation Officers or the Para Legal Volunteers to prepare a report on the socio-economic conditions of the inmate which may be placed before the concerned Court with a request to relax the condition (s) of bail/surety.

<sup>189</sup>Part D, 10, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

<sup>190</sup>Part D, 11, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

<sup>191</sup>Part D, 12, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

- v. In cases where the undertrial or convict requests that he can furnish bail bond or sureties once released, then in an appropriate case, the Court may consider granting temporary bail for a specified period to the accused so that he can furnish bail bond or sureties.
  - vi. If the bail bonds are not furnished within one month from the date of grant bail, the concerned Court may suo moto take up the case and consider whether the conditions of bail require modification/ relaxation.
  - vii. One of the reasons which delays the release of the accused/ convict is the insistence upon local surety. It is suggested that in such cases, the courts may not impose the condition of local surety.
- 3.44 Subsequently, the ‘Bail Orders Sharing Module: e-Prison’ was inaugurated on 28.04.2023 by Hon’ble the Chief Justice of India. The responsibilities of DLSAs with respect to the e-Prison portal are listed below:
- i. DLSA Secretary shall make sure that the data pertaining to their district on the e-Prison portal is checked on a daily basis.
  - ii. DLSA Secretary shall take steps promptly for the release of the accused persons who have not been released within 7 days of grant of bail and are being shown in the ‘Not Released’ category.
  - iii. DLSA Secretary to ensure that the steps taken are in compliance with the above mentioned directions passed by the Hon’ble Supreme Court of India in In Re Policy Strategy for Grant of Bail (Suo Motu WP (Criminal) No. 4/2021)
  - iv. DLSA Secretary shall mention the steps taken in the “Action Taken” column to maintain transparency and accountability.

## 4. CONVICTS

- 4.1 DLSA’s duties are not only towards under trial prisoners but also towards persons who have been convicted by the courts.

### A. Appeals

- 4.2 The DLSA, in coordination with the prison and the PLAC shall ensure smooth filing of petitions of convicts in High Court and Supreme Court. As soon as an order of conviction is pronounced by the court (District Court or High Court), a prisoner shall be informed by the PLAC regarding the right to file appeal or revision in the High Court/Supreme Court and the process of filing the same.<sup>192</sup>

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<sup>192</sup>Part F, 15, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

- 4.3 In case appeal is to be preferred to the Sessions Court, the same shall be filed by a Legal Aid Counsel appointed by DLSA.
- 4.4 In other cases where appeal is to be filed before the High Court or Supreme Court, steps must be taken promptly through the PLAC to apply for appointment of lawyer by the High Court Legal Services Committee (HCLSC) or the Supreme Court Legal Services Committee (SCLSC), as the case may be. A record of such application must be made in the designated register/database.<sup>193</sup>
- 4.5 Where copy of judgment is not available with the prisoner, the DLSA shall make available an extra copy of the judgment to the prisoner to enable filing of the petition/jail appeal.<sup>194</sup>
- 4.6 The PLV at the PLAC shall maintain a register of all the Convicts in the prison in the following format, towards compliance of the abovementioned mandate:

S. No.	Name of Convict	Date of Conviction	Date of Interaction by the PLV	Whether desirous of getting legal aid for filing appeal

- 4.7 The PLVs/JVLs shall prepare and collate the relevant documentation necessary for filing of the petition/jail appeal. The same shall be sent to the concerned HCLSC/SCLSC by the DLSA.<sup>195</sup>
- 4.8 Upon receiving a request for legal assistance, the HCLSC/SCLSC must immediately appoint a lawyer to the case, and details of whom must be duly intimated to the prisoner via the prison superintendent, as per prescribed formats provided in the NALSA's Handbook of Formats 2020.<sup>196</sup>
- 4.9 Details of the lawyer appointed by the HCSLC/SCLSC must be noted in the register/databased maintained at the PLAC.<sup>197</sup>
- 4.10 Regular interaction and communication between the counsel and the client/ convict must be ensured by SCLSC, HCLSC, DLSA and SLSC in order to update the beneficiary as to the progress of the case. Where the prisoners complain of lack of

<sup>193</sup>Part F, 15, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

<sup>194</sup>Part F, 15.4, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

<sup>195</sup>Part F, 15.5, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

<sup>196</sup>Part F, 15.6, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

<sup>197</sup>Part F, 15.7, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

interaction with the lawyer assigned by HCLSC/SCLSC – the DLSA shall intimate the same to the HCLSC concerned /SCLSC at the earliest.<sup>198</sup>

- 4.11 The PLV shall provide updates to the prisoner on progress in his/her case. Information may be sourced directly from the HCLSC/SCLSC or through the relevant Court websites. DLSA may undertake to jointly conduct camps with HCLSC/SCLSC to apprise prisoners of the various remedies in law for bail/appeal/review/revision as well as writ remedies.<sup>199</sup>

▪ **Bail and suspension of sentence**

- 4.11 In a case of conviction where a legal services advocate was appearing for the convict, the legal services advocate appointed must file an application under Section 389(3) of the Code of Criminal Procedure, 1973 for the convict to be released on bail till the time an appeal is presented. In this respect, legal services advocates should be sensitized to inform and ask the convict to be ready with surety for bail bonds to be furnished on the day of passing of order on sentence.
- 4.12 DLSAs must call for regular reports from the legal aid counsels filing appeals before the Sessions Courts to ensure that the appeal is filed well within time and *the convict does not suffer*.

**B. Parole and Furlough Applications**

- 4.13 “Parole” means temporary release of a prisoner for a short period of time for the purpose of maintaining societal and family relations, subject to State rules on release of prisoners on parole.<sup>200</sup> “Furlough” means short release of prisoner after completing a stipulated part of the sentence as may be prescribed in the State rules.<sup>201</sup>
- 4.14 For release of prisoners on parole and furlough, NALSA’s Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022 must be followed by DLSAs:

**STAGE 1: Identification of eligible convicts by PLAC:**

**4.15 Recording of data of convicts**

- 4.16 The PLAC shall record and update the following information for all convict prisoners in the prison once in every quarter, preferably in January, April, July and October:<sup>202</sup>

<sup>198</sup> Part F, 15.8 NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

<sup>199</sup> Part F, 15.9, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

<sup>200</sup> Chapter I (D), NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

<sup>201</sup> Chapter I (I), NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

<sup>202</sup> Chapter IV, 1.1.1, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

- 1) Name of the Convict
  - 2) Father's name
  - 3) Gender
  - 4) Contact details of private or legal aid lawyer
  - 5) Date of Birth and Age as on date
  - 6) Particulars of offence(s) for which the convict is serving the sentence
  - 7) Police Station in whose jurisdiction the crime was committed
  - 8) Name of the trial court which passed the sentence
  - 9) Duration and nature of the sentence
  - 10) Duration of sentence served as on date
  - 11) Total remission earned as on date
  - 12) Details of previous parole/furlough:
    - i. Date of release
    - ii. Duration approved
    - iii. Date of re-admission/surrender to prison (mark delay if any, separately)
    - iv. Remarks by Superintendent
  - 13) Whether any conditions of parole/furlough release flouted? If yes, mention details.
  - 14) Whether eligible to apply for parole as per the State rules? Yes/No. If no, mention the ineligibility as per the State rules.
  - 15) Whether eligible to apply for furlough? Yes/No. If no, mention ineligibility as per the State rules.
  - 16) Remarks and signature by the Prison Superintendent
- 4.17 Jail Visiting Lawyers where applicable shall record and update the above-mentioned information register from the records of convict prisoners available in office. This information shall be recorded in soft/digital form (in Excel or any other similar platform), where the PLAC has adequate digital infrastructure and adequate human resource for it. In rest of the prisons, manual lists shall be prepared until the requisite infrastructure and human resource is made available.<sup>203</sup>

<sup>203</sup> Chapter IV, 1.2.5, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

- 4.18 The DLSA Secretary and District and Sessions Judge shall review the said register/excel file during their prison visits.<sup>204</sup>
- 4.19 Sharing Information with Family and Lawyer: The Jail Visiting Lawyer/PLV shall send intimation letters to the family and lawyers of all such convicts who are eligible to apply for parole or furlough.<sup>205</sup>

**STAGE 2: Preparation and Submission of Applications for Parole/Furlough:**

- 4.20 The concerned Jail Visiting Lawyer or PLV appointed at the PLAC shall prepare the application for release on parole or furlough on request of the eligible convict prisoners who wish to apply for parole/furlough.<sup>206</sup>
- 4.21 All required documents and information as per the State rules shall be compiled by the PLAC with the coordination of the Prison Superintendent as soon as possible.<sup>207</sup>
- 4.22 The application for parole or furlough shall then be submitted to the concerned authority for deciding on the applications of parole and furlough.<sup>208</sup>

**STAGE 3: Process post Rejection or Approval of Parole/Furlough Applications:**

- 4.23 PLAC shall coordinate with the prison superintendent and other such concerned authorities as may be required on the status of the parole/furlough application and shall convey the decision on the application to the convict prisoner.<sup>209</sup>
- 4.24 Upon approval of the parole/furlough application, the PLAC shall interact with the prisoner for ensuring their release.<sup>210</sup>
- 4.25 Upon rejection of the parole/furlough application, the PLAC shall provide free legal assistance and advice to the convict prisoner. If the convict prisoner wishes to appeal against the decision, the PLAC shall send an application for requesting legal aid lawyer to the DLSA on behalf of the convict prisoner.<sup>211</sup>

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<sup>204</sup> Chapter IV, 1.1.2, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

<sup>205</sup> Chapter IV, 1.2.5, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

<sup>206</sup> Chapter IV, 2.1, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

<sup>207</sup> Chapter IV, 2.2, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

<sup>208</sup> Chapter IV, 2.3, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

<sup>209</sup> Chapter IV, 3.1, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

<sup>210</sup> Chapter IV, 3.2, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

<sup>211</sup> Chapter IV, 3.3, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

- 4.26 The DLSA shall transmit the application to the HCLSC within a day of receiving the application from the PLAC.<sup>212</sup>
- 4.27 HCLSC/SCLSC, as the case may be, shall facilitate interaction, in coordination with concerned DLSA between the Panel Lawyer and convict. The timeline of interaction and filing of petition shall be fixed and informed through appointment letter.<sup>213</sup>
- 4.28 The convict shall be updated about the status of his legal aid application, appointment of lawyer, filing of petition, status of case from time to time by SCLSC or HCLSC, as the case may be, in coordination with DLSA.<sup>214</sup>
- 4.29 Where there has been undue delay in deciding on parole/furlough application, the prisoner can file appropriate petition before the competent courts. The PLAC shall provide legal advice to the prisoner, and write to the competent legal services institution for appointment of legal aid lawyer to represent the case.<sup>215</sup>

### C. Remission and Pre-mature release

- 4.30 Pre-mature release of a convicted prisoner, is based on the concept of reformation, rehabilitation and re-integration of the convict, back to the societal mainstream. Pre-mature release process involves assessment of the impact of correctional programmes on the convict prisoners and allows them to resume normal life in the society.<sup>216</sup>
- 4.31 Premature release is a discretionary power vested in the appropriate government i.e. the Governor and the President under Section 432 of the Code of Criminal procedure, 1973 and Articles 161 and 72 of the Constitution of India, respectively. Since 'Prisons' is a state subject under Entry 4 of List II of the Seventh Schedule to the Constitution, the rules governing the process of premature release are framed by the States. According to the Model Prison Manual 2016 there are four different types of premature release:
  - i. By way of commutation of sentence of life convict and other convict under Section 433 of the Code of Criminal Procedure, 1973 (Cr PC) by the State Government.
  - ii. By way of remitting the term sentence of a prisoner under Section 432 CrPC by the State Government.
  - iii. By order of the Head of the State passed exercising power under Article 72 or Article 161 of the Constitution of India, as the case may be.

<sup>212</sup> Chapter IV, 3.4, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

<sup>213</sup> Chapter IV, 3.8, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

<sup>214</sup> Chapter IV, 3.9, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

<sup>215</sup> Chapter IV, 3.10, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

<sup>216</sup> Page 2, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.



- iv. Premature release under any special law enacted by the State providing for release on probation of good conduct prisoners after they have served a part of the sentence.

4.32 NALSA has prepared a Standard Operating Procedure in this regard which is known as NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022. This SOP outlines the process for pre-mature release of convicts, which may be followed by the DLSAs. The process to be adopted is:

**STAGE 1 –Identification of Eligible Convicts:**

• **Recording of data of life convicts and other convicts**

4.33 The Prison Superintendent of all the prisons in the State shall prepare the list of all life convicts and other convicts, who would be entitled to be considered for premature release in the next four months as per the eligibility given under the State's premature release policy.<sup>217</sup>

4.34 The following details shall be included in the list prepared by the Jail Superintendent:<sup>218</sup>

- 1) Name of the Convict
- 2) Father's name
- 3) Gender
- 4) Age as on the date of eligibility
- 5) Particulars of offence(s) for which the convict is serving the sentence
- 6) Police Station in whose jurisdiction the crime was committed
- 7) Name of the trial court which passed the sentence
- 8) Duration and nature of the sentence
- 9) Duration of sentence served as on date of eligibility
- 10) Total remission earned as on date of eligibility
- 11) Remarks by the prison superintendent

4.35 The prison superintendent shall prepare the list of eligible life convicts and other convicts with a gap of four months, in January, May and September. This list should be preferably prepared within the first ten days of these months.<sup>219</sup>

4.36 The prison superintendent shall prepare this list in soft/digital form (in Microsoft Word or Excel or any other similar platform), where the prison has adequate digital infrastructure and adequate human resource for it. In rest of the prisons, manual lists

<sup>217</sup> Chapter III, 1.1.1, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

<sup>218</sup> Chapter III, 1.1.2, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

<sup>219</sup> Chapter III, 1.1.3, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.



shall be prepared until the requisite infrastructure and human resource is made available.<sup>220</sup>

4.37 Based on the list of prisoners so created, the prison superintendent shall prepare individual case files for each prisoner eligible for pre mature release, as per prescribed formats by the state government. Where no format is available, a format may be prepared by the state prison department.<sup>221</sup>

4.38 The prison superintendent may also depute paralegals appointed by the District Legal Services Authority (DLSA) in the Prison Legal Aid Clinic (PLAC) to assist in the process of preparation of the individual case files of eligible convicts.<sup>222</sup>

4.39 The access to the details of life convicts included in this list and individual case files shall be strictly limited only to the prison superintendent, concerned DLSA and paralegals involved in the process of premature release.<sup>223</sup>

• **Sharing the list of eligible convicts with the DLSA:**

4.40 The prison superintendent shall send a copy of the list of eligible convicts to the DLSA as soon as the list is prepared, and within the 10th day of the respective months (January, May and September) in which the list is to be prepared.<sup>224</sup>

4.41 DLSA shall appoint jail visiting lawyers and paralegals assigned to the PLAC to assist the convict prisoners in preparation of their applications. The concerned DLSA shall issue a roster as soon as possible after receiving the list of eligible convicts in the following format:

*Title: Case wise roster of assigned jail visiting lawyers and paralegals assigned for assisting the eligible convicts in preparation of their premature release application and individual case files.*

*Date of issuing the roster:* \_\_\_\_\_

S. No	Name of eligible convict	Name of JVL/PLV assigned	Days of visit to the PLAC
1.			
2.			

<sup>220</sup> Chapter III, 1.1.4, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

<sup>221</sup> Chapter III, 1.1.5, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

<sup>222</sup> Chapter III, 1.1.6, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

<sup>223</sup> Chapter III, 1.1.7, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

<sup>224</sup> Chapter III, 1.2.1, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

- 4.42 The DLSA shall send the issued roster to the Prison Superintendent within 4 days from the date of receiving the list of eligible prisoners from the prison superintendent. The prison superintendent shall intimate the prisoners individually about the assigned person for assisting them in the preparation of their premature release application.

### **STAGE 2- Preparation and Submission of Applications to the ‘Recommending Authority’**

- **Collection of documents:**

- 4.43 The prison superintendent shall collect all the documents required for considering an application of premature release as per the State’s premature release policy.<sup>225</sup>
- 4.44 The process of compiling documents/information for the individual case files and preparation of the premature release applications shall be completed in maximum 2 months i.e., by 31st March (for the list prepared in January), by 31st July (for the list prepared in May) and by 31st November (for the list prepared in September).<sup>226</sup>

- **Sending premature release files to the State Prison Department:**

- 4.45 The prison superintendent shall send the list of eligible prisoners and individual case files with all the documents/information compiled as on the following dates along with the convict’s application by 1st April (for the list prepared in January), by 1st August (for the list prepared in May) and by 1st December (for the list prepared in September) to the State prison department.<sup>227</sup>
- 4.46 Even in cases where the collection of documents/information is incomplete, the files shall be sent to the State prison department with the documents collected so far without any delay.<sup>228</sup>
- 4.47 The Nodal Officer so deputed at the head office of the State prison department shall collect the remaining documents/information in cases where it is incomplete and shall forward the complete file to the ‘Recommending Authority’ within one month.<sup>229</sup>
- 4.48 The Nodal Officer may take the assistance of the concerned DLSAs or SLSA for collecting the remaining documents/information in cases where the prison

<sup>225</sup> Chapter III, 2.1, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

<sup>226</sup> Chapter III, 2.1, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

<sup>227</sup> Chapter III, 2.2, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

<sup>228</sup> Chapter III, 2.2, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

<sup>229</sup> Chapter III, 2.2, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

superintendents could not collect all the documents as required under the State's Premature release policy.<sup>230</sup>

- 4.49 No file of premature release of convicts shall be returned or held back for the reasons of incomplete documents/information at the prison level or State Prison Department.<sup>231</sup>

### **STAGE 3 - RECOMMENDATION BY THE RECOMMENDING AUTHORITY**

- 4.50 The recommending authority shall meet once in every four months, with full quorum as per the State's Premature release policy. The frequency of meetings of the recommending authority shall be subject to the mandate given in the State's premature release policy.<sup>232</sup>
- 4.51 The following considerations shall be determined on a case-to-case basis in making recommendation subject to the State's premature release policy:<sup>233</sup>
- Whether the offence was an individual act of crime without affecting the society at large;
  - Whether there was any chance of future recurrence of committing a crime;
  - Whether the convict had lost his potentiality in committing the crime;
  - Whether there was any fruitful purpose of confining the convict anymore; and
  - The socio-economic condition of the convict's family and other similar circumstances.
- 4.52 The recommending authority shall forward its recommendation to the appropriate government in all cases forwarded to it by the State prison department within 10 days from the day on which the meeting is conducted. The recommendations made by the authority shall be in a format, as prescribed by the state prison department and should include the reasons for recommending/rejecting each application.<sup>234</sup>

### **STAGE 4 - ORDERS BY THE STATE GOVERNMENT / APPROPRIATE GOVERNMENT:**

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<sup>230</sup> Chapter III, 2.2, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

<sup>231</sup> Chapter III, 2.2, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

<sup>232</sup> Chapter III, 3.1, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

<sup>233</sup> Chapter III, 3.2, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

<sup>234</sup> Chapter III, 3.2, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

- 4.53 The appropriate government shall make its decision on all cases recommended by the recommending authority within one month of receiving the recommendation. The appropriate government shall immediately send a copy of the order to the State prison department and the concerned SLSA.<sup>235</sup>
- 4.54 Communicating the orders to the convicts: The concerned State prison department shall forward the orders of the appropriate government to the concerned prison superintendents, with a copy marked to the DLSA secretaries, respectively as soon as the orders are received, by them from the appropriate government.<sup>236</sup>
- 4.55 The prison superintendents shall communicate the decision of the appropriate government on the premature release application to the concerned convicts as soon as the orders are received by them.<sup>237</sup>
- 4.56 Legal assistance to the convicts in cases of rejection of premature release application: In case of rejection of premature release application, the role of DLSA becomes prominent. The DLSA shall provide the required assistance to a convict in case of rejection of application for premature release. The DLSA shall appoint a lawyer for interaction with the convict for assessing his legal need. The lawyer shall interact with the concerned convict and make him aware of future legal remedies. He shall assist in collection of copies of relevant orders and other required documents, if the convict desires to avail remedies through legal services authorities.<sup>238</sup>
- 4.57 In case the convict desires to avail legal aid for filing petition before the High Court, the DLSA concerned shall forward application with all relevant documents of such convict to the Secretary, HCLSC. The HCLSC in coordination with DLSA shall facilitate such interaction.<sup>239</sup>
- 4.58 The Petition shall be prepared and filed within a period of fifteen days positively. In case of delay, it shall be the duty of the Panel lawyer concerned to update HCLSC in writing. The convict shall be updated about the status of his legal aid application, appointment of lawyer, filing of application, status of case on periodic interval by SCLSC or HCLSC, as the case may be, in coordination with DLSA.<sup>240</sup>

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<sup>235</sup> Chapter III, 4.1, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

<sup>236</sup> Chapter III, 4.2, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

<sup>237</sup> Chapter III, 4.2, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

<sup>238</sup> Chapter III, 4.3, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

<sup>239</sup> Chapter III, 4.3, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

<sup>240</sup> Chapter III, 4.3, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

- 4.59 In cases where the convict prisoner has a private lawyer and does not require legal aid lawyer, the Prison Legal Aid clinic will take further course of action and at least one meeting will be conducted by the Jail Visiting Lawyer with such convict prisoner. In case of non-filing of petition by private lawyer or otherwise, if such a convict prisoner expresses his desire to engage a legal aid lawyer, then immediately such assistance will be provided.<sup>241</sup>

## **D. Rehabilitation**

- 4.60 DLSAs must work for rehabilitation of convicts so that they may comfortably reintegrate in society upon their release. Efforts are to be made to work for their rehabilitation in jails when they are serving their sentences and post their release so that they do not again fall back on crime.<sup>242</sup>
- 4.61 DLSA shall act as a bridge between the convict and the SLSA, State government and prison authorities.
- 4.62 Subject to the provisions of the State's premature release policy, welfare schemes and any other policy on rehabilitation of prisoners all convict prisoners to be released prematurely shall be engaged in an individual welfare programme designed on case-to-case basis which shall include provisions for economic and social rehabilitation of the released convict under the existing social welfare schemes of the concerned State government.<sup>243</sup>
- 4.63 Probation officers so appointed for rehabilitation of the released prisoners shall send periodic report to the appropriate government, SLSA and prison department on the rehabilitation of the released person till the time as may be decided by the State government.
- 4.64 The SLSA may issue a format for such reports on rehabilitation status of the released person.

## **E. Skill Enhancement and Development**

- 4.67 The DLSA will monitor the Skill Development and vocational programmes available in the prisons of the district where Convict prisoners are housed. For this purpose, through the Prison Legal Aid Clinic, the DLSA shall maintain and update every six months, data on the following points:

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<sup>241</sup> Chapter III, 4.3, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

<sup>242</sup> Chapter III, 4.4.1, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

<sup>243</sup> Chapter III, 4.4.2, NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022.

- a. List of Skill Development/Enhancement programmes actively provided in the prisons (prison wise).
  - b. List of all Convicts with a column on their respective potential vocational/professional skills and another column mentioning the skill development or vocational programme that they are currently engaged in the prison.
- 4.68 The Secretary DLSA will coordinate with Government departments and Civil Society Organisations involved in areas such as adult education, skill development, vocational education, etc. and the prison authorities to ensure that all convict prisoners are engaged in relevant skill development or vocational programmes suitable to their potential skill set.
- 4.69 The DLSA will report the efforts undertaken in this regard and progress of the same as part of their activities to the SLSA annually.

## **PART E:**

# **LEGAL SERVICES TO CHILDREN**

The Indian legal system recognizes the vulnerability of children and the need for specialized legal assistance to address their unique needs. This Part lays down the mandate, processes, and the role of DLSA in providing effective legal services to Children, both in conflict with law and well as in need of care and protection.

## 1. STATUTORY PROVISIONS WHICH ENTITLE CHILDREN TO AVAIL FREE LEGAL AID:

- 1.1. Section 12 of the Legal Services Authorities Act, 1987: Children who must file or defend a case shall be entitled to legal services provided by the Legal Services Authorities constituted under the Act.
- 1.2. Section 40 of the Protection of Children from Sexual Offences, 2012 (POCSO Act): The family or the guardian of child victims shall be entitled to the assistance of a legal counsel of their choice for any offence under the POCSO Act. It further provides that if the family is unable to afford legal counsel, they shall be provided legal aid counsel by the Legal Services Authority.
- 1.3. Section 8(3) (c) of the Juvenile Justice (Care and Protection of Children) Act, 2015: The Juvenile Justice Boards must ensure availability of legal aid for the children in conflict with law through the Legal Services Institutions.

## 2. NALSA (CHILD FRIENDLY LEGAL SERVICES TO CHILDREN AND THEIR PROTECTION) SCHEME, 2015:

- 2.1. Keeping the statutory provisions and judicial directives in mind, NALSA has drafted a Scheme titled “*NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015*” to provide free and competent legal aid to CCL and CNCP, who are produced before the JJBs or CWCs respectively.

### A. Legal Services to Children in Conflict with Law in the proceedings before the JJB:

- 2.2. SLISA/DLSA to adhere to the following guidelines:
  - (i) Establish Legal Aid Centers attached to JJBs to provide free legal aid to CCL being produced before the JJBs;
  - (ii) Prepare a list of Panel Lawyers for such Legal Aid Centers attached to the JJBs, who may be selected from young and competent lawyers (preferably women lawyers), who have a child friendly orientation;
  - (iii) Organize training camps for the Panel Lawyers: to enable them to effectively navigate the specialized legal framework related to juvenile justice; to sensitize them to adopt a child friendly approach in the proceedings; to equip them with skills to communicate with children to build trust and rapport; to share best practices, case studies, and experiences of experienced lawyers and experts in the field; and to train them to handle sensitive information pertaining to the child, protect the child’s identity and privacy, and maintain professional integrity throughout the legal process;



- (iv) Depute adequate number of Panel Lawyers at every JJB, as are reasonably needed to deal with the volume of work pending there;
- (v) Share the list of Panel Lawyers (containing their names, addresses and contact numbers) with the Principal Magistrates and Members of the JJB and exhibit the said list at a conspicuous place in the JJB premises;
- (vi) Prepare a Charter of Duties for the Panel Lawyers deployed at JJBs, vide which the following duties maybe cast on the Panel Lawyers<sup>244</sup>:
  - a. *The Panel Lawyers, on assignment of a case to them, shall provide legal representation to a CCL before the JJB and shall also inform the child/ parents/ guardian about relevant laws and legal entitlements of the child.*
  - b. *The Panel Lawyers shall take all reasonable steps to build rapport with the CCL by having personalized interaction with him. They shall ensure that the CCL feels comfortable while appearing before the JJB.*
  - c. *The Panel Lawyers shall move appropriate applications, as maybe required, on behalf of CCL, before the JJB, seeking specific reliefs.*
  - d. *The Panel Lawyers shall maintain a diary of cases assigned to them and shall keep a record of dates of each case in the said diary.*
  - e. *The Panel Lawyers shall inform the CCL/ parents or guardian about the next date of hearing and give his/her phone number to them so that they could make call to them at the time of any need.*
  - f. *The Panel Lawyers shall continue to provide legal assistance to CCL till the final disposal of the case or till the end of the term of empanelment of such Panel Lawyers, whichever is earlier.*
  - g. *The Panel Lawyers shall maintain confidentiality and privacy of CCL whose cases are being handled by them and no information or documents pertaining to them shall be divulged to anyone, who is otherwise not entitled to receive such information.*
  - h. *A Panel Lawyer who is proceeding on leave or who is not able to attend proceedings in a JJB on any given day, shall ensure that cases assigned to him are attended by a fellow Panel Lawyer in his/her absence and that the case(s) listed that day is/ are not neglected. Such Panel Lawyer shall also apprise the CCL/ parents or guardian in advance about the substitute Panel Lawyer who shall be appearing in the matter on any given date of hearing.*

<sup>244</sup> As has been prepared and circulated by the Delhi SLISA for its Panel Lawyers who are deployed at the various Juvenile Justice Boards (JJBs) in Delhi.

- i. *The Panel Lawyers shall ensure that post- release follow- up of the CCL is done and shall highlight issues which the CCL may face post-release before the JJB, so that it may pass appropriate orders.*
- j. *The Panel Lawyers shall refer any such matter which requires an appeal or revision to be preferred against orders passed by the JJB to the SLSA/ DLSA, to enable the latter to take a call on the legal recourse to be taken. For this purpose, Panel Lawyers shall prepare a written brief of subject matter and send it to SLSA/ DLSA along with certified copies of impugned order(s) and any other supporting document. Subsequently, such Panel Lawyer concerned shall also coordinate for obtaining vakalatnama and affidavit etc. for the lawyer as may be assigned by SLSA or High Court Legal Services Committee in this regard.*
- k. *Any Panel Lawyer whose term of empanelment comes to an end, shall inform the JJB as well as SLSA/ DLSA, about the same and then the JJB shall assign the case of the CCL to a new Panel Lawyer. Such Panel Lawyer shall be required to hand over the entire case record to the newly assigned Panel Lawyer so that the case of the CCL can be diligently and seamlessly pursued.*
- l. *The Panel Lawyers shall work in tandem with the JJB to achieve the intended purpose of the Juvenile Justice (Care and Protection of Children) Act.*

## **B. Legal Services to Children in Conflict with Law who are lodged in Observation Homes, Special Homes and Places of Safety:**

2.3. SLSA/DLSA to adhere to the following guidelines:

- (i) If during an inspection of these institutions by the Secretary, DLSA, and on an interaction with a CCL, CCL is found to be fit for deinstitutionalization and reintegration with family, necessary steps (such as moving an application for grant of bail etc.) shall be taken for the same.

## **C. Legal Services to Children in Need of Care and Protection:**

2.4. SLSA/DLSA to adhere to the following guidelines:

- (i) Prepare a list of panel of lawyers with the requisite degree of sensitivity to cases involving CNCP, so that they can effectively and meaningfully represent them in the proceedings before CWC. They may be selected from young and competent lawyers, preferably women lawyers, who have a child friendly orientation;
- (ii) Organize training camps for the Panel Lawyers: to enable them to effectively navigate the specialized legal framework related to juvenile justice; to sensitize them to adopt a child friendly approach in the proceedings; to equip them with skills to communicate with children in a such a manner to build trust and rapport; to share best practices, case studies, and experiences of experienced lawyers and experts in the field; and to train

- them to handle sensitive information pertaining to the child, protect the child's identity and privacy, and maintain professional integrity throughout the legal process;
- (iii) Depute adequate number of Panel Lawyers at every CWC, as are reasonably needed to deal with the volume of work pending there.
  - (iv) Communicate the list of Panel Lawyers, containing their names, addresses and contact numbers to the Chairperson and Members of CWC and exhibit such a list at a prominent place in the CWC premises.
  - (v) Prepare a Charter of Duties for the Panel Lawyers deployed at CWCs, wherein comprehensive directions such as the following can be issued:
    - a. *The Panel Lawyers on being assigned a matter involving a CNCP, shall provide legal representation to the CNCP before the CWC. They shall inform the CNCP/ parents or guardian about relevant laws and their rights.*
    - b. *The Panel Lawyers shall take reasonable steps to build a rapport with the CNCP/ parents/guardian of Child by having a personalised interaction with them. They shall also ensure that the CNCP feels comfortable while appearing before the CWC. Based on the interaction with the CNCP/ parents or guardian, they shall fill up an interaction sheet and may submit a copy thereof to the CWC so as to assist it in passing a detailed order regarding the CNCP.*
    - c. *The Panel Lawyers shall file appropriate written submissions or applications, as may be required, before the CWC seeking reliefs and specific orders (including applications for special relief under POCSO Rules, 2020) which are required for the care, protection, rehabilitation and reintegration of the CNCP. They shall incorporate relevant factors such as the socio- economic profile of the CNCP; family status and composition; educational needs; nutritional needs; medical needs etc. in the applications moved on behalf of the CNCP and they may also bring any other relevant fact to the notice of the CWC, so that the same maybe considered by the it while passing an order qua the CNCP.*
    - d. *The Panel Lawyers shall maintain diary of cases assigned to them and shall also keep a record of dates of each case in the said diary.*
    - e. *The Panel Lawyers shall maintain confidentiality and privacy of CNCP whose cases are being handled by them and no information or documents pertaining to them shall be divulged to anyone, who is otherwise not entitled to receive such information.*
    - f. *The Panel Lawyers may also be required to assist CWC in any other work requiring legal inputs or legal assistance, which is necessary for smooth functioning of CWC.*
    - g. *The Panel Lawyers shall ensure that post- restoration follow up of the CNCP restored to the parents/guardian is done and highlight issues the CNCP might face post- restoration, before the CWC.*

- h. *The Panel Lawyers shall refer any such matter which requires an appeal or revision to be preferred or any other legal remedy regarding orders passed by CWC to the SLSA/ DLSA, to enable the latter to take a call on the legal recourse to be taken. For this purpose, Panel Lawyers shall prepare a written brief of subject matter and send it to SLSA/ DLSA along with certified copies of impugned order(s) and any other supporting document. Subsequently, the Panel Lawyers shall also coordinate for obtaining vakalatnama and affidavit etc. for the lawyer as may be assigned by SLSA or High Court Legal Services Committee in this regard.*
  - i. *The Panel Lawyers shall visit the Children's Home for the purposes of providing legal services to CNCP residing there as per the monthly roster prepared and circulated by SLSA/ DLSA concerned and shall submit details regarding such visits in their monthly work done reports.*
  - j. *The Panel Lawyers shall further inform SLSA/ DLSA about any such matter which requires urgent attention of the Authority so that proper steps can be taken in a timely manner.*
  - k. *The Panel Lawyers marked a case shall continue to provide legal aid to the CNCP till the final disposal of the case or till the end of term of their empanelment, whichever is earlier.*
  - l. *In case a Panel Lawyer is on leave, he shall provide instruction in advance to the Substitute Panel Lawyer who will appear in place of such Panel Lawyer and he shall also apprise the parents or guardians in advance about a Substitute Panel Lawyer appearing in the matter on the given date of hearing.*
  - m. *Whenever the empanelment of Panel Lawyers comes to an end, they shall inform the CWC as well as SLSA/ DLSA, about the same and then the CWC shall assign the case of the CNCP to a new Panel Lawyer. The earlier Panel Lawyer shall be required to hand over the entire case record to the newly assigned Panel Lawyer so that the case of the CNCP can be diligently and seamlessly pursued.*
- (vi) Frame a Scheme for deployment of Para Legal Volunteers at the Police Stations and deploy Para Legal Volunteers at Police Stations round the clock to render assistance in cases involving missing children and in cases involving offences committed against children.
  - (vii) Additionally, Legal Aid Clinics can be set up by DLSAs in various institutions, such as schools, colleges, and community centers where free legal aid and advice can be provided to children and their families to facilitate their access to justice and legal information; raise awareness about children's rights etc. A range of other legal assistance can also be provided by the DLSAs to children (for e.g. assistance in getting AADHAR card; disability certificate, opening bank accounts, etc. issued in their name).

## **PART F:**

# **RECORD OF LEGAL AID APPLICATIONS**

Records are reliable evidence of information of an institution reflecting its work and progress. Records duly maintained over a period of time in accordance with the prescribed rules and regulation or, according to the professional requirements and practice takes the shape of ‘Data’. Based on the indications, trends and patterns reflected in the data, it enables the institution to identify the issues and challenges, and take decisions to overcome them. They attain utmost significance in the institutions involved in public dealing and service for the purposes of Right to Information Act, 2005.

Accurate data maintenance and its regular assessment by the Secretary, DLSA shall ensure:

- a) Timely assistance to the legal aid beneficiaries.
- b) Timely redressal of grievances of legal aid beneficiaries.
- c) Identification of beneficiaries, kinds of cases and areas requiring prioritisation.
- d) Track of utilisation of finances.
- e) Effective evidence-based policy making.
- f) Identification of gaps in functioning.
- g) Timely reporting.

## 1. PHYSICAL RECORDS

- 1.1 Regulation 3(1) of *National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010* (hereinafter 'Regulations') prescribes the format of an application for legal services, preferably in *Form I*, in local language or English, given as under:

FORM –I	
<p><i>National Legal Services Authority</i>  <i>(Free and Competent Legal Services) Regulations, -2010</i>            (see regulation-3)  <b>The Form of Application for Legal Services</b>            (This may be prepared in the regional language)</p>	
Registration No.	
1. Name	:
2. Permanent Address	:
3. Contact Address with phone no. if any, e-mail ID, if any	:
4. Whether the applicant belongs to the category of persons mentioned in section -12 of the Act	:
5. Monthly income of the applicant	:
6. Whether proof has been produced in support of income/eligibility u/s 12 of the Act	:
7. Nature of legal aid or advise required	:
8. A brief statement of the case, if court based legal services is required	:
	..... Signature of the applicant
Place:	
Date:	

- 1.2 Regulation 3 provides that, other than the prescribed Form I, a request/application for Legal Services can also be received by any of the following ways:
- i. Applicant may furnish a summary of his grievance for which he seeks legal services, in a separate sheet along with the application.
  - ii. An application may also be entertained, if it reasonably explains the facts to enable the applicant to seek legal services.
  - iii. If the applicant is illiterate or unable to give application on his or her own, the legal services institutions may make arrangements for helping the applicant to fill-up the application form and to prepare a note of his or her grievances.

- iv. An oral request for legal services may also be entertained in the same manner as an application under sub-regulation (1) and (2).
  - v. An applicant advised by para-legal volunteers, legal aid clubs, legal aid clinics and voluntary social service institution shall also be considered for free legal services.
  - vi. Requests received through emails and interactive online facility also may be considered for free legal services after verification of the identity of the applicant.
- 1.3 It is the duty of the Secretary, DLSA to ensure through regular scrutiny that proper record in the prescribed form is also maintained of all such requests / applications for legal aid which are not made in the prescribed Form I.

Form-II	
<i>National Legal Services Authority (Free and Competent Legal Services) Regulation, 2010 (see regulation-11)</i>	
<i>Information furnished to the Monitoring and Mentoring Committee about the legal Services provided</i>	
(i) Name of the Legal Services Institution	: .....
(ii) Legal aid application number and date on which legal aid was given.	: .....
(iii) Name of the legal aid applicant	: .....
(iv) Nature of case (civil, criminal, constitutional law etc.).	: .....
(v) Name and roll number of the lawyer assigned to the applicant	: .....
(vi) Name of the Court in which the case is to be filed/defended	: .....
(vii) The date of engaging the panel lawyer	: .....
(viii) Whether any monetary assistance like, court fee, advocate commission fee, copying charges etc. has been given in advance?	: .....
(ix) Whether the case requires any interim orders or appointment of commission?	: .....
(x) Approximate expenditure for producing records, summoning of witnesses etc.	: .....
(xi) The expected time for conclusion of the proceedings in the Court	: .....
MEMBER-SECRETARY / SECRETARY	
Dated .....	

- 1.4 Regulation 11(1) makes it obligatory for the Secretary, DLSA to send the information to the Monitoring and Mentoring Committee in the prescribed **Form II**, whenever Court Based Legal Aid is provided to an applicant.



- 1.5 Regulation 11(5) makes it obligatory for the Secretary, DLSA to scrutinise the register maintained by the Monitoring and Mentoring Committee for legal aid cases for monitoring day to day progress of the case and the result (success/failure) in respect of cases for which legal aid is provided, on a monthly basis.
- 1.6 Section 2 of the Handbook of Formats: Ensuring Effective Legal Services, 2020 provides - Formats for Legal Services Institutions, which includes formats of the Front Office Register as well as Case wise Register. The formats are reproduced herein below respectively, for reference.

## I. FRONT OFFICE REGISTER

(To be placed at Front Office, LSI)

S. No.	Date	Name and Address of visitor	Category*	Nature of problem	Action Taken	If assignment of a lawyer is sought			Remarks
						Date of assignment/rejection of application	Name of the lawyer	Date of intimation of assignments/rejection of applications	

## CASE-WISE REGISTER

1. Name of the Applicant
2. Mother's/Father's name
3. Panel Lawyer assigned to the applicant
4. Date of Appointment
5. Date of filing/joining the case
6. Particulars of Case
7. Name of Court
8. Progress of each and every legal aid case

Date of Hearing	Work Done on that day	Next Date	Purpose of the next date of hearing

9. Outcome of the case
10. Remarks of the Monitoring and Mentoring Committee

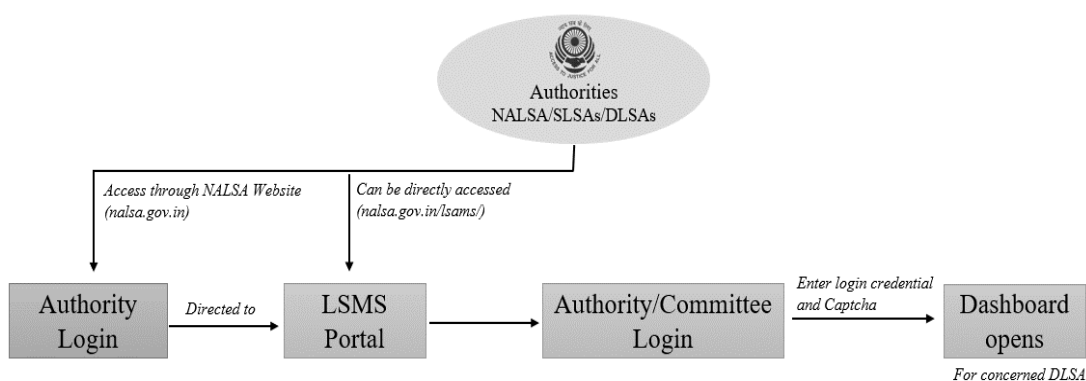


- 1.7 Regulation 4 provides that, “*Front offices shall act as one stop centres for legal aid seekers to receive legal aid and advice and all information about their cases and all legal services provided by the Legal Services Institutions*”. Hence, it is imperative that all records of legal aid applications must be available at the front offices which are one-stop centres for all needs of legal aid seekers.

## **2. ELECTRONIC RECORDS**

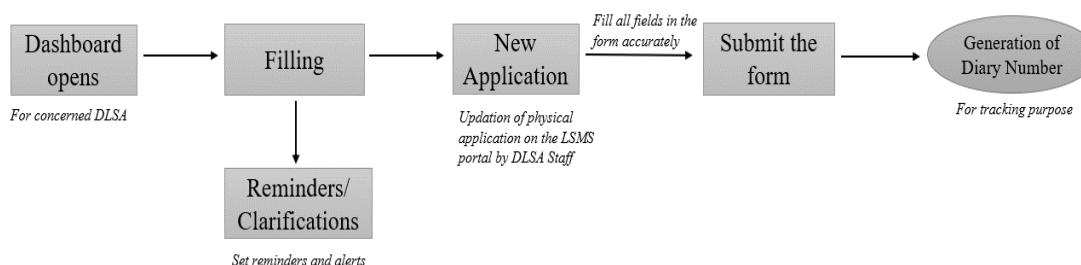
- 2.1 In the 9<sup>th</sup> All India Meet of Legal Services Authorities, held at Bhubaneswar on 20<sup>th</sup> and 21<sup>st</sup> March, 2011, it was resolved that, “*All Services Institutions shall start feeding all data in the web-based monitoring system immediately. Member Secretary, NALSA said that the Legal Services Institutions may feed the data in the web-based monitoring system and also may send hard copy of the data, initially for the next 3-4 months, and thereafter, all statistical returns mentioned in the monitoring system shall be furnished to NALSA only through the website.*”
- 2.2 In the 16<sup>th</sup> All India Meet of Legal Services Authorities, held at Guwahati, Assam on 17<sup>th</sup> and 18<sup>th</sup> March, 2018, it was resolved that, “*From 1<sup>st</sup> April, 2018 onwards all the data of legal service activities shall be uploaded on the NALSA website portal instead of sending it by way of hard copy or emails.*”
- 2.3 In order to digitise and electronically monitor the legal aid delivery system, NALSA developed Legal Services Management System (LSMS), which is an online web portal aiming to provide legal services to the beneficiaries timely, effectively and efficiently from the comforts of their home. The LSMS portal has following important features available and accessible to the beneficiaries; viz.
- i. About NALSA
  - ii. Apply Legal Aid
  - iii. Track your Application
  - iv. Reminder / Clarification
  - v. Victim Compensation
  - vi. Mediation
  - vii. Pre arrest assistance
  - viii. Filing Tutorials / Manuals
  - ix. Filing Demo / Videos
  - x. Details of Who is entitled to free legal aid
  - xi. Procedure for How to apply for legal aid

- xii. Nature of free services provided
  - xiii. Procedure after filing application
  - xiv. FAQs (Frequently Asked Questions)
  - xv. Contact details
- 2.4 The LSMS portal is a multilingual interface which, in addition to English and Hindi is also available in 8 other languages, which are *Marathi, Gujarati, Kannada, Bengali, Malayalam, Tamil, Telugu and Oriya*.
- 2.5 The LSMS portal can be accessed by the beneficiaries through a mobile application, namely, NALSA- LSMS Mobile Application which is available for Android as well as iOS system and the services available for the beneficiaries can be accessed through mobile phones as well. This mobile application is also a multilingual interface which, in addition to English and Hindi is also available in 8 other languages, which are *Marathi, Gujarati, Kannada, Bengali, Malayalam, Tamil, Telugu and Oriya*.
- 2.6 The LSMS portal is an integrated portal which virtually connects NALSA, SCLSC (Supreme Court Legal Services Committee), SLSAs (State Legal Services Authorities), HCLSCs (High Court Legal Services Committees), DLSAs (District Legal Services Authorities) and TLSCs (Taluka Legal Services Committees).
- 2.7 NALSA, SCLSC, all SLSAs, all HCLSCs, all DLSAs and TLSCs have their dedicated login ids and passwords to access LSMS portal and feed the requisite data on the portal. The data so fed by TLSCs can be viewed and accessed right up to by NALSA. Each SLSC can view and access the data fed by DLSAs and TLSCs, however except for NALSA, no other body can view and access *inter-se* data of each other.
- **Means to access LSMS portal by Secretary, DLSA**
- 2.8 The Secretary, DLSA can access the LSMS portal either by visiting the NALSA website (nalsa.gov.in) and then, clicking on 'Authority Login' or, by directly visiting the LSMS portal (nalsa.gov.in/lams). Once the LSMS portal opens, the concerned DLSA has to login by clicking on the 'Authority/ Committee Login' and entering their login credentials and captcha code. After submitting the same, the dashboard of concerned DLSA opens up.
- 2.9 Login ids / user name of DLSAs for LSMS portal, if misplaced or forgotten can be obtained from the concerned SLSC; and TLSCs can obtain it from the concerned DLSA. However, if password for LSMS portal is misplaced or forgotten then, the same has to be got reset from NALSA only. In this regard, DLSAs may make a request to NALSA through SLSC concerned. The flow chart of the same is provided below:



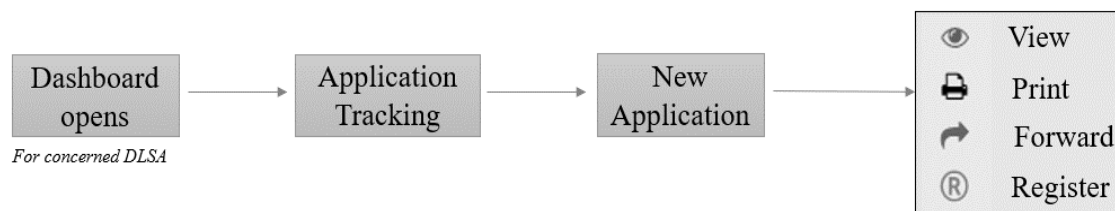
■ **Updation of physically received legal aid applications into LSMS portal by DLSA.**

- 1.10 A legal aid application received through any of the physical access points must be, at the earliest, updated by DLSA at LSMS portal in the specified field with the heading 'Filling'.
- 2.11 Here, it is relevant to raise a caveat for Secretary, DLSA that often it is seen that in mandatory fields for updating the legal aid application, the staff instead of mentioning the complete particulars uses abbreviations and symbols. This practice at the later stage results in difficulty in tracking and processing the application. It is expected from Secretary, DLSA to regularly scrutinise and monitor the filling / updating of legal aid applications at LSMS portal.
- 2.12 After the application is submitted upon filling up all the mandatory fields, a diary number is generated for the respective legal aid application. The diary number must be written on the physical application for future reference as well as tracking and processing of application electronically. The same reference number must be used on all correspondences.
- 2.13 The concerned DLSA also has an option to set reminders / clarification for any legal aid application by clicking on the 'Reminder / Clarification' option under 'Filling' menu. This feature enables the DLSA to set alert/ notification for any specific date regarding any legal aid case. The flow chart of the same is provided below:



▪ **Application Tracking by DLSA**

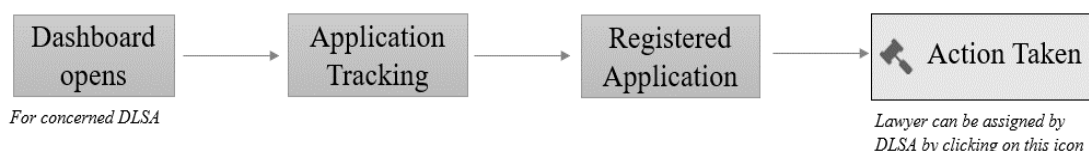
- 2.14 The online application received, either directly by the concerned DLSA or forwarded to them by any other authority/ committee is reflected in the ‘New Application’ section under the ‘Application Tracking’ menu. The concerned DLSA has the option to view/ forward/ print/ register the received application. If the application does not pertain to the concerned DLSA, it has the option to forward the application to appropriate authorities/committees. The flow chart of the same is provided below:



**A. Updating of Case Assignment**

- 2.15 The applications which are registered by the concerned DLSA are reflected in the ‘Registered Application’ section under the ‘Application Tracking’ menu. The concerned DLSA can assign a panel advocate for the registered case by clicking on ‘Action taken’ option. In order to assign panel advocate, it becomes necessary for the concerned DLSA to regularly update the list of panel advocates in the LSMS portal.

The flow chart of the same is provided below:

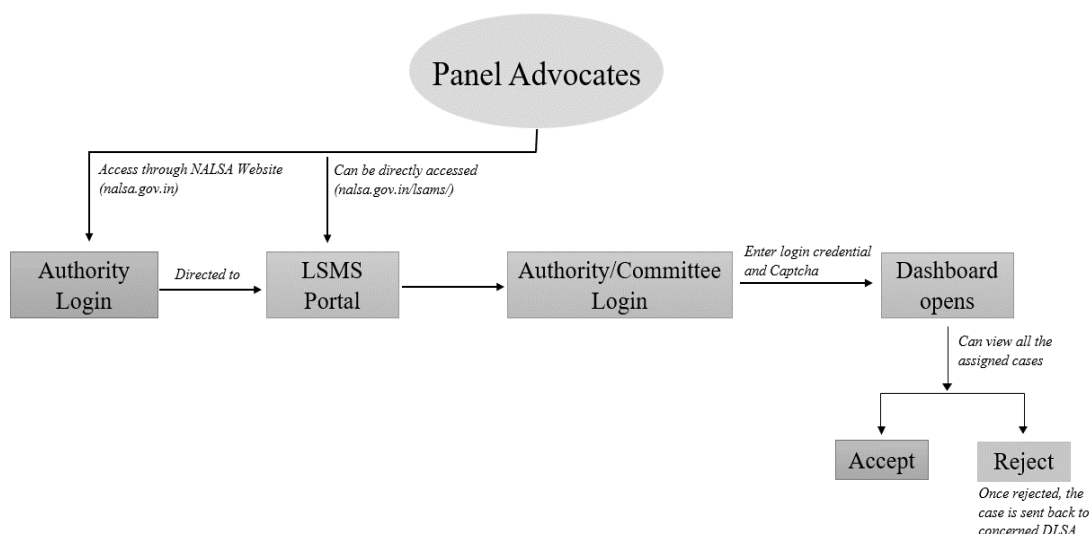


**B. Updating of filing status and case status by Panel Advocate.**

▪ **Means to access LSMS portal by Panel Advocate**

- 2.16 The Panel Advocate can access the LSMS portal either by visiting the NALSA website (nalsa.gov.in) and then, clicking on ‘Authority Login’ or, by directly visiting the LSMS portal (nalsa.gov.in/lams). Once the LSMS portal opens, the concerned Advocate has to login by clicking on the ‘Authority/ Committee Login’ and entering their login credentials and captcha code. After submitting the same, the dashboard of concerned Panel Advocate opens up. Here, he can view the list of legal aid cases assigned to him by concerned DLSA. He has an option to accept or reject each legal aid cases assigned to him. The rejected legal aid case is sent back to the concerned DLSA.

The flow chart of the same is provided below:



▪ **Updation of case details by Panel Advocate**

- 2.17 Once a legal aid case is accepted by the Panel Advocate, the concerned Advocate can update the case filing status and other details by clicking on the ‘case details’ option available next to each legal aid case accepted by him. Here, he can fill the requisite details of each case, such as, Court type, Name of Judge, Court Number, Case type, Title of the Case, Case number, Filing date, Hearing date, Date of final disposal and Attachment of final order/ Judgement.
- 2.18 The updated details can be tracked by the Authority/ Committee as well as the beneficiary on the LSMS portal.
- 2.19 Login ids / user name of panel advocates for LSMS portal, if misplaced or forgotten can be obtained from the concerned the concerned DLSA. The flow chart of the same is provided below:



**C Generation and Maintenance of Cause lists by DLSA**

- 2.20 Cause list is the list of legal aid cases fixed for hearing on a particular date before the concerned Court. The concerned DLSA has the option to generate the cause list by clicking on the ‘Generate Cause list’ option available under the ‘Reports’ menu. Here, the concerned DLSA has the option to select the time period for which the cause list is required to be generated. The flow chart of the same is provided below:



## **PART G:**

# **MONITORING AND EVALUATION OF LEGAL AID**

### **Objectives:**

- ✓ To ensure that the monitoring and evaluation mechanisms to ensure the quality of legal aid provided are functional.
- ✓ To ensure that all legal aid providers have professional competence, a responsive attitude and engage in client-centred advocacy and court-craft.
- ✓ To enhance quality of legal services by periodic capacity building and mentoring.

## 1. MENTORING AND MONITORING COMMITTEES<sup>245</sup>

- 1.1. The Secretary, DLSA shall ensure that each LSI under its jurisdiction has constituted a Monitoring and Mentoring Committee (MMC). The purpose of the committee is to closely monitor the court based legal services rendered; track the progress of the cases in legal aided matters; and to mentor panel lawyers.
- 1.2. The following shall be the members of the MMC constituted for each DLSA:
  - Secretary of the DLSA;
  - One serving judicial officer from the State Higher Judicial Service;
  - One retired judicial officer or one Advocate of fifteen years' standing or more.
- 1.3. The following shall be the members of the MMC constituted for each Taluka Legal Services Committee:
  - Chairman of the Taluk Legal Services Committee;
  - One retired judicial officer or;
  - One advocate of 10 years standing or more.
- 1.4. Each member of the MMC shall be required to render their services on the days as may be required and fixed by the Chairman, DLSA. All members except serving judicial officers shall be paid the honorarium as fixed by the Executive Chairman, SLSA.
- 1.5. Functioning: The Secretary, DLSA shall ensure that the following procedures are followed by the MMCs within its jurisdiction:
  - a. Whenever court based legal aid is provided to an applicant, the Secretary, DLSA/TLSC shall immediately send the details in Form II (NALSA Regulations 2010) to the concerned MMC.
  - b. The MMC shall maintain a register for legal aided cases for monitoring the day-to-day progress of the case and record the outcome of each case. This register is to be scrutinised every month by the Chairman or Secretary, DLSA.
  - c. The MMC shall keep a watch on the progress of every legally aided case and call for written reports from the panel lawyers periodically.

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<sup>245</sup> Regulation 10 and 11 of The NALSA Legal Services Authority (Free and Competent Legal Services), Regulations, 2010 and the Guidelines for Functioning of Monitoring and Mentoring Committees at District Level by NALSA.

- d. The MMC shall mentor panel lawyers and guide them in providing quality legal services.
  - e. The MMC shall also monitor legal aid work of the Legal Aid Defense Counsel Office.
- 1.6. Where the MMC finds the progress of the case to be unsatisfactory, it may advise the DLSA to take appropriate steps.
- 1.7. Special engagement of senior advocates in appropriate cases:<sup>246</sup> If the MMC is of the opinion that services of a senior advocate, though not included in the approved panel of lawyers, has to be provided in any particular case the Legal Services Institution may engage such senior advocate. The Chairman, DLSA may decide the honorarium of such senior advocate.
- 1.8. Financial Assistance<sup>247</sup>:
- If a case for which legal aid has been granted requires additional expenditure like payment for court fees, fee payable to court appointed commissions, for summoning witnesses or documents, expenses for obtaining certified copies etc., the DLSA may take urgent steps for disbursement of the requisite amount on the advice of the MMC.
  - In the case of appeal or revision, the DLSA may bear the expenses for obtaining certified copies of the judgement and case record.
- 1.9. The MMC shall meet at least once every fortnight.
- 1.10. The Secretary, DLSA may request the presiding officer of the court to allow members of the MMC to access to registers and court records for ascertaining progress of the case.
- 1.11. The Secretary, DLSA should provide adequate staff and infrastructure to the MMC for maintaining the records of the day to day progress of the legal aided cases. If deemed appropriate, the Secretary, DLSA may assign a student volunteer or a para legal volunteer to the MMC for providing assistance.
- 1.12. The MMC will also assist the DLSA and TLSC to organise training programmes for panel lawyers from time to time to enhance the skill and knowledge of panel lawyers. They are also required to mentor panel lawyers and guide them in the provision of legal assistance.

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<sup>246</sup> Regulation 15 of The NALSA Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

<sup>247</sup> Regulation 13 of The NALSA Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.



- 1.13. In Districts having 100 or more legal aided cases, DLSA shall refer to NALSA's Guidelines for Functioning of Monitoring and Mentoring Committees at District Level, which state as follows:
- a. All DLSAs to immediately nominate one senior judicial officer of the State Higher Judicial Service and appoint one retired judicial officer or an advocate of 15 years standing or more as members apart from the DLSA secretary. He/she shall have the primary responsibility of monitoring day to day progress of the cases and performance of the panel lawyers. The honorarium payable to the retired judicial officer or advocate should be fixed by SLSA with the approval of the Executive Chairman SLSA preferably, on a monthly payment basis.
  - b. Once intimated of a legal aided case, the MMC should through any of its members, make efforts to interact with the concerned advocate at the earliest opportunity and discuss with him, the best legal course to be adopted in the case.
  - c. The retired judicial officer or advocate may observe actual performance of the lawyers in courts on a random basis and make notes of their observation.
  - d. The MMC may randomly call for copies of the pleadings files by the panel lawyers in legal aid cases and also inspect the court records of the legal aided cases to apprise itself regarding punctuality and performance of the panel lawyer assigned to that particular case.
  - e. Members of the MMC should guide panel lawyers in complicated cases.
  - f. The MMC shall, in suitable cases, recommend to the DLSA to provide research assistance to the panel lawyers through law students, PLVs or students attached to law school clinics.
  - g. The MMC shall on a continuous basis assess the training needs of panel lawyers and advise the DLSA about the general and specific training programmes to be conducted for panel lawyers.
  - h. The MMC should keep a general watch over the performance of panel lawyers and progress of legal aided cases. In cases of complaints of inefficiency or malpractices against any particular panel lawyer, his performance and behaviour shall be closely monitored.
  - i. The MMC members should randomly seek feedback from the litigants who have been provided legal aid. Such feedback may also be obtained from beneficiaries who are lodged in prisons by personal visit or through video conferencing.
  - j. The MMC may develop suitable questionnaire for the parties who have been assigned panel lawyers and obtain their feedback from time to time.

k. On collecting the relevant information about the performance of the lawyers on a random basis, the MMC in its meetings may make suitable recommendations to the DLSA in respect of any particular panel lawyer. The recommendation may include:

- Re-empanelment at the time of constitution of a new panel.
- Providing of further training/mentoring in case.
- Withdrawal of the particular case from him/her.
- Temporary withdrawal of work.
- De-panelment, especially in case of complaints about integrity.<sup>248</sup>

1.14. The performance standards and methods of monitoring are outlined below<sup>249</sup> :

S. No	Performance Standard	Method of Monitoring
1	<b>Quick Response:</b> <ul style="list-style-type: none"> <li>- Panel lawyer to respond quickly upon assignment of a case and a meeting should be fixed with the beneficiary as early as possible.</li> <li>- Initial interaction to be conducted preferably within 24 hours of intimation of assignment of the case.</li> <li>- If unable to hold interaction, lawyer to communicate with beneficiary over phone and fix an appointment, which is to be held not later than 7 days of assignment of the case.</li> <li>- In counsel unavailable for a longer period, the beneficiary and DLSA to be informed.</li> <li>- The information on first briefing should be uploaded on the NALSA portal or at the Front Office.</li> </ul>	<ul style="list-style-type: none"> <li>- Through feedback given by litigants.</li> <li>- Review of information furnished by lawyer on the NALSA portal or at the Front Office.</li> </ul>
2	<b>Effective Interview:</b> <ul style="list-style-type: none"> <li>- Panel lawyer to have requisite skills of gathering all the necessary information from the beneficiary as would be required for the prosecution or defence of the case.</li> <li>- Panel lawyer is courteous towards the beneficiary, and communicates with patience, compassion, tolerance and an attitude of respect.</li> <li>- Panel lawyer does not ask for any fees or any other charges from the beneficiary.</li> <li>- Panel lawyer has informed the beneficiary that lawyer's fee and typing and incidental expenses related to pursuing the case shall be borne by DLSA.</li> </ul>	<ul style="list-style-type: none"> <li>- Through feedback given by litigants</li> </ul>
3	<b>Professional Competence:</b> <ul style="list-style-type: none"> <li>- Panel lawyer keeps himself abreast of all latest developments in law</li> <li>- Panel lawyer has the necessary competence to apply the correct law to the facts as disclosed by the beneficiary</li> </ul>	<ul style="list-style-type: none"> <li>- By random checking of pleadings, cross examination of witnesses, arguments advanced before the court.</li> </ul>

<sup>248</sup> Page 10, Guidelines for Functioning of Monitoring and Mentoring Committees at District Level by NALSA

<sup>249</sup> Page 10, Guidelines for Functioning of Monitoring and Mentoring Committees at District Level by NALSA

	<ul style="list-style-type: none"> <li>- Panel lawyer is able to prepare the pleadings and develop the case in such a manner as to serve the best interests of the beneficiary.</li> <li>- While preparing the pleadings, the lawyer should inform the beneficiary about the facts pleaded and left out, in vernacular.</li> <li>- Panel lawyer should file cases at the earliest possible and any inevitable delay in doing so should be communicated to the beneficiary and the DLSA.</li> <li>- Panel lawyer should be fully prepared and sincere in his work during arguments on point of charge, miscellaneous applications or at final stages as well as cross examination.</li> </ul>	<ul style="list-style-type: none"> <li>- By randomly observing the lawyer's performance in the court.</li> <li>- Through interaction with the presiding officer of the court.</li> </ul>
4	<b>Attending Capacity Building Programmes</b> <ul style="list-style-type: none"> <li>- Panel lawyer should punctually attend all capacity building programmes to which he is nominated by the concerned legal services authority.</li> </ul>	<ul style="list-style-type: none"> <li>- Through data maintained by the DLSA in respect of training conducted and attended by lawyers.</li> </ul>
5.	<b>Seeking guidelines from MMC:</b> <ul style="list-style-type: none"> <li>- Panel lawyer should be open to seek advice from the MMC in case of any difficulty in handling the case at any stage or in complicated issues.</li> <li>- Panel lawyer should be open to the MMC monitoring its performance and should promptly submit copies of the pleadings and other documents drafted and filed by him on behalf of the beneficiary</li> </ul>	<ul style="list-style-type: none"> <li>- From data related to attendance of meetings of the MMC whenever the lawyer is asked to be present.</li> </ul>
6	<b>Punctuality:</b> <ul style="list-style-type: none"> <li>- Panel lawyer should be punctual in attending court hearings and should not seek adjournments unless necessary.</li> </ul>	<ul style="list-style-type: none"> <li>- From beneficiary feedback</li> <li>- From perusal of record of court proceeding to help assess as to how many times and how frequent adjournments were sought in the legal aid cases.</li> </ul>
7.	<b>Behaviour in Court:</b> <ul style="list-style-type: none"> <li>- Panel lawyer should conduct himself/herself in the most professional manner as an officer of the court.</li> <li>- <b>She/he</b> should always be courteous and respectful towards the court.</li> <li>- She/he shall keep in mind that he/she are bound by the code of conduct prescribed for lawyers under the Advocates Act and by the Bar Council of India and of the State</li> </ul>	<ul style="list-style-type: none"> <li>- By feedback given by courts in informal meetings</li> <li>- By feedback given by litigants</li> <li>- By actual observance of his/her performance in court.</li> </ul>
8.	<b>Prompt reporting:</b> <ul style="list-style-type: none"> <li>- Panel lawyer should promptly report the proceedings of the day and the next date fixed in legal aid cases at the front office and to the beneficiary.</li> <li>- She/he should reveal to the beneficiary all the proceedings and or orders they are supposed to know, even where order is passed against the beneficiary.</li> </ul>	<ul style="list-style-type: none"> <li>- Through the record submitted</li> <li>- Through review of the information uploaded on the NALSA portal by the lawyer</li> <li>- Through feedback given by the litigant in this regard</li> </ul>

	<ul style="list-style-type: none"> <li>- She/he should guide the beneficiary of the next course of action for challenging orders or its execution, as the case may be.</li> <li>- She/he should post regular updates on the NALSA portal.</li> </ul>	
9.	<p><b>For jail visiting advocates:</b></p> <ul style="list-style-type: none"> <li>- Lawyers to interact with prisoners regarding their cases; inform them of their rights; draft desired applications/appeals on their behalf</li> <li>- Where any irregularity in respect of rights of prisoners is brought to his/her notice, they may inform the DLSA secretary to take up the issue with the appropriate authority.</li> <li>- She/he should be aware of the jail manual and various judgements of the Supreme Court and High Court relating to prisoners.</li> </ul>	<ul style="list-style-type: none"> <li>- From the feedback given by prisoner during visits of the Secretary, DLSA</li> <li>- From reports received from jails on visiting times of the lawyer.</li> <li>- From report given by the lawyer on the work done during jail visits.</li> </ul>
10.	<p><b>Participating in legal services clinics, front office:</b></p> <ul style="list-style-type: none"> <li>- The panel lawyer should be ready to provide his services for legal services clinics.</li> <li>- She/he should orient themselves about the local issues/problems of the area in which the clinic is situated.</li> <li>- She/he must update themselves about the law and latest developments regarding the topic for which awareness programme has been organised by the DLSA.</li> <li>- She/he must not give false hope or wrong advice to persons approaching the clinics or the front office.</li> <li>- Where he/she does not have appropriate knowledge or confidence to suggest solution for any legal issue put forward to him, then he should ask person to come on any pre-fixed day and in the meantime apprise himself about the related law, through self-reading, consultation with the Secretary, DLSA or MMC.</li> <li>- She/he should maintain full coordination with the PLVs attached to the clinic or front office and act as their mentor too.</li> <li>- Wherever she/he is supposed to draft applications, notices or petitions in urgent matter, they shall be willing to do so.</li> <li>- She/he shall maintain record of the visitors and advice given</li> </ul>	<ul style="list-style-type: none"> <li>- Through feedback given by persons approaching the clinic or the front office about the punctuality, promptness, general impression about the sincerity etc.</li> <li>- Through random checking of work Secretary, DLSA by visiting the clinic or front office intermittently</li> </ul>

#### 1.15. Reporting<sup>250</sup>:

- The Chairman, DLSA shall call for bi-monthly reports from the MMC. The report should contain an independent assessment on the progress of each and

<sup>250</sup> Regulation 12 of The NALSA Legal Services Authority (Free and Competent Legal Services), Regulations, 2010.

every legal aid case and the performance of the panel lawyer or retainer lawyer or legal aid defence counsel.

- b. The Chairman, DLSA shall evaluate the reports submitted by the committee, and decide the course of action to be taken in each case.
- c. Each DLSA must submit a copy of their reports to the Member Secretary, SLSA every 6 months.

## 2. FEEDBACK AND FOLLOW UP

### A. Physical

2.1 DLSA must regularly take feedback from legal aided parties. Following questions may be included in the questionnaire for the parties to obtain their perceptions about the quality of legal aid provided to them:

- i. Whether lawyer had promptly interacted with the party after assignment of the case?
- ii. Whether sufficient hearing was given to the parties?
- iii. Whether the party was satisfied with the interaction and conduct of lawyer?
- iv. Whether the lawyer had regularly interacted with the party regarding preparation of different stages of the trial?
- v. Whether in their opinion the lawyer was well-prepared for the case?
- vi. Whether the lawyer had taken the stand as proposed by the parties or in the party's best interest?
- vii. Whether the lawyer argued the case for mitigation of sentence or damages or costs as the case may be, with relevant facts?

2.2 DLSA must regularly take feedback from the Presiding Officers of Courts. Following questions may be included in the questionnaire for the parties to obtain their perceptions about the quality of legal aid provided to them:

- i. Whether the panel lawyers punctually appear in the Court?
- ii. Whether he/she seeks unnecessary adjournments?
- iii. Whether he/she cross-examines the other sides of the witnesses effectively?
- iv. Whether he/she comes well-prepared according to the stage of the case?
- v. Whether he was assertive in putting forth the party's stand?
- vi. Whether he follows the Code of Conduct and ethics prescribed for Lawyers<sup>251</sup>

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<sup>251</sup> Page 10, Guidelines for Functioning of Monitoring and Mentoring Committees at District Level by NALSA.

- 2.3 On collecting the relevant information about the performance of the lawyers on a random basis, the MMC in its meetings may make suitable recommendations to the DLSA in respect of any particular panel lawyer. The recommendation may include:
- i. Re-empanelment at the time of constitution of a new panel.
  - ii. Providing of further training/mentoring in case.
  - iii. Withdrawal of the particular case from him/her.
  - iv. Temporary withdrawal of work.
  - v. De-panelment, especially in case of complaints about integrity.<sup>252</sup>
- 2.4 A feedback form has been provided in Annexure D of *NALSA's Front Office Guidelines* and the same should be used by DLSAs for gathering feedback from those visiting the Front Office. The Guidelines also provide that there must be a suggestion box and a complaint box in the Front Office.<sup>253</sup> The Secretary DLSA must ensure that these boxes are regularly inspected and the suggestions are duly considered and appropriate action is taken on complaints, if required.
- 2.5 A Complaint box must be set up in the Prison Legal Aid Clinic in every prison by the DLSA and prisoners must be informed about the same and must be encouraged to raise their grievances without any fear. It must be under the lock and the key must be with the Chairman, or Secretary, DLSA only.<sup>254</sup> The DLSA must fix a day at least once in a month as the 'Grievance Redressal Day', for example the second or last Saturday of every month. The DLSA Secretary may visit the prison on the fixed day and open the complaint box and interact with the concerned prisoners in the absence of the prison staff. The PLV/JVLs shall assist them in the process. Appropriate steps shall be taken by the DLSA Secretary.<sup>255</sup> As far as possible, the identities of the complainant shall be kept confidential and in case it is shared with the prison staff, the DLSA Secretary shall ensure that there should be no repercussions/backlash on the complainants by the prison staff.<sup>256</sup>

## B. Virtual

- 2.6 Feedback can also be received by DLSAs through NALSA's LSMS portal, CPGRAMS portal, official email IDs of NALSA, SLSAs and DLSAs, social media accounts etc. DLSA Secretary must ensure that such feedback is properly documented and appropriate action is promptly taken.

<sup>252</sup> Page 10, Guidelines for Functioning of Monitoring and Mentoring Committees at District Level by NALSA.

<sup>253</sup> Guideline 3(2), Front Office Guidelines, NALSA.

<sup>254</sup> Part E, 14.1, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

<sup>255</sup> Part E, 14.2, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

<sup>256</sup> Part E, 14.3, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

## PART H:

### INSPECTIONS BY SECRETARY, DLSA

Regular inspection of places of detention such as Jails, Lock-ups, Observation Homes, etc. is important to ensure that these institutions and places, which are ‘closed’ from the public eye because of their inherent requirements of security and segregation from the society, follow all regulations and statutory principles and do not become prone to some of the worst forms of human rights violations of prisoners as well as violation of the basic rights of the staff.

The Hon’ble Supreme Court of India in *Jasvir Singh v. State of Punjab*, 2014 SCC OnLine P&H 22479 observed, “*The management, conditions of living and future responsibilities of the inmates inside the jails etc., cannot be left to the sole desire or discretion of the executive.*”



## 1. LOCKUPS AND JAILS

- 1.1 The Secretary DLSA shall conduct regular inspections of the lock-ups situated in Court complexes and in jails. The guidelines with respect to inspection of prisons are given in NALSA's Standard Operating Protocol on Functioning of Prison Legal Aid Clinics 2022. It must be noted that this SOP does not confine itself to the inspection of the clinic only and covers the inspection of the entire jail.
- 1.2 During inspections of prisons, DLSA Secretary must keep in mind the following:
- i. *Periodicity of visits by DLSA Secretary:* DLSA Secretary will visit and inspect the Prison Legal Aid Clinics at least once a month.<sup>257</sup>
- 1.3 Role of the DLSA Secretary during prison visits:
- i. To ensure that legal aid lawyers have been appointed to represent all undertrials. In circumstances where any prisoner is found without legal representation during the visit by the DLSA, immediate steps to be taken towards ensuring appointment.
  - ii. To verify whether panel lawyers are meeting and interacting with prisoners including legal aid beneficiaries. In circumstances where panel lawyers are not interacting and communicating with the prisoners, the lawyer must be called to understand the concern and best respond to it. If need be, where deemed appropriate by the Secretary, DLSA, the concern lawyer may be removed from the panel, and a fresh appointment initiated.
  - iii. To check the prison conditions with respect to health, sanitation, food and hygiene in addition to access to legal representation. If any such concerns are raised, the same shall be shared with the Chairman of the DLSA, Member Secretary of SLSA as well as the Board of Visitors who have the authority to raise it to the appropriate authority.
  - iv. To track whether there are any instances of non-production at court hearings, be it physical or virtual. If such instances are reported, take immediate steps to rectify such misgivings.
  - v. To ensure that concerns of vulnerable category of prisoners are heard and responded to.
  - vi. To ensure and check the documentation and reporting practices of the Clinic.
  - vii. To ensure that the PLVs and JVLs are able to perform their duties effectively, and have access to the prison at all times. They should ensure that no

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<sup>257</sup> Part A, 4.1, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.



unnecessary hindrances are set forward from the prison officers, which may create hurdle in working of the PLAC.<sup>258</sup>

- 1.4 *Periodicity of visits by the Chairman, DLSA (District & Sessions Judge):* The Chairman, DLSA (District & Sessions Judge) shall visit the Prison Legal Aid Clinics at least once in three months. He would also visit the premises of the prison to understand any concerns regarding prison conditions, and also enquire into the functioning of the PLAC. They may also interact with prisoners to receive feedback for services provided.<sup>259</sup>
- 1.5 *Role of the Chairman, DLSA during prison visits:* The Chairman DLSA would undertake to inspect the condition of the prisons, communicate with the inmates to understand their concerns with respect to their regimen, food, sanitation hygiene etc. in addition to access to legal representation. In circumstances where concerns are raised, the same may be raised in the meetings with the Secretary, DLSA to take measures to combat them. Specialized formats for documentation of prison visits by the Chairman may be prepared by the SLSA.<sup>260</sup>
- 1.6 Additionally, DLSA Secretary must visit the lock-up in police stations as well as court complexes to ensure that all directives of the Hon'ble Supreme Court, Hon'ble High Court, NALSA and SLSAs are being strictly followed and nobody is denied the right to legal aid.

## 2. OBSERVATION HOMES, ETC. UNDER THE JJ ACT:

- 2.1 Each SLSA shall constitute a committee namely "Observation and Children Home Committee" for every district in the State comprising of District Secretary as chairperson, one panel lawyer and probation officer as members. The committee so constituted shall formulate a calendar of its visit to each of home situated in the district at least once in a month.<sup>261</sup>
- 2.2 Broadly, the functions of the committee would be to see:
  - a. that observation homes, special homes and children homes are child friendly and it should not look like a jail or lockup
  - b. that such homes should have good quality of care and facilities
  - c. that there are adequate facilities for sanitation and hygiene, clothing and bedding, meals and diet, medical and mental health care
  - d. that they have a tie up with local primary health centre,
  - e. that health records are properly maintained.<sup>262</sup>

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<sup>258</sup> Part A, 4.2, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

<sup>259</sup> Part A, 4.3, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

<sup>260</sup> Part A, 4.4, NALSA SOP-Functioning of Prison Legal Aid Clinics 2022.

<sup>261</sup> 10.2(h), NALSA (Child Friendly Services to Children and their Protection) Scheme, 2015.

<sup>262</sup> 10.2(i), NALSA (Child Friendly Services to Children and their Protection) Scheme, 2015.

- 2.1 If any deficiency is noted by the committee then SLSA will take up the matter with concerned authorities for necessary action at their end and shall follow up the matter.<sup>263</sup> Surprise checks of panel lawyers shall be done by SLSAs<sup>264</sup>.

### 3. INSPECTION REPORTS

- 3.1 DLSA Secretaries must ensure that the inspection reports are duly submitted to the Chairman, DLSA at the earliest after every visit.
- 3.2 DLSA Secretaries may use the model formats titled 'Prison Inspection Format' and 'Child Care Institution (CCI) Inspection Format' given at the end of this Part to record their interactions and prepare reports after their inspections and visits.

### 4. FOLLOW UP

- 4.1 DLSA Secretary shall take the following follow-up actions after inspections:
- i. Legal Aid Counsels should be appointed for those who are unrepresented and desirous of obtaining legal aid,
  - ii. Any deficiency in record should be rectified and strict supervision should be done for proper record-keeping in the future;
  - iii. Complaints against JVLs and PLVs should be resolved after appropriate inquiry, if required;
  - iv. JVLs and PLVs must be sensitized regarding the problems faces by those in places of detention and the steps that can be taken by DLSA to redress them,
  - v. Submit the inspection reports to SLSA so appropriate follow-up from its end.

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<sup>263</sup> 10.2(i), NALSA (Child Friendly Services to Children and their Protection) Scheme, 2015.

<sup>264</sup> 10.4 Role of SLSAs, NALSA (Child Friendly Services to Children and their Protection) Scheme, 2015.

## 5. MODEL FORMATS

### PRISON INSPECTION FORMAT

Name of the Prison: \_\_\_\_\_

Date of the Visit: \_\_\_\_\_

Visit made by: \_\_\_\_\_

#### STEP 1: INTERACTION WITH PRISON AUTHORITIES *(to be completed after interaction with the officer-in-charge of the prison)*

##### A. GENERAL INFORMATION

###### i. Information about Male Prisoners:

Prison Capacity	Prison Population (as on date of the visit)				Whether Overcrowding prevails? (If yes, write the %)
	Undertrials	Convicts	Detenues	Civil	

###### ii. Information about Female Prisoners:

Prison Capacity (Female)	Prison Population (as on date of the visit)					Whether Overcrowding prevails? (If yes, write the %)
	Undertrials	Convicts	Detenues	Civil	Children	

###### iii. Information about Prisoners belonging to the Third Gender:

S.No.	Questions	Response/Remarks
1	Number of prisoners (Undertrial, Convict, Detenue or Civil Prisoner) who identify themselves as the third gender?	

##### B. LEGAL AID AND COURT PRODUCTION:

S.No.	Questions	Response/Remarks
Prison Legal Aid Clinics		
1	Whether Jail Visiting Lawyer (JVL) is visiting the prison twice a week as mandated by the NALSA SOP 2022?	YES <input type="checkbox"/> NO
2	In case there is a women enclosure, whether a jail visiting lawyer regularly visits the women barracks?	YES <input type="checkbox"/> NO
3	Whether separate space is provided for the legal aid clinic?	YES <input type="checkbox"/> NO
4	Whether information on clinic timings and days is displayed in common areas in prisons?	YES <input type="checkbox"/> NO
5	If the computer, steel cabinet and basic furniture provided by the DLSA being utilized by the JVL?	YES <input type="checkbox"/> NO
6	Is there a suggestions/complaint box in legal aid clinic?	YES <input type="checkbox"/> NO
7	If so, what are the kinds of suggestions/complaints found in the suggestion/complaint box of the Legal Service Clinic in prison?	
Based on the responses received, what directions were given to DLSA Secretary/ Jail		

Visiting Lawyer/ Prison authorities? Has any progress been made since the last visit?		
Paralegal Volunteers		
8	In prisons where convicts are lodged, whether some convicts have been appointed as paralegals?	YES <input type="checkbox"/> NO
9	Are they given training?	YES <input type="checkbox"/> NO
10	For how many days in a month do Convict paralegal work inside the JLAC?	Number of Days
11	Are they regularly receiving wages from the DLSA?	YES <input type="checkbox"/> NO
If NO (for any of the above questions), what directions were given to DLSA Secretary/ Jail Visiting Lawyer/ Prison authorities? Has any progress been made since the last visit?		

Coordination between DLSA and Prison		
12	Any problem faced by prison authorities in coordinating with the Jail Visiting Lawyer or the DLSA Secretary in sending applications for legal aid?	YES NO
13	Any problem faced by prison authorities in filing jail appeals in the High Court through High Court Legal Services Committee (HCLSC)?	YES NO
14	Any problem faced by prison authorities in filing jail appeals in the Supreme Court through Supreme Court Legal Services Committee (SCLSC)?	YES NO
Based on the responses received, what directions were given to DLSA Secretary/ Jail Visiting Lawyer/ Prison authorities? Has any progress been made since the last visit?		
Court Production & Video Conferencing facility		
	Whether adequate number of police escorts are available for production of inmates to court on their due date of hearing?	YES NO
	If NO, since last visit: How many inmates were required to be sent to court _____ How many inmates sent _____ How many inmates produced through VC _____	
	Whether adequate number of police escorts are available for taking inmates to district/outside hospitals for treatment and medical emergencies?	YES NO
	If NO, since last visit: How many inmates were required to be sent to district hospital _____ How many inmates were sent _____ How many inmates were required to be sent to hospital, outside district _____ How many inmates were sent _____	
15	Any problem faced by prison authorities in the functioning of Video conferencing facility?	YES NO
16	Any problem faced by prison authorities in coordinating with courts regarding production through video conferencing?	YES NO
Based on the responses received, what directions were given to Prison authorities/ DLSA Secretary/ Jail Visiting Lawyer/? Has any progress been made since the last visit?		

### C. DEATHS IN PRISONS

S.No.	Question	Response/Remarks
1	Whether judicial magistrate enquiry is pending in any case of death in prison?	YES <input type="checkbox"/> NO

2	Number of deaths taken place in the prison since last visit?	
3	Whether judicial magistrate enquiry report along with all relevant reports/documents sent to NHRC by the prison?	YES <input type="checkbox"/> NO
Based on the responses received, what directions were given to concerned Judicial Magistrate/ Prison authorities/ DLSA Secretary? Has any progress been made since the last visit?		

**D. VULNERABLE GROUPS**

S.No.	Questions	Response/Remarks
<b>Prisoners with Mental Illnesses</b>		
1	Number of prisoners with mental illness?	
2	Whether all such prisoners are receiving treatment?	YES <input type="checkbox"/> NO
3	Whether there has been regular review in all cases where trials were suspended due to prisoner being unable to stand trial?	YES <input type="checkbox"/> NO
Based on the responses received, what directions were given to DLSA Secretary/ Jail Visiting Lawyer/ Prison authorities? Has any progress been made since the last visit?		
<b>PRISONERS WHO ARE DIFFERENTLY-ABLED</b>		
4	Number of prisoners who are differently-abled?	
5	Are prison authorities aware of any problems faced by them? If so, what efforts are made by prison authorities?	
Based on the responses received, what directions were given to DLSA Secretary/ Jail Visiting Lawyer/ Prison authorities? Has any progress been made since the last visit?		
<b>FOREIGN NATIONAL PRISONERS</b>		
6	Number of foreign national prisoners detained in prison?	YES <input type="checkbox"/> NO
7	Are there any foreign prisoners who have completed their term of imprisonment but continue to be detained awaiting repatriation?	YES <input type="checkbox"/> NO
8	Are they given any opportunity to communicate with:	
	Family Concerned Embassy/ Consulate/ High Commission	
9	Are prison authorities aware of any problems faced by them (language barrier/ food issues/etc)? If so, what efforts are made by prison authorities?	
Based on the responses received, what directions were given to Prison authorities/ DLSA Secretary? Has any progress been made since the last visit?		
<b>TRANSGENDER/THIRD GENDER INMATES</b>		
10	How is data of prisoners identifying themselves as third gender recorded in prison?	As male or female As Transgender/Third gender
11	Are they allowed to stay in male/female section based on self-identification?	YES NO

12	Are they forced to undergo genital examination during medical examination and then classified as male transgender or female transgender based on their genitalia?	YES NO
13	Are there any problems/discrimination faced by them (from prison authorities/inmates) because of them being transgender/third gender?	
Based on the responses received what directions were given to Prison authorities/ DLSA Secretary? Has any progress been made since the last visit?		

**STEP 2: INSPECTION OF PRISON PREMISES** *(to be completed on the basis of your observation)*

S.No.	Questions	Response/Remarks
<b>A. GENERAL CONDITIONS</b>		
1	On a scale of 1-10, rate the condition of prison building and provide reasons for the same:  (1)---(2)---(3)---(4)---(5)---(6)---(7)---(8)---(9)---(10)  Reasons:	
2	On a scale of 1-10, rate the condition of cleanliness inside barracks (including the toilets in barracks) and provide reasons for the same:  (1)---(2)---(3)---(4)---(5)---(6)---(7)---(8)---(9)---(10) Reasons:	
3	On a scale of 1-10, rate the condition of cleanliness of common toilets and bathing areas and provide reasons for the same:  (1)---(2)---(3)---(4)---(5)---(6)---(7)---(8)---(9)---(10)  Reasons:	
4	On a scale of 1-10, rate the condition of cleanliness of kitchen and store/godown (where food items are stored) provide reasons for the same:  (1)---(2)---(3)---(4)---(5)---(6)---(7)---(8)---(9)---(10)  Reasons:	
Based on the observations, what directions were given to Prison authorities? Has any progress been made since the last visit?		
<b>B. SEGREGATION OF INMATES</b>		
5	Are young offenders (in the age group 18-21) separated from adults?	YES <input type="checkbox"/> NO
6	Are Undertrials separated from Convicted inmates?	YES <input type="checkbox"/> NO
7	Are civil and debt prisoners separated from those accused of criminal offences?	YES <input type="checkbox"/> NO

8	Are inmates suffering from communicable diseases (like TB or severe skin disease) lodged separately?	YES <input type="checkbox"/> NO
If NO (for any of the above questions), what directions were given to Prison authorities?		
<b>C. FACILITIES IN PRISONS</b>		
9	Whether the quantity and quality of food provided is adequate?	YES <input type="checkbox"/> NO
10	Does prison has a RO plant/ filter system to provide potable drinking water?	YES <input type="checkbox"/> NO
11	Whether the items available in canteen are priced higher than the market price?	YES <input type="checkbox"/> NO
12	Whether there is a library and adequate newspaper subscription in the languages predominately spoken in the prison?	YES <input type="checkbox"/> NO
13	Whether the phone facility, if provided, is working fine?	YES <input type="checkbox"/> NO
14	Does the prison have a functional ambulance?	YES <input type="checkbox"/> NO
Based on the responses received, what directions were given to Prison authorities? Has any progress been made since the last visit?		
<b>D. ADMISSION WARD/ BARRACK</b>		
15	Whether new entrants are informed about right to free legal aid?	YES <input type="checkbox"/> NO
16	Whether first medical examination of inmates done within 24 hours of their admission?	YES <input type="checkbox"/> NO
17	Any cases of custodial violence/ torture in police station?	YES <input type="checkbox"/> NO
Based on the responses received, what directions were given to Prison authorities/ DLSA Secretary/ Jail Visiting Lawyer? Has any progress been made since the last visit?		
<b>E. WOMEN BARRACK/S:</b>		
14	Are women prisoners detained in separate enclosures?	YES <input type="checkbox"/> NO
15	Whether women prisoners are given access to library, garden, and open spaces in prison?	YES <input type="checkbox"/> NO
16	Are the directives given in the <i>RD Upadhyay</i> judgement being followed in regard to facilities for pregnant women, post-natal requirements and facilities for children (including crèche facilities, dietary needs)?	YES <input type="checkbox"/> NO
17	Are there regular visits by a gynecologist? If no, are they referred to the district hospital promptly for any women specific problems?	YES <input type="checkbox"/> NO
18	Periodicity of visits by Jail Visiting Lawyer to the women enclosure?	
Based on the responses received, what directions were given to Prison Authorities/ DLSA Secretary/ Jail Visiting Lawyer? Has any progress been made since the last visit?		
<b>F. HIGH SECURITY/ SEPARATE/ SOLITARY/ ANDHERI CELLS</b>		
19	Are there any prisoners under separate confinement/ isolation?	YES <input type="checkbox"/> NO
20	If any of them is a pregnant woman or a nursing mother or a prisoner with mental or physical disabilities?	YES <input type="checkbox"/> NO
21	Is the confinement result of punishment?	YES <input type="checkbox"/> NO
22	Whether solitary confinement has been strictly as per the provisions of the Karnataka prison rules?	YES <input type="checkbox"/> NO



23	Whether such prisoners are given access to:	Health Care Professionals Family visit
Based on the responses received, what directions were given to Prison Authorities/ DLSA Secretary/ Jail Visiting Lawyer? Has any progress been made since the last visit?		

**STEP 3: INTERACTION WITH PRISONERS** *(to be completed after interaction with inmates)*

**A. UNDERTRIALS –**

S.No.	Questions	Response/Remarks
<b>Ensuring Effective Legal Aid</b>		
1	Whether all undertrials interacted with had a lawyer?	YES <input type="checkbox"/> NO
2	Those with legal aid lawyers, if any undertrial has any grievance against his/her lawyer?	YES <input type="checkbox"/> NO
3	Whether Undertrials are aware about the Jail Legal Aid Clinic? Do they seek free legal advice in case of any need?	YES <input type="checkbox"/> NO
4	If so, are they satisfied with the working of Jail Visiting Lawyer and paralegals?	YES <input type="checkbox"/> NO
Based on the responses received, what directions were given to DLSA Secretary/ Jail Visiting Lawyer?		
<b>Ensuring Fair Trial Rights</b>		
5	Whether any undertrial belongs to any other state than Karnataka and faces the language barrier in understanding court proceedings?	YES <input type="checkbox"/> NO
6	Whether any undertrial is below 18 years of age (on record could be in the age group of 18-20 years)? If the person has any valid age proof?	YES <input type="checkbox"/> NO
7	Whether any undertrial has not been produced in court physically or through video-conferencing consecutively for the last three hearings?	YES NO
8	Number of undertrials whose trial is pending for more than a year?	
Based on the responses received, what directions were given to DLSA Secretary/ Jail Visiting Lawyer? Has any progress been made since the last visit?		
<b>Employment of undertrials in prison work</b>		
9	Whether undertrials who are engaged in kitchen, cleanliness, gardening or any other work in prison are paid wages?	YES <input type="checkbox"/> NO
10	Whether any undertrial is forced to work as punishment?	YES <input type="checkbox"/> NO
If NO, what directions were given to Prison authorities? Has any progress been made since the last visit?		
<b>Ensuring general well-being</b>		
11	Whether any undertrial needs medical attention?	YES <input type="checkbox"/> NO
12	Whether undertrials are facing any problem of medical escorts?	YES <input type="checkbox"/> NO



13	Whether undertrials have complaint regarding the quantity and quality of food?	YES <input type="checkbox"/> NO
14	Whether undertrials have complaint regarding availability of potable drinking water?	YES <input type="checkbox"/> NO
15	Whether there is any problem in meeting with the family members/relatives/friends?	YES <input type="checkbox"/> NO
16	Whether prison staff demand money during family visit or harass visitors?	YES <input type="checkbox"/> NO
17	Whether there is an inordinately long lock-up time?	YES <input type="checkbox"/> NO
18	Whether inmates are being allowed to access paper and pen to correspond outside the prison?	YES <input type="checkbox"/> NO
19	Whether basic amenities like soap and oil are provided periodically by prison?	YES <input type="checkbox"/> NO
20	How are the searches conducted? Are they conducted by officials of same gender and in private?	YES <input type="checkbox"/> NO
21	Are there any instances of use of force by the prison staff on inmates?	YES <input type="checkbox"/> NO
Based on the responses received, what directions were given to Prison authorities? Has any progress been made since the last visit?		

#### B. CONVICTS–

S.No.	Questions	Response/Remarks
Ensuring Effective Legal Aid		
1	Has there been any undue delay in filing appeals or obtaining copy of judgement and relevant documents from trial court/ High Court?	YES <input type="checkbox"/> NO
2	Whether interaction between convicts and legal aid lawyers at HCLSC and SCLSC taking place?	YES <input type="checkbox"/> NO
Based on the responses received, what directions were given to DLSA Secretary/ Jail Visiting Lawyer? Has any progress been made since the last visit?		
Wages, Remission, Parole & Early Release		
3	Whether convicts are given due wages as per the latest circular by the head office?	YES <input type="checkbox"/> NO
4	Whether convicts are given remission as per the provisions of the Karnataka prison rules?	YES <input type="checkbox"/> NO
5	Whether convicts engaged as convict paralegal volunteers and working in the prison legal aid clinics are given wages?	YES <input type="checkbox"/> NO
6	Whether convicts face problems in grant of parole?	At Prison At Prison Head Office At Police Station Other
7	Whether names of convicts eligible for consideration of early release were not sent to the Advisory Board?	YES <input type="checkbox"/> NO
Ensuring general well-being		
8	Whether any convict needs medical attention?	YES <input type="checkbox"/> NO
9	Whether convicts are facing any problem of medical escorts?	YES <input type="checkbox"/> NO

10	Whether convicts have complaint regarding the quantity and quality of food?	YES <input type="checkbox"/> NO
11	Whether convicts have complaint regarding availability of potable drinking water?	YES <input type="checkbox"/> NO
12	Whether there is any problem in meeting with the family members/relatives/friends?	YES <input type="checkbox"/> NO
13	Whether prison staff demand money during family visit or harass visitors?	YES <input type="checkbox"/> NO
14	Whether there is an inordinately long lock-up time?	YES <input type="checkbox"/> NO
15	Whether inmates are being allowed to access paper and pen to correspond outside the prison?	YES <input type="checkbox"/> NO
16	Are there any instances of use of force by the prison staff on inmates?	YES <input type="checkbox"/> NO
17	Whether basic amenities like soap and oil are provided periodically by prison?	YES <input type="checkbox"/> NO
18	How are the searches conducted? Are they conducted by officials of same gender and in private?	YES <input type="checkbox"/> NO
Based on the responses received, what directions were given to Prison authorities? Has any progress been made since the last visit?		

OTHER REMARKS/ CONCERNS/ SUGGESTIONS
--------------------------------------

Signature:

Date:

## CHILD CARE INSTITUTION (CCI) INSPECTION FORMAT

Name of the CCI : \_\_\_\_\_  
 Date of the Visit : \_\_\_\_\_  
 Visit made by : \_\_\_\_\_

### **STEP 1: INTERACTION WITH CCI AUTHORITIES** *(to be completed after interaction with the officer-in-charge of the CCI)*

#### **A. GENERAL INFORMATION**

##### **i. Information about Male Children:**

Capacity	Actual number of children (as on the visit) date of			Whether Overcrowding prevails? (If yes, write the %)
	CNCPs	CCL – undertrial	CCL – convict	

##### **ii. Information about Female children:**

Capacity (Female)	Actual number of children (as on date of the visit)			Whether Overcrowding prevails? (If yes, write the %)
	CNCPs	CCL – undertrial	CCL – convict	

##### **iii. Information about children belonging to the Third Gender:**

S.No.	Questions	Response/Remarks
1	Number of children who identify themselves as the third gender?	

### **STEP 2: INSPECTION OF CCI PREMISES** *(to be completed on the basis of your observation)*

S.No.	Questions	Response/Remarks
<b>GENERAL CONDITIONS</b>		
1	On a scale of 1-10, rate the condition of building and provide reasons for the same:  (1)---(2)---(3)---(4)---(5)---(6)---(7)---(8)---(9)---(10) Reasons:	
2	On a scale of 1-10, rate the condition of cleanliness inside wards (including the toilets in wards) and provide reasons for the same:  (1)---(2)---(3)---(4)---(5)---(6)---(7)---(8)---(9)---(10) Reasons:	
3	On a scale of 1-10, rate the condition of cleanliness of common toilets and bathing areas and provide reasons for the same:	

	(1)----(2)----(3)----(4)----(5)----(6)----(7)----(8)----(9)----(10) Reasons:
4	On a scale of 1-10, rate the condition of cleanliness of kitchen and store/godown (where food items are stored) provide reasons for the same:  (1)----(2)----(3)----(4)----(5)----(6)----(7)----(8)----(9)----(10) Reasons:
Based on the observations, what directions were given to CCI authorities? Has any progress been made since the last visit?	

**STEP 3: INTERACTION WITH CHILDREN** *(to be completed on the basis of your interaction)*

S. No.	Questions	Response/Remarks
1	Any issues raised by children: Mention details:	
2	a. List of all cases requiring legal assistance:	
	b.	
	c.	
	d.	
	OTHER REMARKS/ CONCERNS/ SUGGESTIONS	

Signature

Date:

**PART I:**  
**ALTERNATIVE DISPUTE RESOLUTION**  
**MECHANISMS**

## 1. LOK ADALATS

- 1.1 Lok Adalats have been defined under Chapter VI of the Legal Services Authorities Act 1987, and a uniform procedure and other aspects are provided under the NALSA (Lok Adalat) Regulations 2009.
- 1.2 The objective of Lok Adalats is to settle disputes on the basis of compromise or settlement. Lok Adalats have the power to help the parties to arrive at a compromise or settlement between the parties to a dispute and not to issue any direction or order in respect of such dispute between the parties.<sup>265</sup>
- 1.3 Levels and Composition of Lok Adalats<sup>266</sup>:
  - a. The Secretary of the District Legal Services Authority organizing the Lok Adalat would constitute benches of the Lok Adalat, each bench comprising of a sitting or retired judicial officer and any one or two of the following:
    - i. either a member from the legal profession; and/or
    - ii. a social worker engaged in the upliftment of the weaker sections and interested in the implementation of legal services schemes or programmes or a person engaged in para-legal activities of the area, preferably a woman.
  - b. The Secretary DLSA can associate members of the legal profession, college students, social organizations, charitable and philanthropic institutions and other similar organizations for organizing Lok Adalats.<sup>267</sup>
- 1.4 Matters to be referred to Lok Adalat: Lok Adalat gets jurisdiction to deal with a case only when a court of competent jurisdiction, orders the case to be referred in the manner prescribed in S. 20 or S. 89 of the Code of Civil Procedure 1908. The Court shall however *prima facie* satisfy itself that there are chances of settlement of the case through Lok Adalat and the case is appropriate to be referred to Lok Adalat.<sup>268</sup>
- 1.5 The matters related to divorce and criminal cases which are not compoundable under CrPC, shall not be referred to the Lok Adalat.<sup>269</sup>
- 1.6 Timeline: The Secretary, DLSA can organize Lok Adalats at such intervals, as deemed fit, by the concerned State Authority or DLSA.<sup>270</sup>

<sup>265</sup> Regulation 9, National Legal Services Authority (Lok Adalat) Regulations, 2009.

<sup>266</sup> Regulation 6, National Legal Services Authority (Lok Adalat) Regulations, 2009.

<sup>267</sup> Regulation 3, National Legal Services Authority (Lok Adalat) Regulations, 2009.

<sup>268</sup> Regulation 10(2), National Legal Services Authority (Lok Adalat) Regulations, 2009.

<sup>269</sup> Section 19, Legal Services Authority Act, 1987. *See also* Proviso to Regulation 10(2), National Legal Services Authority (Lok Adalat) Regulations, 2009.

<sup>270</sup> Regulation 8, National Legal Services Authority (Lok Adalat) Regulations, 2009.

- 1.5 Summoning of judicial records: The Secretary, DLSA may call for the judicial records of pending cases, which are referred to the Lok Adalat, under Section 20 of the Legal Services Authorities Act, 1987, from the Courts concerned. The officer duly authorized by the Secretary, DLSA, shall be responsible for the safe custody of records, from receiving of the same from the Court, till they are returned.<sup>271</sup>
- 1.6 Safe custody of records: The judicial records, shall be returned within 10 days of the Lok Adalat, irrespective of whether or not the case, is settled by the Lok Adalat, with an endorsement about the result of proceedings. Wherever, it is appropriate, the Court concerned, from where the records are called, may permit the records to be retained beyond the period of 10 days.<sup>272</sup> Every judicial authority is expected to co-operate, in the transmission of judicial records.
- 1.7 Pre-litigation matters: It is to be ensured that in cases of pre-litigation matters, it may be ensured that the Court for which a Lok Adalat is organized has territorial jurisdiction to adjudicate the matter. Further, in a pre-litigation matter, which is referred to Lok Adalat, the DLSA shall give a reasonable hearing to the parties concerned. An award based on settlement between the parties, can be challenged only on violation of procedures, prescribed in Section 20 of the Act, only by filing a petition under Articles 226 and 227 of the Constitution of India.<sup>273</sup>
- 1.8 Award: Drawing up of the award is merely an administrative act by incorporating the terms of settlement or compromise agreed by parties under the guidance and assistance from Lok Adalat.<sup>274</sup> Members of the Lok Adalat shall ensure that the parties affix their signatures only after fully understanding the terms of settlement arrived at and recorded. The members of the Lok Adalat shall also satisfy themselves about the following before affixing their signatures:
  - (a) that the terms of settlement are not unreasonable or illegal or one-sided; and
  - (b) that the parties have entered into the settlement voluntarily and not on account of any threat, coercion or undue influence.<sup>275</sup>
- 1.9 The original award shall form part of the judicial records (in pre-litigation matter, the original award may be kept with the DLSA concerned. A copy of the award shall be given to each of the parties, duly certifying them to be true, by the officer designated by Secretary, DLSA, free of cost and the official seal of the Authority concerned or Committee shall be affixed on all awards.
- 1.10 Confidentiality: The members of the Lok Adalat and the parties shall keep confidential, all matters relating to proceedings in the Lok Adalat and the members of

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<sup>271</sup> Regulation 11, National Legal Services Authority (Lok Adalat) Regulations, 2009.

<sup>272</sup> Regulation 10(3), National Legal Services Authority (Lok Adalat) Regulations, 2009.

<sup>273</sup> Regulation 12, National Legal Services Authority (Lok Adalat) Regulations, 2009.

<sup>274</sup> Regulation 17, National Legal Services Authority (Lok Adalat) Regulations, 2009.

<sup>275</sup> Regulation 17(5), National Legal Services Authority (Lok Adalat) Regulations, 2009.

the Lok Adalat shall not be compelled to disclose the matter which took place in the Lok Adalat proceedings before any court of law, except where such disclosure is necessary for purpose of implementation and enforcement of the award.<sup>276</sup>

- 1.11 Maintenance of panel of names of Lok Adalat members: - The Secretary, District Legal Services Authority, shall maintain a panel of names of retired judicial officers, advocates and social workers to work in Lok Adalats.<sup>277</sup>
- 1.12 Failure of Lok Adalat proceedings: If a pre-litigation matter is not settled in the Lok Adalat, the parties may be advised to resort to other ADR techniques or to approach a Court of law and in appropriate cases, they may be advised about the availability of legal aid.<sup>278</sup>
- 1.13 Compilation of results: The Secretary, DLSA, at the conclusion of session of Lok Adalat, shall compile the results for submission to the State Authority, in the *pro forma* given in Appendix II of the Regulations, which is reproduced below:

APPENDIX II					
PERFORMA DISPOSAL OF CASES IN LOK ADALAT					
Place:			Date:		
			Nature of Cases Disposed of		
Sl. No.	Case No.	Name of Parties	Civil	Claims	Criminal
Total					

## A. National Lok Adalat

- 1.14 National Level Lok Adalats are held for at regular intervals where on a single day Lok Adalats are held throughout the country, in all the courts right from the Supreme Court till the Taluk Levels wherein cases are disposed of in huge numbers. From February 2015, National Lok Adalats are being held on a specific subject matter every month.<sup>279</sup>

## B. Special Lok Adalat

- 1.15 NALSA vide its letter dated 20.08.2014 intimated that Special sitting of Magistrates, may be organized to dispose of petty matters under:
  - i. Municipal Laws
  - ii. Shops and Establishment Act
  - iii. Local Police Acts

<sup>276</sup> Regulation 18, National Legal Services Authority (Lok Adalat) Regulations, 2009.

<sup>277</sup> Regulation 21, National Legal Services Authority (Lok Adalat) Regulations, 2009.

<sup>278</sup> Regulation 19, National Legal Services Authority (Lok Adalat) Regulations, 2009.

<sup>279</sup> Available at <https://nalsa.gov.in/lok-adalat>.



- iv. Excise Act
- v. Violation of Minimum Wages Act
- vi. Traffic Challan etc.

1.16 Further, vide notification dated 22.10.2018,<sup>280</sup> introduced by way of Amendment in Rule 10, National Legal Services Authority (Lok Adalats) Regulations, 2009, it has been specified that need-based continuous Lok Adalats may be constituted in order to facilitate regular reference and timely disposal of cases and thus, special Lok Adalats are held on a regular basis, for certain types of matters like Jail Lok Adalats, MNREGA Lok Adalats, as mentioned above. The list given above is only illustrative and not exhaustive.

### C. Permanent Lok Adalat:

1.17 “Permanent Lok Adalat” means a Permanent Lok Adalat established under sub-section (1) of Section 22B of the Legal Services Authorities Act, 1987 for exercising jurisdiction in respect of public utility services.

1.18 The term public utility service means any

- i. transport service for the carriage of passengers or goods by air, road or water; or
- ii. postal, telegraph or telephone service; or
- iii. supply of power, light or water to the public by any establishment; or
- iv. system of public conservancy or sanitation; or
- v. service in hospital or dispensary; or
- vi. insurance service,
- vii. and includes any service which the Central Government or the State Government, as the case may be, in the public interest, by notification, declare to be a public utility service.<sup>281</sup>

1.19 Establishment of Permanent Lok Adalats<sup>282</sup>:

- a. Every State Authority shall, by notification, establish Permanent Lok Adalats at such places and for exercising such jurisdiction in respect of one or more public utility services and for such areas as may be specified in the notification.
- b. Every Permanent Lok Adalat established for an area notified under sub-section (1) shall consist of—
  - i. two other persons having adequate experience in public utility service to be nominated by the Central Government or, as the case may be, the State Government on the recommendation of the Central Authority or, as the

<sup>280</sup> Notification F. No. 1/28/09/NALSA, dated 22.10.2018 (w.e.f. 25.10.2018).

<sup>281</sup> Section 22A, Legal Services Authorities Act, 1987.

<sup>282</sup> Section 22 B, Legal Services Authorities Act, 1987.

case may be, the State Authority,

- ii. appointed by the Central Authority or, as the case may be, the State Authority, establishing such Permanent Lok Adalat and the other terms and conditions of the appointment of the Chairman and other persons referred to in clause (b) shall be such as may be prescribed by the Central Government.

#### 1.20 Cognizance of cases by Permanent Lok Adalat<sup>283</sup>:

- i. Any party to a dispute may, before the dispute is brought before any court, make an application to the Permanent Lok Adalat for the settlement of dispute.
- ii. However, the Permanent Lok Adalat shall not have jurisdiction in respect of any matter, where the offence is not compoundable under law or the value of property in dispute exceeds Rs. 10 lakhs, subject to increase in limit by the Central Government.

#### 1.21 Award of Permanent Lok Adalat<sup>284</sup>— Every award of the Permanent Lok Adalat shall be final and binding on all the parties thereto and on persons claiming under them and shall be deemed to be a decree of Civil Court. The award made by the Permanent Lok Adalat under this Act shall be final and shall not be called in question in any original suit, application or execution proceeding.

## 2. MEDIATION

2.1 Mediation is an arm of Alternate Dispute Resolution (ADR) in India and is thus, a shift from traditional court system. Mediation promotes amicable settlement between the parties outside the court wherein it takes into account their wishes. In case, the parties fail to arrive at a mutual settlement the case is referred back to the Court.<sup>285</sup>

2.2 Disputes which can be referred to mediation: All civil cases such as recovery, injunction, specific performance, partition, landlord-tenant disputes, matrimonial disputes, property-related disputes, employer-employee disputes, matrimonial disputes, few suitable criminal cases such as dishonour of cheques and cases which are compoundable under law, could be referred to Mediation.

<sup>283</sup> Section 22C, Legal Services Authorities Act, 1987.

<sup>284</sup> Section 22E, Legal Services Authorities Act, 1987.

<sup>285</sup> Available at [nalsamediation.nic.in](http://nalsamediation.nic.in)



(Image Source: <[www.nalsa-mediation.nic.in](http://www.nalsa-mediation.nic.in)>.)

- 2.3 Under Section 4(f) of The Legal Services Authorities Act, 1987, the function of the NALSA includes to encourage the settlement of disputes by way of negotiations, arbitration, and conciliation.
- 2.4 Chief Justice Conference-2013: The following resolutions<sup>286</sup> for ADR were passed in the Conference:
- i. State Legal Services Authority shall have the overall control and supervision of the Mediation Centre and the Mediation Monitoring committees at the High Court level will function in accordance with the directions given by the MCPC.
  - ii. For the purpose of appointment as a Mediator, an Advocate with five years', instead of ten years' standing, could be considered.
  - iii. Steps be taken for setting up Mediation centres/A.D.R. Centres at the district level, where they are yet to be set up.
  - iv. Para-legal volunteers in the rural areas, and in particular women, be drawn from the community to man the centres.
- 2.5 Selection of Mediator<sup>287</sup>: Any person who undergoes the required 40 hours training as stipulated by the Mediation and Conciliation Project Committee of the Supreme Court can be a mediator. He also needs to have at least ten mediations resulting in a settlement and at least 20 mediations in all to be eligible to be accredited as a qualified mediator.
- 2.6 Empanelment: The DLSA Secretary should empanel eligible mediators for the Mediation Office, for the successful resolution of disputes through mediation. For the purpose of appointment as a Mediator, an Advocate with five years, instead of ten years standing, could be considered.

<sup>286</sup> Resolution 12, Chief Justices' Conference, 2013.

<sup>287</sup> Direction by Mediation and Conciliation Project Committee.

- 2.7 DLSA Secretary can empanel any person who undergoes the required 40 hours training as stipulated by the Mediation and Conciliation Project Committee of the Supreme Court, as a mediator. Additionally, she/he also needs to have at least ten mediations resulting in a settlement and at least 20 mediations in all to be eligible to be accredited as a qualified mediator.
- 2.8 While empanelling mediators, the DLSA Secretary must keep in mind that the mediator is able to guide and assist the parties to explore the possibilities of settlement and to know about the pros and cons of the litigation / settlement. The mediators neither settle the dispute nor pass the award, but they guide the parties thereby the parties may arrive at terms of settlement on their own.
- 2.9 Application through digital mode: Parties are free to apply for mediation through online Mediation Portal developed by NALSA or through the mobile application of NALSA by submitting appropriate details of the parties and the case.

#### **A. Pre-Institution Mediation**

- 2.10 The Commercial Courts, Commercial Division, Commercial Appellate Division of High Courts Act, 2015, was enacted in the year 2015 with the objective of achieving speedy adjudication of Commercial Disputes. Moreover, the Commercial Courts (Pre-Institution Mediation and Settlement) Rules, 2018 were also framed in line with the aforesaid act for the purpose of resolving the matters relating to commercial disputes in an efficacious and expeditious manner.
- 2.11 As per the said enactments, all disputes falling within the definition of “Commercial Dispute” under Section 2(1)(c) of the Commercial Courts Act, which are valued Rupees 3 Lakhs or more, shall not be instituted unless the plaintiff mandatorily exhausts the remedy of Pre-Institution Mediation, to be conducted by the Legal Services Institutions. By virtue of the powers under Section 12A (2), the Central Government has authorised the State and District Legal Services Authorities for the purposes of pre-institution mediation. Accordingly, the Legal Services Institutions are conducting Pre -Institution Mediation in respect of Commercial Disputes across the country.
- 2.12 Section 12A of the aforesaid Act states as follows:
  - 12A. *Pre-Institution Mediation and Settlement—*
    - (1) *A suit, which does not contemplate any urgent interim relief under this Act, shall not be instituted unless the plaintiff exhausts the remedy of pre-institution mediation in accordance with such manner and procedure as may be prescribed by rules made by the Central Government.*

- (2) *The Central Government may, by notification, authorise the Authorities constituted under the Legal Services Authorities Act, 1987 (39 of 1987), for the purposes of pre-institution mediation.*
- (3) *Notwithstanding anything contained in the Legal Services Authorities Act, 1987 (39 of 1987), the Authority authorised by the Central Government under sub-section (2) shall complete the process of mediation within a period of three months from the date of application made by the plaintiff under sub-section (1):*  
  
*Provided that the period of mediation may be extended for a further period of two months with the consent of the parties:*  
  
*Provided further that, the period during which the parties remained occupied with the pre-institution mediation, such period shall not be computed for the purpose of limitation under the Limitation Act, 1963 (36 of 1963).*
- (4) *If the parties to the commercial dispute arrive at a settlement, the same shall be reduced into writing and shall be signed by the parties to the dispute and the mediator.*
- (5) *The settlement arrived at under this section shall have the same status and effect as if it is an arbitral award on agreed terms under sub-section (4) of section 30 of the Arbitration and Conciliation Act, 1996 (26 of 1996).*

### 2.13 Initiation of mediation process<sup>288</sup>

- i. A party to a commercial dispute may make an application to the Authority as per Form-1 specified in Schedule-I, either online or by post or by hand, for initiation of mediation process under the Act along with a fee of one thousand rupees payable to the Authority either by way of demand draft or through online;
- ii. The Authority shall, having regard to the territorial and pecuniary jurisdiction and the nature of commercial dispute, issue a notice, as per Form-2 specified in Schedule-I through a registered or speed post and electronic means including e-mail and the like to the opposite party to appear and give consent to participate in the mediation process on such date not beyond a period of ten days from the date of issue of the said notice.
- iii. Where no response is received from the opposite party either by post or by e-mail, the Authority shall issue a final notice to it in the manner as specified in sub-rule (2).
- iv. Where the notice issued under sub-rule (3) remains unacknowledged or where the opposite party refuses to participate in the mediation process, the Authority shall treat the mediation process to be a non-starter and make a report as per Form 3 specified in

<sup>288</sup> Rule 3, Commercial Courts (Pre-Institution Mediation and Settlement) Rules, 2018.

the Schedule-I and endorse the same to the applicant and the opposite party.

- v. Where the opposite party, after receiving the notice under sub-rule (2) or (3) seeks further time for his appearance, the Authority may, if it thinks fit, fix an alternate date not later than ten days from the date of receipt of such request from the opposite party.
  - vi. Where the opposite party fails to appear on the date fixed under sub-rule (5), the Authority shall treat the mediation process to be a non-starter and make a report in this behalf as per Form 3 specified in Schedule-I and endorse the same to the applicant and the opposite party.
  - vii. Where both the parties to the commercial dispute appear before the Authority and give consent to participate in the mediation process, the Authority shall assign the commercial dispute to a Mediator and fix a date for their appearance before the said Mediator.
  - viii. The Authority shall ensure that the mediation process is completed within a period of three months from the date of receipt of application for pre-institution mediation unless the period is extended for further two months with the consent of the applicant and the opposite party.
- 2.14 Role of Mediator<sup>289</sup>: The Mediator shall, on receipt of the assignment under sub-rule (7) of rule 3, facilitate the voluntary resolution of the commercial dispute between the parties and assist them in reaching a settlement.

## **B. Court- Annexed Mediation in Pending Cases**

- 2.15 The Courts may refer cases pertaining to civil matters such as recovery, injunction, specific performance, partition, landlord-tenant disputes, matrimonial disputes, property-related disputes, employer-employee disputes, matrimonial disputes, few suitable criminal cases such as dishonour of cheques and cases which are compoundable under law, where there appears to be a possibility of settlement.<sup>290</sup>

<sup>289</sup> Rule 5 of Commercial Courts (Pre-Institution Mediation and Settlement) Rules, 2018.

<sup>290</sup> Available at [www.nalsa-mediation.nic.in](http://www.nalsa-mediation.nic.in).

## PART J:

# LEGAL AWARENESS AND OUTREACH PROGRAMMES

Section 4(l) of the Legal Services Authority Act, 1987, mandates the Central Authority, i.e., NALSA, to *“take appropriate measures for spreading legal literacy and legal awareness amongst the people and, in particular, to educate weaker sections of the society about the rights, benefits and privileges guaranteed by social welfare legislations and other enactments as well as administrative programmes and measures”*.

Section 7 of the Act provides that, *“It shall be the duty of the State Authority to give to effect to the policy and directions of the Central Authority and to perform such other functions as the State Authority may, in consultation with the Central Authority, fix by regulations.”*

Section 10 entrusts the DLSA to *perform such of the functions of the State Authority in the District as may be delegated to it from time to time by the State Authority*. Similarly, Section 11B mandates the TLSC to *perform such other functions as the District Authority may assign to it*.

DLSAs and TLSCs are therefore, under a mandate to spread legal literacy and legal awareness amongst the masses through legal awareness camps and outreach programmes.



## 1. OBJECTIVE

- 1.1 DLSAs have the following objectives while organizing legal awareness and outreach programmes:
- To spread awareness about welfare legislations and schemes, and strengthen the community's access to the schemes being implemented by the Legal Services Authority and other departments of government.
  - To identify and connect people to welfare schemes to ensure that fruits of welfare schemes are passed to eligible people.
  - To understand legal needs of people and address legal problems of people by giving appropriate legal advice and taking other necessary steps.<sup>291</sup>

## 2. IDENTIFICATION OF BENEFICIARY GROUPS AND AREAS

- 1.1 DLSA shall identify cluster of villages in any particular district where categories of persons coming within the ambit of any particular NALSA Scheme are living. After identifying cluster of such villages, the scheme sought to be implemented shall form the core theme for the camp/programme. The core theme, as per the conditions prevailing in the area and to aid particular sections of society, may be further broken down to specific themes such as labour rights or rights of senior citizens or rights of women etc.<sup>292</sup>
- 1.2 DLSA, Secretary shall then identify Welfare Schemes and legislations pertaining to the core theme. DLSA shall also identify Government departments related to the said core theme.<sup>293</sup>
- 1.3 DLSA shall mainly focus on connecting people with NALSA and government schemes related to the core theme.

## 3. HUMAN RESOURCE AND LOGISTICS

- 3.1 The DLSA may utilise the human resources from the following sources:
- Community PLVs
  - Convict PLVs for outreach and awareness in prisons
  - Student PLVs for outreach and awareness in local communities
  - Community leaders who could be recognised as honorary members of the DLSA
  - Any other public-spirited individuals who can be recognised as DLSA volunteers.

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<sup>291</sup> Para 3, NALSA's Legal Services Camp Module

<sup>292</sup> Para 5.1, NALSA's Legal Services Camp Module

<sup>293</sup> Para 5.3, NALSA's Legal Services Camp Module



- vi. Panel lawyers to give sessions on general legal awareness or on specialized topics depending on their expertise
- vii. Personnel from different government departments who would put their stalls in the camp/programme.
- viii. MCD/DDA officials if the property where the camp/programme is organized is under them.

## 4. THEMES AND METHODOLOGY

4.1 DLSAs shall work on the following themes:<sup>294</sup>

- a. Labour:
  - i. Connecting unorganised sector workers to welfare schemes.
  - ii. Issues of construction / agricultural labour.
  - iii. Availing benefit under Centre and State Schemes.
  - iv. Legal Services in any other issues relating to entitlements under labour laws.
- b. Persons with disabilities:
  - i. Addressing disconnect between welfare schemes and persons with disabilities.
  - ii. Taking steps to connect beneficiaries with schemes such as Niramaya and Gyan Prabha run by National Trust.
  - iii. Ensuring legal services in any other issues.
- c. Children related issues
  - i. Addressing educational rights of children aged between 6-14.
  - ii. Child Marriage.
  - iii. Child Labour.
  - iv. Issues related to rights under Food Security Act.
  - v. Establishment of Legal Literacy Clubs in Higher Secondary and Senior Secondary Schools.
- d. Transgenders
  - i. Ensuring benefits of welfare legislations/schemes. Issues dealt in NALSA v. Union of India & Ors. (W.P.(C) No.400/2012).
- e. Prisoners
  - i. Ensuring representation before court.
  - ii. Availability of legal services for inmates.

<sup>294</sup> Para 4, NALSA's Legal Services Camp Module

- iii. Digitisation of legal services clinics in jails. Adoption of E-Prison Portal by Jails.
- f. Issues relating to SC/STs
  - i. Ending discrimination.
  - ii. Partnering with State Commission of SC/ST on all issues pertaining to them.
- g. Senior Citizens
  - i. Ensuring benefits of welfare legislations/schemes.
  - ii. Availability of legal services including issues relating to Maintenance and Welfare of Parents & Senior Citizens Act, 2007.
  - iii. Senior Citizens Pension issues, if any.
  - iv. Elderly abuse, neglect, and abandonment.
- h. Beggars and homeless
  - i. Exploring facilities available for them.
  - ii. Identifying abuse, trafficking etc.
- i. Road Safety and accident victims
  - i. Awareness about road safety signs.
  - ii. Protection to good Samaritans.
- j. Victims of Disasters
  - i. Problems/legal issues faced by people affected by drought/flood/industrial disasters. Short term and long term planning.
  - ii. Minimizing the impact of flood etc. A mechanism for drought stricken and sustenance to victim.
- k. Victims of Trafficking
  - i. Identifying causes/areas.
  - ii. Rehabilitation and repatriation issues.
  - iii. Helping to connect with schemes such as Ujjawala run by Ministry of Women and Child.
  - iv. Addressing legal issues relating to victims, particularly under Immoral Traffic (Prevention) Act, 1956 or any other law.
- l. Any other eligible/category.

4.2 The DLSA shall adhere to the following Methodology<sup>295</sup>:

- **Pre camp/programme**

- 4.3 Step 1: Identification of target population: DLSA shall identify the target population and the area where the camp/outreach programme is to be organized and finalise the core theme.
- 4.4 Step 2: Formation of team for connecting with the intended beneficiaries: DLSAs shall formulate teams of Panel Lawyers and Para Legal Volunteers. They shall also identify credible NGOs working in the field of selected core theme and also other experts having expertise in the subject and connect them with the teams.
- 4.5 Step 3: Identification of specific welfare schemes and departments implementing them: DLSA shall identify Welfare Schemes, legislations and government departments pertaining to the core theme.
- 4.6 Step 4: Holding of pre-camp/programme preparatory meetings with stakeholders: DLSA shall conduct workshops for the teams before the camp/programme to make them aware about the camp design and government welfare schemes and the method to connect sections of community related to core theme with welfare schemes /programmes. They be apprised about the objectives of the legal services camp, pre-camp steps and activities during camp etc.
- 4.7 Step 5: Identification of venue for the camp: DLSA shall identify an open Space where legal services camp/outreach programme can be held for identified villages. It should be kept in view that the space must be large enough to accommodate sufficient people and for setting up of stalls, LED screen etc.
- 4.8 Step 6: Field visits by outreach teams in the district/adjoining areas: DLSA shall ensure field visits of teams in association with NGOs, if any, to identify people related to the core theme. Field visits must start at least fifteen days prior to holding of camp/programme. Teams must identify targeted people related to core them and interact with them. The teams should disseminate information about camp/programme such as its importance/objectives and relevance to their lives to let people know about the importance of camp. People must be also told to bring necessary identity documents required for filling up forms related to schemes. Sarpanches/ Panchayat members of the identified villages be also requested to come on the day of camp/programme.
- 4.9 Step 7: Publicizing the organisation of legal services camp: DLSA shall mobilise the public through community meetings, door-to-door visits, loud speakers and community radio and inform them about the camp/programme. Adequate number of hoardings shall also be placed at public places to give information to public about the venue and date of legal services camp/outreach programme.

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<sup>295</sup>Para 5, NALSA's Legal Services Camp Module.

- 4.10 Step 8: Identifying of presenters by participatory government departments/ministries during the camp: DLSA shall organize meetings with the Officers of the concerned departments to chalk out strategies for conducting Legal Services Camp/outreach programme on the core theme. They be also requested to have adequate pamphlets, booklets, application forms etc. relating to welfare schemes/programmes of their departments in vernacular language on the day of camp. They be also requested to nominate presenting officers who will give very brief presentation about the welfare schemes to people on the day of camp/programme in local language.
- **During camp/Programme<sup>296</sup>**
- 4.11 Step 1: Short presentation by the Departments/Ministries: The main Departments relating to core theme shall give presentation in local language about the relevant welfare schemes of their Department. They shall briefly spell out the eligibility criteria under the Schemes.
- 4.12 Step 2: Real time registration of beneficiaries during the Camp: After overview by Departments about various schemes, people shall be visiting the stalls of Departments including that of Legal Services Authority. The Officers of Departments at the stalls shall not only apprise people about the welfare schemes and distribute pamphlets regarding the same but shall also fill up the forms so that the same are processed further for getting people connected with the schemes.
- 4.13 For the purpose of filling up forms under different schemes, people may be referred to the stalls of NGOs/teams who shall fill up forms and attach necessary documents with the form. The teams/NGOs at the end of the programme shall submit the said forms to the different concerned departments.

## 5. FEEDBACK AND IMPACT ASSESSMENT

### A. Feedback

- 1.4 DLSA may get feedback from the beneficiaries through a telephonic call.
- 1.5 If the intended beneficiary does not have a phone, as is particularly the scenario in remote areas, then the team members of the follow-up team may visit the villages and give face to face feedback.
- 1.6 The feedback received must be documented for the purpose of impact assessment.

### B. Impact Assessment

- 1.7 Organizational learning requires that there is continuous assessment of performance to identify and learn from successes and failures. Post camp/programme assessment is a

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<sup>296</sup>Para 6, NALSA's Legal Services Camp Module.

tool that facilitates this assessment with regard to Legal Services Camps/Outreach Programmes.

1.8 Impact Assessment has to be done on the following points:

- i. What was expected to happen?
- ii. What actually occurred?
- iii. What went well and why?
- iv. What can be improved and how?

5.6 The steps for conducting Post camp Assessment are as follows:

- **Step 1 – Planning a Post Camp Assessment**

- i. DLSAs shall schedule the Post Camp Assessment ideally, within two weeks of completion of Legal Services Camp/ Outreach programme.
- ii. DLSAs shall select the facilitator who may be the Secretary, DLSA. Facilitator's job shall be to keep the meeting focused and moving.
- iii. DLSAs shall ensure participation of all team members in the meeting. It is recommended that a time equal to 10 minutes per team member is set aside. If necessary, the assessment can be continued on second day meeting.
- iv. DLSA shall assign a team member to take notes on the flip charts. If the post Camp/Outreach programme assessment is an hour or longer, consider having team members rotate this job so everyone can participate fully.
- v. DLSAs shall assign times to the sections of the Post Camp/ Outreach Programme Assessment in advance and ask someone to play the role of time keeper (this is important- it is easy for groups to get lost in conversation and not have time to cover all sections of the assessment).

- **Step-2 – Conducting Post Camp Assessment**

Introducing the Post Camp Assessment-

5.7 The task of the facilitator is to guide the group through assessment of the Legal Services Camp, using a standard set of questions:

- i. What was expected to happen?
- ii. What actually occurred?
- iii. What went well and why?
- iv. What can be improved and how?

5.8 Start by reminding the team of the purpose and context of the meeting. The following points need to be kept in view:

- i. The post Assessment Camp does not grade success or failure.
- ii. There are always weaknesses to improve and strengths to sustain.
- iii. Participants should share honest observations about what actually happened (objective data) without assigning blame or praise.
- iv. No one has all the information or answers. Everybody has something important to contribute.
- v. Set an atmosphere of openness. If necessary, the facilitator can introduce ground rules or expectations for the session.

- **Closing the Post Camp Assessment**

5.9 To close the Post Camp Assessment, summarize key points identified during the discussion. The session should end on a positive note, linking observations to recommendations for future improvements. Assign role for follow up: The Facilitator should discuss in advance the process for writing up the post camp assessment report.

- **Step 3 : Preparing Report & Sharing the Post Camp Assessment**

5.10 Report shall be prepared. The following points may be kept in view:

- i. Provide a clear summary of concrete and actionable recommendations that will improve the process.
- ii. Identifying tasks and topics requiring leadership attention.
- iii. Share the Post Camp Assessment Report with DLSAs.
- iv. The greatest benefit of a post Camp Assessment comes from applying the lessons learned to future work and teams. The conclusions drawn must be applied in future camps so as to make them more effective.

- **Follow up Action of Camp/Outreach Programme**

5.11 Follow up action of the camp/outreach programme is required on the following aspects:

- i. Applications/Forms submitted of identifies beneficiaries to the various departments at the pre-camp stage, but benefits were not delivered on the day of the camp to said beneficiaries.
- ii. Beneficiaries identified at pre-camp stage but their applications/forms not submitted to the various departments at pre-camp stage.
- iii. Applications/forms received of intended beneficiaries at the stalls of Legal Services Authority on the day of camp.
- iv. Applications/forms received and registrations entered by various departments at their stalls on the day of camp.
- v. Applications received by participating NGOs but benefits not delivered on the day camp.

5.12 Separate format sheets can be used for different Ministries/Departments. The suggestive format for maintaining data including follow-up action is as follows:

FORMAT

S.No.	Name of beneficiary	Address and phone number of beneficiary	Action taken on application/form	Follow- up action	Feedback to beneficiary (Yes/No)

## 6. REPORTING<sup>297</sup>

6.1 DLSA shall submit report of camp/programme to NALSA after its conclusion in the following format:

1.	Name of SLSA	
2.	Venue of Legal Services Camp	
3.	Number of Villages/Urban areas covered	
4.	Number of beneficiaries identified at the pre-camp stage	
5.	Number of beneficiaries whose applications were dealt/forwarded at pre camp stage to concerned departments	
6.	Number of beneficiaries to whom benefit given on the day of the camp	
7.	Number of new beneficiaries who submitted applications/forms on the day of the camp to legal services Authority or other participating departments	
8.	Number of beneficiaries whose applications were dealt with including forwarding of applications to various departments during and after the camp	
9.	Number of beneficiaries qua whom follow- up action was taken.	
10.	No. of applications who are yet to be delivered desired benefits.	

<sup>297</sup>Rule 5, NALSA's Legal services Camp, Follow-up Guidelines as part of the NALSA's \_ Legal Services Camp Module.

## PART K:

# VICTIM COMPENSATION AND WITNESS PROTECTION

Section 357, CrPC deals with ‘Order to pay compensation’, which provides that, when a Court imposes a sentence of fine or a sentence of which fine forms a part, the Court may, when passing judgment, order the whole or any part of the fine recovered to be applied in the payment to any person of compensation for any loss or injury caused by the offence.

Criminal Procedure (Amendment) Act, 2008 introduced Section 357-A, which is based on the principle that it is State responsibility to compensate the victim. It provides various duties to SLSAs/DLSAs including deciding quantum of compensation. This compensation may be awarded in addition to compensation under Section 357 where such compensation is not adequate for such rehabilitation, or where the cases end in acquittal or discharge, or where the accused is not traced, or where victim is identified but no trial takes place and the victim has to be rehabilitated.

Compensation can be granted under the schemes enacted u/s 357A Cr.P.C. in case of Conviction, in case of acquittal and the victim has to be rehabilitated, in case of discharge and the victim has to be rehabilitated, and in case where the offender is not traced or identified, but the victim is identified, and where no trial takes place. (Compensation can be granted under the schemes enacted u/s 357A Cr.P.C. in cases of conviction, acquittal, discharge as well as where the offender is untraced provided it is proved that the offence has been committed against the victim and the victim needs to be rehabilitated.)

Witness Protection is essential for a free and fair trial and, at present the *Witness Protection Scheme, 2018* is in force. The Scheme does not directly specify any role or responsibility of the DLSA. However, in some cases where the witness is also a victim per se, or when a witness is subject to any threats, she or he becomes the victim of an offence under Section 195A of the Indian Penal Code (IPC). Accordingly, it casts a direct duty on Secretary, DLSA to make the witnesses aware about their rights and protection given under this Scheme as well as the method and means to avail the same and to provide legal aid.



## A. VICTIM COMPENSATION

### 1. NALSA SCHEME ON VICTIM COMPENSATION, VICTIM COMPENSATION FUND AND OTHER DIRECTIONS

- 1.1 Hon'ble Supreme Court in *Nipun Saxena v. Union of India*,<sup>298</sup> opined that, it would be appropriate if NALSA sets up a committee which can prepare model rules for Victim Compensation for sexual offences and acid attack victims. The Committee accordingly drafted the '*Compensation Scheme for Women Victims / Survivors of Sexual Assault / Other Crimes*' (hereinafter referred to as 'the Scheme'). Further, as per the directions in the aforementioned case, all States and Union Territories treating the NALSA's Scheme as a 'Model Scheme' adopted their own Scheme.
- 1.2 In the 16<sup>th</sup> All India Meet of SLSAs, 2018, it was resolved that adequate awareness about Victim Compensation Scheme amongst stakeholders be made, so that eligible victims do not remain deprived of compensation.
- 1.3 The scheme also provides for a Women Victim Compensation Fund which is a segregated fund for disbursement for women victims, out of State Victim Compensation Fund and Central Fund from which the amount of compensation, as decided by the State Legal Services Authority or District Legal Services Authority, shall be paid to the women victim or her dependent(s).
- 1.4 In 14<sup>th</sup> All India Meet of SLSAs, 2016, it was resolved that SLSAs will follow up with the State Governments for providing victim compensation fund at the disposal of SLSAs/DLSAs so that the victims get compensation forthwith after passing of awards by the DLSAs under Section 357A CrPC. Further, in 16<sup>th</sup> All India Meet of SLSAs, 2018, it was resolved that SLSAs should pursue with the State Governments to provide adequate funds under Victim Compensation Scheme at the beginning of the financial year.
- 1.5 In 17<sup>th</sup> All India Meet of SLSAs, 2019, it was resolved that Hon'ble Executive Chairpersons of all SLSAs shall take up the matter with the respective state governments for release of sufficient victim compensation funds and put it at the disposal of State Legal Services Authorities at the beginning of the financial year for timely disbursement of the compensation awarded.

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<sup>298</sup> W.P. (C) No. 565/2012.

## 2. APPLICATION PROCESS<sup>299</sup>

### **In acid attack cases and cases falling under Part – II of the Scheme**

- 2.1 An application for the award of interim /final compensation can be filed by the victim and /or her dependants or the SHO of the area before the concerned SLSA or DLSA. It shall be submitted as per 'Form I' of the Scheme along with copy of First Information Report (FIR) or criminal complaint of which cognizance is taken by the court and if available Medical Report, Death Certificate, wherever applicable, copy of judgment/recommendation of court if the trial is over.
- 2.2 The Scheme further provides for place of 'Filing of Application'. The application /recommendation for compensation can be moved either before State Legal Services Authority or the concerned District Legal Services Authority or it can be filed online on a portal which shall be created by the State Legal Services Authority. The Secretary of the respective DLSA shall decide the application /recommendation moved before him /her as per the scheme.

### **In deserving cases and in all acid attacks proceeding suo motto even without application upon receiving FIR**

- 2.3 The Scheme provides that in deserving cases and all acid attack cases, at any time after the commission of the offence, the Secretary, SLSA or Secretary DLSA may *suo motto* or after preliminary verification of facts proceeds to grant interim relief as may be required in the circumstances of each case.

### **In Other Cases**

- 2.4 In all cases other than the cases falling under the provisions of POCSO Act and those falling specifically in the Scheme, viz. 326A, 354A to 354D, 376A to 376E, 304 B, 498A (in case of physical injury covered in this schedule) have to be dealt with in accordance with the Scheme as prevailing in the respective States and Union Territories as carved out by them in accordance with the mandate of law provided by virtue of section 357-A, CrPC.

### **Documents Required for Application under above-mentioned categories of cases**

- 2.5 The following documents are required for making applications:
- Copy of FIR; or Criminal Complaints of which cognizance is taken by the Court
  - Medical Report, if available.
  - Death Certificate, wherever applicable.
  - Copy of Judgment/recommendation of court if trial is over.

<sup>299</sup> As per Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes 2018.

- e. Documents, if any relating to expenditure incurred or likely to be incurred on medical treatment for physical and/or mental health including counselling of victim, funeral, travelling during investigation/inquiry/trial, which shall support/ supplement the claim
- f. Any document pertaining to loss of educational opportunity or loss of employment as a result of offence, which shall support/ supplement the claim.
- g. Documents reflecting financial condition of the victims.
- h. Documents reflecting number of dependents on victim. Survivor Certificate in case of death.
- i. Provision 9(4) of the Scheme empowers the SLSA/DLSA to call for any record or take assistance from any authority/establishment/police/court concerned/expert for smooth implementation of the Scheme.
- j. Bank Account details of the victim/dependents. It may be a Joint Account or in Single Name of the Victim/Dependent. In case the victim does not have a bank account, DLSA concern would facilitate the opening of a bank account in the name of the victim and if the victim is a minor along with a guardian; or in case, where the minor is in a child care institution, the bank account shall be opened with the superintendent of the Institution as Guardian.
- k. If the application is not directly moved by the victim/dependent, or action is not taken suo-moto by SLSA/DLSA, then a certificate of a police officer not below the rank of officer in charge of Police Station, or a Magistrate of the area concerned is required to order immediate first aid facility or medical benefits to be made available to the victim free of cost or for any other interim relief.
- l. Dependency Certificate: if the authority concerned does not issue the Dependency Certificate within 15 days, then upon expiry of the said period, SLSA/ DLSA may proceed on the basis of an affidavit to be obtained from the claimant.

### 3. AWARD OF COMPENSATION<sup>300</sup>

- 3.1 The Scheme provides that the SLSA or DLSA may award compensation to the victim or her dependents to the extent specified in the Schedule<sup>301</sup> attached.

#### Schedule applicable to women victim of crimes

S. No.	Particulars of Loss or Injury	Minimum Limit of Compensation	Upper Limit of Compensation
1	Loss of Life	Rs. 5 Lakh	Rs. 10 Lakh
2	Gang Rape	Rs. 5 Lakh	Rs. 10 Lakh
3	Rape	Rs. 4 Lakh	Rs. 7 Lakh
4	Unnatural Sexual Assault	Rs. 4 Lakh	Rs. 7 Lakh

<sup>300</sup> As per Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes 2018.

<sup>301</sup> Schedule to the Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes 2018.

5	Loss of any Limb or part of body resulting in 80% permanent disability or above	Rs. 2 Lakh	Rs. 5 Lakh
6	Loss of any Limb or part of body resulting in 40% and below 80% permanent disability	Rs. 2 Lakh	Rs. 4 Lakh
7	Loss of any limb or part of body resulting in above 20% and below 40% permanent disability	Rs. 1 Lakh	Rs. 3 Lakh
8	Loss of any limb or part of body resulting in below 20% permanent disability	Rs. 1 Lakh	Rs. 2 Lakh
9	Grievous physical injury or any mental injury requiring rehabilitation	Rs. 1 Lakh	Rs. 2 Lakh
10	Loss of Foetus i.e. Miscarriage as a result of Assault or loss of fertility.	Rs. 2 Lakh	Rs. 3 Lakh
11	In case of pregnancy on account of rape.	Rs.3 Lakh	Rs.4 Lakh
12	Victims of Burning: -		
	a. In case of disfigurement of case	Rs. 7 Lakh	Rs. 8 Lakh
	b. In case of more than 50%	Rs. 5 Lakh	Rs. 8 Lakh
	c. In case of injury less than 50%	Rs. 3 Lakh	Rs. 7 Lakh
	d. In case of less than 20%	Rs. 2 Lakh	Rs. 3 Lakh
13	Victims of Acid Attack: -		
	a. In case of disfigurement of face.	Rs. 7 Lakh	Rs. 8 Lakh

**Note:** Hon'ble Supreme Court of India vide its order dated 11.05.2018 has clarified that the Scheme postulates only the minimum requirements. This does not preclude the State Governments and Union Territory Administrations from adding to the Scheme.

3.3 The Scheme provides that while deciding a matter, the State Legal Services Authority/District Legal Services Authority may take into consideration the following factors relating to the loss or injury suffered by the victim:<sup>302</sup>

<sup>302</sup> Provision 8, Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes 2018.

- i. Gravity of the offence and severity of mental or physical harm or injury suffered by the victim;
  - ii. Expenditure incurred or likely to be incurred on the medical treatment for physical and/or mental health including counselling of the victim, funeral, travelling during investigation/ inquiry/ trial (other than diet money);
  - iii. Loss of educational opportunity as a consequence of the offence, including absence from school/college due to mental trauma, bodily injury, medical treatment, investigation and trial of the offence, or any other reason;
  - iv. Loss of employment as a result of the offence, including absence from place of employment due to mental trauma, bodily injury, medical treatment, investigation and trial of the offence, or any other reason;
  - v. The relationship of the victim to the offender, if any;
  - vi. Whether the abuse was a single isolated incidence or whether the abuse took place over a period of time;
  - vii. Whether the victim became pregnant as a result of the offence, whether she had to undergo Medical Termination of Pregnancy (MTP)/ give birth to a child, including rehabilitation needs of such child;
  - viii. Whether the victim contracted a sexually transmitted disease (STD) as a result of the offence;
  - ix. Whether the victim contracted human immunodeficiency virus (HIV) as a result of the offence;
  - x. Any disability suffered by the victim as a result of the offence;
  - xi. Financial condition of the victim against whom the offence has been committed so as to determine her need for rehabilitation and re-integration needs of the victim.
  - xii. In case of death, the age of deceased, her monthly income, number of dependents, life expectancy, future promotional/growth prospects etc.
  - xiii. Or any other factor which the SLSA/DLSA may consider just and sufficient.
- 3.4 Wherever, a recommendation is made by the Court for compensation under sub-sections (2) and/or (3) of Section 357A of the Code, or an application is made by any victim or her dependent(s), under sub-section (4) of Section 357A of the Code, to the State Legal Services Authority or District Legal Services Authority, for interim compensation it shall prima- facie satisfy itself qua compensation needs and identity of the victim. As regards the final compensation, it shall examine the case and verify the contents of the claim with respect to the loss/injury and rehabilitation needs as a result

of the crime and may also call for any other relevant information necessary for deciding the claim. Provided that in deserving cases and in all acid attack cases, at any time after commission of the offence, Secretary, SLSA or Secretary, DLSA may suo moto or after preliminary verification of the facts proceed to grant interim relief as may be required in the circumstances of each case.

- 3.5 The inquiry as contemplated under sub-section (5) of Section 357A of the Code, shall be completed expeditiously and the period in no case shall exceed beyond sixty days from the receipt of the claim/petition or recommendation:

Provided that in cases of acid attack an amount of Rs. one lakh shall be paid to the victim within 15 days of the matter being brought to the notice of DLSA. The order granting interim compensation shall be passed by DLSA within 7 days of the matter being brought to its notice and the SLSA shall pay the compensation within 8 days of passing of the order. Thereafter, an amount of Rs. 2 lakhs shall be paid to the victim as expeditiously as possible and positively within two months of the first payment.

- 3.6 After consideration of the matter, the SLSA or DLSA, as the case may be, upon its satisfaction, shall decide the quantum of compensation to be awarded to the victim or her dependent(s) taking into account the factors enumerated in Clause 8 of the Scheme, as per schedule appended to this chapter. However, in deserving cases, for reasons to be recorded, the upper limit may be exceeded. Moreover, in case the victim is minor, the limit of compensation shall be deemed to be 50% higher than the amount mentioned in the Schedule appended to the chapter.
- 3.7 The SLSA/DLSA may call for any record or take assistance from any Authority/Establishment/ Individual/ Police/Court concerned or expert for smooth implementation of the Scheme.
- 3.8 In case trial/appellate court gives findings that the criminal complaint and the allegation were false, then Legal Services Authority may initiate proceedings for recovery of compensation, if any, granted in part or full under this Scheme, before the Trial Court for its recovery as if it were a fine.

## **4. METHOD OF DISBURSAL OF COMPENSATION<sup>303</sup>**

- 4.1 The amount of compensation so awarded shall be disbursed by the SLSA by depositing the same in a Bank in the joint or single name of the victim/dependent(s). In case the victim does not have any bank account, the DLSA concerned would facilitate the opening of a bank account in the name of the victim and in case the victim is a minor along with a guardian or in case, the minor is in a child care institution, the bank account shall be opened with the Superintendent of the Institution as Guardian. However, in

<sup>303</sup> As per Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes 2018.

case the victim is a foreign national or a refugee, the compensation can be disbursed by way of cash cards.

- 4.2. Interim amount shall be disbursed in full. However, as far as the final compensation amount is concerned, 75% (seventy five percent) of the same shall be put in a fixed deposit for a minimum period of three years and the remaining 25% (twenty five percent) shall be available for utilization and initial expenses by the victim/dependent(s), as the case may be.
- 4.3 In the case of a minor, 80% of the amount of compensation so awarded, shall be deposited in the fixed deposit account and shall be drawn only on attainment of the age of majority, but not before three years of the deposit. Provided that in exceptional cases, amounts may be withdrawn for educational or medical or other pressing and urgent needs of the beneficiary at the discretion of the SLSA/ DLSA.
- 4.4 The interest on the sum, if lying in FDR form, shall be credited directly by the bank in the savings account of the victim/dependent(s), on monthly basis which can be withdrawn by the beneficiary.

## 5. INTERIM RELIEF TO THE VICTIM<sup>304</sup>

- 5.1 The State Legal Services Authority or District Legal Services Authority, as the case may be, may order for immediate first-aid facility or medical benefits to be made available free of cost or any other interim relief (including interim monetary compensation) as deemed appropriate, to alleviate the suffering of the victim on the certificate of a police officer, not below the rank of the officer-in-charge of the police station, or a Magistrate of the area concerned or on the application of the victim/dependents or suo moto.
- 5.2 Provided that as soon as the application for compensation is received by the SLSA/DLSA, a sum of Rs.5000/- or as the case warrants up to Rs. 10,000/- shall be immediately disbursed to the victim through preloaded cash card from a Nationalised Bank by the Secretary, DLSA or Member Secretary, SLSA. Provided that the, interim relief so granted shall not be less than 25 per cent of the maximum compensation awardable as per schedule applicable to this Chapter, which shall be paid to the victim in totality.
- 5.4 Provided further that in cases of acid attack a sum of Rs. one lakh shall be paid to the victim within 15 days of the matter being brought to the notice of SLSA/DLSA. The order granting interim compensation shall be passed by the SLSA/DLSA within 7 days of the matter being brought to its notice and the SLSA shall pay the compensation within 8 days of passing of order. Thereafter an additional sum of Rs.2 lakhs shall be

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<sup>304</sup> As per Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes 2018.



awarded and paid to the victim as expeditiously as possible and positively within two months.

- 5.5 In 15<sup>th</sup> All India Meet of SLSAs, 2017, it was resolved that all SLSAs shall forward the details of the award passed under the victim compensation scheme by the SLSAs and DLSAs to NALSA at the earliest. Further, in 17<sup>th</sup> All India Meet of SLSAs, 2019, it was resolved that State Legal Services Authority shall ensure timely disposal of victim compensation applications/reference, within the statutory limitation from the date of receiving of applications/ references.

## 6. RECOVERY PROCESS<sup>305</sup>

- 6.1 Subject to the provisions of sub-section (3) of Section 357A of Cr.P.C., the State Legal Services Authority, in proper cases, may institute proceedings before the competent court of law for recovery of the compensation granted to the victim or her dependent(s) from person(s) responsible for causing loss or injury as a result of the crime committed by him/her. The amount, so recovered, shall be deposited in Woman Victim Compensation Fund.

## 7. APPEAL PROCESS<sup>306</sup>

- 7.1 In case the victim or her dependents are not satisfied with the quantum of compensation awarded by the Secretary, DLSA, they can file appeal within 30 days from the date of receipt of order before the Chairperson, DLSA. Provided that, delay in filing appeal may be condoned by the Appellate Authority, for reasons to be recorded, in deserving cases, on an application made in this regard.

## B. WITNESS PROTECTION

1. Fearless witnesses are essential to maintain rule of law. It is the duty of the State to instil confidence in the witnesses to come forward to assist the enforcement and judicial authorities in dispensation of justice with full assurance of their safety and wellbeing.
2. In *Zahira Habibullah H. Shiekh and Anr. v. State of Gujarat*, (2004) 4 SCC 158, the Hon'ble Apex Court observed that "*if the witness gets threatened or are forced to give false evidence that would not result in a fair trial.*"
3. At present the *Witness Protection Scheme 2018*<sup>307</sup> is in force. Provision 5 of the Scheme provides that the application for witness protection has to be filed before the competent authority of the concerned district through the Member Secretary along with supporting documents if any. The competent authority, according to Provision 2 (c) is the standing

<sup>305</sup> As per Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes 2018.

<sup>306</sup> As per Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes 2018.

<sup>307</sup> Available at [https://www.mha.gov.in/sites/default/files/2022-08/Documents\\_PolNGuide\\_finalWPS\\_08072019%5B1%5D.pdf](https://www.mha.gov.in/sites/default/files/2022-08/Documents_PolNGuide_finalWPS_08072019%5B1%5D.pdf).



committee in each district chaired by the District and Session Judge with the head of the Police in the district as member and head of the prosecution in the district as its Member Secretary.

4. A combined reading of Provision 5 with 2 (c) of the Scheme provides that every application for witness protection is to be filed before the District and Session Judge through the head of the Prosecution of the district. Thereafter, the '*Threat Analysis Report*' is called from the Police on the basis of which protection is extended to the witnesses according to the categories under which they fall in terms of Section 3 of the Scheme.
5. In some cases where the witness is also a victim per se, or when a witness is subject to any threats, she or he becomes the victim of an offence under Section 195A of the Indian Penal Code (IPC). It casts a direct duty on DLSA, Secretary to make the witnesses aware about their rights and protection given under this Scheme as well as the method and means to avail the same.
6. The Secretary DLSA shall discharge this responsibility by making the witnesses aware of the provisions of this Scheme at the earliest possible opportunity and if required in terms of Regulation 9 of *The National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010*<sup>308</sup>, the DLSA shall provide proactive assistance in drafting of the applications to be filed under the scheme, collecting necessary documents, and other assistance in filing of the application in the prescribed form<sup>309</sup> under this Scheme.
7. Further, if required and the witness falls under either of the category mentioned in Section 12 of the Legal Services Authorities Act, 1987, the Secretary DLSA shall provide legal assistance, before the competent authority to the applicant under this Scheme, subject to any regulation of the competent authority.

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<sup>308</sup> Available at [https://nalsa.gov.in/uploads/pdf/2019/09/26/26\\_09\\_2019\\_875124084.pdf](https://nalsa.gov.in/uploads/pdf/2019/09/26/26_09_2019_875124084.pdf).

<sup>309</sup> Page 9 -10 of the Witness Protection Scheme, 2018. Available at:  
[https://www.mha.gov.in/sites/default/files/2022-08/Documents\\_PolNGuide\\_finalWPS\\_08072019%5B1%5D.pdf](https://www.mha.gov.in/sites/default/files/2022-08/Documents_PolNGuide_finalWPS_08072019%5B1%5D.pdf).

## PART L:

# TRAINING AND CAPACITY BUILDING

### Objectives:

- ✓ *To promote deliberations amongst Chairmen, DLSAs to identify emerging issues, identify challenges, brainstorm solutions and share good practices.*
- ✓ *To provide necessary orientation to the judicial officer who is posted as Secretary, DLSA to understand his/her role and functions, which is different from adjudication and trial in the courts.*
- ✓ *To ensure that all legal aid providers possess requisite education, training and skills, commensurate with the nature of their work.*
- ✓ *To ensure that staff posted at the DLSA and LADC offices are suitably qualified and trained to discharge their functions.*

## 1. CONCLAVE OF CHAIRMEN, DISTRICT LEGAL SERVICES AUTHORITY

- 1.1 The SLSA shall conduct a one-day conclave of the chairmen.
- 1.2 The aim of the Conclave would be to
  - i. identify issues faced in the delivery of legal services in their jurisdictions;
  - ii. discuss any emergent concerns and challenges, and brainstorm on possible solutions;
  - iii. share good practices adopted by DLSAs on various themes such as outreach and awareness, legal aid clinics, early access to legal aid, legal aid for vulnerable groups etc.
- 1.3 The agenda points for the conclave shall be decided by the Member Secretary, SLSA on the basis of feedback received from the Chairmen, DLSA.
- 1.4 The format of the Conclave would be interactive and facilitate deliberation on practical aspects and should not be lectures and presentations.
- 1.5 The Conclave should be held once every six months. These can be convened virtually as well, however one such Conclave each year should be held in person.

## 2. ORIENTATION PROGRAMME FOR SECRETARY, DLSA

- 2.1 The Member Secretary, SLSA shall conduct an orientation programme for the Secretaries of the DLSA thrice every year. Additional meetings can be organised in accordance with the induction of secretaries to the DLSA. These can be conducted in person or virtually, with atleast one meeting each year to be conducted in person.
- 2.2 The subject areas of the Orientation Programme to include:
  - i. Overview of the Legal Services Authorities Act 1987, Rules, Regulations, Standard Operating Procedures, Handbooks and Manuals.
  - ii. Judicial directions with respect to legal services.
  - iii. Role and functions of the Secretary, DLSA.
  - iv. Visits to all access points of legal aid.
  - v. Monitoring and evaluation of legal aid.
  - vi. Brief on ongoing activities of NALSA and SLSA.

## 3. TRAINING AND CAPACITY BUILDING

### A. Para Legal Volunteers

- 1.1 The Secretary, DLSA should refer to *NALSA's Scheme for Para-Legal Volunteers (Revised)* and *Module for the Orientation-Induction-Refresher Courses for PLV*

*Training*<sup>310</sup>, and the *NALSA Module for Training of PLVs*<sup>311</sup> for organising trainings for para legal volunteers.

- 1.2 All PLVs shall undergo training programmes, under the control and supervision of the Secretary, DLSA and Chairman, DLSA.
- 1.3 The training shall be held at a convenient place subject to discretion of Chairman, DLSA.
- 1.4 The number of PLVs trained at any given point should not exceed 50.
- 1.5 Wherever the State Judicial Academy has facilities for training, the same may be availed of. The expenses for the training shall be incurred by the Judicial Academy for providing such facility to be reimbursed by the State Government/DLSA concerned.
- 1.6 Training should be in accordance with the curriculum prescribed by NALSA, and in the following format:
  - i. Orientation Programme
  - ii. Basic Training
  - iii. Refresher Course
- 1.7 While conducting of training, paralegals so selected from long term prisoners, must also be included in training programmes.
- 1.8 After completion of training, PLVs may be subjected to written or oral test before they are declared to have successfully completed the training.
- 1.9 The DLSAs must submit a monthly report on the existing PLVs, PLVs newly recruited and training given to PLVs to the SLA.
- 1.10 There shall be periodical refresher training courses in order to assess the quality of work turned out by the PLVs.
- 1.11 The Secretary, DLSA shall organise district-wise half-yearly meetings of PLVs to resolve their doubts and facilitate the acquisition of knowledge and upgradation of their skills as per the module.
- 1.12 The Secretary, DLSA shall facilitate through SLA the conduct of an annual congregation of PLVs so as to facilitate exchange of experience across the state.

## **B. Panel Lawyers**

- 1.13 The Secretary, DLSA shall ensure that all lawyers empanelled undergo a period of training as per modules prepared by NALSA<sup>312</sup> & SLA. The participation in the

<sup>310</sup><https://nalsa.gov.in/acts-rules/preventive-strategic-legal-services-schemes/scheme-for-para-legal-volunteers>

<sup>311</sup><https://nalsa.gov.in/training-modules/training-module-for-plvs>

<sup>312</sup><https://nalsa.gov.in/training-modules>

training programme shall be a relevant consideration for the retention or continuation of panel lawyers.<sup>313</sup>

- 1.14 While conceptualising training programmes, Secretary, DLSA shall take the advice of the Mentoring and Monitoring Committee<sup>314</sup>(MMC) which is mandated to assess the training needs of panel lawyers on a continuous basis.
- 1.15 The MMC will also assist the DLSA and TLSC to organise training programmes for panel lawyers from time to time to enhance the skill and knowledge of panel lawyers. They are also required to mentor panel lawyers and guide them in the provision of legal assistance.
- 1.16 Participation in training programmes shall be a relevant consideration for the retention or continuation of panel lawyers<sup>315</sup>, therefore Secretary, DLSA shall maintain a list of trainings attended by each panel lawyer.
- 1.17 Training should be organized frequently at the district level with the assistance of the State Judicial Academy.
- 1.18 Specialised training should be imparted to duty lawyers engaged for providing legal assistance at pre arrest, arrest and remand stage. Training may cover topics such as rights of the arrested persons, jurisprudence of Sec 41, 41A to 41D, CrPC important judgments of the Hon'ble Supreme Court on arrest law, Juvenile Justice (Care and Protection of Children Act), 2015, etc.<sup>316</sup>
- 1.19 Workshops may be organized for Police and other Investigating agencies on rights of arrestees and corresponding duties of the Investigating officers. Capacity building programs for panel lawyers specifically touching upon essential aspects of law pertaining to Arrest, Remand and Bail be planned and implemented.<sup>317</sup>
- 1.20 Refresher trainings should be periodically organised for all panel lawyers.
- 1.21 The Secretary, DLSA may invite pro bono legal counsels to attend training and sensitisation programmes organised by DLSA.
- 1.22 The Secretary DLSA shall organise trainings to sensitize lawyers about the need to update records at the Front Office daily, and for PLVs on data entry and maintenance of record.

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<sup>313</sup> Regulation 8(18) of the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

<sup>314</sup> Regulation 11(3) of the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

<sup>315</sup> Regulation 8(19) of the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

<sup>316</sup> Para 4.3.1 of the NALSA's Early Access to Justice at Pre-Arrest, Arrest and Remand Stage.

<sup>317</sup> Para 3 of the NALSA's Early Access to Justice at Pre-Arrest, Arrest and Remand Stage.

### C. Legal Aid Defence Counsels

- 1.23 The Secretary DLSA shall organise regular trainings and refresher courses for legal aid defence counsels.<sup>318</sup>
- 1.24 The failure to attend training programmes without sufficient cause would be a ground for termination of services of the legal aid defence counsels.<sup>319</sup>

### D. Staff of DLSA and Legal Aid Defence Counsel's Office

- 1.25 The training of the staff and functionaries of the DLSA and TLSC shall be done in accordance with the training curriculum and training manual prepared by NALSA and the SLSA with the assistance of the State Judicial Academies.<sup>320</sup>
- 1.26 Training should be organised atleast once in every six months at the district level with the assistance of the State Judicial Academy.<sup>321</sup>

## 4. RESOURCE PERSONS

- 4.1 The Member Secretary, SLSA shall identify trainers and other resource persons for conducting trainings. These can include:
- i. Retired judicial officers;
  - ii. Retired professors of law;
  - iii. Suitable persons from the members of the bar with training skills;
  - iv. Persons associated with Non-Government Organisations associated with the activities of Legal Services Authority;
  - v. Master trainers of mediation,
  - vi. Law teachers from law colleges,
  - vii. Officers from social welfare department;
  - viii. Public Prosecutors;
  - ix. Prison officers;
  - x. Police Officers;
  - xi. Revenue Officers;
  - xii. Psychiatrists/Psychologists/Mental Health experts;
  - xiii. Experts in accounts and audit; etc.

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<sup>318</sup>NALSA Legal Aid Defence Counsel Scheme 2022, pt 9.

<sup>319</sup> NALSA Legal Aid Defence Counsel Scheme 2022, pt 6.

<sup>320</sup> NALSA Guidelines 2011 being the Guidelines issued by NALSA for SLSAs, DLSAs, TLSCs and HCLSCs, pt 3.

<sup>321</sup> NALSA Guidelines 2011 pt 3.

## PART M

### UNDERTRIAL REVIEW COMMITTEES

Overwhelmed by the concerns of high undertrial population and overcrowding in prisons, Hon'ble Supreme Court of India, in '*In Re-Inhuman Conditions in 1382 Prisons*', Writ Petition (Civil) No. 406/2013 vide order dated 24.04.2015 directed National Legal Services Authority (NALSA), along with Ministry of Home Affairs and State Legal Services Authorities (SLSAs), to ensure formation of Undertrial Review Committees (UTRC) in every district.

The UTRC is mandated to monitor cases of unnecessary and prolonged detention through periodic review of the shortlisted cases of prisoners falling under the categories as identified by the Hon'ble Supreme Court.

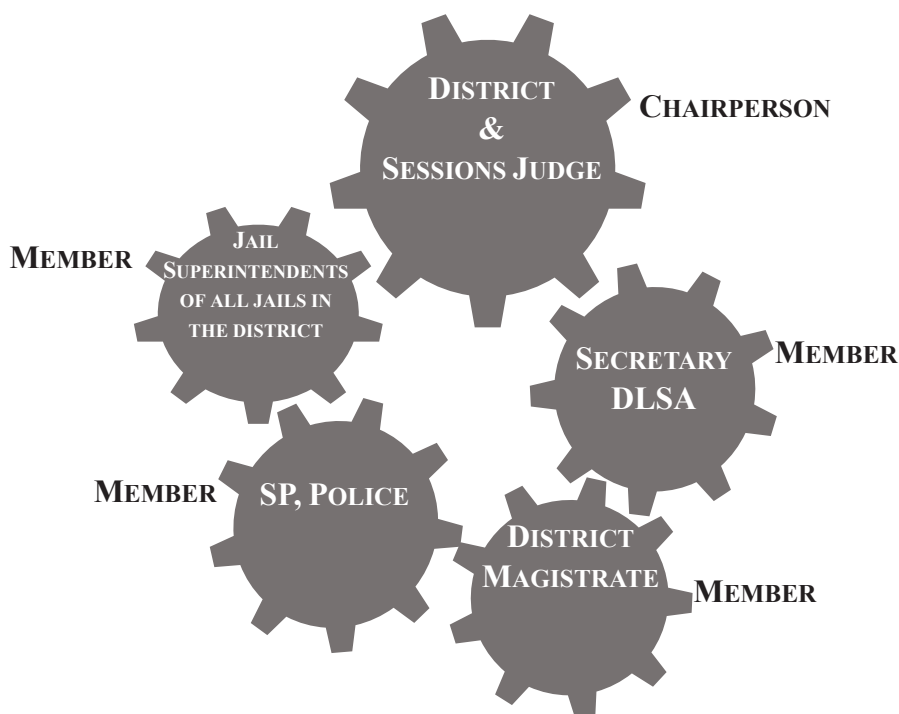
Thereafter, the Hon'ble Supreme Court in the abovementioned case vide order dated 31.10.2017 also directed NALSA to frame a Standard Operating Procedure (SOP) to make the functioning of Undertrial Review Committees (UTRCs) more meaningful and efficient. NALSA's '*Standard Operating Procedure (SOP) for Under Trial Review Committees (UTRCs)*' was taken on record by the Hon'ble Supreme Court and vide order dated 4.12.2018, all UTRCs were directed to adhere to this SOP (Available on NALSA website).

## 1. COMPOSITION, MANDATE AND PROCESS FLOW

- 1.1 The Undertrial Review Committee (UTRC), formed at every district is chaired by District & Sessions Judge and has District Magistrate, Superintendent of Police, Secretary, DLSA<sup>322</sup> and Jail Superintendent of all prisons<sup>323</sup>, as members.

*“...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...”.*

Text Box 1: Excerpt from the Hon'ble Supreme Court order dated 07.08.2015, in 'In Re-Inhuman Conditions in 1382 Prisons', Writ Petition (Civil) No. 406/2013.



**Figure 1: Pictorial depiction of the composition of UTRC**

<sup>322</sup> Secretary, DLSA was added as a member of the UTRC vide order dated 07.08.2015 in the abovementioned case.

<sup>323</sup> Jail Superintendent of the concerned District Jail/ Central Jail/ Sub-Jail were added as member(s) of the UTRC vide order dated 31.10.2017 in the abovementioned case.



**1.2 Frequency/ Periodicity of the UTRC Meetings:**

- i. The UTRCs are mandated to meet every quarter as per the NALSA 'SOP on the Functioning of UTRCs.
- ii. Towards ensuring decongestion of prisons during the COVID-19 pandemic, the Hon'ble Supreme Court in '*In Re: Contagion of COVID 19 Virus in Prisons*', Suo Motu Writ Petition (Civil) No. 1/2020, directed the UTRCs to meet once a week.
- iii. Depending on the State specific needs, the SLSAs may decide on the frequency of the UTRC meetings, however it cannot be more than 3 months as mandated under the NALSA SOP.

**1.3 List of eligible categories of cases for UTRC's review and respective recommendations as per the NALSA SOP:**

- i. *UTPs / Convicts falling under covered under Section 436A Cr.P.C.*
- ii. *UTPs released on bail by the court, but have not been able to furnish sureties.*
- iii. *UTPs accused of compoundable offences.*
- iv. *UTPs eligible under Section 436 of Cr.P.C.*
- v. *UTPs who may be covered under Section 3 of the Probation of Offenders Act, namely accused of offence under Sections 379, 380, 381, 404, 420 IPC or alleged to be an offence not more than 2 years imprisonment.*
- vi. *Convicts who have undergone their sentence or are entitled to release because of remission granted to them.*
- vii. *UTPs become eligible to be released on bail u/s 167(2)(a)(i) & (ii) of the Code read with Section 36A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (where persons accused of Section 19 or Section 24 or Section 27A or for offences involving commercial quantity) and where investigation is not completed in 60/90/180 days.*
- viii. *UTPs who are imprisoned for offences which carry a maximum punishment of 2 years.*
- ix. *UTPs who are detained under Chapter VIII of the Cr.P.C. i.e. u/s 107, 108, 109 and 151 of Cr.P.C.*
- x. *UTPs who are sick or infirm and require specialized medical treatment.*
- xi. *UTPs who are first time offenders between the ages 19 and 21 years and in custody for the offence punishable with less than 7 years of imprisonment and have suffered at least 1/4<sup>th</sup> of the maximum sentence possible.*
- xii. *UTPs women offenders*

- xiii. *UTPs who are of unsound mind and must be dealt with Chapter XXV of the Code.*
- xiv. *UTPs eligible for release under Section 437(6) of Cr.P.C, wherein in a case triable by a Magistrate, the trial of a person accused of any non- bailable offence has not been concluded within a period of 60 days from the first date fixed for taking evidence in the case.*

#### Preparation

1. Officer in-charge (Jail Superintendent) of every prison in the district prepares list of all undertrials (UTPs and convicts lodged in the prison).
2. DLSA Secretary shortlists eligible cases of undertrials and convicts from the prepared lists to be considered in the UTRC meeting.

#### Meeting

3. District & Sessions Judge convenes a meeting of all UTRC members where the shortlisted cases are considered by the UTRC.
4. UTRC makes recommendations for release and other actions in the cases of eligible individual prisoners to the concerned courts.

#### Recommendation and Actions

5. Jail Superintendent informs prisoners about the recommendations made in their cases.
6. In case of undertrials, trial court decides on the recommendations of the UTRC brought before it in the manner appropriate for the particular case.

#### Follow Up

7. UTRC keeps a track on the actions taken on the recommendations.
8. DLSA Secretary collates the data and prepares a quarterly report on the recommendations and actions taken in the cases considered by the UTRC.

#### 1.4 Process Flowchart of UTRC Functioning as per the NALSA SOP:

## 2. **ROLE OF DLSA SECRETARY**

### 2.1 Before the UTRC Meeting:

- i. The office of Secretary, DLSA, with the aid of empanelled panel lawyers, Retired Judicial Officers and law students trained as PLVs, if required and available, shall draw list of UTPs/Convicts eligible for consideration by the UTRC out of Data sent to him in the light of criteria laid down by Hon'ble Supreme Court in WP(C) 406/2013-Re-Inhuman Conditions in 1382 Prisons and laid out in para 2.2 of the NALSA SOP. If any further details are required by the Secretary, DLSA from any court or from the Jail Superintendent or from the police authorities, the same may be ascertained by the Secretary DLSA.<sup>324</sup>

<sup>324</sup> Step 2.1 of the NALSA SOP.

- ii. Thereafter, the Secretary DLSA shall prepare a list of eligible UTPs for consideration of UTRC in the Excel Sheet/Soft form as per Annexure A & B of the NALSA SOP. This list has to be prepared in an excel sheet in soft form.<sup>325</sup>
- iii. Inform the District & Sessions Judge that the complete list has been prepared and request him to convene the UTRC meeting at the earliest.<sup>326</sup>
- iv. Share a copy of the list with the District & Sessions Judge and other members of the UTRC so that they can come prepared for the meeting.<sup>327</sup>

## 2.2 During the UTRC Meeting:

- i. Assist the UTRC in recommending the cases for appropriate action as provided in the SOP.<sup>328</sup>
- ii. Enter the recommendations for release and appropriate action in cases of UTPs in the digital list of prisoners with<sup>329</sup>:
  - a. Recommendation of UTRC
  - b. Date of recommendation
  - c. Brief reasons for UTRC recommendation

## 2.3 After the UTRC Meeting:

- i. Share recommendations with the concerned Trial Court/Jail Superintendent.<sup>330</sup>
- ii. Instruct the panel lawyers to move applications as required in the UTRC recommendations for legal aid cases.<sup>331</sup>
- iii. Keep track of the follow up action in recommended cases and collate data on<sup>332</sup>:
  - a. Action taken on recommendation,
  - b. Final Outcome, and
  - c. Date of release of UTP/Convict.
- iv. Generate quarterly report under the following heads<sup>333</sup>:
  - a. Number of UTPs / Convicts considered by UTRCs in a given quarter / year,
  - b. Number of UTPs/Convicts recommended for bail / release,
  - c. Number of bail/other applications moved post recommendations, and
  - d. Number of inmates released pursuant to UTRC's recommendations.

<sup>325</sup> Supra Note 5.

<sup>326</sup> Step 2.3 of the NALSA SOP.

<sup>327</sup> Supra Note 7.

<sup>328</sup> Please see Text Box 1 in PART N: UNDERTRIAL REVIEW COMMITTEES, above.

<sup>329</sup> Step 3.4 of the NALSA SOP.

<sup>330</sup> Step 3.5 of the NALSA SOP.

<sup>331</sup> Supra Note 11.

<sup>332</sup> Step 4 of the NALSA SOP.

<sup>333</sup> Step 5 of the NALSA SOP.

The DLSA may consider adopting the following measures for smooth and effective functioning of the UTRCs:

1. Secretary, DLSA should also ensure that the lists of inmates sent by the Jail Superintendents are segregated jurisdiction wise by his office. The details of inmates falling under the jurisdiction of any other DLSA must be sent to them immediately. Similarly, other cases referred by other DLSAs falling under the concerned DLSA must be included in the list for review.
2. Secretary, DLSA should not exclude any eligible case from the shortlisted UTPs and Convicts even if that case has previously been rejected by the UTRC or by the trial court after UTRC's recommendation for any reason.

### 3. REPORTING AND DOCUMENTATION

- i. The Secretary, DLSA will ensure that minutes of the meeting for the UTRC are prepared within 7 days from the meeting of the committee.
- ii. The meeting minutes shall be recorded in the prescribed format.
- iii. The minutes should be circulated to all committee members via email.
- iv. The Secretary, DLSA shall submit a monthly report on the functioning of the UTRC to the SLA, as per prescribed format.
- v. An action taken report shall be prepared as per prescribed format and submitted to the UTRC members every month, and a copy shared with the SLA.

*The functioning of the Undertrial Review Committees is governed by the NALSA SOP on Functioning of UTRCs and the directions issued by the Constitutional Courts from time to time. The present chapter only lays out the process of UTRC from the Secretary, DLSA's viewpoint and hence it is important to refer to the original provisions of the SOP and concerned judicial orders/judgements/directives for effective compliance of the same.*

## **PART N:**

# **MEDIA AND COMMUNICATION**

Media plays an essential role in reaching out to a large section of the population living in both urban and rural areas, especially the remote and far-flung areas. Print media such as newspapers, magazines, flyers and handouts, etc. are the traditional and reliable modes of outreach.

However, with digital penetration across India, new age modes of Electronic Media and social media have become powerful tools for Outreach and Awareness programme which are cost effective, needing much less manpower. Specific demographics can be reached out through targeted programmes such as programmes for women, children, Scheduled Caste, Scheduled Tribes, low-income groups, etc.

Other modes such as door-to-door campaign, LED Information Board, etc. may also be utilized. This Chapter provides a broad outline of steps and initiatives that DLSAs may employ to achieve the goal of increasing legal awareness, outreach and legal literacy.

## 1. MODES

### A. Print Media

- 1.1 Print media such as newspapers, magazines, flyers and handouts etc are the most traditional mode of outreach and reporting available to LSIs. Given the digital divide in India, there are several pockets of the population who have only access to print media, and are yet to be exposed to electronic or social media. Thus,
- i. The Secretary, DLSA must ensure that print media is used to complement other outreach efforts made through social media and electronic media.
  - ii. The Secretary, DLSA must ensure that a press statement is issued after conduct of any event, camp etc by the DLSA.
  - iii. The Secretary, DLSA must regularly share success stories with print media representatives for publication in local languages in various print media.
  - iv. Subject to the availability of budget, the secretary DLSA can make available informative flyers and handouts at the front office, block development offices, legal services clinics etc.

### B. Electronic Media

- 1.2 Over the years, the primary mode of imparting and receiving information has changed dramatically, with electronic means such as radio and television gaining popularity over traditional print media of newspapers and magazines. Legal advice and information can be provided through radio and TV to reach the rural population for whom legal aid otherwise remains inaccessible. Thus, the DLSA must reach out to the masses using electronic media, and carry out outreach activities in this mode.
- 1.3 Benefits of Using Electronic Media for Outreach Programmes:
- i. Easier method of reaching out to a large number of the population.
  - ii. Will require less manpower.
  - iii. Cost-effective in carrying out programmes.
  - iv. Consistency and control over the content to be distributed.
  - v. Information and content can be systematically arranged and planned.
  - vi. Specific demographics can be reached out through targeted programmes such as programmes for women, children, Scheduled Caste, Scheduled Tribes, low-income groups, etc.
  - vii. Information and awareness programmes can be held at frequent intervals, building

legal literacy of the people.

- viii. Visual elements in television can lead to a greater connection with the audience and thus help in creating awareness.

#### 1.4 Electronic media platforms to be used:

- i. Radio: All channels of All India Radio & Prasar Bharati, and Community Radio.
- ii. Television: All Doordarshan channels.
- iii. Besides this, outreach partnerships with private radio and news channels can also be made to levy their audiences.

#### 1.5 Types of Programmes:

- i. Awareness programmes on the availability of free legal services, modes of contacting DLSA and functioning of basic legal services units.
- ii. Legal awareness programmes for vulnerable sections, such as those mentioned in Sec 12 of the Legal Services Authorities Act 1897 including women, children, labour, SC/ST, persons with disability, senior citizens, rights of arrested persons, victims of crime etc.

#### 1.6 The expected outcomes are as follows:

- i. Increased outreach and reaching out to a large section of the population living in both urban and rural areas especially the remote and far-flung areas.
- ii. Creating awareness amongst masses regarding their rights, privileges and benefits under various laws and social welfare legislations, Fundamental Duties, legal services authorities, legal aid helpline numbers, etc.
- iii. Increasing legal literacy amongst masses.

### C. Social Media

- 1.3 Social media platforms hold a great potential for LSIs to reach out to the masses as well as target beneficiaries. A great benefit that social media holds over its electronic and print counterparts is the ability to micro-target. While outreach through electronic and print media is targeted towards an undifferentiated 'mass', one can explore means to reach out to specific groups of audiences with different interests through social media.

- **Twitter**

- 1.4 Active account: The Secretary, DLSA shall ensure that a twitter account is active for the DLSA.

- 1.5 Profile picture: The Legal services authority official logo must be used as the profile

picture.

- 1.6 Cover picture: A cover picture with pictures from various events held and a tagline along with logo should be used.
- 1.7 Who to follow: It is suggested that accounts follow Twitter official handles of the PMO, Law Minister, Official account of the Law ministry, Twitter Handle of NALSA, and the twitter accounts of office holders of the Legal Service Institution. It is optional to follow twitter accounts of other Legal Service Institutions, and their office holders, apart from legal authorities like All India & the State Bar Councils.
- 1.8 Who not to follow: It is strongly suggested to not follow back random accounts and accounts of other organisations, as each follow could be scrutinised by the media or the public, and be viewed as an endorsement.
- 1.9 How to Get Engagement and Followers: Encourage all staff members, officials, Panel lawyers, PLVs, and Interns to follow the LSI's account on Twitter. Additionally reach out to legal luminaries, judges etc. who are popular on Twitter and requesting them to mention your twitter handle in their tweets. This will expose your account to thousands of users who may then follow you.
- 1.10 The Secretary, DLSA may depute the responsibility to post, retweet, like, reply to the staff, panel lawyer or paralegal volunteer, if he/she deems fit. However, before any post, retweet, like or reply – the permission of the Secretary, DLSA would be required.
- 1.11 Content: Apart from regular, short updates about the initiatives, use Twitter for “cross-posting” information from the official website or other social media portals of the LSI.
- 1.12 Effort must be made to create original content such as tweets, videos and creatives on the legal services provided by the DLSA, including sharing of success stories, events organised, camps conducted etc.
- 1.13 Effort must be made to not only create original content but also retweet relevant content on legal aid, particularly tweets by NALSA & other SLSAs.
- 1.14 Information and content which can help the community or raise awareness of the community on various aspects of law may also be shared/retweeted using the account. This will increase followers to the account, as they would feel they gain something valuable out of it.
- 1.15 Relevant judgments might also be shared.
- 1.16 Information on DLSA's collaboration with other stakeholders such as NGOs, Law Colleges etc for legal outreach and other activities can also be shared through the account.
- 1.17 While making tweets, official twitter handles of all entities and organisations should be



mentioned, so that they can retweet and increase popularity of content so shared.

- 1.18 For national or global observance days, use of hashtags must be made. This would boost audience engagement.
- 1.19 Updates and snapshots from events and webinars can be shared, this would showcase the work done by the DLSA and give a glimpse into the range of work being undertaken by the DLSA.

- **Facebook**

- 1.20 For the DLSA the most important Facebook features are Facebook Pages and Facebook Groups.
- 1.21 Every DLSA may create a page using a Facebook profile, which must be first created with the details of the DLSA.
- 1.22 Once the page is created, the user can add other people in the Page Roles as Admin, Editor, Moderator, Advertiser and Analyst.
- 1.23 The standard protocol for maintaining pages by organisations begins with creating a page from an account created with the organisation's email ID. The benefit of choosing to create the page with the organisation's email rather than an employee's personal email is that the control of the account and page will remain with the organisation even if the employee leaves. Once the page has been created, access can be given to employees and external agencies through the page roles.
- 1.24 About us and Our Story: Each page has two tools to provide a better insight about the organisation's values, its story and vision to the page visitors. These tools are the 'About Us' and 'Our Story' sections, which are a quick and easy way to understand the organisation in a glance, without having to scroll all the way down to see all the posts. While the 'About Us' section has a word limit of 155 characters, Facebook allows you to be more creative in the 'Our Story'. The latter section is almost like a blog with options to add text, headings, pictures, links, and quotes.
- 1.25 DLSAs should regularly update their Facebook pages with the content strategy being similar to the one discussed for Twitter. The benefit Facebook has over the other platforms is the option of longer text captions, videos, and the number of pictures that can be posted in a single post. This allows the option of in-depth information about a particular issue.
- 1.26 Visual posts get better traction in Facebook's algorithm therefore it is recommended to add pictures to as many posts as possible. When it is not always possible to share original content, posts can be reshared from other pages, or from other websites.
- 1.27 Hosting of Live Webinars: Facebook allows the hosting of live webinars and through Facebook Live, and other streaming platforms including Zoom and Stream Yard allow

its webinars to be streamed live on a Facebook page simultaneously. Hosting public webinars on Facebook will help in engagement with the public, while fulfilling the mandate of mass legal awareness.

- 1.28 Creating a Legal Aid Facebook Group: A state level group can be created by the SLSA for all matters related to Legal Aid. This can serve as a platform for questions and answers on Legal Aid, and serve as a quick way to solve common queries.

- **Instagram**

- 1.29 Instagram provides features such as feed posts, stories (15 second visual content that disappears in 24 hours), highlights (stories remain permanently highlighted at the top of user's feed) and Instagram TV or IGTV (videos of upto 15 minutes can be posted)
- 1.30 Content: While creating content for Instagram, the focus should be on the visual rather than written content, since the visuals are what grabs the attention of users. As for the written part, short and catchy captions work the best, though lengthier in-depth captions are sometimes necessary. The captions need to be supplemented by relevant strategic hashtags.
- 1.31 Posting updates and Media Coverage: Instagram is a quick and easy way to share updates on new welfare schemes in the form of textual posters or carousels. Legal Service Authorities can also use the platform to share the press coverage of their efforts and initiatives.
- 1.32 Success Stories: Human stories get good engagement on Instagram. LSIs can utilise this storytelling format to post moving, emotional accounts of beneficiaries. This would boost the image of Legal Services Authorities, and help the public to see how the efforts of LSIs is helping people across the country.
- 1.33 Pictures from Legal Awareness Camps: Till the time physical activities are on hold due to the pandemic, pics from older camps can be posted. To ensure transparency, the caption or story should clearly specify the date and location of the event depicted in the pictures.
- 1.34 IGTV Videos: IGTV videos can be used for creating longer videos on legal awareness, or to conduct interviews of Member Secretaries, and posting snippets from webinars.
- 1.35 Theme-based Highlights and Highlight Covers: Important stories can be added permanently as Highlights, which can then be thematically categorised. As discussed above, these highlights can be used for important announcements, internships, fellowships, courses, press coverage, legal camps, seminars etc.

- **YouTube**

- 1.36 The recommended strategy for YouTube is to use it as a supplement to other social media platforms.

- 1.37 Cross posting: Cross posting refers to posting the same content across different platforms. You Tube videos can be shared as new content on other social platforms like Facebook and Twitter along with captions.
- 1.38 Create Playlists: Playlists are list of curated videos and can be used to club videos on similar themes together. LSIs can create playlists on themes like “Legal Awareness”, “Legal Aid FAQs”, “Legal Camps”, “Success Stories” etc.
- 1.39 Promote Other Social Media Handles Through YouTube Videos: It is helpful to add an end slide to the videos which contain the LSI’s websites and social media handles so that the viewers from YouTube can also follow us on other platforms.

#### **D. Other modes**

- i. Door to door campaigns wherein para legal volunteers go to each house in an area and apprise them about DLSAs and its work
- ii. Distribution of pamphlets in newspapers
- iii. Display screens/LEDs at bus stops, railways stations, police stations and all public institutions
- iv. Installation of DLSA information boards at various public places

## PART O:

# COMPLIANCE OF RIGHT TO INFORMATION ACT, 2005

Right to Information Act, 2005 (*hereinafter, “RTI Act”*) was enacted to promote transparency and accountability in the working of every Public Authority by mandating disclosure of information under the control of Public Authorities.

Section 2 (h) of the RTI Act defines “Public Authority” and it includes any authority or body or institution of self-government established or constituted by any law made by the Parliament and hence the Legal Services Institutions fall under the ambit of ‘Public Authority’.

The RTI Act provides that all citizens shall have the right to information from any Public Authority. Section 2(i) RTI Act defines “*information*” as: “*any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;*”

Any citizen may while seeking information from a Public Authority, exercise his right to information in different ways such as the following (as mentioned in Section 2 (j)):

- (i) *Inspecting the work, documents, records;*
- (ii) *Taking notes, extracts or certified copies of documents or records;*
- (iii) *Taking certified samples of material;*
- (iv) *Obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device.*

## 1. OBLIGATIONS OF DLSAs IN COMPLIANCE OF RIGHT TO INFORMATION ACT, 2005:

- 1.1 *Designation of Public Information Officer and Assistant Public Information Officers*<sup>334</sup>: Secretary, DLSA shall ensure that the Public Information Officer and Assistant Public Information Officers are appointed for DLSA.
- 1.2 *Maintenance of Records*<sup>335</sup>: To maintain all its records duly catalogued and indexed in a proper manner and form which facilitates the right to information under this Act. Digitization of records shall also be done within a reasonable period of time, subject to the availability of resources.
- 1.3 *Publication and Updation of Details*<sup>336</sup>:
- i. Particulars of DLSA's organization, functions and duties;
  - ii. Powers and duties of its Officers and Employees;
  - iii. Procedure followed in the decision- making process, including channels of supervision and accountability;
  - iv. Norms set by DLSA for discharge of its functions;
  - v. Rules, regulations, instructions, manuals and records, held by DLSA or under DLSA's control or used by DLSA employees for discharging its functions;
  - vi. A statement of the categories of documents that are held by it or under its control;
  - vii. A statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;
  - viii. A directory of its officers and employees;
  - ix. The monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
  - x. The budget allocated to it, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
  - xi. The details of utilization of the budget allocated;

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<sup>334</sup> Section 5 RTI Act.

<sup>335</sup> Section 4 RTI Act.

<sup>336</sup> Section 4 RTI Act.

xii. Details such as the names, designation, and other particulars of the Public Information Officers.

1.4 The above said information shall be annually updated. The Secretary, DLSA shall oversee the same and shall ensure that all gaps in information etc. are filled immediately, preferably within one week of the same being brought to his notice.

1.5 Proactive Disclosure<sup>337</sup>:

- i. Constantly endeavor to take steps at regular intervals to provide as much information *suo motu* to the public through various means of communications, including internet;
- ii. Disseminate information widely in a cost- effective, simple language about different activities, policies framed and schemes being run; resort maybe had to notice boards, newspapers, public announcements, media broadcasts, the internet etc.).

1.6 Disposal of applications seeking information and disclosing reasons for decision taken etc.<sup>338</sup>:

- i. Promptly and courteously deal with requests from persons seeking information and render reasonable assistance to them;
- ii. Dispose of requests for information as expeditiously as possible, and in any case within thirty days of the receipt of the request by either providing the information (on payment of such fee as prescribed) or reject the request for any of the reasons specified in Sections 8 and 9 of the RTI Act.
- iii. Dispose of requests for information (which concerns the life or liberty of a person) within 48 hours of the receipt of the request;
- iv. Inform the applicant about the fees to be paid for getting the information;
- v. Inform the applicant about the right to prefer an appeal against a decision of the PIO; particulars of the Appellate Authority, time limit for preferring an appeal, procedure etc.;
- vi. Provide suitable assistance to a sensorily disabled applicant to access information;
- vii. Provide information free of cost to the applicant where DLSA fails to comply with the time limits for providing information;

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<sup>337</sup> Section 4 RTI Act

<sup>338</sup> Section 7, 8 and 9 RTI Act

- viii. Communicate the following information to an applicant when his request for information is declined:
  - a. The reasons for such rejection;
  - b. The period within which an appeal against such rejection may be preferred; and
  - c. The particulars of the Appellate Authority.
- ix. Provide information in the form in which it is sought unless it would disproportionately divert the resources of DLSA or would be detrimental to the safety or preservation of the record in question.
- x. Reject the request for information in case such disclosure:
  - a. Prejudicially affects the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;
  - b. Has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;
  - c. Causes a breach of privilege of Parliament or the State Legislature;
  - d. Harms the competitive position of a third party, unless larger public interest warrants the disclosure of such information;
  - e. Reveals information available to a person in his fiduciary relationship, unless the larger public interest warrants the disclosure of such information;
  - f. Endangers the life or physical safety of any person or identifies the source of information or assistance given in confidence for law enforcement or security purposes;
  - g. Impedes the process of investigation or apprehension or prosecution of offenders;
  - h. Reveals information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would intrude into the privacy of the individual unless larger public interest justifies the disclosure of such information.
  - i. Provide information after severing a part which is not to be disclosed and provide information about the other relevant parts disclosure of which is permissible.

1.7 Parameters to be kept in mind while maintaining records and disclosing information:

- i. Completeness of the data- Complete and comprehensive records must be maintained.
- ii. Specificity of Data- Precise and accurate information ought to be maintained and disclosed.
- iii. Updation of Information- The information published should be updated regularly and updated information ought to be disclosed.
- iv. User friendly record keeping and disclosure- The record maintained should be easy to access and retrieve and the information disclosed should be in simple, jargon- free, legalese- free language.

## **2. APPEAL**

- 2.1 Section 19 of the RTI Act comprehensively deals with the provisions and mechanisms of appeal under the Act. It is the statutory obligation of all the public information officers (PIO) to provide correct and complete information to its seeker within the specified period of time. As a safeguard to ensure that proper information is given to the seeker the RTI, Act provides mechanism for two appeals. While the first appeal lies within the public authority itself, the second appeal lies with the Central Information Commission.
- 2.2 Every public authority must designate an officer senior in rank to the PIO to be the appellate Authority to dispose off the appeals preferred within 30 days from the communication of order of PIO, however, the appellate Authority can admit the appeal preferred even beyond the prescribed period of limitation.
- 2.3 Every appeal must be decided expeditiously and within 30 days from its receipt. The period may be extended to 45 days for reasons to be recorded in writing.
- 2.4 Deciding appeals under the RTI Act is a quasi-judicial function. It is therefore, necessary that the appellate authority must, while deciding an appeal, pass a speaking order and giving due justification for the decision arrived at.
- 2.5 In every appeal proceedings, the onus to prove that the denial of the request was justified shall be on the Public Information Officer, who denied the request.
- 2.6 The appellate authority, while deciding the appeal may pass the following orders; viz.
  - i. Directing the PIO to give particular information to the appellant
  - ii. Himself give the desired information to the appellant
  - iii. Take such steps as many necessary to secure compliance with the provisions of the Act
  - iv. Provide access to information, if so required, in a particular form
  - v. Require the Public Authority to compensate the appellate for any loss or other detriment suffered
  - vi. Impose any of the penalties provided under this Act



vii. Reject the appeal

- 2.7 Where the appellate authority directs the PIO to supply the information then he shall ensure that the information so ordered by him to be supplied is provided by the PIO to the appellant.
- 2.8 Where the directions given by the appellate authority are not complied by the PIO and the appellate authority feels that the intervention of the higher authority is required for supplying the information to the appellant, then the appellate authority must bring the matter to the notice of public authority competent to take action against the PIO and such officer shall take all necessary steps to ensure the implementation of the provisions of the RTI Act.

### 3. WEBSITE: MAINTENANCE AND UPDATION

- 1.1 Secretary, DLSA shall also ensure that all necessary information regarding the functioning of their office is transmitted to the SLSA so that the same maybe updated on SLSA website. Secretary, DLSA may also ensure that all necessary information regarding the functioning of their office is updated on the website of the DLSA, in case there is a website being maintained by the DLSA.
- 1.2 Secretary, DLSA must inform the SLSA about any change in contact information (such as telephone numbers or postal address), so that the same maybe duly updated on the website by the SLSA.
- 1.3 Secretary, DLSA shall endeavour to develop DLSA's website in a bilingual mode.

## **PART P:**

# **SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013**

The Hon'ble Supreme Court of India in “*Vishaka v. State of Rajasthan*”, while taking note of the legislative vacuum to address the issue of sexual harassment of women at the workplace, held that it is the duty of the employer or other responsible persons in the workplaces to make workplaces safer; prevent and deter the acts of sexual harassment against women; and to provide a procedure for the resolution, settlement and prosecution of such acts of sexual harassment.

This led to the enactment of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter ‘*POSH Act*’) and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013.

The POSH Act while defining important terms provides for a mechanism to prevent sexual harassment at workplace; modalities involved in making a complaint; ways of responding to and addressing a complaint of sexual harassment; duties of employers and other stakeholders.

## 1. STATUTORY COMPLIANCES UNDER THE POSH ACT

1.1 The Office of DLSA is covered within the ambit of a ‘workplace’<sup>339</sup> and thus, DLSAs are under an obligation to comply with the provisions of the POSH Act. The Chairperson of the DLSA, being an ‘employer’<sup>340</sup> as per the POSH Act, also has several duties to perform under the POSH Act.

▪ **Constitution of Internal Complaints Committee<sup>341</sup>-**

1.2 Every DLSA shall by an order in writing form an Internal Complaints Committee, which shall consist of the following members to be nominated by the Chairperson of the DLSA:

- i. a woman employed at a senior level at the workplace from amongst the employees shall be the Presiding Officer. In case such a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace.
- ii. At least two Members from amongst employees who are committed to the cause of women/ have experience in social work/ have legal knowledge;
- iii. One member from amongst NGOs etc. committed to the cause of women;
- iv. At least one-half of the total Members so nominated shall be women.

1.3 Every DLSA shall remove Members from the Internal Complaints Committee if:

- i. They contravene any provision of Section 16 of the Act and publish or make known the contents of a complaint and inquiry proceedings;
- ii. They have been convicted of any offence or are facing inquiry for commission of any offence under the law in force; or
- iii. They abuse the position as member of the Committee, which is prejudicial to public interest.

1.4 Every DLSA shall then nominate a new member to the Internal Complaints Committee.

▪ **Duties of DLSA towards Internal Complaints Committee for the Conduct of an Inquiry under the POSH Act<sup>342</sup>-**

1.5 The DLSA shall perform the following duties:

<sup>339</sup> Section 2 (o) of the POSH Act defines ‘workplace’.

<sup>340</sup> Section 2 (g), POSH Act, defines ‘employer’.

<sup>341</sup> Section 4, POSH Act.

<sup>342</sup> Section 19, POSH Act.

- i. Every DLSA shall provide necessary facilities for the Internal Complaints Committee to deal with the complaint and to conduct an inquiry;
  - ii. Every DLSA shall assist the Internal Complaints Committee in securing the attendance of a respondent and witnesses before it;
  - iii. Every DLSA shall make available such information to the Internal Complaints Committee, as the Office may have regarding the complaint made;
- 1.6 Additionally, every DLSA may provide a draft template of Inquiry Report to be prepared and submitted by the Internal Complaints Committee for ensuring a standard quality of Inquiry Report.
- 1.7 Sample format of inquiry report-
- i. Constitution of the Committee
  - ii. Details of the aggrieved
  - iii. Details of the Respondent
  - iv. Date of Receipt of complaint by the Committee
  - v. Date of Notice to the aggrieved for appearance before the Committee
  - vi. Recording of statement of the aggrieved and their cross examination
  - vii. Date of Notice for appearance to and recording of statement of the witnesses
  - viii. Recording of the statement of the Respondent
  - ix. Recording of statement of the respondent's witnesses and their cross examination
  - x. Material and documents examined by the Committee:
    - i. Copy of the complaint;
    - ii. Copy of the response of the Respondent, if any;
    - iii. Official records and files relating to employment of the aggrieved and the Respondent;
    - iv. E-mails from DLSA providing clarifications and information sought by the Committee from time to time;
    - v. Any correspondence or other forms of communication related to the case, including SMS, photographs, E-mails, letters, telephone bills;
    - vi. Minutes of meeting of complaints committee;
    - vii. All documents, transcripts of aggrieved, respondent and witnesses (duly signed by all committee members present in the meeting.
    - viii. Detailing the case of the Aggrieved as told to the Committee
    - ix. Detailing the defense of the Respondent as told to the Committee
    - x. Appraisal and analysis of evidence of witnesses
    - xi. Findings of the Committee
    - xii. Recommendations for the Respondent, the Aggrieved and the DLSA.

1.6 Every DLSA shall additionally-

- i. Sensitize the members of the Internal Complaints Committee to conduct the inquiry proceedings in the manner as prescribed in Sections 9- 15, POSH Act.
- ii. Monitor the timely submission of reports by the Internal Complaints Committee<sup>343</sup> and ensuring that the Internal Complaints Committee completes the inquiry within 90 days;<sup>344</sup>
- iii. Act on the recommendation of the Internal Complaints Committee within 60 days of receiving the report by the Committee;<sup>345</sup>
- iv. Ensure that the Internal Complaints Committee submits an annual report to him and he shall then forward it to the State Government.<sup>346</sup>

1.7 Duties of DLSA towards Aggrieved Woman<sup>347</sup>-

- i. Every DLSA shall forward complaint of sexual harassment received from an aggrieved woman to the Internal Complaints Committee;
- ii. Every DLSA shall provide assistance to an aggrieved woman if she so chooses to file a complaint in relation to the offence under Indian Penal Code or any other law prevailing;
- iii. Every DLSA shall treat sexual harassment as misconduct and initiate action for such misconduct.
- iv. Every DLSA shall cause to initiate action, under the Indian Penal Code or any other law prevailing against the perpetrator, where the perpetrator is not an employee of DLSA in the office of DLSA, where the incident of sexual harassment took place.

1.8 Duties of DLSA during the pendency of an inquiry by the Internal Complaints Committee:

- i. Every DLSA shall at an interim stage, upon a written request made by the aggrieved woman and on the recommendation of the Internal Complaints Committee<sup>348</sup>:-
  - a. Transfer the aggrieved woman or the respondent to any other workplace;
  - b. Grant leave to the aggrieved woman up to a period of 3 months, which is in addition to the leave that she is entitled to; or
  - c. Grant other relief as appropriate<sup>349</sup>.

<sup>343</sup> Section 19 (j), POSH Act.

<sup>344</sup> Section 11 (4), POSH Act.

<sup>345</sup> Section 13 (4), POSH Act.

<sup>346</sup> Section 21 (1) and (3), POSH Act.

<sup>347</sup> Section 19, POSH Act.

<sup>348</sup> Section 12, POSH Act.

<sup>349</sup> Section 12 (1), POSH Act.

## 2. INSTALLATION OF INFORMATION BOARD

- 2.1. Every DLSA shall get Information Boards installed displaying penal consequences of sexual harassment and the order constituting the Internal Complaints Committee, at a conspicuous place in their office or in the office at Taluka level, respectively.<sup>350</sup>

## 3. TRAINING

- 3.1. Every DLSA shall get workshops and awareness programmes organized at regular intervals for sensitizing its workforce; he shall also get Orientation Programmes organized for the members of the Internal Complaints Committee.<sup>351</sup>
- 3.2. DLSAs may also adopt the following good practices for proper implementation of the POSH Act and the directions issued by the Constitutional Courts of the land to make workplaces safer for women:-
- Ensuring sufficient lighting, open space offices, good balance of men and women at the workplace, and better-organizing work during working hours;
  - Developing a comprehensive policy on the prevention of sexual harassment and preferably translating this policy into vernacular languages too;
  - Using visual materials such as notices, posters or brochures to disseminate information on its Anti-Sexual Harassment policy;
  - Providing detailed guidance on steps for conducting inquiry to the Internal Complaints Committee;
  - Sharing the detailed mechanism of inquiry to be conducted by the Internal Complaints Committee with the aggrieved woman and the respondent so that they have a clear understanding of the inquiry process and the consequential action that may be taken.
- 3.3. Recently, the Hon'ble Supreme Court of India in "*Aureliano Fernandes v. State of Goa and Ors.*"<sup>352</sup> has issued several directions to different stakeholders so as to fulfil the salutary objective behind enactment of the POSH Act. It has directed Legal Services Authorities to develop modules to conduct workshops and organize awareness programs to sensitize authorities/ managements/ employers, employees and adolescent groups with the provisions of the Act, which are to be included in their annual calendar.

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<sup>350</sup> Section 19 (2), POSH Act.

<sup>351</sup> Section 19 (c), POSH Act.

<sup>352</sup> Civil Appeal No. 2482/ 2014, judgment dated 12.05.2023.

## **PART Q: COLLABORATION WITH GOVERNMENT DEPARTMENTS, CIVIL SOCIETY ORGANIZATIONS, AND OTHER INSTITUTIONS**

### **OBJECTIVES:**

- ✓ Strengthen DLSA's capacity through collaborations.
- ✓ Standardise the process of collaboration.

## 1. GOVERNING PROVISIONS<sup>353</sup>

- 1.1 The District Legal Services Authority (DLSA), in discharge of its functions as given in Section 10 of the Legal Services Authorities Act, 1987 shall wherever appropriate, coordinate with other government and non-governmental institutions, universities and any other organization or groups, etc. engaged in legal services or its promotion.
- 1.2 The DLSA shall carry out such coordination subject to the directions and guidance given by the Central Authority or the State Authority.
- 1.3 All collaborations of DLSA with a government or non-governmental organization, without the directions of SLSAs or NALSA, to be informed in writing to the SLSA and NALSA.

## 2. COLLABORATION WITH GOVERNMENT ORGANIZATIONS/BODIES/DEPARTMENTS AND GOVERNMENT OR PRIVATE EDUCATIONAL INSTITUTIONS

- 2.1 DLSAs shall collaborate with government bodies/departments/organisations including but not limited to the DM office, DCP/SP office, Labour department, Education department, Election Commission, Mental Health Institutions, Ministry of Social Justice and Empowerment and its counterpart in States/UTs, NCW and State Commissions for Women, National Commission for Minorities and State Minority Commissions and relevant water and electricity bodies.
- 2.2 All collaborations with the government organizations/bodies/departments and government or private educational institutions to be made in writing only.
- 2.3 All ad-hoc collaborations with the institutions mentioned in the point above to be informed to the SLSA and NALSA as part of regular reporting on the activities.

## 3. COLLABORATIONS WITH THE NON-GOVERNMENTAL ORGANIZATIONS

- 3.1 With growing number of civil society organisations (CSOs) undertaking impressive work in the field, the engagement of Legal Services Institutions with these organizations must be of an exchange of ideas to inform the future interventions.
- 3.2 For Legal Services Institutions to endeavor to proactively engage with CSOs in furthering the aim of the LSIs, a robust accreditation process is necessary. Engaging

<sup>353</sup> Section 11 of the Legal Services Authorities Act, 1987: "11. District Authority to act in coordination with other agencies and be subject to directions given by the Central Authority, etc.—In the discharge of its functions under this Act, the District Authority shall, wherever appropriate, act in coordination with other governmental and non-governmental institutions, universities and others engaged in the work of promoting the cause of legal services to the poor and shall also be guided by such directions as the Central Authority or the State Authority may give to it in writing."



with CSOs with expertise in areas such as gender, child rights, tribal welfare, health, education, differently-abled, undertrials and convicts will enable Legal Services Institutions to reach out to the marginalized.

- 3.3 A process of accreditation would ensure that only such CSOs are selected that have demonstrated a track record and ability to fulfil a transparent, accountable and rights-based pattern of activities.
- 3.4 The need for a uniform policy on accreditation of CSOs was raised by the Hon'ble Executive Chairman of NALSA dated 23th June 1998 via letter (No 2 (1)/ 98-NALSA/1388-1404. Therein, steps to initiate identification and establishing contact and engagements with voluntary agencies and Social Action Groups.
- 3.5 Merit and strict scrutiny must guide the selectin of CSOs to accord accreditation for relevant jurisdictions.
- 3.6 Any claim for aid must also be marked to the NALSA which may be responded accordingly.
- 3.7 During the 13th All India Meet of SLSAs in 2015 at Ranchi, the process of accreditation was discussed and it was noted that three preliminaries need to be identified which are:
  - i. subject,
  - ii. method of accreditation , and
  - iii. mechanism of association for spending the funds.
- 3.8 Process of Accreditation:

**Identifying CSOs – compatible objectives and aims with that of LSIs**

**Application of Accreditation – sharing past work and experience**

**Working and Report of the Assessment Committee**

**Recommendation to NALSA/ SLSA for accreditation**

**Accreditation granted**

- 3.9 The DLSA to ensure that the Accredited NGOs in their district comply with the following duties:
  - i. Providing support to the LSI in both organizing and conducting capacity building programmes for partner organizations or other civil society organizations dependent on the need.

- ii. Providing support to the LSI in achieving the objectives and aims towards achieving the goals in implementing its legal aid schemes and frameworks.
  - iii. Providing mentoring support to other organizations to improve their organizational capacities.
  - iv. Attending meetings organized by the LSI whenever called for.
  - v. Submitting an exhaustive report of activities undertaken and audited statements on a yearly basis to the LSI or at shorter intervals as decided.
  - vi. In case of voluntary withdrawal from accreditation, informing the relevant LSI one month in advance in writing about the same.
  - vii. Providing information to the LSIs on any changes in their internal policies, registration, tax status, FCRA status, governing board, management committees and other items related to the legal entity of the organization every year.
- 3.10 The DLSA must note that the Accredited NGOs shall be entitled to the following general concessions subject to the specific terms of collaboration or any other rules or legal instrument in force at the time being:
- i. Produce the certificate of accreditation to any other agencies/institutions as proof of credibility.
  - ii. Participate in capacity building programmes or coordination meetings organized for accredited members by the accrediting LSI.
  - iii. Access periodic information services provided by the accreditation agency or any other resource agencies referred by the LSI.
  - iv. Access any information or guidelines pertaining to programme planning, programme development and programme management available with the LSI.
  - v. Refer to the LSI as a reference for their resource mobilization processes (technical and financial resources). In such cases, the CSO must inform and apply at least 10 days in advance by stating at length the context.

## PART R: GRIEVANCE REDRESSAL MECHANISM

### Objectives:

- ✓ *To receive complaints, which are to be considered as a means for the aggrieved to voice their grievances and also apprise legal services institutions the reach of their programmes and failures.*
- ✓ *To ensure that disciplinary complaints against legal aid providers are promptly investigated and adjudicated.*
- ✓ *To ensure that complaints are dealt with pro-actively, with the aim being redressal of complaints and not mere disposal.*

## 1. PROCESS OF REDRESSAL<sup>354</sup>

- 1.1 The DLSA to ensure that all complaints received are addressed expeditiously and effectively.
- 1.2 A complaint can be received:
  - i. Directly from the public
  - ii. From the various authorities including from the office of the Chief Justice of the respective state.
  - iii. As has been forwarded by the SLSA or NALSA.
- 1.3 Nature of complaint may be:
  - i. Complaints against a legal aid lawyer, where a legal aid lawyer has been assigned to a party at any level, including in respect of his working and conduct.
  - ii. Complaints against not being provided legal aid, where a party feels that he/ she is entitled to legal aid.
  - iii. Complaints against any public authority for inability to get any entitlement.
  - iv. A general complaint involving a number of issues.
  - v. A general airing of grievances by a person.
  - vi. A person may simply be desirous of getting legal aid.
  - vii. A person may be wanting any specific information.
- 1.4 On receipt of a complaint by DLSA, the approach should be towards problem solving rather than replying and disposing of the complaint. Thus, the following mechanism should be adopted at the different levels for addressing the complaints/ public grievances:
  - i. Whenever a complaint is received against a legal aid lawyer or seeking legal aid or even seeking any entitlement under any Scheme directly or is forwarded by NALSA/SLSA, the same shall be taken up by the DLSA without any loss of time.
  - ii. If the complaint is against a legal aid lawyer, a report may be called from the lawyer concerned and if the DLSA is not satisfied with the report of the lawyer,

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<sup>354</sup> [NALSA's Standard Operating Procedure For Redressal Of Complaints/Public Grievances.](#)

appropriate action may be taken. Besides, the party may be contacted and the legal aid lawyer may be changed immediately.

- iii. If the application is merely for getting legal aid, appropriate steps may be taken as are taken in all cases for grant of legal aid.
- iv. If the application is for seeking any entitlement under any Scheme, the party may be informed of the recourses available and a PLV may be deputed to facilitate the party to get the entitlement.
- v. In all such cases, if necessary, the party may be requested to visit the office and discuss the problem rather than notices for appearance being sent to them. In order to get in touch with the parties and to save time, all possible modes should be used such as sending SMS to the party where the mobile number of the party is available, calling a party telephonically, sending a letter by speed post, using e-mail if e-mail id is available. Importantly, a PLV may even be sent to contact the party.
- vi. In all these cases, intimation should be sent to the SLSA/NALSA/ concerned department or office where the same had been forwarded by them.
- vii. Where a complaint is received against rejection of application for legal aid, the party shall be informed of the grounds of the same and that the party has the right to prefer an appeal against the order of the DLSA and to whom the appeal can be made.
- viii. The complaints which do not have any merit in them may be filed. However, a reply shall be sent to the party concerned regarding the filing of the complaint and if the party has any other alternatives available with a copy to NALSA/SLSA/office/ Department through which the complaint has been received, if received from any other office/ Department or NALSA/SLSA.
- ix. Where a general complaint is received, the party may be informed that the issues raised have been noted and there is no ground to proceed further.
- x. Where a party wants some specific information, the party may be directed to the authority/ person who would be best suited to provide the information.

1.5 Anonymous complaints may be filed.

1.6 Process for change of lawyer:<sup>355</sup>

- i. If the lawyer is not performing satisfactorily or has acted contrary to the object and spirit of the Act and the above-mentioned regulations, the DLSA shall take

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<sup>355</sup> Reg 8, NALSA Regulations 2010.

appropriate steps including withdrawal of the case from such lawyer and his removal from the panel.

- ii. In this regard, the panel lawyer shall not ask for or receive any fee, remuneration or any valuable consideration in any manner, from the person to whom he has rendered legal services.
- iii. Where a panel lawyer is desirous of withdrawing from a case he shall state the reasons thereof to the Secretary DLSA, as the case may be, and the panel lawyer may be permitted to do so by an order.

## 2. INSTALLATION OF COMPLAINT BOXES AND SUGGESTION BOXES<sup>356</sup>

- 2.1 The Secretary, DLSA must ensure that the Front Office has a suggestion box and complaint box, both clearly labelled.
- 2.2 The Secretary, DLSA shall ensure that the suggestions, complaints and the feedback forms are dealt with and evaluated on a regular basis.
- 2.3 A Complaint box must be set up in the PLAC in every prison by the DLSA and prisoners must be informed about the same and must be encouraged to raise their grievances without any fear. It must be under the lock and the key must be with the Chairman, or Secretary, DLSA only.
- 2.4 As far as possible, the identities of the complainant shall be kept confidential and in case it is shared with the prison staff, the DLSA Secretary shall ensure that there should be no repercussions/ backlash on the complainants by the prison staff.

## 3. MEETING OF THE SECRETARY, DLSA WITH BENEFICIARIES

- 3.1 The Secretary, DLSA to conduct regular meetings for interaction with beneficiaries at the Front Office, Legal Aid Clinics. The time and place for these meetings must be displayed at the front office.
- 3.2 Any grievances/complaints received during these interactions shall be dealt with in accordance with process of redressal laid down in the preceding sections.
- 3.3 The Secretary, DLSA, for each prison within their district, must fix a day (at least once in a month) as the 'Grievance Redressal Day'. The DLSA Secretary may visit the prison on the fixed day and open the complaint box and interact with the concerned prisoners in the absence of the prison staff. The PLV/JVLs shall assist them in the process. Appropriate steps shall be taken by the DLSA Secretary.<sup>357</sup>

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<sup>356</sup> Refer to Guideline 3(10) of [Guidelines for Front Offices by NALSA](#) and Guideline 14 of the [NALSA SOP on Access to Legal Aid to Prisoners and Functioning of Prison Legal Aid Clinics, 2022](#).

<sup>357</sup> Guideline 14 of the [NALSA SOP on Access to Legal Aid to Prisoners and Functioning of Prison Legal Aid Clinics, 2022](#).

## PART S: REPORTING

### Objectives:

- ✓ To ensure periodic reporting by DLSAs on their activities and expenditures.
- ✓ To ensure the systematic recording of essential information on functioning of the DLSA.
- ✓ To ensure effective data documentation and management practices to harness the full potential of data and leverage it to drive informed decision-making, enhance operational efficiency, and achieve strategic goals.

## 1. REPORTING & REPORTING FORMATS

- 1.1 The DLSA should periodically report on their activities, operation, and budget spending to the SLSA.
- 1.2 Reporting shall be undertaken preferably in formats to maintain uniformity and continuity, and should be undertaken in accordance with the reporting formats developed by SLSA and NALSA.
- 1.3 Reporting formats suggested by Haryana SLSA outlined below maybe taken into consideration.
- 1.4 **Daily Reports:** The Secretary, DLSA shall seek daily reports as per **Format D1** from the DLSA staff. Daily reports play a crucial role in providing a snapshot of activities, progress, and important information within a Legal Service Institution. These reports serve as valuable communication tools that keep stakeholders informed about the day-to-day operations, key accomplishments, challenges, and emerging issues. Here are some important aspects and benefits of daily reports:
  - i. Status updates
  - ii. Communication and coordination with staff and key stake holders
  - iii. Performance tracking
  - iv. Issue identification and resolution
  - v. Decision-making support
  - vi. Documentation and record-keeping
- 1.5 **Daily Monitoring of documents:** The Secretary, DLSA shall monitor the following registers at a daily Level:
  - i. Attendance Register
  - ii. Daily Cause List
  - iii. Front Office Register
  - iv. Daily Expenses Report
  - v. Format for Daily Reports
- 1.6 **Weekly Updates:** The Secretary, DLSA shall seek weekly updates from legal services providers and front office staff as per format. Weekly updates are an essential communication tool in LSI that provide a comprehensive overview of activities, progress, and key developments over a week. These updates offer several benefits and serve various purposes within an organization. These assist the Secretary, DLSA to



micro-manage activities and conduct reliable micro management for greater efficiency. Here are some important aspects and benefits of weekly updates:

- i. Progress tracking
- ii. Performance evaluation
- iii. Communication and coordination
- iv. Priority management
- v. Risk identification and mitigation
- vi. Stakeholder communication
- vii. Planning and decision-making
- viii. Cost Book

1.7 **Weekly Monitoring of Documents:** The Secretary, DLSA shall monitor the following documents at a weekly level:

- i. Legal Service Clinic Register
- ii. Weekly Activity Register
- iii. Cost Book
- iv. Weekly Expenditure Register

1.8 **Monthly Reports:** The Secretary, DLSA shall submit Monthly Reports to the SLSA as per the following formats:

- Format M1: Monthly status of compensation awarded to victims of Child Sexual Abuse
- Format M2: Monthly report under Victim Compensation Scheme
- Format M3: Monthly Reports of training conducted by DLSA
- Format M4: Monthly Expenditure Report
- Format M5: Monthly mediation received from Courts
- Format M6: Monthly data with regard to Mediation
- Format M7: Monthly data of Settled by Pre-Litigation
- Format M8: Monthly Data regarding Commercial Courts
- Format M9: Monthly Activity Report to SLSA
- Format M10: Monthly Statistical Information to be sent to SLSA
- Format M11: Monthly Report Regarding Nyay Bandhu & Tele Law
- Format M12: Monthly Report to NCW Regarding Acid Attack

- Format M13: Monthly Report Regarding implementation of POCSO Act
- Format M14: Monthly Report Regarding Legal Aid Application / Counsel appointed
- Format M15: Monthly Report on Activities under NALSA Scheme
- Format M16: Monthly Shelter Home Visit Report
- Format M17: Monthly Victim Compensation Data
- Format M18: Monthly Monitoring and Mentoring Committee Report
- Format M19: Monthly report regarding Legal Aid Defence Counsel Office

1.9 Monthly reports are important documents that provide a comprehensive overview of activities, achievements, and performance metrics over a month. These reports offer several benefits and serve various purposes within an organization. These reports are to be submitted to NALSA every month through the respective State Legal Services Authorities. Here are some key aspects and benefits of monthly reports:

- i. Performance evaluation
- ii. Progress tracking
- iii. Financial analysis
- iv. Key insights and trends
- v. Goal alignment and target setting
- vi. Communication and transparency
- vii. Continuous improvement

1.10 **Monthly Monitoring of Documents:** The Secretary, DLSA shall monitor the following registers once every month :

- i. Legal Service Clinic Register
- ii. Statistical Data for the month
- iii. Activity Report for the month
- iv. Plan of action for following month
- v. Monitoring and Mentoring Committee Reports
- vi. Mediators Monthly Report
- vii. Training Register
- viii. Monthly Expenditure Report
- ix. Monthly Cost Account

1.11 **Quarterly Reports:** The Secretary, DLSA shall provide quarterly reports to the SLSA as per following formats:

- Format Q1: Quarterly Data regarding Commercial Courts
- Format Q2: Quarterly Reporting Format for DLSA

1.12 Quarterly reports are important documents that provide a comprehensive overview of an organization's performance, financial results, and key developments over a three-

month period. These reports serve various purposes and offer several benefits within an organization. Here are some key aspects and benefits of quarterly reports:

- i. Financial analysis
- ii. Performance evaluation
- iii. Strategic planning and decision-making
- iv. Communication with stakeholders
- v. Compliance and regulatory requirements
- vi. Outcome analysis and competitive positioning
- vii. Risk assessment and management

**1.13 Half Yearly Reports:** Half-yearly reports, also known as semi-annual reports, provide a comprehensive overview of a Legal Service Institutions performance and key developments over a six-month period. These reports serve several purposes and offer numerous benefits within an organization. Here are some key aspects and benefits of half- yearly reports:

- i. Financial analysis
- ii. Performance evaluation
- iii. Strategic planning and decision-making
- iv. Communication with stakeholders
- v. Target assessment and management
- vi. Long-term planning and performance tracking

**1.14 Annual Reports:** The Secretary, DLSA shall provide annual reports as per **Format A1: Annual reporting format**. Annual reports are comprehensive documents that provide a detailed overview of a LSI performance, financial results, accomplishments, and key developments over a full fiscal year. These reports serve multiple purposes and offer numerous benefits within not only the concerned District Legal Services Authority but also for the State Legal Services Authority and more importantly for the National Legal Services Authority. Here are some key aspects and benefits of annual reports:

- i. Financial performance
- ii. Performance evaluation
- iii. Strategy and goal
- iv. Stakeholder communication
- v. Compliance and regulatory requirements
- vi. Long-term planning and reflection
- vii. Laying before the respective State and Central Government

## 2. DATA DOCUMENTATION & MANAGEMENT

- 2.1 The DLSA shall conduct regular review of data on various aspects including:
- i. Total no. of beneficiaries assisted each month
  - ii. Total no. of cases where legal representation is provided
  - iii. Total no. of cases completed
  - iv. Total no. of cases initiated
  - v. No. of cases versus number of panel lawyers
  - vi. No. of cases versus total cost incurred
- 2.2 DLSA must use the formats provided by NALSA or SLSA for collation of data, including those annexed to this manual and provided in NALSA's Handbook of Formats 2020<sup>358</sup>.
- 2.3 DLSA should ensure that all databases as outlined in several of the NALSA schemes are maintained and updated from time to time.
- 2.4 The Secretary, DLSA should apprise herself/himself of various digital initiatives initiated by NALSA and SLSAs, and ensure that they use these in their daily work. The Secretary, DLSA should also ensure that all functionaries engaged with DLSA have requisite knowledge of these.

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<sup>358</sup> [NALSA Handbook of Formats 2020.](#)

## FORMATS

### Format D1

Daily Reporting of District Legal Services Authority to State Legal Services Authority		
1.	No. of Visitors attended in Front Office	
2.	No. of cases fixed in mediation	
3.	No. of legal aid applications dealt with	
4.	No. of camps/VC/meetings/ seminars etc.	
5.	Any other activity	

**Format M1**

Law enforcement and implementation of the POCSO Act 2012 and POCSO Rules 2012								
Name of the District = _____								
Total No. of Special Court/Children Court designated in _____ District = _____								
Indicate details of any Victim Compensation Scheme and/or programme being implemented for the victims of Child Sexual Abuse in State:								
District wise status of compensation awarded to victims of Child Sexual Abuse (POCSO Act, 2012)								
For the month of _____								
S. No.	No. of Applications for Compensation received by District Legal Services Authority		No. of cases in which the Special Court has awarded Compensation		No. of cases in which victims have received the compensation awarded		No. of cases pending for more than 30 days to get actual realization of compensation from date of award of Compensation	No. of applications for victim compensation pending before the District Legal Services Authority
	Interim Compensation	Final Compensation	Interim Compensation	Final Compensation	By Special Court	By DLSA		
1.								

**Format M2**

Monthly Report under Victim Compensation Scheme								
1. Cases pending for adjudication, _____ 2023								
Sr. No.	Title of case	Beneficiary /Victim Details i.e.		Date of Court Order (Referral Court) received	Stage of pending before DLSA	Reasons for delay, if any		
		FIR No.	Name					
2. Cases in which amount has been awarded, but documentation not complete:								
Sr. No.	Title of case	Beneficiary /Victim Details i.e.		Date on which Amount was Awarded	Amount Awarded	Whether documents verified or not	Reasons for delay in verification	
3. Cases pending only for disbursement:								
Sr. No.	Title of case	Beneficiary /Victim Details i.e.		Date on which documents verification is complete & amount is payable	Amount Awarded	Whether documents verified or not	Reasons for delay for verification	Reasons for delay in disbursement
4. Cases where amount has been paid till April, 2023:								
Sr. No.	Title of case	Beneficiary /Victim Details i.e.		Date of Court Order	Amount Awarded	verified	Date and amount of disbursement	
		FIR No.	Name			verified		

**Format M3**

**Monthly Report of Training Conducted by DLSA**

Sr. 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 Lawyers				
2.	Para-Legal Volunteers (PLVs)				
3.	Others (Pl. specify)				



**Format M4**

Monthly Expenditure Report (MER) of NALSA Grant Account for the month of \_\_\_\_\_

Name of DLSA :	
Activities	Amount (in Rs. )
1 Legal Aid and Advice:	
a Fees for panel lawyers for legal aid cases assigned to them	₹ -
b Honorarium to Remand and duty lawyers but other than retainer lawyers.	₹ -
c Honorarium to lawyers for jail visits / police station and others, if any.	₹ -
d Entire expenses on Legal Aid Defence Counsel System (HONORARIUM+ TRANSFER OF LADCs infrastructure budget)	₹ -
e Other incidental expenses in providing Legal aid, assistance and advice	₹ -
f Miscellaneous expenses	₹ -
g Expenses related to Court based legal representations	₹ -
Total	₹ -
2 Alternate Dispute Resolution (ADR):	
Lok Adalats	
a Honorarium for Lok Adalat Benches / Staff as per NALSA Regulation	₹ -
b Other Administrative expenses in organisation of Lok Adalats including publicity for NLA.	₹ -
Total	₹ -
3 Mediation:	
a Expenses for mediation and honorarium to mediators.	₹ -
b Expenses for mediators training programmes.	₹ -
c Other miscellaneous expenses incidental to Mediation activities.	₹ -
Total	₹ -
4 Awareness & Outreach Activities:	
(i) Legal Awareness Programmes	
a Payments to lawyers/resource persons of such programmes.	₹ -

b	Payments to para legal volunteers	₹ -
c	Organizational expenses (NCW CAMPS EXP)	₹ -
d	Awareness through media, radio, television, community media, social media etc.	₹ -
e	Advertisement & publicity expenses on any media	₹ -
	(ii) Outreach Activities	
a	Organisational expenses of Legal services Camps including pre-camp activities	₹ -
b	I.E.C. materials including pamphlets, booklets, videos, short-films etc.	₹ -
c	Utilization and publicity through mobile vans.	₹ -
d	Incidental expenditure in organisation of awareness & outreach activities etc.	₹ -
	Total	₹ -
5	Others	
	(i) Front Offices at SLSAs, DLSAs and HCLSCs	
a	Fee for Retainer Lawyers, whether engaged on Monthly & daily basis.	₹ -
b	Para-Legal Volunteers, if deputed in front offices of DLSAs	₹ -
c	Payment related to helpline, internet charges and official mobile numbers used to provide legal services.	₹ -
	(ii) Capacity Building Programmes including organisation expenses & honorarium to resource persons	₹ -
	(iii) Legal Services Clinics (LACs) at Mandal, Taluk, Village Panchayat etc.	
a	Payment to para- legal volunteers.	₹ -
b	Honorarium of Lawyers, if visiting such clinics.	₹ -
	(iv) Jail Legal Aid clinics, Taluka Legal services Committees, LACs in JJBs etc.	
a	Honorarium to para-legal volunteers.	₹ -
b	Administrative expenses of clinics and TLSCs.	₹ -
	(v) Entire Expenses in organising seminars / meets / consultations, etc.	₹ -
	(vi) Audit and other fees to Auditors.	₹ -
	(vii) All other miscellaneous expenses incidental and related to legal aid to poor programme, if not provided otherwise.	₹ -
	Total	₹ -
	Grand Total	₹ -

**Format M5**

**1). Format for consolidated and monthly mediation data of cases received from Courts**

Monthly Statement regarding Mediation & Conciliation Centre, _____ for the month of _____.										
Number of cases pending at the end of previous month (a)	Total No. of cases referred during the month (b)	Total (a+b)	No. of cases which were not fit for mediation (c)	No. of Balance cases (a+b)-(c) = d	No. of disposed cases (e)	No. of settled cases during the month with category	No. of cases not settled	No. of connected cases settled	Average time spent per case	No of pending cases at the end of the month (d)-(e)
						Civil-				
						HMA/HMG-				
						DV Act -				
						138 NI Act-				
						125 Cr. PC-				
						Others (please specify)				

**2). Monthly mediation received from Courts**

Monthly Consolidated statement regarding Mediation & Conciliation Centre, _____ up to the month _____.									
Station	Total No. of cases referred for Mediation (a)	No. of cases which were not fit for mediation (b)	No. of Balance cases (a-b)	No. of disposed cases (c)	No. of settled cases	No. of cases not settled	No. of connected cases settled	Average time spent per case	No of pending cases at the end of the month (a-b)-(c)

**Format M6**

**Monthly data with regard to Mediation**

Subject: Monthly Information with regard to Mediators up to \_\_\_\_\_

S. No	Name of the Mediators	Date of Training	Name of the Trainers	No. of cases referred for Mediation	No. of successful mediations	Cases not settled	Connected Cases	Whether active & interested in continuing as Mediator
1								
2								
3								
4								
5								
6								
7								
8								
9.								

**Format M7**

**Monthly data of Settled by Pre-Litigation**

Subject: Cases Settled by Pre-Litigation Desks/ Clinic in Mediation Centre \_\_\_\_\_ for the month of \_\_\_\_\_.

Month Name	No. of cases received by Pre-Litigation Desks/ Clinic	No of cases settled Pre-Litigation Desks/ Clinic

**Format M8**

**Monthly Data regarding Commercial Courts**

Subject: Monthly Data regarding Pre-Institution Mediation & Settlement of Commercial matters for the month of \_\_\_\_\_.

Form 6 (i): Mediation Data on Monthly Basis

List of cases received for Pre-Institution Mediation and Settlement during the month of _____						
S. No.	Name of Mediation Centre	Total number of applications pending on the 1 <sup>st</sup> day of the month	Total number of applications received during the month	Total number of cases settled during the month	Total number of non-starter cases during the month	Total number of applications pending at the end of the month
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1						

<b>Monthly Activity Report to SLSA</b>			
	Month		
	Name of District		
	Parameter	Response	
Sr. No.	Appeals		
1	Number of appeals filed		
	No. of persons provided with Legal Aid		
2	SC/ST		
	Women		
	Children		
	In Custody		
	Sr. Citizens		
	General		
	Others		
	Remand Hour		
3	Number of advocates on duty for remand work		
	No. of persons represented by Remand Lawyers		
	UTRC		
4	Number of UTRC Meetings held		
	No. of undertrials released on recommendation of the Committee		
	Victim Compensation Scheme		
5	Cases Received		
	Cases Settled		
	Compensation awarded		
	Compensation disbursed		

	Visits/Inspections to CCIs/Observation Homes/Shelter Home/Jails etc.		
6	Total No. of visits		
	Total No. of Beneficiaries in these institutions		
	Awareness Camps held on NALSA Schemes		
7	Total No. of camps		
	Total No. of beneficiaries		
	Awareness Camps held on Fundamental Duties		
8	No. of camps		
	No. of beneficiaries		
	Awareness Camps held through Mobile Vans		
9	No. of camps		
	No. of beneficiaries		
	Awareness Camps		
10	Topic	Number of Camps	Beneficiaries
	DLSAs to hold awareness camps on Fundamental Rights and Duties		
06.01.2023	National Human Trafficking Awareness Day		
11.01.2023	National Voters Day		
25.01.2023	Republic Day		
26.01.2023	women rights		
	Training Programmes Held		
12		No. of training programmes	No. of Beneficiaries/Attendees
	Judicial officers		
	Advocates		
	Para Legal Volunteers		
	Other Stake Holders (trainign programme of JJ Act) Juvenile Police		
	Traning Programme of Mediators		
	Webinar		
13	No. of Webinars		
	No. of beneficiaries		



	Assistance to Victims of Domestic Violence		
14	No. of cases relating to domestic violence received		
	No. of such cases in which legal aid and assistance was provided		
	No. of petitions filed in courts through Legal aid under DV Act		
	No. of cases resolved through counselling/mediation		
	Online Mediations conducted		
15	No. of cases in which online mediation was held		
	No. Settled cases		
	Mega/Micro Camps organised		
16	No. of mega/micro camp organised		
	No. of departments participated		
	No. Visitors		
	No. of Beneficiaries		
	Health Check up camps		
17	No. of camps		
	Venue	District Jail	
	No. of beneficiaries		

(Monthly Statistical Information to be sent to SLISA)

**Performa (A)**

**STATISTICAL INFORMATION- DISPOSAL IN RESPECT OF LOK ADALATS**

**Daily/ Weekly etc. U/s 19 of LSA Act, 1987**

Name of the District Legal Services Authority, \_\_\_\_\_

Statistical information for the month of \_\_\_\_\_

Total No. of Lok Adalat Benches constituted u/s 19 of LSA Act.									
Category of cases	Pre-Litigation			Pending in Courts/Post-litigation			Total		
	Taken up	Disposed of	Settlement Amount. (₹)	Taken up	Disposed of	Settlement Amount. (₹)	Taken up	Disposed of	Settlement Amount. (₹)
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) (Traffic..)									
Total No. of Cases Settled.									

**MOBILE/FIELD LOK ADALATS**

No. of Lok Adalats held	Pre-litigation			Pending in Courts			Total		
	Taken up	Disposed of	Settlement Amount.	Taken up	Disposed of	Settlement Amount.	Taken up	Disposed of	Settlement Amount.

**Performa (B)**

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

Name of the District Legal Services Authority:

Statistical information for the month of:

(A) Number of Mediators-

i. Trained:

ii. Deployed (No. of Trained Mediators entrusted with cases during the month):

iii. Categorisation of Mediators

- a. Judicial Officers :
- b. Lawyers :
- c. Any other : \_\_\_\_\_

(B) 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	Non-starter cases which were returned as mediation could not commenced	
F	No of Cases pending at the end of the month	
G	Percentage (%) of settlement	

**Proforma (C)**  
**STATISTICAL INFORMATION IN RESPECT OF LEGAL SERVICES BENEFICIARIES**

Name of the District Legal Services Authority:

Statistical information for the Month Of:

S. No	Categories	Providing Panel Advocate	Advice/Counselling	* Other Services (Pl. specify)	Total
1	Scheduled Caste				
2	Backward Class/ Other Backward Class				
3	Women				
4	Children				
5	In Custody				
6	Persons with disability				
7	Industrial Workmen				
8	Transgender				
9	Victims of Trafficking in Human beings or beggar				
10	Victims of Mass Disaster, Violence, Flood, Draught, Earthquake and Industrial Disaster				
11	General (Persons whose annual income does not exceed the prescribed limit)				
12	Others				
	TOTAL				

**Note:-**\* 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. \* If the beneficiary falls under more than one category (for example a woman Aprilbe scheduled caste, victim of Human Trafficking and in custody also) such person is to be shown only in the category in which he was considered and provided legal aid. In no case, one person be shown in more than one category.

**Proforma (F)**

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

*(Including Seminars, workshops, debates etc.)*

Name of the District Legal Services Authority:

Statistical information from the month of:

S. No.	Mode/place of awareness Programme	No. of Programmes held	No. of Persons attended	No. of Programmes held Physical	No. of Persons attended Physical	No. of Programme held Virtual	No. of Persons attended Virtual	Subjects
1	Community Radio							
2	Jail/other custodial home							
3	Melas/ Exhibitions							
4	Others							
5	Radio							
6	School/College/University							
7	Slum and Labour Colonies							
8	TV							
9	Village/Community Centre							
	Total							

**Proforma (G)**

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

Name of the District Legal Services Authority:

Statistical information for the month of:

Total No. of PLVs trained	No. of PLVs deployed
---------------------------	----------------------

	Police Station	Front Offices	Jails/ Observations Homes	JJBs/ Child Welfare Centres (CWCs)	Other Legal Services (Pl. specify) In Awareness Camp	Total

**Proforma (H)**

Name of the District Legal Services Authority:

Statistical information for the month of:

**\*A: Added of Closed during the month**

**\*E: Existing at the end of the month**

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	
		A*	E*	A*	E*	A*	E*	A*	E*	A*	E*	A*	E*	A*	E*	A*	E*
(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:								

**Proforma (I)**

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

Name of the District Legal Services Authority:

Statistical information for the month of:

No. of applications received directly by Legal Services Institutions during the month (A)	No. of applications/orders marked/directed by any Court during the month (B)	Total No. of applications received including Court orders during the month (A + B)	No. of applications decided during the month	No. of applications pending	Total Settlement Amount

**STATISTICAL INFORMATION WITH REGARD TO VICTIM COMPENSATION SCHEME**

Total number of applications received till date	Total number of applications disposed of till date	Total amount of compensation awarded till date	Total amount of compensation disbursed till date

**Format M11**

**Monthly Report Regarding Nyaya Bandhu & Tele Law**

Subject: Information Regarding Nyaya Bandhu and Tele Law:

Sr. No.	States/UT	District	Number of CSC	Case Registered	Advice enabled	Advice Pending	No. Of Panel Lawyer Provided	No. Of PLVs if Provided	Remarks
1.									

Nyaya Bandhu

S. No.	States/UT	No of Panel Advocates Registered	No. Of Pro Bono cases handled	No. Of Beneficiaries covered	Promotional Activities if Any.



**Format M12**

**Review of Assistance to Victims of Acid Attack (Women and Girls)**

HARYANA STATE COMMISSION FOR WOMEN, PANCHKULA													
Sr. No.	District	Year	FIR No. date and PS	Details of case including Name and Address of Victim	Alleged reason for Acid Attack	Status of Compensation	Status of proper medical assistance	Any other relief provided for rehabilitation of victim	Status of chargesheet	Status of Judicial Processes	Time taken in trial	Amount of Compensation	Remarks
1.													

**FORMAT M13**

**Implementation of the Protection of Children from Sexual Offences (POCSO) Act, 2012 Capacity Building**

Sr. No.	Total No. of publicity/ awareness campaigns organised u/s 43(a) of the POCSO Act 2012 and u/r 6 of the POCSO Rules 2012 be indicated	Whether state Govt. has designed module for training of Police Officers & other persons? u/r 6 of the POCSO Rules 2012	Whether officers of the state Govt. and other concerned persons have been imparted periodical training on the matters relating to implementation of the provisions of the POCSO Act 2012 as per section 43 (b) and rule 6 of the POCSO Rules 2012. If so, the number of personnel trained for each category.						Whether State Govt. has established Victim Compensation on Fund or other scheme u/r 7(4) of POCSO rules 2012?	Whether State Govt. is paying compensation ordered by the Special Court within 30 days of receipt of such order u/r 5 of POCSO rules 2012?	
			SJPU/Local Police	Medical Profess	CWC Members	Judicial Officers	Sr. Public Prosecutors	Support pers (counselors)	Yes/No	If so,	
									Yes	No. of victims given interim relief during the month of the report	No. of victims given final relief during the month of the report
1	2	3	4(a)	4(b)	4(c)	4(d)	4(e)	4(f)	5	6(a)	6(b)
-	-	-	-	-	-	-	-	-	-		

**Format M14**

**Monthly reporting Format for Legal Aid Application/Counsel Appointment**

Sr. No.	Name of applicant	Father's/Husband's Name of the applicant	Category of the applicant out of persons mentioned in Section 12 of the legal services authority, Act.	Nature of case	Through whom application is received i.e., directly by the applicant/through legal aid club/Legal aid clinic/Para Legal Voluntarily Social Service Institution/ oral request/request received through email inter-active online facility	Legal aid granted / rejected

**Monthly Report on Activities under NALSA Schemes**

Subject: Report on various schemes of NALSA.

Report for the Month of _____				
Sr. No.	Name of the Schemes	Number of the Awareness Programmes/Activities undertaken under each of the schemes.	Number of people assisted in each of the schemes	Remark if any.
1.	A Scheme for legal services to Disaster victims through Legal Services Authorities.			
2.	NALSA (Victim of Trafficking and Commercial Sexual Exploitation) Scheme, 2015.			
3.	NALSA (Legal Services to Workers in Unorganized Sectors) Scheme, 2015			
4.	NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2017.			
5.	NALSA (Legal Services to the Mentally Ill and Disabled Persons) Scheme, 2015.			
6.	NALSA (Effective Implementation of Poverty Alleviation) Scheme, 2015			
7.	NALSA (Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace) Scheme, 2015			
8.	NALSA (Legal Services to Senior Citizens) Schemes, 2015			
9.	NALSA (Legal Services to Victims of Acid Attack) Scheme, 2016			
Total				

**Monthly Shelter Home Visit Report**

Subject: Regarding Regular visits to Children Home/Observation Homes etc. for the month of \_\_\_\_\_

No. of visits made during the month to ensure that legal rights of the inmates are not lost on account of lack of information and lack of assistance and support to enforce those rights	Jail/ Correction Homes	Children's Home	Observation Home	Special Home	Protection Home	Boarding School	Old Age Home
No. of inmates helped	Jail/ Correction Homes	Children's Home	Observation Home	Special Home	Protection Home	Boarding School	Old Age Home

**Monthly Victim Compensation data**

Name of DLSA:

Information upto which month:

Sr. No.	Name of District	Number of Applications received upto April, 2023	Number of Applications disposed of upto April, 2023	Amount of compensation awarded upto April, 2023	Amount of compensation disbursed upto April, 2023
1.					

**Monthly Monitoring and Mentoring Committee Report**

Report of Monitoring & Mentoring Committee									
Name of the DLSA, Sonipat, Month of March and April, 2023									
Sr. No.	Title of the case	Name of Legal Aid Counsel	Name of the party / applicant (to whom legal aid is given)	Total No. of cases in which the Panel Advocate is representing the party	Brief summary of the proceedings and action taken by the Legal Aid Advocate on the date fixed	Previous Date	Next Date	Purpose for which the case is adjourned	Remarks, if any

**Monthly Report Regarding Legal Aid Defence Counsel**

Sr. No.	Name & Designation of Legal Aid Defence Counsel	No. of cases dealt/assigned in month	No. of cases completed in month	Total No. of Beneficiaries



**Format Q1**

Quarterly Data regarding Commercial Courts

Subject: Quarterly Data regarding Pre-Institution Mediation & Settlement of Commercial matters for the quarter ( ) of  
Mediation Centre, .

Form 6 (ii): Mediation Data on Quarterly Basis

List of cases received for Pre-Institution Mediation and Settlement during the quarter ( )															
Sr. No.	Name of Authority	No. Of application received by Authority	Nature of Applicant Party		Nature of Opposite Party		No. Of applications slab wise as per schedule -II					Number of applications disposed off as per Rule 3(4) and 3 (6)	Number of application referred for mediation	Number of application where no settlement arrived as per Rule 7 (1) (ix)	Number of applications where parties reached a settlement as per Rule 7 (1) (vii)
			Individual	Corporate	Individual	Corporate	I	II	III	IV	V				
(1 )	(2)	(3)	(4)	(5)	(6)	(7)	(8)					(9)	(10)	(11)	(12)

**Format Q2**

**Quarterly Reporting Format for DLSA**

Please provide the following information as on date of updating:

S. No.		As on date of updation
1.	Geographical Area in the State/ UT	
2.	Population of the State/ UT	
3.	Number of Districts in the State/ UT	
4.	Number of Court Complexes in the State/ UT	
5.	Number of Police Stations in the State/ UT	
6.	Number of Jails in the State/ UT	
7.	Number of Juvenile Homes in the State/ UT	

**Strengthening the Legal Aid Programmes (Legal Services)**

**A. Legal Aid Programmes:**

**1. Panel Advocates:**

1.	Total Number of Panel Advocates in the State / UT	
2.	Number of Advocates on Retainer in the State/UT	
3.	Total number of cases assigned to all Panel Advocates in the States.	
4.	Number of trainings for Panel Advocates held in the State	
5.	Number of Panel Advocates provided training.	

2. a) Have any amendments been made to the SLSA Regulations so as to enhance fees payable to Panel Advocates in accordance with Resolution 10(i) of the Chief Justices Conference, 2016?

3. Legal Aid to Prisoners:

- Do Panel Lawyers regularly visit jails in the State/ UT to provide legal aid to inmates? Yes , Panel Lawyers regularly visit jails in the State/ UT to provide legal aid to inmates
- Have any rules or regulations been framed in this regard?
- If yes, please provide details (Kindly answer in 150 words or less):
- Have any efforts been made to co-ordinate with jail authorities so as to facilitate regular visits by panel lawyers to jails?
- If yes, please provide details (Kindly answer in 150 words or less):

4. Creation and Functioning of Monitoring Committees (As per by Reg. 10 and 12, NALSA (Free and Competent Legal Services) Regulations, 2010):

Sr. No.		
a)	Number of legal service institutions in the State	
b)	Number of legal services institutions in the State for which Monitoring Committees have been constituted	
c)	Number of Monitoring Committee in the State which submit by monthly report to the Executive Chairman/ Chairman of the Legal Service Institution.	

5 (a) Have whole time Secretaries been appointed for all DLSAs in the State/UT in accordance with Resolution 10(j)/ Yes/No.

- b) If no, number of DLSA for which whole time Secretaries have not been appointed \_\_NIL.

Sr. No.		
a)	Total number of legal service clinics operational in the State	
b)	Average number of LSCs per district	
c)	Number of Jails in the State/UT with functional LSCs.	
d)	Number of Jails in the State/UT with no functional LSCs.	
e)	Number of LSCs that have at least two PLVs deputed on the regular basis.	
f)	Number of LSCs that do not have at least two PLV deputed on the regular basis.	
g)	Average number of visits by empanelled advocates to LSCs.	

Sr. No.		
I.	Total number of awareness camps/seminars/colloquia/sensitization programmes organized in the State/UT in the quarter	
II.	Number of awareness camps/ seminars/colloquia/sensitizations programmes held in Jails in the quarter (including visits by Panel Lawyers, Secretary DLSA etc.)	
III.	Number of Jails in the State where awareness camps/ seminars/ colloquia/ sensitizations programmes were held in the quarter	
IV.	Number of Jails in the State where awareness camps/ seminars/ colloquia/ sensitizations programmes were not held in the quarter	
V.	Number of awareness camps/ seminars/ colloquia/ sensitizations programmes held in Juvenile Homes in the quarter	
VI.	Number of Juvenile Homes in the State where awareness camps/ seminars/ colloquia/ sensitizations programmes were held in the quarter	
VII.	Number of Juvenile Homes in the State where awareness camps/ seminars/ colloquia/sensitizations programmes were not held in the quarter	

### C. ALTERNATIVE DISPUTE RESOLUTION (ADR)

#### 1. Lok Adalats -

##### a) Number of Lok Adalats

Sr. No.		
I.	Number of National Lok Adalats held in the State	
II.	Number of Permanent Lok Adalats operating in the State	
III.	Number of Continuous Lok Adalats operating in the State	
IV.	Number of Other Lok Adalats in the State	

##### b) Pendency of Cases:

Sr. No.			
I.	National Lok Adalats	Number of cases allotted	
		Number of cases disposed of	

II.	Permanent Lok Adalats (Pre-litigative)	Number of cases allotted	
		Number of cases disposed of	
III.	Continuous Lok Adalats (District Courts)	Number of cases allotted	
		Number of cases disposed of	
IV.	Other Lok Adalats (PLA PUS)	Number of cases allotted	
		Number of cases disposed of	

**c) Pendency of Pre-Litigation Cases:**

Sr. No.			
I.	National Lok Adalats	Number of applications for pre-litigation disposal pending at the start of the quarter.	
		Number of applications for pre-litigation disposal received during the quarter	
		Number of cases disposed of at the pre-litigation stage in the quarter	
		Number of applications for pre-litigation disposal pending at the end of the quarter.	
II.	Permanent Lok Adalats (Pre-litigative)	Number of applications for pre-litigation disposal pending at the start of the quarter	
		Number of applications for pre-litigation disposal received during the quarter	
		Number of cases disposed of at the pre-litigation stage in the quarter	
		Number of applications for pre-litigation disposal pending at the end of the quarter.	
III.	Permanent Lok Adalats (Continuous)	Number of applications for pre-litigation disposal pending at the start of the quarter	
		Number of applications for pre-litigation disposal received during the quarter	
		Number of cases disposed of at the pre-litigation state in the quarter	

		Number of applications for pre-litigation disposal pending at the end of the quarter.	
V.	Other Lok Adalats PLA(PUS)	Number of applications for pre-litigation disposal pending at the start of the	
		Number of applications for pre-litigation disposal received during the quarter	
		Number of cases disposed of at the pre-litigation state in the quarter	
		Number of applications for pre-litigation disposal pending at the end of the quarter.	

**d) Para Legal Volunteer:**

Sr. No.		
I.	Total number of trained PLVs in the State	
II.	Total number of PLVs trained in the State/UT	
III.	Number of PLVs trained in the current year belonging to the following groups:	
	a) Women/girls	
	b) Inmates	
	c) Others	
IV.	Number of refresher training held for PLVs	
V.	Number of PLVs that received refresher trainings	
VI.	<u>Number of PLVs in actual use in:</u>	
VII.	a) Front Offices	
	b) Legal Services Clinics	
	c) Police Stations	
	d) One Stop Crises Centres	
	e) Juvenile Justice Boards/ Child Welfare Committees	
	f) For other tasks	
	g) Total	
VIII.	Number of Days per week for which PLVs are deputed in:	
	a) Front Offices	

	b) Legal Services Clinics	
	c) Police Stations	
	d) One Stop Crises Centres	
	e) Juvenile Justice Boards/ Child Welfare Committees	
	f) For other tasks	

**e) Finances provided for Legal Services Activities:**

Sr. No.		
1.	Grants in Aid received from the governments in the State/UT	
	a) Amount allotted in the relevant financial year	
	b) Amount received	
	c) Total amount utilized	
	d) Total amount not utilized	
2	Funds received from Finance Commission	
	a) Amount allotted in the relevant financial year	
	b) Amount received	
	Previous balance of F. year _____	
	Total Fund available in FY _____	
	c) Total amount utilized _____	
	d) Total amount not utilized ie balance as on _____	
3	Funds received from NALSA	
	e) Amount allotted in the relevant financial year	
	f) Amount received	
	g) Total amount utilized	
	h) Total amount not utilized as on _____	
4	Cost Fund	
	Amount received from the court as part of the cost Fund	
	Total amount unutilized at the end of the quarter of cost account till _____	

**ANNUAL INFORMATION FOR THE YEAR 2023**

i. **STRUCTURAL FRAMEWORK:**

Name of the SLSA	Number of DLSAs	Number of TLSCs	Number of HCLSCs

ii. **PANEL LAWYERS:**

Name of SLSA	As on 31.03.2023						Number of Panel lawyers having law practice of 10 years or more:
	Panel Lawyers (excluding HCLSC)			Panel Lawyers in HCLSC/Sub Committee			
	Female	Male	Total	Female	Male	Total	
							HCLSC

iii. **PARA LEGAL VOLUNTEERS**

Name of SLSA	No. of PLVs existing on rolls as on				Per day honorarium paid to PLVs
	Female	Male	Others	Total	

iv. **RETAINER AND REMAND LAWYERS AS ON**

Name of the SLSA	No. of Retainer lawyers				No. of Remand lawyers			
	Male	Female	Others	Total	Male	Female	Others	Total
SLSA								



DLSA								
HCLSC								
Retainer lawyers								
Number of Advice provided	Number of draftings		Number of Appearances as Retainer Lawyers			Number of Legal awareness programmes organised by Retainer Lawyers		
SLSA CHD -								
DLSA CHD -								

Remand Lawyers			
Number of Remand cases attended	Number of bail applications filed	Number of bails granted	Performance review by DLSA/SLSA

v. **ENGAGEMENT OF PRO-BONO LAWYERS BY LEGAL SERVICES INSTITUTIONS**

Name of the SLSA	No. of pro-bono lawyers on the roll of Legal Services Authorities excluding HCLSC as on 31.03.2023 (A)			No. of pro-bono lawyers engaged in HCLSC (B)			Total Pro-Bono lawyers (A+B)			Total No. of cases dealt by pro-bono lawyers during the period from 01.04.2022 to 31.03.2023.		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Civil	Criminal	Total
HCLSC Chandigarh												
DLSA Chandigarh												

vi. **FRONT OFFICES**

Name of the SLSA	Total DLSAs	Total Number of Front Offices at District Level as on	Whether Legal Aid Helpline No. is functional at Front Offices? (No. of DLSAs)		Whether daily cause list is mainlined in the Front Offices? (No. of Front Offices)	Whether Dedicated Front Office Staff appointed, if yes? Please mention the number also.		Whether Front Offices are manned by PLVs or Retainer Lawyers or by panel lawyers, kindly specify			No. of Front Offices are functional on daily basis or are being operated periodically.		Number of people provided legal assistance in Front offices during the period from _____ to _____			
			15100	Others		State fund	NALSA fund	PLVs	Retainer Lawyers	Panel Lawyers	Daily	Periodically	Legal Advice	Legal Drafting	Legal Aid	Total
SLSA																
DLSA																

vii. **LEGAL LITERACY CLUBS IN SCHOOLS AS ON**

Name of the SLSA	No. of Legal Literacy Clubs in schools	Number of legal awareness programmes organised in these clubs from 01.04.2022 to 31.03.2023

viii. **ELIGIBILITY CRITERIA FOR LEGAL AID**

Name of the SLSA	Income Ceiling Limit u/S 12 (h) of the Legal Services Authorities Act, 1987 for availing free legal services in the State	Any category other than specified in Section 12 of the Legal Services Authorities Act, 1987 eligible for legal aid in your State.

ix. **LEGAL AIDED CASES PENDING AS ON**

Name of the SLSA	High Court	District Courts

	Civil	Criminal	Total	Civil	Criminal	Total
DLSA Chandigarh						
HCLSC Chandigarh						

x. **LEGAL AIDED CASES DISPOSED OF DURING THE YEAR 01.01.2022 TO**

Name of the SLSA	High Court			District Courts		
	Civil	Criminal	Total	Civil	Criminal	Total

xi. **PRE-ARREST AND REMAND STAGE FROM TO**

Name of SLSA	How many suspects provided legal assistance at pre-arrest stage at police station	How many such suspects not arrested by police	How many arrestees provided legal assistance at the police station before producing them before courts	How many were provided legal assistance at remand stage	Number of bail applications filed at remand stage	Number of cases in which bail granted

xii. **ADR AND MEDIATION FROM 01.04.2022 TO 31.03.2023**

Name of SLSA	ADR Centres	ADR Centre functional	Existing Mediation Centres other than ADR Centres	Judicial Officers Mediators	Lawyers Mediators	Any other Mediators	Judicial Officers Mediators Deployed	Lawyers Mediators Deployed	Any other Mediators Deployed	Cases received for mediation	Cases settled through mediation

xiii. **PRE-INSTITUTION MEDIATION IN COMMERCIAL DISPUTES (PIMS) FROM 01.04.2022 TO 31.03.2023**

Name of SLSA	Number of DLSAs	No. of cases received for mediation	After notice in No. of Cases, parties appeared	Notice not served despite all efforts	No. of cases both parties agrees for mediation	No. of Cases where mediation remains non-starter	No. of Cases where parties reached to settlement	No. of ongoing/ pending mediation as on 31.03.2023

xiv. **LEGAL REPRESENTATION TO UTPS, APPEALS OF CONVICTS FILED IN SESSIONS COURTS AND APPLICATIONS OF CONVICTS SENT TO HIGH COURTS FROM TO**

Name of SLSA	No. of UTPs represented before the courts for the period from 01.04.2022 to 31.03.2023.	No. of convicts whose appeals filed from 01.04.2022 to 31.03.2023 in the Sessions Courts;	Number of convicts whose papers/ applications sent to High Court by DLSAs for filing appeals:	Number of Appeals filed before High Court by SLSA/HCLSC/DLSA	Number of other proceedings filed before High Court from Legal Aid.

xv. **APPEALS OF CONVICTS**

Name of SLSA	Appeals of Convicts filed in High Courts from 01.04.2022 to 31.03.2023.	Paper-books sent to SCLSC for filing of SLPs/Appeals of Convicts during the period 01.04.2022 to 31.03.2023.	Number of SLPs actually filed.

xvi. **LEGAL SERVICES TO WOMEN PRISONERS FROM 01.04.2022 TO 31.03.2023**

Name of the SLSA	Number of Jails/Sub-Jails for women prisoners in the State	No. of Legal Awareness Programmes organized for women prisoners in Jails	No. of women prisoners provided legal assistance through Jail Legal Services Clinics.	No. of women prisoners provided legal assistance through other than Jail Legal Services Clinics.	Any other information

xvii. **APPLICATIONS DECIDED AND AMOUNT AWARDED AND DISTURBED IN VICTIM COMPENSATION FUND**

Name of SLSA	Applications received during the period from 01.04.2022 to 31.03.2023		Total Pending applications on 31.03.2023	Number of applications disposed (01.04.2022 to 31.03.2023)		Compensation awarded						Amount disbursed (in Rs.)	
						Women				Others			
						Sexual offences		Acid attacks					
	Application referred by the Court	Application filed by Victims relating to Victims forwarded/referred application by Police/Admn./ Other Agencies		For Interim Disposal	For final Disposal	No. of Victims	Amount	No. of Victims	Amount	No. of Victims	Amount	No. of Victims	Amount

xviii. **LEGAL AID DEFENSE COUNSEL SYSTEM (Only for those 13 States where scheme was launched on first phase)**

Name of the SLSA	No. of Sessions cases received upto	No. of sessions cases disposed of upto	No. of Sessions cases pending as on	No. of appeals/ revisions filed upto	No. of appeals/ revisions disposed upto	No. of appeals/ revisions pending as on	Bails filed upto	Bails pending as on	Other cases received/ filed upto	Other cases disposed of upto	Other cases pending as on	No. of advice given upto

xix. **LEGAL AID DEFENCE COUNSELS SYSTEM LAUNCHED IN 365 DISTRICTS OF 22 STATES IN THE FIRST PHASE**

Number of Districts/ Places selected in State/UT	Selection of Lawyers and Numbers				Total monthly amount to be spent on Retainership of all lawyers under LADCS
	Chief Yes/No	Deputy If Yes number/No	Assistants If yes number/No	Total	

xx. **UNDER TRIAL REVIEW COMMITTEE (UTRCs) FROM 01.04.2022 TO 31.03.2023**

Name of the SLSA	Number of Distt/DLSAs	No. of UTRCs meetings as	No. of Under Trials recommended for release by UTRCs from 01.04.2022 to 31.03.2023	Number of bail applications filed	Number of bail applications	No. of UTPs released on the recommendation of the UTRCs

	where UTRC meetings held	on 31.03.2023	Total	Female	Male	before the trial courts	u/S 439 Cr.PC filed against bail orders of Trial Court	Total	Female	Male

xxi. **DATA REGARDING GRIEVANCE PORTAL**

Name of the SLSA	No. of application pending on Grievance portal as on 01.01.2022			No. of applications received on Grievance portal during 01.04.2022 to 31.03.2023			No. of applications disposed of during 01.04.2022 to 31.03.2023			No. of application pending on Grievance portal as on 31.03.2023		
	At SLSA	At DLSA	At TLSC	At SLSA	At DLSA	At TLSC	At SLSA	At DLSA	At TLSC	At SLSA	At DLSA	At TLSC

xxii. **STATE LOK ADALATS FROM 01.04.2022 TO 31.03.2023**

SLSAs	Lok Adalat held	Cases disposed off (Pre-litigation)	Cases disposed off (Post-litigation)	Total Cases Settled

xxiii. **PERMANENT LOK ADALATS FOR PUBLIC UTILITY SERVICES (PLA) FOR (PUS)**

Name of the SLSA	Number of PLA established	Name of the District where PLA established but not functioning	Number of PLA functioning	Number of cases received during 01.04.2022 to 31.03.2023	Number of cases settled during 01.04.2022 to 31.03.2023	Pendency as on	
						Upto 6 months	More than 6 months

xxiv. **LEGAL SERVICES CLINICS**

Name of the SLSA	Number of Legal Services Clinics as on

	Law College/ Universities	Villages	Community Centres	Court	Jails	JJB/CWC/ Observation Homes	For the People of North -East	Others	Total
Number of Legal Services Clinics									
Number of persons visited during									
Number of persons provided legal assistance during									

**xxv. USE OF SOCIAL/ VIRTUAL MEDIA DATA FROM 01.04.2022 TO 31.03.2023**

Name of the SLSA	Total no. of Programmes organised through Radio	Total no. of Programmes organised through TV	Total no. of Programmes organised through Webinar (Virtual)	Total no. of Programmes organised through YouTube	Total no. of programmes organised through Facebook	Total no. of programmes organised through any other social media. Please specify the same.	No. of persons provided legal assistance provided through National Legal Aid Helpline Number/State Legal Aid Helpline Number

**xxvi. LEGAL SERVICES/EMPOWERMENT CAMPS AS PER NALSA MODULE FOR THE PERIOD FROM 01.04.2022 TO 31.03.2023**

Name of the SLSA	No. of DLSAs	No. of Districts, where camps organised	No. of Districts, where camps not organised	No. of Camps Organised	No. of beneficiaries

**xxvii. NUMBER OF PERSONS BENEFITED THROUGH LEGAL SERVICES DURING THE YEAR 01.04.2022 TO 31.03.2023.**  
**(Overall beneficiaries from all types of Legal Services)**

Name of the SLSA	SC	ST	Women	Children	In custody	Persons with Disability	Industrial Workmen	Transgender	Victim of Human Trafficking	Victims of Natural Disaster, Flood, Draught, Earthquake and Industrial Accidents	General (whose annual income does not exceed the prescribed limit)	Others	Total



xxviii. **UTILISATION OF NALSA's FUNDS DURING THE PERIOD FROM APRIL, 2022 TO 31.03.2023**

Name of the SLSAs	Funds carry forwarded and allocated by NALSA during the financial year _____	Funds utilised as on	Funds available with SLSAs including HCLSC, DLSAs and TLSCs as on



### LIST OF ABBREVIATIONS

&	And
ADR	Alternate Dispute Resolution
AI	Artificial Intelligence
AIDS	Acquired Immunodeficiency Syndrome
AIR	All India Radio
ANR	Another
APIO	Assistant Public Information Officer
APP	Application
BA	Business Analyst
BDO	Block Development Officer
CAG	Comptroller and Auditor General
CAPEX	Capital Expenditure
CCI	Child Care Institution
CCL	Child in Conflict with Law
CCTV	Closed-Circuit Television
CD	Compact Disc
CILAS	Committee for Implementing Legal Aid Schemes
CIS	Case Information System
CJI	Chief Justice of India
CJM	Chief Judicial Magistrate
CNCP	Children in Need of Care and Protection
CPC	Code of Civil Procedure
CPGRAMS	Centralised Public Grievance Redress and Management System
CPIO	Central Public Information Officer
CRLMP	Criminal Miscellaneous Petition
CrPC	Code of Criminal Procedure
CSO	Civil Society Organisation
CWC	Child Welfare Committee
DCP	Deputy Commissioner of Police
DD	Daily Diary
DDA	Delhi Development Authority
DGS&D	Directorate General of Supplies and Disposals
DIR	Daily Investigation Report
DLSA	District Legal Services Authority
DM	District Magistrate
DOJ	Department of Justice
DWCD	Department of Women and Child Development
ETC	Et Cetra
FA	Fixed Asset (Register)
FAA	First Appellate Authority
FAQ	Frequently Asked Questions
FAQ	Frequently Asked Questions
FDR	Fixed Deposit Receipt
FIR	First Information Report
FO	Front Office
FRRO	Foreign Regional Registration Office
GeM	Government e-Marketplace
GFR	General Financial Rules
GIA	Grant-in-Aid
GPF	General Provident Fund
HCLSC	High Court Legal Services Committee
HIV	Human Immunodeficiency Viruses
HON'BLE	Honourable
ID	Identity
IE	Id est

IEA	Indian Evidence Act
IEC	Information, Education & Communications Material
IFC	Information and Facilitation Counters
IGTV	Instagram Television
IPC	Indian Penal Code
IT	Information Technology
JJ	Juvenile Justice
JJB	Juvenile Justice Board
JVL	Jail Visiting Lawyer
LAC	Legal Aid Counsel
LACMS	Legal Aid Case Management System
LADC	Legal Aid Defence Counsel
LADCS	Legal Aid Defence Counsel System
LAP	Legal Aid Programme
Ld.	Learned
LED	Light Emitting Diode
LLC	Legal Literacy Clubs
LSA, 1987	Legal Services Authorities Act, 1987
LSI	Legal Services Institution
LSMS	Legal Services Management System
MACT	Motor Accident Claims Tribunal
MCD	Municipal Corporation of Delhi
MCPC	Mediation and Conciliation Project Committee
MCPC	Mediation and Conciliation Project Committee
MER	Monthly Expenditure Report
MMC	Mentoring and Monitoring Committee
MTP	Medical Termination of Pregnancy
MTS	Multi-Tasking Staff
NALSA	National Legal Services Authority
NCPCR	National Commission for Protection of Child Rights
NCR	Non-Cognizable Report
NCW	National Commission for Women
NDPS	Narcotic Drugs and Psychotropic Substances
NGO	Non-Government Organisation
NHG	Neighbourhood Help Groups
NI Act	Negotiable Instruments Act, 1881
NIC	National Informatics Centre
NJDG	National Judicial Data Grid
OPEX	Operational Expenditure
ORS	Others
OSC	One Stop Centre
PFMS	Public Financial Management System
PGMS	Public Grievance Monitoring System
PIMS	Pre-Institution Mediation Settlement
PIO	Public Information Officer
PLA	Permanent Lok Adalat
PLAC	Prison Legal Aid Counsel
PLV	Para Legal Volunteers
PMO	Prime Minister's Office
POCSO	Protection of Children from Sexual Offences
POSH	Prevention of Sexual Harassment
PWDV	Protection of Women from Domestic Violence
RPC	Remote Point Coordinator
RTI	Right to Information
S. NO.	Serial Number
SC/ST	Scheduled Caste/ Scheduled Tribe
SCC	Supreme Court Cases
SCLSC	Supreme Court Legal Services Committee

SCPCR	State Commission for Protection of Child Rights
SCR	Supreme Court Reports
SCW	State Commission for Women
SDM	Sub-Divisional Magistrate
SGH	Self Help Groups
SHO	Station House Officer
SLSA	State Legal Services Authority
SMS	Smart Message Service
SMWP (C)	Suo Moto Writ Petition (Civil)
SMWP (CrL.)	Suo Moto Writ Petition (Criminal)
SOP	Standard Operating Procedure
SP	Superintendent of Police
STD	Sexually Transmitted Disease
TAN	Tax Collection Account Number
TDS	Tax Deducted at Source
TLSC	Taluka Legal Services Committee
TSA	Treasury Single Account
TV	Television
UC	Utilisation Certificate
UOI	Union of India
UT	Union Territory
UTP	Under Trial Prisoner
UTRC	Under Trial Review Committee
VC	Video Conferencing
VIZ	Videre Licet
WP	Writ Petition
WP (C)	Writ Petition (Civil)
WP (CrL.)	Writ Petition (Criminal)
WRT	With reference to







## NATIONAL LEGAL SERVICES AUTHORITY

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