



**A CAMPAIGN
FOR
LEGAL ASSISTANCE
TO
THE FAMILY MEMBERS
OF
THE PRISONERS**

NATIONAL LEGAL SERVICES AUTHORITY

12/11, JAM NAGAR HOUSE, NEW DELHI

INDEX

S. No.	Contents	Page (s)
1	Background and Rationale	1
2	Scope of the Campaign	3
3	Definition of Family Members	5
4	Operational Framework	5
5	Duration	10
6	Expected Outcomes	11
7	Proformas	12

1. Background and Rationale

Legal Services Authorities provide free legal services to the categories of persons mentioned in section 12 of the Legal Services Authorities Act, 1987. Women and children, members of Scheduled Castes and Scheduled Tribes, persons in custody and persons below particular income level are, *inter-alia*, entitled to free legal services. In several States, senior citizens are also entitled to free legal services. The term “Legal Services” has been defined in section 2 (c) of the Act as including the rendering of any service in the conduct of any case or other legal proceedings before any court or other Authority or Tribunal and the giving of advice on any legal matter. Section 4 (l) of the Legal Services Authorities Act mentions the following as one of the functions of NALSA:

(l) take appropriate measures for spreading legal literacy and legal awareness amongst the people and, in particular, to educate weaker sections of the society about the rights, benefits and privileges guaranteed by social welfare legislations and other enactments as well as administrative programmes and measures.

It is the mandate of Legal Services Authorities to spread awareness about the rights and benefits provided by the legislative as well as the administrative programmes and measures. The entire scheme of the Act reflects that the work of the Legal Services Authorities include devising of programmes and projects to ensure that people do not remain deprived of their entitlements. Legal Services Authorities also devise strategic and preventive schemes/ programmes.

Access to Justice shall be available to all persons which belong to different sections of the society. If we look at the criminal justice system, it takes into account only two sets of people, that is, the victim(s) and the offender(s). But there is another section which is not acknowledged by the system and is looked down upon by the society, constituting of the family/ dependents of the offenders. The fact of incarceration of the offender has many consequences on the family/ dependents of the offender [or in other words ‘family/ dependents of the inmate of jail’]. Usually, the convict/under trial prisoner (UTP) is the sole bread earner of the family. In his absence, the family gets trapped in the vicious circle of poverty and other economic, socio-legal or psychological issues. This itself constitutes barrier to access to justice for the family members.

Some of the issues which may arise for family/dependents after incarceration of the offenders are as follows:

- Loss of livelihood to the family;
- deprivation of educational and health rights of children of inmates;
- inability to access justice system by female family members of inmates in case of harassment and violation of rights;
- the parents of inmates are old and require old age pension under various schemes of governments or they are unable to maintain themselves and they wish to seek maintenance from family members;
- the dependent siblings may also have issues relating maintenance or inability to avail benefits under welfare schemes;
- the inmate may have any civil litigation pending in the court and no one in his family can pursue the litigation due to illiteracy, poverty or ignorance and the interest of inmate in such litigation would lapse due to non-appearance before the court;
- anyone has encroached or is in the process of encroaching upon the land of inmate etc.

There is another dimension attached to the rationale of this campaign. The inmates while inside the jails get disconnected with outside world and they feel that there is no one to take care of their interest and of their family members in respect of legal issues as well as issues of availing benefits of welfare schemes. Under influence of such feeling, he/she may develop a sense of hatred against the justice system and the society in general. This adversely affects the fulfilment of objectives of reformative measures taken for the inmates by the jails. All these issues have an adverse effect on the mental well-being of the prisoner and create a roadblock in the path of reformation of the prisoner.

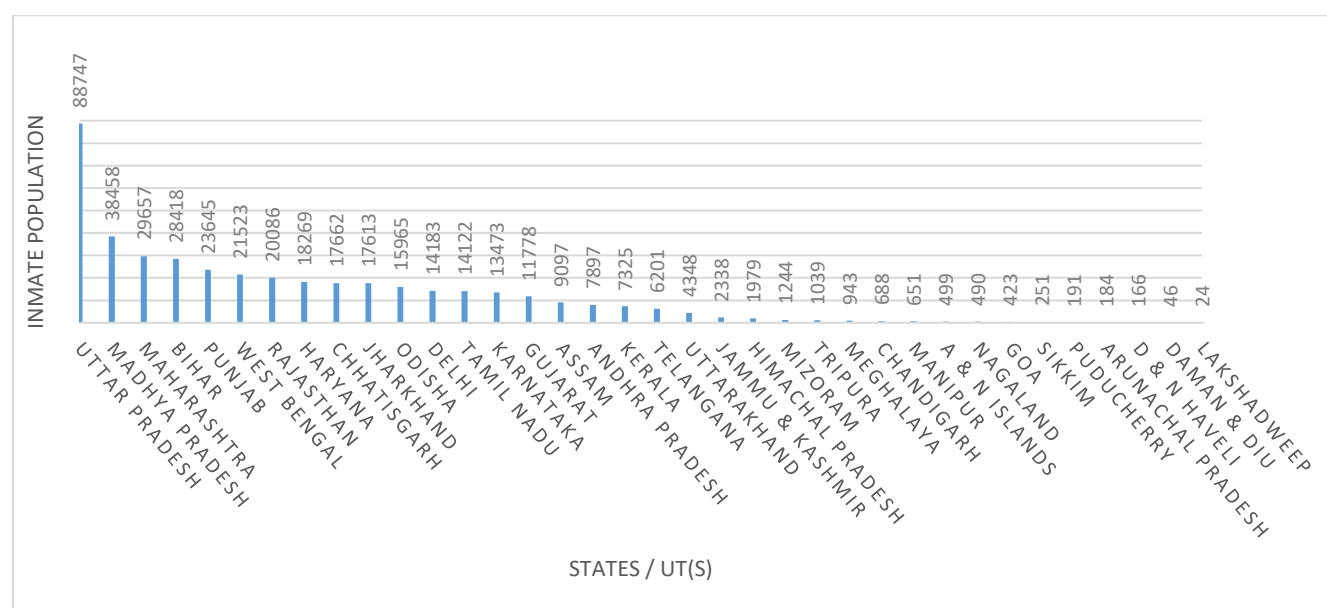
In such situations, Legal Services Authorities can undertake Preventive and Strategic Programmes to ameliorate the conditions of family members of the jail inmates. Various activities can be envisaged whereby actualization of the rights of family members especially the children of the jail inmates can be achieved.

This campaign therefore, aims to address these issues which will aid the family members of the prisoners which in turn, will create a conducive environment for the prisoner to reform himself / herself during the period of incarceration.

2. Scope of the campaign

As per Annual Report 'Prison Statistics India' for the year 2015 published by National Crime Records Bureau (NCRB), total number of jail inmates in India were 419623 as on 31.12.2015, with 401789 males and 17834 females. Out of these inmates, number of convicts was 134168 and of undertrials was 282076. The following bar graph depicts the inmate population in States/UTs at the end of 2015:

State / UT wise Inmate Population in Jails at the end of the year 2015

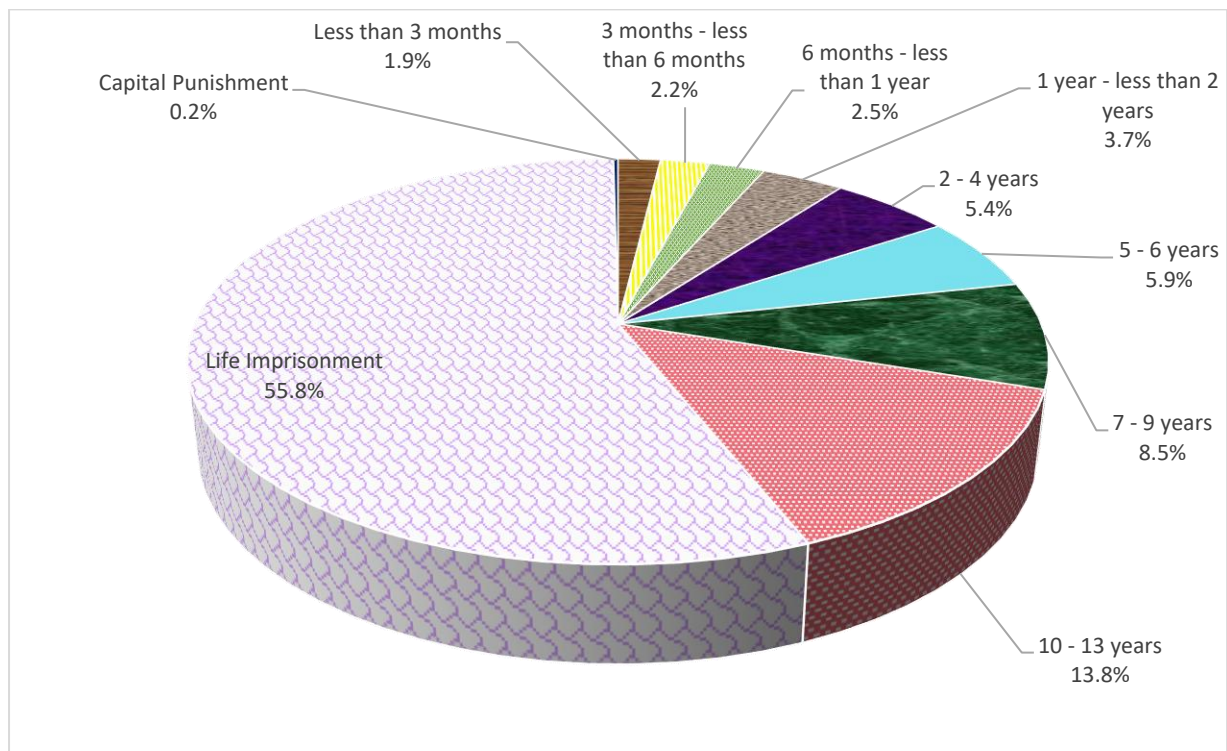


It is perceived that family members of a convict having been sentenced for imprisonment of 6 months or more would be in more stressed circumstances than those of a convict having been sentenced for lesser punishment and similarly placed would be the family members of an UTP, who has remained under detention for continuous period of one year or more during which his/her bail applications might have been rejected at various level. Moreover, considering the magnitude of number of inmates in both categories: convicts and undertrial prisoners, it would be advisable to cover convicts and undertrials having longer stay. Thus, the **Target Group** of the campaign would be:

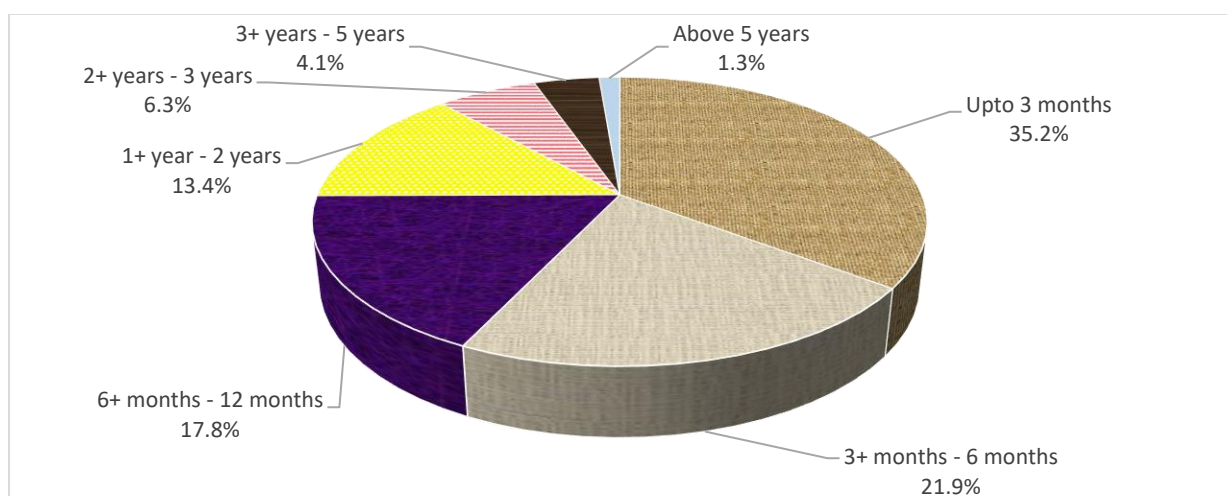
- **Convicts having remaining period of imprisonment of 6 months or more**
- **UTPs having period of detention for continuous one year or more**

The following two pie charts show the percentage distribution of convicts undergoing various periods of sentences and percentage distribution of undertrial prisoners by different periods of detention in the country at the end of 2015:

Percentage Distribution of Convicts Undergoing Various Periods of Sentences at the end of 2015



Percentage Distribution of Undertrial Prisoners by Different Periods of Detention at the end of 2015



By choosing above said target group and applying the report of Prison Statistics 2015 as projection in the year 2019, it is expected that almost 96% of convicts and 25.1% of undertrial prisoners would be covered under this campaign. Accordingly, the number of such convicts would be approximately 128801 and of undertrial prisoners would be 70801, total amounting to 199602 inmates. However, this campaign would not cover foreigner inmates.

3. Definition of Family Members

The term ‘family members’ includes parents, spouse, minor children, unmarried daughter, specially abled dependent children, minor dependent siblings, unmarried dependent sister and specially abled dependent siblings.

4. Operational Framework

STAGE – I

- (i) **Lists of Target group from the Jails:** DLSAs would seek the lists of the targeted Convicts/UTPs from the jails. The lists shall include particulars about place of residence and telephone numbers (if available) of family members of the inmates.
- (ii) **Resource Pool:** The DLSAs would identify and constitute resource pool of dedicated and willing panel lawyers, community para legal volunteers (PLVs), NGOs, academicians, social workers or counsellors. The services of this pool would be utilized for interaction with the jail inmates as well as with the family members of inmates later on.
- (iii) **Conducting an Orientation:** The members of resource pool shall be given an orientation about the rationale of this campaign, its expectation and the manner of conducting interaction with inmates which includes due respect to their fundamental rights, privacy, confidentiality, sensitivities etc.
- (iv) **Formation of Teams and Assignment of Work for Interaction with Inmates:** After compilation of data of targeted inmates, DLSAs would constitute the team(s) and assign the task of interaction with those inmates to them. DLSAs would also nominate a coordinator for the team(s) so constituted to deal with all issues arising during implementation of the campaign.

(v) Interaction and Drafting the applications and/or noting down the information or issues of inmates:

- The interaction shall be conducted preferably in private and on individual basis.
- During interaction, the inmate shall be told about the campaign and its objectives including purpose of providing assistance to his/her family members by Legal Services Authorities.
- The inmate shall be enquired whether he or his family members have any legal aid or legal services issue which needs to be taken up by the DLSA having territorial jurisdiction over the issue.
- The inmate himself/herself may also be the party concerned seeking resolution of the issue but for his/her incarceration the issue could not be undertaken. If the inmate desires to get any application to be moved before any Court/authority/tribunal, the same shall be drafted.
- Simultaneously, the issues raised by the inmates about his/her family members would also be noted down in the enclosed proforma against the respective entry.
- The inmate may require diverse types of legal aid or legal services for himself/herself or his/her family members.
- The details of interaction shall be recorded in writing in each case. If the inmate does not require any help in this regard, then the data maintained shall reflect 'Nil' in the column of assistance required.

(vi) Processing the Interaction Sheets: The processing would be done in following manner:

- If family members of any inmate is resident of same DLSA, then process, as mentioned below, of interaction with them would be followed under intimation to its SLA.
- If the family members are residents of the same State having territorial jurisdiction over the DLSA interacting with inmate, then the DLSA shall send the interaction sheet alongwith drafted application, if any, to the DLSA which is supposed to initiate follow up action.

- If the inmate is resident of outside the territorial jurisdiction of parent SLISA, then DLISA would send the interaction sheet alongwith drafted application, if any, to its parent SLISA, which, in turn, would send the same to the concerned SLISA.
- The recipient SLISA would send the information to the DLISA which is supposed to initiate follow up action.
- The interaction sheets shall be scanned and sent to parent SLISA, other SLISAs or DLISAs, as the case may be, through e-mail.

(vii) Compilation of the Data:

- After completion of interaction with inmates, DLISAs would compile the data of interactions.
- The entire data shall be shared with their respective SLISAs, in the prescribed proforma for reporting about Stage - I.
- SLISAs shall also compile the entire interaction sheets of their State and send the details to NALISA.

STAGE – II

- (i) **Collection of Information about Welfare Schemes:** SLISAs must collect information related to various welfare schemes of Central and State Governments and share the same with their jurisdictional DLISAs so that they would be in a position to cater to the legal services needs of family members of inmates and facilitate them in availing benefits of those schemes.
- (ii) **Assignment of Work for Interaction with Family Members:** After receipt of interaction sheets concerning the legal aid/services needs of inmates and their family members, DLISAs would constitute the team(s) and assign the task of interaction with family members of the inmates to them.
- (iii) **Conducting an Orientation:** DLISAs shall firstly analyze the issues of jail inmates so that solutions may be suggested to the team(s) so constituted. Then, the members selected for interaction with family members of inmates shall be given an orientation about the way of conducting interaction which includes due respect to their privacy,

confidentiality, sensitivities etc. The family members shall be informed about the existence of legal services authorities and their activities. They shall also be informed about various schemes of Central and State Governments under which they can avail benefits.

(iv) Interaction with Family Members:

- During interaction, first of all, the family members shall be told about the campaign and its objectives including purpose of providing assistance to them by Legal Services Authorities.
- After building confidence and trust in them, they shall be asked to share about legal aid and/or services needs.
- The legal aid/services needs shall be noted down in writing.

(v) Initiate Action on the Legal Aid Needs of Inmate or his/her Family Members:

- If the issue pertains to legal aid needs of inmate or family members and the same had already been conveyed by the inmate himself/herself, then the same shall be immediately taken up by the concerned DLSA even prior to interaction with family member, if possible.
- Further, after interaction, DLSA shall initiate action on the information received from the family members. If they wish to initiate/pursue litigation, then a panel lawyer shall be assigned to the family.

(vi) Initiate Action on the Legal Services Needs of Family Members: If any issue is to be taken up with any department of the Government, then the family member shall be assisted for initiation of process and further follow up. This may include filling up forms for availing any benefit such as:

- Widow pension (mother of inmate or female inmate herself),
- old age pension,
- scholarship for children,
- benefits given by Government for arranging marriage,
- health care,
- opening of bank account etc.

Issuance of any certificate/document such as:

- Aadhaar card,
- ration card,
- BPL card,
- voter I-card,
- PAN card,
- caste certificate,
- income certificate,
- birth/death certificate,
- disability certificate etc.

There may be issues which require intervention of, or facilitation from, Legal Services Authorities such as:

- counselling services to deal with situation of incarceration of a family member,
- drug de-addiction,
- hospitalization and/or treatment of mentally ill person,
- providing medical care to members,
- fresh admission of children or re-admission of dropout children,
- vocational training to adult members or children, wherever desired,
- enrolment in skill development,
- connecting the children with ICDS (Integrated Child Development Scheme),
- assistance to adult members in identification of employment prospects,
- labour laws related issues of minimum wages, non-payment of wages, social security etc. or benefits under welfare schemes for organized labour,
- providing assistance in availing benefits of welfare schemes for unorganized labour,
- Life and accidental insurance,
- Benefits provided to specially abled under various schemes of government etc.

The process may also be initiated under the poverty alleviation schemes applicable in the concerned area. The various NALSA schemes can also provide guidance in initiating action for ameliorating conditions of family members. Where the children of inmates are covered under the category of CNCP as defined under the Juvenile Justice (Care and Protection of Children) Act, 2015, they shall be produced before the Child Welfare Committee for necessary action.

(vii) **Continuous Coordination with Government Departments for Delivery of Services:** After facilitating the family members of inmates in completion of formalities for availing benefits under various welfare schemes/measures, DLSAs would continuously coordinate with the respective government departments which had been approached for their legal services needs. The follow up actions shall continue till delivery of services.

(viii) **Report of Interaction and Actions Initiated:**

- The DLSAs would send the report, in the prescribed proforma for reporting about Stage - II, in all cases wherein legal aid or services are provided, to their SLSAs.
- Simultaneously, the information would also be shared with the concerned inmates by reverse route through which the information was received by DLSAs to initiate follow up action.
- SLSAs would compile the reports of all DLSAs working under their respective jurisdiction and send the same to NALSA thereafter.

5. Duration (Three Months)

Stage - I

It is expected that entire activities of Stage - I of the campaign shall be completed within one month from the date of launch of the campaign.

Stage - II

Keeping in view the magnitude of deliverables of activities at Stage - II, it is expected that activities of this stage shall be concluded within two months from completion of activities of Stage - I.

6. Expected Outcomes

- Legal empowerment of the family members, of the inmates, who are perceived to be forgotten by the system;
- actualization of rights of children of inmates specially educational rights;
- facilitating the spouses of the inmates in living dignified life;
- securing respect and care to the parents, likely to be senior citizens, of the inmates;
- protecting vulnerable family members from adverse consequences of incarceration of sole bread earner;
- promotion of mental health of the inmates by removing anxiety about well being of their family members.

Proforma for Interaction with Prisoner (attach sheets if required)

Name of Jail: _____ **Name of Interacting DLSA:** _____

Name of Prisoner: _____ **Convict/UTP:** _____

Residential Address: _____

Telephone No.: _____ **Other Contact Details:** _____

Sr. No.	Family Members	Legal Aid or Services Needs
1.	Self	
2.	Father	
3.	Mother	
4.	Spouse	
5.	Children	
6.	Siblings	

Format for Reporting

Stage- I

Sr. No.	Particulars	Convicts	UTPs	Total
(i)	No. of prisoners under the Scope of Campaign			
(ii)	No. of prisoners interacted with			
(iii)	No. of prisoners who expressed need of legal assistance to themselves or their family members			
(iv)	No. of families which reside within the jurisdiction of DLSA interacting with prisoners			
(v)	No. of families which reside within jurisdiction of the parent SLSA			
(vi)	No. of families which reside outside the jurisdiction of parent SLSA			
Total of (iv), (v) and (vi) shall be equal to no. shown in (iii)				

This proforma is to be filled by the DLSA having interacted with the prisoners.

Stage – II

S. No.	Particulars					
(i)	No. of families for which interaction sheets have been received for providing legal aid or other services/assistance					
(ii)	No. of families with whom interaction was carried out					
(iii)	No. of families who are in need of legal aid or other services/assistance					
(iv)	No. of family members who need legal aid	Spouse	Children	Parents	Siblings	Total
(v)	No. of family members who are provided legal aid					
(vi)	No. of family members who need other services/assistance					
(vii)	No. of family members who are provided other services/assistance					
(viii)	Types of other services/assistance provided (Mention the number of persons, provided with services/assistance, against each					

	type of service/ assistance)	
(ix)	Success Stories shall also be submitted on separate sheets.	

This proforma is to be filled by the DLSA having interacted with family members of the prisoners.