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**A Campaign for Providing Basic Legal Assistance to Persons
confined in Prisons and Child Care Institutions to
commemorate the 75th Year of Independence**

(31st October - 13th November 2022)



NATIONAL LEGAL SERVICES AUTHORITY

**BLOCK-B, ADDITIONAL BUILDING COMPLEX,
SUPREME COURT OF INDIA, NEW DELHI-110001**

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1. Introduction

1.1 The Legal Services Institutions (LSIs) established under the Act have the duty of making people aware about their rights, entitlements and remedies. It is vital that people are made aware of the existence of the legal services institutions, the provision of free & competent legal services for the poor and vulnerable sections, and in particular the excluded groups within the country.

1.2 LSIs render a number of services to assist the marginalized sections of the society and to actualize the statutory goals of ensuring access to justice for all. However, one of the major obstructions in achieving the said goal is lack of knowledge and awareness amongst the eligible beneficiaries. Due to the lack of knowledge and information, people remain ignorant of their rights and do not avail services provided by the legal services authorities.

1.3 The National Legal Services Authority (NALSA), State Legal Services Authorities (SLSAs) and other functionaries continuously carry out Legal Awareness and Outreach Programmes to impart knowledge and information amongst the masses. The intent of the LSIs is to reach all the persons including those residing in rural and far-flung areas of the country.

1.4 In 2021, NALSA has successfully completed a Pan India Outreach and Awareness Campaign from 2nd October 2021 to 14th November 2021. During this campaign legal services institutions across the country organised

awareness and outreach activities to reach out to every person residing in rural, tribal and far-flung areas of the country.

1.5 The campaign is to provide basic legal assistance to persons confined in prisons and in child care institutions from 31stOctober 2022 to 13thNovember 2022.

1.6 The campaign will have the following objectives:

Objectives of the Campaign for Prisoners

1. Ascertaining that person is represented by a lawyer at the trial or for filing of appeals for bail or against conviction.
2. Providing free legal counselling or services or assistance as required in a person's case including drafting and filing of appropriate applications, etc.
3. Ascertaining that person has been provided updated information regarding status of their cases and facilitate communication with lawyers (private and legal aid lawyers).
4. Ascertaining that
 - a. In case of convict, whether entitled to pre-mature release, if yes processing of application etc.
 - b. In case of UTP, eligible for release under UTRC or otherwise of on bail etc.

5. Ascertaining that the person is in contact with family or friends, and in cases where no family/friend has been visiting facilitate the same either physically or virtually.
6. Ascertaining if the person is in need of any urgent medical assistance.
7. Ascertaining if the needs of the vulnerable persons are being met in prison and if any specific need/grievance needs to be attended.
8. Sharing information with the prisoner and their family/friends on accessing the web portal to receive updated information on their cases.

Objectives of the Campaign in Child Care Institutions for Children in

Conflict with Law

1. Ascertaining that the child is represented by a lawyer.
2. Ascertaining that the child is aware of the status of their case.
3. Ascertaining that the child is in contact with their guardians.
4. Sharing information with the child's guardian on the accessing the web portal to receive updated information on their cases.

2. Campaign At a Glance

- ↓ **31stOctober 2022:** Launch of Campaign by NALSA &Intimation to SLSAs/DLSAs regarding campaign and constitution of district teams.
- ↓ **October 2022(before launch):** DLSAs to complete formation of Core Team and Field Teams.
- ↓ **31stOctober & 1st November 2022:** DLSAs to brief teams on the campaign, and identify questions/queries for clarification by NALSA. Orientation conducted by NALSA on the Objectives, Process, Documentation and Reporting requirements of the Campaign. All queries and questions to be clarified.
- ↓ **1st November 2022:** Initiation of visits to prisons and child care institutions by District Teams to interact with each person and child in custody.
- ↓ **3, 7, 10 November 2022:** Core team to interact with Field teams to decide action points in each case.
- ↓ **09th November 2022:** Legal Awareness camp about rights & remedies available to prisoners.
- ↓ **11th November2022:** Completion of visits and submission of data sheets to concerned DLSA by 12th November 2022.
- ↓ **15th November2022:**DLSA to consolidate the reports for each district and submit to SLA.
- ↓ **18thNovember 2022:** SLA to submit collated report for each state to NALSA.

↓ **November 2022:** NALSA to release final report on campaign.

ACTIVITIES TO BE UNDERTAKEN UNDER THE CAMPAIGN

↓ **31st October 2022:** DLSAs to complete formation of Core Team and Field Teams

1. Constitution of District Teams: Three district teams should be formed for every district by the Secretary, DLSA in consultation with the DLSA Chairman:

i. **Core Team:** There shall be one Core Team in every district comprising of:

- Secretary, DLSA;
- Two senior lawyers or experienced lawyers with established criminal practice of not less than 10 years; and
- One subject-matter expert or representative of an academic institution/ civil society organisation.

ii. Field Teams: There shall be two field teams, one for prisons and the other for Observation Home:

i. **Prison Field Team** – This team shall comprise of a group of Jail Visiting Lawyers (JVL), Panel lawyers and Paralegal Volunteers (PLVs), whether community or convict PLV. Every JVL/ panel lawyer must be accompanied by a Paralegal volunteer, whether community PLV or convict PLV in order to assist the lawyer during interview and documentation.

ii. **Observation Home Field Team** – This team shall comprise of a group of Panel lawyers (preferably those who are assigned to the

Juvenile Justice Boards) and Community Paralegal Volunteers (Co-PLVs). Where available, a psychologist or social worker can also be included in this team, to ensure that interactions with children are undertaken in an appropriate manner.

- iii. The number of persons in each field team should be decided by the Secretary, DLSA with due regard to the total number of prisoners in each prison (central/district/special/women) and children in each Observation home, situated inside the district. This data, if not already available with the DLSA, should be immediately requested from the concerned prisons and observation home. The following table suggests the number of JVLs/panel lawyers and PLVs that may be

For Prisons		
Total Prisoners in each prison in the district as on 31stOct. 2022	Number of Lawyers and PLVs that may be appointed	Expected Number of Days of Visits
0-250 Prisoners	2 Lawyers + 3 PLVs	3-5 days
250-500 Prisoners	4 Lawyers + 6 PLVs	5-7 days
500-1000 Prisoners	6 Lawyers + 8 PLVs	7-9 days
1000-1500 Prisoners	8 Lawyers + 8 PLVs	8-10 days
1500-2000 Prisoners	10 Lawyers + 10 PLVs	8-10 days
2000-2500 Prisoners	10 Lawyers + 12 PLVs	8-10 days
2500-3000 Prisoners	10 Lawyers + 15 PLVs	9-11 days
More than 3000 Prisoners	12 Lawyers + 15 PLVs	10-11days

appointed to constitute the abovementioned Field Teams:

For Observation Homes		
Total children in OHs in the District as on 31stOct. 2022	Number of Lawyers and PLVs that may be appointed	Expected Number of Days of Visits
0-250 children	2 Lawyers + 2 PLVs	2-5 days
250-500 children	4 Lawyers + 4 PLVs	5-6 days
500-1000 children	4 Lawyers + 4 PLVs	7-9 days
1000-1500 children	4 Lawyers + 4 PLVs	8-10 days
1500-2000 children	6 Lawyers + 6 PLVs	8-10 days

Note: Law students studying in third year onwards, preferably senior class students, may be associated as intern and after completion of campaign DLSA concern will issue a certificate of appreciation to all such participating student.

- iv. **Data Operator** – Every DLSA must identify at least one part-time Data Operator (short duration) to assist them in compiling all the data from prisons and CCIs. In case, a DLSA does not have a Data Operator, the Secretary, DLSA, must appoint a PLV who is competent in handling data and using excel sheets for the campaign.

2. Seeking Data from Prisons and Observation Homes

a) **Data from Prisons:** The DLSA, along with the field teams, shall seek following basic information from all the prisons in the district including Central Prison, District Prison, Sub-Jail, Women Prison, Special Prison, Borstal, or any other prison confining prisoners in the district **as on 31st October 2022**. The DLSA shall seek this information from the prisons or the courts, as necessary. This data will be required for the preparation of *Information Card* for each prisoner/child during the campaign. This data will also form the basis of the interactions during field visits. This data will include:

- i. Prisoner category-wise total number of prisoners
- ii. Gender-wise total number of prisoners
- iii. Undertrial-wise information, alphabetically, preferably in an excel sheet, including:
 - Name of the Undertrial
 - Father's Name
 - Police Station
 - Offence/s
 - Name of the Court
 - Case Reference Number
 - Current status of case
 - Date of next hearing
- iv. Convict-wise information, alphabetically, preferably in an excel sheet, including:
 - Name of the Convict
 - Father's Name
 - Name/details of the Trial Court
 - Date of Conviction
 - Duration & Nature of Sentence
 - Total Remission Earned

- Name/details of the Appellate Court, if any

b) Data from Observation Homes:

Note: For the purpose of this campaign, observation home established and maintained in every district or group of districts only by the State Government, and is registered as such, for the purposes specified in sub-section (1) of section 47 of the Juvenile Justice (Care and Protection of Children) Act, 2015, will be covered. Please note that any other observation home established and maintained through a voluntary or non-governmental organisation shall not be covered in this campaign.

DLSA shall seek following basic information from all the Observation Homes¹, which are established and managed only by the government in the district **as on 31stOctober, 2022:**

- a) Category-wise total number of children
- b) Gender-wise total number of children
- c) Undertrial-wise information, preferably in an excel sheet, including:
 - Name of the Undertrial
 - Father's Name
 - Police Station
 - Offence/s
 - Name of the Court
 - Case Reference Number
 - Current status of case
 - Date of next hearing
- d) Convict-wise information, preferably in an excel sheet, including:

¹For the purpose of this campaign, observation home means a home established and maintained in every district or group of districts by a State Government, and is registered as such, for the purposes specified in sub-section (1) of section 47 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

- Name of the Convict
- Father's Name
- Name/details of the Trial Court
- Date of Conviction
- Duration & Nature of Sentence
- Total Remission Earned
- Name/details of the Appellate Court, if any

↓ **31stOctober 2022:** DLSAs to brief teams on the campaign, and identify questions/queries for clarification by NALSA. Orientation conducted by NALSA on the Objectives, Process, Documentation and Reporting requirements of the Campaign. All queries and questions to be clarified.

3. Orientation of the DLSAs and the District Teams:

- a) Every SLISA must mandatorily share, in print/ email / social media information material received from NALSA on the campaign to all DLSAs, Panel Lawyers, PLVs and all judicial officers, prison headquarters, prisons and bar associations.
- b) The DLISA secretaries and members of the district teams should read all documents carefully and identify any queries.
- c) On **31stOctober & 1st November 2022**, NALSA will conduct a pan-India virtual orientation session for all:
 - a) Member Secretaries of all SLISAs
 - b) District and Session Judges
 - c) Secretaries of all DLSAs
 - d) Data Operators of all DLSAs
 - e) Prison Superintendents/ Officer in-charge of prisons
 - f) Representative of Prison Headquarters

g) Officer in-charge of Observation Homes

h) Principal Magistrates heading the Juvenile Justice Boards

- d)** During the orientation session the specific activities under the campaign and their time-lines will be discussed, and any doubts and queries of the participants in regard to the campaign will be clarified.

- ↓ **1st November 2022:** Initiation of visits to prisons and child care institutions by District Teams to interact with each person and child in custody.
- ↓ **3, 7, 10 November 2022:** Core team to interact with Field teams to decide action points in each case.
- ↓ **11th November 2022:** Completion of visits and submission of data sheets to concerned DLSA.

4. Conduct of visits to Prisons:

a) Pre-visit:

- i. The DLSA must coordinate with the officer in-charge of the prisons in the district about the days and timing of visits by the field teams from **1st to 11th November, 2022**, as required.
- ii. The DLSA must request the Officer/Person in-charge of prisons and observation homes to make arrangements to provide adequate space and chairs for the field team to conduct the interviews. Prisoners must also be provided chair/stool/bench to sit while interacting with the field team.
- iii. An ***Information Card*** for each prisoner needs to be created printed based on the data that was collected from the prisons and courts. The format of the same is given is **ANNEXURE A**. The Information card of each prisoner must be ready one day before the first visit to prison.
- iv. One day before the visit, the Field teams to ensure to print and take required number of Interview Sheets, as provided in **ANNEXURE B** for documenting interviews with the prisoners.

b) During the Visit:

- i. It is advisable for the DLSA Secretary to visit the main Central/District prison on the first day, i.e. 1st November, 2022, along with the Field Team. The DLSA Secretary may also conduct surprise visit/s of prisons to monitor if the set process of the campaign is being followed by the Field Team.
- ii. The DLSA Secretary must ask the officer-in-charge to depute one officer and some warders to coordinate with the Field Team and to ensure that there are no delays in calling the prisoners for interview. The prison authorities must also inform the prisoners that they will be called in the alphabetical order by the field team.
- iii. The names of the prisoner may be called through the public announcement system (loudspeaker), if available or one PLV must be made responsible to coordinate with prison staff for calling 10-20 prisoners together as per the alphabetical list.
- iv. Once the prisoner appears before the field team:
 - i. The person must be handed over the Information Card and explained the status of their case and purpose of the interview.
 - ii. Interview must be conducted by a pair of one lawyer and one PLV of the field team and specific grievance/s must be noted clearly.

Note: It must be ensured that prison staff could only see the interviewers and the interviewee and not able to hear the conversation.

c) Post-visit:

- i. The interview sheets must be handed over to the Data Operator to record the information in the Documentation Sheet, the format is provided in **ANNEXURE D**.
- ii. The meeting of the Core Team with the Field Team must be convened by the DLSA Secretary at least on the three days, i.e. 3, 7 and 10 November, 2022 or as many times as required.

- iii. During the meeting with the Core Team, prisoner-wise case/grievances must be discussed and appropriate directions must be issued and documented in the Documentation Sheet.
- iv. After few days, not beyond a week, follow-up could be done by the DLSA Secretary to check if the directions of the Core Team are complied with.

5. Visit to Observation Homes:

a) Pre-visit:

- i. The DLSA must coordinate with the officer in-charge of the observation homes in the district about the days and timing of visits by the field teams from **1st to 11th November, 2022**, as required.
- ii. The DLSA must request the Officer/Person in-charge of the observation homes to make arrangements to provide adequate space and chairs for the field team to conduct the interviews. Children must also be provided chair/stool/bench to sit while interacting with the field team.
- iii. Information card for each child must be made and printed based on the data that was collected from the observation home/s. The format of the same is given is **ANNEXURE A**. The Information card of each child must be ready one day before the first visit to observation home.
- iv. One day before the visit, the Field teams to ensure to take required number of Interview Sheets, as provided in **ANNEXURE C** for children.

b) During Visit:

- i. It is advisable for a member of the core team to visit the observation home on the first day, i.e. 1st November, 2022, along with the Field Team. The DLSA Secretary may also conduct surprise visit/s of

observation home/s to monitor if the set process of the campaign is being followed by the Field Team.

- ii. The DLSA Secretary must direct the officer/ person in-charge to depute one officer and some junior staff to coordinate with the Field Team and to ensure that there are no delays in calling the children for interview. The authorities must also inform the children that they will be called in the alphabetical order by the field team.
- iii. The names of the children may be called through the public announcement system (loudspeaker), if available or one PLV must be made responsible to coordinate with the staff for calling 10-20 children together as per the alphabetical list.
- iv. Once the prisoner/ child appears before the field team:
 - i. The person must be handed over the Information Card and explained the status of their case and purpose of the interview.
 - ii. Interview must be conducted by a pair of one lawyer and one PLV of the field team and specific grievance/s must be noted clearly.

Note: It must be ensured that observation home staff could only see the interviewer and the interviewee and not able to hear the conversation.

c) Post-visit:

- i. The interview sheets must be handed over to the Data Operator to record the information in the Documentation Sheet, the format is provided in **ANNEXURE E**.
- ii. The meeting of the Core Team with the Field Team must be convened by the DLSA Secretary at least on the three days, i.e. 3, 7 and 10 November, 2022 or as many times as required. During the meeting with the Core Team, prisoner-wise case/ grievances must be discussed and appropriate directions must be issued and documented in the Documentation Sheet.

- iii. After few days, not beyond a week, follow-up could be done by the DLSA Secretary to check if the directions of the Core Team are complied with.

↓ **15th November 2022:** DLSA to consolidate the reports for each district and submit to SLSA.

↓ **18th November 2022:** SLSA to submit collated report for each state to NALSA.

↓ **November 2022:** NALSA to release final report on campaign.

6. Monitoring by SLSA and Reporting to NALSA:

- a) The SLSA must monitor the initiation of the campaign and progress made at different stages. The SLSA must compile the information from every DLSA and fill the required information in the Monitoring Sheet, the format is annexed herein as **ANNEXURE F**, and the same must be sent to NALSA as prescribed.
- b) Every SLSA must submit a final report of the campaign to the NALSA in the format provided in **ANNEXURE G** by 18th November, 2022.
- c) NALSA will collate the final report from the reports submitted by SLSAs, which will be released as per program approval.