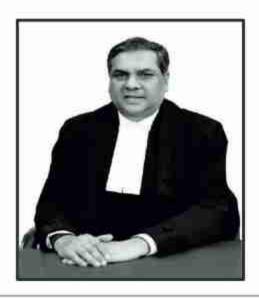
# COMPENDIUM OF STANDARD OPERATING PROCEDURES

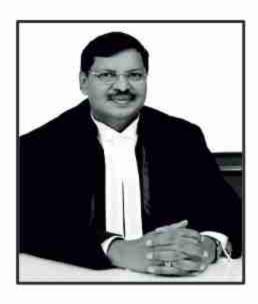


U.P. STATE LEGAL SERVICES AUTHORITY
4/7 COMTI NAGAR EXTENSION, LUCKNOW

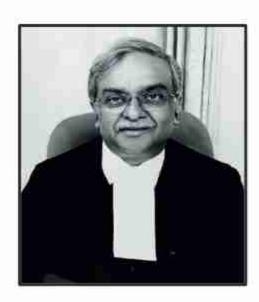




Hon'ble Mr. Justice Sanjeev Khanna Chief Justice of the Supreme Court of India



Hon'ble Mr. Justice Bhushan Ramkrishna Gavai Judge, Supreme Court of India & Executive Chairman, NALSA



Hon'ble Mr. Justice Vikram Nath Judge, Supreme Court of India

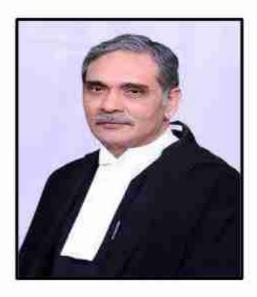




Hon'ble Mr. Justice Arun Bhansali Chief Justice of Allahabad High Court & Patron-in-Chief, UPSLSA



Hon'ble Mr. Justice Manoj Kumar Gupta Senior Judge, Allahabad High Court & Executive Chairperson, UPSLSA



Hon'ble Mr. Justice Anjani Kumar Mishra Judge, High Court of Judicature at Allahabad & Chairman, High Court Legal Services Committee, Allahabad



Hon'ble Mr. Justice Attau Rahman Masoodi Sr. Judge, Allahabad High Court, Lucknow & Chairman, High Court Legal Services Sub Committee, Lucknow

B. R. Gavai
Judge, Supreme Court of India
«I
Executive Chairman,
National Legal Services Authority



B-Block, Ground Floor Administrative Buildings Complex Supreme Court of India, New Delhi-110001

#### MESSAGE

I commend the U.P. State Legal Services Authority (UPSLSA) for their commendable initiative to consolidate the various schemes of the National Legal Services Authority (NALSA) and UPSLSA into a single, unified resource. This comprehensive effort aims to enhance access to justice, particularly for the underprivileged and marginalized sections of society, ensuring that those in need are aware of and can avail the assistance provided. Such efforts give effect to the constitutional mandate under Article 39A of the Constitution of India.

As the Constitution is marking the 75th year of its founding, the creation of a "Compendium of Standardized Operating Procedure" for the implementation of legal aid services is a significant step forward for assuring justice for all. It reflects a commitment to improving the efficiency, transparency, and consistency in the functioning of Legal Services Authorities across the State. This approach is essential for ensuring that legal aid services are delivered uniformly and effectively, thereby strengthening the legal aid system and its capacity to serve those who require support.

The dissemination of information through this Compendium will play a crucial role in raising awareness among beneficiaries, stakeholders, and the public. By making the procedures and mechanisms more accessible and understandable, it will empower individuals to seek the aid they are entitled to and foster greater trust in the legal aid system.

I am confident that this Compendium will serve as a valuable tool for all involved and will contribute significantly to the mission of promoting access to justice for all. I extend my heartfelt congratulations to UPSLSA for this initiative and wish them every success in the publication and distribution of this important resource. May your continued efforts in enhancing legal services bring about meaningful change and justice for all.

(B.R. Gavai)

Vikram Nath Judge Supreme Court of India



11, Moti Lal Nehru Marg New Delhi-110011 Tel.: 011-23010636

15th January, 2025

#### MESSAGE

"It is not possible to be in favour of justice for some people and not be in favour of justice for all people."

Martin Luther King Jr.

Justice must be ensured for all is a fundamental principle which is best embodied by consistent efforts taken by Legal Services Authorities and the publishing of this Compendium of Standing Operating Procedure is another such step in the right direction by the U.P. State Legal Services Authority. It is often an issue that the weaker and underprivileged sections of society do not even have information about the remedies available to them, let alone the access to such remedies. In this regard, it is my sincere belief that the instant compilation shall come to their rescue and lead to dissemination of essential information.

I must laud the comprehensive and far-stretching nature of this compilation which shall serve the impoverished and disadvantaged population of our society in a wide arraying manner. It covers the whole spectrum of Standard Operating Procedures ranging from the ones relating to under trial prisoners seeking bail, to settlement of pre-litigation marital disputes and even delving in guidelines for settlement in MACT cases, providing a singular handbook containing complete information.

I extend my warm appreciation and whole-hearted wishes supporting this meaningful endeavor undertaken by the U.P. State Legal Services Authority and hope it continues to further the cause of increasing access to justice for all.

(Vikram Nath)



January 15, 2025.

#### Message

Under the Legal Services Authority Act, 1987, the State Legal Services Authority is duty-bound to ensure that the spectrum of legal services activities remains broad, encompassing a range of ideas and qualities. The perspective of legal services activities is not confined merely to providing the facility of free and competent legal aid to litigants but has been expanded to the greatest extent. The Legal Services Authority acts as a bridge between the State Authorities and the beneficiaries, helping beneficiaries avail themselves of the welfare schemes floated by the State Government.

I extend my warmest congratulations to the Uttar Pradesh State Legal Services Authority (UPSLSA) for their outstanding work in publishing the "Compendium of SOPs." This compendium brings out at one place mechanism and procedure for providing aid and assistance to the needy persons and also reflects a concerted effort to promote access to justice for all, particularly for the underprivileged and marginalized sections of society.

As the Patron-in-Chief of U.P.SLSA, I can say that the UPSLSA has reasonably established an effective and receptive mechanism for legal services institutions. I am happy that the Compendium of SOPs is being released by the eminent hands of Hon'ble Mr. Justice B.R. Gavai, Judge, Supreme Court of India & Executive Chairman, NALSA.

My best wishes and sincere regards to the entire team of UPSLSA.

(Arun Bhansali)

## Justice Manoj Kumar Gupta 👢



Judge, High Court of Judicature at Allahabad Allahabad

'Access to Justice for All' remains an illision unless individuals in need are aware of their rights and the methods to enforce the same. The State Legal Services Authority has been unwavering in its commitment to bridging the gap between the law and those in need, fostering a legal system that is inclusive, efficient, and compassionate.

This compendium of Standard Operating Procedures (SOPs) is a testament to our commitment to improving and streamlining legal aid delivery. It has been meticulously crafted to serve as a comprehensive guide for all stakeholders—those entrusted with the responsibility of providing legal services and those seeking them. The SOPs outlined in this book aim to establish clarity, uniformity, and accountability in processes while ensuring that justice is accessible, timely, and meaningful.

For legal aid providers, including panel lawyers, paralegal volunteers, mediators, and others, this compendium serves as a vital resource to navigate the challenges of their roles and deliver services effectively. For beneficiaries, it is a roadmap to understand their rights and the mechanisms available to secure them. By consolidating best practices, procedural guidelines, and legal frameworks, this book aspires to empower all involved parties to work collaboratively toward the shared goal of justice for all.

It is my hope that this compendium will not only facilitate the effective implementation of legal aid initiatives but also inspire a deeper commitment to the principles of justice, equity, and inclusion by transforming the vision of "Access to Justice for All" into a lived reality for every individual, regardless of their social or economic standing.

The State

(Manoj Kumar Gupta)
Executive Chairman,
U.P. State Legal Services Authority

Justice Anjani Kumar Mishra



#### Message

Access to justice is a fundamental right that is guaranteed to all its citizens by Article 14 and Article 21 of the Constitution of India. A bundle of rights which make one's life, worth living and denying a person access to courts and access to justice, will deeply affect the quality of his human life.

Legal aid is a fundamental facilitator to ensure access to courts. The Supreme Court, time and again, has taken progressive measures to promote access to justice and has upheld the Constitution that guarantees this as a fundamental right.

Access to courts and access to justice definitely has a strong backing that is given to us by the Constitution of India. Right to legal aid is also now firmly entrenched in various acts including the Legal Services Authorities Act, the Supreme Court Legal Services Committee, National Legal Services Authority (NALSA) and various Lok Adalats being set up in district and remote villages in India to provide legal help to the ones who cannot afford it.

The compendium of Standard Operating Procedures (SOPs) is a testament to our commitment to improving and streamlining legal aid delivery and should hugely benefit all stakeholders.

(Anjani Kumar Mishra)

Kucakna

High Court Legal Services Committee



High Court of Judicature at Allahabad Lucknow.

#### MESSAGE

I extend my heartfelt congratulations to the Uttar Pradesh State Legal Services Authority (UPSLSA) for their remarkable efforts in publishing the "Compendium of SOPs". This achievement is a reflection of the Authority's unwavering commitment of providing free legal aid and ensuring justice for all, especially for the marginalized and weaker sections of society.

Under the visionary leadership of Hon'ble Mr. Justice Arun Bhansali, Chief Justice of Allahabad High Court & Patron-in-Chief, UPSLSA, and Hon'ble Mr. Justice Manoj Kumar Gupta, Senior Judge, Allahabad High Court & Executive Chairman of UPSLSA, significant progress has been made in strengthening the legal services infrastructure in Uttar Pradesh.

The HCLSSC, Lucknow has also successfully started its Front Office in the campus of the Allahabad High Court at Lucknow. This step has been taken with the aim of providing legal assistance to litigants in the Lucknow Bench of the Allahabad High Court.

The publication of Compendium stands as a witness to the dedication of UPSLSA in empowering individuals and ensuring that no one is left behind in the quest for justice. My best wishes to the UPSLSA for continuing their mission of promoting fairness, equity, and access to justice for all.

I am sure that the compendium will go a long way and shape in reality the constitutional goals of social, economic, and political justice, under the aegis of Supreme Court Legal Services Committee with the valuable prowess and guidance of its Patron-in-Chief and the Chairman.

In the end, I hope and trust that the para-legal volunteers, panel lawyers and the legal clinics/workshops shall leave no stone unturned to achieve the object of awareness, without which, goals of Legal Services Authority Act, 1987 as a policy of the State, cannot be accomplished.

( A. R. Masoodi )

Chairman,

High Court Legal Services Committee,

Lucknow



It is my pleasure to present this Compendium of Standard Operating Procedures under the leadership of the Hon'ble Mr. Justice Arun Bhansali, Chief Justice of Hon'ble High Court of Judicature at Allahabad & Patron-in-Chief UPSLSA and able guidance of Hon'ble Mr. Justice Manoj Kumar Gupta, Judge, Hon'ble High Court of Judicature at Allahabad & Executive Chairman, UPSLSA.

This compendium serves as a comprehensive collection of uniform and standardized procedures aimed at providing free and competent legal services to the marginalized sections of society. It will facilitate the dissemination of information regarding legal aid schemes and procedures for all stakeholders, ensuring consistency, transparency, and efficiency in the operations of various Legal Services Institutions.

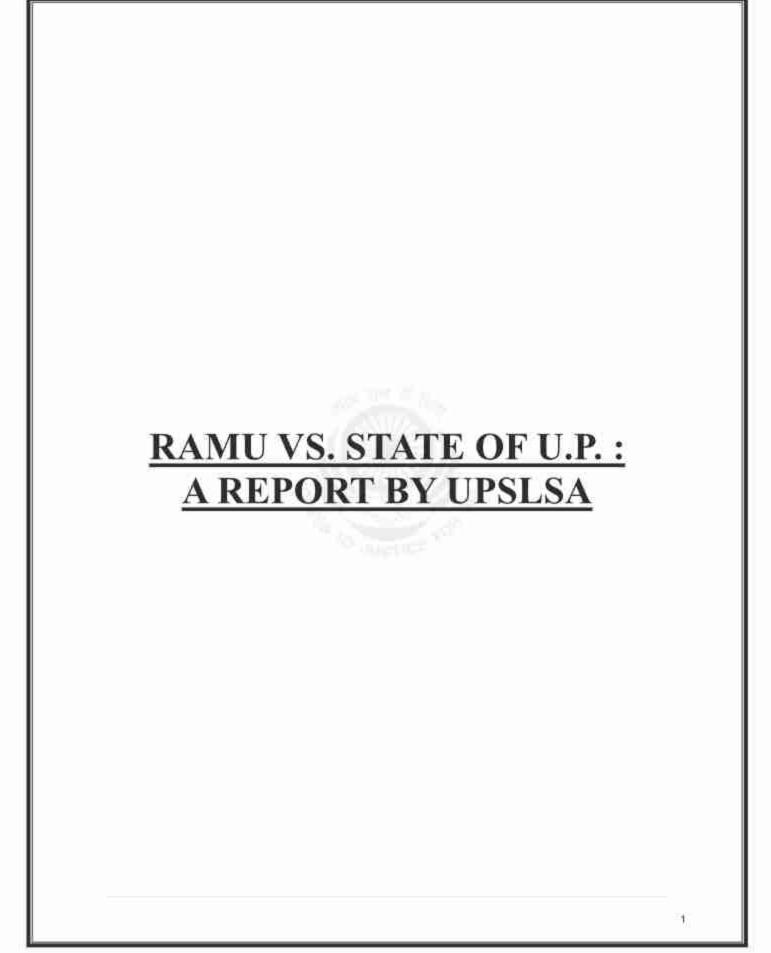
In pursuit of equal justice, UPSLSA is dedicated to extending its reach to the masses and offering essential legal services to the disadvantaged segments of society.

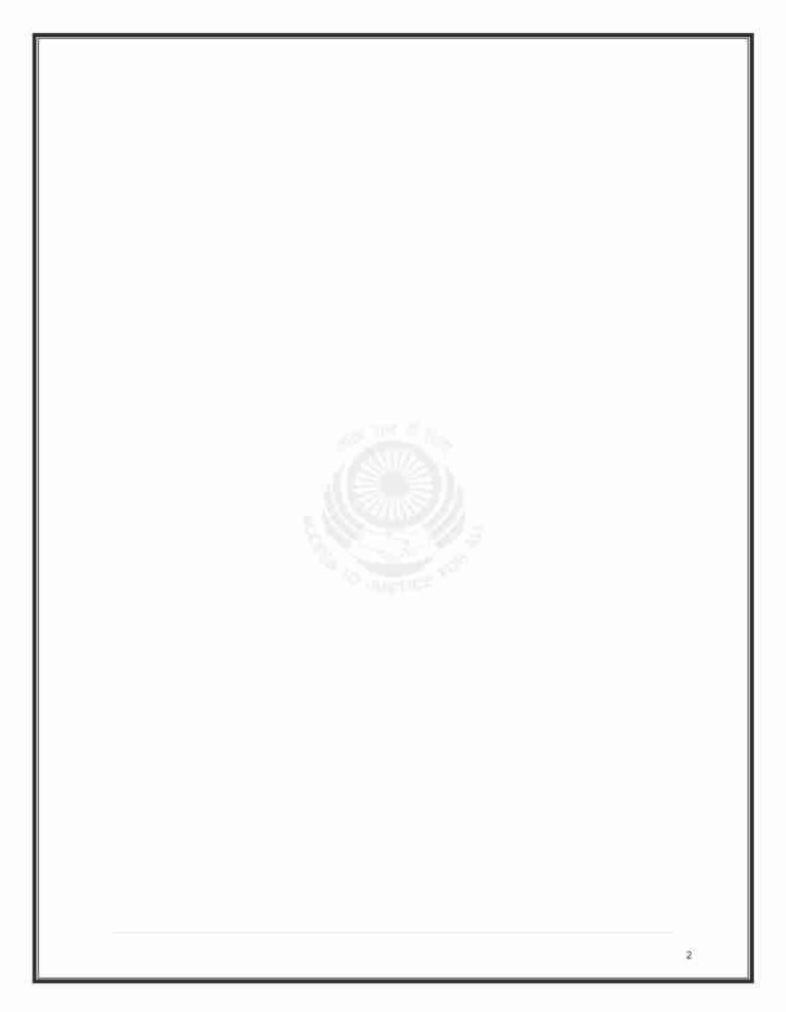
While every effort has been made to ensure the accuracy of this compendium, we welcome and appreciate any feedback or suggestions for improvement in our future publications.

Sanjay Singh-I Member Secretary Uttar Pradesh State Legal Services Authority

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#### RAMU VS. STATE OF U.P. : A REPORT BY UPSLSA

Hon'ble the High Court of Judicature at Allahabad, in Criminal Misc. Bail Application No. 17912 of 2019 Ramu Vs. State of U.P., has shown concern regarding long detention of prisoners and passed several directions pertaining to their release from jails to prevent undue long detention of Under Trial Prisoners (UTPs).

#### HIGHLIGHTS OF JUDGEMENT- ANIL GAUR (SUPRA)

Earlier the Hon'ble High Court of Judicature at Allahabad in Criminal Misc. bail Application No. 16961 of 2022 Anil Gaur @ Sonu @ Sonu Tomar Vs. State of U.P. vide order dated 12.09.2022 issued various directions pertaining to proving legal aid to UTP and filing their bail application timely before the Trial Court/Hon'ble High Court. The Hon'ble High Court has passed following directions briefly:-

- Identifaction of prisoners who have not applied for bail or subsequent bail before trial court/High Court in timely manner.
- Identification of prisoners not able to effectively prosecute their pending bail application.
- Ascertain the inability of prisoners.
- Educate prisoners about their rights of legal aid and bail.
- Provide legal aid and facility of filing bail application in timely manner.
- Facilitate counsel in gathering necessary information and document for effective prosecution of bail applications.

#### COMPARISON

The Hon'ble High Court of Judicature at Allahabad in the case of Ramu vs. State of U.P. have reiterated the directions earlier propounded in Anil Gaur (Supra) case with certain benevolent concerns of long detained prisoners along with the duties of the other stakeholders of the criminal justice system. This judgment contains following novel/maiden suggestions/directions:

- The Hon'ble Court in its latest judgment have modified the timeline for filing of bail & subsequent bail applications of prisoners at various level.
- The Hon'ble Court has also suggested and directed to collect the information of every prisoners on Appendix 1 with the help of various stakeholders in order to identify the prisoner and facilitate the process.
- Hon'ble Court has also directed and suggested the duties of other stakeholders like Magistrate/trial courts, District & Sessions Judge, Jail Authorities, State Government, Registrar General etc. apart from Legal Services Institutions.

#### COMPLIANCES BY UPSLSA

The Legal Services Institutions are almost in place pertaining to the compliance of directions passed by Hon'ble Court in Anil Gaur (Supra) case. Measures adopted by the UPSLSA and DLSAs in compliance of the direction contained in Anil Gaur (Supra) are as follows;

- A SOP has been prepared and circulated to all the DLSAs after the approval of the Hon'ble Executive Chairman, UPSLSA.(Annexure-1)
- Prisoners are being informed about their right to free legal aid by the Secretary, DLSAs, LADCs, Panel Lawyers, Jail PLVs regularly. Jail Authorities are also advised to interact with the jail inmates and inform the DLSA as and when a prisoner require the legal aid.
- Legal Service Institutions conducts drive, for awareness on weekly basis and for identification of every prisoners who are not able to file their bail applications within the stipulated time on monthly basis.
- Prisoners are identified by the Jail PLVs, Jail Visiting Panel Lawyers, LADCs, Jail Authorities, Secretary DLSAs on regular basis pertaining to those who have not been able to file their application before the trial court.
- DLSAs, through its PLVs, interact with the family members of prisoners for collection of necessary documents to facilitate legal aid counsel for filing of bail applications.
- If the concerned prisoner is pursuing his case through private lawyer, DLSA interacts and request to private lawyer to move the bail application before the trial court.
- If private lawyer of the prisoner is under any impediment or the prisoner agrees to file his bail application through legal aid counsel, then Secretary DLSA appoints a LADC/ Panel Lawyer to proceed in furtherance of the directions contained in Anil Gaur (Supra).
- If such bail is moved before the magistrate court and if it is rejected by that court, then the bail is filed before the sessions court against that rejection order of the magistrate court.
- If bail is rejected by the either court at District level, then matter is forwarded to the High Court Legal Services Committee for filing of bail before Hon'ble High Court.
- The UPSLSA also ensures the monitoring and updation of status of bail applications filed under the direction of the Hon'ble High Court or otherwise by the DLSAs on frequent and regular intervals. To ensure the same, periodical meetings with all DLSAs are conducted through VC by the Member Secretary UPSLSA and district-wise one to one interactions are also conducted by the officers of the UPSLSA for follow-up actions.

- The UPSLSA also interacts with all stakeholders, like Secretary, DLSAs, Jail Authorities, LADCs, Panel Lawyers, PLVs on monthly basis.
- When it comes to the notice of the DLSAs that subsequent bail is to be file
  after stipulated time from date of rejection of first bail, directions are
  issued to the concerned LADCs/Panel Lawyers to move in furtherance of
  the directions contained in SOP.
- The UPSLSA also ensures effective monitoring of bail & subsequent bail application filing and their disposal, where first, second or other bail applications have been rejected by the trial courts/Hon'ble High Court.

Followings are the area, where legal services institutions are to comply the directions of Ramu Vs State case:

- Collection and maintenance of record of all the prisoners on Appendix-1 with the help of concerned prisoner, police station, jail authorities, web portals of CIS, e-Prison, CCTNS etc.
- Follow-ups and monitoring of new timeline of trigger events for every prisoner.
- Timely information sharing between DLSAs and HCLSCs.

#### MAJOR HIGHLIGHTS OF THE JUDGEMENT

The Hon'ble High Court has passed following directions briefly:-

- Awareness and identification of prisoners who are not able to file their bail applications for various reasons.
- Suggested timeline for trigger events for enquiry into the need of legal aid and filing of bail application at various levels, ranging from 01 week to 01 year (Annexure-2).
- The duties of Magistrate/ Trial Court regarding examination and education
  of prisoners to file bail applications at different stages, recording of
  finding, submission of requisition to the DLSAs, passing order for grant of
  legal aid, collection of information on Appendix-1 from various sources
  etc. (Annexure-3).
- The duties of District Legal Services Authority to maintain records on Appendix-1, taking assistance of PLVs, inform every prisoners of their right to legal aid and filing of bail, provide legal aid to every eligible prisoner at different trigger events in proposed timeline, filing of bail applications, arrangements of relevant documents and information, apprise to prisoners about the status, oversee the process, coordination with Trial Courts/HCLSC and Jails etc. (Annexure-4).
- Duties of Secretaries, High Court Legal Services Committee to ensure proper coordination with DLSAs, to facilitate filing of bail application,

- provide support to DLSAs to gather information on Appendix-1, suitable steps to implement the judgement (Annexure-5).
- Duties of Secretary, State Legal Services Authority to take steps for implementation of direction of the Hon'ble Court in Anil Gaur (Supra) case (Annexure-6).
- Duties of the District & Session Judges is to regularly supervise the implementation of direction, extend support and guidance in collection of information in Appendix-1, to take status report from DLSAs, to ensure coordination with all stakeholders to develop procedure etc. (Annexure-6).
- Duties of Jail Superintendent to maintain record of every prisoners on Appendix-1, coordination with DLSA and HCLSC, inform prisoner about their right to legal aid and bail, submission of requisition to DLSA and HCLSC for filing bail at different trigger events, assist legal aid counsel in gathering all relevant details, updation of status of pending bail, implementation of relevant rules, arrangement for VC, submission of bimonthly reports etc. (Annexure-7).
- Duties of the State Government to provide details of prisoners in Appendix-1, develop IT solutions to provide relevant information, directions for coordination with departments, examination of quarterly reports of prison department etc. (Annexure-8).
- Suggestive measures for the Registrar General to render assistance to Trial Courts/ DLSAs for obtaining details, provide infrastructural support, capacity building of magistrate, established necessary coordination etc. (Annexure-9).

#### CONCLUSION

The Hon'ble High Court's direction in latest judgment of Ramu Vs State of UP has paved the way to effective & timely dispensation of justice to those, who are waiting since long for restitution their most valuable fundament right of the freedom. Earlier the legislative mandate to provide free and competent legal services to prisoners was on the shoulders of the legal services institutions and major directions (of Anil Gaur Case) are already in place with respect to Legal Services Authorities

This judgment marks the duties & role of other stakeholders, viz. Magistrate/trial courts, District & Sessions Judge, Jail Authorities, State Government etc., would lead to smooth coordination amongst stakeholders and effective implementation of legal rights of the prisoners. The circulation of this judgment would not only awaken the consciousness of the courts with respect to prisoners rights, but also would ensure the fulfilment of constitutional mandate of free & competent legal services and dispensation of justice to the prisoners.

# Standard Operating Procedure (SOP) for providing Legal Aid to the Under Trial Prisoners to file their Bail Applications in time before the Trial Court/Hon'ble High Court

This Standard Operating Procedure (SOP) has been prepared by the U.P. State Legal Services Authority (UPSLSA) in compliance of the order dated 12-09-2022, passed by Hon'ble the High Court of Judicature at Allahabad, in Criminal Misc. Bail Application No. 16961 of 2022 Anil Gaur @ Sonu @ Sonu Tomar Vs. State of U.P., to prevent undue long detention of Under Trial Prisoners(UTPs).

The Hon'ble Court has directed the UPSLSA to prepare a SOP for legal aid prisoners, accused of various crimes, including heinous offences, who have not filed bail applications before the Hon'ble High Court within a period of one year after the rejection of the bail by the Trial Court and also to prepare a SOP for the above mentioned prisoners, who have not been able to move bail applications before the Trial Court, 06 months after imprisonment.

#### ANNEXURE - 2

The Hon'ble Court has directed that the suggested timeline for trigger event for enquiry into need for legal aid is as follows:-

1	Time period since the imprisonment when the bail application should be filed before trial court	3 months
2	Time period when the bail application should be filed before High Court after rejection of the bail application by the trial court	6 months
3	Time period of filing subsequent bail applications after rejection of earlier bail application by the High Court. (The process will be repeated after the time gap)	1 year Or if advised at a prior period in time.
4	Time period for bail application after earlier bail application was dismissed for non prosecution	One week

#### ANNEXURE - 3

#### A. The duties of the magistrate/trial courts:

I. The learned trial court/learned magistrate shall examine whether the accused/prisoner appearing before them has been apprised of the right to file a bail application at different stages or trigger events in the suggested timeline and whether such right has been exercised (See: Paras 111,112,113,114 of this judgment) and the eligibility of said accused for legal aid.

II. The learned magistrate/learned trial court after the above consideration at the occurrence of the trigger event or expiration of the time limit in the suggested time frame (see: Paras 111,112,113,114) shall make a finding on the need/eligibility of the prisoner for legal aid and exercise either of the following options:

- a) The learned magistrate or learned trial court shall send a requisition to the District Legal Services Authority or the Secretary, High Court Legal Services Committee to provide legal aid to the prisoner to apprise them of the right to seek bail and to file the bail application before the competent court.
- b) The learned magistrate or learned trial court may pass orders for grant of legal aid to the accused/prisoner for the above said purpose.

III. There are many prisoners who face trial in a district court but are lodged in a jail in another district. The learned magistrate/trial court shall recommend grant of legal aid to the District Legal Services Authorities of either district.

Alternatively the learned magistrate or learned trial court, can pass orders for grant of legal aid to the accused/prisoners.

IV. To process the need for legal aid the learned magistrate/learned trial court can rely on the materials in the record, and may also seek the necessary information (suggested details in Appendix-I) from any competent authority which can furnish the said information including Public Prosecutor/ State, Police authorities, District Legal Services Authorities, Jail authorities, High Court Registry or official websites which can be legally accessed. (At a later stage the said details shall be made available to the learned magistrate/ learned trial court in an auto-generated form by the competent authorities).

V. The learned magistrate/ learned trial court may take any other step or measure to realize the rights of prisoners to legal aid and to seek bail respectively and to implement this judgement.

VI. The learned magistrate/learned trial court shall examine the need of legal aid irrespective of whether such prisoner is represented by a local counsel at the trial or has been provided with a defence counsel.

VII. After the rejection of any bail application the learned trial court/learned magistrate are directed to ensure that the trial process is expedited in strict adherence to provisions of Section 309 Cr.P.C. and in conformity with fundamental principle of fair trial. In doing so the trial court shall be guided by the law laid down by this Court in Bhanwar Singh @ Karamvir Vs. State of U.P. and Noor Alam Vs. State of U.P..

#### B. Duties of District Legal Services Authorities:

120. In wake of the preceding discussion the duties of the District Legal Services Authorities are summed up as follows:

I. The District Legal Services Authorities shall maintain records of each prisoner containing all information required for determining the need of a prisoner for legal aid and to file a bail application before the competent court. A suggested framework of such details is appended as appendix-1 which can assist the District Legal Services Authorities to perform its functions.

II. As of now the DLSAs may utilize the available resources like Allahabad High Court Website, obtain information from authorities and "any other official resources/digital platforms" they can lawfully access.

III. The task of gathering the aforesaid factual details (Appendix-I) is undoubtedly a time consuming exercise. The DLSAs may also need additional resources. The DLSAs may consider feasibility of taking the assistance of para legal volunteers and law students for collecting the said factual details. The DLSAs may also make local innovations with the existing resources to create the database of the said details. (Appendix-I) (At a later stage the said details shall be made available to the DLSA in an auto generated form by the competent authorities).

IV. To inform every prisoner of their right to legal aid to file a bail at different stages/proposal timeline/trigger events (as discussed earlier in Paras 111,112,113,114).

V. To provide legal aid to every eligible prisoner at different stages/trigger events in the proposed time lines (as discussed in Paras 111,112,113,114) to file the bail application before the competent court.

VI. To ensure relevant documents and informations and other requisite assistance are provided to legal aid counsels and assist in any other manner to facilitate the filing of the bail application.

VII. To update the said prisoners on their status of the bail applications.

VIII. To constantly oversee diligent prosecution and steps taken by the legal aid counsel to ensure an early hearing of the bail application so filed and keep a record of the same.

IX. To ensure proper coordination with the learned trial courts, HCLSC and District Jail Authorities.

X. To strictly comply with the directions issued in Anil Gaur (supra) in the case of prisoners whose cases are pending in other district and in this case.

XI. To take any other step or measure to realize the rights of prisoners to legal aid and to seek bail respectively and to implement this judgement and the judgment in Anil Gaur (Supra).

#### ANNEXURE - 5

#### C. Duties of Secretary, High Court Legal Services Committee:

- 121. In wake of the preceding discussion the duties of the Secretary, High Court Legal Services Committee are summed up as follows:
  - I. Secretary, High Court Legal Services Committee shall ensure proper coordination with the District Legal Services Authority and jail authorities to comply with the directions in Anil Gaur (supra) as well as this case.
  - II. To facilitate filing of the bail application and to ensure that the bail applications filed through legal aid counsels before the High Court are diligently prosecuted.
  - III. To provide necessary support (if needed) to all DLSAs to gather the details appended as Appendix-I.
  - IV. To take any other step or measure as deemed fit to implement the judgement of this Court in Anil Gaur (supra) as well as this case.

#### ANNEXURE - 6

#### D. Duties of Secretary, State Legal Services Authority:

122. In wake of the preceding discussion the duties of the Secretary, State Legal Services Authority are summed up as follows:

A. To take steps as deemed fit to implement the directions of this Court in Anil Gaur (supra) and this case.

#### E. Duties of District Judges/Sessions judges:

- 123. In wake of the preceding discussion the duties of the District Judges/Sessions judges are summed up as follows:
  - L Every learned Sessions Judge/District Judge shall regularly supervise the implementation of the directions of this Court in Anil Gaur (supra) and this judgement as well and constantly alert the respective learned magistrates, learned trial judges, DLSAs and jail authorities to their

mandatory duties as outlined in this judgement and Anil Gaur (supra) and hold them to account if required.

II. In every district the District Judge shall support and guide the DLSA to gather the aforesaid details depicted in Appendix I from avoidable legal sources. All authorities shall abide by the directions of the learned District Judge in this regard. Local innovations at the district level will play a prominent role in collecting the said information (Appendix I) in a quick time frame66. It is open to the learned Sessions Judge/District Judge to look into the feasibility of taking the assistance of para legal volunteers and law students to achieve this task.

III. To take status reports from DLSA, magistrates, trial judges at least once in three months.

IV. Every learned Sessions Judges/District Judges shall take steps to ensure coordination between trial courts, DLSA, Secretary SLSA, jail authorities, police authorities, district administration, Secretary HCLSC and High Court Registry for effective implementation of this judgment.

V. It is open to every learned District Judge/Sessions Judge to devise or evolve procedures and take any other steps to support effective implementation of the directions of this Court in Anil Gaur (supra) and this judgment in letter and spirit.

VI. This procedure shall be followed till the High Court and the State Government are in a position to provide I.T. solutions/digital infrastructure providing auto-generated the information for readily accessing the said details (including in Appendix I).

#### ANNEXURE - 7

#### F. Duties of Jail Superintendent/Competent Jail Authority:

124. In wake of the preceding discussion the duties of the Jail Superintendent/competent jail authority in every district are summed up as follows:

I. Shall maintain records of each prisoner in the respective jails containing various details and information required for determining the need of the prisoner for legal aid and to file bail applications before the competent courts. A suggestive framework of such details is appended as Appendix-1.

II. To coordinate with District Legal Services Authorities and Secretary High Court Legal Services Committee. III. To inform every prisoner of their right to legal aid to file a bail at different stages/proposal timeline/trigger events (as discussed earlier in Paras 111,112,113,114), and the Charter of Prisoners' Rights.

IV. To send requisition to DLSA and the Secretary, HCLSC to facilitate filing of the bail applications of needy/eligible prisoners at different stages /timelines/trigger events (discussed earlier in Paras 111,112,113,114) through the legal aid counsel.

V. To assist legal aid counsel in securing all relevant details and documents from lawful sources for filing the bail application like criminal history of the respective accused and the status of other criminal cases pending against them.

VI. To ensure that full and updated status of the bail applications of each prisoner as available on the High Court website is made accessible to them.

VII. To implement the mandate of Regulation 439(a) of the Jail Manual/ Rule 412(a) of UP Jail Manual, 2022 read with Rule 434 of Jail Manual, 2022 in light of this judgement.

VIII. To make arrangements for video conferencing of prisoners and their counsels (particularly High Court counsels) in tandem with DLSA/Secretary HCLSC.

IX. To submit a bimonthly report regarding compliance of these directions to the Director General of Prisons. The Director General of Prisons shall prepare a detailed report on a quarterly basis depicting compliance of the directions issued in this judgment.

X. To take any other step or measure to realize the rights of prisoners to legal aid and to seek bail respectively and to implement this judgement.

#### ANNEXURE - 8

#### G. Duties of the State Government:

I. The State Government through Law Remembrancer (L.R.)/Principal Secretary (Law), Government of Uttar Pradesh Lucknow, Additional Chief Secretary (Home), Government of Uttar Pradesh Lucknow, Director General of Police, Government of UP, Director General (Prosecution), and Director General (Prisons), Government of Uttar Pradesh, Lucknow to take steps in coordination with each other to provide the details of every prisoner comprised in Appendix-I to this order and any other relevant information to the Jail Superintendent/competent jail authority in every district of the State to facilitate the process of grant of legal aid and to file bail application of prisoners from jail.

II. The State Government through Law Remembrancer (L.R.)/Principal Secretary (Law), Government of Uttar Pradesh Lucknow, Additional Chief Secretary (Home), Government of Uttar Pradesh, Director General of Police, Director General (Prosecution) and Director General (Prisons), Government of Uttar Pradesh make efforts to develop L.T. solutions to provide the relevant information (including details in Appendix-I) in an auto generated form to the Jail Superintendent/competent jail authorities of every district. The said IT solutions/platform may be shared with the DLSAs, magistrates and the trial courts.

III. The State Government shall ensure that the different departments of the State work in tandem to achieve the aforesaid task of realizing the fundamental rights of disadvantaged prisoners as discussed in this order.

IV. The State Government through Law Remembrancer (L.R.)/Principal Secretary (Law), Government of Uttar Pradesh, Lucknow, Additional Chief Secretary (Home), Government of Uttar Pradesh, Lucknow shall examine the quarterly reports submitted by the Director General (Prisons) as regards providing legal aid in terms of the directions in this judgement and to take appropriate action thereon.

V. The State Government through Law Remembrancer (L.R.)/Principal Secretary (Law), Government of Uttar Pradesh Lucknow, Additional Chief Secretary (Home), Government of Uttar Pradesh Lucknow, Director General of Police, Director General (Prosecution) and Director General (Prisons), Government of Uttar Pradesh, Lucknow take any other action to facilitate the implementation under Rule 412 of the Jail Manual, 2022 by Jail Superintendent in light of this judgement.

The implementation of this judgment as well as Anil Gaur (supra) has to be made by the respective magistrates, trial courts, and DLSAs and the Jail Superintendent/competent jail authority of the district, and Secretary HCLSC. However systemic support from the High Court, State Government will facilitate the realization of fundamental rights of prisoners and faithful implementation of the legislative mandate of Section 304 Cr.P.C., LSA Act, 1987, Rule 37 of General Rules (Criminal) and Regulation 439 (a) of the Jail Manual/ Rule 412(a) of UP Jail Manual, 2022 read with Rule 434 of Jail Manual, 2022 by the concerned courts and authorities respectively.

#### H. Registrar General of High Court:

Suggestive measures to the learned Registrar General of High Court for effective implementation of the rights of the accused persons as discussed in this judgment. (Note: These are only suggestive measures and not directions)

I. To render all assistance to the learned magistrates/ trial courts/DLSAs for obtaining the current details as are currently available with the High Court in respect of every prisoner suggested in Appendix-I from the existing infrastructure and IT resources.

II. To provide infrastructural support system including digital infrastructure and IT solutions to the learned magistrates, learned trial courts, DLSAs as may be required for effective implementation of the directions in this judgement and in order to realize the fundamental rights of the prisoners to legal aid for seeking bail from the competent court.

III. The capacity of the magistrate, trial courts and the DLSAs to provide legal aid to prisoners will be greatly enhanced if relevant details (including those suggested in Appendix-I) are made available to them in an auto generated form. Steps may be taken to achieve this goal.

IV. To establish necessary coordination with the State Government to implement the judgment including sharing of relevant information on existing IT Platforms being administered by the State pillars/verticals.

V. The Registrar General may implement the above directions only if necessary permissions/directions on the administrative side are forthcoming.

#### Appendix-I

#### I. Date of Imprisonment

#### II. Type of warrant of commitment with dates

- (i) Custody warrant
- (ii) Sentence warrant
- (iii) Production warrant

III. Time frame triggers suggested in the judgment: Specific dates in the facts of the case and action taken thereon. (To be filled by the trial court, DLSA, Jail Superintendent respectively and independently). Systems to alert the stakeholders to the appointed dates may be built into the system.

#### IV. Bail before trial court

- (a) Date of filing and details
- (b) Status -Pending/Decided
- (c) Date of bail rejection by the trial court

#### V. Bail before the High Court

- (a) Date of filing and details
- (b) Status pending/Decided
- (c) Past dates of listings of bail application
- (d) Likely dates of listing of bail application
- (e) Ordersheet of bail application

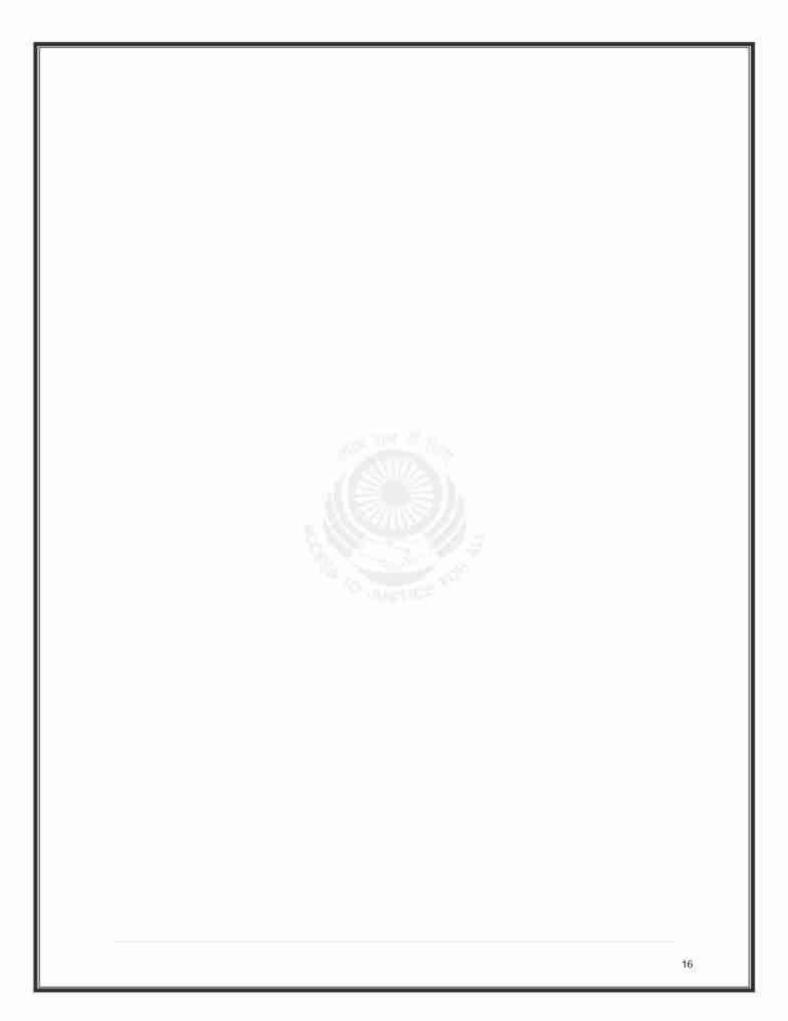
#### VI. Subsequent bails before the High Court

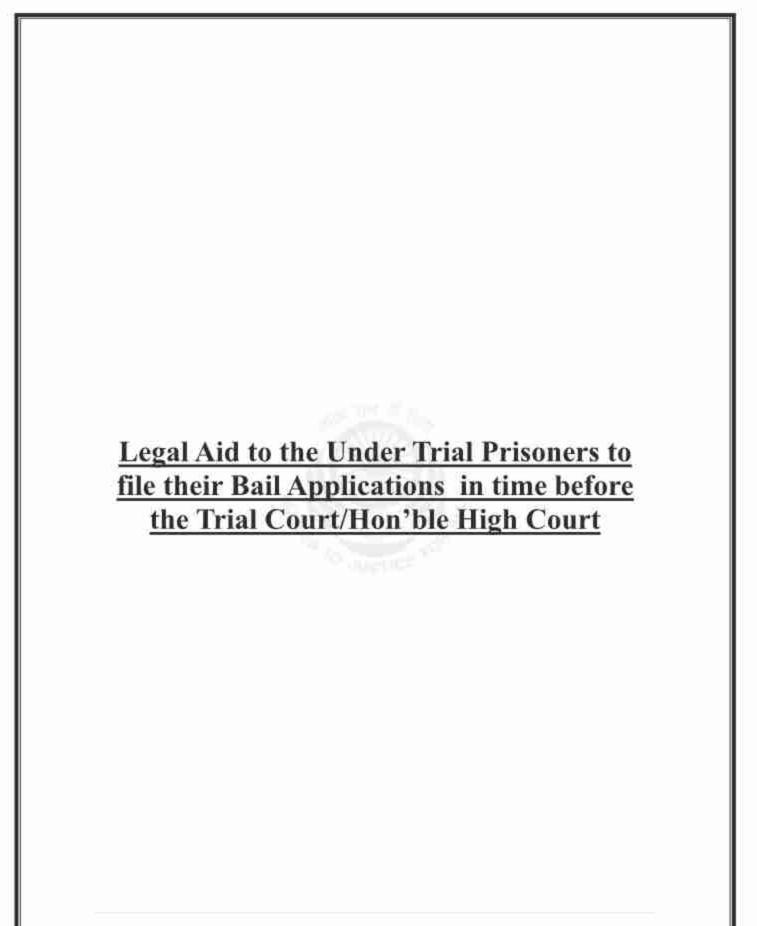
- (I) Date of rejection of earlier bail applications by High Court
- (II) Copy of the bail rejection order
- (III) Court in which the subsequent bail application has been filed
- (IV) Date of filing of subsequent bail applications
- (V) Past dates of listing of bail application
- (VI) Likely date of listing of bail application
- (VII) Ordersheet of the bail application

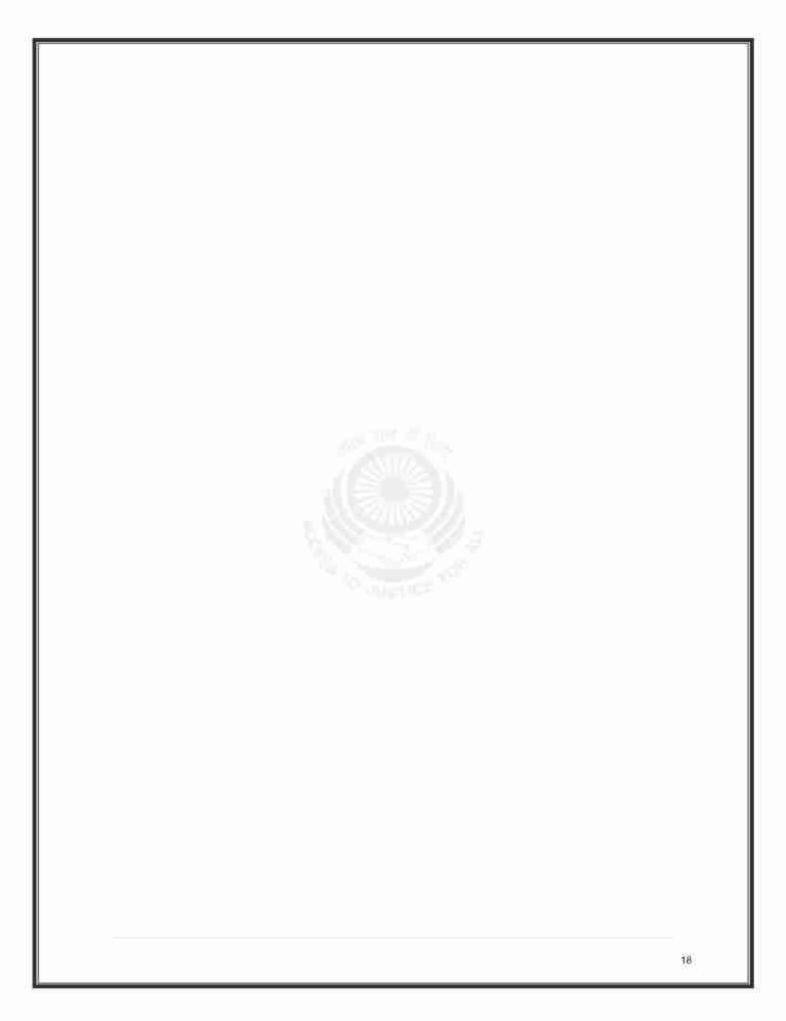
#### VII. Criminal history of accused with status of bails and the cases

#### VIII. Details of Counsel:

- (I) Name -
- (II) Enrollment Number of UP Bar Council -
- (III) Enrollment Number of Bar Association (High Court/District Court) -
- (IV) Mobile No. -
- (V) Address -
- (VI) E-mail id -







#### Standard Operating Procedure (SOP) for providing Legal Aid to the Under Trial Prisoners to file their Bail Applications in time before the Trial Court/Hon'ble High Court

This Standard Operating Procedure (SOP) has been prepared by the U.P. State Legal Services Authority (UPSLSA) in compliance of the order dated 12-09-2022, passed by Hon'ble the High Court of Judicature at Allahabad, in Criminal Misc. Bail Application No. 16961 of 2022 Anil Gaur @ Sonu @ Sonu Tomar Vs. State of U.P., to prevent undue long detention of Under Trial Prisoners(UTPs).

The Hon'ble Court has directed the UPSLSA to prepare a SOP for legal aid prisoners, accused of various crimes, including heinous offences, who have not filed bail applications before the Hon'ble High Court within a period of one year after the rejection of the bail by the Trial Court and also to prepare a SOP for the above mentioned prisoners, who have not been able to move bail applications before the Trial Court, 06 months after imprisonment.

In the order dated 12-09-2022, the Hon'ble Court, in Para 69, has issued following directions:-

- 1- To identify prisoners who are under trial for various crimes including heinous offences and have not applied for bail before the Trial Court in timely manner after their imprisonment.
- 2- To identify prisoners who are facing trials for various crimes including heinous offences but have failed to file bail applications before the High Court even in an expeditious time frame after rejection of their bail application by the Trial court.
- 3- To identify prisoners who are facing trials in various offences including heinous crimes but are unable to file subsequent bails before the High Court after rejection of earlier bail application by the Hon'ble High Court.
- 4- To identify prisoners who are unable to effectively prosecute their pending bail applications in various offences including heinous crimes causing delays in hearing.
- 5- To ascertain whether inability of the said prisoners to expeditiously file or effectively prosecute bail application is caused by factors comprehended under Section 12 read with Section 13 of the Act.
- 6- To approach prisoners who qualify for legal aid, educate them on their rights of filing bail applications without delay, and determine the nature of legal aid needed by them.
- 7- To provide legal aid and facilitate filing of bail applications of such prisoners in a timely manner before the competent courts.
- 8- To facilitate counsels in getting necessary instructions, relevant documents, office support for filing the bail applications.

9- To facilitate effective prosecution of bail applications by the counsels who should take out measures for listing of bails and hearing of matters.

#### SOP for timely filing of Bail Applications of Under Trial Prisoners before the Trial / Sessions Court

 The jail authorities and District Legal Services Authority (DLSA) shall maintain a list of all UTPs, who have not been able to move bail applications before the Trial/Sessions Court, 06months after imprisonment, in the following format;-

SLNo.	Name & Father's Name of UTP	Crime No. , Sections of the Act, P.S.	Date of imprisonment	Whether bail application filed by panel lawyer of DLSA (Yes/No)	Date of filling of bail application before the Trial/Sessions Court by panel lawyer of DLSA	Date of order of grant / rejection of bail by the Trial / Sessions Court

- The DLSA shall approach such UTPs, who are entitled for legal aid, make them aware of their rights of filing bail applications without delay and determine the nature of legal aid needed by them.
- 3) The DLSA, in coordination with Jail Authorities, shall contact with such prisoners and after obtaining his/her consent, provide legal aid (as per Section 12 read with Section 13 of the Legal Services Authorities Act, 1987) to such UTPs and ascertain to expeditiously file and effectively prosecute their bail applications, through panel lawyers, before the competent court.
- The DLSAs shall facilitate panel lawyers in getting instructions, relevant documents etc. for filing the bail applications of such prisoners.
- 5) The Panel Lawyers, so appointed, should take out measures for early hearing of the bail applications by the competent court, by specifically mentioning and apprising to the court that the matter is related to the UTP, who has been provided legal aid.
- 6) The DLSAs shall ensure that the date of grant/rejection of bail application by the competent/trial court shall be mentioned in the above format.
- The DLSAs, through Panel /Jail Visiting Lawyers/PLVs, shall intimate the status of the case to such prisoners and take regular feedback from them.
- The DLSAs as well as the Jail Authorities should regularly update the above mentioned list of UTPs.
- The DLSAs/Jail Authorities should also update the details of above mentioned prisoners on e-prison portal, after modifications made by NIC in the e-prison module.

10) The DLSAs should maintain a record of such UTPs, whose bail applications have been filed through the Panel Lawyers of DLSAs and the same shall be shared with the UPSLSA, whenever it is desired.

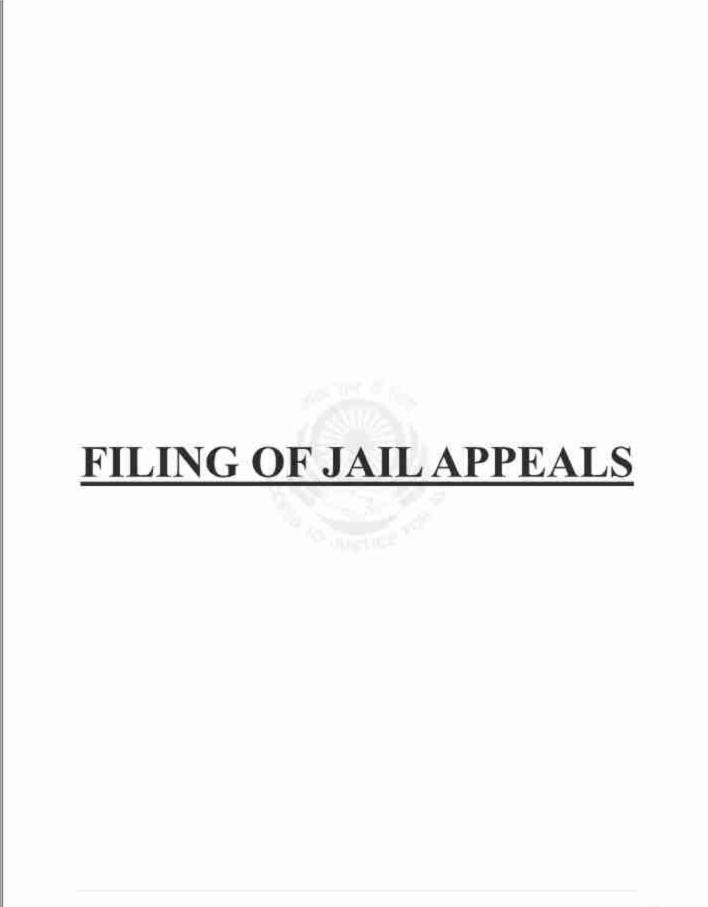
#### SOP for timely filing of Bail Applications of Under Trial Prisoners before the Hon'ble High Court

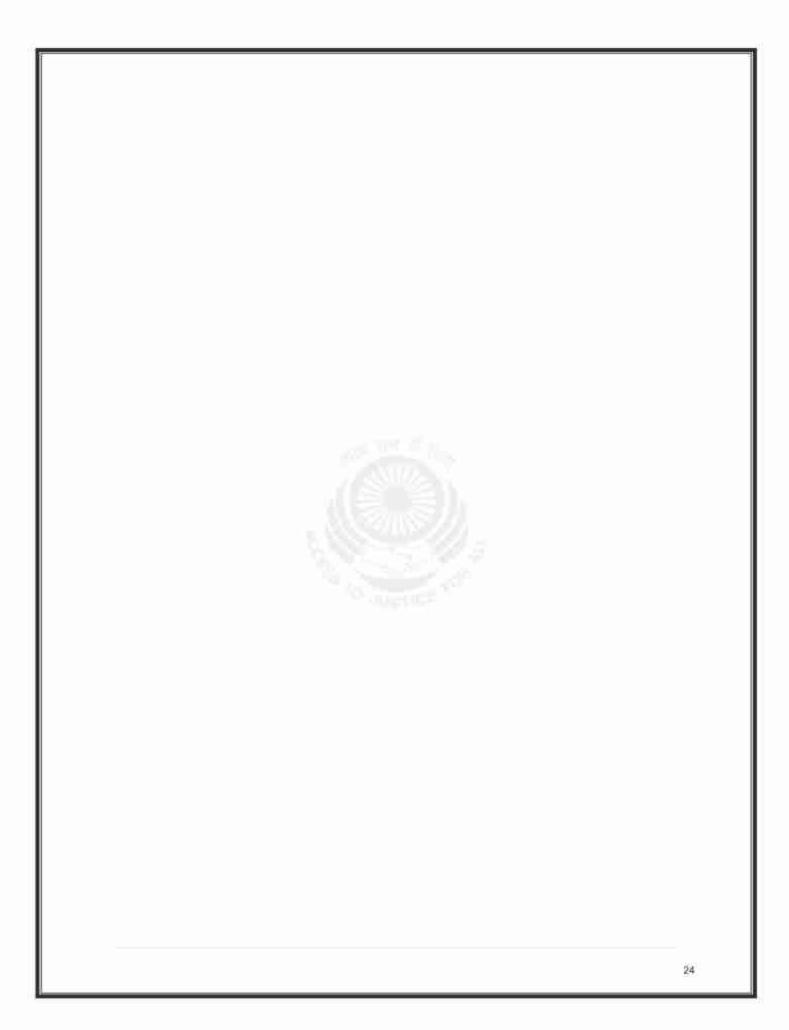
 The Jail Authorities and District Legal Services Authority (DLSA) shall maintain a list of all UTPs, who have not filed bail applications before the Hon'ble High Court, within a period of one year after rejection of bail by the Trial/Sessions Court, in the following format:-

SI.No.	Name & Father's Name of UTP	Crime No. , Sections of the Act, P.S.	Date of imprisonment	Date of rejection of bail by the Trial/Sessions Court	Date of rejection of bail by the Hon'ble High Court, if any

- The DLSAs shall approach such UTPs, who are entitled for legal aid, make them aware of their rights of filing bail applications before the Hon'ble High Court, Allahabad/Lucknow without delay and determine the nature of legal aid needed by them.
- 3) The DLSA, in coordination with Jail Authorities, shall contact with such prisoners and after obtaining his/her consent provide legal aid (as per Section 12 read with Section 13 of the Legal Services Authorities Act, 1987) to such UTPs and ascertain to expeditiously file and effectively prosecute their bail applications, through panel lawyers of High Court Legal Services Committee (HCLSC) Allahabad or High Court Legal Services Sub-Committee (HCLSSC) Lucknow, before the Hon'ble Court.
- 4) After taking consent of the prisoner, the Secretary of the concerned DLSA shall make a request, in writing, to the Secretary, HCLSC Allahabad / HCLSSC Lucknow to file bail application of such prisoner through Panel Lawyers.
- The HCLSC, Allahabad/ HCLSSC, Lucknow to facilitate panel lawyers in getting instructions, relevant documents etc., for filing the bail applications of such prisoners, with the assistance of the concerned DLSA.
- 6) The appointed Panel Lawyers of HCLSC Allahabad/ HCLSSC Lucknow, should take measures for listing and early hearing of the bail application by specifically requesting mentioning and apprising to the Hon'ble Court that the matter is related to the UTP, who has been provided legal aid.
- The HCLSC Allahabad/ HCLSSC Lucknow shall communicate to the concerned DLSA, the date of grant/rejection of first / subsequent bail

- application by the Hon'ble Court, so that the same shall be mentioned in the list of UTPs, on the above mentioned format.
- 8) After receiving the communication from the HCLSC Allahabad/ HCLSSC Lucknow, the concerned DLSA, through Panel /Jail Visiting Lawyers/PLVs, shall intimate the status of bail application to such prisoners and take regular feedback from them and thereafter communicate the same to the HCLSC Allahabad/ HCLSSC Lucknow, if any.
- The DLSAs/ HCLSC Allahabad/ HCLSSC Lucknow as well as the Jail Authorities should regularly update the above mentioned list.
- 10) The DLSAs/ HCLSC Allahabad/ HCLSSC Lucknow/ Jail Authorities should also update the details of above mentioned prisoners on e-prison portal, after modifications made by NIC in the e-prison module, on regular basis.
- 11) The DLSAs/HCLSC Allahabad/ HCLSSC Lucknow should maintain a record of such UTPs, whose bail applications have been filed through the Panel Lawyers of HCLSC, Allahabad/ HCLSSC, Lucknow and share the same with the UPSLSA, whenever it is desired.
- 12) It is, relevant to mention that, in case, the Trial Court passed the judgment of conviction against a prisoner and no bail application has been filed by him /her before the Hon'ble High Court, even after one year from the date of judgment, such prisoners shall also be made aware of his /her right of filing bail application, before the Hon'ble Court.
- 13) If, such convicted prisoner give his/her consent, the Secretary of the concerned DLSA, shall also request to the Secretary, HCLSC Allahabad / HCLSSC Lucknow to file bail application of such prisoner before the Hon'ble Court.
- 14) The date of grant / rejection of bail applications and status of appeal shall also be communicated by the Secretary, HCLSC Allahabad / HCLSSC Lucknow to the Secretary of the concerned DLSA/Jail Superintendent, so that the same may be intimated to the prisoner and uploaded on the e-prison portal.





#### STANDARD OPERATING PROCEDURE (SOP) FOR FILING OF JAIL APPEALS

The pathetic state of affairs regarding non filing or inordinate delay in filing Jail Appeal by or on behalf of detained convicts primarily due to lack of means, legal knowledge or poverty etc. To ensure and follow the under mentioned process in respect to filing of jail appeal within stipulated time forthwith and mandatorily: -

- 1- The Secretary, District Legal Services Authority shall visit the district jail every 15 days henceforth and prepare / get prepared a list of detained convicted persons, who have been unable to file appeals due to one or other reasons.
- 2- The details of the said cases shall be maintained at the level of District Legal Services Authority (hereinafter referred as DLSA) and information of the said inspection/visit along with this detail of convicts shall be mandatorily sent to the High Court Legal Services Committee, Allahabad or It's Sub-Committee at Lucknow (High Court Legal Services Committees) through Chairman, DISA. The copy of said information shall also be sent to concerned CJM/ACJM, deputed to make Jail Inspection every month as per General Rule Criminal G.L. No. 38/ADMN(B), dated 09.12.1968. (Annexure-1).
- 3- The Chairman, DLSA is requested to reflect upon the said report of the Secretary, DLSA and the then existing status of the pendency of Jail Appeals in his quarterly inspection of the District Jail as District Judge with the District Magistrate and District Superintendent of Police in compliance of the provision of General Rule Criminal C.L. No. 82/VIIIf-9/Inspection Section, dated 12-09-1994 (Annexure no. 2). The copy of the said report be also sent to State Legal Services Authority.
- 4- The Secretary, DLSA is further directed to collect data of judgments of conviction, on merit, by criminal courts of concerned district and collate in co-ordination with the Jail Superintendent so as to monitor the status of Jail Appeals filed on behalf of detained convicts. In the eventuality of delay occurring in filing Jail Appeals because of inability to file the same, prompt and effective legal assistance shall be provided to the convicts.
- 5- The Chairman and the Secretary, DLSA are also directed to ensure that the jail visiting Panel Lawyers empanelled with DLSA continuously monitor the implementation of the aforesaid directions. The compliance of the duties statutorily assigned to the Jail Superintendent shall also be ensured and delinquency, if any, be reported /reflected in the aforesaid reports.
- 6- It has also come to the notice that Jail Appeals as prepared by the advocates on panel at the district level are not generally accompanied with the required affidavit of the convict and the format of such appeals is not always proper, Further, more than often, the Hon'ble Court has to appoint an amicus curie in such Jail Appeals. The process takes a lot of time. The process devised is as under to plug the loop holes and ensure early filing and hearing of Jail Appeals.

- 6.1. The Jail Superintendent under his statutory duty shall send the proposal/letter for Jail Appeal with requisite documents to the High Court Legal Services Committee, preferably by e-mail. The High Court Legal Services Committee shall in its discretion have a separate e-mail address for Jail Appeals or devise a mode to monitor Jail Appeals received on the existing e-mail.
- 6.2. The High Court Legal Services Committee shall designate an advocate empanelled with it for preparing the appeal/affidavit and bail applications etc on required formats with promptitude and ensure receipt of papers by advocate through e-mail or otherwise. The Secretary of the said committee shall ensure the early preparation of said Jail Appeal in word format and transmit the so prepared Jail Appeal preferably by e-mail or otherwise, to the concerned Jail Superintendent who shall get the appeal, affidavit and other documents signed by the accused/detained convict and shall also get the affidavit verified in the jail itself. The State Legal Services Authority in co-ordination with the District Legal Services Authority shall ensure that the Oath Commissioner is made available to the Jail Superintendent for swearing the said affidavit in Jail itself through an institutionalized mechanism.
- 6.3. The Jail Superintendent shall send the completed appeal to the High Court Legal Services Committee. The Secretary of the said Committee to ensure the filing of said Jail Appeal through designated empanelled lawyer.
- 7- The Secretary, DLSA is to monitor and ensure that the aforesaid requisites for filing Jail Appeal is compiled within stipulated time at the earliest by the Jail Authorities. D
- 8- A copy of the final letter to be sent by the Jail Superintendent to the High Court Legal Services Committees for filing Jail Appeals be also sent to Secretary, DLSA mandatorily for updating the records of pending Jail Appeal/non filing of appeal by detained convicts.
- 9- The State Legal Services Authority shall monitor the factual situation of non-filing of appeals by detained convicts.
- 10- It is advised that in case of non-availability of copy of judgment or other requisite documents for filing Jail Appeal with the convict or jail authorities for any reason despite the copy of judgment having been given to convict under the provision of 363 Cr.P.C. (Annexure No.3). The Secretary, DLSA shall obtain a copy of aforesaid documents under the provision of Chapter 15, Rule 143(6) (c) and (d) of General Rules Criminal (Annexure No.4) as DLSA, an statutory authority, (Legal Services Authorities Act, 1987 is enacted by the Parliament) is an instrumentality of the State. Hence, a 'State' under article 12 of the Constitution. Therefore, Secretary, DLSA shall as such ensure the fulfilment of the documentary requirement of filing the Jail Appeal within stipulated time.

#### INSPECTION BY CHIEF JUDICIAL MAGISTRATES

(i) Of under trials in jail

# C.L. NO. 38/ADMN. (B) DATED 9TH DECEMBER, 1968

The Chief Judicial Magistrate (Now Addl. Chief Judicial Magistrate vide C.L. No. 198/Admn, Dated 10.12.76) alone shall inspect the jail at least once in a month to ascertain the position of the under-trials and send a copy of his inspection note to the District Judge for necessary action in regard to his findings. He will be allowed half-day for this work.

(ii) Of courts and offices

# C.L. NO. 1/ADMN. (B) DATED 3RD SEPTEMBER, 1974

The Chief Judicial Magistrates and Judicial Magistrates shall inspect their offices effectively in every branch once in every quarter as provided in rule 611 of General Rules (Civil), 1957.

The Chief Judicial Magistrates shall also make quarterly inspections of the courts and offices of the Judicial Magistrates including Munsif Magistrates (in so far as their criminal work is concerned) and Special Judicial Magistrates and submit their inspection note to their District Judges, such inspections will not ordinarily take more than a day for each court inspected by them.

# C.L. NO. 198/ADMN. (A) DATED 10TH DECEMBER, 1976

The Court has been pleased to allocate the administrative work hitherto done by the Chief ludicial Magistrates as under:

# C.L. No. 82/VIIIf-9/Inspection Section dated September 12, 1994

In continuation of earlier Court's General letter No. 38/Admn.'B' dated 9.12.1968 and Court's Circular Letter No. 196/Admn.'A' dated 10.12.1976 and C.L. No. 82/Vfflg-38 Admin. 'G'; dated 18.12.1981, I am directed to say that there should be quarterly visits to the jail in each Sessions Division and such periodical visits should be conducted by the District Judge, the District Magistrate and the Senior Superintendent of Police. The visit should be made by them personally. It may please be ensured that they be not permitted to depute any one else to the jail on their behalf at such joint inspection. The District Judge will keep in touch with the District Magistrate and Senior Superintendent of Police and start such joint visits to the jail as early as possible.

Annexure - 3

# Section 363 in The Code of Criminal Procedure, 1973

- Copy of judgement to be given to the accused and other persons.
- When the accused is sentenced to imprisonment, a copy of the judgment shall, immediately after the pronouncement of the judgment, be given to him free of cost.
- (2) On the application of the accused, a certified copy of the judgment, or when he so desires, a translation in his own language if practicable or in the language of the Court, shall be given to him without delay, and such copy shall, in every case where the judgment is appealable by the accused, be given free of cost: Provided that where a sentence of death is passed or confirmed by the High Court, a certified copy of the judgment shall be immediately given to the accused free of cost whether or not he applies for the same
- (3)The provisions of sub-section (2) shall apply in relation to an order under section 117 as they apply in relation to a judgment which is appealable by the accused.
- (4) When the accused is sentenced to death by any Court and an appeal lies from such judgment as of right, the Court shall inform him of the period within which, if he wishes to appeal, his appeal should be preferred.
- (5) Save as otherwise provided in sub- section (2), any person affected by a judgment or order passed by a Criminal Court shall, on an application made in this behalf and on payment of the prescribed charges, be given a copy of such judgment or order or of any deposition or other part of the record: Provided that the Court may, if it thinks fit for some special reason, give it to him free of cost.
- (6) The High Court may, by rules, provide for the grant of copies of any judgment or order of a Criminal Court to any person who is not affected by a judgment or order, on payment, by such person, of such fees, and subject to such conditions, as the High Court may, by such rules, provide.

#### CHAPTER-XV : COPIES

142. Order necessary for copy.

Except as may be otherwise directed by any law for the time be necessary in force or by any rule having the force of law, a copy shall not made of any record or part thereof save under an order of the court upon a application made as hereinafter mentioned.

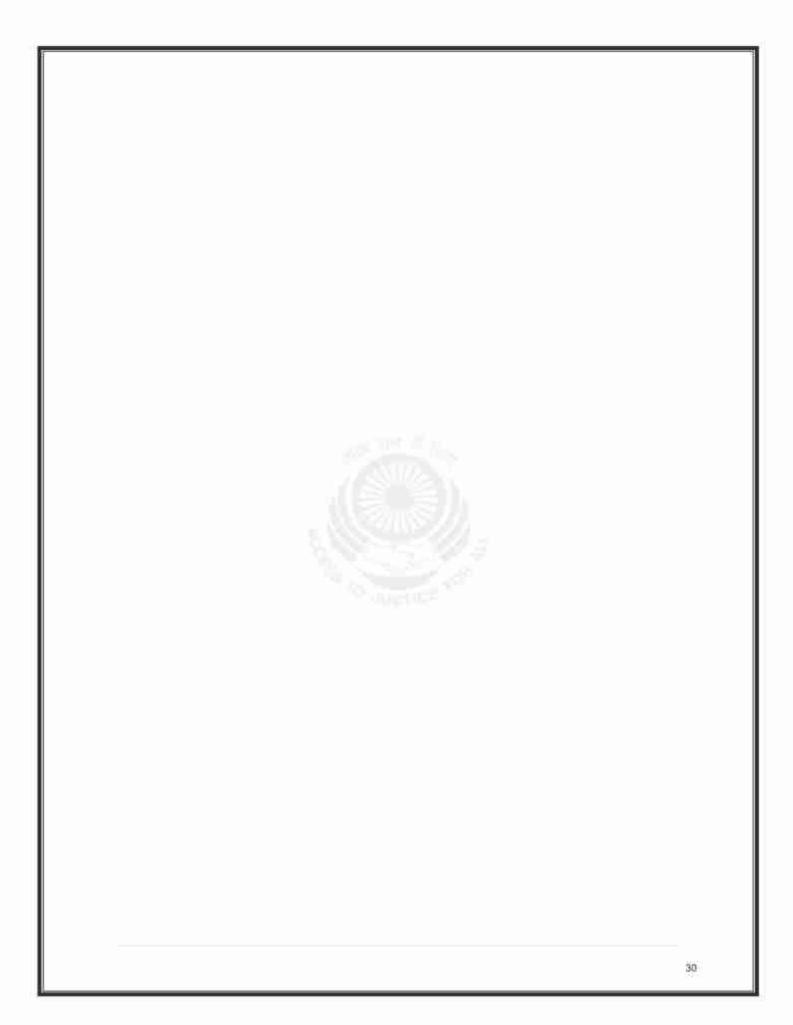
143. Copy to be sent to certain authorities.

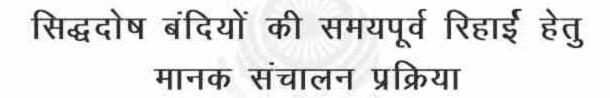
Notwithstanding anything contained in these rules-

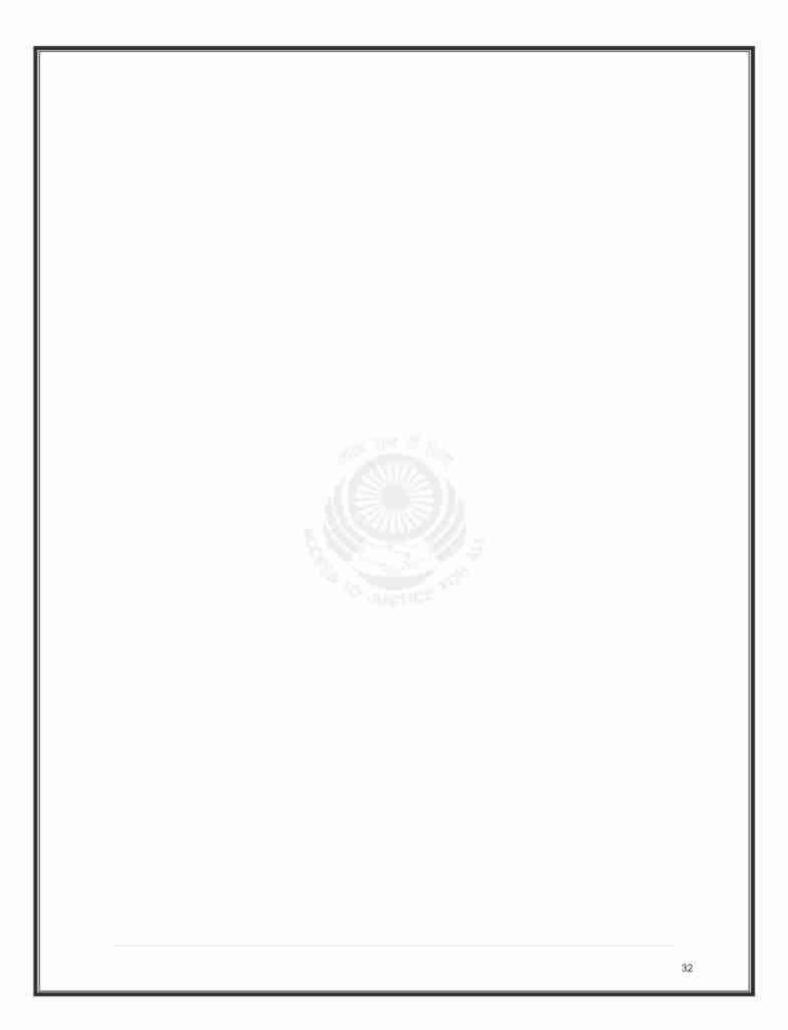
- (i) the Presiding Officer of a court shall order a copy of proceeding in the Court to be made and delivered, upon receiving a were request to that effect from -
- (a) the District Magistrate;
- (b) the District Government Counsel or other le practitioner authorized in this behalf by the District Magistrate;
- (c) any gazetted officer of Government of India who a such is interested in the proceeding;
- (d) the Government or any High Court in India, a authority in India exercising jurisdiction similar to that of a High Court, any court subordinate to the High Court or any principal court in any other country:

Provided that if the opinion of such Presiding Officer there is any objection to compliance with the request he shall refer the matter for the orders of the High Court.

- (c) the Public Prosecutor in respect of a case before Magistrate.
- (ii) the Presiding Officer of a court shall order a copy of every judgment, in which a Government servant, soldier, reservist pensioner or a servant of a local authority has been convicted of an offence, to be sent to the head of the department, or office, regiment or other body to which the soldier or servant belongs, as the case may be. In the case reservist a copy of the order shall also be sent to the Adjutant-General in India. Similarly, in the case of a pensioner it shall also be sent to the officer responsible for the audit or payment of the pension to such pensioner.







# सिद्धदोष बंदियों की समयपूर्व रिहाई हेतु मानक संचालन प्रकिया

- माननीय सर्वोच्च न्यायालय द्वारा रिट याचिका(किम0) संख्या 336/19, रशीदुल जफर उर्फ छोटा बनाम उत्तर प्रदेश राज्य व अन्य में पारित दिशा निर्देशों के प्रकाश में उत्तर प्रदेश के समस्त कारागारों में निरूद्ध सिद्धदोष बंदियों की समयपूर्व रिहाई हेतु मानक संचालन प्रक्रिया निर्मित की जा रही है।
- माननीय सर्वोच्च न्यायालय द्वारा रिट याचिका(किम0) संख्या 336/19, रशीदुल जफर उर्फ छोटा बनाम उत्तर प्रदेश राज्य व अन्य में पारित निर्णय दिनांकित 06.09.2022 में निर्देशित किया गया है कि उत्तर प्रदेश की जेलों में सिद्धदोष व आजीवन कारावास से दिण्डत बंदी, जो कि समय पूर्व रिहाई हेतु पात्र हैं, वह भी अभी तक कारागार में निरूद्ध हैं तथा उनके मध्य न तो सम्यक जागरूकता है और न हीं उन्हें यह तथ्य ज्ञात है कि वह समय पूर्व रिहाई हेतु पात्र व्यक्ति हैं।
- इस संबंध में यह तथ्य भी प्रकाश में आया है कि यदि कुछ बंदियों को समय पूर्व रिहाई की नीति का लाम प्रदान करके उन्हें एक निश्चित अविध के कारावास को व्यतीत करने के पश्चात् नियमानुसार रिहा कर दिया जाता है तो इसका कारागार प्रशासन पर अत्यन्त सकारात्मक असर पड़ता है तथा कारागार में अनुशासन भी स्थापित होता है, क्योंकि अन्य बंदी, जो समय पूर्व रिहाई की श्रेणी में हैं अथवा पात्रता की श्रेणी में आने की कगार पर हैं, वह कारागार में अत्यन्त अनुशासित जीवन व्यतीत करते हैं ताकि उनकी बारी आने पर उन्ह भी समय पूर्व रिहाई का लाम प्राप्त हो सके।
- माननीय सर्वोच्च न्यायालय द्वारा इस बिन्दु पर भी बल दिया गया है कि
  समय पूर्व रिहाई के प्रावधानों के संबंध में बंदियों के मध्य जागरूकता नहीं
  है और बंदियों को उक्त प्रावधानों तथा अपनी पात्रता के विषय में ज्ञान
  नहीं है। अतः इस संबंध में कमबद्व तरीके से अभियान चलाकर समस्त
  कारागारों में समय पूर्व रिहाई के प्रावधानों का व्यापक प्रचार-प्रसार किया
  जाये।
- समय पूर्व रिहाई के संबंध में जागरूकता हेतु कारागारों में पोस्टर्स लगवाये जायें तथा वॉल पेंटिंग्स करवायी जायें।

- सचिव, जिला विधिक सेवा प्राधिकरणों द्वारा कारागार परिसरों में विशेष जागरूकता शिविर आयोजित किये जायें जिनमें समय पूर्व रिहाई के प्रावधानों से बंदियों को अवगत कराया जाये।
- समस्त उत्तर प्रदेश में जिला विधिक सेवा प्राधिकरण , जेल प्राधिकारियों के साथ मिलकर यह सुनिश्चित कर लेंगे कि समय पूर्व रिहाई हेतु पात्र कोई भी बंदी अवशेष न बचे।
- सचिव, जिला विधिक सेवा प्राधिकरण अपने जिले के कारागारों से समस्त आजीवन कारावास की सजा से दिण्डत बंदियों की अवस्थिति के संबंध में आख्या आहूत करेंगे तथा यह सुनिश्चित कर लेंगे कि यदि वह बंदी किसी भी नीति के अन्तर्गत पात्रता की श्रेणी में आते हैं तो उनकी समय पूर्व रिहाई सुनिश्चित हो सके। सचिव, जिला विधिक सेवा प्राधिकरण यह कार्य 2 सप्ताह के अन्दर पूर्ण कर लेंगे।
- यह भी सुनिश्चित किया जाये कि समस्त लम्बित प्रार्थना पत्रों को एक माह के अन्दर निस्तारित कर लिया जाये।
- यह भी सुनिश्चित कर लिया जाये कि ऐसे समस्त आजीवन कारावास से दण्डित बंदी, जिनकी आयु 70 वर्ष से अधिक है अथवा गंभीर बीमारी से ग्रस्त हैं, उनकी समय पूर्व रिहाई हेतु प्रस्तुत प्रार्थना पत्रों को 02 माह के अन्दर निस्तारित कर दिया जाये।
- समय पूर्व रिहाई के अन्य समस्त प्रकरणों को 02 माह के अन्दर निस्तारित करना है।
- अधिकांश आजीवन कारावास से दिण्डित बंदी, केन्द्रीय कारागारों में निरूद्ध होते हैं, अतः केन्द्रीय कारागारों में विशेष जागरूकता कार्यक्रमों का आयोजन किया जाये तथा उनका सदस्य सिवव, उ०प्र०राज्य विधिक सेवा प्राधिकरण द्वारा स्वयं निरीक्षण किया जाये।
- केन्द्रीय कारागारों में विभिन्न जनपदों के आजीवन कारावास से दण्डित बंदी निरुद्ध होते हैं, अतः ऐसे बंदियों के समय पूर्व रिहाई के प्रार्थना पत्र, बंदी के जिले के प्रशासन के पास संस्तुति हेतु पिषत होते हैं, अतः सचिव, जिला विधिक सेवा प्राधिकरण बंदी के जनपद के जिला प्राधिकरण एवं जिला प्रोबेशन अधिकारी व जिला प्रशासन से सामन्जस्य स्थापित करके यह सुनिश्चित करेंगे कि ऐसे बंदियों के प्रार्थना पत्रों पर उनके जिले के स्थानीय प्रशासन द्वारा ससमय कार्यवाही की जाये।

- उत्तर प्रदेश के समस्त केन्द्रीय कारागारों के अधीक्षकों के साथ सदस्य सचिव, राज्य विधिक सेव प्राधिकरण के द्वारा वीडियो कान्फेन्सिंग के माध्यम से तथा भौतिक रूप से भी जा कर के कारागार अधीक्षकों को व्यक्तिगत रूप से यह निर्देशित किया जायेगा कि वह समस्त आजीवन कारावास से दण्डित बंदियों को, जो किसी भी श्रेणी के अन्तर्गत समय पूर्व रिहाई हेतु पात्र हैं, की रिहाई सुनिश्चित करें।
- माननीय कार्यपालक अध्यक्ष, उ०प्र० राज्य विधिक सेवा प्राधिकरण द्वारा समय—समय पर अपर मुख्य सचिव गृह, अपर मुख्य सचिव कारागार, महानिदेशक, कारागार प्रशासन, जनपद न्यायाधीश, जिलाधिकारी, पुलिस अधीक्षक / वरिष्ठ पुलिस अधीक्षक एवं समस्त जेल अधीक्षकों के साथ जूम मीटिंग करके सिद्धदोष बंदियों की समय पूर्व रिहाई के प्रकरणों की समीक्षा की जायेगी।
- राज्य विधिक सेवा प्राधिकरण प्राथमिकता के आधार पर निम्नलिखित कार्यवाही सुनिश्चित करेगा:-
  - सर्वप्रथम यह सुनिश्चित किया जायेगा कि आजीवन कारावास से दण्डित ऐसे पात्र बंदी, जिनका समय पूर्व रिहाई हेतु प्रार्थना पत्र किसी भी स्तर पर लम्बित हैं, का यथाशीघ तत्काल निस्तारण हो।
  - इसके पश्चात् यह सुनिश्चित किया जायेगा कि 70 वर्ष से अधिक आयु
     के बंदियों तथा गंभीर बीमारियों से ग्रसित आजीवन कारावास से दण्डित सिद्ध दोष बंदियों की समय पूर्व रिहाई सुनिश्चित हो सके।
  - तत्पश्चात् प्रत्येक केन्द्रीय कारागार एवं जिला कारागारों में अभियान चलाकर प्रत्येक आजीवन कारावास से दिण्डत व्यक्ति का विवरण अंकित किया जायेगा तथा यह समीक्षा की जायेगी कि कौन सा बंदी किस श्रेणी के अन्तर्गत, समय पूर्व रिहाई हेत, पात्र है।
  - जो भी बंदी, जिस किसी भी श्रेणी के अन्तर्गत, समय पूर्व रिहाई हेतु पात्रता की श्रेणी में आता है, उसके प्रकरण में तत्काल कार्यवाही की जायेगी।
  - 5. यदि, प्रार्थी का प्रकरण वर्ष, 2018 में निर्मित मानक नीति (यथासंशोधित 28.07.2021 तथा 27.05.2022) के अन्तर्गत है, तो समय पूर्व रिहाई हेतु किसी प्रार्थना पत्र की आवश्यकता नहीं होगी और प्रार्थी के प्रकरण को

जेल प्राधिकारियों द्वारा स्वयं संज्ञान में लेकर कार्यवाही प्रारम्भ कर दी जायेगी।

- 6. यदि प्रार्थी का प्रकरण प्रोबेशन, नॉमिनल रोल अथवा दया याचिका के अन्तर्गत आता है, तो उस स्थिति में प्रार्थी अथवा उसके परिवार से प्रार्थना पत्र लेकर तत्काल कार्यवाही प्रारम्भ कर दी जायेगी।
- जिला विधिक सेवा प्राधिकरण एवं जेल प्राधिकारी आपसी सहयोग एवं सामन्जस्य से जेल पी०एल०वी०, पैनल लायर्स एवं आवश्यकतानुरूप अन्य मानव संसाधन की सहायता से उपरोक्त कार्य एक माह के अन्दर समाप्त कर लेंगे।
- तत्पश्चात् यह सुनिश्चित कर लिया जायेगा कि समस्त आख्याओं सहित
   दिन के अन्दर पात्र बंदियों का प्रकरण शासन को संदर्भित हो जाये।
- 9. शासन स्तर पर सचिव, राज्य विधिक सेवा प्राधिकरण, अपर मुख्य सचिव गृह एवं अपर मुख्य सचिव कारागार के साथ बैठक करके यह सुनिश्चित करेंगे कि सिद्धदोष बंदियों के समय पूर्व रिहाई के प्रकरण यथा संभव प्राथमिकता के आधार पर शीघातिशीघ निस्तारित किये जायें।
- 10. सदस्य सचिव, राज्य विधिक सेवा प्राधिकरण, महामिहम राज्यपाल के विधिक सलाहाकार से सामन्जस्य स्थापित करके यह सुनिश्चित करेंगे कि दया यायिका के मामलों में महामिहम के स्तर पर शीघातिशीघ निर्णय हो सके।
- जिला विधिक सेवा प्राधिकरणों द्वारा समस्त आजीवन कारावास से दण्डित बंदियों का विवरण संलग्न प्रारूप पर अंकित किया जायेगा।
- कारागारों में सिद्धदोध बंदियों की समय पूर्व रिहाई हेतु चार प्रकियायें प्रचलन में हैं:-
  - प्रोबेशन पर सिद्धदोष बंदियों की समय पूर्व रिहाई फार्म ए पर :-

प्रोबशन पर सिद्धदोष बंदियों की समय पूर्व रिहाई की इस प्रकिया में सिद्धदोष बंदी द्वारा कारागार में कम से कम 14 साल के कारावास की अविध व्यतीत किया जाना आवश्यक होता है। इस प्रकिया में समय पूर्व रिहाई हेतु बंदी का प्रार्थना पत्र जेल प्राधिकारियों द्वारा जिला प्रोबेशन अधिकारी के माध्यम से प्रेषित किया जाता है। इन प्रार्थना पत्रों पर पुलिस अधीक्षक / विरष्ठ पुलिस अधीक्षक की आख्या अंकित करके उन्हें जिलाधिकारी द्वारा कारागार मुख्यालय को प्रेषित किया जाता है। कारागार मुख्यालय पर गठित समिति की संस्तुति के पश्चात् प्रार्थना पत्र, शासन को प्रेषित कर दिये जाते हैं, जिन पर शासन को बंदी की समयपूर्व रिहाई के लिये निर्णय लेने होता है।

2. सिद्धदोष बंदियों की नॉमिनल रोल पर समय पूर्व रिहाई :-

सिद्धदोष बंदियों की समय पूर्व रिहाई की इस प्रकिया में सिद्धदोष बंदी द्वारा कारागार में कम से कम 14 साल के कारावास की अवधि व्यतीत किया जाना आवश्यक होता है। इस प्रकिया में नॉमिनल रोल के तहत बंदी की समयपूर्व रिहाई हेतु उसका प्रार्थना पत्र जेल प्राधिकारियों द्वारा जेल मुख्यालय को प्रेषित किया जाता है जिस पर पुलिस अधीक्षक की आख्या एवं संबंधित न्यायालय का अभिमत व जिलाधिकारी की संस्तुति भी अंकित होती है। कारागार मुख्यालय द्वारा नॉमिनल रोल पर समयपूर्व रिहाई हेतु बंदी के प्रार्थना पत्र अपनी संस्तुति सहित शासन को प्रेषित किया जाता है। बंदी की समय पूर्व रिहाई हेतु निर्णय शासन स्तर पर लिया जाता है।

मानक नीति, 2018 के अन्तर्गत सिद्धदोष बंदियों की समय पूर्व रिहाई

सिद्धदोष बंदियों की समय पूर्व रिहाई हेतु शासन द्वारा वर्ष 2018 में निर्मित मानक नीति जिसे कि वर्ष 2021 एवं 2022 में संशोधित किया गया है, के अंतर्गत सिद्धदोष बंदियों की समय पूर्व रिहाई हेतु किसी प्रार्थना पत्र की आवश्यकता नहीं होती है, किन्तु बंदी द्वारा कम से कम 16 वर्ष के कारावास की अवधि व्यतीत किया जाना आवश्यक होता है। इस नीति के अन्तर्गत जेल प्राधिकारियों द्वारा स्वयं अपनी तरफ से पात्र व्यक्तियों की सूची क्षेत्रीय उप महानिदेशक कारागार को प्रेषित की जाती है, जो अपनी संस्तुति के साथ प्रकरण, शासन को प्रेषित करते हैं, जिस पर शासन द्वारा निर्णय लिया जाता है।

दया याचिका के आधार पर बंदियों की समय पूर्व रिहाई :-

दया याचिका का प्रार्थना पत्र महामहिम राज्यपाल को बंदी अथवा उसके परिजनों द्वारा प्रेषित किया जा सकता है। संविधान के अनुच्छेद 161 के अन्तर्गत दया याचिका पर बंदी की समय पूर्व रिहाई महामहिम राज्यपाल के विवेकाधिकार पर निर्मर है। इस हेतु अपना विवेकाधिकार

प्रयोग करने के लिये महामहिम राज्यपाल द्वारा जेल, प्रशासन अथवा स्थानीय प्रशासन से बंदी के बावत आख्या प्राप्त की जाती है।

- कारागार के भीतर जितने भी सिद्धदोष बंदी हैं, उन सबकी सूची लेकर उनमें से जितने भी पात्र बंदी हैं, उनसे समय पूर्व रिहाई हेतु प्रार्थना पत्र प्राप्त किये जायें। इस कार्य हेतु जेल पी०एल०वी०, जेल विजिटिंग अधिवक्ताओं एवं अन्य पैनल अधिवक्तओं की सेवाय प्राप्त की जायें।
- समय पूर्व रिहाई हेतु प्राप्त प्रार्थना पत्रों को जेल अधिकारियों द्वारा जिलाधिकारी / जिला प्रशासन को इस आशय से प्रेषित किया जाये कि इन प्रार्थना पत्रों को वह अपनी संस्तृति के साथ शासन को प्रेषित करें।
- सिविव, जिला विधिक सेवा प्राधिकरण यह पर्यवेक्षण करें कि कौन सा
  प्रार्थना पत्र किस स्तर पर लिम्बत हैं तथा मॉनीटरिंग कमेटी की मीटिंग के
  माध्यम से वह जिलाधिकारियों को माननीय सर्वोच्च न्यायालय द्वारा पारित
  दिशा—निर्देशों से अवगत करायें तथा उनको यह निर्देशित करें कि वह
  सर्वोच्च न्यायालय के आदेश के प्रकाश में समय पूर्व रिहाई हेतु पात्र
  बंदियों के जो भी प्रार्थना पत्र प्राप्त हुये हैं उन्हें नियमानुसार सकारात्मक
  अख्या सहित शासन की प्रेषित करें।
- इस प्रकार प्राप्त प्रार्थना पत्रों तथा उन प्रार्थना पत्रों के जिलाधिकारी कार्यालय में लिम्बत होने की रिथित में साप्ताहिक समीक्षा, प्रत्येक जिला विधिक सेवा प्राधिकरण, राज्य विधिक सेवा प्राधिकरण को प्रेषित करना सुनिश्चित करें।
- प्रत्येक सप्ताह जिलाधिकारी द्वारा जो भी प्रार्थना पत्र शासन स्तर पर प्रेषित किये जा रहे हैं उन प्रार्थना पत्रों के विवरण से राज्य प्राधिकरण को अवगत कराया जाये।
- जिला विधिक सेवा प्राधिकरण यह सुनिश्चित कर लें कि जो प्रार्थना पत्र शासन स्तर पर प्रेषित किये जा रहे हैं, उनका विवरण राज्य प्राधिकरण को अवश्य प्रेषित किया जाये।
- शासन स्तर पर सदस्य सचिव, राज्य विधिक सेवा प्राधिकरण द्वारा गृह विभाग के अपर मुख्य सचिव अथवा मुख्य सचिव से बैठक कर समय पूर्व रिहाई हेतु पात्र व्यक्तियों के प्रार्थना पत्रों के शीघ निस्तारण हेतु पैरवी की जाये।

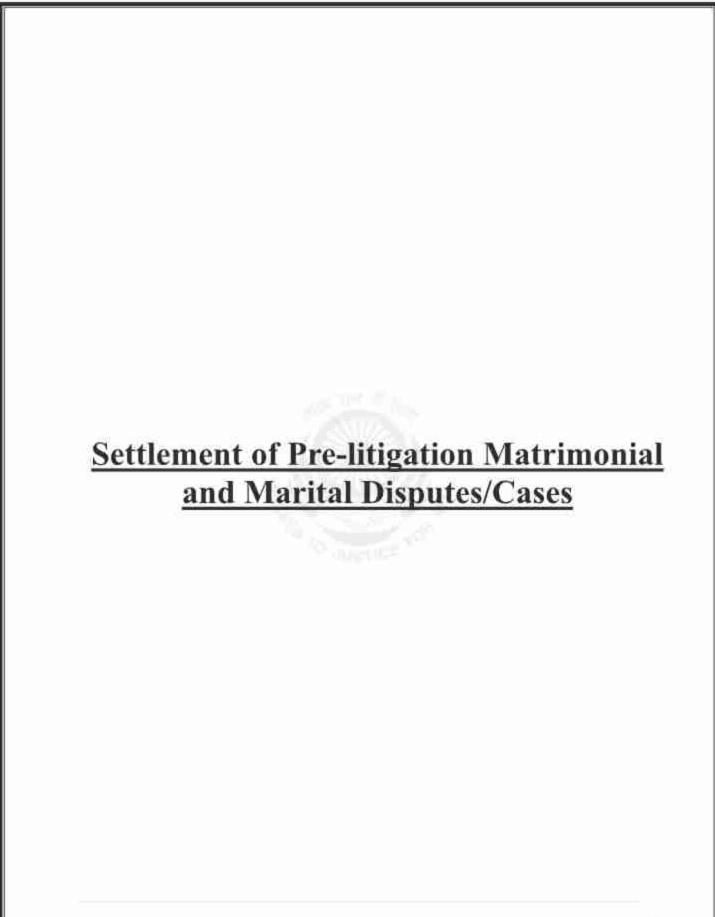
- सदस्य सचिव, राज्य विधिक सेवा प्राधिकरण द्वारा विधिक सलाहकार, माननीय राज्यपाल से वार्ता करके बैठक आयोजित की जाये ताकि समय पूर्व रिहाई हेतु पात्र व्यक्तियों के प्रार्थना पत्रों के शीघ्र निस्तारण हेतु कार्यवाही की जा सके। बंदियों की समय पूर्व रिहाई हेतु अंतिम रूप से निर्णय माननीय राज्यपाल महोदय/महोदया द्वारा ही लिया जाता है।
- सिद्धदोष बंदियों की समय पूर्व रिहाई हेतु दिनांक 01.08.2018 को नीति निर्मित की गयी, जिसमें 28 जुलाई 2021 तथा 27 मई. 2022 को संशोधन किये गये। उक्त संशोधनों के पश्चात् समस्त आजीवन कारावास से दण्डित सिद्धदोष बंदी समय पूर्व रिहाई हेतु आवदेन कर सकते हैं तथा यदि वह उक्त नीति के अन्तर्गत पात्र व्यक्ति हैं तो उन्हें समय पूर्व रिहाई प्रदान करने हेतु नियमानुसार कार्यवाही सुनिश्चित की जाये।
- जिला विधिक सेवा प्राधिकरण, जेल प्राधिकारियों के साथ मिलकर यह सुनिश्चित कर लें कि सिद्धदोष बंदियों की समय पूर्व रिहाई हेतु निर्मित संशोधित नीति के अन्तर्गत कोई भी पात्र बंदी कारागार में निरुद्ध न रह जाये।
- वर्तमान नीति संख्या 52/2022/1240/22-2-2022-07 जी/2018, दिनांकित 27.05.2022 के अनुसार अब प्रत्येक वर्ष गणतन्त्र दिवस (26 जनवरी), महिला दिवस(08 मार्च), स्वास्थ्य दिवस(07 अप्रैल), मजदूर दिवस(01 मई), विश्व योग दिवस(21 जून), स्वतंत्रता दिवस (15 अगस्त), शिक्षक दिवस(05 सितम्बर), गाँधी जयन्ती (02 अक्टूबर), अन्तर्राष्ट्रीय सिहिष्णुता दिवस(16 नवम्बर) एवं अन्तर्राष्ट्रीय मानवाधिकार दिवस (10 दिसम्बर) के अवसरों पर उत्तर प्रदेश के माननीय न्यायालयों द्वारा आजीवन कारावास के सिद्धदोष बंदियों की रिहाई की जायेगी।

# टाईम लाइन

- इस मानक संचालन प्रक्रिया निर्गत होने की तिथि से तीन दिन तक समस्त कारागारों के सिद्धदोष बंदियों की समय पूर्व रिहाई हेतु विरचित प्रावधानों के प्रति बंदियों को जागरूक किया जायेगा एवं प्रार्थना पत्र प्राप्त किये जायेंगे।
- उपरोक्त अवधि बीतने पर जेल प्राधिकारियों द्वारा आजीवन कारावास के सिद्धदोष बन्दियों के समय पूर्व रिहाई हेतु प्राप्त समस्त प्रार्थना पत्रों की अगले दिन जॉब की जायेगी।

- दिनांक 27.09.2022 को समय पूर्व रिहाई हेतु प्रस्तुत प्रार्थना पत्रों के प्रस्ताव को जिलाधिकारी की संस्तुति के साथ कारागार मुख्यालय को उपलब्ध कराये जायेंगे।
- परिक्षेत्रीय उप महानिरीक्षक कारागार, 27:05:2022 को निर्गत मानक नीति संख्या 52/2022/1240/22-2-2022-07 जी/2018, दिनांकित 27:05: 2022 के अन्तर्गत प्राप्त प्रार्थना पत्रों को दिनांक 27:09:2022 तक महानिरीक्षक कारागार को प्रेषित करेंगे तथा यह सुनिश्चित कर लेंगे कि कोई भी पात्र व्यक्ति छूटा न हो, क्योंकि इस नीति के तहत बंदी द्वारा प्रार्थना पत्र प्रस्तुत करने की आवश्यकता नहीं होती है।
- महानिरीक्षक कारागार उपरोक्त समस्त प्रार्थना पत्रों / समय पूर्व रिहाई प्रस्तावों को शासन को माननीय उच्चतम् न्यायालय द्वारा परित निर्णय की मंशा के अनुरूप शीघातिशीघ्र उपलब्ध करायेंगे।
- शासन स्तर पर गठित समिति द्वारा समय पूर्व रिहाई हेतु पात्र व्यक्तियों की रिहाई का निर्णय लिया जायेगा।
- समस्त स्तर पर यह सुनिश्चित किया जायेगा कि माननीय सर्वोच्च न्यायालय द्वारा पारित उपरोक्त निर्णय दिनांकित 06.09.2022 का तथा शासन की नीतियों का अक्षरशः अनुपालन किया जाये।

D JUSTICE





# Standard Operating Procedure (SOP) regarding Settlement of Pre-litigation Matrimonial and Marital Disputes/Cases

In view of the increasing number of matrimonial disputes in the Indian Society, it seems that the institution of marriage and family is in trouble.

It has been seen for the past few years, that the large number of matrimonial disputes are being filed in the Family Courts and the disposal of such disputes/matters is not being possible in a time bound manner. Keeping in view the huge number of pending cases in the Family Courts, the Hon'ble Committee for "Sensitization of Family Court Matters" has taken important initiative to settle the marital disputes at the pre-litigation stage. The above said matrimonial cases are also being identified and disposed of at the Pre-Litigation stage, in the last several National Lok Adalats.

As per the directions of Hon'ble Committee for "Sensitization of Family Court Matters", this Standard Operating Procedure (SOP) has been prepared for disposal of maximum number of matrimonial disputes. In relation to the settlement of maximum number of Pre-Litigation matrimonial and conjugal disputes / cases, the following activities are required to be done by each District Legal Services Authority in coordination with the Presiding Officers of the Family Court.

# 1. Publicity

- The Secretary, District Legal Services Authority will include this topic "Sensitization of Family Court Matters" in awareness camps to make aware the general public about the organization of Special Lok Adalats for the settlement of matrimonial / marital disputes at the pre-litigation stage and make it a part of the awareness campaign.
- Settlement of Matrimonial / marital disputes at Pre-Litigation stage will be included in the Annual Plan of Action.
- For proper publicity, all the DLSAs have been directed to publish a large number of banners/posters/pamphlets/stickers and ensure to get them pasted /distributed in District Courts, Collectorate, Tehsils, Gram Panchayats, Bus Stands, Railway Stations, Post Office, Hospitals, Police Stations, Public Suvidha Kendras etc. The phone numbers of the Secretaries & Para Legal Volunteers of the concerned District Legal Services Authority will also be mentioned on the aforesaid publicity material.
- Flax Boards displaying "Settlement of Matrimonial Disputes at Pre-Litigation Stage" will also be installed outside the office of District Legal Services Authority.
- To make aware the general public regarding importance and benefits of Pre-Litigation in Special Lok Adalats, cooperation of District Administration such as S.D.Ms, Tehsildar, Lekhpal and Gram Panchayats for wide publicity & awareness should be required.

- For wide publicity of these Lok Adalats, services of Asha bahus and Anganbadi workers should be utilized. Awareness programmes should also be organized with the help of Gram Pradhans, Block Pramukhs etc.
- Advertisements should also be telecasted on TV, radio and social media at the local level for the propagation of such special Lok Adalats.
- Advertisements should be published in the National Newspaper, both English & Hindi languages prior to three days of the organization of Lok Adalat that along with the disposal of regular cases in the National Lok Adalat, the settlement of matrimonial disputes in the said Lok Adalat at the pre-litigation level will also be taken up through mediation and conciliation.
- The PLVs should be especially trained for the promotion of the campaign "to dispose of the matrimonial disputes at pre-litigation stage". The trained PLVs will after receiving the application from the applicants, they would submit the same to the respective DLSAs office.
- Police Stations, especially Mahila Police Station, should be directed that all
  the marital cases that come before the respective Mahila Police Stations for
  registering an FIR, should be sent for Pre-Litigation Mediation at first
  instance. Posters and Hoardings to this effect should also be placed in the
  police stations.
- This point should be discussed in the meeting of the Monitoring Cell and after establishing coordination with the police department, it should be ensured that before registering the FIR for marital disputes, they should be sent for prelitigation.
- If any case related to marital dispute comes even on Tehsil Divas, then it should also be sent for pre-litigation mediation. For this purpose, a counter should be set up for the Par Legal Volunteers to sit on Tehsil Divas and after receiving the applications related to the matrimonial disputes, the Para Legal Volunteers should submit amd get it registered with the District Legal Services Authority.
- Complaint boxes should be set up in public places like Block Development Office, Tehsil and Thanas etc. The complaints should be collected from the complaint boxes by the Para Legal Volunteers and they should be submitted and registered with the District Legal Services Authority.
- Publicity should also be given in the Annual Plan of Action prepared by the State Authority for settlement of Pre-litigation matrimonial disputes on the basis of mediation & conciliation at pre-litigation stage.

# 2. Procedure For Receiving Application

 Help Desk / KIOSK manned with the Para Legal Volunteers (PLVs) should be established in every family court premises or near to it, in which a register should be maintained by the Secretary DLSA. In this register, the

- applications related to matrimonial disputes at the pre-litigation stage will be registered by the PLV and will get them received in the office of the District Legal Services Authority. The general public will also be informed about the benefits of pre-litigation, mediation and Lok Adalat through the Help Desk.
- Such applications should also be received in the District Legal Services Authority and Front Office.
- Police stations, especially women police stations, should be requested through senior police officers that if any matrimonial dispute comes before Police Stations, then they should refer those disputes to the District Legal Services Authority before taking any action on it.
- Private counseling centers and non-government voluntary organizations should be associated with this campaign and they should be made aware that if any matrimonial dispute comes before them, then refer it to the District Legal Services Authority for settlement at the pre-litigation level itself before doing any compliance.
- Boxes should be installed in Gram Panchayat buildings and legal aid clinics, in which people can post their applications to settle their matrimonial disputes in Special Lok Adalat. PLVs residing in that area, should be appointed to take out the applications regularly and send them to the office of the District Legal Services Authority.
- All the applications received through the above means should be registered with the District Legal Services Authority and the Secretary, District Legal Services Authority will prepare the list of all the applications.
- If any complaint has been received in the office of DLSAs or on toll-free number related to a matrimonial dispute, that application should be referred for Pre-Litigation mediation considering it as any application.

#### 3. Service of notice

- The service of notice will be ensured by the Secretary, District Legal Services
  Authority on the parties mentioned in the received applications. The service
  of notice will be done under the provisions mentioned in the Code of Civil
  Procedure, either through process server or registered post, police of the
  concerned police station, summon cell for other districts and e-mail, Whats
  App, courier and other means.
- The name of the Presiding Officer/Mediators of the Benches constituted and the date of pre-sittings should be mentioned in the notice issued to the parties.
- In the monthly meeting, the Principal Judge, Family Court after establishing
  the co-ordination with the District Magistrate and the Superintendent of
  Police will get appointed the Circle Level Police Officer as the Nodal Officer
  who will provide his co-operation to remove the obstacles in the service of the
  notice to the parties.

- For the notice on the parties, residing in other District or other State, the service of notice shall be done through the summons cell, instructions in this regard shall be issued to the In- Charge of the Summon Cell from the Chief Judicial Magistrate.
- It must be ensured that notices is duly served on the opposite party. For this, along with the assistance of Summons Cells, Para Legal Volunteers, help of local eminent persons can be utilized. The assistance of summons cell or special carrier can be taken for sending notice to other State and District. The help of plaintiff/applicant can also be taken to find out the correct address/summons on the opposite party.
- A separate register regarding summons/notices of pre-litigation matrimonial disputes should be maintained in the summons cell.

# Constitution of Benches for settlement of the Matrimonial disputes in Lok Adalat.

- One Member of the Bench will be the Principal Judge of the Family Court and a trained advocate mediator will be appointed as another member of the Bench.
- Efforts will be made by the committee of two members to settle the matrimonial disputes on the basis of settlement through pre-sittings.
- Continuous meetings of such Benches will be held. The Benches will fix the
  date & time of the meeting according to their convenience. 01 or 02 such
  meetings should be held in a week, as per the requirement and work.
- All the applications received to the District Legal Services Authority will be presented before the Benches.
- The terms of the settlement will be written down, as decided by the Benches
  and the said agreement/compromise will be attested and kept. On the basis of
  such settlement, the award will be passed in the next Lok Adalat.
- The award passed by any Lok Adalat will be the same as the decree passed by the Civil Court, as per the section 21 of the Legal Services Authorities Act, 1987, and shall have the binding effect on the parties and no appeal against it shall be maintainable in any court.
- According to Rule-12(3) of the National Legal Services Authority (Lok Adalat) Regulations, 2009, the award passed on the basis of settlement in prelitigation cases for violation of the procedure described in section 20 of the Legal Services Authority Act, 1987, can be challenged only under Articles 226 and 227 of the Constitution.
- As per Rule 12(1) of the National Legal Services Authority (Lok Adalat) Regulations 2009, for disposal of pre-litigation cases in Lok Adalat the court must have territorial jurisdiction and as per sub rule (2), the pre-litigation

- cases which have been referred to Lok Adalats, it should be ensured that the adequate opportunity has been given to the parties for hearing.
- In Rule 17 of National Legal Services Authority (Lok Adalat) Regulations, 2009, it has been provided that award writing is an Administrative act in which the conditions of the mediation and conciliation agreement will be mentioned by the parties under the guidance of Lok Adalat Benches.
- Every award passed by the Lok Adalat Benches should be clearly mentioned in the regional language or in English, in which the names of the parties, the name of the court, the proposed date of application/suit, the register number and the date should be clearly stated.
- It should be ensured by the members of the Lok Adalat / Benches, that the
  parties have signed the agreement after fully comprehending the terms of the
  treaty and it should also be ensured that:
  - (A) The terms of the treaty are reasonable, and it is neither against the law nor one sided.
  - (B) It should also be ensured that the parties have accepted the agreement voluntarily and that they have not been subjected to any kind of pressure, threat or undue influence.
- The members of the Bench should only sign that agreement which has been accepted by the parties before the Bench. The Bench should not accept or signed those agreement which has not been accepted by the parties before the Lok Adalat/Bench.
- Thus, in the light of Section 20 and 21 of the Legal Services Authority Act, 1987 and Section 12 and 17 of the National Legal Services Authority (Lok Adalat) Act, 2009, the award related with the settlement of matrimonial disputes at the pre-litigation level should be passed in the Lok Adalat by following the legal provisions.

# 5. Procedure for hearing of Applications by the Benches

- The provisions mentioned in the Legal Services Authorities Act, 1987, The National Legal Services Authority (Lok Adalat) Act, 2009 and the Family Court Act, 1984 should be thoroughly studied and followed for hearing as far as possible by the Benches.
- The process of settlement by conciliation will be done in the presence of both the parties, by fixing the dates of sufficient number for pre-sittings by the Benches.
- Adequate time will be given to the parties in the process of conciliation by the Benches and no unnecessary pressure will be put on the parties to settle at the earliest.

- Persons who are not related with such matters or Advocate should not be
  present at the time of mediation, but with the consent of the parties, if the
  mediator or the bench thinks fit, they can allow the parents of the parties.
- At the time of mediation, the conversation of the parties should be recorded and the conditions on which the parties are ready to compromise should also be recorded. At the time of mediation, the mediator or the bench should also state its point of view separately.

# Necessary instructions regarding the decision/award to be passed by the Benches on the basis of conciliation agreement

- No such conditions should be mentioned in the conciliation agreement which
  is impracticable and the implementation of which is doubtful to be followed
  in future.
- The decision should be passed only when the conditions mentioned in the conciliation are clear, reasonable and in accordance with the provisions of law.
- The terms & conditions agreed by both the parties should be mentioned in the conciliation agreement and it should also be clearly stated that the compromise should be made the part of award.

#### 7. Evaluation of Mediation Work

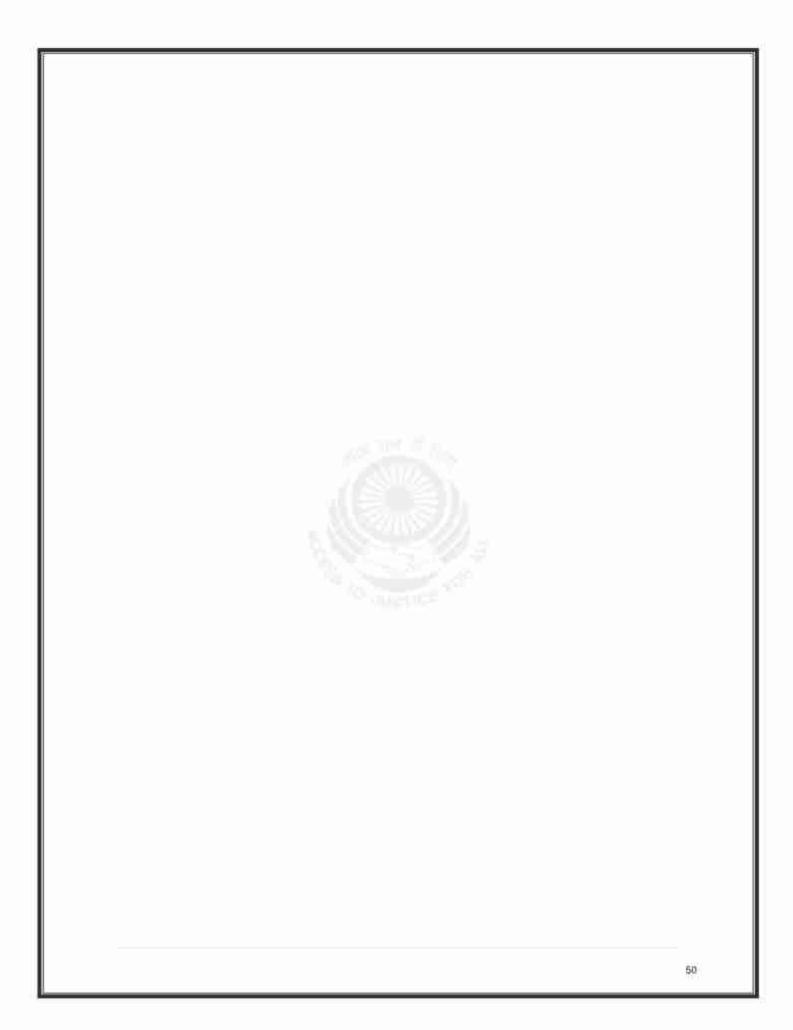
- The evaluation of mediation work should be done on monthly basis and it
  must be seen that in how many cases mediation have been successful or
  unsuccessful and it should also be evaluated after each National Lok
  Adalat, that how many cases were presented and in how many cases the
  settlement has been made between the parties.
- By holding a monthly meeting with the mediators, their work should be evaluated, their problems should be resolved and the mediators should be made more sensitive towards the disposal of Pre-Litigation matrimonial matters. As far as possible, trained Psychologists and Sociologists should also be invited in the process of sensitizing the mediators in the monthly meeting so that the mediators can work more efficiently. The meeting should be jointly convened by the Principal Judge, Family Court and Secretary, District Legal Services Authority.

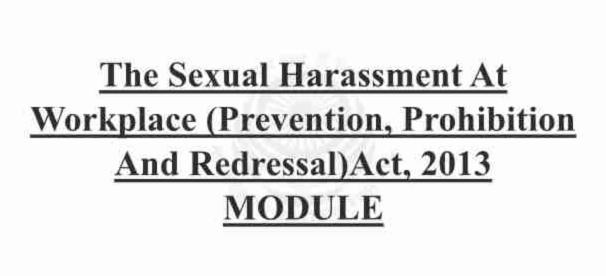
#### 8. Maintenance and Protection of Records

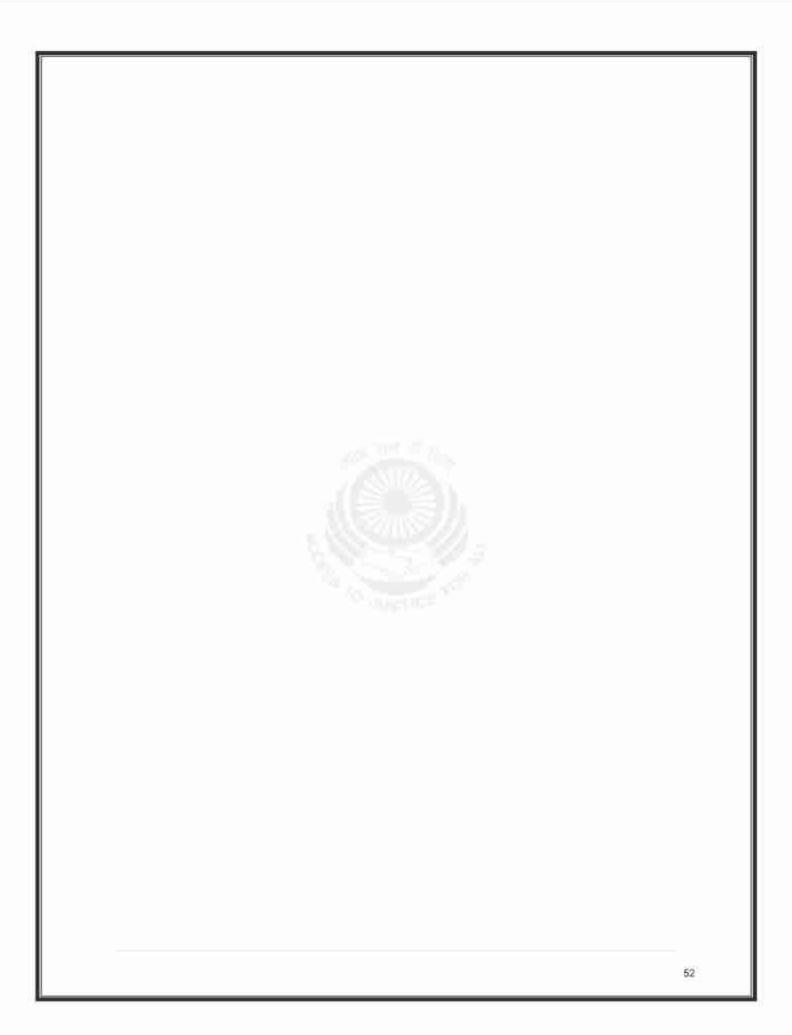
The maintenance of records related to disputes / cases settled in Lok Adalat
at the pre-litigation stage shall be kept in the office of the District Legal
Services Authority as per the provisions mentioned in the National Legal
Services Authority (Lok Adalat) Regulations, 2009. Rule-22 (2) of the
Regulation provides that a copy of the award, if passed, duly certified in

the manner stated in Regulation 17 shall be kept in the office of the Authority or Committee, as the case may be, as a permanent record. Rule-22 (3) of the Regulation provides that records other than the original of the awards of pre-litigation lok adalat may be destroyed after a period of 3 years from the date of the disposal of the matter by the lok adalat.









# The Sexual Harassment At Workplace (Prevention, Prohibition And Redressal)Act, 2013 MODULE

The Hon'ble Supreme Court of India in the landmark judgment of Vishaka and others v. State of Rajasthan, defined sexual harassment at the workplace, pronounced preventive, prohibitory and redress measures, and gave directives towards a legislative mandate to the guidelines proposed. Consequently, the legislation came into force on 23<sup>rd</sup> April, 2013 titled The Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

The Hon'ble Supreme Court in Civil Appeal No. 2482 of 2014, Aureliano Fernades Vs. State of Goa and other, has expressed "serious lapses" in the implementation of the Sexual Harassment of Women at Work Place Act 2013. The Hon'ble Supreme Court has directed that the National Legal Services Authority (NALSA) and the State Legal Services Authorities (SLSAs) shall develop module to conduct workshops and organize awareness programme to sensitize authorities managements/ employers, employees and adolescent groups with the provisions of the Act which shall be included in their annual calendar.

The U.P. State Legal Services Authority is formulating the modalities in compliance of the mandate passed by the Hon'ble Supreme Court.

# OBJECT

Creating awareness to sensitize all the stakeholders of public & private sector and adolescent groups and promote creation of Internal Complaints Committee (ICC) at departmental, organizational, institutional level.

# TARGET GROUP

The targeted population for awareness programme includes followings:

- All the head of departments, other officers and officials of all the departments of Central Government.
- All the head of departments, other officers and officials of all the departments of State Government.
- All the employer and employees of public sector undertakings.
- All the employer and employees of private sector undertakings.
- Adolescent groups including students of inter colleges.
- All the Vice Chancellors, Principals, Teachers of Universities, Degree Colleges etc.
- · Students of all the educational institutions of the district.
- Other category of person/institutions, which the Steering Committee think fit.

#### ADMINISTRATION & MISCELLANEOUS

- A Steering Committee shall be formulated at every DLSA under the Chairmanship of the Chairperson of DLSA and including District Magistrate, Secretary DLSA and Superintendent of Police of that district.
- The Steering Committee shall devise the comprehensive awareness programme for all the stakeholders in the line of modalities discussed in this module.
- The steering committee will take appropriate measures for nomination of coordinators in every department, undertakings, institutions etc.
- The Secretary, DLSA of a district would be the moderator of the entire programme.
- The minimum honorarium may be provisioned for the one or two resource persons of the workshop and awareness programmes.
- The minimum expenditure for organization of such programme may be born out of NALSA fund or may be conducted on pro bono basis also.
- The aforesaid awareness programmes are to be organize in phase manner for its deep reach and success.
- The first phase of the program should be concluded within 1 months of date of approval of module by the Hon'ble Executive Chairperson, UPSLSA.
- The second phase of the programme should be concluded within next 1 months from the conclusion of the first phase programme.
- The third phase of the programme may be completed in next 6 months to 1 year depending upon the size of the target group.
- Every DLSA would include 2 4 such programmes (of third phase) on monthly basis in their annual action plan of activities.

#### ORGANIZATION OF PRGRAMME & PROCEDURES

Keeping in view the large size of target groups, phase wise procedures may be adopted for organization of workshops and awareness programme.

- First phase: The first phase of the programme focuses on collection of information regarding target group and training of stakeholders of DLSAs and Judicial Officers of the concerned district. To sub-serve the object of first phase of the programme, under the aegis of Steering Committee the Secretary, DLSA shall/may;
  - o collect the information of all the working departments of Central Government and State Government, public & private sector undertakings, inter colleges, degree colleges, universities etc. with the help of local district administration.
  - endeavor to nominate a coordinator for every working department of Governments, public and private undertakings, universities etc. from the respective departments.

- conduct a training/awareness programme for all the Panel Lawyers, PLVs under the aegis of Chairperson of concerned DLSA in order to increase trained human resource for third phase awareness programmes.
- conduct awareness programme for all the Judicial Officers of that district under the aegis of Chairpersons of DLSA.
- Second phase: The second phase of the programme focuses on organization of workshop for departmental heads of various Government Departments, Employer of Public & Private Undertakings, Education Institutions etc. To sub serve the object of second phase of the programme, under the aegis of Steering Committee the Secretary, DLSA shall/may;
  - organize a first workshop with the help of local district administration involving/targeting all the departmental heads of Government Departments.
  - organize second workshop with the help of local district administration involving/targeting all the employers of private and public sector undertakings.
  - organize third workshop with the help of local district administration involving/targeting all the heads of education institutions of the district and other departmental heads who could not join the first workshop due to overcrowding.
  - The first, second & third workshop may be organized together if the proposed venue facilitates the seating of all the participants and comfortable organization of the aforesaid programme.
  - seek the help of an eminent resource person for workshop and awareness programme stated above.
  - Include the participation of coordinators of various departments etc. in the aforesaid workshops.
- Third phase: The third phase of programme focuses on organization of awareness
  camps for rest officers and officials of various departments of Government,
  Managers & employees of public & private sector undertakings and teachers, staff
  & students of universities etc. To sub serve the object of third phase, under the
  aegis of Steering Committee the Secretary, DLSA shall/may;
  - o organize the awareness camps in different departments of Government with the help of departmental head and coordinator nominated for the said purpose. Such awareness camps would be organized at the level of respective departments.
  - organize awareness camps at the level of public & private sector undertakings with the help of employer and nominated coordinator.

- Organize awareness camps at the level of education institutions with the help of head of the institution and nominated coordinator.
- Organize awareness camps for other category of persons, for whom Secretary, DLSA think fit.
- seek the services of panel lawyers and PLVs, who receive the training on the subject specified, for deliberations in aforesaid awareness camps.

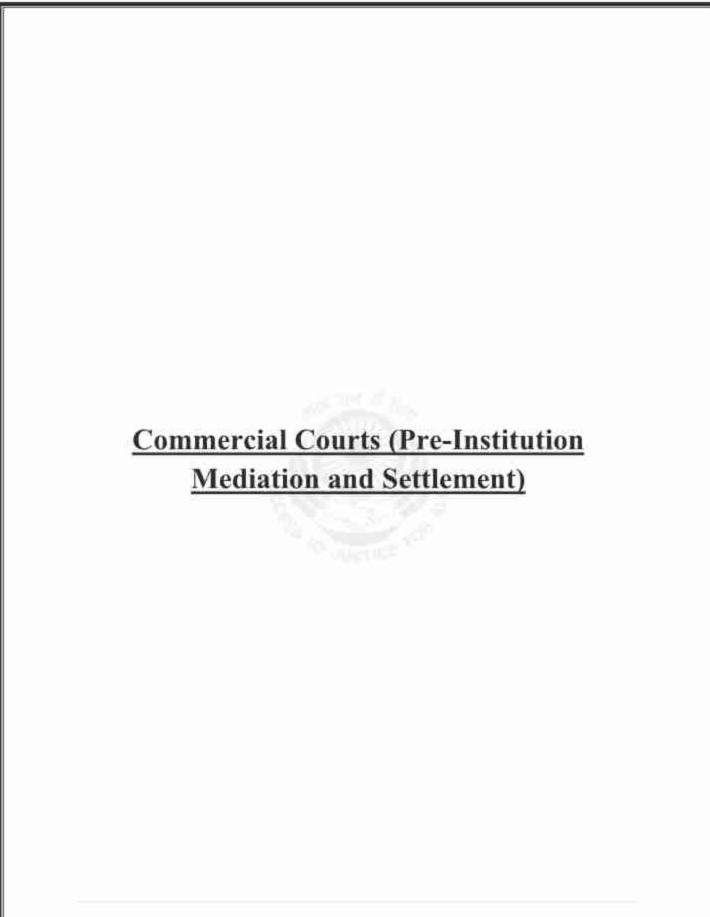
## DATA COLLECTION

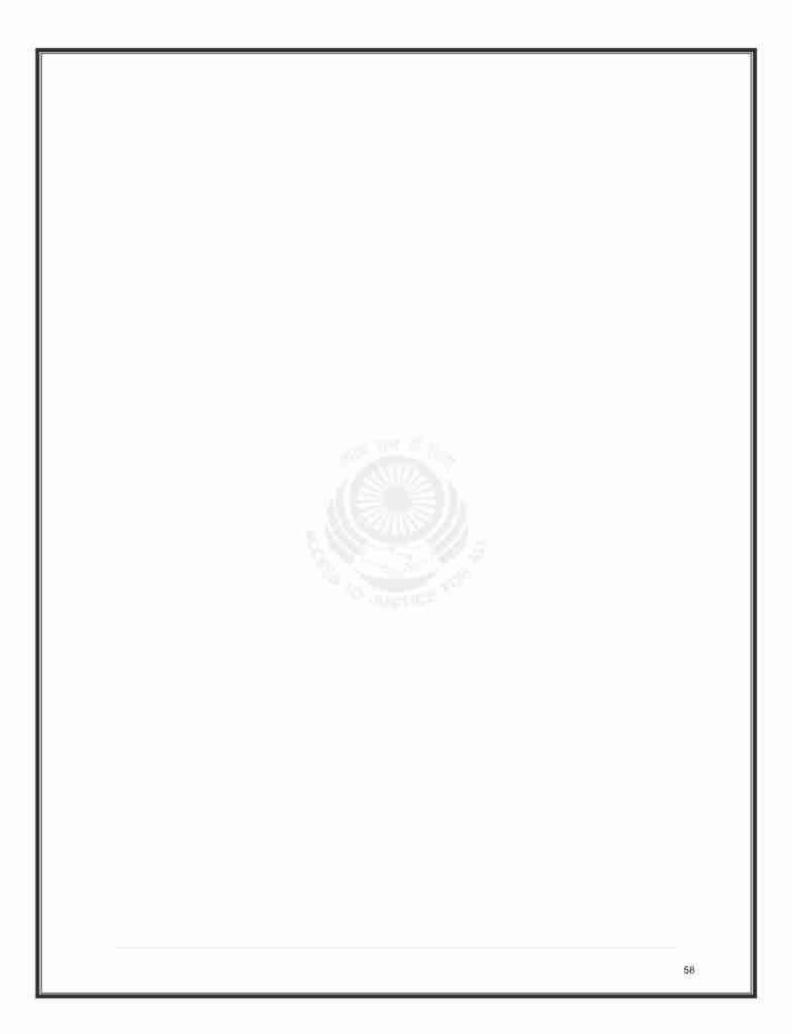
- The Secretary, DLSA would collect and procure the data of every programme along with the number of persons benefitted.
- The Secretary, DLSA would also collect the information regarding creation of Internal Complaint Committee (ICC) from every department, institution, undertakings etc. either before or after the organization of the awareness programme in a particular department etc.
- · The data may be collected locally on the following proforma:

The Sexual Harassment At Workplace (Prevention, Prohibition And Redressal) Act, 2013 Statement regarding awareness programme							
S. No.	Place of organization of awareness programme	Date of programme	Details of terminee personal	Number of persons benefitted through the programme	Status of creation of Internal Complaint Committee (ICC)		

 The district wise data would be compiled on the following format for onward submission to SLSA on monthly basis

The Sexual Harassment At Workplace (Prevention, Probibition And Redressal) Act, 2013 Statement regarding awareness programme Name of the district. For the month of								
Beief description of places	Total mimber of programme organized in the month	Total number of persons	Total number of Internal					
of organization of		benefitted through the	Complaint Committee					
awareness programme		programme	(RCC) constituted.					





## Comprehensive Standard Operating Procedure (SOP) For Commercial Courts (Pre-Institution Mediation and Settlement)

Under the able guidance of the Hon'ble Executive Chairman, Uttar Pradesh State Legal Services Authority, the present SOP is a step forward in making the process of mediation easily accessible to people at large.

The Commercial Courts Act was enacted in 2015. Thereafter a significant amendment has been introduced in The Commercial Courts Act, in the Year 2018. The said amendment introduced Chapter IIIA to the Act provides for Pre-Institution Mediation and Settlement. The newly inserted Section 12A provides that a suit which does not contemplate any urgent interim relief under the said 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.

The State and District Legal Services Authorities are authorized for the purposes of preinstitution mediation. The time frame prescribed in this regard is three months from the date of application made by the plaintiff, which however can be extended further by two months only with the consent of the parties. The settlement, if arrived at, shall have the same status and effect as if it is an arbitral award on agreed terms under sub-section (4) of section 10 of the Arbitration and Conciliation Act, 1996,

The relevant portion of the Act is as under: -

- "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, authorize the Authorities constituted under the Legal Services Authorities Act, 1987, for the purposes of pre-institution mediation.
- (3) Notwithstanding anything contained in the Legal Services Authorities Act, 1987, the Authority authorized 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.

(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 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.

Pursuant to the said Act, the Ministry of Law & Justice (Department of Legal Affairs) has issued a notification dated 03.07.2018 whereby the Commercial Courts (Pre-Institution Mediation and Settlement) Rules, 2018 have been notified. On the same date another notification was issued whereby the Central Govt. has authorized the State Authority and District Authority, constituted under the Legal Services Authorities Act, 1987 for the purposes of pre-institution mediation and settlement under Chapter IIIA of the Commercial Courts Act, 2015.

Since, the ADR Centres in Districts have complete infrastructure for carrying out mediation effectively, it is proposed to utilize the existing infrastructure, space and staff for conducting Pre-Institution Mediation and Settlement contemplated under the Act as amended. Accordingly, this Standard Operating Procedure is being developed to facilitate the working of this arrangement.

In view of the aforesaid Act and notifications, the Uttar Pradesh State Legal Services Authority, (hereinafter as the UPSLSA), through its respective District Legal Services Authorities (hereinafter as the DLSAs) are required to facilitate the conduct of mediation in all matters covered by the aforesaid Act.

The applications in respect of commercial dispute are received by the DLSA concerned as per territorial and pecuniary jurisdiction and nature of commercial dispute.

When the DLSA is approached by an interested party/ the plaintiff (hereinafter as the plaintiff), service is affected upon the opposite party/ the proposed defendant/ the respondent (hereinafter as the defendant) through Email/WhatsApp/Postal-Mail, upon payment of fixed fee of Rs 1000/- The said fee can be deposited by way of demand draft in the name of the concerned district. On the appearance of the defendant, consequent to the completion of process of service, if willingness is shown by both the parties, the Chairman, DLSA shall assign an empanelled mediator and fix a date for their appearance before the Mediator. In the event of no service or refusal of the defendant to enter into mediation process or on the denial of the claim of the plaintiff by the defendant, the matter is marked as **non starter** and the plaintiff is at liberty to approach the concerned court to exercise his rights and seek remedies as per the law.

The aforementioned account in which one-time fee is deposited shall be operated by the Secretary DLSA as per existing norms.

## 1. The modalities for carrying out Pre-Institution Mediation and Settlement would be as under:

(A) Words and Expressions used but not defined: The words and expressions used but not defined herein shall have the same meaning as assigned to them in the commercial Courts Act 2015, as amended and in Commercial Courts (Pre-Institution Mediation and Settlement) Rules, 2018 (hereinafter referred as the Rules).

- (B) <u>Conduct of Pre-Institution Mediation and Settlement:</u> Subject to the details and clarification provided hereinafter, the procedure for the Pre-Institution Mediation and Settlement shall be the same as prescribed in the Rules.
- (C) <u>The Nodal Officers:</u> Secretary, DLSA shall be the Nodal Officer for conduct of Pre-Institution Mediation and Settlement who shall work in consultation with the Member Secretary, UPSLSA. The staff attached to the DLSAs shall provide all sorts of support for conduct of Pre-institution Mediation.
- (D) Panel of Mediators: The application for Pre-Litigation settlement of Commercial disputes shall be referred to a mediator from the Panel of Mediators appointed for Mediation. The appointment of Mediators in districts, are conducted as per the Uttar Pradesh Civil Procedure (District Courts) Mediation Rule, 2021.
- (E) <u>Judicial Officers as Mediators</u>:- The Secretary DLSAS shall keep the panel of trained Judicial Officer Mediators updated by making necessary changes in the same that may take place on account of transfer, retirement or training.
- Application to the Authority:- The application for pre-institution mediation shall be made before the Office of the District Legal Services Authority concerned (depending on the territorial and pecuniary jurisdiction).
- 3. Fees:-The fixed one-time fee of Rs 1000/- shall be payable by Demand Draft in the name of the concerned district. The demand draft along with the application for pre-institution mediation will be submitted with the concerned DLSA. The fees paid by the party as per Rule 3(1) shall be non refundable. DLSA shall utilize the fees paid under this Rule for issuance of process and other expenses incurred during process related to Pre Institution Mediation and Settlement. Separate record of the expenses incurred out of the said fund shall be maintained by the District Legal Services Authorities. DLSAs shall submit quarterly report regarding such fees/funds to the UPSLSA.
- 4. Service: The service shall be effected upon the defendant through post or Email and WhatsApp. The postal address, Email id and the WhatsApp number of the defendant shall be provided by the plaintiff, along with an affidavit declaring that the said address and the number are correct and have been in use in the last 30 days. The concerned DLSA will serve the notices and in that case the cost will be borne from the fees received for this purpose by the DLSA.
- 5. Procedure after completion of Service:- On due service upon the defendant, if the said defendant refuses to participate in the mediation process or refuses to acknowledge the claim of the plaintiff, the process shall be marked as non starter. The same shall be the case if service is not effected upon the defendant despite reasonable attempts. In case where the defendant chooses to participate in the mediation process, an empanelled Mediator shall be appointed in the matter.
- Conduct of Mediation:- After the process of issuance of notice is complete and both the parties (the plaintiff and the defendant) give their consent to participate in the

mediation process, DLSA shall assign an empanelled mediator, and fix a date for their appearance before the Mediator, on the link shared by the DLSA.

- a) The mediation shall be conducted physically or on online platform as specified by the concerned DLSA. In case of online mediation, the concerned DLSA shall generate a link to facilitate the tripartite video conferencing between the plaintiff, the defendant and the Ld. Mediator. The settlement, if arrived at, shall have the same status and effect as if it is an arbitral award on agreed terms under subsection (4) of section 30 of the Arbitration and Conciliation Act, 1996.
- b) If, despite efforts of the Ld. Mediator, the plaintiff and the defendant fail to reach at any consensus, the plaintiff shall be within his rights to approach the court of law to enforce his remedies, as per the law.
- c) Once the process of mediation is over, the record thereof shall be made over by the Mediator to the appropriate authority and shall be preserved in a sealed cover as a privileged communication and shall be treated as confidential not to be shared or disclosed at all.
- d) The Judge Mediator, in case of mediation being not successful, shall recuse himself/herself from the matter on judicial side.
- 7. Limitation Period:- After the receipt of one time fees, the process of affecting service shall be completed within 10 days. The time frame for mediation shall be three months from the date of application made by the plaintiff, which may be extended only with the consent of the parties.

#### 8. Financial Details:-

(a) The Mediation Fee payable by the parties as per Rule II of PIMS Rules, 2018 shall be paid by Demand Draft drawn in the name of the concerned "District Legal Services Authority, ...............(name of the district)" for Pre-institution Mediation before the DLSAs. The DLSA concerned shall deposit the Demand Draft with its bank account and shall keep an account of such fee under the head titled "Mediation Fee- Pre-institution Mediation in Commercial Dispute".

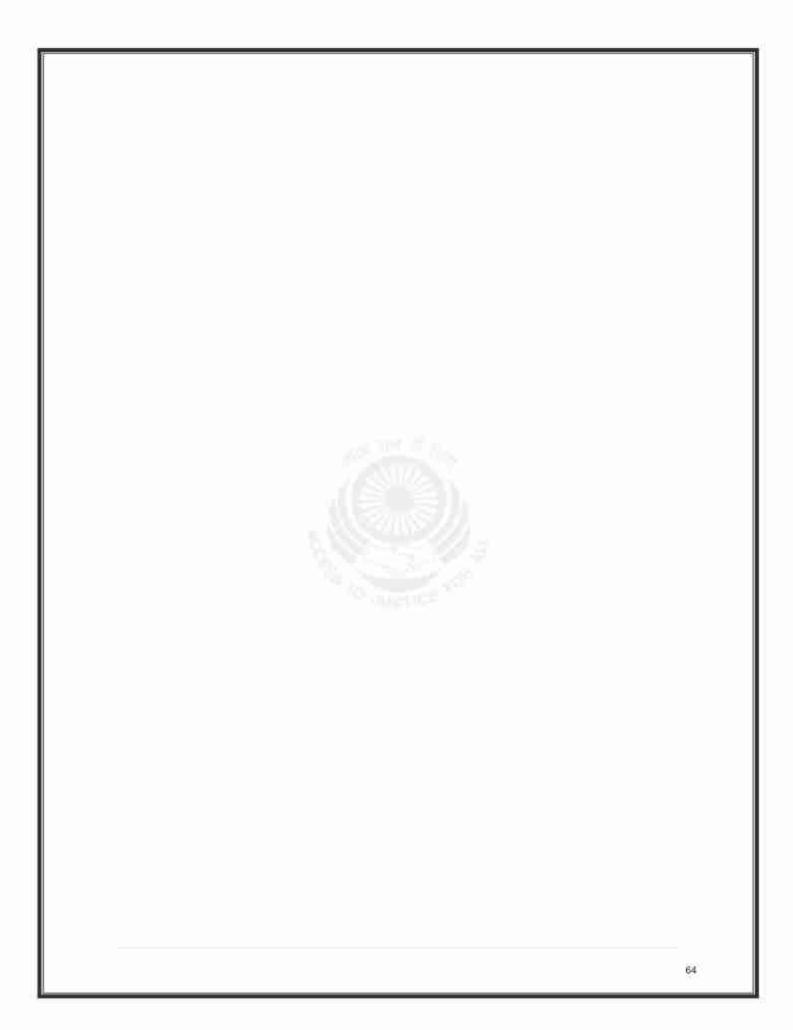
As per Rule 11, one time Mediation fees shall be paid to the Authority and not directly to the Mediator. The Authority, after completion of the mediation process, needs to pay the honorarium, to the Mediators, excluding Judge Mediator, from the mediation fees paid under Rule 11. To provide better facilities to the parties, the Authority bears the expenses towards the maintenance of the facilities etc. Therefore, the Authority may utilize a portion of the deposited fees, having regard to the nature of the dispute and outcome of Mediation process and with the previous approval from UPSLSA, towards maintenance, refurbishment and development of the facilities, conducting training of the stakeholders, publishing advertisement, conducting awareness campaign, for making available substantial manpower (Contractual/outsourcing) and for any other purpose approved by the Hon'ble Executive Chairman, UPSLSA, for the smooth working of PIMS. In the case of Judge Mediator, entire fees paid by the parties shall be utilised for the above purpose.

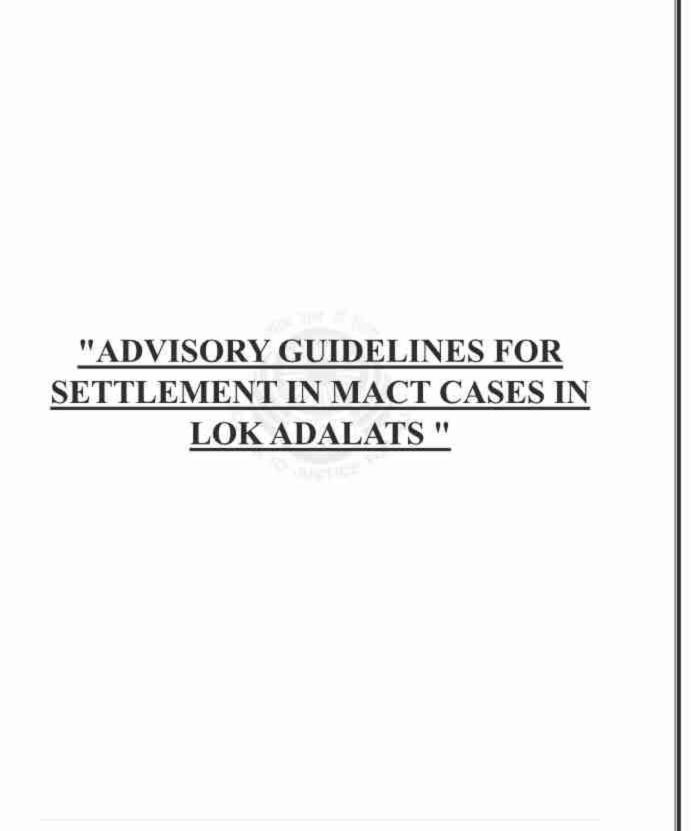
 Honorarium to the Mediators:- The Advocate Mediators shall be paid honorarium as per following Schedule-

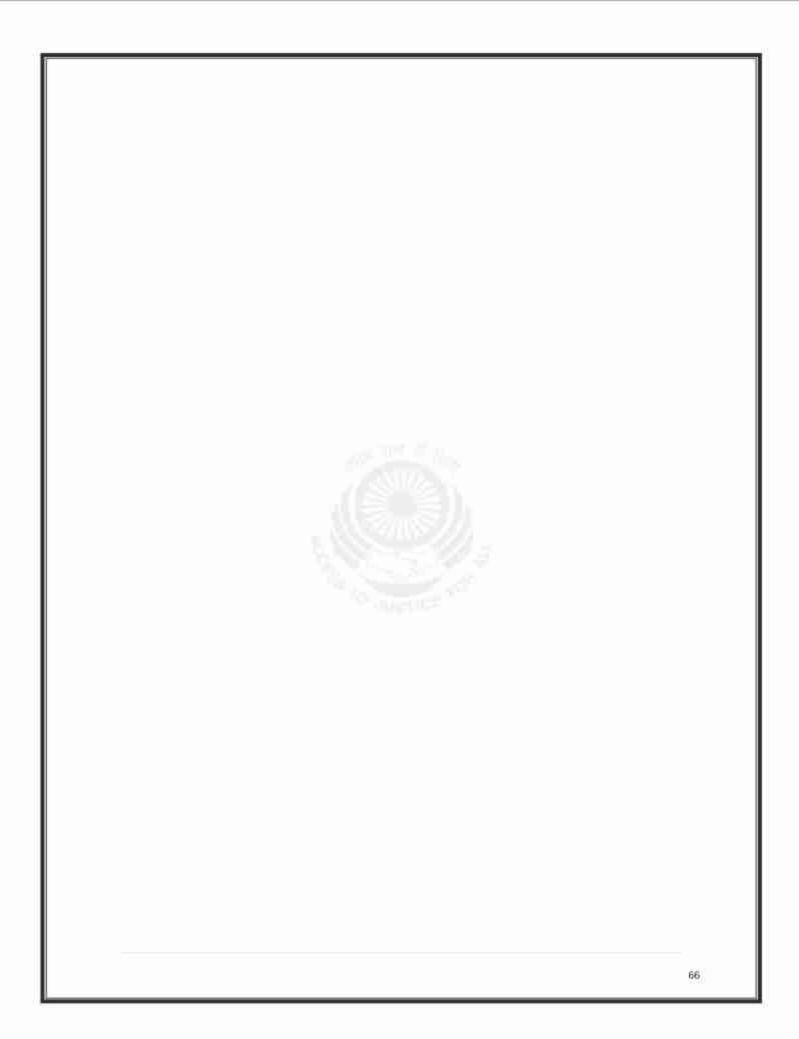
S. No.	Quantum of Claim in Commercial Dispute/nature of case	One time Mediation fee as prescribed in scheduled II	Honorarium to be paid to the Mediator for settled cases	Honorarium to be paid to the Mediator for unsettled cases with minimum 03 sittings
Į.	Above Rs. 3,00,000/- but not exceeding Rs. 10,00,000/-	Rs. 15,000/-	Rs. 10,000/-	Rs. 7,500/-
2.5	Above Rs. 10,00,000/- but not exceeding Rs. 50,00,000/-	Rs. 30,000/-	Rs. 25,000/-	Rs.15,000/-
3.	Above Rs. 50,00,000/- but not exceeding Rs. 1,00,00,000/-	Rs. 40,000/-	Rs.35,000/~	Rs. 20,000/-
45:	Above Rs. 1,00,00,000/- but not exceeding Rs. 3,00,00,000/-	Rs. 50,000/-	Rs 40,000/-	Rs. 25,000/-
5	Above Rs. 3,00,00,000/-	Rs. 75,000/-	Rs. 65,000/-	Rs. 37,500/-

The payment of honorarium under this Schedule shall be applicable with prospective effect and the fees in the matters referred prior to the date of enforcement of this SOP shall be paid as per previous practice.

- 10. Administrative and Technical support: All administrative and technical support shall be provided by the respective DLSAs for conducting Pre-Institution mediation in a congenial atmosphere
- 11. Venue for conducting Mediation:- The venue for conducting mediation shall be ADR Centre in each of the Districts or separate Mediation Centre, wherever available, and the facilities and infrastructure of the said Mediation Centres will be used for the said purposes. Pre-institution Mediation in Commercial Dispute shall be conducted at such place chosen by the concerned District Judge in respect of the district in which the ADR Centre is not yet functional and for conducting for such mediation, each venue must be provided with befitting infrastructure.
- 12. Ethics to be followed by Mediator The Mediator shall follow the ethics as provided under Rule 12 of the Rules. However, to avoid any justifiable doubt as to his independence or impartiality, the Mediator shall follow the principles as laid down in the Fifth Schedule to the Arbitration and Conciliation Act, 1996. It is clarified that the word "Arbitrator" in the above said Schedule shall be read as 'Mediator' for the purposes of this process.
- 13. Complaint against Mediator-In case any party has a complaint with the mediator or is not satisfied with the working of the mediator, the complaint shall be made to the concerned DLSA.
- 14. Review of the work of the Mediator and all the arrangements for Pre Institution Mediation and Settlement- The UPSLSA shall review the working of the Mediators empanelled from time to time & also the arrangements for conduct of Pre-Institution Mediation and Settlement and make necessary changes in the same.







## "ADVISORY GUIDELINES FOR SETTLEMENT IN MACT CASES IN LOK ADALATS"

Hon'ble the Executive Chairman, UPSLSA has been pleased to approve following guidelines for the settlement of Motor Accident Claim Cases in Lok Adalats by the tribunals-

#### 1- Simple Injury Cases:-

Rs. 2500/- for each simple injury plus Medical expenses supported by Medical bill (supported by prescription or verification by doctor in court).

#### 2- Grievous injury cases:-

In ease where disability certificate is not produced but there is a case of grievous injury:

- (a) Fracture of both Tibia and Fibula with hospitalization Rs. 50,000/- + Medical bills (supported by prescription or verification by doctor in court) + Hospitalization Rs. 600/- per day.
- (b) Fracture of only fibula Rs. 25,000/- + Medical bills (supported by prescription or verification by doctor in court) + Hospitalization Rs. 600/- per day.
- (c) Fracture both the Lower Limb Rs, 50,000/- + Medical bills (supported by prescription or verification by doctor in court) + Hospitalization Rs. 600/per day.
- (d) Fracture both the Upper Limb Rs. 45,000/- + Medical bills (supported by prescription or verification by doctor in court) + Hospitalization Rs. 600/per day.
- (e) Fracture of single lower and upper limp Rs 45,000/- + Medical bills (supported by prescription or verification by doctor in court) + Hospitalization Rs, 600/- per day.
- (f) Fracture on other part of Body Rs. 15,000/- for each fracture (as per nature of fracture) + Medical bills upto 10,000/- supported by prescription or verification by Doctor in court + Hospitalization Rs. 600/-per day.

#### 3- Permanent Disability:-

Certificate regarding permanent disability shall be issued from the Government Medical Board and in case of dispute the opinion of Doctor/Medical Board or the provisions of the Workmen's Compensation Act, 1923 will be given preference.

#### (a) Permanent Disability Up to 10%:-

Rs. 25,000/- (NET)+ Rs. 3000/- for each percent of disability plus medical expenses (supported with prescription ) + Rs. 600/- per day for the period of Hospitalization.

## (b) Permanent Disability: More than 10% and up to 25%: -

Rs. 25,000/- (NET)+ Rs. 4000/- for each percent of disability + Medical bills (supported with prescription) + Rs. 600/-per day for the period of Hospitalization.

## (c) Permanent Disability: More than 25% and up to 50%

Rs. 25,000/- (NET)+ Rs. 5000/- for each percent of disability Medical bills (supported with prescription) + HospitalizationRs. 600/per day for the period of Hospitalization.

### (d) Permanent Disability: More than 50%

Rs. 25,000/- (NET)+ Rs. 6000/- for each percent of disability Medical bills (supported with prescription) + Hospitalization Rs. 600/- per day for the period of Hospitalization.

NOTE: The Compensation in above permanent disability cases above may vary depending upon age of victim.

#### 4- Other Heads of compensation under Injury Cases:

#### (a) Pain and Sufferings:

S. No.	Age of the injured Claimant	Amount payable	
1.	Up to 30 years	25% of total Award (Excluding Medical bills /Medical Expenses)	
2.	Above 30 years up to 40 years	20% of total Award (Excluding Medical bills /Medical Expenses)	
3.	Above 40 years up to 50 years	17.50% of total Award (Excluding Medical b /Medical Expenses)	
4.	Above 50 years up to 60 years	15%of total Award (Excluding Medical bills /Medical Expenses)	
5.	Above 60 Years	12.5% of total Award (Excluding Medical bills /Medical Expenses)	

- (b) Loss of income: Only in proven income cases where medical leave record is provided by claimant & in case of private and daily wagers — Rs. 500/per day for the hospitalization period.
- (c) Expenditure on attendants: Case to Case basis looking into the circumstance and facts of the case.

#### 5- DEATH CASES:

(a) In case of Stable and Permanent jobs:-

The net salary after Income Tax is to be taken as base and as per National Insurance Company Limited v Pranay Sethi: AIR 2017 SC 5157, the dependency and multipliers are to be taken. Assessment Order from Income Tax Office is must for assessing income since mere submission of ITR is not a sufficient evidence of income.

- (b) In case of unproved income & Self-employed and non permanent:-
  - (a) Deduction on Self-expenses (based on number of dependents) and Multiplier shall be as perSarla Verma vs. Delhi transport Corporation, AIR 2009 SC 3104.
  - (b) For unproved income, the provision of Minimum Wages Act will be applicable in the State of Uttar Pradesh as on date of accident is to be considered for computation of compensation.
  - (c) In case of death of Bachelor, deduction of 50% for self expenses is to be considered and multiplier is to be taken on the basis of Age of deceased.

#### (c) In case of Child Death:

- a) Up to the age of 5 years Rs. 2.50 Lac
- Between 5 years to 10 years Rs. 3.50 Lac
- Between 10 years to 15 years Rs. 05 Lac

(As per Judgment of the Hon'ble Supreme Court in Kishan Gopal Vs. Lala, (2014) 1 SCC 244)

- (d) In case of Non-earning Child/ Youth Death: Above 15 years to 21 years To be assessed on basis of National Income Rs. 30,000 per annum.
- (e) Other consideration in Death Cases: As per the Judgment of Hon'ble Supreme Court in National Insurance Company Limited vs. Pranay Sethi; AIR 2017 SC 5157.

- (a) Future Prospects: (As per the above Judgment of the Hon'ble Supreme Court in Pranay Sethi)
- (b) Consortium: Rs. 40,000/-
- (c) Funeral Expenses: Rs. 15,000/-
- (d) Loss of Estate: Rs. 15,000/-
- (f) Interest: All payments shall be made within 2 months from the date of award provided that Simple interest at the rate of 3% shall be paid on settlement amount from the date of filing of petition in MACT till the payment is made but if payment is not made within two months from the date of award, then interest at the rate of 6% per annum shall be paid for subsequent period (i.e. after 2 months from the date of award) till payment is made.
- 6- Learned Advocates of claimant shall provide the copy of insurance policy/related case details to the insurance companies (at the time of Pre-Counseling or on date of settlement or within 7 days of award at Lok Adalat ) for facilitating early payment of award amount to the claimant.
- 7- No compromise in cases where-

## For High Court cases

Company is exonerated in lower court.

#### For Tribunal Cases:

- Where breach of policy conditions is there.
- Liability is not admissible as per law or coverage in the policy.
- There is any suspected manipulation or false involvement of vehicle.
- Delay in FIR (unless supported by documentary evidence to establish the accident and involvement of insured vehicle)
   Decision to be based on merits of the case.

NOTE:- These guidelines are being circulated to reach at a just compensation and are illustrative and not exhaustive. The concerned officers are at liberty to take decision of their own on the merits of the case and keeping in view the board parameters laid down in these guidelines.

IN HOUSE GUIDELINES FOR PERMANENT LOK ADALAT IN THE STATE OF UTTAR PRADESH				
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	STATE O	to be the control of	RPRADESE	<u>1</u>



## IN HOUSE GUIDELINES FOR PERMANENT LOK ADALAT IN THE STATE OF UTTAR PRADESH

#### 1. Administrative Control etc.

The U.P. State Legal Services Authority shall have overall administrative controls over the Permanent Lok Adalats including:-

- Calling for monthly, periodical reports regarding institution, disposal and pendency of cases.
- b- Issuance of instructions regarding adoption of uniform procedure in hearing of cases and on any other administrative matters as and when State Authority, deems necessary.
- c- Generally, supervise the functioning of the Permanent Lok Adalats to ensure that the objectives, for which permanent Lok Adalats have been established under Section 22-B of the Legal Services Authorities Act, are best served.

Members of the Permanent Lok Adalats shall also be in overall administrative control of the UP State Legal Services Authority, but the immediate administrative control over them shall vest with the Chairpersons of Permanent Lok Adalat of the districts for which they have been selected.

The Chairpersons of the Permanent Lok Adalat will be under the administrative control of UPSLSA, but the power of immediate supervision over the Chairperson & Members of the Permanent Lok Adalat shall lie in the District Judge/Chairpersons of the District Legal Services Authority of the concerned district.

#### 2. Leave

Chairpersons and the staff of PLA shall be entitled to avail Casual Leave to the extent of 14 days in a calendar year. The working days and office hours of the Permanent Lok Adalats shall be the same as that of State Government as mentioned in the Permanent Lok Adalat (other terms and conditions of appointment of Chairperson and other persons) Rules, 2003.

Provided where Permanent Lok Adalats are situated in Civil Court campus, holidays declared by the Hon'ble High Court or concerned District Judge shall also apply to such Permanent Lok Adalats, to avoid inconsistency in administration between Civil Court Authorities and PLA.

The Chairperson PLA shall apply and intimate the UP State Legal Services Authority, for availing Casual Leave through, mail or e-mail. Members shall intimate their absence to the Chairperson in advance. Leave of staff of PLA shall be sanctioned by the Chairperson, PLA. In absence of Chairperson, leave of Members & Staff shall be sanctioned by the Secretary, DLSA.

#### 3. Sitting Register

The sitting register of Chairperson, PLA shall be signed by the District Judges on daily basis and a copy of it shall be sent to UPSLSA by the District Judge at the end of the month after due verification. The daily sitting register of members shall be kept with the Chairperson PLA and the same shall be signed by each member on each working day and will also be initialed by the Chairperson, PLA. In absence of Chairperson, daily sitting register of Members shall be signed by the Secretary, DLSA. This register will be taken into account for preparing honorarium of members and the extract of the same shall be monthly submitted to UPSLSA by the Secretary, DLSA.

#### 4. Payments

Bills of the fee and allowances if any, of the Chairperson and the Members and the salary of staff shall be prepared by the clerk of District Legal Services Authority. Honorarium, allowances and the salary will be drawn and disbursed by the District Judge, who shall be the Drawing & Disbursement Officer (DDO). Members of PLA shall be entitled for honorarium if, they have attended the office of PLA in person & signed sitting register.

#### 5. Place of sitting

A Permanent Lok Adalat shall hold sittings in the respective District Headquarters at the premises so assigned.

#### 6. Time of sitting

The sitting of the Permanent Lok Adalat shall commence at 10:30A.M. and shall continue up to 04:30 P.M. except for lunch break between 01:30 P.M. to 02:00 P.M. However, office hours of Permanent Lok Adalat for all shall be from 10:00 A.M. to 05:00 P.M. with lunch break as indicated above.

#### 7. Presentation

All petitions and documents on prescribed proforma (Annexure-1) will be presented and delivered in the office of Permanent Lok Adalat to the official authorized by the Chairperson. The presentation may be done by a party in person having photo LD, or by his authorized agent.

Every petition shall be accompanied by 2 copies of petition and documents for members and as many copies as are the opposite parties, for service. In case the documents are lengthy and voluminous filing of copies of such documents may be dispensed with at the discretion of the Chairperson.

#### 8. Procedure after Presentation

On presentation of every petition, the authorized official shall report regarding territorial and pecuniary jurisdiction along with report regarding period of limitation. The Chairperson, after satisfying that the petition is in order and the dispute mentioned in the petition lies within the jurisdiction of the Permanent Lok Adalat, shall order registration of the petition.

There shall be no date fixed for hearing the petitioner on the point of admissibility of the petition. The point of admissibility shall be decided as soon as the petition is presented before the PLA. Members of PLA shall be the part of every sitting/hearing including PLA Chairman.

After registration of petition, the same shall be entered in the Permanent Lok Adalat Case Register. This Case Register will be put up before Chairperson at least once in a month for perusal or even earlier if directed by the Chairperson.

After registration of petition, the Permanent Lok Adalat shall send a copy of such petition along with notice on prescribed proforma (Annexure-II) to the opposite parties.

#### 9. Notice

Notice of filing or petition shall be served on the opposite parties through registered post acknowledgement due/courier service/ e-mail/fax as directed by the Chairperson, calling upon the opposite parties to submit their written statement by the date fixed. The notice shall also intimate the date and time for appearance of the opposite parties before the Permanent Lok Adalat. Copy of petition and the documents filed along with the petition shall be annexed with the notice. Expenses of serving the notice will be borne by the petitioner, who may be required to file stamped envelope or to deposit expenses for sending the notice in the office of PLA.

#### 10. Fixing Dates for Hearing etc.

Dates for first hearing and subsequent hearings shall be fixed by Chairperson and list of cases (cause list) for daily hearing shall be displayed at a suitable place outside the court room. Order-sheet of each file shall be signed by the Chairperson and Members. Chairperson's and Reader's Diary, showing the cases fixed for hearing, shall be duly maintained.

#### 11. Disposal/Adjournment

Every petition shall be decided as expeditiously as possible and endeavor shall be made to decide the dispute preferably within a period of 60 days from the date of appearance of the opposite party. No adjournment shall, ordinarily, be granted by the Permanent Lok Adalat unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by the PLA.

#### 12. Copy of Judgement/Order

On receiving the application for the certified copy of judgement/order, the same shall be made available to the applicant, ordinarily within a period of 3 days.

If any party/person is desirous to obtain copy of judgement/order, it shall be provided on payment of requisite fee as per the rules applicable to the civil courts. Such copy shall be prepared by the Reader and certified by the Chairperson under his seal and signature.

#### 13. Performance & Assessment of work of Permanent Lok Adalat.

The Chairperson Permanent Lok Adalat shall send the monthly progress report of concerned Permanent Lok Adalat to UPSLSA in the first week of the next month regarding the institution and disposal of the cases in concerned Permanent Lok Adalat.

The Chairpersons, Permanent Lok Adalat shall also send the monthly pendency and disposal of Execution Cases of Awards passed by the Permanent Lok Adalat, in the first week of the next month.

A minimum out turn must be given by every PLA, in terms of disposal of cases as directed by UPSLSA from time to time.

The performance of Chairperson & Members of each Permanent Lok Adalat will be assessed by the Hon'ble Executive Chairperson, UPSLSA on quarterly basis.

#### 14. Propagation of Permanent Lok Adalat.

Permanent Lok Adalats have been established across the State of Uttar Pradesh. The proper propagation of the benefits of Permanent Lok Adalat amongst the common people and the Members of Bar is deeply required. The awareness camps/programmes of District Legal Services Authorities may include the benefits & jurisdiction of Permanent Lok Adalat.

The public in general and members of Bar must know the fact that the cases of valuation upto Rs.1.00 crore may be decided by the Permanent Lok Adalat without any court fees and the Permanent Lok Adalat initiate from the process of Mediation & Conciliations, if the cases are settled on the basis of Mediation then the Petitioner will get his relief in very short time.

The public shall also be made aware of the fact that the Award passed by the Permanent Lok Adalat is final and its appeal is not maintainable in any Court. It can be challenged only in the Hon'ble High Court on some certain grounds.

The Chairpersons & Members of Permanent Lok Adalat may cooperate and coordinate with the District Legal Services Authorities of their respective district for the propagation of the benefits of Permanent Lok Adalats. They may attend the awareness programmes organized on holidays or after the Court Hours.

#### 15. Other functions of Chairperson and Members, in case of vacancy

- (a) If the post of Chairperson is vacant, Members can decide a case only on the basis of compromise between the parties and no case shall be decided on Merits.
- (b) If the post of one Member is vacant, case may be decided by the Chairperson and Member, either on compromise between the parties or on Merits.

In the both above circumstances, as mentioned in (a) and (b), it is to be made clear that if there is difference of opinion, judgement/order shall not be pronounced and the cases will be kept pending until above mentioned vacant post is filled.

- (c) If two such posts are vacant, no case shall be decided either in terms of compromise or on Merits.
- (d) In absence of Chairperson, PLA, the Member(s) shall order registration of fresh petition, if it lies within the jurisdiction of PLA.
- (e) If the post of Chairperson PLA lies vacant, Chairperson DLSA or any other Officer nominated by him/her shall operate the Bank Account of PLA.

## Annexure-I

## Proforma of Petition

Before Permanent Lok Adalat	
Permanent Lok Adalat Case no	
Name, parentage, age, address, email (if any) and Mobile number of Petitioner	
Versus	
Name, parentage, age, address, email (if any) and Mobile number of Respondent	
<ol> <li>Facts of the case showing cause of action, jurisdiction and value of relief claim (para-wise).</li> </ol>	ed
Signature/Thumb impressi (Petitioner)	on
(Verification)	
I do hereby declare that what is stated in Paragraphs	belie
Signature/Thumb impressi (Petitioner)	on

#### Annexure-II

## Proforma of Notice

As prescribed for Civil Court under the Civil Procedure Code, 1908

Format of application to be transmitted by PLA to Civil Court for execution of Award

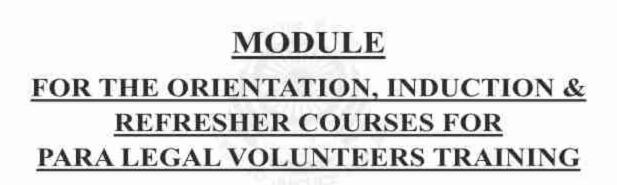
1.	Name of PLA	•	
2.	PLA Case Number	3	
3.	Name of Parties		
4.	Date of decision and Award	1	
5.	Award (operative part)		
Signa	ture of Members		Signature of Chairperso
	(with date)		(with date)

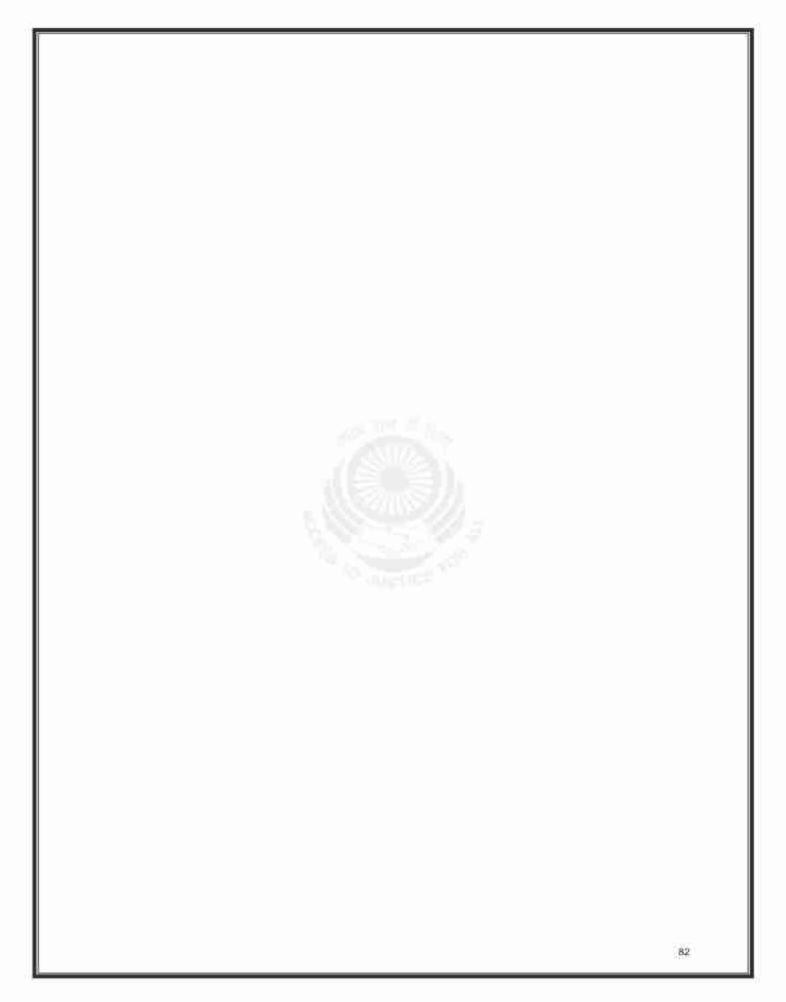
1.

2.

#### PERMANENT LOK ADALAT REGISTER

- Permanent Lok Adalat Case No.
- 2. Name and description of the Petitioner
- 3. Name and description of the Respondent/Ops
- 4. Date of presentation of the petition
- 5. Date of Registration of the petition
- 6. Nature of claim
- 7. Value of the relief claimed
- 8. Date of Decision/Award and result
- Name of the Court to which the Decision/Award is transmitted for execution.(if any)
- Result of execution petition.(if any)





## MODULE

# FOR THE ORIENTATION – INDUCTION – REFRESHER COURSES FOR PLV TRAINING

The National Legal Services Authority had implemented the revised scheme of Para Legal Volunteers. Every District Legal Services Authority was advised to maintain a Panel of 50 – 100 PLVs at district level and a panel of 25 – 50 PLVs at Taluka level. The PLVs have to work to ensure Legal aid reaching to all section of people and the Acts as intermediaries bridging the gap between the common people and the Legal Services institutions to remove impediments in access to justice.

The PLVs have to be trained in the basic different laws which would be applicable at grassroots level with reference to their day to day life, the subtle nuances employed in the working of the Judicial System and the functioning of various other stakeholders like the police, officials from social Welfare department, women & child development Department and other departments dealing with different beneficial schemes of central and state government. With the basic knowledge in the laws and other available welfare measures and legislation, they would be able to assist the common people, those who are in need of such assistant, so that a person, who is not aware of such right is not only made to understand his rights but also will be able to have access to measures involving implementation of such right.

The training of PLVs would be conducted under the supervision of Chairman of DLSA and under the control of Member Secretary UPSLSA. The training shall be held at the convenient place subject to discretion of Chairman DLSA. The number of PLVs to be trained at any given point of time in a training programme shall not exceed 50. The other modalities of the training programme would be as follows:-

#### RESOURCE PERSON/TRAINERS :-

- The Chairman DLSA shall identify the trainers and other resource persons in consultation with SLSA for training of PLVs.
- Suitable person from the members of the bar with training skill shall be included in the list of resource person.
- Other resource person includes master trainers of mediation, law teachers from law colleges, P.G. students of law, retired professors of law, retired Judicial officers, revenue officers, officers from social welfare department, public prosecutors, police officers, mental health experts, persons associated with NGOs etc.

#### NATURE OF TRAINING :-

- The training that is to be provided to the PLVs would be in accordance with the curriculum prescribed by the NALSA and will be in the following format —
  - Orientation programme
  - Basic training or induction course
  - Advance training or Refresher course

 There shall be periodical refresher training in order to assess the quality of work turnout by the PLVs. The legal services authorities need to assess the work of the PLVs and assist them to identify the deficits and how to tackle the problems face by the PLVs after their experience in the field.

#### TOPICS OF THE TRAINING :-

- THE ORIENTATION PROGRAMME: The orientation programme is to provide an overview of the role of the PLV and lay down the code of ethics. It includes the following topics —
  - Introductions and Ice-Breaking Session Purpose & Role of PLVS.
  - Basic Structure of the Constitution Preamble etc.
  - Obligations of the State under the Constitution to the marginalized classes of society (Directive Principles of State Policy)
  - Fundamental Rights (including Articles 14,15,16,19,21,22)
  - Duties of a responsible citizen to the community (Fundamental Duties).
  - Article 39 A and Legal Services Authorities Act, 1987 and NALSA Regulations.
  - Do's and Don'ts for PLVS.
  - Dress Code and Standards of behavior.
  - Materials.
  - Ethics.
- THE BASIC TRAINING OR INDUCTION COURSE: The Basic training or induction course will be for a period of four days and it includes following topics —
  - Basic listening, communication, observation skills and Drafting skills.
  - Family Laws (Marriage Laws, Adoption, Maintenance, Custody and Guardianship, Judicial separation & Divorce).
  - Property Laws (Inheritance, Transfers of immovable property, Registration, Revenue Laws).
  - Criminal Laws (BNS & BNSS (minimum required knowledge, especially, bail, arrest, compensation etc., Rights of Prisoners under Jail Manual and Prisoner's Act etc.).
  - Labour Laws (Minimum Wages Act 1948, Workmen's Compensation Act 1923, Unorganized Workers Welfare and Social Security Act 2008, The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, The Industrial Disputes Act, 1947 (Briefly), legal assistance under the NALSA Scheme (Legal Services to the Workers in the Unorganized Sector) Scheme, 2010.
  - Gender Centric Laws/Women Laws Equal Remuneration Act 1976, Maternity Benefit Act 1961, Protection of Women from

- Domestic Violence Act 2005, Medical Termination of Pregnancy Act 1971, Pre-Conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, Sexual Harassment at Workplace, Important provisions of BNS relating to matrimonial disputes & cruelty etc., Dowry Prohibition Act, 1961.
- Laws relating to children Juvenile Justice (Care and Protection of Children) Act, 2015, The Child Labour (Prohibition and Regulation) Act of 1986, Missing Children, The Factories Act 1948, Prohibition of Child Marriage Act, 2006. - SC & ST (Prevention of Atrocities) Act, 1989 and The Protection of Civil Rights Act, 1955.
- Government orders and schemes promoting social welfare, including MNREGA, Social Security Schemes (pensions, antodaya, insurance etc), obtaining various certificates (such as caste, disability, birth, income etc), obtaining ration card, Aadhar card, National Population Register, Voter ID-card, etc, obtaining Passport.
- Visits to Govt. Offices, Courts, Police Stations, Prisons, Revenue Offices. DLSAs, TLSCs etc. Interaction with Protection Officers, CWCs/JJBs, appropriate authority under PCPNDT Act, 1994 etc.
- THE ADVANCE TRAINING OR REFRESHER COURSE: The advance training or refresher course should be conducted after the PLVs have had field experience for three months. The advanced training programme should be conducted lasting for three days. The occasion should be utilized by the Chairpersons of the DLSAs to discuss the work done by the PLVs, the shortcomings generally noticed and their continuance. The Mentors should also participate in this programme for guiding the PLVs to resolve the problems faced by the PLVs in the discharge of their duties and public interaction. The Chairpersons of the DLSAs should also obtain feedback from the PLVs in order to remove administrative bottlenecks. During this training programme the PLVs should be introduced to Special laws which could include:
  - Right to Information Act, 2005
  - Motor Vehicles Act, 1988
  - Mental Health Act, 1987 and legal assistance under the NALSA Legal Services to the mentally ill Persons and Persons with Mental Disabilities Scheme, 2010.
  - Maintenance and Welfare of Parents and Senior Citizens Act, 2007.
  - Right to Education Act, 2009
  - Alternate Dispute Resolution (S 89 C.P.C.)
  - Basic skills in mediation and counseling
  - Lok Adalat, including pre-litigation and its benefits. Plea-bargaining
  - Rights of marginalized groups such as those living with HIV/AIDS, Disabled, trans genders etc.

- The Immoral Traffic (Prevention) Act, 1956 and issues relating to sex workers.
- Disaster Management and Legal assistance to victims of disaster under the Scheme Legal Services to Disaster Victims through Legal Services Authorities.
- Environmental issues
- The Protection of Children from Sexual Offences Act, 2012.
- The DLSAs may also organize workshops at regular intervals on special topics which could be for a day or two. These should be need based, that is to say, if on a review of the working of the PLVs. If the SLSAs/DLSAs feel that certain subjects need to be revisited and discussed again or that in a given area certain issues exist which need to be addressed or tackled and which have not been dealt with by the prescribed course content, such topics and issues should be discussed in the one day/two days workshops.

#### ( MODAL TRAINING SCHEDULE )

#### DISTRICT LEGAL SERVICES AUTHORITY, .....

#### The Orientation Training Programme for Para Legal Volunteers

Date :	(One Day)
Venue ;	

Date :				
Timmings	Subject	Resource Person		
10.00 AM -10.30 AM	<ul> <li>Introductions and Ice-Breaking Session Purpose &amp; Role of PLVS.</li> </ul>	Sa		
10,30 AM - 11.15 AM	Basic Structure of the Constitution - Preamble etc.     Obligations of the State under the Constitution to the marginalized clauses of society (Directive Principles of State Policy)			
	Tea – Break			
11:30 AM - 12:30 PM	Fundamental Rights (including Articles 14,15,16,19,21,22)     Duties of a responsible citizen to the community (Fundamental Duties).     Article 39 A and Legal Services Authorities Act, 1987 and NALSA Regulations			
2.30 PM - 01.30PM	Do's and Don'ts for PLVS.     Ethics.     Dress Code and Standards of hebavior.     Materials.			

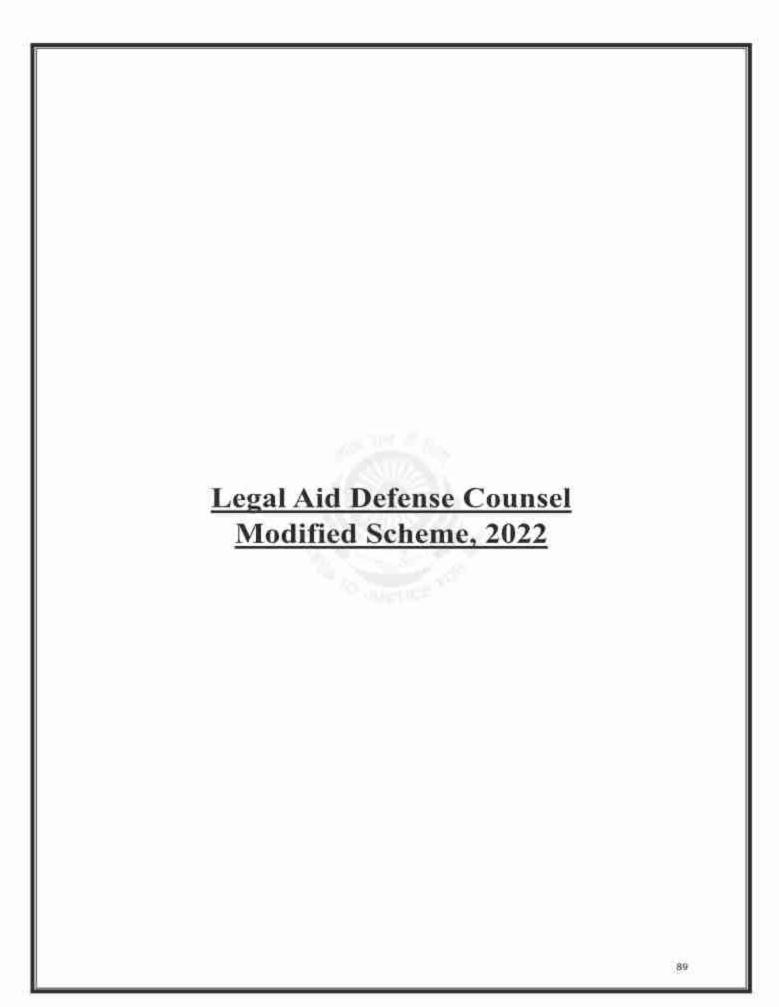
## DISTRICT LEGAL SERVICES AUTHORITY, .....

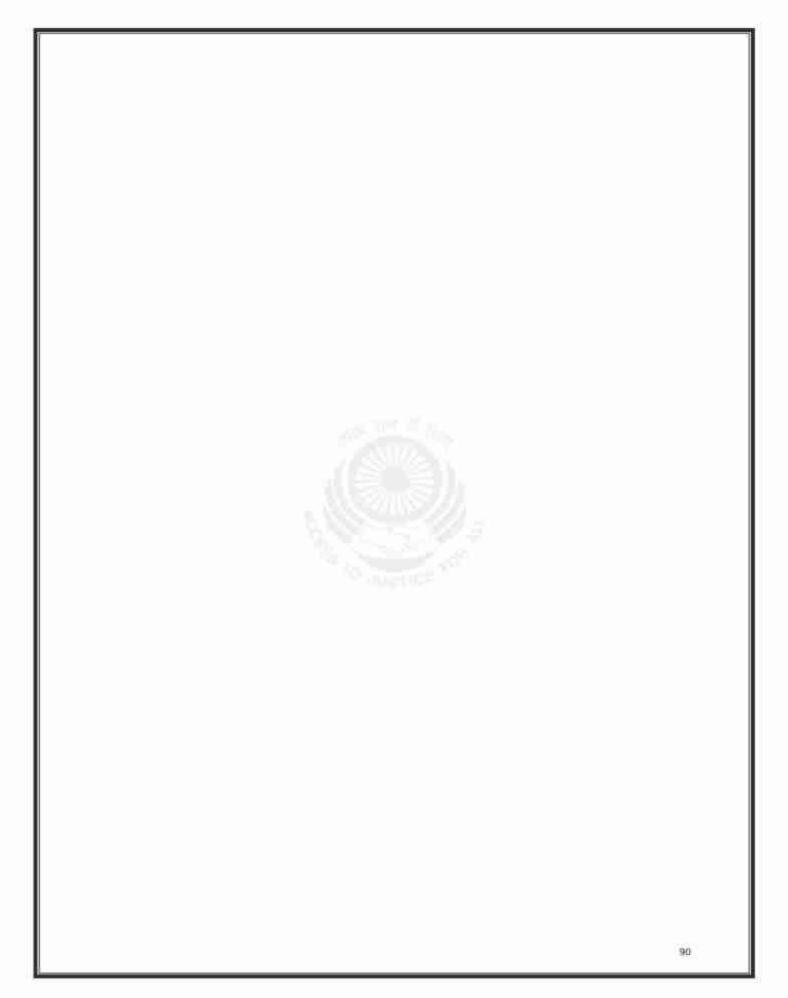
## The Basic/Induction Training Programme for Para Legal Volunteers

Date:	to	( Four Days)
Vermen		

	Date : (Day One)	
Timmings	Subject	Resource Person
In.00 AM -10.30 AM	Basic listening, communication, observation skills and Drafting skills.	Ms. / Mr
10.30 AM - 11.30 AM	Finally Laws (Marriage Laws, Adoption, Maintenance, Custody and Guardiansh)p, Judicial separation & Divorce)	Ms. / Mr
	Tea - Break	
11 45 AM - 12 30 PM	<ul> <li>Property Laws (inheritance, Transfers of immovable property).</li> </ul>	Ms. / Mr
12.30 PM - 01.15PM	Property Laws (Registration, Revenue Laws).	Ms. / Mr
	Visit to Revenue Offices	
	Date : (Day Two)	
10:00 AM - 11:00 AM	Criminal Laws (BNS & BNSS (minimum required knowledge, aspecially, bail, arrest, compensation etc.).	Ms. / Mr
1.00 AM - 11.45 AM	Rights of Prisoners under Jail Manual and Prisoner's Act etc)	Ms. / Mr
	Ten – Brenk	
12.00 PM - 12.45 PM	Labour Laws (Minimum Wages Act 1948.     Workmen's Compensation Act 1923.     Unorganized Workom Welfare and Social Security Act 2008.	Ms. / Mr
12.45 PM - 1.30 PM	The Inter-State Migram Workman (Regulation of Employment and Conditions of Service) Act, 1979. The Industrial Disputes Act, 1947 (Briefly) Legal assistance under the NALSA Scheme (Legal Services to the Workers in the Unorganized Sector) Scheme, 2010.	Mic./Mr.
	Visit to Prison&Police Station	
	Date : (Day Three)	
0.09 AM 10:45 AM	Gender Centric Laws Women Laws  Equal Renumeration Act 1976,  Maternity Benefit Act 1961,  Sexual Harassment at Workplace,  Medical Termination of Pergnancy Act 1971,	Mas / Mr.
10.45 AM - 11.30 AM	Protection of Women from Domestic Violence Act 2005; Pre-Conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994; Important precisions of BNS relating to matrimonial disputes, cruelty etc.	Ma. / Mr

	Dowry Prohibition Act. 1961.	
	Tea-Break	
11,45 AM — 12.45 PM	Laws relating to children Inventile Justice (Care and Protection of Children) Act, 2015. The Child Labour (Prohibition and Regulation) Act of 1986. The Factories Act 1948 (Pertaining to children)	Ms. / Mr
12:45 PM - 01:30 PM	Missing Children.     Prohibition of Child Marriage Act, 2006.     SC & ST (Prevention of Atrocities) Act, 1989     The Protection of Civil Rights Act, 1985.	Ms. / Mr
	Visit to CWCs&IIB	
	Date : (Day Four)	
10:00 AM 10:45 AM	Government orders and schemes promoting social welfare, meluding MNREGA,     Social Security Schemes (pensions, antodaya, insurance etc).	Mn. / Mt
10.45 AM - 11.30 AM	obtaining various certificates (such as caste, disability, birth, income etc),     obtaining ration card, Aadhar card, National Population Register, Votes ID-eard, etc.     obtaining Passport.	Mx./Mr
	Tes—Break	
11.45 AM - 12.45 PM	literaction with Protection Officers, appropriate auth 1994 etc.	ority under PCPNOT Act,
12.45 PM - 01.30 PM	Visit to DLSA and Court	
	Visit to Govt. Offices	





#### Legal Aid Defense Counsel Modified Scheme - 2022

#### 1. Introduction

Legal Services Authorities provide legal services to accused/convicts, who are in custody or otherwise coming within the eligibility criteria spelt out in Section 12 of the Legal Services Authorities Act, 1987. Legal Services are being provided at pre-arrest, remand, trial and appellate stages in criminal matters. Legal representation is being provided by the Legal Services Authorities in approximately 2 lac criminal cases (trials) at the district level.

During Consideration of the Demands for Grants (2022-23) of the Department of Justice by the Department Related Parliamentary Standing

Committee (DPRSC) on Personal, Public Grievances, Law and Justice observed in its 116th report that:

"NALSA has recently completed 25 years of its establishment; accordingly, it is also the right time to ponder over reforms which are required in NALSA and legal aid movement in India. Majority of Indians are eligible to receive legal aid, but the number of people actually receiving legal aid is a miniscule percentage of those entitled. In the previous chapter, the Committee has already recommended a significant increase in NALSA's budget and expects NALSA to make best use of it in performing its assigned mandate."

At present, Assigned Counsel System of dispensation of Legal Aid is being followed in India. Under the said system, cases are assigned to panel lawyers by Legal Services Institutions. Such Panel lawyers to whom cases are assigned, also have private practices, and hence, they do not exclusively devote their time to the legal aid matters. Many times, their accessibility and availability remain an issue for timely client consultation and updating the legal aid seekers about the progress of their cases. There are few instances, wherein the lawyers were found harassing beneficiaries or demanding fee from them.

The system of Court based legal services needs to be strengthened for providing effective and efficient legal services to weaker and marginalised sections of the society. To achieve the same, several steps have been taken such as capacity building of lawyers, enhancing the structure and effective functioning of monitoring & mentoring committees, upgradation of Front Offices etc.

In the said process of strengthening and making legal services more professional, NALSA thought of adopting another legal aid delivery-based model i.e. 'Legal Aid Defense Counsel System' for proving legal aid in criminal matters on the lines of public defender system on pilot basis for a period of two years in some districts to see how effective and successful such changes in approach will be.

It is pertinent to mention that in most countries, Legal Aid Delivery Models are combination of the Public Defender System, Assigned Counsel System and Contract Services System. Examples of diverse legal aid delivery systems can be found, among other countries, in Israel, the Republic of Moldova, Sierra Leone, South Africa and the United States of America. A number of jurisdictions have adopted a public defender scheme with offices throughout the country, including Argentina, Chile, Georgia, Mexico, Paraguay, Peru, the Philippines, the Republic of Moldova and South Africa.

NALSA, decided to implement LADCS as pilot project in 17states/UTs but the same was made functional in 13 states namely Andhra Pradesh, Chhattisgarh, Delhi, Gujarat, Jharkhand, Karnataka, Kerala, Maharashtra, Odisha, Rajasthan, Tamil Nadu, Uttarakhand, Uttar Pradesh.

As envisaged, Legal Aid Defense Counsel System involve full time engagement of lawyers with support system. The said unit deals exclusively with legal aid work in criminal matters at the district HQ, where it is established.

Subject to feasibility, the services may be extended to Talukas or outline Courts. Initially, it was confined to cases before the Sessions, and now it will be expanded to all type of criminal courts with Lawyers engaged therein not allowed to take any private cases or any other retainership. This will create institutional capacity to effectively provide legal aid to poor and needy in criminal justice system. Some of the perceived advantages of the Legal aid Defense Counsel System vis-a-visas signed counsel system may be mentioned as follows:

- Increase in Availability and accessibility of Legal Aid Defense counsels,
- Effective and efficient representation by experienced lawyers.
- Timely and lively Client Consultations,
- · Effective monitoring and mentoring of legal aided cases,
- Professional management of legal aid work in criminal matters,
- Enhanced responsiveness leading to updating of legal aid seekers about the progress of their cases,
- Ensuring accountability on the part of the legal aid providers.

At the first instance, the Legal Aid Defense Counsel System was conceived to be implemented on a pilot project basis for providing legal aid in criminal matters in Sessions Courts in a few districts. After its success as a pilot project, it is being extended to other districts and to all criminal courts including Courts of executive Magistrates.

#### Objectives:

- To provide qualitative and competent legal services in criminal matters to all eligible persons.
- To manage and implement legal aid system in professional manner in criminal matters.

#### 2. Scope of Work:

Legal Aid Defense Counsel Office shall be dealing exclusively with legal aided matters in criminal matters of the District or HQ, wherein it is established. It shall be providing legal services from the early stages of criminal justice till appellate stage, and the same shall include visits to jails from catering to the legal needs of unrepresented inmates. Initially it shall not be dealing with all type of civil matters and cases of complainant, matters pending before Juvenile Justice Boards/CWCs, wherein present counsel assignment system (Panel Lawyers) will continue to be operational for the purpose but panels shall be resized according to work based model. The following end to end legal services shall be provided through the Legal Aid Defense Counsel Office:

- Legal Advice and Assistance to all individuals visiting the office,
- Representation/Conducting trials and appeals including all miscellaneous work in all criminal courts such as Sessions, Special and Magistrate Courts including executive courts.
- Handling Remand and Bail work,
- Providing legal assistance at pre-arrest stage as per need and also in accordance with NALSA's scheme for providing such assistance,
- Any other legal aid work related to District Courts or as assigned by the Secretary, DLSA,
- Periodic visit of Prisons of the district under the guidance of the Secretary, DLSA.

#### 3. Infrastructure and Human Resource required in each Project district

#### Infrastructure:

- Well-appointed office for Legal Aid Defense Counsels with separate cabin for Chief Legal Aid Defense Counsel and space for consultation.
- Space for ministerial staff, reception with waiting area.
- Total space requirement (suggestive):

Class A Cities	800 to 1000 sq. fi
Class B Cities	700 to 800 sq. ft.
· Class C Cities	500 to 600 sq. ft.

- Computers and printers with scanner, internet connection, telephone.
- Furniture consisting of tables, chairs, bookshelf and almirahs etc.

#### Human Resource:

Human Resources for a Legal Aid Defense Counsel Office			
S.No.		No. required	
L	Chief Legal Aid Defense Counsel	01	
2,	Deputy Chief Legal Aid Defense Counsel	01-03	
3.	Assistant Legal Aid Defense Counsel	02-10	
4.	Office Assistants/Clerks	01-03	
5.	Receptionist-cum-Data Entry Operator (Typist)	01(optional)	
6.	Office peon (Munshi/Attendant)	01(optional)	

Note: 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, SLSA. Number of Legal Aid Defense Counsels shall be proportionate to the actual work and also requirement.

#### 4. Selection Procedure:

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 SLSA. 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 SLSA in consultation with DLSA concerned. 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, SLSA. In the selection committee at least three senior most judicial officers posted at HQ, dealing mainly with criminal cases 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.

The suggested eligibility criterions are as follows: -

#### a) Qualifications for Chief Legal Aid Defense Counsel:

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

#### b) Qualifications for Deputy Chief Legal Aid Defense Counsel:

- Practice in Criminal law for at least 7 years.
- Excellent understanding of criminal law.
- Excellent oral and written communication skills,
- Skill in legal research,

- Thorough understanding of ethical duties of defense counsel,
- · Ability to work effectively and efficiently with others,
- Must have handled at least 20 criminal trials in Sessions Courts, maybe relaxed in exceptional circumstances, by Hon'ble Executive Chairman, SLSA,
- IT Knowledge with proficiency in work.

#### c) Qualification for Assistant Legal Aid Defense Counsel:

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

#### d) Qualification for Office Assistant/ Clerks:

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

#### e) Qualification for Receptionist-cum-Data Entry Operator

- Educational Qualification: Graduation.
- Excellent verbal and written communication skills,
- Word and data processing abilities,
- The ability to work telecommunication systems (telephones, fax machines, switchboards etc),
- 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.

#### 5. Work Profiles:

#### a) Chief Legal Aid Defense Counsel

- Conducting trials and appeals and bail matters in courts along with deputy chief & assistant legal Aid Defense Counsels,
- Assigning duties to deputy legal Aid Defense Counsels in the office,
- Assigning duties of Assistant legal Aid Defense Counsel for assisting him and Deputy Chief legal Aid Defense Counsel and for other work including legal research.

- Ensure proper legal research, planning effective defense strategy and thorough preparation in each and every legal aided case.
- Ensure maintenance of complete files of legal aid seekers.
- Ensure proper documentation with regard to legal aid assistance provided, ensure maintenance of up-to-date record of legal aided cases,
- Will be overall in charge of administration of the office of Legal Aid Defense Counsel Office.
- Ensure quality legal aid,
- Consultation and ensuring updation of the case progress to the client and his/her relative(s).
- Any work/duty assigned by Legal Services Authority.

#### b) Deputy Chief Legal Aid Defense Counsel.

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

#### c) Assistant Legal Aid Defense Counsel.

- Filing of cases, conducting trials in Magistrate trial cases.
- Remand/bail and other miscellaneous work,
- legal research in legal aided cases.
- Visits to Prison and Legal aid Clinics as per directions,
- Providing assistance at pre-arrest stage to suspects,
- Assisting Chief Legal Aid Defense Counsel and Deputy Legal Aid.
- Defense Counsel(s) in conduct of legal aid cases,
- 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 inquestion,
- Visiting location/area of alleged crime, having discussions with family members etc, for effective and meaningful input of defense strategy,
- Handling queries of legal aid seekers,
- Updating legal aid seekers about the progress of their cases,
- Assisting in maintaining complete files of legal aided cases,
- Handling legal queries relating to criminal matters on telephone.

- Any other work related to legal aid assigned by Chief Legal Aid Defense Counsel.
- Any work/duty assigned by Legal Services Authority,

#### d) Office Assistant

- · Keeping updated record of legal aided cases,
- Uploading the updated record/progress of the legal aided case on
- NALSA portal and digital platforms as per directions,
- Maintaining complete files of legal aided cases and keeping files with proper index in a systematic manner.
- · Typing applications, petitions, appeals etc.,
- Doing ministerial work related to cases such as filing applications for copies of orders, judgement etc.,
- Any other task assigned by the Chief Legal Aid Defense Counsel.
- Any work/duty assigned by Legal Services Authority,
- All duties assigned to Receptionist cum data entry operator.

#### e) Receptionist-cum-Data Entry Operator

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

#### f) Office peon (Munshi/Attendant)

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

#### 6. Termination of Services:

Services of any human resource including legal aid defense counsel engaged in the office of Legal Aid Defense Counsel can be terminated at any time without any prior notice in the following cases by the Chairman, DLSA on recommendation of the Secretary DLSA or on the directions by SLSA in writing:

- i. He/she substantially breaches any duty or service required in the office, or
- Seeks or accepts any pecuniary gains or gratification in cash or kind from the legal aid seekers or beneficiary or his friend or relative, or
- iii. Charged or Convicted for any offence by any court of law, or
- iv. Indulges in any type of political activities, or
- v. Found incapable of rendering professional services of the required standards, or
- vi. Failure to attend training programmes without any sufficient cause, or
- Indulges in activities prejudicial to the working of legal aid defense counsel office, or
- Uses his/her position in legal aid defense counsel office to secure unwarranted privileges or advantages for him/herself or others, or
  - ix. Acts in breach of code of ethics, or
  - x. Remains absent without leave for more than two weeks, or
  - If services are found unsatisfactory during the six-monthly performance review by the SLSA or DLSA.

#### 7. Code of Ethics:

Personnel engaged in the office of Legal Aid Defense Counsel shall observe the following code of ethics:

- No personnel shall act in any matter in which he/she has a direct or indirect personal or financial interest.
- No personnel shall wilfully disclose or use, whether or not for the purpose of pecuniary gain, any information that he/she obtained, received or acquired during the fulfilment of his/her official duties and which is not available to members of the general public.
- No personnel within the office of Legal Aid Defense Counsel shall make use of his/her office or employment for the purpose of promoting or advertising any outside activity.
- No personnel within the office of Legal Aid Defense Counsel shall engage in any outside activity or act as an independent practitioner.
- No personnel within the office of Legal Aid Defense Counsel shall solicit, agree to accept or accept, whether directly or indirectly, any gift, favour, service, or other thing of value under circumstances from which it might be reasonably inferred that such gift, service, or other thing of value was given or offered for the purpose of influencing him/her in, or rewarding him/her for, the discharge of his/her official duties.
- Legal Aid Defense Counsel shall devote his/her full time to his/her duties for the office of Legal Aid Defense Counsel and shall not engage in private practice of law during the term of employment.
- Every Personnel of the office of Legal Aid Defense Counsel shall strive to preserve the public's confidence in the office's fair and impartial execution of its duties and responsibilities.

Legal Aid Defense Counsel shall also follow the code of ethics prescribed by Bar Council of India for lawyers.

#### 8. Entitlement to Leave:

- Chief Legal Aid Defense Counsel and Deputy Legal Aid Defense shall be eligible for 15 days' leave in a calendar year on pro-rata basis.
- Assistant Counsel Legal Aid Defense Counsel and other staff persons shall be eligible for 12 days' leave in a calendar year on pro-rata basis.
- No remuneration for the period of absence in excess of the admissible leave will be paid to the human resource of Legal Aid Defense Counsel Office. Un-availed leave shall neither be carried forward to next year nor encashed.

#### 9. Role of State Legal Services Authority and District Legal Services Authority

- Office space planning, and providing infrastructure for office preferably inside or in proximity to court complex.
- Providing Office furniture, Office equipment including computers, printer, internet connectivity and other equipment.
- Purchasing office supplies on need basis.
- Engaging human resource requirement for Legal aid Counsel System Office.
- Ensuring proper functioning of Legal aid Counsel System Office.
- · Ensuring effective monitoring and mentoring.
- Periodical evaluation of legal services delivered through Legal Aid Counsel System Office.
- Regular trainings and refresher courses for legal aid counsel engaged in Legal aid Counsel System Office.
- Renovation of office space when necessary.
- Providing Books such as Bare Acts and Commentaries for Legal Aid Defense Counsel Office
- Providing Legal Research Software.
- Timely payment of monthly honorarium to legal aid counsel and all staff engaged for Legal aid defense counsel office.
- Payment with regard to expert witnesses, if their services are taken.
- · Payment for incidental expenses such as travelling expenses etc.
- Information/promotional campaigns/programmes with regard to Legal Aid Defense counsel office.

#### 10. Engagement with law schools

Law schools often send their students to legal Services Institutions for internship. Moreover, Clinics of Law Colleges also collaborate with Legal Services Institutions. Law students can be engaged with the Legal Aid Defense Counsel office as to give them meaningful exposure to practical aspects of criminal law including preparing a defense strategy and doing legal research in various factual scenarios. Law students may be so engaged in the following areas in Legal aid defense counsel office:

- Legal research in criminal cases,
- Visiting scenes of crimes,
- Interviewing accused and their family members and other relevant persons,
- Visits of Prisons and Legal Aid clinics.
- Associating in campaign undertaken,
- Assist in sifting through all of the evidence collected by the prosecution and providing effective input for preparing defense strategy.

The internship to law students can be offered for a period upto 3 months. The law students so engaged shall not be paid any stipend by the Legal Services Authorities but the certificate of work and period of work will be issued by the Chief Defense Counsel & Secretary, DLSA.

#### 11. Monitoring and Evaluation

The work and performance shall be closely monitored by the Secretary DLSA and a monthly review meeting will be organised under the chairmanship of the Chairman, DLSA. The Minutes of the meeting shall be sent to SLSA. A quarterly review meeting with every LADCS office and the Secretary, DLSA will also be organised by the Member Secretary, SLSA and minutes shall be sent to NALSA. On half yearly basis, review meeting shall be organised by NALSA. The formats for such data sharing will be shared at the time of launch. Monitoring shall be continuous process and at the end of six months the performance of every human resource shall be evaluated by the SLSA under the guidance of Hon'ble Executive Chairman, SLSA.

- Monitoring and Mentoring Committee shall monitor legal aid work of Legal Aid Defense Counsel Office.
- The Chief Legal Aid Defense Counsel shall be involved in monitoring & mentoring Legal Aid cases.

#### 12. Financial Outlay

Primarily, finances are required for engaging Legal aid defense counsels, purchase of office furniture and equipment, monthly salaries, expenses incidental to litigation and other administrative expenses such as postal, stationary etc. Estimated outlay is given below:

#### A. Honorarium (Retainership fee) and salaries:

#### For Class-A towns (Population more than 10 lacs)

1.	Chief Legal Aid Defense Counsel	*70,000 to 1,00,000/-
2,	Deputy Chief Legal Aid Defense Counsel	*50,000to 75,000/- each
3.	Assistant Legal Aid Defense Counsel	*25,000 to45,000/-each

4.	Monthly salary of Office Assistants	*18,000to 25,000/- each
5.	Monthly salary of Receptionist-cum-Data Entry Operator (Optional)	*18,000to 20,000/-
6.	Monthly salary of Office peon	*12,500to 15,000/-

#### For Class-B towns (Population more than 2 lacs but below 10 lacs)

L	Chief Legal Aid Defense Counsel	"65,000to 80,000/-
2.	Deputy Chief Legal Aid Defense Counsel	*40,000to 60,000/- each
3.	Assistant Legal Aid Defense Counsel	20,000to 35,000/-each
4.	Monthly salary of Office Assistants	*15,000to 20,000/ -each
5.	Monthly salary of Receptionist-cum-Data Entry Operator (Optional)	*15,000to 17,000/-
6.	Monthly salary of Office peon	*10,000to 12,000/-

#### For class-C (Population below 2 lacs) or Remaining places

1,	Chief Legal Aid Defense Counsel	*60,000to 70,000/-
2.	Deputy Chief Legal Aid Defense Counsel	30,000to 50,000/- each
3.	Assistant Legal Aid Defense Counsel	20,000to 30,000/-each
4.	Monthly salary of Office Assistants	*12,500to 15,000/ -each
5.	Monthly salary of Receptionist-cum-Data Entry Operator (Optional)	*12,000to 15,000/-
6.	Monthly salary of Office peon	*10,000to 12,000/-

Note: Provisions of the Minimum wages Act and orders issued therein by the State/UT Government will be complied and monthly salary of Office Assistant, Receptionist-cum-Data Entry Operator and Office peon shall not be less than minimum wages payable to such category at the place of LADCS. Retired Court or DLSA employees including experienced outsourced/ contractual personnel, if otherwise suitable may be preferred for the posts of Office Assistant, Receptionist-cum-Data Entry Operator and Office peon.

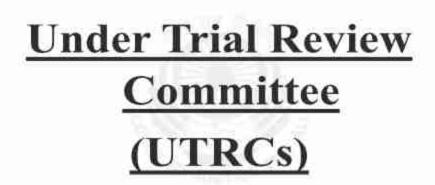
#### B. Infrastructure expenditure (If already not available)

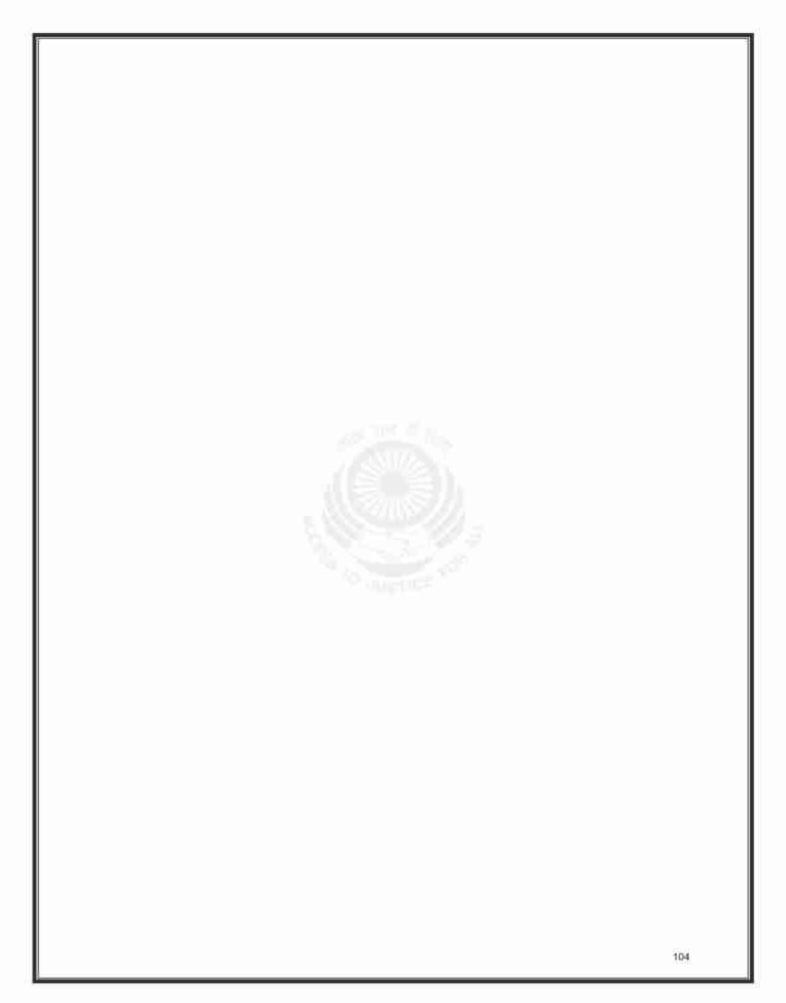
I.	Four to six Computers (50% all in one system)	2,50,000/-
2.	Three Printers (one of them Would be photocopier & scanner)	1,00,000/-
3	Furniture (as per need)	Upto 2,00,000/-
Ŧ. ·	Books	Upto 50,000/-
5.	Law software	Provided by NALSA
5.	Facilities/utility items	25,000/-

Note: Online and offline law software will be provided under directions of NALSA.

### C. Miscellaneous expenses per month as per the requirement subject to the following cap

L	Office supplies/stationery	10,000/-
2.	Postal, internet, phone and other misc.expenses	5,000/-





#### NALSA's

#### STANDARD OPERATING PROCEDURE (SOP) FOR UTRCs

#### PART-I

#### Definitions:

- a) "Jail" means Central Jail, District Jail, Sub Jail, Women Jail, Special Jail and borstals.
- b) "Jail Superintendent" includes Deputy Superintendent and Officer Incharge of the jail.
- e) "UTPs" means Under Trial Prisoners who are in custody at the time of preparation of the list of UTPs by the Superintendent and includes inmates who are out on interim bail.
- d) "UTRC" means Under Trial Review Committee chaired by District &Sessions Judge consisting of District Magistrate, Superintendent of Police, Secretary, DLSA and Jail Superintendent, as members.
- e) "E-Prison Portal/ PMS" means E-Prison Portal developed by NIC under directives of Ministry of Home Affairs and includes stand alone Software developed by States for their Jails.
- f) "Secretary DLSA" means Secretary of the concerned District Legal Services Authority appointed u/s 9(3) of Legal Services Authorities Act, 1987 and any other officer officiating as Secretary.
- g) "Bail Applications" Bail applications include applications moved u/s 436A, 437 Cr.P.C. and 439 Cr.P.C. apart from other provisions pertaining to technical bail under the Cr.P.C., namely bail under proviso to Sections 167 and 437 (6) Cr.P.C. and similar provisions in other special enactments.

#### SOP FOR UTRCS WHERE JAIL RECORDS ARE NOT DIGITIZED AND EVEN IF DIGITIZED NO SOFTWARE FILTERS HAVE BEEN APPLIED

#### STEP 1: Reporting of Data of UTPs / Convicts by Prisons.

1.1 The Jail superintendent of every jail in the district will collate the data regarding the UTPs lodged in the jail in the format as per Annexure-A with the following information and share it with Secretary, DLSA preferably in soft Excel Sheet.

#### Particulars of UTPs

- Name of the UTP
- (2) Father's name
- (3) Gender / Age
- (4) FIR/Crime No.

- (5) Police Station
- (6) District
- (7) Arrested under section-
- (8) Particulars of the Court
- (9) Date of Arrest
- (10) Date of First Remand
- (11) Date of admission in prison
- (12) Date of filing charge sheet.
- (13) Chargesheeted under Section-
- (14) UTP represented by Legal Aid/Private Lawyer
- (15) Name of the lawyer with contact details, if available.
- (16) Whether bail has been granted to the accused, if so when.
- (17) If accused is not released on bail despite grant of bail, reason for the same, if available.
- (18) If the UTP suffering from any disease, mental or physical, details regarding the same.
- (19) Whether UTP is a convict/Under trial in any other case.
- (20) If yes, separate entry in the data sheet be made qua the additional Case.
- 1.2 Particulars of convicts A separate "List of Convicts" be prepared as per Annexure-B with the following information and share it with Secretary, DLSA preferably in soft Excel Sheet: -
- (1) Name of the Convict
- (2) Father's Name
- (3) FIR No.
- (4) Police Station
- (5) District
- (6) Name of the Trial Court
- (7) Date of Conviction
- (8) Duration & Nature of Sentence
- (9) Total Remission Earned
- (10) Date when sentence completed
- (11) Reason for Non-Release
- (12) Whether case considered by Sentence Review Board?

- (13) Reason for not granting pre-mature release
- (14) Additional information or Remark
- 1.3 The aforesaid detail as on 31st March, 30th June, 30th September, 31st December of every year may be sent by the Jail Superintendent to the Secretary DLSA latest by 7th day of the next following month.

#### STEP 2: Processing of Data by Secretary, DLSA

2.1 The office of Secretary, DLSA, with the aid of empaneled panel lawyers, Retired Judicial Officers and law students trained as PLVs, if required and available, shall draw list of UTPs/Convicts eligible for consideration by the UTRC out of Data sent to him from Step-I in the light of criteria laid down by Hon'ble Supreme Court in WP(C) 406/2013-Re-In human Conditions in 1382 Prisons, as per detailed hereunder (Para 2.2).

If any further details are required by the Secretary, DLSA from any court or from the Jail Superintendent or from the police authorities, the same may be ascertained by the Secretary DLSA. Thereafter, the Secretary DLSA shall prepare a list of eligible UTPs for consideration of UTRC in the Excel Sheet/Soft form as per Annexure A & B.

- 2.2 Cases of UTPs / Convicts falling under following categories shall be considered by the Secretary, DLSA for placing them before the UTRC:-
  - 2.2.1 UTPs / Convicts falling under covered under Section 436A Cr.P.C. [As per order of Hon'ble Supreme Court dated 24th April, 2015]
  - 2.2.2 UTPs released on bail by the court, but have not been able to furnish sureties.
    [As per order of Hon'ble Supreme Court dated 24th April, 2015]
  - 2.2.3 UTPs accused of compoundable offences.

[As per order of Hon'ble Supreme Court dated 24th April, 2015]

2.2.4 UTPs eligible under Section 436 of Cr.P.C.

[As per order of Hon'ble Supreme Court dated 05th February, 2016]

2.2.5 UTPs who may be covered under Section 3 of the Probation of Offenders Act, namely accused of offence under Sections 379, 380, 381, 404, 420IPC or alleged to be an offence not more than 2 years imprisonment.

[As per order of Hon'ble Supreme Court dated 05th February, 2016]

2.2.6 Convicts who have undergone their sentence or are entitled to release because of remission granted to them.

[As per order of Hon'ble Supreme Court dated 05th February, 2016]

2.2.7 UTPs become eligible to be released on bail u/s 167(2)(a)(i) & (ii) of the Code read with Section 36A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (where persons accused of Section 19 or Section 24or Section 27A or for

offences involving commercial quantity) and where investigation is not completed in 60/90/180 days.

[As per order of Hon'ble Supreme Court dated 06th May, 2016]

2.2.8 UTPs who are imprisoned for offences which carry a maximum punishment of 2 years.

[As per order of Hon'ble Supreme Court dated 06th May, 2016]

2.2.9 UTPs who are detained under Chapter VIII of the Cr.P.C. i.e. u/s 107, 108,109 and 151 of Cr.P.C.

[As per order of Hon'ble Supreme Court dated 06th May, 2016]

2.2.10 UTPs who are sick or infirm and require specialized medical treatment.
[As per order of Hon'ble Supreme Court dated 06th May, 2016]

2.2.11 UTPs women offenders

[As per order of Hon'ble Supreme Court dated 06th May, 2016]

2.2.12 UTPs who are first time offenders between the ages 19 and 21 years and in custody for the offence punishable with less than 7 years of imprisonment and have suffered at least 1/4th of the maximum sentence possible.

[As per order of Hon'ble Supreme Court dated 06th May, 2016]

2.2.13 UTPs who are of unsound mind and must be dealt with Chapter XXV of the Code.

[As per order of Hon'ble Supreme Court dated 06th May, 2016]

2.2.14 UTPs eligible for release under Section 437(6) of Cr.P.C, wherein in a case triable by a Magistrate, the trial of a person accused of any non-bailable offence has not been concluded within a period of 60 days from the first date fixed for taking evidence in the case.

[As per order of Hon'ble Supreme Court dated 06th May, 2016]

2.3 The DLSA Secretary must inform the District & Sessions Judge that the complete list has been prepared and request him to convene the UTRC meeting at the earliest. A copy of the list may also be shared with other members of the UTRC so that they can come prepared for the meeting.

#### STEP 3: Processing of identified cases by UTRC

- 3.1 The District & Sessions Judge shall convene the UTRC meeting as soon as the intimation is received from the DLSA, Secretary about the completion of the lists.
- 3.2 UTRC shall consider the cases shortlisted by the Secretary, DLSA and make recommendations for release/appropriate action.
- 3.3 Upon processing the individual cases, the recommendations of UTRC may include:-

#### 3.3.1 In case UTPs covered under Section 436A Cr.P.C.:

UTRC may recommend to concerned trial court to take up the matter and consider him/her for release on bail if there are no special reasons to deny bail, with or without sureties.

### 3.3.2 UTPs released on bail by the court, but have not been able to furnish sureties:

The UTRC may recommend the trial court to examine the reason why the accused is not furnishing surety/ bail bonds and if he/she is unable to do so due to poverty, then the trial court may consider reducing the bail amount on the application of the lawyer under S.440, CrPC or release on personal bond.

#### 3.3.3 UTPs accused of compoundable offences:

The UTRC may recommend to the trial court to consider if the offence can be compounded between the complainant and the accused as per law.

#### 3.3.4 UTPs eligible under Section 436 of Cr.P.C.:

The UTRC may recommend to the trial court to consider releasing such an accused on personal bond in case he is unable to furnish bail bond within seven days of bail order.

#### 3.3.5 UTPs who may be covered under Section 3 of the Probation of Offenders Act, namely accused of offence under Sections 379, 380,381, 404, 420 IPC or alleged to be an offence not more than 2 years imprisonment:

The UTRC may recommend to the trial court to consider invoking of Probation of Offenders Act in fit cases as also plea bargaining in appropriate cases.

### 3.3.6 Convicts who have undergone their sentence or are entitled to release because of remission granted to them:

The UTRC may examine the reason for non-release of the convict and the Officer in-charge of prison may be recommended to look into the matter so that the convict is released as soon as possible.

#### 3.3.7 UTPs become eligible to be released on bail under Section

167(2)(a)(i) & (ii) of the Code read with Section 36A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (where persons accused of Section 19 or Section 24 or Section 27A or for offences involving commercial quantity) and where investigation is not completed in 60/90/180 days:

The UTRC may recommend to the trial court to consider release of the accused in cases where chargesheet is not submitted within the statutory time frame.

### 3.3.8 UTPs who are imprisoned for offences which carry a maximum punishment of 2 years:

The UTRC may recommend to the trial court to consider releasing of the UTP on bail in such cases.

### 3.3.9 UTPs who are detained under Chapter VIII of the Cr.P.C. i.e.under Sections 107, 108, 109 and 151 of Cr.P.C.:

The Executive Magistrate/ District Magistrate court may be recommended to release/discharge such persons with or without conditions or to make an order reducing the amount of the security or the number of sureties or the time for which security has been required.

#### 3.3.10 UTPs who are sick or infirm and require specialized medical treatment:

The UTRC may examine the medical condition of the inmate and if it is found that the inmate is very sick and specialized treatment is essential for survival, then the UTRC may recommend the trial court to consider granting bail on medical ground, as provided under S.437,CrPC, even for temporary period.

#### 3.3.11 UTPs women offenders:

Women under trial prisoners who are not accused of serious offences may be considered for release on bail under S.437, CrPC, especially they are first time offenders by the concerned trial courts. The UTRC may also recommend suitable measures under the directions of the Hon'ble Court in R. D. Upadhyay vs State of A.P. & Ors. (AIR 2006SC 1946).

## 3.3.12 UTPs who are first time offenders between the ages 19 and 21 years and in custody for the offence punishable with less than 7 years of imprisonment and have suffered at least 1/4th of the maximum sentence possible:

The UTRC may request the trial court to consider granting bail to such young offenders. If the person is found guilty in the course of trial, benefit of S.3 or S.4 of the Probation of Offenders Act, 1958, may be given to the accused.

### 3.3.13 UTPs who are of unsound mind and must be dealt with Chapter XXV of the Code:

UTRC may recommend the trial court to take appropriate steps in accordance with Chapter XXV of the Code and provide adequate treatment to such inmates.

# 3.3.14 UTPs eligible for release under Section 437(6) of Cr.P.C., wherein in a case triable by a Magistrate, the trial of a person accused of any non-bailable offence has not been concluded within a period of 60 days from the first date fixed for taking evidence in the case:

UTRC may request the trial court to consider granting bail to such UTPs under Section 437(6) of Cr.P.C.

- 3.4 The UTRC shall enter its recommendation in column no. 21-23 of Annexure-A and column no. 15-17 of Annexure-B.
  - 3.4.1 Recommendation of UTRC
  - 3.4.2 Date of recommendation
  - 3.4.2 Brief reasons for UTRC recommendation

3.5 The UTRC shall share recommendations with the concerned Trial Court/Jail Superintendent and Secretary, DLSA. Jail Superintendent shall bring it to the notice of UTP/Convict. Secretary, DLSA shall instruct the panel lawyers to move appropriate application in legal aided cases. The Trial Courts may deal with the recommendations in the manner deemed appropriate for each particular case with the assistance of Legal Aid/Private Lawyer.

#### STEP 4: Follow up:

UTRC shall keep track of the follow up action in recommended cases as detailed in Annexure-A (Column No.24- 26) & Annexure-B (Column No.18-20) as under:-

- 4.1 Action taken on recommendation.
- 4.2 Final Outcome
- 4.3 Date of release of UTP/Convict.

STEP 5: Collation of data on quarterly basis by the Secretary, DLSA Secretary, DLSA shall collate the above data in Annexure-A & B and generate quarterly report under the following heads:

- Number of UTPs/Convicts considered by UTRCs in a given quarter/year.
- 2. Number of UTPs/Convicts recommended for bail/release.
- Number of bail/other applications moved post recommendations.
- Number of inmates released pursuant to UTRC's recommendation.

#### Part-II

### SOP for UTRC where Jails are digitized and have Software to filter the cases which are eligible for release

- 5.1 If the jail concerned has appropriate data in digital format and is able to apply the filters, then the Step 1 and Step 2 of Part-I would merge into one and the filtered data shall be shared by Jail Authorities with Secretary, DLSA.
- 5.2 The UTRC can examine the data filtered by the software and make appropriate recommendations, as mentioned in Step 3 of Part-I.
- 5.3 The UTRC shall keep track of the follow up action as per Step 4 of Part-I.

#### NALSA'S ADDITIONAL SUGGESTIONS

In order to expedite Trials and ensure Access to Justice for UTPs/Convicts NALSA suggests following new initiatives:-

#### Suggestion No.1 : Usage of modified 'Custody Warrant'

NALSA has designed a new Modified Custody Warrant which is annexed as Annexure 'C'. The need thereof arose since as on date the Prison Data is maintained only on the basis of case details received by the Jail Authorities from the First Custody Warrant which is in turn based solely on case particulars contained in the FIR. This data is amenable to change at different stages i.e. stage of filing of Chargesheet, framing of Charge and then passing of final Judgement.

Adoption of this new Modified 'Custody Warrant' is necessary as unless the specific offence in which UTP is kept in detention is regularly updated, the software filters will not be able to give correct results. For example, an accused initially arrested u/S 302 IPC may be finally chargesheeted u/S 304 IPC.

This new Modified Custody Warrant carry the particulars of the Legal Aid Counsel/Private Counsel representing the UTPs at different stages.

### Suggestion No.2: Training/sensitization of Remand Court/Trial Court to safeguard the rights of the UTPs to be considered for bail.

- It is suggested that judicial academies of respective States may undertake training/sensitization courses of judicial officers with an aim to highlight the reason behind the UTPs: Convicts ratio in prisons which currently stands as 67%: 33% in our country. The world average of UTPs: Convicts ratio stands at only 31%:69%. The Training of judicial officers may include highlighting importance of -
  - Compliance of Section 41, 41 A to D Cr.P.C. by police authorities.
  - Release of arrested persons/UTPs in deserving cases by invoking Section 59 of Cr.P.C with or without bond.
  - Highlighting importance of 14 situations/criteria laid down by Hon'ble Supreme Court in WP Civil No. 406/2013 "Re-inhuman conditions in 1382 prisons" and their timely compliance for decongestion of jails.

#### Suggestion No.3: Inclusion of Chief Public Prosecutor in UTRC.

State is represented by Public Prosecutor in each criminal court i.e. MMs/Sessions. As and when any Bail Application is moved by the UTPs either on merits or on technical grounds, as a matter of routine, it is observed that they are opposed by Public Prosecutors/Additional Public prosecutors/Asstt. Public prosecutors representing State in the Court. Hence, inclusion of Chief Public Prosecutor of the District in the UTRC would assist in compliance of directions of Hon'ble Supreme Court.

#### Suggestion No.4: Expanding the mandate of UTRC

UTRC is mandated to ensure compliance of directions issued by Hon'ble Supreme Court. However to ensure that UTPs' right to speedy trial is upheld, it is proposed that UTRC shall look into the individual cases so as to ascertain as to why a particular criminal trial is not getting concluded in a reasonable time and is getting

- dragged. Such a review of individual cases would go a long way in identifying the broad reasons which results in the delay of trials. This would also help reduce imbalance of 67%;33% UTPs:Convicts ratio.
- While identifying bottle necks in the Criminal Justice System of a particular—district, other facets which can be looked into and addressed by the UTRC may include:
  - 4.1 Check on non-compliance of Section 41 Cr.P.C. to curtail avoidable/unnecessary arrests by the Police.
  - 4.2 Non production of UTPs before the Remand/Trial Court either in person or via video conferencing facility on account of lack of logistic facilities.
  - 4.3 Delay caused by frequent inter-state transfer of UTPs
  - 4.4 Non filing of FSL/CFSL report in time.
  - 4.5 Failure of police to trace, serve and produce the Public/Expert witnesses.
  - 4.6 Delay caused in frequent transfer of investigation related witnesses like police officials, documents.
  - 4.7 Non availability of dedicated PPs in each criminal court.
  - 4.8 Rational distribution of criminal cases in different courts within district
  - 4.9 Paucity of staff like Ahlmad or stenographer for the criminal court
  - 4.10 Delay caused by lack of efficiency in administrative set up like Copying Agency, Facilitation Centre, Record Room( in case of fetching of old file) etc.
  - 4.11 IT Infrastructural need like, Desktop, printer, NIC-net, stationary etc. apart from Data entry professionals.
  - 4.12 Popularize ADR methods as also Plea Bargaining for quick disposal.
  - 4.13 Suggest segregation of trial in case one or more co-accused are absconding.
  - 4.14 Availability of effective and efficient Free Legal Aid Services.
  - 4.15 Seeking Cooperation from the Bar for expediting trial.
  - 4.16 Any other issue which is hampering the early conclusion of criminal trials in the District.

Once the respective UTRCs start taking cognizance of these problems and suggest remedial measures to the concerned Duty Holders, the delay in disposal of criminal cases can be curtailed to a great extent and learning out comes of such suggestions can help in Policy formulation for improving efficiency of Criminal Justice System's operation in not only the District but also in the State.

#### TEMPLATE

Father's name of the UTP  Gender/Age  Gender/Age  Gender/Age  Gender/Age  Batterian to  Police Station  Arrested under Section  Date of first Remand  Date of first Remand  Date of filling chargesheet  Chargesheeted under Section  UTP represented by Legal aid/private  Hame of the lawyers with contact details, if available  Whether baits has been granted to the accused, if when is	5 5		15	14	13	12	11	10	9 1	8	7	6	2		2	2:	1.
Fig. Crime no.  Gender/Age Gender/Age FIR Crime no. Police Station District Date of first Remand te of admission in Prison atte of filing chargesheet pesheeted under Section nied by Legal aid/private mact details, if available	when	5										. 0	3	4	.3		
Father's man  Father's man  Gendet/Age  FIR/Crime no  Police Station  District  Arrested under Section  Particulars of the Court  Date of first Remand  Date of first Remand  Date of filing chargeshoel  Chargesheeted under Section  Chargesheeted under Section  Chargesheeted under Section  Chargesheeted duder Section  Chargesheeted duder Section  Chargesheeted to the recaused, if wh	me of the lawyers with contact defails, if available.  Thether bails has been granted to the accused, if when	details, if available to the accused, if wh	i, if available	ad/private	ler Section	ng chargeshoet	dmission in Prison	of first Remand	Date of arrest	ars of the Court	od under Section	District	Police Station	FIR/Crime no.	Gender/Age	Father's name	Name of the UTP

#### Note:

· Column Nos. 1 to 20 to be filled by Jail Superintendent.

			TEM	PLATE			Annexur
	21 Reconnues	22 Date of	23 Brief regions for LITEC	24 Action Taken on	25 Final	Date of release of LTTP	
		A					
		ACC					
Notes • Column Nos. 21	I to 26 to be fil	lled by UT	RC.	STICE	S.		
			JU.	STICE			

							TEMPI	ATE Convicts	×.			Annesur	е-В
1 S.No.	Name of the Convict	Father's Name	FIR No.	5 Police Station		Name of the Trial Court	8 Date of Conviction	9/	Total Remission Harned	Date when sentence completed.	Reason for Non- Release	Whether case considered by Sentence Review Board*	Rease for ne grants pre- matur releas
					ACCO	Court		of Sentence	Harraed	sentence	Non- Release	by Sentence	man
	Note: • Colu	mu Nos. 1	to I	t to be fil	iled by J	nil Super	intendeut. S	TICE	405				

Brief tensors for Action Taken on Final Date of release of UTBC recommendation Outcome Consist	15 Recommendat ion of UTRC
UTAC recommendation Outcome Consect	- recommendat
UTRC.O JUSTICE FOR	

#### TEMPLATE Annexure-C

### "CUSTODY WARRANT"

Name		FIR No	
ather's I	Vame	U/s(as per FIR)	РНОТО
Age		Arrested U/s	OF
Gender		Police Station	INMATE
Address		District	
Vationali	ty	Date of Arrest	
S.No.	Date	Remand Order by Ld. Judge/Next	date in the Court
	Date	Remand Order by Ld. Judge/Next	date in the Court
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			<i>V.D.</i>
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• CORREMAND S.No. 1 2 3	AFTER FILING OF CI	HARGE SHEET ADVOCATE	(Pvt/Legal /

5.No.	Date	Remand Order b	by Ld. Judge/Next date in the Court
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REMAND	DURING STATE	MENT OF ACCUSED	ADVOCATE(Pvt/Legal /
S.No.	Date	Remand Order b	γ Ld. Judge/Next date in the Court
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2		100	
3			
REMAND	DURING DEFEN	ICE EVIDENCE	ADVOCATE(Pvt/Legal Aid
S.No.	Date	Remand Order b	y Ld. Judge/Next date in the Court
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2		4	A. A.
3		00	2
REMAND	DURING FINAL	ARGUMENTS	ADVOCATE(Pvt/Legal A
S.No.	Date	Remand Order b	y Ld. Judge/Next date in the Court
1			
2			
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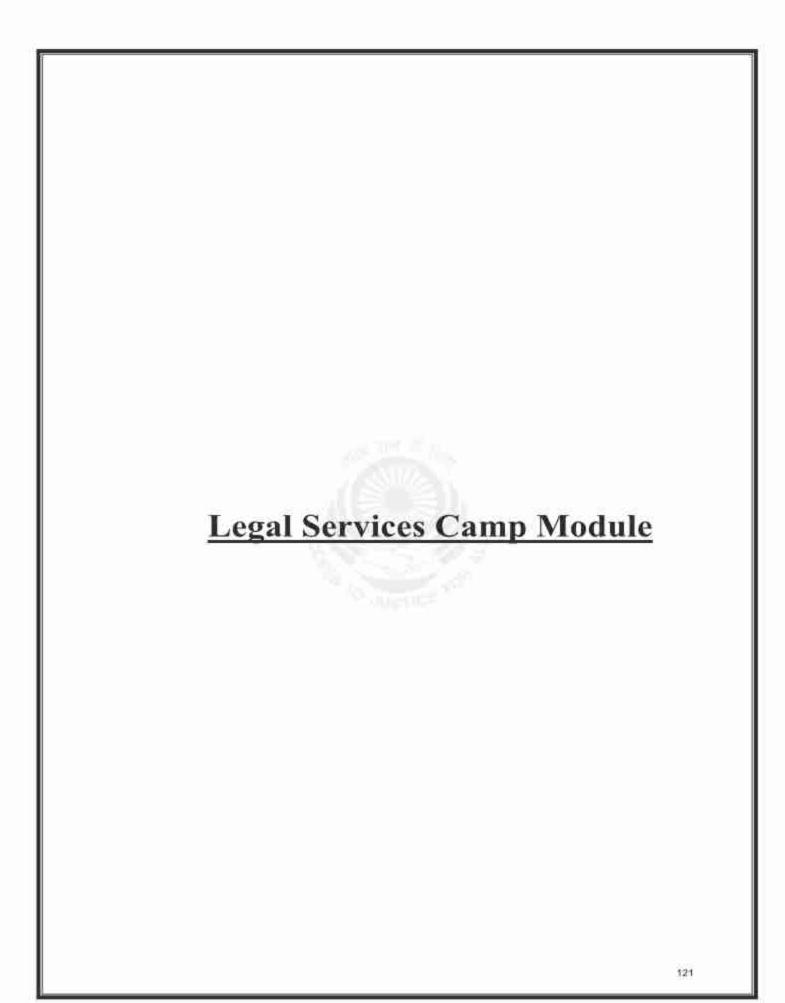
(Attach separate sheet)

(Attach separate sheet)

Sentence imposed

Compensation awarded to victim







#### 1. INTRODUCTION:

Access to justice is essential for rule of law. Access to justice, enable citizens to have their voices heard, exercise their rights and challenge discrimination. Access to Justice is not confined to court based legal services. It extends to making people aware about their entitlements under various enactments and welfare schemes and programmes and strengthening their access to the same. Some Legal Awareness Camps are being held by the State Legal Services Authorities to make people aware about their entitlements and apprise them about the availability of free legal services. In most of the camps, it has been observed, only creating of awareness is focussed on. There is a need to effect paradigm shift from awareness to empowerment. For this to happen, a new Model of holding Legal Services Camp is required which would not only make people aware about their entitlements and procedural aspects relating to the same but also connect them to the welfare schemes meant for them. Delivery based Model for holding Legal Services Camp is required.

#### 2. STATUTORY MANDATE

Legal Services Authorities Act, 1987 was passed with an objective to provide free and competent legal services to weaker sections of the society so that they do not remain deprived of justice due to economic or other disabilities. This Act has created Legal Services Authorities primarily with an aim to provide legal services to weaker and marginalised sections of the society.

Section 4 provides the various functions of the Central Authority. One of the functions spelt out in Section 4(1)

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

This itself reflects that apart ensuring Access to lawyers and legal advice, the mandate of the Legal Services Authorities also extends to educate the weaker sections of the society about the rights, benefits and privileges guaranteed by social welfare legislations and other enactments as well as administrative programmes and measures.

In view of the Section 4(b) of the Legal Services Authorities Act, NALSA has promulgated the following schemes as strategic and preventive programmes and to educate the weaker sections of the society about their entitlements and empower them to get redressed their grievances in accordance with the law of the land.

One of the functions as per Section 4(e) of National Legal Services Authority is to organise Legal Aid Camps especially in rural areas, slums, labour colonies with the dual purpose of educating weaker sections of the society as to their right as well as encouraging the settlement of disputes through Lok Adalats,

#### 3. OBJECTIVES OF LEGAL SERVICES CAMP:

The Legal Services camp must aim to achieve the following objectives:-

- 3.1 To spread awareness about welfare legislations and schemes, and strengthen the community's access to the schemes being implemented by the Legal Services Authority and other departments of government.
- 3.2 Identifying and connecting people to welfare schemes to ensure that fruits of welfare schemes are passed to eligible people.
- 3.3 To understand legal needs of people and address legal problems of people by giving appropriate legal advice and taking other necessary steps.

### 4. SUGGESTED THEMES/ ISSUES WHICH MAY BE COVERED IN A LEGAL SERVICES CAMP

#### 4.1 Labour

- Connecting unorganised sector workers to welfare schemes.
- Issues of construction / agricultural labour.
- Availing benefit under Centre and State Schemes.
- Legal Services in any other issues relating to entitlements under labour laws.

#### 4.2 Persons with disabilities

- Addressing disconnect between welfare schemes and persons with disabilities.
- Taking steps to connect beneficiaries with schemes such as Niramaya and Gyan Prabha run by National Trust.

· Ensuring legal services in any other issues.

#### 4.3 Children related issues

- Addressing educational rights of children aged between 6-14. Child Marriage.
- Child Labour.
- Issues related to rights under Food Security Act.
- Establishment of Legal Literacy Clubs in Higher Secondary and Senior Secondary Schools.

#### 4.4 Transgenders

 Ensuring benefits of welfare legislations/schemes. Issues dealt in NALSA vs. Union of India & Ors. (W.P.(C) No.400/2012).

#### 4.5 Prisoners

- Ensuring representation before court.
- Availability of legal services for inmates.
- Digitisation of legal services clinics in jails.
- Adoption of E-Prison Portal by Jails.

#### 4.6 Issues relating to SC/STs

- Ending discrimination.
- · Partnering with State Commission of SC/ST on all issues pertaining to them.

#### 4.7 Senior Citizens

- Ensuring benefits of welfare legislations/schemes.
- Availability of legal services including issues relating to Maintenance and Welfare of Parents & Senior Citizens Act, 2007.
- Senior Citizens Pension issues, if any.
- Elderly abuse, neglect and abandonment.

#### 4.8 Beggars and homeless

- · Exploring facilities available for them.
- Identifying abuse, trafficking etc.

#### 4.9 Road Safety and accident

- Awareness about road safety signs.
- Protection to good Samaritans.

#### 4.10 Victims of Disasters

- Problems/legal issues faced by people affected by drought/flood/industrial disasters. Short term and long term planning.
- Minimizing the impact of flood etc. A mechanism for drought stricken and sustenance to victim.

#### 4.11 Victims of Trafficking

- Identifying causes/areas.
- Rehabilitation and repatriation issues.
- Helping to connect with schemes such as Ujjawala run by Ministry of Women and Child.
- Addressing legal issues relating to victims, particularly under Immoral Traffic (Prevention) Act, 1956 or any other law.

#### 4.12 Any other eligible/category.

#### 5. PRE-CAMP STEPS

#### 5.1 Identification of target population

State Legal Services Authority shall identify cluster of villages in any particular district where categories of persons coming within the ambit of any particular NALSA Scheme are living. After identifying cluster of such villages, the scheme sought to be implemented shall form the core theme for the camp. The core theme, as per the conditions prevailing in the area and to touch particular section of society, may be further broken down to specific themes such as labour rights or rights of senior citizens or rights of women etc.

#### 5.2 Formation of team for connecting with the intended beneficiaries

Teams of Panel Lawyers and Para Legal Volunteers be formed. NGOs working in the field of selected core theme, be identified. NGOs having credible reputation only to be identified and associated with teams. Any other expert having expertise in the subject matter of core theme can also be associated with the teams to connect with the target population so as to make them aware about the organisation of Legal Services Camp and to ensure that benefits arranged at the Camp reaches them.

### 5.3 <u>Identification of specific welfare schemes and departments implementing them</u>

Welfare Schemes and legislations pertaining to core theme be identified. Government departments related to the said core theme be identified. Departments who are even remotely related to the sections of people of core theme be also identified so that multi-dimensional and holistic approach is adopted to ensure access to justice in a meaningful and effective manner. For instance, if the core theme is rights of labourers then, regarding that core theme, the relevant departments/entities would be Department of Labour, Department of Social — Welfare, Department of Health, Department of Women and Child, Ministry of Skill Development, Common Services Centres. These said departments/entities would be the main Departments. Main focus of the camp shall be to connect people with the schemes being run by the main departments related to core theme. Apart from those main departments, other entities and departments which can provide benefit to labourers on the day of camp be also identified. In the given illustration, another department can be department of education to take care of the educational rights of children of labourers etc. Services at Common Services Centres may be availed.

#### 5.4 NALSA Schemes

- Scheme for Para-Legal Volunteers
- Schemes for Legal Services to Disaster Victims through Legal Services Authorities
- NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015
- NALSA (Legal Services to the Workers in the Unorganized Sector)Scheme, 2015

- NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015
- NALSA (Legal Services to the Mentally III and Mentally Disabled Persons) Scheme, 2015
- NALSA (Effective Implementation of Poverty Alleviation Schemes) Scheme, 2015
- 8. NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2015
- NALSA (Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace), Scheme, 2015
- NALSA (Legal Services to Senior Citizens) Scheme, 2016
- 11. NALSA (Legal Services to Victims of acid attacks) Scheme,2016

#### 5.5 Holding of pre-camp preparatory meetings with stakeholders

Before conducting camp, workshop for teams be conducted to make them aware about the camp design and government welfare schemes and the method to connect sections of community related to core theme with welfare schemes /programmes. In the said workshop, officials of the government departments and NGOs be also requested to participate so that coordinated efforts are made to benefit the marginalized sections of the society. They be apprised about the objectives of the legal services camp, pre-camp steps and activities during camp etc.

#### 5.6 Identification of venue for the camp

Open Space be also identified where legal services camp can be held for identified villages. It should be kept in view that the space must be large enough to accommodate around 1500/2000 people and setting up of stalls, LED screen etc.

#### 5.7 Field visits by outreach teams in the district/adjoining areas

Teams in association with NGOs, if any, shall make field visits to identify people related to the core theme. Field visits must start at least fifteen days prior to holding of camp. Teams must identify targeted people related to core them. They must also interact with those people to apprise them about the welfare schemes/programmes related to them. Teams shall disseminate information about camp such as its importance/objectives and relevance to their lives to let people know about the importance of camp. People be also told to bring necessary identity documents required for filling up forms related to schemes. Sarpanches/ Panchayat members of

the identified villages be also requested to come on the day of camp. They be also requested to mobilise people related to core theme of the camp. They be also requested to mobilise people related to core theme of the camp. Presence of Sarpanches and Panchayat members is also required as while submitting forms identification of applicant is required to be made.

#### 5.8 Publicising the organisation of legal services camp

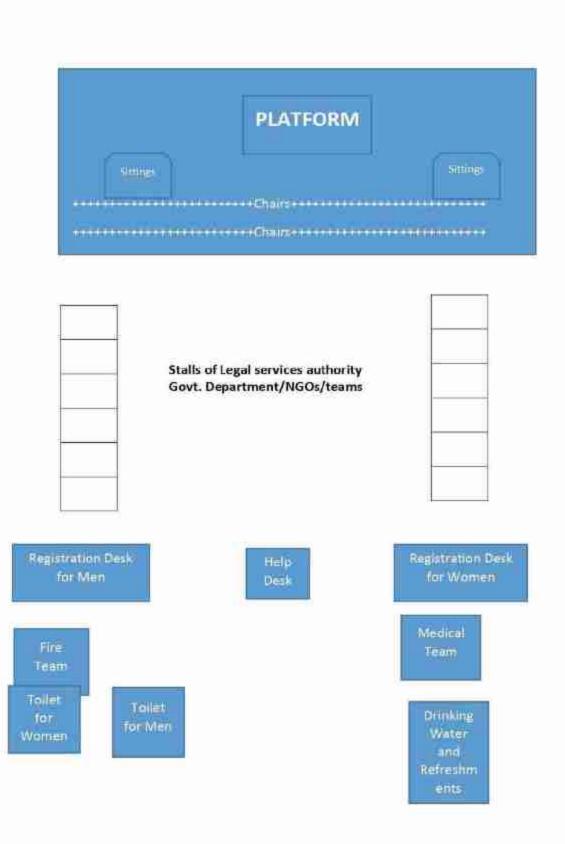
Before holding camp, mobilization be also done through community meetings and by door-to-door visits of field teams to disseminate information about camp. Information about details of the camp through loud speakers and community radio be also disseminated. Adequate number of hoardings be also placed at public places to give information to public about the venue and date of legal services camp.

### 5.9 Identifying of presenters by participatory government departments/ministries during the camp.

Meetings with the Officers of the concerned departments be held to chalk out strategies for conducting Legal Services Camp on the core theme. They be apprised about the objectives of the camp, pre-camp steps etc. They be also requested to have adequate pamphlets, booklets, application forms etc. relating to welfare schemes/programmes of their departments in vernacular language on the day of camp. They be also requested to nominate presenting officers who will give very brief presentation about the welfare schemes to people on the day of camp in local language.

#### 5.10 Physical lay-out of the Camp

Camp's physical lay- out be also designed for the convenience of the villagers/participants. Separate registration stalls for males and females be put. Stalls for different departments including that of Legal Services Authority be also planned in coordination with the government departments. Two/three stalls be kept for NGOs and team members to fill up the forms for getting people connected with schemes. Arrangement for photocopier and adequate stationary be made in the said two/three stalls of the team members and NGOs. Power supply be also ensured to those stalls and LED. LED be placed at a place visible to participants. LED Screen is required so that the NALSA theme song and any other documentary relating to legal services authorities may be shown. The suggested camp design is as follows:



#### 6. DURING CAMP

#### 6.1Short presentation by the Departments/Ministries

The main Departments relating to core theme shall give presentation in local language about the relevant welfare schemes of their Department. They shall briefly spell out the eligibility criteria under the Schemes. Each Department shall not take more than five minutes for the said purpose.

#### 6.2 Real time registration of beneficiaries during the Camp.

After overview by Departments about various schemes, people shall be visiting the stalls of Departments including that of Legal Services Authority. The Officers of Departments at the stalls shall not only apprise people about the welfare schemes and distribute pamphlets regarding the same but shall also fill up the forms so that the same are processed further for getting people connected with the schemes.

6.3 For the purpose of filling up forms under different schemes, people may be referred to the stalls of NGOs/teams who shall fill up forms and attach necessary documents with the form. The teams/NGOs at the end of the programme shall submit the said forms to the different concerned departments.

#### 7. AFTER CAMP ACTIVITY

#### 7.1Preparation of Camp Report

A detailed report be prepared regarding the Legal Services Camp. It shall, interalia, spell out the activities done at the different stalls, application forms filled up with regard to different schemes etc. Lessons learnt from the camp also be clearly indicated so that improvements are made in upcoming camps to effectively reach out to people and getting them connected with the welfare schemes/legislations.

#### 7.2 Follow up of all registrations done during the Camp.

Follow up action be taken on the various application forms submitted during the camp and the applications/representations written of the visitors relating to various issues.

#### 7.3 Clearance of Camp Bills.

Bills of agencies whose services are taken for arranging the camp be cleared preferably within a week. Bills of Panel Advocates and PLVs associated in precamp activities and also during camp be also cleared within a week.

#### 7.4 Maintenance of Cleanliness

Clearance of garbage etc. at the place where camp was held be also ensured.

#### 8. SOME OTHER IMPORTANT POINTS

- 8.1 The duration of the camp shall be of 4-6 hours.
- 8.2 The time for opening Legal Services Camp be decided keeping in view weather condition and any other local conditions.
- 8.3 Adequate Drinking Water arrangements be made at the camp.
- 8.4 Refreshments including tea/biscuits be arranged for participants/villagers.
- 8.5 To deal with any emergency, Medical Team and Fire Fighting Team be also kept on standby.
- 8.6 Local police be also requested to put adequate number of policemen on duty at the camp site to avoid any chaos at the spot and to deal with any emergency.
- 8.7 Legal Services Camp should not be given the shape of a seminar, and, hence, inaugural sessions/speeches must be avoided. The focus should be to deliver by connecting people with the identified schemes and redress their problems.
- 8.8 Arrangements be also made for cord-less mics and standing mics.
- 8.9 Help Desks be also set up to help people during the camp by guiding them to the different stalls.
- 8.10 Adequate number of Registration Stalls be put up so that long queues are not formed and delay is avoided in registration of the participants.

# Legal Services Camp Follow-up Guidelines

#### 1. Background and Rationale

Legal Services Camp Module, devised by NALSA, spells out delivery based Model of legal services camp with an objective to bring empowerment of weaker sections of society. The operational framework of legal service camp, as per the Module, consist of three parts i.e. Pre-Camp Stage, Activities during Camp and Post-Camp Activities. All the three parts are inter-related and integral to success of legal services camp. The fruitful organization of legal services camp depends upon the successful completion of all the three parts. In the Legal Services Camp Module, under the head, 'After-Camp Activites' follow-up action is stipulated. Follow-up action is imperative to ensure that identifies beneficiaries get what they are entitled to under welfare laws and various Central and State schemes. The objectives of empowering the disadvantaged by using the tool of Legal Services Camp cam be fulfilled only if effective follow-up action is undertaken systematically and expeditiously. In the absence of follow-up, the entire exercise of organizing camp may fail to deliver desired results.

#### 2. Follow-up on what?

During Pre-Camp stage, teams formed by Legal Services Authorities visit the selected villages/areas for identifying beneficiaries in consonance with the selected theme. During the course of said visits, beneficiaries are identified beneficiaries with welfare schemes being implemented by various departments. Apart from this, some of the applications pertain to seeking of legal advice or pursuing of legal remedies in the courts of Law. Data is supposed to be maintained of the identified beneficiaries and their applications, forms etc. Some of the applications/forms are submitted during pre-camp activities itself with the various departments sot that the departments may be able to process the said applications/forms and deliver the benefits on the day of the camp. Some forms/applications need more documentation which includes attaching copies of identity documents, etc., without which it cannot be submitted/processed during the pre-camp stage. The said applications/forms are submitted with the various departments either on the day of camp or after the camp. Apart from this, applications/forms are received on the day of the camp by the various participating government departments who put up stalls at the camps. Applications/forms are also received on the day of the camp at the stall of Legal Services Authority. PLVs and panel lawyers deputed at the stall help visitors in drafting application and filling up forms. Participating NGOs also receive applications etc. from people.

- 2.1Keeping in view the aforesaid, follow-up action is required on the following aspects:
  - a) Applications/Forms submitted of identifies beneficiaries to the various departments at the pre-camp stage, but benefits were not delivered on the day of the camp to said beneficiaries.
  - b) Beneficiaries identified at pre-camp stage but their applications/forms not submitted to the various departments at pre-camp stage.
  - Applications/forms received of intended beneficiaries at the stalls of Legal Services Authority on the day of camp.
  - d) Applications/forms received and registrations entered by various departments at their stalls on the day of camp.
  - e) Applications received by participating NGOs but benefits not delivered on the day camp.

## 3. How to carry out follow up:

For effective and proper follow-up, a team may be constituted which shall focus on followup points. The team may consists of members who were engaged during the pre-camp activities and who were deputed on the day of the camp. The said team may be headed by a responsible officer who may be a Secretary, District Legal Services Authority. The suggestive follow-up action is mentioned in the table below:

S.No.	Follow up points	Follow up action required
T.	Applications/Forms submitted of identified beneficiaries to the various departments at the pre-camp stage, but benefits were not delivered on the day of the camp to said beneficiaries	a) Matter be pursued with the relevant departments to Know about the status of applications/forms. b) If further processing of the application/forms requires some documents then the follow up team must get in touch with the beneficiaries so that copies of the relevant documents are submitted to the concerned departments. c) Feedback be given to the beneficiaries about the status of their applications/forms. d) Follow up shall continue till such time the benefit actually reaches the intended beneficiary.
2	Beneficiaries identified at pre-camp stage but their applications/forms not submitted to the various departments at pre-camp stage.	<ul> <li>a) Forms/applications be submitted to the concerned departments. If before submission, copies of documents are required from the beneficiaries then</li> </ul>

		they be contacted and apprised of the same.  b) After submitting forms/applications with various departments, feedback be given of the said step to the beneficiaries
3	Applications/forms received of intended beneficiaries at the stalls of Legal Services Authority on the day of camp.	a) If the applications/forms relate to the welfare schemes being implemented by the Government Departments, the said applications be submitted to the concerned departments. b) If before submission, copies of documents are required from the beneficiaries, then they may be contacted and apprised of the same. c) After submission of the forms/applications with various departments, feedback be given of the said step to the beneficiaries. d) If the applications pertain to the filing or defending any case in the court or seeking of some legal advices, the same without delay be dealt with by the office of DLSA, and action taken on the said application be intimated to the beneficiary. e) Follow up shall continue till such time the benefit actually reaches the intended beneficiary.
4	Applications/forms received and registrations entered by various departments at their stalls on the day of camp	a) Data be collected from the Government Departments who had put up stall on the day of the camp, about applications/forms received and registration entered by them. b) Regarding those applications/forms matter be pursued with the departments as to the action taken by those departments on the said applications/forms. c) Feedback be given to the beneficiaries about the status of their applications/forms. d) Follow up shall continue till such

		time the benefit actually reaches the intended beneficiary.
5	Applications received by participating NGOs but benefits not delivered on the day camp.	a) Matter be pursued with the NGOs and if required micro follow-up camp for delivering the benefits may be organized so that NGO delivers the benefits in thesaid follow-up micro camp. This is primarily necessitated in case of NGO providing protestic limbs.      b) Applicants be accordingly informed of the said follow-up and organization of micro level follow-up camp.

#### 4. Methods of feedback

- If the intended beneficiary has then feedback may be given through a telephonic call.
- If the intended beneficiary does not have a phone, as is particularly the scenario in remote areas, then the team members of the follow-up team may visit the villages and give face to face feedback.

#### 5. Format

Separate format sheets can be used for different Ministries/Departments. The suggestive format for maintaining data including follow-up action is as follows:

# FORMAT

S.No.	Name of beneficiary	Address and phone number of beneficiary	Action taken on application/form	Followup action	Feedback to beneficiary (Yes/No)

# Submission of Report to NALSA:

The report in the following format be submitted to NALSA after the conclusion of the camp which necessarily includes follow-up action:

1	Name of SLSA	
2	Venue of Legal Services Camp	
3	Number of Villages/Urban areas covered	
4	Number of beneficiaries identified at the pre-camp stage	
5	Number of beneficiaries whose applications were dealt/forwarded at pre camp stage to concerned departments	
6	Number of beneficiaries to whom benefit given on the day of the camp	
7	Number of new beneficiaries who submitted applications/forms on the day of the camp to legal services Authority or other participating departments	
8	Number of beneficiaries whose applications were dealt with including forwarding of applications to various departments during and after the camp	
9	Number of beneficiaries qua whom followup action was taken.	
10	No. of applications who are yet to be delivered desired benefits.	

# POST CAMP ASSESSMENT

#### 1. Rationale

Legal Services Camps are being organized by State Legal Services Authority by following the operational framework spelt out in the Legal Services Camp Module devised by NALSA. It is quite imperative to assess as to whether Legal Services Camps are achieving the contemplated objectives or not. After completion of the camp, assessment is also required to identify and learn from successes and failures. Primarily, with this in view, a post camp assessment framework is required so that post camp assessments are carries out by Legal Services Authorities to capture the lessons learnt from past success and failures, with the goal of improving future performance.

## 2. About Post Camp Assessment

Organizational learning requires that there is continuous assessment of performance to identify and learn from successes and failures. Post camp Assessment is a tool that facilities this assessment with regard to Legal Services Camps. It is a structures approach for reflecting upon the Legal Services Camp and identifying strength, weakness and areas for improvement.

Post Camp Assessment shall revolve around the following

- What was expected to happen?
- What actually occurred?
- What went well and why?
- What can be improved and how?

## 3. Steps in Post Camp Assessment

#### 3.1 STEP 1 - PLANNING A POST CAMP ASSESSMENT

The success of meeting for post camp assessment often depends upon the amount of time spent in planning for the meeting.

- Schedule the Post Camp Assessment ideally, within two weeks of completion of Legal Services Camp.
- II. Select the facilitator who may be the Secretary, DLSA. Facilitator's job is to keep the meeting focussed and moving.

#### III. For the best results:

- Plan to conduct the team meeting in person, rather than by phone.
- Ensure participation of all team members.

- It is recommended that a time equal to 10 minutes per team member is set aside. If necessary, the assessment can be continued on second day meeting.
- IV. Note taker: Assign a team member to take notes on the flip charts. If the post Camp Assessment is an hour or longer, consider having team members rotate this job so everyone can participate fully.
- V. Timekeeper: Assign times to the sections of the Post Camp Assessment in advance and ask someone to play the role of time keeper (this is important- it is easy for groups to get lost in conversion and not have time to cover all sections of the assessment).

#### 3.2 STEP-2 – CONDUCTING POST CAMP ASSESSMENT

(i) Introducing the Post Camp Assessment-

The task of the facilitator is to guide the group through assessment of the Legal Services Camp, using a standard set of questions:

- What was expected to happen?
- What actually occurred?
- · What went well and Why?
- What can be improved and how?

Start by reminding the team of the purpose and context of the meeting.

The following points need to be kept in view:

- The post Assessment Camp does not grade success or failure.
- There are always weakness to improve and strengths to sustain.
- Participants should share honest observations about what actually happened (objective data) without assigning blame or praise.
- No one has all the information or answers. Everybody has something important to contribute.
- Set an atmosphere of openness. If necessary facilitator can introduce ground rules or expectations for the session.
  - (ii) Closing the Post Camp Assessment

- a. To close the Post Camp Assessment, summarise key points identified during the discussion. The session should end on a positive note, linking observations to recommendations for future improvements.
- Assign role for follow up: The Facilitator should discuss in advance the process for writing up the post camp assessment report.

# 3.3 STEP 3 : PREPARING REPORT & SHARING THE POST CAMP ASSESSMENT

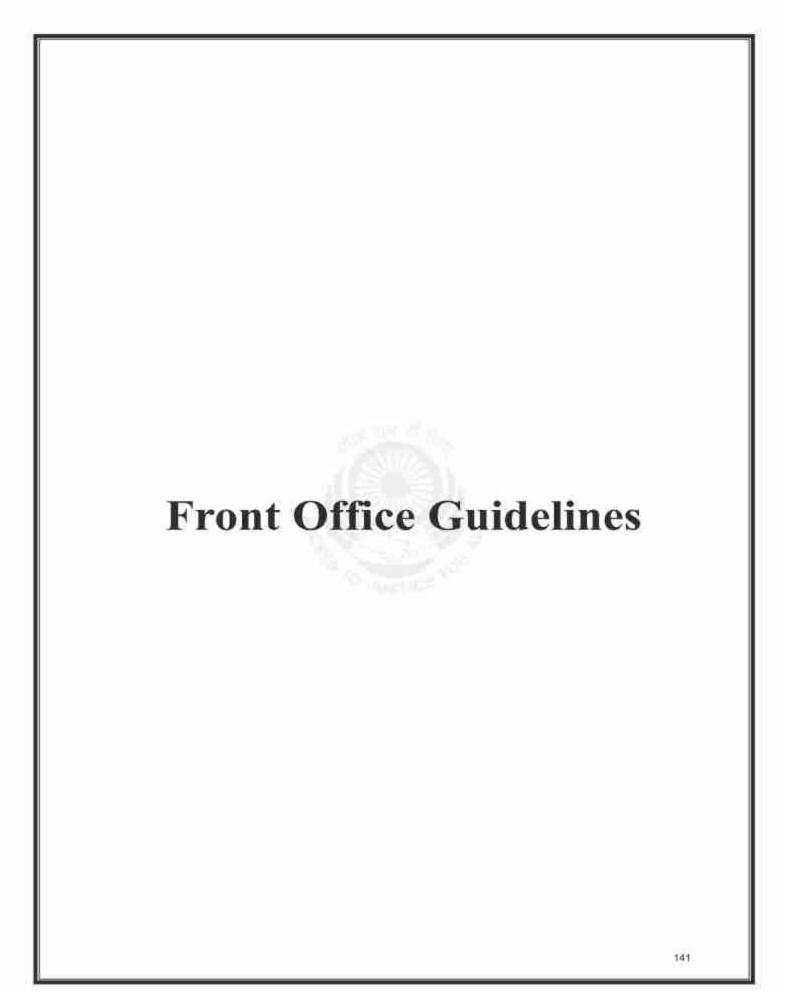
Report shall be prepared. The following points may be kept in view:

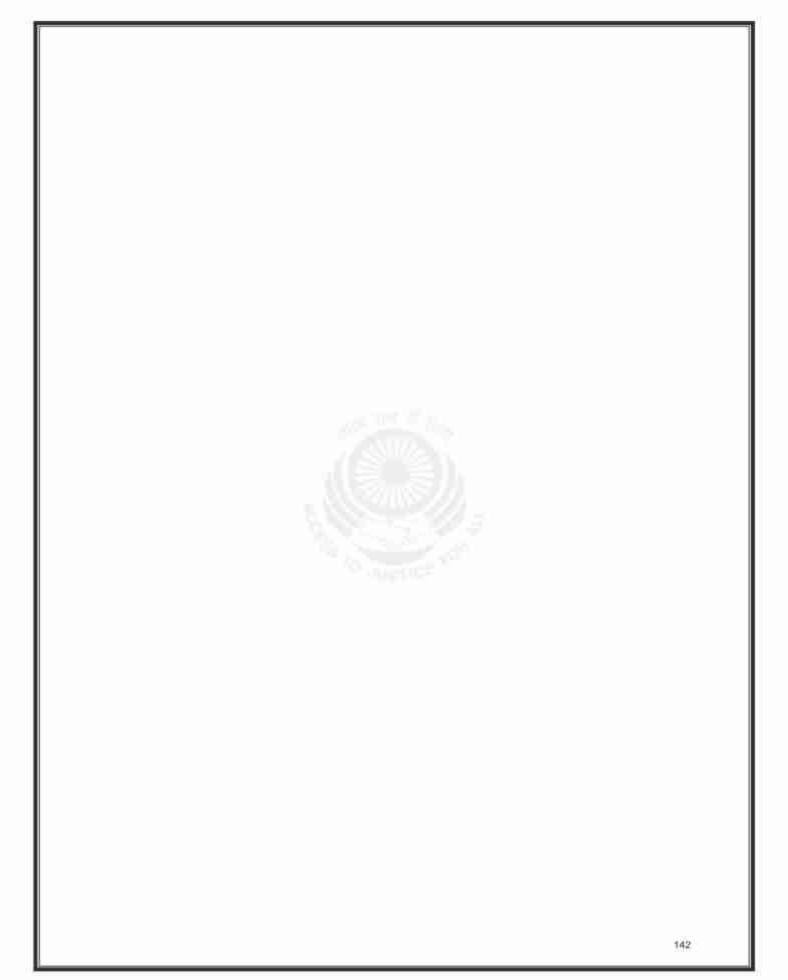
- Provide a clear summary of concrete and actionable recommendations that will improve the process.
- ii. Identifying tasks and topics requiring leadership attention.
- Share the Post Camp Assessment Report with DLSAs.

The greatest benefit of a post Camp Assessment comes from applying the lessons learned to future work and teams. The conclusions drawn must be applied in future camps so as to make them more effective.

#### 4. KEY POINTS AND PRACTICAL TIPS

- Post the questions on flipchart sheets prior to the session. Write answers on the sheet as the session progresses.
- The Facilitator should prepare some lead-in questions and may have to directly solicit answers.
- If there are issues with either openness or time, it may be worthwhile to gather individual ideas first and then facilitate a group discussion.
  - Actionable recommendations should be as specific as possible.
- Participants of a Post Camp Assessment should include all members of the team.
- Post Camp Assessment should be carried out immediately, while the team is still available and memories are fresh.





#### Front Office Guidelines

# 1. Background and Rationale:-

Legal Services Authorities are providing free and competent legal services to weaker and marginalized sections of society. Front office is one of the units of the entire framework to render such services. As per Regulation 2(c) of National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010 "Front office means a room in the Legal Services Institution where legal services are made available". Regulation 4 of the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010 provides that all Legal Services Institutions shall have a Front Office. In the Front office are deputed Retainer Lawyer, Para Legal Volunteers (PLVs) and Panel Advocates. Moreover, persons with the qualification of Masters Degree in Social Work or Diploma or Masters Degree in psychiatric or psychology may also be called to the Front Office as and when necessary.

It is imperative to make Front Office efficient and effective so that quality and meaningful legal services are rendered to the visitors/legal aid seekers. At present, there is no uniformity in the functioning of Front Offices across the country. Moreover, in most of the Front Offices, legal services of the required standard are not delivered. It is important to strengthen Front Offices so that high-quality legal services are rendered and Front Office work as One Stop Centre for legal aid seekers/beneficiaries. Hence, arises the need of guidelines suggesting the operational framework for rendering legal services in Front Office.

# 2. Legal Services through Front Office

Front Office is expected to provide legal services in an effective and expeditious manner. Functions of Front Office include:

- (i) Providing Legal advice;
- (ii) Drafting applications, petitions, replies etc.;
- (iii) Attending legal aid helpline number
- (iv) Receiving and maintain in record with regard to legal aid applications;

- (v) Uploading legal aid applications on Web Portal of NALSA;
- (vi) Maintaining up-to-date data of court based matters and maintaining data in prescribed formats.
- (vii) Updating Legal Aid Beneficiary about particulars of a Panel Lawyer marked for his matter and also updating him regularly about the status of his case.

## 3. Suggestive framework:

## (1) Location:-

As per Regulation 4 of National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010, all Legal Services Institutions have to set up a Front office. The location of the Front Office should be such as is visible to litigants and other people who are visiting courts or the offices of Legal Services Institutions. It should not be far away from the courts. It should not be at a place which is not visible. Front Offices should be setup at the level of State, District and Taluk level legal services institution. Sign boards spelling out Front Office and the time of opening and closing of Front Office be put outside the Front Office.

# (2) Infrastructure:-

Front office shall be well painted. It shall have at least one table, three chairs for PLVs, and one/two chairs for Panel Lawyers. It shall have at least two visitors chairs. It shall have a notice board, a computer, a scanner and printer and a legal helpline number. Suggestion box and complaint box be also kept in the Front office. In the waiting area there should be sufficient seating arrangements. Drinking water facility should be made available at the waiting area. DLSA may also subscribe newspaper and news magazines, to be kept in waiting area. LED monitor be also affixed at appropriate place in the Front office for displaying the functions of the Legal Services Authorities, entitlements to free legal services, documentaries related to Legal Services, NALSA Theme Song, Success Stories etc. the LED monitor can also be utilised for video conferencing along with necessary equipment's such as a webcam or a desktop VC facility.

## (3) Duty Roasters and list of Panel Advocates and PLVs:

A daily roaster regarding the Front Office should be put on the notice board. It shall clearly spell out the names of the PLVs, Retainer/Panel Lawyers along with their telephone numbers. The duty roster of all the Front offices of SLSA/DLSAs and Taluka shall also be uploaded on the website of the State Legal Services Authorities. Front office shall also have a list of all panel advocates and PLVs of concerned Legal Services Institution along with their addresses and telephone numbers for ready reference. A copy of list containing duty roster of all the Legal Services Clinics be also kept in the Front Office for ready reference. Following points should be kept in view while deputing PLV/Retainer/Panel lawyers etc. at the Front Office.

- (a) Professionalism: The person deputed shall have a professional appearance and attitude. The office of Secretary should take into account the said aspect while deputing a person.
- (b) Technical prowess: The person deputed should be comfortable in using phone system, copier, scanner and printer. Basic technical knowledge of using e-mail, etc. should be possessed by the candidate.

# (4) Registers and booklets to be kept and maintained in the Front Office

Following registers/records are to be maintained in Front Office:

- Front Office Register for visitors
- (ii) Legal Aid Monitoring Register
- (iii) Legal Services Helpline Register These registers can be maintained in soft version in computers on Excel sheets or any other software deemed fit. The suggestive format is provided in the Annexures A to C. In the Front office, shall be kept updated data of court based matters so that legal aid beneficiaries can be apprised about the same. Feedback forms regarding the court based matters be also kept at the Front Office. A suggestive feedback proforma is attached herewith as Annexure D

## (5) Daily reporting about case proceedings

The panel lawyer shall report at the Front Office about the proceedings conducted in the case and the next date and purpose, if the case is adjourned. This shall be reported on daily basis. The communication in this regard to the Front Office may be sent through email also. The office of DLSA shall mark the duty to a PLV in the Front Office to update the information on the record on daily basis under the supervision/guidance of Retainer Lawyers. If a panel lawyer at the end of the day fails to report about the next date of hearing and the proceedings, he be contacted to provide the same on the morning of next day. Panel Lawyers be sensitized about the importance of updating the record at the Front office on daily basis. PLV maintaining the record shall be trained in data entry. In this regard, PLVs and Retainer Lawyers deputed at the Front Office be trained and sensitized to make use of NALSA portal.

## (6) Updating legal aid Beneficiaries:-

Panel Lawyers/Retainer Lawyers/PLVs be trained in updating legal aid beneficiaries regarding court based matters through SMS and Emails. System of updating legal aid beneficiary through SMSs may be adopted. Legal aid beneficiary should be updated about the decision taken on his/her legal aid application, name & phone number of legal aid counsel marked to the applicant in case legal aid is decided to be given. He be regularly updated about the progress of case. Standard format of SMS and Email be devised.

# (7) Handling legal Aid Helpline professionally:

- (a) Legal Aid Helpline telephone should be kept in the Front Office. The PLV be trained to attend legal aid calls properly. In case of complex issues, he should refer the call to the panel lawyer/retainer lawyer instead of himself advising on legal matters. With regard to all this, suitable training be provided to PLVs and Retainer Lawyers/Panel Lawyers who are deputed for the purpose in the Front Office.
- (b)Persons deputed for handling legal aid helpline should be courteous and have good communication skills.
- (c) In this regard, the following points must be kept in view:-

- Answering a call- a pleasant buffer phrase such as "Good Morning" or "Thank you for calling Legal Services Authority" may be used.
- ii. Avoid excuses- Callers want solution. They do not want excuses. If the person handling the legal aid helpline is not capable of advising on a particular legal problem. Then, he should refer the call to the Retainer/Panel lawyers deputed at the Front Office.

## (8) Bare Acts, compilation of welfare schemes etc :-

In the Front Office, be kept Bare Acts of various important enactments such as Code of Civil Procedure, Code of Criminal Procedure, Indian Evidence Act etc. This is important for ready reference of the panel lawyers. A compilation of welfare schemes of Central and State Government be also kept in the office so that visitors also can get knowledge about the existing welfare schemes.

## (9) Connect with Legal Services Clinics:-

Front office shall have database of all the Legal Services Clinics including the telephone numbers of the panel advocates and PLVs deputed in the Legal Services Clinics. Any update in the matter falling within the jurisdiction of any Legal Services Clinic be given to the concerned Legal Services Clinic by Front Office so that the legal aid beneficiary escapes from the trouble of travelling to the District or Taluka Headquarters to know about the status of his/her application/case.

## (10) Regular Monitoring of Front Offices

Regular monitoring be made of Front Offices at the State, District and Taluka Level. At least in a fortnight, registers be checked and interaction be done with the visitors for assessing the working of Front Office. Suggestions, complaints and the feedback forms be dealt and evaluated on regular basis. Remedial steps be taken to remedy the deficiency, if any noticed.

# (11) Maintenance of Digital Record

Legal Aid applications may be received by way of post, email, web portal or applicant may deliver it in person at the office of Legal Services Authority or in Front Office. The record of all the legal aid applications be maintained at the Front Office. The applications received in hard copy form be scanned and kept in scanned form in the computer. The same be uploaded on NALSA portal. Record in soft copy form of the notices, replies, representations drafted at the front offices be also kept.

## (12) Assistance of lawyer having expertise in particular branch of law -

It may happen that the notice to be drafted at the Front Office or legal advice to be rendered may be beyond the specialized field of the Retainer lawyer or panel lawyer deputed at the Front office. In such a scenario, complex legal issues requiring special knowledge of any particular branch of law be referred to the office of Secretary, DLSA which in turn shall depute the lawyers from its panel who are having special knowledge needed to draft the application/ notice or deal with the issue to render correct legal advice.

#### (13) Promotional Activities

Public need to be apprised about the existence of Front office and the various legal services being rendered by Front Office. Hence, adequate publicity of Front Office be got done through print and electronic media.

# FRONT OFFICE REGISTERS (Annexures A)

	N	_	
110			-

S. No.	Date	Name & address of visitor	Problem	Action taken	Remarks

# LEGAL AID HELPLINE REGISTER

(Annexure B)

S. No.	Name & address & phone no. of caller	Date & time of call	Problem discussed	Action taken/advice given	Remarks
		16542	27.0		
		200	-J. 112=		

# LEGAL AID (MONITORING) REGISTER

DATE

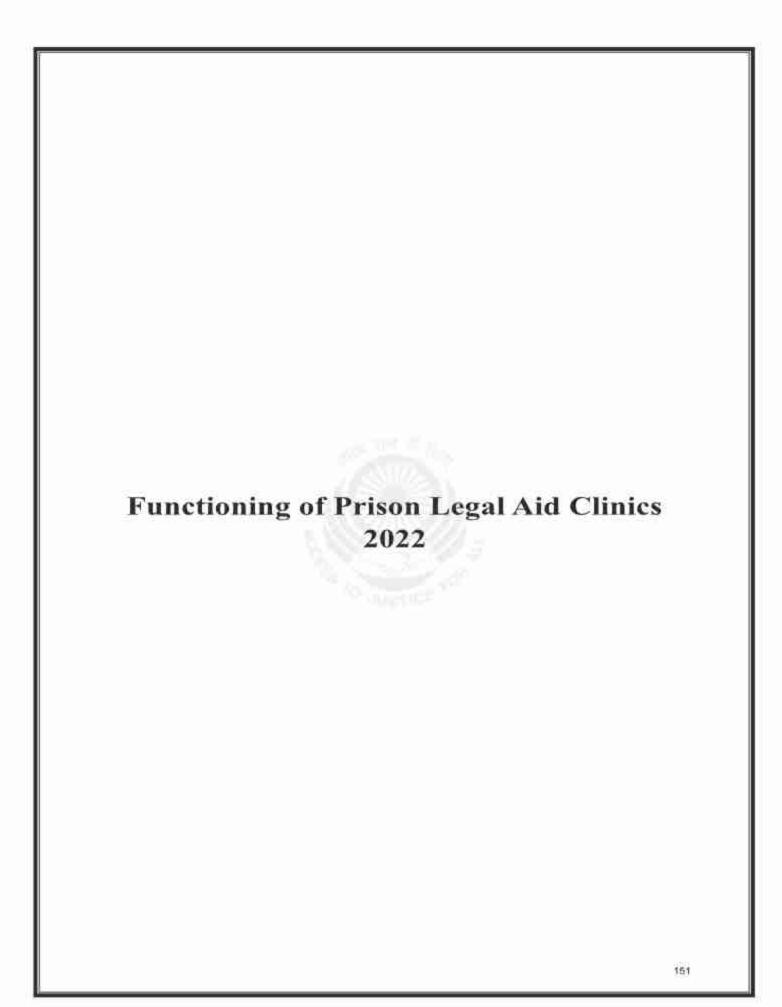
(Annexure C)

S. No.	Title of case	Name of Counsel	Name of Party to whom legal aid given	Previous date	Next date	Purpose to which case adjourned
	,					

# Annexure 'D'

# Feedback Form

120	Bad
	Average
	Good
	Excellent
(2) How re	sponsive was the lawyer who worked on your matter?
:07	Bad
0	Average
0	
0	Excellent
	ere you treated by the members of our staff with whom you c
into cor	itact?
	Bad
	Average
	Good
0	Excellent
(4) How w	ould you rate the overall communication on the part of
lawyer/s	staff?
0	Bad
0	Average
0	Good
0	Excellent
(5) Other C	omments.



#### Background

Section 12 of the Legal Services Authorities Act, 1987, provides that all 'persons in custody' are entitled to free legal aid. In 2015, NALSA wrote a letter to all SLSAs to constitute a prison legal aid clinic (PLAC) in every prison under their jurisdiction. A year later, the NALSA Standard Operating Procedure for Representation of Persons in Custody came into force in 2016 (hereinafter called 'the 2016 SOP'). The 2016 SOP observed a number of policy gaps and issues and the need to standardize and streamline the functioning of the PLACs.

Recently, Hon'ble Executive Chairman of National Legal Services Authority, has visited the prisons in different states including Central Prison, Cherlapally (Telangana); District Prison, Bhondsi/Gurgaon (Haryana); Central Prison, Mumbai (Arthur road) and District Prison Byculla (Maharashtra); and Central Prison Tihar (Delhi). Based on his visits to these prisons, a number of issues were noticed that needed urgent attention.

With the aim to further strengthen the functioning of Prison Legal Aid Clinics and to ensure effective legal services to persons behind bars, the SOP 2016 has been revised, and this present Standard Operating Procedure 2022 (SOP 2022) is formulated by NALSA. This SOP highlights the priority areas and aims to address the day-to-day socio-legal challenges faced by the prisoners. For effective implementation of this SOP, a coordinated approach is required among the various functionaries of the criminal justice system with the legal services institutions.

#### Definitions:

- 'Act' means the Legal Services Authorities Act, 1987.
- b) 'Legal Aid Clinic' means the facility established by the District Legal Services Authority to provide basic legal services to the people with the assistance of Para-Legal Volunteers or Lawyers or any other arrangement, as the point of first contact for help and advice and includes legal services clinics set up under Regulation 3 and 24 the NALSA (Legal Services Clinics) Regulations, 2011.
- c) 'Legal services institutions' means a State Legal Services Authority, District Legal Services Authority or the Taluk Legal Services Committee or the High Court Legal Services Committee or the Supreme Court Legal Services Committee as the case may be;
- d) '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);
- e) 'Para-legal volunteer' means a para-legal volunteer empaneled & trained as such by a legal services institution and includes any other individual(s) rendering his/her services at the request of any of the Legal services institution(s):
- f) 'Prison' means Central Jail, District Jail, Sub Jail, Women Jail, Special Jail including High security Jail and Borstals.
- g) 'Prisoners' means all categories of prisoners including undertrials, convicts, detenues, and civil prisoners.
- h) 'Prison Superintendent' includes Deputy Superintendent and Officer Incharge of the jail.

# PART A: Set up and Functions of a Prison Legal Aid Clinic (PLAC)

- Setting up of the Prison Legal Aid Clinic: The District Legal Services Authority (DLSA) of every district shall establish a Prison Legal Aid Clinic (PLAC) within the premises of every prison under its jurisdiction. This is in furtherance of NALSA (Legal Services Clinics) Regulations 2011, which mandates the setting up of legal services clinic in prisons.
  - 1.1Location of the PLAC: The Secretary 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.
- 1.2Infrastructure of PLAC: As far as possible, a separate well-appointed room must be designated as a PLAC. DLSA shall ensure that every PLAC is equipped with adequate infrastructure including table, chairs, computer, internet, printer etc., as the need be. DLSA shall also provide atleast one set of basic law books preferably bilingual (English & language of state) including IPC, CrPC, etc. for use both by the functionaries of PLAC and prisoners.
- 1.3Display 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 Jail Visiting Lawyer(s) (JVL) and Para Legal Volunteer(s) (PLV) on duty, and the schedule of their visits, should be clearly displayed inside the PLAC. Information regarding the clinic and presence of JVL or PLV can also be communicated to prisoners either through notice board in each enclosure or use of public announcement systems, where available.
- 1.4Operationality of PLAC: The suggested number of days for which every PLAC may be operational is as follows:
  - i. For every Central Prison, 5 days per week;
  - ii. For every District Prison, 4 days per week;
  - iii. For every Sub-Jail and other prisons, 2 days per week;
  - For every Women Enclosure (as part of the main prison), 3 days per week.
- 2. Purpose of the Prison Legal Aid Clinics (PLACs): The objective of establishing and operationalizing the Prison Legal Aid Clinic in every prison in the country is to provide meaningful, efficient and effective legal services and assistance to prisoners. It must be noted that the role of PLAC is not limited to only cater to the needs of prisoners who have opted for legal aid services, rather much broader and includes:
  - a) to ensure at all times that no person is without legal representation at any stage of the criminal proceeding and generate awareness about the same;

- b) to bridge the information gap between the Prisoner and the Court;
- c) to facilitate communication between the Prisoner and the Lawyer, whether legal aid or private;
- d) to ensure that no person is illegally or unnecessarily detained;
- e) to ensure special needs of vulnerable groups (women, young offenders, mentally-ill, foreign nationals, persons from other states, etc.); in prisons are addressed;
- f) to collaborate with local authorities, universities, academic institutions and civil society organisations to further strengthen legal aid services for prisoners;
- g) to act as a One Stop Centre (OSC) to raise the grievances by prisoners and direct the grievances to appropriate authorities through DLSA; and
- h) to undertake implementation of the NALSA and SLSA campaigns for prisoners or any other work assigned to fulfill its mandate of providing legal aid services and assistance to the prisoners.
- 3. PLAC Functionaries and their functions: The objectives and aims of the Prison Legal Aid Clinics will be carried out by the joint working of paralegal volunteers (be it from the community or from among the convicts in the prison) and Jail Visiting Lawyers.

## 3.1 Jail Visiting Lawyers (JVLs)

- 3.1.1 Appointment and Tenure of JVLs: 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:
  - For every Central & District Prison, 2 to 3 Jail Visiting Lawyers be appointed.
  - For every Sub-Jail, 1 Jail Visiting Lawyer be appointed.

- 3.1.2 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. Visit of women lawyers will ensure regular interactions with women prisoners confined in women enclosures and in 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). It would be imperative for the panel lawyer to meet, interact and update the beneficiaries regarding their cases and progress charted.
- 3.1.3 Appointment of transgender advocate, if available for transgender enclosure— Where prisons have transgender enclosure, the DLSA should make endeavor to appoint a transgender jail visiting lawyer or a lawyer who has received specialized training to address concerns of transgender persons in detention.
- 3.1.4 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:
  - a) For every Central Prison, at least 5 visits per week;
  - b) For every District Prison, at least 4 visits per week;
  - c) For every Sub-Jail, at least 2 visits per week for subjails and other jails.
  - d) 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. Similar periodicity can be adopted for transgender enclosures as well.
- 3.1.5 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).
- 3.2Paralegal Volunteers: In addition to appointment of JVLs for each PLAC, the DLSA should assign each PLAC with adequate number of convict and community PLVs.
  - 3.2.1 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.
  - 3.2.2 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 PLV, but their presence in the community and regular visits/interaction with DLSA would ensure effective communication between the DLSA and the prisoners.
  - 3.2.3 Proportion of 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:

- For every Central Prison, 2 community & 2 to 3 convict PLVs be appointed.
- For every District Prison, 1 community & 1 to 2 convict PLVs be appointed.
- For every Sub-Jail, I community PLV be appointed.
- 3.2.4 Tenure of PLVs: The tenure would be for a minimum period as prescribed under any directions or policy either by NALSA or SLSA, subject to renewal post assessment of previous performance.
- 3.2.5 Payment of PLVs: The payment of honorariums will be made every month by the DLSA after due verification of necessary documents and bills but within 2 weeks after completion of month and submission of youcher/bill.
- 3.2.6 Timely submission of reports & bills: It shall be duty of the PLV to submit the reports, grievance or request of the prisoner to the DLSA at earliest. The claim/ voucher and duty report, if any have to be submitted without any delay but not later than one week.
- 3.3 Orientation/Training of PLAC Functionaries: The training/orientation of the Jail Visiting Lawyers and Paralegal Volunteers, whether convict or community, appointed to the PLAC, should be conducted, preferably, within the first month of their appointment. It must include the following:
  - a) Overview of the prison administration and the role of prison personnel at different levels.
  - b) Information about prison population sanctioned strength vs actual prison population, categories of prisoners lodged in the concerned prison and the demography of the prison population.
  - c) Legal aid system and grievance redressal portal,
  - d) NALSA mobile app and e-courts services portal,

- e) General Dos and Don'ts during prison visits.
- f) Frequency of prison visits and areas to be covered during prison visits.
- g) Duties of PLAC Functionaries including identifying prisoners in need of legal aid or legal assistance with special needs of undertrials and convicts; assisting them by taking appropriate steps; legal awareness of prisoners; implementation of NALSA campaigns etc.
- b) Duties regarding documentation work of the PLAC names and formats of the registers to be maintained, documentation of the grievances of prisoners, follow up and their redressal, etc.
- Functioning of the Under Trial Review Committees;
- j) E-prison portal and other digital facilitation portals etc.
- k) Information about any other task that may be assigned.
- 3.4 General Functions of the PLAC Functionaries: The duties for jail visiting lawyers and paralegal volunteers have been outlined in the NALSA's Handbook of Formats 2020. These are enumerated below:

# 3.4.1 Jail Visiting Lawyers:

- To visit the prison legal aid clinic as prescribed in most disciplined manner.
- To identify cases eligible for release under the mandate of the Undertrial Review Committee (UTRC).
- c) To interact with inmates identified by the paralegal volunteers and provide legal advice.
- d) To draft applications and petitions for parole/juvenility/bail etc. for the undertrials and convicts present in the clinic.
- e) 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.

- f) 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.
- g) To train the paralegal volunteers and oversee the effective functioning of the PLAC.
- To regularly inform the inmates about the status of their cases.
- To communicate to the defense lawyer any pertinent information that an inmate has requested to be shared with his/her lawyer.
- j) To get acquainted with the prison manual and the other rules & regulations relating to prisons.
- k) To ensure that the registers are filled by the paralegals accurately.
- To record attendance and work in the registers available and also record in digital manner, if provided at the prison.
- m) To also represent the inmates in courts in some cases, if appointed by the LSI but not otherwise.
- To submit a weekly report of the work to the legal service institutions by 1<sup>st</sup> working day of preceding week.
- To also submit a copy of the register of beneficiaries maintained at the clinic.
- p) To ensure that a copy of the charge sheet or any document taken from any prisoner is returned.
- q) To not canvass or solicit for any case in your private capacity.
- r) To prioritise and focus on personal interactions with the inmates in the PLAC during the visit and then document and prepare the petitions.
- s) To send intimation to the DLSA in advance if he is unable to visit the PLAC on a particular day.

- To assist the UTRC by coordinating with the inmates and the courts on cases eligible for release.
- To follow the directions given under NALSA SOP for representing persons in custody.
- v) To bring into notice of DLSA about the concern of inmates in respect of conditions in jail.
- W) Updating information on digital platform of legal aid and legal aid e-prison.
- x) Working on NALSA mobile app and digital report mechanism.

## 3.4.2 Paralegal Volunteers:

- To manage/ organise legal aid clinics inside prisons, as prescribed.
- b) To take steps towards identification of inmates who are in need of legal assistance.
- c) This would involve reaching out to all prisoners whether beneficiary of legal aid or not, especially the new entrants.
- d) To seek permission from the prison authorities to visit the wards/ enclosures of prisoners to ascertain that no one remains unrepresented.
- e) 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.
- To coordinate and assist the jail-visiting lawyers in providing legal advice and aid.
- g) They would also give updates on the case of the inmates.
- h) To counsel inmates and explain any legal provision pertaining to their case. Where there are doubts, then refer the case to the Jail Visiting Lawyer.
- To receive legal aid lawyer appointment letters, replies from legal service institutions and other authorities,

- maintain record and give copies to the concerned prisoner.
- j) If you come across a prisoner who claims to be a juvenile at the time of commission of offence or at arrest, to draft an application to bring the case to the attention of the concerned Legal Services Authority, Juvenile Justice Board and the Child Welfare Committee.
- k) To submit weekly reports to the DLSA.
- To submit reports to the DLSA about the Undertrial Review Committee on cases eligible under section 436/436A Cr.P.C.
- m) To write to the concerned LSI about any queries, grievances or for shortage of any basic requirements for the smooth functioning of the clinic.
- n) In case of community PLV to contact the family members of the inmates so as to intimate about his detention and if needed facilitate interviews with family members
- To keep track of non-production of any inmate in the court as per the date given and inform the Secretary, DLSA/SDLSC or TLCS.
- p) To assist the inmate in filing any complaint or grievances relating to their stay in prison.
- q) To maintain the registers in the clinic. The Paralegal Volunteers shall maintain registers recording name, fathers name, age, date of admission, offences charged under, case ref & concerned court, details of lawyer, status of case, next production.
- r) 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.

- s) 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.
- t) 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.
- To send a monthly report of their work to the Secretary of the DLSA/SDLSC or TLCS by 5th of every month.
- v) To submit a copy of the legal aid register for review to the Secretary of the DLSA/ SDLSC or TLCS every month.
- w) To not seek any money/ benefits for the work done from the inmates or their families.
- Updating information on digital platform of legal aid and legal aid e-prison.
- y) Working on NALSA mobile app and digital report mechanism.

## 3.5Documentation and Reporting in PLAC

- 3.5.1 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.
  - b) Section 1 Chapter V (Pages 20 25) for Community Para Legal Volunteers appointed to Prison Legal Aid Clinics.
  - Section 1 Chapter VI (Pages 26 32) for Convict Para Legal Volunteers appointed to Prison Legal Aid Clinics.
- 3.6 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.

## 4. Monitoring of functioning of PLAC by DLSA

- 4.1Periodicity of visits by DLSA Secretary: DLSA Secretary will visit and inspect the Prison Legal Aid Clinics at least once a month.
- 4.2Role of the DLSA Secretary during prison visits: The following is the role:
  - a) 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.
  - b) 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.
  - c) 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.
  - d) 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.
  - To ensure that concerns of vulnerable category of prisoners are heard and responded to.
  - To ensure and check the documentation and reporting practices of the Clinic.
  - g) 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 unnecessary hindrances are set forward from the prison officers, which may create hurdle in working of the PLAC.

- 4.3 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 received feedback for services provided.
- 4.4 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.

# 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.

# PART B: Process of Application for legal aid and Role of PLAC in Facilitating Appointment of legal aid lawyer

- 6. Awareness about legal aid: The JVLs, PLVs and Secretary, DLSA shall regularly inform prisoners about the following during their periodic visit to prisons:
  - a) prisoners' right to legal aid and that a legal aid lawyer is provided free of charge to the prisoner, irrespective of their financial status.

- b) prisoners' right to complain and seek redressal if a legal aid lawyer asks for any remuneration, monetary or otherwise, from the prisoner or prisoner's family or if s/he is dissatisfied by the services of a legal aid lawyer. In such cases, the legal aid lawyer should be immediately replaced and appropriate steps shall be taken by the DLSA Secretary and the Chairman, DLSA to verify the claims, and take appropriate action.
- 7. Application for legal aid: If any prisoner, at any stage of remand/trial/court proceeding, wishes to apply for legal aid, s/he may contact the JVL or PLV appointed to the PLAC. S/he may also approach the DLSA Secretary during their prison visit with the request to appoint a legal aid lawyer.
  - 7.1 As soon as the JVL/PLV receives the request, whether oral or written, by a prisoner to apply for legal aid, the application in the prescribed form shall be made by the PLV. The application shall urgently be sent/handed over to the DLSA Secretary within 24 hours of the request so received.
  - 7.2 On receipt of the application for legal aid, the DLSA Secretary shall check with the trial court if the lawyer has already been appointed in that case, and in case it is not, s/he shall ensure that a legal aid lawyer is appointed with 48 hours of the request so received.
  - 7.3 The intimation regarding appointment of lawyer along with the contact details of the lawyer, as per prescribed format in NALSA's Handbook of Formats 2020, shall be immediately sent to the prison which in turn should be handed over to the concerned prisoner.
  - 7.4 Details of the date of application, date of appointment of lawyer and details of lawyer appointed should be updated by the PLV in the designated registers and online databases, where available.

# PART C: PLAC's Role in providing Legal Aid Services and Legal Assistance to Vulnerable Groups in Prisons

8. Newly Admitted Prisoners and 'Case Table': A person is most vulnerable as soon as s/he is admitted in the prison. S/he requires assistance to navigate through the initial procedures in prison and is in need of support and guidance. For this purpose, 'Case Table' shall be organised for all the newly admitted prisoners on the same day or the next day of the admission. During case table, following officials/persons shall be present:

- a) Prison Superintendent/officer-in-charge
- b) Para legal Volunteers appointed in the PLAC
- c) Full-time Medical Officer of the prison, if any
- d) Any other prison officer/staff that the Superintendent directs to be present
- 8.1 The Prison Superintendent shall explain the offences under which the person has been sent to judicial custody; general rights and duties of prisoners and the day-to-day processes inside prison.
- 8.2 During the case table, the Prison Superintendent shall enquire about the following from every newly admitted prisoner and a note of the same shall be made in a separate register maintained by the PLAC functionaries:
  - a) Whether an undertrial is represented by a legal counsel. If not, s/he must be informed of their right to legal aid services. In case an undertrial is willing to apply for legal aid, such application must be submitted to the DLSA within 24 hours of the request so received. The same must also be documented in a register. In case the person needs time to consider, 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.
  - b) Whether a prisoner has informed his/her family member about his/her imprisonment.
    - If any prisoner has not been able to inform his/her family, the paralegal/JVL shall immediately inform the Prison Superintendent and it has to be ensured that the undertrial is able to speak to his/her family at the earliest either virtually or telephonically.
    - ii. There may be the situation that the prisoner's mobile phone is confiscated by the police at the time of arrest and the person does not remember the contact number of the family member/relative/friend, in such circumstances, a coordinated effort is needed, on behalf of the Prison Superintendent and the concerned police station where the person's belongings may be placed, to procure the contact number/s of the family member/relative/friend.
    - iii. In case the person is unable to communicate with his/her family, and the prisoner belongs to another district or state, the DLSA Secretary in whose jurisdiction the prison is

- located, shall contact the concerned DLSA or the SLSA of the state, where the relative of the prisoner resides to enable communication between them.
- iv. To enable prompt communication, postcards, specially developed for the purpose by the postal department and provided free of cost to the prisons, duly filled shall be sent by post to the home/ permanent address of the prisoner, duly signed by the Prison Superintendent and the DLSA Secretary. The PLVs shall conduct this task on a regular basis.
- c) Where a prisoner needs any urgent medical attention. In such a case, the paralegal/JVL shall immediately inform the Prison Superintendent and the Medical Officer, attached with the prison. If the prison does not have a full-time medical officer, such undertrial shall be immediately attended as per protocol and the concerned court shall be informed of the same.
- d) Where a prisoner belongs to another state or country. An undertrial belonging to any other state may need assistance in understanding the local language in case his/her mother tongue is different, contacting family/ relative/ friend, getting clothes and basic necessities, getting used to the local food, arranging for local surety in case bail is granted, etc. Special attention shall be given to such persons in coordination with the prison authorities. The Superintendent may request the DLSA to arrange for a translator to enable the prisoner to understand the legal proceedings in his/her case.
- e) Where an undertrial appears to be a minor. If the person appears to be a minor, the PLV shall enquire about the age proof of the person. In case, the person claims to be below 18 years of age, the PLV shall immediately inform the Prison Superintendent and the DLSA Secretary. An application shall be filed immediately to the concerned court on behalf of the person by the DLSA requesting:
  - to initiate the proceeding to determine the age of the person and;
  - to immediately transfer the person to the Observation Home under S.9(4) of the Juvenile Justice (Care and Protection of Children) Act, 2015, while the age of the person is being determined by the court.

- f) The whereabouts of children of newly admitted prisoners. In case, there is a child or children who may be alone and without any family support outside, the same shall be immediately communicated by the Superintendent to the DLSA Secretary, who will intern communicate this to the district Child Welfare Committee to ensure safety and care of children.
- 9. Legal Assistance to Other Vulnerable Groups in Prisons: While everyone is vulnerable in prison, there are certain categories of prisoners who need more attention due to their special needs. In order to identify them, the PLV/JVL shall visit all the barracks/wards of the prison regularly. It is important for the PLAC functionaries to play a proactive role and reach out to them directly. The prison authorities shall grant permission to the JVL/PLVs to interact with prisoners. The PLV/JVLs shall frequently communicate with the prisoners falling under the following categories and inform the DLSA Secretary about their grievances, if any, during his/her visit to the prison
  - 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
  - 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

### PART D: PLAC's Role in Providing Legal Information to Prisoners and their families

- 10. 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.
- 11. E-court Kiosks: PLAC shall ensure that the kiosks provided to all prisons under the e-courts project are operational at all times. In case they are not, the same shall be communicated to the Prison Superintendent and DLSA Secretary so that timey steps could be taken.
- 12. 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.

### PART E: PLAC's Role in providing Legal Awareness to Prisoners and Grievance Redressal

- 13.Legal Awareness Programs in Prisons: Apart from the information related to their case status, prisoners shall be regularly made aware, through legal awareness programmes by the DLSA about the following from time to time:
  - a) right to legal aid and the procedure for applying to legal aid;
  - b) stages of trial and rights of accused at different stages of the trial;
  - c) information about compoundable offences;
  - d) Eligibility and process of plea bargaining;
  - e) eligibilities under the Undertrial Review Committees;

- f) process of filing of appeals/petitions;
- g) process of filing for parole/furlough;
- h) eligibilities under the state prison rules on premature release of prisoners and the process regarding the same;
- i) information about legal procedures in special laws like NDPS Act, POCSO Act and state local laws;
- j) Any other subject that is peculiar to a particular district/state or that the DLSA Secretary thinks appropriate.

The DLSAs may display informative posters covering any or all of the above topics inside the common areas of the prison, in local languages for raising awareness among prisoners.

### 14. Grievance Redressal of Prisoners:

- 14.1 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.
- 14.2 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.
- 14.3 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.

### PART F: Legal Assistance in Filing of Petitions/Jail Appeals in the High Court/Supreme Court by Convict Prisoners

- 15.The DLSA, in coordination with the prison and the PLAC shall ensure smooth filing of petitions of convicts in High Court and Supreme Court:
  - 15.1 As soon as the order rejecting bail or 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 bail/appeal/review/revision in the High Court/Supreme Court and the process of filing the same.
- 15.2 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.
- 15.3 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.
- 15.4 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.
- 15.5 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.
- 15.6 Details of the lawyer appointed by the HCSLC/SCLSC must be duly noted in the register/databased maintained at the PLAC.
- 15.7 Regular interaction and communication between the counsel and the client/ convict must be ensured by SCLSC, HCLSC, DLSA and SLSA in order to update the beneficiary as to the progress of the case. Where the prisoners complain of lack of interaction with the lawyer assigned by HCLSC/SCLSC the DLSA shall intimate the same to the HCLSC concerned /SCLSC at the earliest.
- 15.8 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.
- 15.9 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.

### PART G: PLAC's Role in the Under Trial Review Committees (UTRC) process

- 16. 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:
  - 16.1 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.
  - 16.2 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.

### PART H: Strengthening Communication of Prisoners with their Lawyers

### 17. Role of Legal Services Institutions:

- DLSA shall ensure that there is effective communication between the lawyer and the prisoner. In cases of physical meeting at Prison, the prison authorities will provide adequate space for lawyers to interact with their clients in a confidential manner. The rules for lawyers to seek visitation/interviews with their clients must be duly displayed outside the prison, in the court complex and made available to the Bar Association. Where lawyers are willing to communicate via video conferencing, DLSA can set up a video conferencing facility in the district courts complex for this purpose that would allow lawyers, whether private or legal aid, to communicate regularly with their clients in prisons. On the side of the prisons, DLSA shall ensure that the video conferencing facility set up in prisons is utilised for communication with lawyers and evening hours are fixed on daily-basis, in coordination with the Prison Superintendent. The information about such a facility shall be publicised by the DLSA at both ends, in the court complex and prison/s falling under their jurisdiction and lawyers and prisoners must be encouraged to use the facility.
- 17.2 The High Court/Supreme Court Legal Services Committees and the State Legal Services Committee shall also coordinate with the Prison Superintendent to ensure that there is effective

communication between prisoners and lawyer appointed to represent cases in the High Court and Supreme Court via video conferencing.

### PART I: Role of the Trial Court

### 18. Role of the Trial Court:

- 18.1 Regarding conduct of Videoconferencing hearing: The trial court will ensure effective communication between the lawyer, whether private or legal aid, and the client in prison, when the accused is produced through video-conferencing. The court shall give time for them to communicate before and after the virtual hearing.
- 18.2 Regarding cases of prisoners belonging to other states or countries: In case the accused belongs to another state or is a foreign national and his/her mother tongue is different from that of the state where he is being tried, if it is felt by the court or requested by the accused, the trial court shall request the District and Sessions Judge for an interpreter to be present in all the hearings and during communication with the lawyer to ensure that the right of self-defense is fully exercised by the accused. The payment for an interpreter in such cases may be made from the NALSA grant by the DLSA/SLSA.

### PART II: Role of the Prison Superintendent

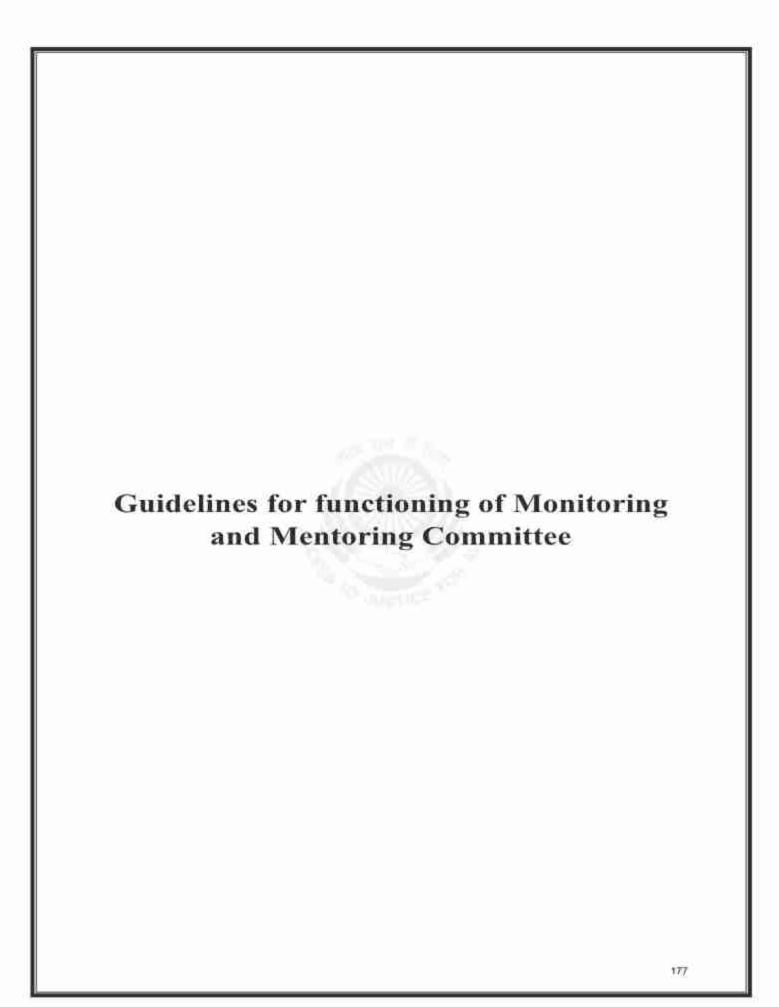
### 19. Role of the prison superintendent in ensuring effective functioning of PLAC

- a) The prison superintendent must ensure that PLVs/JVLs are provided necessary permissions to conduct the PLAC inside prison.
- b) Adequate space must be allocated for setting up the PLAC.
- c) The PLVs must be permitted to display information regarding the PLAC in common areas inside the prison.
- d) An attendance register for visits by the community PLV and JVL to the prison, as well as the number of times the PLAC has been conducted in prison, should be kept with the prison superintendent. This must be shared with the DLSA at the end of every month.

- e) The prison superintendent should seek feedback from prisoners regarding working of the PLAC and any grievances against the PLVs/JVLs so received must be duly communicated to the DLSA.
- f) The prison superintendent must ensure that PLVs/JVLs do not engage in any activity for soliciting clients for their own private practice, or any other lawyer.







### "GUIDELINES FOR FUNCTIONING OF MONITORING AND MENTORING COMMITTEES AT DISTRICT LEVEL"

It is trite that those who cannot afford a lawyer on their own, due to economic and social marginalisation are also entitled to the same quality of legal representation in their matters as those who can. Professional competence, client centered advocacy, court-craft and a responsive attitude are some of the well-acknowledged norms to define quality. Additionally, lawyers empanelled with the Legal Services Institutions, have to be especially sensitive and empathetic towards the issues of the marginalized. It is also well-acknowledged that quality can be enhanced by periodic capacity building and mentoring, and can also be measured and evaluated. Such evaluation and continuous monitoring is especially required at district level and more so, where the number of legal aid cases is substantial.

It is therefore felt desirable that some broad uniform guidelines be framed at the initial stage, for constitution and functioning of the monitoring committees in DLSAs which have 100 or more pending legal aided cases. While adopting the said guidelines, the DLSAs may if required, make such suitable modifications as found necessary in the context of the local conditions and circumstances. For monitoring of the panel lawyers attached with the other DLSAs, HCLSCs, SLSAs and TLSCs, the concerned State Legal Services Authorities and High Court Legal Services Committees may prescribe a suitable framework.

Regulation 10 of the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010 provides for the Legal Services Authorities to establish Monitoring and Mentoring Committees (hereinafter referred to as the Committee) at each level. The primary functions of these Committees are to guide the panel lawyers in conducting their cases on behalf of the Legal Services

Institutions and also to monitor their performance. The Committee at the District level comprises of the following:

- Secretary of the Legal Services Institutions;
- (ii) One serving judicial officer from the State Higher Judicial Service;
- (iii) One retired judicial officer or one Advocate of fifteen years' standing or more. [Reg. 10 (4)]

Following mechanism is suggested for setting up and effective functioning of the said Committees in Districts having 100 or more legal aided cases:

- All such DLSAs should 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;
- 2. The activities of monitoring and mentoring both require continuous supervision and evaluation and therefore, the honorarium payable to the retired Judicial Officer or the Advocate member should be fixed by SLSA with the approval of Hon'ble Executive Chairman preferably, on monthly payment basis. He/she shall have the primary responsibility of monitoring day to day progress of the cases and performance of the panel lawyers.
- 3. On a case being marked to panel lawyer, the DLSA is required to inform not only the lawyer and the concerned party, but also the aforesaid Committee. The Committee 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.
- Members of the Committee and especially, the retried Judicial Officer or lawyer member shall guide the panel lawyers in complicated case.
- In suitable cases, the Committee shall recommend to the DLSA to provide research assistance to the panel lawyers through law students, PLVs or students attached to law school clinics.

- The Committee 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.
- 7. The Committee shall maintain a case wise register for monitoring of legal aided cases. Day to day progress of all the legal aided cases along with the observations of the Committee shall be entered in the register.

### Monitoring of Performance of Panel Lawyers

8. In order to provide quality legal services consistently and to win the trust of the litigants, it is important that the panel lawyers adhere to good lawyering principles and their performance is regularly monitored on the basis of established performance para-meters. The Committee shall therefore keep a general watch over the performance of Panel Lawyers and the progress of legal aided cases. In case of complaints of inefficiency or malpractices against any particular panel lawyer, his performance and behaviour shall be closely monitored.

Some of the performance standards and suggested methods of their monitoring are discussed below:

(i) Quick Response: 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. The initial interaction shall preferably be conducted within 24 hours of intimation of assignment of case to him. If he is unable to hold this interaction, he must communicate with the litigant over phone and fix an appointment for comprehensive briefing about the case of litigant. Such meeting shall be conducted earliest in case of urgency and in any case not later than 7 days of assignment of the case. If the counsel is not available for a longer period, he shall inform the litigant accordingly as well as the DLSA concerned to take remedial

action in this regard, if so required. The counsel shall upload the information regarding the first briefing with litigant on the NALSA portal or at the Front office.

- Performance of the counsel on this count can be assessed through feedback given by the litigants in this regard as well as from the information furnished by the counsel on NALSA portal or at the Front Office.
- (ii) Effective interview: The panel lawyer should have the requisite skills of gathering all the necessary information from the litigant as would be required for the prosecution or defence of the case. He should at all times, be courteous towards the client and should treat the legal aid client in the same manner as he does to his private clients. He shall also communicate with the litigant with patience, compassion, tolerance and an attitude of respect. He is totally prohibited from asking any fees or any other charges from the legal aid client. Rather he shall inform the litigant that lawyer's fee and typing and incidental expenses related to pursuing the case would be borne by the DLSA. It is reiterated that legal aid beneficiaries are to be dealt with in such manner as he must not feel that he is getting any service in charity rather he must perceive that the legal system is taking care of his interest efficiently.
  - Performance of the counsel on this count can be assessed through feedback given by the litigants in this regard.
- (iii) Professional Competence: The panel lawyer should keep himself abreast of all latest developments in law and should have the necessary competence to apply the correct law to the facts as disclosed by the client. He should be able to prepare the pleadings and develop the client's case in such a manner as to serve the best interests of the client. However, he should guard against committing any illegality in this

process. While preparing the pleadings, he should inform the litigant about the facts pleaded and left out, in vernacular. The case should be filed earliest possible and any inevitable delay in doing so should be communicated to the litigant as well as DLSA concerned. During arguments on point of charge, miscellaneous applications or at final stage etc. as well as cross-examination, he is expected to remain fully prepared and sincere in his work.

- Performance of the counsel can be assessed by random checking of pleadings, cross examination of the witnesses, arguments advanced before the Court as reflected in miscellaneous orders/judgment in the concerned cases or by randomly observing the Lawyer's performance in the court or through interaction with the Presiding Officer of the court.
- (iv) Attending Capacity Building Programmes: The panel lawyer should punctually attend all capacity building programmes to which he is nominated by the concerned legal service authority.
  - Performance can be assessed through the data maintained by the concerned legal service authority in respect of training conducted and attended by the lawyers.
- (v) Seeking guidelines from Monitoring and Mentoring Committee: The panel lawyer should be open to seek advice from the Committee of the DLSA/SLSA in case of any difficulty in handling the case at any stage or in complicated issues. He should also be open to the said committee monitoring his performance and should promptly submit copies of pleadings and other documents drafted and filed by him on behalf of the litigant.

- Performance can be assessed from the data related to attendance of the meetings of Committee whenever the lawyer has been asked to be present.
- (vi) <u>Punctuality</u>: The panel lawyer should be punctual in attending court hearings and should not seek an adjournment unless it is absolutely necessary.
  - Litigant feedback or perusal of record of Court proceedings can help in assessing as to how many times and how frequent he seeks adjournment in his legal aid cases.
- (vii) Behaviour in the Court: The panel lawyer should conduct himself in the most professional manner as an Officer of the Court. He should always be courteous and respectful towards the Court. He shall always keep in mind that he shall be bound by the code of conduct prescribed for lawyers under the Advocates Act and by the Bar Council of India and of the State.
  - Performance of the counsel can be assessed by feedback given by the Courts in informal meetings or by litigants or by actual observance of his performance in the Court.
- (viii) Prompt Reporting: the panel lawyer should promptly report the proceedings of the day and next date fixed in the legal aid cases at the front office and to the client. He should reveal to the litigant all the proceedings or orders which a litigant is supposed to know, even if the order is passed against the litigant. Simultaneously, he should guide the litigant about the next course of action for challenging the order or its execution, as the case may be. He shall also post the update of cases regularly on NALSA portal.

- The concerned DLSA or the committee can assess the lawyer through the record submitted or the information uploaded on the NALSA portal by the lawyer or through feedback given by the litigant in this regard.
- (ix) For Jail Visiting Advocates: The advocate should perform the duty assigned to him by the concerned legal service authority which may include interaction with inmates regarding their cases, informing the inmates about their rights, drafting desired applications/appeals on their behalf. If any irregularity in respect of rights of the prisoners is brought into notice of the lawyer, he may inform the DLSA Secretary to take up the issue with the appropriate authority. He should be aware of the jail manual and various judgments of the Hon'ble Supreme Courts and High Courts relating to jail inmates.
  - Performance can be assessed from the report from the jail about visiting times of the counsel and the feedback given by the jail inmates during visits of Secretary, DLSA to the jails. As well as from the report given by the counsel about work done during the jail visits.
- (x) Participating in Legal Services Clinics, Front Office: The panel lawyer should always be ready to provide his services for legal services clinics. He should orient himself about the local issues/problems of the area in which such clinic is situated. He must also update himself about the law and latest developments regarding the topic for which any awareness programme has been organised by the legal services authority. But he shall keep it in mind that he shall not give false hope or wrong advice to the persons approaching the clinic or front office. If he does not have appropriate knowledge or confidence to suggest solution for any legal issue put forward to him, then he should ask the person to come on any

other pre-fixed day and in the meantime, he shall apprise himself about the related law through self-reading, consultation with Secretary DLSA or Mentoring Committee or otherwise. He should deal with every person with the same traits as he would be following as mentioned above. He should maintain full coordination with Para-legal volunteers attached with clinic or front office and would also act as their mentor too. Wherever he is supposed to draft applications, notices or petitions in urgent matters, he shall be willing to do so. He shall also maintain the record, as directed by the concerned DLSA, of the visitors as well as the advice given to them in brief.

- Performance of lawyer can be assessed through the feedback given by the persons approaching clinic or front office about the punctuality, promptness, general impression about the sincerity etc.
   His work can also be randomly checked by the Secretary, DLSA by visiting the clinic/front office intermittently.
- The Retired Judicial Officer or Advocate member of the Committee may observe actual performance of the Advocates in the Courts on random basis and make notes of his observations.
- 10. The Committee may randomly call for copies of the pleadings filed by the panel lawyers in legal aided cases and may 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.
- 11. The Committee members may randomly seek feedback from the litigants who have been provided legal aid. Such feedback may also be obtained from litigants who are lodged in prisons either by personal visit to the prison or through video-conferencing.

12. The Committee may develop suitable questionnaire for the parties who have been assigned panel lawyers and obtain their feedback from time to time. The Secretary, DLSA and the sitting Judicial Officer member of the monitoring committee may have interaction with the presiding officers of the courts in the district to obtain their opinion about the performance of panel lawyers appearing in their Courts.

### (a) Suggestive Questionnaire for 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:

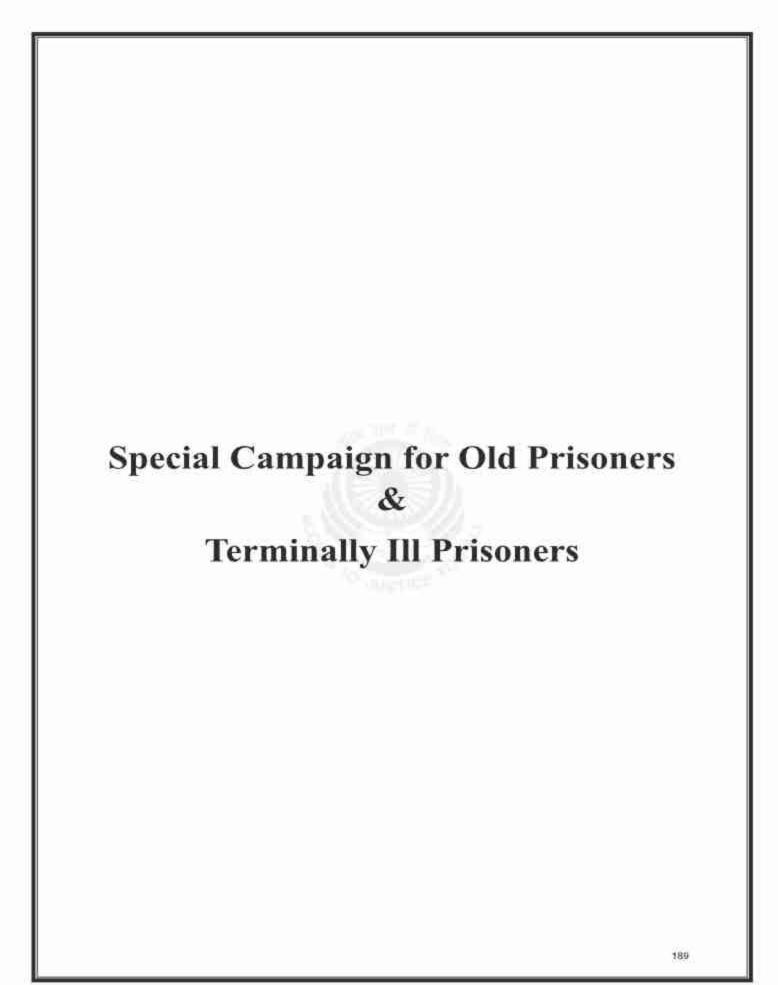
- (i) Whether lawyer had promptly interacted with the party after assignment of the case?
- (ii) Whether sufficient hearing was given to the parties?
- (iii) Whether the party was satisfied with the interaction and conduct of lawyer?
- (iv) Whether the lawyer had regularly interacted with the party regarding 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?

### QUESTIONNAIRE FOR THE PRESIDING OFFICERS FOR THE COURTS MAY INCLUDE:

- (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 fact the party's stand?
- (vi) Whether he follows the Code of Conduct and ethics prescribed for Lawyers
- 13. On collecting the relevant information about the performance of the lawyers on a random basis, the Committee 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.





### 1. Introduction

- 1.1 Old prisoners and Prisoners with Terminal Illness face difficulties in navigating the prison environment, require frequent health check-ups, need special diets, and frequent meetings with their family and friends. Such prisoners would require specialised care and individual attention, which may not be possible for the prison authorities to provide, thus leading to aggravations in their medical condition and also often leading to issues of mental illness.
- 1.2 As per the Indian Medical Council Research report of 2018, terminal illness is defined as an irreversible or incurable disease condition from which death is expected in the foreseeable future. The UNODC Handbook on Prisoners with Special Needs refers to terminal illness as a situation in which there is no reasonable medical possibility that a patient's condition will not continue to degenerate and result in death.
- 1.3 As per the Prison Statistics India 2022, collated by the National Crime Records Bureau of India, 20.8% of all convicts i.e. 27,690 and 10.4% of all undertrial prisoners i.e. 44,955 prisoners are aged 50 years and above. The Model Prisons & Correctional Services Act, 2023 recognizes the vulnerability of old and infirm prisoners, in as much as it seeks that prisoners who are old and infirm should be lodged separately. Further, the Model Prison Manual 2016 also states in Chapter VIII, Section 8.48 that the Prison Superintendent shall communicate a list of prisoners who are old and infirm to the Duty Counsel, State Legal Services Authority at the High Court, and Legal Services at Supreme Court, in addition to contacting with District Legal Services Authority on continuous basis, for providing of legal aid and assistance to them.
- 1.4 The UNODC Handbook on Prisoners with Special Needs includes both Old Prisoners and Prisoners with Terminal Illness as prisoners with special needs, and recommends:

### a. Older Prisoners

 Assistance to older prisoners in accessing legal counsel, legal and paralegal aid services from the outset of their detention and to provide additional support to older prisoners with mental or physical disabilities, as required, to ensure that

- they are not discriminated against in their access to justice and treatment in the criminal justice system.
- Release on compassionate grounds older prisoners who are in need of constant specialist nursing care, and who do not pose a risk to society, transferring them to an appropriate institution in the community.
- Encourage and facilitate contacts between older prisoners and legal aid services at the appropriate stage, in order to assist such prisoners in gaining early conditional and compassionate release.

### b. Prisoners with Terminal Illness

- Ensure that individuals with a terminal illness have access to legal counsel, including free egal aid services if indigent, during the entire criminal justice process, including in filing bail applications and to provide assistance as necessary to ensure that this happens.
- Undertake regular assessments of the condition of prisoners with a terminal illness and initiate procedures for early or compassionate release, as soon as it is determined that the medical care and other support services provided by the prison are inadequate to address the needs of the patient.
- To actively support the compassionate and early release of prisoners with a terminal illness to liaise with the legal representative of the prisoner, and if necessary facilitate legal aid, to ensure that the prisoner's legal rights are protected and enforced during the decision process, which may involve lengthy and cumbersome procedures in some systems.
- 1.5 Recently, the plight of a 93-year old women prisoner confined in a prison in Karnataka was highlighted in a news report article, wherein the District Legal Services Authority was directed to move the Supreme Court for seeking her release. Similarly, recently the Calcutta High Court granted bail to a terminally ill undertrial, who was represented by a lawyer of the High Court Legal Services Committee and similar considerations for other terminally ill prisoners in the State were also sought to be taken up.
- 1.6 In view of the above, and in furtherance of NALSA's mandate to provide effective legal aid services to prisoners, with the approval of the Hon'ble Chairman, NALSA,

a campaign titled 'Special Campaign for Old Prisoners and Terminally III

Prisoners' will be undertaken from 10 December 2024 to 10 March 2025 by

NALSA along with the SCLSC, SLSAs, HCLSCs, and DLSAs.

### 2. Objective of the Campaign

The primary objectives of the campaign is to expedite the release of old prisoners and terminally ill prisoners through provision of effective legal aid services. The campaign aims to:

- 2.1. Identify and release old prisoners and terminally ill prisoners,
- Ensure humane treatment for old prisoners and terminally ill prisoners who cannot be released,
- Facilitate reintegration of old prisoners and terminally ill prisoners in society after their release, where necessary.

### 3. Campaign at a Glance

10 December, 2024

· Launch of NALSA's Special Campaign

11 December, 2024

- NALSA to conduct orientation of all member secretaries SLSAs, HCLSCs, and SCLSC.
- NALSA to constitute 'National Unit'

12 December, 2024

- . Constitution of the 'State Unit'
- · Constitution of 'District Unit'
- Intimation of appointment to the Unit members along with campaign document.

12-16 December, 2024  SLSAs to conduct orientation of the Secretaries, DLSAs, Data Operators, DLSAs and Prison Superintendents, Probation/After-Care Officer, and members of the Unit.

16 December, 2024

to

21 December, 2024

- District Unit to conduct visits to every prison in the district and collate information (as per prescribed Format A) on
- a) prisoners above 70 years of age
- · b) Prisoners with terminal illness

6 January, 2025

- Meeting of District Unit to review data and suggest Action Points for seeking release in each case documented.
- District Unit to submit collated information on prisoners to the State Unit [As per prescribed Format B] after the meeting, latest by 10 January 2025.

10 January, 2025

- Meeting of the State Unit to review report submitted from District Unit and finalise Action Points for each case.
- Final Action Points to be circulated to the National & District Unit [As per prescribed Format B] latest by 15 January 2025.

15 January to 28 February, 2025

- Meeting of National Unit to review cases where applications are to be filed by SCLSC.
- Appropriate applications to be filed at the concerned District Court, High Court or Supreme Court for release of prisoners.
- District, State and National Unit to track releases and collate data.

5 March, 2025

 SLSA to submit information pertaining to Campaign to NALSA [As per prescribed Format C].

### 4. Stages & Procedures

- 4.1 Formation of Units: Units shall be constituted at the National, State and District level between 11 and 12 December 2024 as follows:
- a. National Unit: The Member Secretary, NALSA shall constitute the 'National Unit' comprising the following:

### Representatives of NALSA:

- i. Director, NALSA
- ii. Research Consultant, NALSA
- iii. Law Researcher, NALSA

### Representatives of SCLSC:

- i. Member Secretary, SCLSC
- ii. 4 lawyers from the panel of SCLSC
- b. State Unit: The Member Secretary, SLSA shall constitute the 'State Unit' comprising the following:

### Representatives of SLSA

- i. Additional/Deputy Secretary, SLSA
- Two lawyers from panel of SLSA (if there is a separate panel)

### Representatives of HCLSC

- Member Secretary, HCLSC
- ii. Four lawyers from panel of HCLSC
- c. District Unit: The Chairman, DLSA shall constitute the 'District Unit' for each district as follows:
  - Secretary, DLSA\

- ii. Deputy Legal Aid Defence Counsel
- iii. Jail Visiting Lawyers (for all Prison Legal Aid Clinics)
- Para Legal Volunteers (attached to Prison Legal Aid Clinics including Convict Para Legal Volunteers)

### 4.2 Orientation Sessions on the Campaign

- On <u>11 December 2024</u>, NALSA will conduct an Orientation Session with the Member Secretary, SCLSC and all Member Secretaries, SLSA and HCLSC.
- b. Between 12-16 December 2024, SLSAs will conduct an Orientation Session for the Secretaries, DLSA, members of the State and District Unit, Data Operators, DLSA, Prison Superintendents, Probation/After Care Officers, Welfare Officers etc. on the Campaign for their respective State.
- c. An intimation for appointment to the respective units shall be given to each member, along with a copy of the campaign document by NALSA, SLSA and DLSA for the National, State and District Unit respectively.

### 4.3 Prison Visits

- a. Between 16 to 21 December 2024, members of District Units shall conduct visits to all prisons within their jurisdiction (including central, district, subsidiary, women, special, borstal, open or other prisons)
- b. During the visit, the members of the District Unit shall interact with prisoners of all genders (including undertrials, convicts, detenues or others) who are (i) Aged above 70 years of age and (ii) Prisoners who suffer from a Terminal Illness.

A prisoner will be considered to have a Terminal illness where the Medical Officer certifies that the prisoner suffers from such an illness/illnesses, where there is no medical possibility that the prisoners' condition will not continue to degenerate and result in death. [As defined by the UNODC Handbook on Prisoners' with Special Needs]

c. The members of the District Unit will complete the 'Individual Prisoner Information Sheet' [Refer to Format A] for each prisoner, along with a certificate from the 'Medical Officer' of the concerned prison certifying the prisoners' age, medical condition, ongoing medication, ongoing treatment etc.

### 4.4 Collation of Information

- a. The District Units shall compile the data from the Individual Prisoner Information Sheets in the 'District Report' as per *Format B*.
- b. On 6 January 2025, the Members of the District Unit shall conduct a review meeting to discuss each individual case and prepare an Individual Action Plan for securing the release of each prisoner.<sup>2</sup> The Individual Action Plans may encompass pursuing legal remedies at the District Court or the High Court or the Supreme Court, as deemed appropriate or particularly in the case of convict prisoners, filing of pre-mature release applications or seeking parole/furlough with the appropriate government authorities.
- c. The District Unit shall finalise the District Report (Format B) and send for review and finalization to the State Unit latest by 10 January 2025.

### 4.5 Finalisation of Individual Action Plan

- a. The Members of the State Units shall review the District Reports submitted by the District Units and on 10 January 2025, conduct a meeting to finalize the Individual Action Plan and update/approve the District Reports.
- b. The State Unit shall then send the Finalized District Report to the District Unit, its own members and to the National Unit for further action as appropriate.

Where no avenue for release is possible, detailed reasons are to be mentioned in the District Report.

### 4.6 Filing of Petitions/Applications before Appropriate Court/Authority

Between 15 January to 28 February 2025, the National, State and District Units shall ensure that appropriate applications are filed.

### a. Filing in the District Courts:

 The District Unit will ensure that petitions/applications to be filed before the appropriate Court at the district are filed within 7 working days of the receipt of the Final District Report.

### b. Filing in the High Court:

- The State Unit will ensure that the petitions/applications to be filed before the High Court or with government authorities are filed within 14 working days of the Finalization of the District Report.
- The District Units shall support the State Unit in collation of all necessary documents to enable filing of the petitions/applications.

### c. Filing in the Supreme Court:

- The National Unit will ensure that the petitions/applications to be filed before the Supreme Court are filed within 14 working days of the receipt of the Final District Report.
- The State and District Units shall support the National Unit in collation of all necessary documents to enable filing of the petitions/applications.

### d. Representation by Private Lawyers:

If the concerned prisoner is represented by a private lawyer, the concerned Unit will apprise the lawyer regarding the campaign, and facilitate the filing of the appropriate application/petition before the court/authorities.

### 4.7 Tracking & Reporting on Outcomes in Individual Cases

- a. The District and National Units shall track the outcomes on each application/petition filed and inform the State Unit periodically.
- b. The SLSA with the assistance of the State Unit shall collate all information and collate the State Campaign Report [As per prescribed Format C] and send to NALSA latest by 5 March 2025.
- c. NALSA shall thereafter collate and publish the National Report on the Campaign.

### 4.8 Provision of Post-release Care and Assistance

- a. Assistance in securing release: The District Units shall provide all necessary support in providing assistance to the prisoners for securing their release upon receipt of the appropriate orders directing for release of the prisoner.
- b. Post-release Assistance & Care: Old Prisoners and Prisoners with Terminal Illness may have specific requirements when released from prisons including lack of accommodation, loss of contact with family etc. The District Units may liaise with the Probation Officers or After-Care Officers or Welfare Officers or NGOs for provision of post release assistance and care to all prisoners released as an outcome of this Campaign.

### 5. Formats for Documentation and Reporting

[Formats A, B & C enclosed]

### NALSA Special Campaign on Old Prisoners & Terminally III Prisoners

### Format A: Individual Prisoner Information Sheet

Name of District: Name of SLSA: Date of Interaction:

[To be Completed by District Unit after Interaction with Prisoner]

S. No	Question	Response
1.	Name:	
2.	Father's Name:	
3.	Gender	
4.	Age	
5.	Case Particulars:	a) Case Ref No: b) Offences Charged: c) Status of Case:

e) If Convicted, whether any pending appeal in

Sessions Court
High Court
Supreme Court

If yes, particulars:

6.	Date of admission in prison:	
7.	Total Period of Detention:	
8.	Address:	
9.	Contact Details of Family/Friend: [Prisoner may be asked to give details of a person who can assist in giving any requisite documents etc. relevant to the case]	
10.	Does any family member or friends come for mulaquat? If yes, how often?	Yes No
11.	Contact details of Family Member/Friend in whose care the prisoner will stay, if released.	[If no such person is available, write NIL]
12.	Category:	☐ Prisoner Aged 70 years or above ☐ Prisoners with Terminal Illness  [In case prisoner falls in both categories, they should be classified as Prisoners with Terminal Illness]
13.	List of Documents certifying eligibility: [Mention documents which are available with prisoner/or in prison records]	In case of Prisoner aged above 70 years (tick all available)  Birth Certificate AADHAAR Card PAN Card Other [Please Specify]  In case of Prisoner with terminal illness:  Medical Reports Certificate from medical professional Other [Please specify]
14.	Representation by lawyer	Private Legal Aid No Lawyer  Name & Contact Details:

15.	List of legal documents available like FIR, Chargesheet, Order on Charge, Final Judgement etc.	Please mention documents already available with prisoner:  1. 2. 3.
16.	Brief Summary of Current Medical Condition, including ongoing medical treatment, medication etc.	
17.	Whether Certificate received by the Medical Officer certifying the age, medical condition, treatment etc.	☐ Yes ☐ No
18.	Any other remarks:	

Format B: Report of the District Unit

[Refer to Excel Sheet enclosed]

## Format C: Reporting from SLSA to NALSA

## Report on the Special Campaign 2024

- Name of SLSA:
   Particulars of Old Prisoners Identified for the campaign:

No of cases in which Post- Release Support provided	
	Total
No. of Prisoner Released	Convicts
No. of Re	Other Total Undertrials
7	Total
lispose	Other
No. of Applications dispose	Supreme
of App	High Court
Z. 0. 0	District
	Total
s filled	Other Total
of Applications filed	Supreme
No. of Prisoners aged 70 No. of Ap	Bigh
	District Court
	Netal
	Comicts
	Undertrials
Name of Prison	
Name of the DLSA	
% S	

# 3. Particulars of Terminally III Prisoners Identified for the campaign:

ns filed	to. of Applications filed	No. of Applications filed	III No. of Applications filed	soners No. of Applications filed	soners No. of Applications filed	No. of Terminally III No. of Applications filed Prisoners
ns filed	to. of Applications filed	District	III No. of Applications filed  District High Supreme Act	III No. of Applications filed  District High Supreme Act	No. of Terminally III No. of Applications filed Prisoners  Onvicts District Bigh Supreme Act	Name No. of Terminally III No. of Applications filed Prison Prison Prison Prison No. of Applications filed
	io. of App	No. of App	III No. of App	soners No. of App	No. of Terminally III No. of App	Name No. of Terminally III No. of App Prison Prison Convlets

## 4. Details of legal representation:

	No. of applications filed by private lawyers	No. of applications filed by panel lawyers/LADC
District Court		
High Court		
Supreme Court		
Other		

## Particulars of cases where prisoner could not be released:

[Mention for each case]

Name of prisoner:

Age:

Case Particulars:

Offences charged:

If convicted, details of sentence:

Date of admission to prison:

Whether represented by legal aid lawyer or private lawyer:

Brief of Individual Action Plan:

Reasons why release could not be secured:

If petition/application pending then mention reason for pendency:

Share brief (200 words) narratives on any two cases where the prisoner was released as an outcome of the Campaign 6





### U.P. STATE LEGAL SERVICES AUTHORITY 4/7 GOMTI NAGAR EXTENSION, LUCKNOW