



Commonwealth Human Rights Initiative

working for the practical realisation of human rights in the countries of the Commonwealth

SUBMISSION ON LEGAL AID DELIVERY FOR PERSONS IN CUSTODY BASED ON CHRI'S NATIONAL LEGAL AID REPORT

Submitted by the Commonwealth Human Rights Initiative

COMMONWEALTH HUMAN RIGHTS INITIATIVE

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I. CHRI RECOMMENDATIONS ON NALSA SCHEMES

NATIONAL LEGAL SERVICES AUTHORITY (FREE AND COMPETENT LEGAL SERVICES) REGULATIONS, 2010

S. No.	Recommendation	Relevant Provision	Rationale
1	The duration between the application for legal aid for a person in custody and actual appointment of the legal aid lawyer should not be more than 24 hours.	R. -7 (4)	The existing provision allows 8 weeks. Procedural requirements should not delay access to legal aid, especially when liberty is at stake
2	The size of the panel lawyers should be based on a specific parameter- this could be the prison population/ population of the district, number of foras where presence in required/ demand for legal aid.	R.-8	Many districts have unreasonably large or small panels. Smaller, more focused panels, with adequate number of criminal lawyers, would be easier for the authorities to manage/monitor.
3	The role of the retainer lawyer requires clarity. After the 2015 NALSA letter ¹ , retainer lawyers are also expected to work as remand advocates and in some states also visit jails. Retainer lawyers are mandated to man the front office among other tasks, whereas the remand lawyers are expected to be present in their assigned court	R.- 8 (6, 10), NALSA 2015 Letter	Tasks assigned are distinct If they are expected to take up both roles, then the role would require structuring. Telangana SLA in February 2016 issued a letter ² to the DLSAs where it mentioned "One Advocate cannot be appointed both as Legal Aid Counsel and Retainer Lawyer in view of the nature of the work.
4	The period of appointment of retainers should be defined and specified Minimum time period for the period of appointment of retainers should be specified.	R. -8(7)	CHRI's study found that the term of retainer lawyers have been either too short or too long. Both have their limitations.
5	Legal aid lawyers should be mandated to meet their clients in prisons/courtroom both pre and post hearing and at least once in two weeks in between hearings. The SDLSCs/DLSAs may provide vehicles to ferry lawyers from the court complex to the prison once in a day so as to ensure that panel lawyers may meet their clients in prison. This may be most relevant for places where the distance between the court and prison is considerable.	No Regulation. Suggested Inclusion in R.- 8	Regular interaction between the lawyer and inmate is important to a) to understand the case b) to inform status of case Sikkim SLA recognising this issued a letter ³ directing the panel lawyers to visit the prisons and that the Legal aid institutions would reimburse the taxi fare. It also mentioned that the jail authorities will maintain a register to record visits.
6	Standard format to be followed for monitoring the work of legal aid providers through progress reports and completion reports of panel lawyers. NALSA's Legal Services Card may be kept at the front office for this purpose. The paralegals/retainers may call the panel lawyers/ panel lawyers may visit the front office to mention the progress of the case after	R. - 11(3) & 14(3)	Currently no format exists. Copy of the judgment is provided as a substitute of the completion report. Suggested format appended as Doc 1 & 2

² Telangana SLA Roc No. 1046/TSLA/SW/2016 dated 22-Feb-16
³ Sikkim SLA Letter Reference No. 7/SLA/194 dated 19-Jul-06

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every hearing.

7	The report of the Monitoring Committee at DLSA and SDLSA to the SLSA should be monthly and not bi-monthly.	R.-12	It is impractical for the MC to send bi-monthly reports in all legal aid cases and SLSA to be able to give advice on all these cases from all the legal aid institutions twice a month.
8	Standard format of the Monitoring Committee report to the SLSA should be followed. States to suggest appropriate formats for the same.	R.-12	A structured format would allow monitoring committees to frequently send reports to the SLSA and the SLSA to give its comments. Appended as Doc 2
9	The lawyer assigned to the Monitoring Committee should be remunerated for the task.	R.-12	To be able to monitor the quality of the intervention of legal aid lawyers, the lawyer assigned to the monitoring committee must take a bigger role in coordinating the activities. He should be remunerated for this task.
10	The monitoring & mentoring committee should conduct monthly meetings with all the panel lawyers (who have been assigned legal aid cases) to discuss any challenges they are facing in their respective cases or with any court or police practice/procedure	R.-12	The work of the monitoring committee should not be restricted to just evaluating the work of the legal aid lawyers but also mentor and assist them.
11	The monitoring committee/ must maintain information on the outcome of the cases where legal aid was provided.	R.-12	CHRI's legal aid study showed that most of the legal aid institutions do not maintain information of the outcome of the legal aid provided. The same should be analysed in order to frame future policies
12	A separate note for the functioning of the monitoring committee must be prepared. States to provide models used.	R.-12	CHRI's legal aid study showed that monitoring committees in general (where constituted) did not function as per the mandate. An SOP/ guiding note would be useful for the committee.
13	Legal service institutions should appoint adequate number of law students to assist the panel lawyers with case law research.	R.-9	Legal service institutions should also act as resource centres for legal aid lawyers. Legal service institutions should tie up with local law colleges and seek assistance from 4 th , 5 th year law students on rotational basis. Law students may be assigned on rotation basis to the LSIs who should be available to provide research to the legal aid lawyers.
14	The training/orientation of the legal aid providers (Panel Lawyers, Retainer Lawyers), should be conducted, preferably, within the first month of their appointment.	No Regulation. Suggested Inclusion in R.-8	Legal Aid lawyers should be trained/oriented to the schemes, their responsibility and reporting mechanisms. As panel lawyers are appointed for a three year term, this would not lead to un-necessary use of resources.
15	There should be a standard format of legal aid application register and assignment register at legal aid institutions for	R.-3	In order to evaluate the time taken in processing legal aid applications and keep a record of the legal aid lawyers

NATIONAL LEGAL SERVICES AUTHORITY (LEGAL AID CLINICS) REGULATIONS, 2011

Recommendation	Relevant Provision	Rationale
A comprehensive standard operating procedure on functioning of legal aid clinics in jail and the role of the legal aid providers in these clinics must be formulated.	-	While jail legal aid clinics have been setup under NALSA Regulations 2011, setting up legal aid clinics inside jails has its own peculiarities and the 2011 Regulations does not address all of them. Also the 2016 NALSA SOP does provide for legal aid clinic at prison, it does not address all the aspects of the functioning of the clinic.
Legal Aid clinics shall also be constituted at police stations in line with Regulation 4	R. 4	Sec 12 of LSA Act, Sec 41D CrPC, read with Art 39A Constitution of India suggests that all persons in custody, including those detained at the police station are entitled to legal aid. As per Regulation 4, those eligible under Section 12 of the LS Act are entitled to benefits of legal aid clinics. Persons in custody (police custody) fulfil the Section 12 Act criteria and therefore entitled to get benefit of legal aid clinics.
Jail Visiting Lawyers should have access to the new entrant ward (<i>Mulahiza</i> ward) of the prison. Paralegals (convict/community) to ensure that new inmates are brought to the clinic.	R. 6	Mechanisms should be in place to ensure that inmates in need of legal assistance are not missed.
Posters should be put up at the legal aid clinics as well other prominent areas in the prison including the new entrant's wards about the right to legal aid and time and place of legal aid clinics.	R. 13	
The frequency of the visit to jails should be based on the prison population	R. 7	The frequency of visits of lawyers in jails have been mandated by NALSA as either twice or four times a week in recent communications. This however should be based on the prison population. Haryana SLA in a letter dated 8 th January 2010 suggested the frequency to range between five times to twice a week based on the population of the prisoners.
Information Kiosks to be placed in every jail so that inmates can view the status of the case. The kiosk shall be manned by two PLVs trained to use the kiosks	-	Inmates are usually unaware of status of their case. Kiosks linked to e-courts websites for checking status of case would assist prisoners in knowing status of their case.
Jail visiting lawyers/paralegals should identify inmates eligible for review by Under-trial Review Committees and bring them to their notice, as well as to the notice of the concerned courts.		The jail visiting lawyer can assist in identifying inmates whose detention may not be necessary
Jail visiting lawyers should also identify cases in which bail has been granted but the inmates are in detention due to lack of surety. Application for reduction of surety can be sent.		

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	Jail visiting lawyers should identify persons arrested under preventive provisions (S 107, 151 CrPC) and have spent more than a week in prison and write to the court about the need for their continued detention.		
	The training of the legal aid providers (Jail Visiting lawyers, Community Paralegal Volunteers, and Convict Paralegal Volunteers) should be conducted, preferably, within the first month of their appointment		Legal Aid Providers should be trained/oriented to the scheme, their responsibility and reporting mechanisms. This would improve their functioning. NALSA might consider preparing video training modules to standardise training across the country.
1	Standard format should be followed for monitoring the work of legal aid providers through work reports of jail visiting lawyers, convict PLVs and Community PLVs	R 20	The work reports of visiting lawyers and paralegals are not standardised. This makes the monitoring difficult. Suggested format appended as Doc 4
2	The Legal aid registers in the clinic- i) Legal Aid Clinic Work Register, ii) Attendance Register should be standardised	R 20	CHRI's Study found that the registers followed by many jails do not capture important details regarding the inmate. Suggested format appended as Table 4
13	Preparation of identity cards for jail visiting lawyers. Rotational visits of jail visiting lawyers		To facilitate the visit of jail visiting lawyers and reduce the possibility of non-legal aid lawyers canvassing for cases in prison, identity cards may be issued for JVLs.
14	The paralegal volunteers must send a monthly status of provisions (stationery and forms) at the clinic to the legal aid institutions.		Shortage of forms and basic provisions like papers for drafting applications, pen, stapler, vakalatnama etc. often delay the functioning of the clinics.
15	Honorarium for convict paralegal volunteers should be fixed per visit to clinics and the mode and frequency of payment should be defined. To deliberate whether regular wages as per the jail manual be paid or as per the NALSA 2011 Regulation.	R. 17 (1)	While the NALSA 2011 Regulations clearly mention that honorarium would be paid to paralegal volunteers manning the clinics, there is lack of clarity about the payment of convict paralegals.
16	At the time of appointment, along with the appointment letters, duty notes should be given to jail visiting lawyers and paralegal volunteers		Suggested format appended as Note 4 and 5

NALSA LEGAL AID COUNSEL IN ALL COURTS OF MAGISTRATES SCHEME 1998

S. No.	Recommendation	Relevant Provision	Rationale
1	The role of the Remand lawyer requires clarification.	R. - 2	Currently there is an overlap between the work of the remand and panel lawyers.
2	At the time of appointment, along with the appointment letters, duty notes should be given to remand lawyers		The duty note would assist their functioning and help the LSI monitor their work. Suggested note appended as Note 3
3	The tenure of Remand lawyers should be fixed.	R. - 8(7)	Different states have different tenures for remand lawyers ranging from 3 months to 2 years.
	The appointment process of the next batch of Remand Lawyers should start three months in advance		Often the appointment process is initiated after the completion of tenure of the remand lawyers which creates a gap.
4	Remand lawyers should also be appointed to Executive magistrate courts dealing with Sec 107-110/151 CrPC cases.		Often, police uses these sections to unnecessarily detain persons without following due process. It is essential to have lawyers at magistrate court. Rajasthan SLISA has broadened the scope of the Remand Scheme to include Executive magistrate courts.
5	The training of Remand Lawyers should be conducted, preferably, within the first month of their appointment.		NALSA to prepare video modules on training to standardise This would improve the functioning of the scheme and better orient the lawyers about their role. Suggested format appended as Table 5
6	Standard format should be followed for monitoring the work of Remand Lawyers- a) Work Reports & b) Attendance Certificates.		Suggested format appended
7	Standard format should be followed for Remand Lawyer's attendance register.		

II. APPOINTMENT LETTERS & DUTY NOTES

The legal aid schemes and regulations developed by the National Legal Services Authority are extremely comprehensive and detailed. It is the responsibility of the legal aid providers- lawyers and paralegals to implement these schemes to ensure access to justice for all. NALSA has a workforce of more than 60,000 panel lawyers and 70,000 paralegal volunteers. To be able to reach out and communicate, to ensure that these legal aid providers are aware of their responsibilities and to avoid any ambiguities about their role, duty notes can play a crucial role. It would also serve as a ready reckoner to remember what is expected from them in the course of their tenure.

Panel Lawyers - Appointment Letter and Duty Note

From,
Secretary
District Legal Services Authority

To
Mr. Shahid Azmi
Advocate, Delhi

You are appointed as a panel lawyer of the South Delhi District for the period 1 June 2018 to 1st June 2020. You would be assigned cases by the legal services institutions and court. You are expected to follow the NALSA (Free and Competent Legal Services) 2010 Guidelines. The relevant guidelines and a duty note based on the guidelines has been appended with this letter. You are expected to report to the legal aid authorities about the work undertaken. You are mandated to meet your client pre and post hearing in court- and every 15 days in jail between hearings.

Secretary
District Legal Services Authority

Duty Note of Panel Lawyers

1. You shall represent persons in court when assigned by the legal service institutions.
2. You shall submit reports whenever called for by the monitoring committee in prescribed format
3. You shall visit your client in prison pre and post hearing- and every 15 days in between hearings.
4. You shall submit the report of completion of proceedings in prescribed format after the conclusion of the case
5. You shall state reasons to the Member Secretary/Secretary if desirous of withdrawing from a case assigned
6. You shall not ask for or receive any fee or consideration from whom the person to whom legal services were rendered
7. You shall communicate/ co-ordinate with the jail visiting lawyer about their interaction with their client in prison

II. APPOINTMENT LETTERS & DUTY NOTES

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Panel Lawyers - Appointment Letter and Duty Note

From,
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Mr. Shahid Azmi
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Secretary
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6. You shall not ask for or receive any fee or consideration from whom the person to whom legal services were rendered
7. You shall communicate/ co-ordinate with the jail visiting lawyer about their interaction with their client in prison

Retainer Lawyers - Appointment Letter and Duty Note

From,
Secretary
District Legal Services Authority

To
Mr. Shahid Azmi
Advocate, Delhi

You are appointed as a retainer lawyer of the South Delhi District for the period 1 June 2018 to 1st June 2020. You would be assigned cases by the legal services institutions and court. You are expected to follow the NALSA (Free and Competent Legal Services) 2010 Guidelines. The relevant guidelines and a duty note based on the guidelines has been appended with this letter. You are expected to report to the legal aid authorities about the work undertaken.

Secretary
District Legal Services Authority

Duty Note of Retainer Lawyers

1. You should man the Front Office of the Legal Service Institution as per the roster.
2. You should render services like drafting of applications, notices, sending replies to advocate notices, provide free legal advice, render legal opinions etc.
3. You should represent persons in court when assigned by the legal service institutions
4. You shall abide by the provisions of the NALSA (Free and Competent Legal Services) 2010 Regulations.
5. You should assist the legal service institutions in development of legal literacy clubs and implementation of other legal aid schemes.
6. You should attend court during remand hours and assist undertrials who are unrepresented at the Taluka level and where remand lawyer has not been appointed)
- 7.
8. You should assist the legal service institutions in mentoring and evaluating the work of PLVs and dealing with legal aid lawyers at the front office.
9. You should assist the Monitoring Committee in its functioning.
10. You should record your presence with the legal service institutions on a daily basis. You should maintain a diary and maintain a record of work undertaken and submit the report of the work to the legal service institutions by the 10th of the next month.as per prescribed format.

Remand Lawyers - Appointment Letter and Duty Note

From,
Secretary
District Legal Services Authority

To
Mr. Shahid Azmi
Advocate, Delhi

You are appointed as a remand advocate of the South Delhi District for the period 1 June 2018 to 1st June 2020. You are assigned ACJM -II court and have to be present in court during remand hours. You would be opposing remand, filing bail applications and any other applications/petitions as required. You are expected to follow the NALSA Legal Aid Counsel in all Courts of Magistrates Scheme 1998 Guidelines. The relevant guidelines and a duty note based on the guidelines has been appended with this letter. You are expected to report to the legal aid authorities about the work undertaken.

Secretary
District Legal Services Authority

Duty Note of Remand Lawyer

1. You shall be present in the Court during remand hour or any other hour of the day as directed by the Court.
2. You shall ensure that your name and contact details are displayed in the court assigned
3. You shall oppose unnecessary remand: to question the type and duration of remand
4. You shall ensure that cases where person was not produced within 24 hours & lawyer was not provided during interrogation, should be brought to notice of judge.
5. You shall sign the attendance register maintained in the court.
6. You shall submit monthly report of the work done to the LSI.
7. You shall co-ordinate with the police/ court staff for any productions taking place at the magistrate's residence.
8. You shall co-ordinate with the backup remand lawyer in case you are unavailable for any reason.
9. You shall co-ordinate with the police station to ascertain the arrests conducted on a daily basis. You shall visit the police station at least twice a week to ensure that inmates are produced to the magistrate within 24 hours.
10. You shall also be present for remand hearings taking place through video conferencing and ensure the inmates can freely and effectively participate in the proceedings.

NOTE 4: Jail visiting lawyer - Appointment Letter and Duty Note

From,
Secretary
District Legal Services Authority

To
Mr. Shahid Azmi
Advocate, Delhi

You are appointed as a jail visiting lawyer of the South Delhi District for the period 1 June 2018 to 1st June 2020. You would be assigned cases by the legal services institutions and court. You are expected to follow the NALSA (Legal Aid Clinics) 2011 Guidelines. The relevant guidelines and a duty note based on the guidelines has been appended with this letter. You are expected to report to the legal aid authorities about the work undertaken.

You are authorized to provide legal services like filing bail applications, to appear on behalf of the under-trial prisoners who are not assisted by any legal practitioners, timely filing of the appeals of the convicted prisoners, preparing applications for remission, parole etc. You also have authority to peruse the history book/ concerned records of the prison.

Secretary
District Legal Services Authority

Duty Note of Jail Visiting Lawyer

The duties of Jail Visiting Lawyers include

1. You shall visit the legal aid clinic in jail at-least twice a week
2. You shall interact with the inmates identified by the paralegal volunteers and provide legal advice.
3. You shall draft applications and petitions for parole/ juvenility etc. for the undertrials and convicts present in the clinic.
4. You shall ensure filling of legal aid application form for those who need legal aid lawyers and submit the same to the legal aid authorities.
5. You shall conduct legal awareness camps inside jails. You shall spread awareness amongst the new UTPs about the free legal services being provided by SDLSC, DLSA, HCLSC and SCLSC.
6. You shall train the paralegal volunteers and ensure that they are well equipped with information and resources to man the clinic.
7. You shall inform the inmates about the status of their cases.
8. You shall communicate to the panel lawyers any information that the inmate has shared with you regarding the case.
9. You shall be acquainted with the jail manual and the other rules regulations relating to prisons.
10. You would ensure that the registers are filled by the paralegals accurately. You should also record your attendance and work in the register.
11. You shall also represent the inmates in courts in some cases, if appointed by the legal service institutions.
12. You shall submit a monthly report of the work to the legal service institutions by 5th of every next month. You should also submit the register of beneficiaries maintained at the clinic.
13. You should prepare a brief summary of each interaction with the inmate and send the same to the Secretary, District Legal Services Authority along with contact details of the family of the accused, if available so that the panel lawyer can coordinate with them.
14. You shall ensure that copy of charge sheet or any kind of documents taken from the under trial prisoners for any reason whatsoever are to be returned to them.
15. You shall not canvass any case in your private capacity.
16. You should prioritise and focus on personal interactions with the inmates in the clinic during the visit and then document and prepare the petitions.
17. You shall send intimation to the LSI in advance if you are unable to visit the clinic on a particular day.
18. You shall identify cases eligible for release under the mandate of the Undertrial Review Committee (UTRC)
19. You shall assist the UTRC by co-ordinating with the inmates and the courts on cases eligible for release.
20. You should follow the directions given under NALSA SOP for representing persons in custody 2016 including reporting cases of non-production of inmates to DLSA and detention of persons below 18 years.

Duty Note of Convict/Community Paralegal Volunteers

The duties of the Convict Paralegal Volunteer/ Community Paralegal Volunteer includes:

1. You are expected to hold/conduct legal aid clinics inside jails.
2. You will individually take steps towards identification of inmates who are in need of legal assistance. This would involve reaching out to all prisoners, especially the new entrants.
3. You shall seek permission from the prison authorities to visit the wards of prisoners to ascertain that no one is unrepresented.
4. You will fill out the legal aid application form and send it to the concerned DLSA/SDLSC & also ensure that the prisoners interact with jail visiting lawyer on his next visit to prison.
5. You should coordinate and assist the jail-visiting lawyers in providing legal advice and aid. They would also give update on the case of the inmates.
6. You should counsel inmates and explain any legal provision pertaining to their case.
7. You shall receive legal aid lawyer appointment letters, replies from legal service institution and other authorities and give it to the concerned prisoner.
8. If you come across a prisoner who claims to be juvenile at the time of commission of offence or at arrest, you must draft an application to bring the case to the attention of the concerned Legal Services Authority, Juvenile Justice Board and the Child Welfare Committee. You should submit monthly reports to the DLSA and the Undertrial Review Committee on cases eligible under section 436/436A CrPC.
9. You should write to the concerned legal service institution about any queries, grievances or for shortage of any basic requirements for the smooth functioning of the clinic.
10. If you are a PLV based in the community you may contact the family members of the inmates so as to intimate about his detention and if needed facilitate regular and future interviews.
11. You should keep track of non-production of any inmate in the court as per the date given and inform the Secretary, DLSA/TLSC.
12. You can also assist the inmate in filing any complaint or grievances relating to their stay in prison.
13. You must maintain the registers in the clinics. The Paralegal Volunteers should 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
14. You must also 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.
15. You should keep a record of the letters, applications, and petitions written through jail and sent to relevant agencies and similarly keep a record of the documents received.
16. You should send reminders/ letters to corresponding Legal Services Authority to seek information regarding status of case, name and contact details of the assigned legal aid lawyer.
17. You must send monthly report of their work to the Secretary of the DLSA/TLSC by 5th of every next month.
18. You must submit the legal aid register for review to the Secretary of the DLSA/TLSC every month.
19. You must not seek any money/ benefits for the work done from the inmates or their families.

III. FORMATS

The Legal Aid study looked at registers and reports used by legal aid authorities, lawyers and paralegals across the country and recommends the best practices identified for monitoring and reporting the work of legal aid providers. Standardising these formats across the country, could ease the work of the SLSAs in monitoring the work of the DLSAs & TLSCs and the DLSAs & TLSCs in reviewing the work of the legal aid lawyers.

NATIONAL LEGAL SERVICES AUTHORITY (FREE AND COMPETENT LEGAL SERVICES) REGULATIONS, 2010

REGISTERS:

Legal Aid Register

(To be placed at Front Office, LSI, maintained by PLVs/ Retainer Lawyers)

Table 1: LEGAL AID REGISTER FOR PERSONS IN CUSTODY
(Reg-3; NALSA 2010)

Legal Aid Case No.	Name of the Accused & Father's name	Police Station/Court/ Case Ref No./Offence u/s	Date of Receipt of Application	Date of Assignment of Lawyer	Date of Intimation Letter for Assignment//Rejection to the applicant	Outcome of case	Date of Conclusion of the Case	Amount of fees paid	Date & Mode of remittance
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CHRI & NALSA

DOC 1: PROGRESS REPORT

From,
Mr Shahid Azmi
Advocate, Delhi

To
Secretary
East District DLSA

Dear Committee,

I was assigned the legal aid lawyer in the case of abc vs xyz on 6th January 2018. Please find the progress in the case in the month of March 2018.

PROGRESS REPORT				
R. 11(5) of NALSA 2010 Regulations: Legal Aid Lawyers to submit report of progress to Monitoring Committee				
Date	Name of the Inmate	Case Details Case Ref number & Offence	Last Date of Hearing	Next Date of Hearing
MC Reference No.				
Progress of the Case: (Status, Strategy, Challenges)				

(To be submitted to the Monitoring Committee, maintained at Front Office)

Mr Shahid Azmi
Advocate, Delhi

NALSA's Legal Services Card may also be used as progress reports.

THE LEGAL SERVICES CARD

Name of Court _____
 Name of Legal Aid Counsel _____
 Contact Number _____ Address _____
 Name of Legal Aid Person _____
 Title of Case _____
 Nature of Case _____
 FIR No _____ Date _____ U/S _____ PS _____

S.No.	Date	Proceedings taken place	Next Date	Purpose	Sign of Advocate

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Monitoring Committee Register

(To be placed at Front Office, LSI, maintained by staff assigned to MC)

a) Option 1

Table 2B: MONITORING COMMITTEE REGISTER (Reg - 11(4); NALSA 2010)

Table 2B: MONITORING COMMITTEE REGISTER (Reg - 11(4); NALSA 2010)							
The Register should be prepared Case-wise and not date-wise							
Name of the Accused & Father's name	Name & Contact details of the Lawyer assigned	Case Details		Information about the accused - First time offender / Repeat offender, age, any other information	MC Reference No.		
		(PS/Court/Case Ref No/Offence u/s)					
S. No	Date of Hearing	Summary of Proceedings	Progress Report from the Lawyer (Submitted-Y/N)	Documents from the court (Received Y/N)	Comments of the MC	Comments of the SLA	Suggested Action for the next hearing

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b) Option 2

Table 2B: MONITORING COMMITTEE REGISTER (Reg - 11(4); NALSA 2010)

Table 2a: MONITORING COMMITTEE REGISTER (Reg - 11(4): NALSA 2010)							
The Register should be prepared Case-wise and not date-wise							
Name of the Accused & Father's name	Name & Contact details of the Lawyer assigned	Case Details		Information about the accused- First time offender/ Repeat offender, age, any other information		MC Reference No.	
		(PS/Court/Case Ref No/Offence u/s)					
S. No	Date of Hearing	Progress of the case	Advise or other services if any, provided by the Monitoring Committee or Panel Lawyer	Assessment on the progress of each case	Assessment on the performance of the Panel / Retainer Lawyer	Other observations if any, of the MC	Recommendations of the Monitoring Committee if any

[illegible]

a) Option 1 (Based on format maintained by Machilipatnam)

[illegible]

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Monitoring Committee Report											
Name of the Applicant	Mother's/Father's name	Category of Applicant out of persons mentioned in S. 12 of the LSA	Panel Lawyer/ Retainer assigned to the applicant	Date of Appointment	Progress of each and every legal aid case			Particulars of Case	Name of Court	Performance of Panel/ Retainer	Remarks if any
					Date fixed by the Court	Work Done on that day	Next Date				

c) Option 3 (Based on format maintained by Jodhpur, Rajasthan)

Monitoring Committee Report							
S. No.	Date of Appointment	Name of the Applicant	Court Name	Case No.	Section	Case Title	Name of the Lawyer
Lawyer's Comments:							

d) Option 4

Monitoring Committee Report					
Date	Name of the Inmate	Case Details Case Ref number & Offence	Last Date of Hearing	Next Date of Hearing	MC Reference No.
Progress of the Case: (Status, Strategy, Challenges)					
Monitoring Committee's Comments:					

SLSA's Feedback:

DOC 2: COMPLETION REPORT

From,
Mr Shahid Azmi
Advocate, Delhi

To
Secretary
East District DLSA

Dear Committee,

I was assigned the legal aid lawyer in the case of _____ on 6th January 2016. The case was concluded on 26th March 2018. I have submitted the progress reports on a monthly basis. Please find the details of the case below:

COMPLETION REPORT

R. 14(3) of NALSA 2010 Regulations: Legal Aid Lawyers to submit report of completion at the conclusion of the case

Time of the inmate	Case Duration (Initiation Date & Last date)	Case Details (Court/PS/Case ref no/ Offence)	Expenses Incurred	Outcome of the Case	MC Reference No.
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Mr Shahid Azmi
Advocate, Delhi

.....

Subject: Letter of Assignment for conducting case no..... of

You are hereby appointed lawyer for conducting the case on the person mentioned above pending / to be instituted in the Court of _____ and / or take such steps as you deem fit and proper for initiating for further clarification and discussion in this regard. You are requested to report the progress of the case to the undersigned from time to time.

In case the appointment is accepted by you, you are requested to return the declaration annexed after being duly signed by you.

Yours faithfully,
Secretary
DLSA

CHRI & NALSA

Declaration

1. Appointment made wide Memo No... dated ...
2. Case No. ...
3. I understand that in conducting the case, I am to abstain from doing anything that might prejudice the interest of the said person.
4. I understand that I am to abide by the terms and decisions of the Committee which are final
5. I understand that I will be given remuneration at the rates fixed by the committee on submission of bills
6. I understand that the bill must be accompanied with a certificate from the presiding officer of the court regarding my attendance on the dates mentioned in the bills.

From
The Secretary,
District Legal Service Authority

To
The Superintendent
Prison

Dear Sir/Madam,

With reference to Case No..., I am directed to inform you that Advocate has been appointed for the accused to defend his/her case. A copy of the appointment letter is annexed for your perusal. The advocate can be contacted at

This is with reference to your letter dated....

Yours faithfully

Secretary
DLSA

Submitted to SLISA monthly)

(To be prepared by PLVs/ Retainer Lawyers and submitted to SLA monthly)

[illegible]

to SLISA every quarter

(To be prepared by PLVs/ Retainer Lawyers and submitted to SLSA every quarter/ six months)

District & Taluka LSI	MC Constituted (Y/N)	MC Register Maintained (Y/N)	MC Separate Staff Maintained (Y/N)	Mentor Appointed	Senior Lawyer / Retired Judge Appointed	Monthly/Bi-monthly reports Submitted	Challenges, if any

NATIONAL LEGAL SERVICES AUTHORITY (LEGAL AID CLINICS) REGULATIONS, 2011

TABLE 3: LEGAL AID CLINIC WORK REGISTER

Action Taken Column to be reviewed weekly. In case of closure, to mark the case in red

[illegible]

Volunteer

MYER WORK REPORT

Monthly Work Report- Jail Visiting lawyer

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Tasks	Number	Name of inmates	Case Reference Number
Bail Applications drafted			
Parole Applications drafted			
Legal Aid Applications drafted			
Other Applications			
Legal Advice Given			
Comments:			

Mr Mukul Sinha
Advocate, Delhi

DOC 5: CONVICT PARALEGAL WORK REPORT

From,
Mr Arun Ferreira
Convict PLV, Tihar Jail -4

To
Secretary
Asst District DLSA

Sir/Madam,
the convict paralegal volunteer at the Tihar Jail Number 4 prison. Please find the details of the work undertaken in January 2018:

WORK REPORT-	
Convict Paralegal Volunteer	
If of days the clinic was operational	

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Number of days Jail Visiting Lawyer was present	
Number of Beneficiaries	
Total number of applications drafted	
Number of Bail Applications drafted	
Number of Legal Aid Applications filled	
Number of cases where legal aid lawyer was appointed	
Status of Stationary	
Comments:	

Please find attached photocopy of the legal aid register maintained for January 2018.

Mr Arun Ferreira
Convict PLV, Tihar Jail -4

Jail Legal Aid Clinics Tracker
(To be maintained by the SLSA, reviewed every quarter/ six months)

District	Number of jails	Number of jail Legal Aid Clinic	Number of jails with Jail Visiting Lawyer appointed	Number of jails with Convict Paralegal Volunteer	Number of jails where Convict Paralegal Volunteers are trained	Number of Jail Legal Aid Clinics which maintain registers

NALSA Legal Aid Counsel in all Courts of Magistrates Scheme 1998

Daily Attendance Register of Remand Lawyers
(Placed in Court, maintained by Court staff)

Attendance Register of Remand lawyers

Date	Name of the Assigned Lawyer	Absence/Presence during remand hours/ when called	Names of the accused represented by remand lawyer	Case Ref. No.	Signature of the lawyer

DOC 6: REMAND LAWYER WORK REPORT

From,
Mr Shahid Azmi
Advocate, Delhi

To
Secretary
East District DLSA

Dear Sir/Madam,
I was assigned the remand lawyer for the ACJM-2 court. Please find the details of the cases in which I appeared below:

S. No	Name of the client, Father's name & Case Ref number	Date of hearing	Monthly Work Report- Remand Lawyer			Whether Bail granted?	Status of the Case
			Whether Remand opposed?	Whether Bail Application moved?			

Mr Shahid Azmi
Advocate, Delhi

Annexure 1: Step-Functioning of Jails



Annexure 2: REPORTING OF LEGAL AID PROVIDERS THROUGH MOBILE APPLICATION

Actor	Activities to be monitored/ tracked/recorded	SLSA & DLSA Monitoring	Suggested Platform
Panel/Retainer Lawyers	<ol style="list-style-type: none"> 1. Tracking appearances of lawyer in court. 2. Recording details of hearings 3. Tracking visit to prison to meet their clients 4. Record information on the eventual outcome of cases and tracking submission of completion 	<ol style="list-style-type: none"> 1. The monitoring committee of the LSI would receive information on the presence of the lawyers in courts and prison sand the progress of legal aid cases. 2. The LSI would generate individual lawyer reports and , generate cumulative reports on the number of cases taken up and releases 3. Make payments to the panel lawyer based 	<ol style="list-style-type: none"> 1. Formats/ Templates in place for feeding one time case details and periodic recording of updates on the case. 2. Generation of reports for each individual panel lawyer with the option to add comments.

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	reports	on the work done.	3. Generation of cumulative reports for the SLISA
Jail Visiting lawyers	1. Tracking prison visits 2. Recording the number of inmates advised, the number of legal aid applications received 3. Tracking the timeliness of the submission to the LSI	1. The LSI can track the number and duration of visits made by the JVLs. 2. The number of cases taken up and resolved 3. The number of legal aid applications taken and date of submission of the same to the LSIs 4. Make payments to the JVLs based on the work done	1. Formats / templates in place to record the presence and work done. 2. The verification of the presence could be through GPS/ an authentication by the prisons 3. The details of the legal aid applications would be captured. Would identify if application has been filed by the same inmate before 4. Alerts to the LSI/ JLV in case appointments/ decision on the appointments have not been made in time.
Convict Paralegal Volunteers	1. Tracking the number of days legal aid clinics were conducted 2. Recording the maintenance of attendance and work registers 3. Tracking inmates identified with need of legal assistance 4. Tracking the number of applications and petitions written	1. LSI can track the attendance of the PLV and JVL and track their work without visiting the jail. 2. The number of cases identified, the number of legal aid applications filed, assistance given to be recorded 4. Make payments to the PLVs based on the work done	1. Format/templates for maintaining attendance and work 2 The details of the legal aid applications would be captured. Would identify if application has been filed by the same inmate before 3. Alerts to the LSI/ PLV in case appointments/ decision on the appointments have not been made in time.

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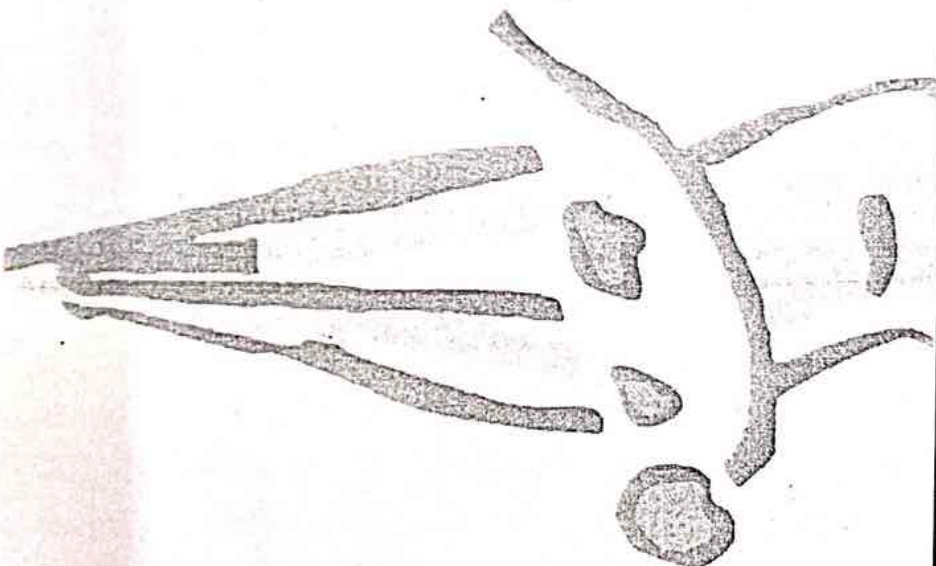
Remand Lawyer	1. Tracking regular presence of the lawyers in the designated courts during remand hours 2. Tracking work done during remand hours periodically	1. LSI can monitor whether remand lawyers were present in court during remand hours daily. 2. LSI can monitor whether remand were opposed, bail applications were filed.	1. Formats / templates in place to record the presence and work done. 2. The verification of the presence could be through GPS/ an authentication by the court- clerk/magistrate
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Annexure 3: Checklist/ Legal Aid Monitoring Tracker

Document Type	Registers			Reports				
Actors/ Institutions	LSI	Convict PLV	Convict PLV	Legal Aid Counsel	Panel/Retainer Lawyers	Jail Visiting Lawyer	Convict PLV	DISA

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Documents	Monitoring Committee Register	Jail Legal Aid Clinic - Work Register	Jail Legal Aid Clinic - Attendance Register	Work Reports	Attendance Certificates	Progress Reports	Completion Reports	Work Reports	Work Reports
								MC Report to SLA	Model Scheme Report to SLA



ABOUT CHRI

CHRI believes that the Commonwealth and its member countries must be held to high standards of genuine democracy and development for accountability and participation. This is essential if human rights, belief through strategic initiatives and development are to become a reality in people's lives. CHRI furthers this information. It does so through research, publications, workshops, information dissemination and advocacy. It has three principal programmes:

1. Access to Justice

Police Reform: In too many countries the police are seen as an oppressive instrument of state justice. CHRI promotes systematic reform so that the police act as upholders of the rule of law rather than as instruments of the current regime. In India, CHRI's programme aims at mobilising public support for police reform. In South Asia, CHRI works to strengthen civil society engagement on police reform. In East Africa and Ghana, CHRI is examining police accountability issues and political interference.

Prison Reform: CHRI's work is focused on increasing transparency of a traditionally closed system and exposing malpractices. A major area is focussed on highlighting failures of the legal system that result in terrible overcrowding and unconscionably long pre-trial detention and prison overstay, and engaging in interventions to ease this. Another area of concentration is aimed at reviving the prison oversight systems that have completely failed. We believe that attention to these areas will bring improvements to the administration of prisons as well as have a knock-on effect on the administration of justice overall.

2. Access to Information

CHRI is acknowledged as one of the main organisations working to promote Access to Information across the Commonwealth. It encourages countries to pass and implement effective Right to Information laws. It routinely assists in the development of legislation and has been particularly successful in promoting Right to Information laws and practices in India, Sri Lanka, Afghanistan, Bangladesh and Ghana. In the later CHRI's is the Secretariat for the RTI civil society coalition. CHRI regularly critiques new legislation and intervenes to bring best practices into governments and civil society knowledge both at a time when laws are being drafted and when they are first being implemented. Its experience of working in hostile environments as well as culturally varied jurisdictions allows CHRI to bring valuable insights into countries seeking to evolve and implement new laws on right to information. In Ghana, for instance it has been promoting knowledge about the value of Access to Information which is guaranteed by law while at the same time pushing for introduction of an effective and progressive law.

3. International Advocacy and Programming

CHRI monitors commonwealth member states' compliance with human rights obligations and advocates around human rights exigencies where such obligations are breached. CHRI strategically engages with regional and international bodies including the Commonwealth Ministerial Action Group, the UN and the African Commission for Human and People's Rights. Ongoing strategic initiatives include: advocating for and monitoring the Commonwealth's reform; reviewing Commonwealth countries' human rights promises at the UN Human Rights Council, the Universal Periodic Review; advocating for the protection of human rights defenders and civil society space; and monitoring the performance of National Human Rights Institutions in the Commonwealth while advocating for their strengthening.