

MINUTES OF THE 19TH QUARTERLY MEETING OF THE ASSAM STATE LEGAL SERVICE AUTHORITY HELD IN THE CONFERENCE HALL OF GAUHATI HIGH COURT (NEW BLOCK) ON 21ST MAY, 2018 AT 4.30 PM.

P R E S E N T

1. Hon'ble Mr. Justice Hrishikesh Roy
   Judge, Gauhati High Court, Guwahati
   And
   Executive Chairman, ASLSA.

2. Mr. Kuladhar Saikia
   Director General of Police, Assam.

3. Mr. Satya Nath Sarma
   Member Secretary, ASLSA

4. Mr. S.M. Buzarbaruah
   Commissioner & Secretary to the Govt. of Assam,
   Legislative Department.

5. Sri Manash Sarania,
   Advocate Member, ASLSA.

6. Sri Golap Sarma
   Advocate Member, ASLSA.

7. Mr. S.P. Moitra,
   Chairman, DLSA, Kamrup

8. Smti. Rita Kar
   Chairman, DLSA, Nagaon

AGENDA

ITEM NO 1:

Welcome Address by the Hon'ble Executive Chairman, Assam State Legal Services Authority.

RESOLUTIONS:

The Hon'ble Executive Chairman, ASLSA welcomed all the Members to the 19th Quarterly Meeting of ASLSA.

ITEM NO. 2:

Approval of the Annual Accounts for the Financial year 2014-15, 2015-16 and 2016-17.

RESOLUTIONS:

(1) The House approved the Annual Accounts for the financial year 2014-15 with the following details as audited by Chartered Accountant (all the figure are in Rupees)

Opening Balance (Rs.)	Received from NALSA (Rs.)	Other receipt (Rs.)	Total receipt (Rs.)	Total expenditure (Rs.)	Balance (Rs.)
87,65,558.96	97,00,000.00	11,62,837.00	1,96,28,395.96	1,62,05,802.00	34,22,593.96

(2) The House approved the Annual Accounts for the financial year 2015-16 with the following details as audited by Chartered Accountant (all the figure are in Rupees)

Opening Balance (Rs.)	Received from NALSA (Rs.)	Other receipt (Rs.)	Total receipt (Rs.)	Total expenditure (Rs.)	Balance (Rs.)
34,22,593.96	2,00,00,000.00	6,60,220.00	2,40,82,813.96	2,08,16,837.00	32,65,976.96

3) The House approved the Annual Accounts for the financial year 2016-17 with the following details as audited by Chartered Accountant (all the figure are in Rupees)

Opening Balance (Rs.)	Received from NALSA (Rs.)	Other receipt (Rs.)	Total receipt (Rs.)	Total expenditure (RS.)	Balance (Rs.)
32,65,976.96	2,00,00,000.00	62,19,314.00	2,94,85,290.96	1,65,91,599.95	1,28,93,691.01

ITEM NO. 3:

Creation of posts of Superintendent, LD Assistant, Mali and Chowkidar at Assam State Legal Services Authority and posts of Superintendent, Driver, Mali and Chowkidar for District Legal Services Authorities.

Deliberation 1:

As regard to the creation of the posts of Chowkidar and Mali, the Commissioner & Secretary to the Govt. of Assam, Legislative Department had informed that the matter is under process. The Board requested him to expedite the process.

Deliberation 2:

There is no post of Superintendent in the office of ASLSA. So the Authority had written to the government for creation of the said post. His Lordship enquired from the Commissioner & Secretary to the Govt. of Assam, Legislative Department as regard progress in the said matter.

The latter informed the Board that the Government has rejected the proposal for creation of the post of Superintendent as ASLSA does not fulfill the required criteria for creation of the post of Superintendent.

Deliberation 3:

No discussions could however be held with regard to creation of post of Driver, Mali and Chowkidar for DLSAs due to paucity of time.

RESOLUTIONS:

It was resolved that as for the creation of the post of Superintendent in ASLSA, the office does not fulfill the required criteria as per Govt. of Assam Rules. It was resolved that ASLSA will write for creation of two (02) numbers of Upper Division Assistant (UDA) posts.

ITEM NO. 4:

Fixing of the expenditure limit for Legal Awareness programme and meeting etc.

RESOLUTIONS:

The matter had been considered and it was resolved that the upper limit of expenditure for holding of each legal awareness programme/meeting be raised to Rs. 5000/- (Rupees five thousand) only from the earlier rate of Rs. 3000/- (Rupees three thousand) only.

ITEM NO.5:

Audit objection pertaining to payment of fees to Amicus Curiae.

Deliberation:

During the discussion on the above agenda, the Hon'ble Executive Chairman, ASLSA requested the Commissioner & Secretary to the Govt. of Assam, Legislative Department to explore the possibilities of creating a special fund for payment of fee to Amicus Curiae. It has been informed by the later that there is no such fund available with the Legislative Department.

RESOLUTIONS:

After deliberation the Board resolved that ASLSA will write to the Judicial Department, Govt. of Assam to create a special fund/grant to meet the fee expenses of Amicus Curiae. It was also resolved that in the meanwhile the payment of fee to Amicus Curiae would be made by the Gauhati High Court Legal Service Committee (GHCLSC) and necessary fund for the same be made available by ASLSA based on the requirement placed by GHLSC.

ITEM NO. 6:

Creation of 2 Nos. of post of Secretary along with the staff for DLSA at Karbi Anglong and Dima Hasao.

RESOLUTIONS:

The Commissioner & Secretary, to the Govt. of Assam, Legislative Department had informed the Board that the matter is under process and once the Minister concerned clears the file, matter would be sent to Hon'ble the Chief Justice, Gauhati High Court, Guwahati for necessary approval.

ITEM NO. 7:

Seeking approval for sanction of the bill.

RESOLUTIONS:

It was resolved that the matter of the pending bill amounting to Rs. 31,569/- (thirty one thousand five hundred sixty nine) only, payable to LCHR should be closed as original bills were not available. The duplicate copies of the bills which were submitted by LCHR could not be processed as there is none to certify the authenticity of the duplicate bills.

I**TEM NO. 8:**

Any other matter with the approval of the Chair.

RESOLUTIONS:

1) The Commissioner & Secretary to the Govt. of Assam, Legislative department had informed the Board that their good office had received our letter for increasing of the Grade pay of LDA staffs of ASLSA in line with the grade pay drawn by the Secretarial staffs and the Legislative department would refer the matter to the Pay Research Unit(PRU) for proper examination of the said matter and for further necessary action.

2) Sri Golap Sarma, one of the Board Member, ASLSA had raised a point that on 3rd August, 2016, Supreme Court Bar Association released this Authority an amount of Rs 30 lakhs for flood relief and this amount was spent by ASLSA to provide eatable, utensils and other necessities for flood victims in 6 districts. The meeting acknowledged the noble gesture of the Supreme Court Bar Association.

Sd/-
Justice Hrishikesh Roy

Sd/-
Kuladhar Saikia

Sd/-
S.M. Buzarbaruah

Sd/-
S. P. Moitra

Sd/-
Rita Kar

Sd/-
Satya Nath Sarma

Sd/-
Manash Sarania

Sd/-
Golap Sarma



GOVERNMENT OF ASSAM
LEGISLATIVE DEPARTMENT :: LEGISLATIVE BRANCH
DISPUR :: GUWAHATI-6

ORDERS BY THE GOVERNOR
NOTIFICATION

Dated Dispur the 28th December, 2018

No. LGL 165/2018/7: In exercise of the powers conferred by rule 16 of the Assam State Legal Services Authority Rules, 1996 (As amended) and in supersession of this Department's earlier notification No. LGL 87/2006/39 dated 29th May, 2009 except as respects things done or omitted to be done before such supersession, the Governor of Assam is hereby pleased to notify the upper limit of annual income of a person from all sources which shall not excced Rs. 3.00 lakh (Rupees Three lakh) only for entitling him to legal services under clause (h) of section 12 of the Legal Services Authorities Act, 1987 (Act No. 39 of 1987).

This notification shall come into force on the date of its publication in the official Gazetee.

Sd/-
S.M. Buzar Baruah,
Commissioner & Secretary to the Govt. of Assam
Legislative Department.

Memo No LGL 165/2018/7-A Dated Dispur the 28th December, 2018

Copy forwarded to :-

1. The P.S. to Hon'ble Chief Minister, Assam for favour of kind informantion of the Hon'ble Chief Minister.
2. The P.S. to the Hon'ble Chief Justice, Gauhati High Court, Guwahati-1 for favour of kind information of his Lordship.
3. The P.S. to Hon'ble Minister, Legislative, Assam for favour of kind information of the Minister, Legislative Department.
4. The P.S. to the Chief Secretary to the Government of Assam for favour of kind information of the Chief Secretary.
5. The Registrar General, Gauhati High Court for favour of kind information.
6. The Member Secretary, Assam State Legal Services Authority, Gauhati High Court Campus, Guwahati-1 with reference to his letter No. ASLS 154/2018/ 3352 dated 14th September, 2018.
7. All Deputy Commissioners.
8. All District & Session Judges.
9. All Sub-Divisional Officers (Civil)
10. All Sub-Divisional Judicial Magistrates.
11. The Under Secretary to the Govt. of India, National Legal Services Authority, 12/11 Jam Nagar House, New Delhi-110011 for information.
12. The Accountant General (A&E), Assam, Maidamgaon, Beltola, Guwahati-29.
13. The Director, Assam Govt, Press Bamunimaidan, Guwahati-21 for publication of the Notification urgently in the Official Gazette and to supply 400 (Four hundred) spare copies to this Department.

By order etc..

Sd/-
Commissioner & Secretary to the Govt. of Assam,
Legislative Department



EARLY ACCESS TO JUSTICE AT PRE-ARREST, ARREST AND REMAND STAGE

National Legal Services Authority

1. Introduction :

1.1. Background

Right to free legal aid and assistance is an essential ingredient of reasonable, fair, and just procedure for a person accused of any offence. It is implicit in the guarantee of Article 21. It is, therefore, essential that Access to Justice is available at all stages of the criminal process. Access to Justice during the early stages of the criminal process has its importance. It ensures, amongst other things, protection of the rights of people when they are most vulnerable. It strengthens the criminal justice system.

While availability of services of a trained lawyer at the stage of trial in a criminal prosecution and inferentially, of free legal aid for those who cannot afford a lawyer on their own, is already the norm in most jurisdictions, legal aid during pre-trial stages has its own importance. It ensures amongst other things, protection of the rights of people when they are most vulnerable and thereby strengthens the criminal justice system.

United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems provides for the right to legal aid of any person who is "detained, arrested, suspected of, or charged with a criminal offence punishable by a term of imprisonment or the death penalty" at all stages of the criminal justice process[1].

In India, the framework of procedural law and the judgements of the Supreme Court of India provide for legal assistance at early stages of the criminal process. The Supreme Court of India has in various judgements recognized the right to legal assistance to persons in custody and 'near custodial interrogation'. The Hon 'ble Supreme Court in Nandini Sathpaty v P.L Dani[2], observed as follows concerning the need for providing legal assistance at early stages:

The spirit and sense of Art. 22 (1) is that it is fundamental to the rule of law that the services of a lawyer shall be available for consultation to any accused person under circumstances of near- custodial interrogation. Moreover, the observance of the right against self-incrimination is best promoted by conceding to the accused the right to consult a legal practitioner of his choice.

In the year 2009, section 41D was introduced in the Code of Criminal Procedure in order to give statutary recognition to the right to legal assistance to a person when he is arrested and interrogated.

Further, with the introduction of Section 41(A) in Code of Criminal Procedure, a suspect can be called to the police station for questioning/interrogation.

The terms 'custody' and 'arrest' have not been defined in the Code. However, it has been held by the Supreme Court that "in every arrest, there is custody but not vice versa and that both the words 'custody' and 'arrest' are not synonymous terms. "3 Moreover, "police custody" does not commence only when the accused is formally arrested but "would commence from the moment when his movements are restricted and he is kept in some sort of direct or indirect police surveillance". Thus, it also covers an accused who is called for questioning pursuant to a notice of appearance. Therefore, right to a lawyer/legal aid lawyer of suspects arises before questioning, when they become aware that they are the subject of investigation, and are in custodial settings.

Although, a robust framework of rights of suspects and arrested persons exists in India, many of those arrested or detained being poor, ill-educated or disadvantaged for some other reasons, are unaware of such protection. In India, a study estimated that 80 percent of those in prison had only a primary school education or were illiterate. They often lack the knowledge or experience needed to understand and navigate the criminal justice system. They have limited financial resources. The way in which suspects and accused persons are treated has a significant impact on the efficiency and effectiveness of the criminal justice system. Legal assistance is therefore, as important at pre-arrest stage, during the period between arrest and production in the court and at the stage of Remand, as that at the stage of trial.

1.2 Early stages of legal assistance

Pre-arrest Stage: The inclusion of Section 41 A to the CrPC has created a pre-arrest stage, thereby, necessitating the enforcement of the right to legal aid even prior to arrest when a suspect can be issued a notice of appearance to appear before the police for questioning. In Arnesh Kumar Vs State of Bihar' the Hon 'ble Supreme Court with regard to section 41A Cr PC observed as follows:-

"Aforesaid provision makes it clear that in all cases where the arrest of a person is not required under Section 41(1), Cr.PC, the police officer is required to issue notice directing the accused to appear before him at a specified place and time. Law obliges such an accused to appear before the police officer and it further mandates that if such

an accused complies with the terms of notice he shall not be arrested, unless for reasons to be recorded, the police office is of the opinion that the arrest is necessary."

Most of the persons called for interrogation to the police station on suspicion of having committed a criminal offence are inherently vulnerable to factors such as the environment of the police station and the uncertainty of what may happen to them. Providing of legal assistance to such person can entail following benefits:

a. Making the suspect feel less isolated or intimidated

b. Safeguarding his welfare and rights during interrogation.

c. Providing a check on police aggression.

d. Avoiding unnecessary arrests

Arrest Stage: The presence of a lawyer at the stage of arrest can make a huge difference to how the accused is treated in police custody. A lawyer at this stage can ensure that the police respect the rights of the accused and prevent unwarranted harm to the accused. It reduces the possibility of beating, torture, coercion for disclosures, wrongful detention, fabrication, false implication and much more. A prompt legal assistance by lawyer at the time a person is arrested by the police may provide

a. Assistance to understand why he has been arrested

b. Protection against intimidation, ill-treatment and torture

c. Assistance to understand and navigate the criminal justice process

d. Actualization of procedural rights

e. Ensuring bail in Bailable offences at the police station itself.

Remand stage: Similarly, at the remand stage, efficient representation to unrepresented arrestees is quite imperative to ensure that unnecessary arrests are challenged, bail applications are filed, unnecessary remands are resisted and procedural rights are protected.

2. Objectives:

Early access to justice framework is devised primarily with the following objectives:

i. To provide legal assistance to needy suspects and arrestees during interrogation and other early stages of investigation.

ii. To decrease the vulnerabilities of suspects and arrestees.

iii. To assist in avoiding unnecessary arrests.

iv. To assist the arrestees in filing bail applications and furnishing bail bonds.

3. Role of State Legal Services Authorities:

All persons in custody, which would obviously include detention at pre-arrest stage and, between arrest and production in the Court, are entitled to free legal services by virtue of Section 12 of the Legal Services Authorities Act, 1987. Since a large number of them do not have an opportunity or means to engage a lawyer on their own, Legal Services Authorities have an important role to play in reaching out to them.

Effective implementation of early access to justice framework requires coordination between the police authorities and legal services authorities. In this regard, State Legal Services Authority shall take up the matter at the highest level with the State Department of Home and Director General of Police to mutually workout the modalities for effective implementation of the framework. So that the right of legal representation at the early stages of criminal justice system is promoted and secured.

It is also important that wide publicity is given to the rights of persons at pre-arrest, arrest and at remand stage including the right to avail free legal aid from Legal Services Institutions. In this regard, State Legal Services Authorities shall get prepared quality IEC material including the leaflets referred to in the present framework. Hoardings enumerating such rights and phone numbers and addresses of Legal Services Authorities shall be put up by State Legal Services Authorities at public places, particularly at police stations, in coordination with local authorities. Workshops may be organized for Police and other Investigating agencies on rights of the arrestees and corresponding duties of the Investigating officers.

Panel Lawyers have a significant role to play in the entire process of early access to Justice. In such a scenario, capacity building programs for panel lawyers specifically touching upon essential aspects of law pertaining to Arrest, Remand and Bail be planned and implemented by State Legal Services Authorities.

4. A framework of providing Legal Assistance at Pre-Arrest, Arrest and Remand Stage:-

4.1 Legal assistance at the pre-arrest stage:

In Sheela Barse v State of Maharashtra AIR 1983 SC 378, the Hon'ble Supreme Court of India held:

"..... whenever a person is arrested by the police and taken to the police lock up. the police will immediately give an intimation of the fact of such arrest to the nearest Legal Aid Committee and such Legal Aid Committee will take immediate steps for the purpose of providing Legal assistance to the arrested person at State cost provided he is willing to accept such legal assistance. "In view of the fact that the pre-arrest stage has settings of custody, there is no reason why the above mandate to the police to notify the Legal Aid Committee (Now, the DLSA) should not be applicable at this stage also. The framework for providing legal assistance at this stage would therefore be as follows:

4.1.1 Notifying the suspect of the right to a lawyer :

In view of the Satapathy case, supra and section 41 D Cr.P.C, the police is to notify the suspect of his right to have legal assistance during interrogation. Moreover, the mandate of Sheela Barse will remain ineffective unless the suspect is appraised of this right. The police has, therefore, to inform the suspect that free legal assistance can be availed from the Legal Services Authorities. It is essential to inform the suspect called for interrogation of the following rights which can be given in the form of leaflet of rights by the police so that the suspect can make informed decision of his right to avail legal assistance:

Your Rights

1. You have the right to know why the police has called you for interrogation.
2. You have the right to know what the police think you have done.
3. You have the right not to answer the questions which have the effect of self incrimination. However, you have to give accurate details of your name/address and identity.
4. You have the right to have a lawyer present if the police interview you. You may avail free legal assistance from the nearest legal services authority.
5. You have the right to medical help if you are ill or injured.

All suspects shall be given a copy of a leaflet of rights upon arrival at the police station andshall be allowed to keep it with them for the duration of their stay. The person to be interrogated must be given adequate opportunity to read and understand the information. Legal Services Authorities shall provide enough leaflets to police stations.

4.1.2 Deputing a lawyer to the police station:

Upon receiving the intimation of the request of the suspect to have free legal assistance during interrogation, the legal services authorities as per the duty roaster prepared with regard to various police stations, shall inform the deputed lawyer. Since, duty roasters are expected to be given in advance to the police stations so that police authorities may be able to directly intimate the lawyer. Upon intimation, the lawyer shall go to the concerned police station for providing legal assistance.

4.1.3 Role of the lawyer:

The work of a lawyer in advising and assisting the suspect in the police station can often be difficult and demanding. A lawyer has the following role to play at the police station at pre arrest stage:

a) The lawyer shall apprise himself of the allegations against the person called for interrogation.

b) He shall explain the alleged offence and the matter for which the person has been called for interrogation.

c) He shall provide legal advice and assistance as sought and required in the situation.

d) He shall not interrupt or obstruct interrogation.

e) He shall appropriately advice the police, if it proceeds to arrest the suspect unnecessarily and without any basis. In this regard, he shall put the position of law before police officials keeping in view the circumstance of the case.

f) In case the suspect is a foreigner, the duty lawyer shall inform the police to intimate the concerned High Commission, Embassy/Consulate.

g) In case, the suspect does not understand the language then arrangement be made for an interpreter, the expenses of which may be borne by the DLSA from Grants in Aid.

h) He shall ensure that women are not called to the police station or to any place other than their place of residence for questioning.

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

4.2 Legal assistance at the arrest stage:

4.2.1 Notifying the suspect of his right to legal assistance :- In view of Nandini Sathpaty and Sheela Barse cases supra and sections 41 A to 41 D Cr.P.C, police is to intimate the arrestee of his right to have legal assistance. A letter of rights in the form of a leaflet may be given to the arrestee. It may contain the following:-

Rights of an Arrested Person

1. The right to a lawyer on being arrested (Article 22 (1) & Section 41 (D) CrPC.
2. The right to have the arrest memo prepared as per Section 41 B and scrutinized by the Magistrate
3. The right to be informed of the grounds of arrest and of the right to bail (Section 50)
4. The right of information to any friend, relative or any other person nominated by the arrested person about the arrest and the place of detention (Section 50 A)
5. The right to medical examination by a medical officer/registered medical practitioner soon after arrest; by a female medical practitioner in the case of a female accused (Section 54)
6. The right against self incrimination (Article 20 (3))
7. The right to be produced before a competent Magistrate within 24 hours, excluding the time taken for the journey to the Magistrate (Section 56 read with Section 57)

In case the arrestee wants to avail the legal assistance, an intimation of such requirement shall be given by the police to DLSA and the duty lawyer. In case of women and children in conflict with law, intimation in all cases be given to the DLSA and duty lawyer.

4.2.2 Role of DLSA :

Upon receiving the intimation of request of the arrestee to have free legal assistance during interrogation or interview, the legal services authorities shall inform the deputed lawyer, as per the duty register. Since, duty roasters are expected to be given in advance to the police stations so police authorities shall also directly intimate the duty lawyer. Upon intimation, the lawyer shall go to the concerned police station for providing of legal assistance.

4.2.3 Role of a Duty Lawyer:

A lawyer has an vital role to perform at this stage. His entire functions shall revolve around providing appropriate legal assistance within the permissible limits to the arrestee without disturbing the investigative process and functions of police officers. The role of Duty Lawyer at the police station is enumerated below:

a. He shall apprise himself of the allegations against the accused and the grounds of arrest.

b. He shall explain to the Arrestee, the alleged offence and the grounds of arrest.

c. He shall provide legal advice and assistance as sought and required in the situation.

d. He shall not interrupt or obstruct interrogation.

e. In case of bailable offences, he shall take necessary steps for securing the bail of the arrestee at the police station itself. Wherever necessary and feasible, family members or friends of the arrestee be contacted through PLVs for this purpose.

f. In case the arrestee is a foreigner, the duty lawyer shall inform the police to intimate the High Commission, Embassy/Consulate.

g. In case, the arrestee does not understand the language then arrangement be made for interpreter, the expenses of which may be borne by the DLSA from Grant in Aid.

h. He shall ensure that the distinctive needs of women arrestees are met by seeking to ensure that procedures of criminal Justice are complied with. This may include ensuring that they are detained separately from males and that female police officer remains present during interrogation.

i. In case arrested persons apparently appears to be a child, the lawyer shall take necessary steps to safeguard his rights as provided under Juvenile Justice(Care and Protection Act) 2015.

4.3 Legal Assistance at Remand Stage:

The Hon'ble Supreme Court of India in Mohd. Ajmal, Amir Kasab v. State of Maharashtra held as follows:

"The right to access to legal aid, to consult and to be defended by a legal practitioner, arises when a person arrested in connection with a cognizable offence is first produced before a magistrate."

The Hon 'ble Supreme Court further held

"We, accordingly, hold that it is the duty and obligation of the magistrate before whom a person accused of committing a cognizable offence is first produced to make him fully aware that it is his right to consult and be defended by a legal practitioner and, in case he has no means to engage a lawyer of his choice, that one would be prov ided to him from legal aid at the expense of the state. The right flows from Articles 21 and 22 (1) of the Constitution and needs to be strictly enforced."

Thus, arrested person has a right to be represented during remand.

4.3.1 Role of DLSA:

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

  Duty rosters may be sent to the police stations and to the courts so as to give prior information of the Remand Advocates.
- DLSA shall ensure that duty lawyers attend to the remand work even during holidays and after court hours as and when unrepresented arrestee is produced for remand.

4.3.2 Role of the Lawyer:

a) **Copy of application for remand :** Before proceeding to represent an unrepresented arrestee, it is quite essential to obtain a copy of the application moved by the prosecution tor seeking the remand of an accused. The contents of the application can indicate to the remand lawyer the gist of the allegations and the reasons which the prosecution is putting forth for seeking remand. If prosecution does not supply the copy of an application, request be made to the concerned court for providing the copy of application for effective representation of the accused. After obtaining the copy of the remand application and the copies of the documents which the prosecution may be relying upon, the remand lawyer shall go through the contents of the same.

b) **Interaction with arrestee:** Remand Advocate shall in every case, before representing the arrestee, interact with the arrestee. This shall be done with an objective to inform an arrestee about the allegations against him and the grounds being put by the prosecution for seeking remand. It is also required for seeking any information regarding the allegations, date of arrest etc. Interaction can give

inputs about many important aspects including the local roots of the arrested person.

c) **Challenge arrest:** It may happen that the police has arrested a person unnecessarily in a routine manner. In such a scenario, keeping in view section 41 (A) of Code of Criminal Procedure read with important judgements of the Hon 'ble Supreme Court such as In Arnesh Kumar Vs State of Bihar, (2014) 8 SCC 273 and Joginder Kumar v State of UP [1994 SCC (4) 260], the arrest shall be challenged by a Remand Advocate before the court.

d) **Bail application:** Remand advocate shall file bail applications in appropriate cases. Arrestee be also apprised of the bail application and the next date if the matter is postponed by the court for hearing arguments. In case of grant of bail, the Remand Advocate shall also assist in furnishing of bail bonds. Wherever necessary, family members be also contacted through PLVs, for filing of bail bonds. In case of rejection of the bail, intimation be given to the office of DLSA. Arrestee be also informed about his right to move Higher courts. In case the arrestee takes informed decision for availing the said right, LSA shall provide legal services for filing matter in Higher courts.

e) **Submission with regard to surety:** If the arrestee is a resident of some other place and obtaining of local surety may be difficult for him, a submission may be made before the court not to order furnishing of local sureties. In this regard reference can be made to the observations of the Hon 'ble Supreme Court in Moti Ram & Ors vs State Of M.P, 1978 AIR 1594, 1979 SCR (1) 335.

f) **Translation of documents:** In case the arrestee or the lawyer does not understand the language in which the documents have been prepared by the police, submission be made before the court to provide the translated documents so that arrestee may understand the allegations and the case of the prosecution against him. This will also facilitate effective interaction with arrestee.

g) **In the case of foreigner arrestee :** In case the arrestee is a foreigner, the remand lawyer shall request the court to direct the police to intimate the concerned High Commission, Embassy/Consulate.

h) **Non-production of accused on a subsequent remand :** If a person in judicial custody is neither produced in person nor through video conferencing on a subsequent remand then the submission may be made before the court to give remand only on production. The submission be made before the court concerned to direct the concerned authorities to produce the accused.

i) **In case of Remand through video conference:** During remand by way of video conferencing, Remand Advocate shall inform the accused through VC only that he is representing him. In case accused wants to interact before the remand with a lawyer, permission be sought from the court for such interaction. In case remand is given by the court, the next date be intimated to the inmate. In this regard information be also given to the jail clinic.

j) **Representation during preventive detention proceedings:** Persons who are produced before Executive Magistrates for the purpose of detention be effectively represented, in case legal aid is required by any such person. In such a case, interaction with such persons, obtaining the copy of application and other documents, preparing a case for resisting preventive detention are some of the pre-requisite steps for effective representation. If the order for preventive detention is passed, the detainee be apprised of his rights to move higher authorities/courts. In case the legal aid is required for moving higher courts, the requisite steps be taken by Legal Services Authorities in this regard.

k) **Child arrestees:** Remand Advocates shall be duly trained in Juvenile Justice Law. In case arrested person apparently appears to be child in conflict with law, submission be made before the Magistrate to take the steps as per Juvenile Justice Law. Application in this regard be moved before the court. Efforts be also made in coordination with the family members of such person to collect the documents reflecting about his date of birth.

l) **Persons of unsound mind and mental retardation:** Whenever a person of unsound mind is produced for a remand, the Remand Lawyer shall take steps in accordance with chapter XXV of Code of Criminal Procedure of 1973. Submission for his bail be made in accordance with section 330 CrPC. His rights provided under Mental Healthcare Act, 20 17 be also secured such as right to access Mental Healthcare, right to protection from cruel, inhuman and degrading treatment. In this regard office of DLSA shall be duly intimated so that the protections under Mental Healthcare Act, 2017 be actualized.

5. Other roles of Legal Services Authorities:

(i) Awareness: Legal Services Authorities shall spread effective legal awareness amongst the public about the right to free legal assistance at prearrest, arrest and remand stage. Awareness shall also be spread about the rights of the arrestees and also about the framework envisaged under Sections 41 (A) to 41 (D) of Code of Criminal Procedure. Leaflets, hoardings and any other tool may be used for spreading awareness. Hoardings in coordination with police authorities be affixed in the police stations at conspicuous places. Hoardings shall mention phone numbers and addresses of the nearest Legal Services Authorities. Leaflets as envisaged under the present framework be also provided at the police station.

(ii) Training: Legal Services Authorities shall impart specialized training to the duty lawyers engaged for providing legal assistance at pre arrest, arrest and remand stage. Refresher trainings be also organized periodically for the duty lawyers. Trainings may cover topics such as Rights of the arrested persons, jurisprudence of section 41, 41 (A) to 41 (D), important judgments of the Hon'ble Supreme Court on Arrest Law, Juvenile Justice Act etc.

(iii) Duty Roasters: Legal Services Authorities have to frame fortnightly or monthly duty roasters of advocates and PLVs in such a manner that all the

police stations are covered. The Advocates and/or PLVs on duty may make random visits to the respective Police Stations and be available on call on the day of their duty. It need to be ensured that engagement of duty lawyers shall be proportionate to the requirement. Duty Roasters may also spell out the duties at different periods of the day i.e. during office hours and non-office hours.

(iv) **Honorarium:** Honorarium to duty lawyers be paid timely. The Executive Chairman, SLSA shall decide the amount of honorarium including reimbursement of travelling expenses.

(v) **Documentation:** It is quite imperative to document the services provided at investigative stage to needy. Accurate and effective documentation will not only help in making effective review but will also reflect about the impact made by such legal assistance.

(vi) **Periodical review:** Legal Services Authorities shall periodically review the early access to justice framework so as to identify the gaps and taking timely and appropriate corrective measures for improving the structure.

Footnote:

1. Principle 3, Clause 20, Resolution No. 67/187. United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (2012) available at http://www_unodc.org/ documents/justice-and- prisonrefonn/ UN_principles _ and _guidlines _on_access to_Legal_aid. pdf
2. AIR 1978 SC 1025
3. Directorate of Enforcement v Deepak Mahajan (1994) 3 SCC 440. Also see State of UP v Deoman Upadhyaya AIR 1960 SC 1125;
4. Paramhansa Jadab v State AIR 1964 Ori 144.
5. See Open Society foundations and United Nations Development Programme, The Socioeconomic Impact of Pretrial Detention, p. 23
6. UNDOC's "Early access to legal aid in criminal justice processes: a handbook for policy makers and practitioners" 2014.
7. (2014) 8 SCC 273,
8. (2012) 9 SCC 1



SCHEMES OF NALSA

1. A Scheme for Legal Services to Disaster Victims through Legal Services Authorities.
2. NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015.
3. NALSA (Legal Services to the Workers in the Unorganised Sector) Scheme, 2015.
4. NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015.
5. NALSA (Legal Services to the Mentally III and Disabled Persons) Scheme, 2015.
6. NALSA (Effective Implementation of Poverty Alleviation Schemes) Scheme, 2015.
7. NALSA(Protection and Enforcement of Tribal Rights) Scheme, 2015.
8. NALSA (Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace) Scheme, 2015.
9. NALSA (Legal Services to Senior Citizens) Scheme, 2016.
10. NALSA (Legal Services to Victims of Acid Attacks) Scheme, 2016.

A Scheme for Legal Services to Disaster Victims through Legal Services Authorities

Legal Services to Victims of Disaster: A disaster whether natural or man-made often takes the victims unwares and they are subjected to grim situations of loss of life, home and property. Both the Central Government and the State Governments take disaster mitigation measures but many a times the benefits are not accessible to the victims due to various reasons. Disaster victims are entitled to free legal services under Section 12(e) of the Legal Services Authorities Act.

Objectives of the Scheme: The main objective of the Scheme is to coordinate with Government and other Non-Governmental agencies for providing development measures for reducing the period of crises, early recovery and development and providing free legal aid and assistance to them in availing the benefits of legal provisions and schemes announced by the Government.

Plan of Action: The Scheme envisages establishment of a core group in all Districts consisting of a senior judicial officer, a young lawyer, medical personnel and NGOs to take prompt action as and when a disaster whether natural or man- made occurs. The core group shall coordinate with different Government departments and NGOs including the Disaster Management Authorities for supervising distribution of relief materials, construction of temporary shelters, health care of the victims, availability of food and drinking water and other restorative and rehabilitative measures. The Legal Services Authorities shall also aid the victims in reconstruction of lost documents, in availing insurance claims, bank loans etc.

NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015

Legal Services to Victims of Trafficking and Commercial Sexual Exploitation: Trafficking of women and children for commercial sexual exploitation is an organized crime and is said to be the most lucrative trade or business after arms and narcotics. Most of the time, innocent women and children, as young as nine years old, are pushed into this trade by people known to them, including their own families. Once in the trade, the victim has no escape route and has to languish in an environment of violence, abuse and exploitation.

Objectives: The primary objective of the Scheme is to provide legal assistance against trafficking and sexual exploitation. Within its wide ambit, the Scheme covers children, adolescent girls and women of all ages. The Scheme seeks to provide an action plan to prevent sexual exploitation of these individuals while ensuring rescue and rehabilitation of the victims of trafficking and voluntary sex workers.

Action Plan: To coordinate with State, Govt./Non-governmental agencies and organisations to ensure that the benefits of all legislations, policies and schemes of the government reach the exploited persons and effective preventive and rehabilitative measures are initiated at the ground level. The Legal Services Authorities shall create awareness amongst the vulnerable groups with a view to empowering them to demand and avail their entitlements. The Authorities shall work for capacity building of all stake-holders including those in the law enforcing and justice delivery system for them to effectively deal with the issues concerning trafficked and sexually exploited women and children.

NALSA (Legal Services to the Workers in the Unorganised Sector) Scheme, 2015

Legal Services to Workers in the Unorganised Sector: The unorganised sector contributes to more than 50% of India's GDP, and employs almost 95% of India's workforce, according to the Economic Survey of India (2007-2008) and the National Sample Survey (2009-2010). The Unorganised Workers Social Security Act, 2008 was passed to provide social security measures for workers in the unorganised sector. NALSA's revised Scheme for Legal Services to Workers in the Unorganized Sector, 2015 makes it obligatory on the part of the State Legal Services Authorities, District Legal Services Authorities and Taluk Legal Services Committees to create awareness amongst the workers in the unorganized sector about their rights under the law and to give assistance to them for securing the benefits under the various schemes under the Act and also those put in place by the State Governments.

Objectives and Action Plan: The main objective of the Scheme is to enable workers in the unorganised sector to avail their entitlements under legislations and schemes framed for their benefit. To further this aim, the Scheme provides for the institutionalisation of essential legal services to workers in the unorganised sector through the establishment of a Special Cell. The Special Cell would disseminate information among workers in the unorganised sector regarding their entitlements under the existing legislations and schemes, and provide assistance to workers for registration under welfare legislations, and to avail benefit of schemes framed for their benefit. This Scheme would improve access to justice for the marginalised and vulnerable workers employed in the unorganised sector.

NALSA (Child Friendly Legal Servic 5 to Children and their Protection) Scheme, 2015

Legal Services to Children: Children constitute about 46 per cent of the population of India. Being persons of tender age and inexperienced in the vicissitudes of life, they are

the most vulnerable group. Forthis reason the Legal Services Authorities Act, 1987 has enlisted children as persons entitled to free legal services. Children even when they come into conflict with law, have to be treated differently. Social evils like child marriage, child labour and other atrocities against them are quite prevalent. Unless the justice providers reach out to the children, the justice requirements of children will go unnoticed and unredressed.

Objectives: Through the Child Friendly Services to Children and Their Protection Scheme, 2015, the National Legal Services Authority aims to improve access to justice for children. The main purpose of the Scheme is to facilitate proper implementation of the existing legislations and policies in favour of children, and to ensure effective legal assistance to children who come in conflict with the law or require care and protection.

Action Plan: The State Legal Services Authorities and District Legal Services Authorities have been primarily made responsible for implementing this Scheme.

Legal training and orientation is to be provided to all functionaries who come in contact with children under legislation enacted for their protection to secure child friendly justice. Legal Services Clinics are to be set up in all Juvenile Justice Boards and Child Welfare Committees. Separate panel of trained and committed Advocates is to be maintained at SLSAs. Legal Literacy Clubs are to be set up in all Schools. Finally, under the Scheme, efforts are to be made to generate awareness among the general public with respect to the rights of children.

NALSA (Legal Services to the Mentall Ill and Mentally Disabled Persons) Scheme, 2015

Objectives: The objective of the Scheme is to ensure that the mentally ill or mentally disabled are not stigmatized and they are able to enforce all rights they are entitled to and as assured to them by law. As regards the mentally disabled persons, they are to be treated as persons with disabilities under Section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (PWD Act). Under the Scheme, the Legal Services Authorities are expected to ensure that the benefits under this Act are accessed by the mentally disabled persons also and to take any remedial action as required to do so.

Role of Legal Services Authorities: The Legal Services Authorities under the Scheme have to promote, protect and ensure the full and equal enjoyment of human rights and fundamental freedoms of the mentally ill and mentally disabled persons. The Legal Services Authorities shall promote respect for the inherent dignity, individual autonomy including independence of mentally ill and mentally disabled persons. The Legal Services Authorities are required to open legal services clinics in the mental health facilities and psychiatric homes to render all assistance to the mentally ill persons regarding enforcement of their rights within the facility. The legal services clinics are required to

interact with the mentally ill patients who are taking in house treatment from the facility to understand whether there are property and maintenance issues and to move the court for appropriate relief. The Legal Services Authorities are also required to conduct inspection of the mental health facilities in the state or district to ensure that the living conditions of the inmates are safe and habitable and that no cured patients remain in the facility.

Action Plan: Under the Scheme, the Legal Services Authorities shall co-ordinate with NGOs and other voluntary social organizations for dealing with the issues relating to mentally ill and mentally disabled persons. They shall devise sensitization programmes in coordination with mental health officials for Doctors, Police Officials, Lawyers and Judicial Officers. Legal Services Clinics shall be set up in all the mental health facilities to have a continuous interaction with patients and doctors in order to ensure a dignified stay and treatment of patients and to facilitate their production in court whenever required.

NALSA (Effective Implementation of Poverty Alleviation) Scheme, 2015

Background: Poverty is a multi-dimensional experience which includes issues like health, housing, nutrition, employment, maternal care, child mortality, access to water, education, sanitation and basic services. There are also issues of social exclusion and discrimination. Income in terms of money is not the only factor responsible for this. Various vulnerable and marginalised sections experience poverty in myriad and unique ways.

The intended beneficiaries of various poverty alleviation and social security measures taken by the Central as well as the State Governments are unable to access their benefits due to lack of education, social structures, economic marginalisation, exploitation, cultural norms and discrimination etc.

Objectives of the Scheme: The main objective of the Scheme is to ensure access to basic rights and benefits under the Poverty Alleviation Scheme and Programmes of the Government to economically and socially backward sections of the society by strengthening legal aid and support at all levels.

Action Plan: The Scheme lays down a mechanism for identification of poverty alleviation and social security measures and for facilitating access to them through the legal services clinics, awareness programmes, panel lawyers, para legal volunteers and publicity through print and electronic media.

NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2015

Legal Services to Tribals: Scheduled Tribes constitute 8.2 per cent of the population in India as per the 2011 census. The tribal population in India is governed by their tradi-

tional customs and practices. They are extremely vulnerable as they have not yet been assimilated into the mainstream culture while at the same time their habitats have vanished and their rights have been circumscribed by the needs and pressure of development. They have to be relocated every time a forest area is cleared for any development activity, but it is extremely difficult for them to adjust in any other cultural environment. There is also a huge chasm between the various government schemes framed for tribals which are not reaching them. Many a times, tribals have a brush with the law and suffer greatly because neither the formal justice system understands them nor do they comprehend the judicial system.

Objectives: The Scheme is aimed at ensuring Access to Justice to the Tribal population in India including access to rights, benefits, legal aid and other legal services so that the assurance of the Constitution of justice, social, economic and political is meaningfully experienced by them.

Role of Legal Services Authorities and Action Plan: A member of the Scheduled Tribes is entitled to legal assistance under Section 12 of the Legal Services Authorities Act, 1987. The Legal Services Authorities need to reach out to the tribals so that they have equal opportunity to access justice. The Scheme sets out the areas where the Legal Services Authorities can be of help to the tribals such as bringing education and vocational training to them. The Legal Services Authorities are to reach out to the tribals pro-actively by speaking in their language through para-legal volunteers. This would help greater understanding of the issues troubling the tribals and the nature of remedy that the legal services must provide. Most importantly, the Legal Services Authorities are to spread awareness amongst the tribals about the various rights that the Constitution assures them, the rights that are available to them under various laws, the remedies available to them in case of violation of their rights, the support that the Legal Services Authorities can provide them when there are such violations and finally, what are the schemes the government has made for them and how they can access them.

NALSA (Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace) Scheme, 2015

Background: Drug trafficking is one of the most dreadful organised crimes in the world today. Because of its location between the Golden Crescent and the Golden Triangle, India is highly vulnerable to drug trafficking. The effects are appalling. About 7 crore people are said to be involved in drugsand substance abuse. 17% out of them are said to be addicts. The threshold age of children to try drugs has come down to 9 years. This results in frightening effects on health and psychology of individuals, robustness of the society and economy of the country.

Objectives: The main objectives of the Scheme are to spread awareness amongst all stakeholdersregarding ill-effects of drug abuse and the legislative provisions, government schemes, policies etc. available for the victims, to work with GovernmenUNon-Government agencies to prevent trafficking and for putting in place, effective de-addiction and rehabilitative facilities.

Action Plan: The State Legal Services Authoritieshave established special units in each district with the District Secretary as the Nodal Officer who shall create a database of all existing policies, schemes etc., for prevention of drug abuse and rehabilitation of victims and shall disseminate the same to all stakeholderslike local bodies, educational institutions. street children, jails, sex workers, chemists, cultivators, victims of drug abuse and their families etc. They shall also coordinate with De-addiction and Rehabilitation Centres to ensure that drug abuse victims are treated properly and with dignity. The SLSAs shall create awareness amongst the general public and especially amongst students regarding the physical, mental. social and economic ill effects of drug consumption.

NALSA (Legal Services to Senior Citizens) Scheme, 2016

Legal Services to Senior Citizens: As per the National Policy for Senior Citizens, 2011, nearly 8 per cent of India's population, which in numbers, is about 104 million, is above the age of 60 years. This is also 1/8th of the total population of senior citizens in the world. They face myriad challenges - social, physical, mental and economic. The problem is made more acute with the breakup of the joint family system. With migration of the productive members of the family, the elderly are left to fend for themselves. There is also evidence of systematic abuse of elderly i.e. infliction of physical, emotional and psychological harm by family members and members of the society.

Objectives of the Scheme: The main objective is to strengthen legal aid, advice, counselling to senior citizens at the National, State. District and Taluka level, to enable them to avail benefits of various legal provisions, to ensure access to governmental schemes and programmes for them and to devise ways to extend prompt health care facilities and physical and social security measures in coordination with police, health care authorities and district administration etc.

Action Plan: The Scheme envisages reaching out to the senior citizens through Legal Services Clinics and Para Legal Volunteers who shall act as the interface between senior citizens in the community and the Legal Services Institutions as well as police, district administration, health care personnel and other authorities. The Legal Services Institutions shall create a database of all existing Central and State Government Schemes, policies, etc., concerning senior citizens and disseminate such information by way of booklets, pamphlets, awareness programmes and through print and electronic media. They shall also visit old age homes and ensure availability of basic facilities and dignified treatment of senior citizens. They shall promote and facilitate setting up of self- help groups of senior citizens to encourage community support and to reduce dependency on the part of the senior citizens.

NALSA (Legal Services to Victims of Acid Attacks) Scheme, 2016: Legal Services to Victims of Acid Attacks: Acid attacks are the worst pernicious form of violence that is resorted to, and is mostly gender specific i.e. against women. Quite often, they are a

result of rejection of marriage proposals or sexual advances. Acid attacks are also resorted to in conflicts relating to dowry, property, land and inheritance. In view of the nature of the problem and its increasing occurrence, various legislative and judicial initiatives have been taken recently. These include introduction of Sections 326Aand 326B in the Indian Penal Code providing for stringent punishment, court directed ban on counter sale of acid and prescribing a minimum amount of compensation for victims of such attacks under the State Victim Compensation Scheme.

Objectives of the Scheme: The main objectives of the Scheme are to create and spread awareness about the entitlements of victims of acid attack and to facilitate their access to medical facilities, rehabilitative services, adequate compensation and other benefits under various legal provisions and government schemes. Plan of Action: Legal Services Clinics shall be set up at hospitals having facilities for treatment of burns. These clinics shall be in regular touch with the victims and their relatives to ensure all possible help in securing appropriate medical care. Para Legal Volunteers will arrange for and provide counselling, rehabilitative services and active support and assistance to the victims and their family members. The Legal Services Institutions shall arrange for prompt and adequate compensation to be paid to the victims under the Victim Compensation Scheme. The victims shall be provided free legal representation to prosecute their criminal cases and it shall be ensured that they are treated fairly and with dignity during trial.

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FRONT OFFICE GUIDELINES

1. Background and Rationale:

Legal Services Authorities are providing free and competent legal services to weaker and marginalised 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 maintaining 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:

(i) 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:
   i. 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)

MONTH _____

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

LEGAL AID HELPLINE REGISTER

(Annexure B)

Sl. No.	Name & address & phone no. of caller	Date & time of call	Problem discussed	Action taken/ advice given	Remarks

LEGAL AID (MONITORING) REGISTER

DATE _____

(Annexure C)

Sl. 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

(1) How would you rate the performance of the lawyer assigned to your matter?
- ■ Bad
- ■ Average
- ■ Good
- ■ Excellent

(2) How responsive was the lawyer who worked on your matter?
- ■ Bad
- ■ Average
- ■ Good
- ■ Excellent

(3) How were you treated by the members of our staff with whom you came into contact?
- ■ Bad
- ■ Average
- ■ Good
- ■ Excellent

(4) How would you rate the overall communication on the part of our lawyer/staff?
- ■ Bad
- ■ Average
- ■ Good
- ■ Excellent

(5) Other Comments.

Modified Scheme 2022

Legal Aid Defense Counsel Scheme 2022

FOR PROVIDING LEGAL AID, ASSISTANCE & REPRESENTATION IN CRIMINAL MATTERS IN LINE WITH "PUBLIC DEFENDER SYSTEM"



National Legal Services Authority

B-BLOCK, ADDITIONAL BUILDING, SUPREME COURT OF INDIA, NEW DELHI
Email: nalsa-dla@nic.in, ms-nalsa@gov.in Website: www.nalsa.gov.in



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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 17 states/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.

Model Law on Legal Aid in Criminal Justice Systems with Commentaries(www.unodc.org) 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-à-vis assigned 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:

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

- o Well-appointed office for Legal Aid Defense Counsels with separate cabin for Chief Legal Aid Defense Counsel and space for consultation.
- o Space for ministerial staff, reception with waiting area.
- o Total space requirement (suggestive):
  Class A Cities 800 to 1000 sq. ft.
  Class B Cities 700 to 800 sq. ft.
  Class C Cities 500 to 600 sq. ft.
- o Computers and printers with scanner, internet connection, telephone.
- o Furniture consisting of tables, chairs, bookshelf and almirahs etc.

- **Human Resource:**

Human Resources for a Legal Aid Defense Counsel Office

Sl. No.		No. required
1.	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, may be 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

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

b) Deputy Chief Legal Aid Defense Counsel.

- o Conducting trials/ appeals/ Remand work /Bail applications/visits to prisons etc., as assigned by Chief Legal Aid Defense Counsel.

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

c) Assistant Legal Aid Defense Counsel.

- o Filing of cases, conducting trials in Magistrate trial cases,
- o Remand/bail and other miscellaneous work,
- o legal research in legal aided cases,
- o Visits to Prison and Legal aid Clinics as per directions,
- o Providing assistance at pre-arrest stage to suspects,
- o Assisting Chief Legal Aid Defense Counsel and Deputy Legal Aid. Defense Counsel(s) in conduct of legal aid cases,
- o Assisting in developing a defence strategy after sifting through all of the evidence collected by the prosecution and after hearing the accused's version of what happened during the alleged crime in question,
- o Visiting location/area of alleged crime, having discussions with family members etc, for effective and meaningful input of defense strategy,
- o Handling queries of legal aid seekers,
- o Updating legal aid seekers about the progress of their cases,
- o Assisting in maintaining complete files of legal aided cases,
- o Handling legal queries relating to criminal matters on telephone,
- o Any other work related to legal aid assigned by Chief Legal Aid Defense Counsel,
- o Any work/duty assigned by Legal Services Authority,

d) Office Assistant

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

e) Receptionist-cum-Data Entry Operator

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

f) Office peon (Munshi/Attendant)

- o General work of MTS, Munshi or Peon,
- o Cleaning the office before the commencement of office hours,
- o Ensuring that all places in the office are kept clean,
- o Bringing and serving water, beverages to the visitors in the office,
- o Carrying dak, misc. work etc.
- o 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
ii. 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

vii. Indulges in activities prejudicial to the working of legal aid defense counsel office,

or

viii. 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
xi. 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 min-

utes 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	50,000 to 75,000/- each
3.	Assistant Legal Aid Defense Counsel	25,000 to 45,000/- each
4.	Monthly salary of Office Assistants	18,000 to 25,000/- each
5.	Monthly salary of Receptionist-cum-Data Entry Operator (Optional)	18,000 to 20,000/-
6.	Monthly salary of Office peon	12,500 to 15,000/-

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

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

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

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

6.	Monthly salary of Office peon	10,000 to 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)

1.	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/-
4.	Books Upto	50,000/-
5.	Law software Provided by NALSA	
6.	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**

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

Category-wise Maximum No. of Human Resources to be deployed for each LADCS:

As per approved Central Sector Scheme namely "Legal Aid Defense Counsel System (LADCS) Scheme" average expenditure per month per LADCS office is based on Category-wise maximum no. of Human Resources to be deployed for each LADCS during F.Y. 2024-25 and F.Y.2025-26 are as under:

S.No.	Designation of Legal Aid Officers and Staff	No. of Resources
1	Chief Legal Aid Defense Counsel	1
2	Deputy Chief Legal Aid Defense Counsel	3
3	Assistant Legal Aid Defense Counsel	6
4	Office Assistants	3
5	Receptionist-cum-Data Entry Operator (Typist)	1
6	Office Peon	3
	Total	**17**

Annexure 'B'

Format for monthly performance analysis of LADCS

Name of SLSA:

Name of DLSA:

Duration of the below-mentioned data: From _____ to _____ (one month)

Table I: Case Handling

A	B	C	D
No. of ongoing cases including trials and appeals	**No. of new cases assigned**	**No. of cases disposed off**	**Case Disposal Rate**
excluding 'B'	*all types of cases including bail but excluding remand*	*all types of cases including bail but excluding remand*	*(C/B multiplied by 100)*

Table II: Bail Applications

E	F	G
No. of bail applications filed	**No. of bails granted**	**No. of persons released against bail applications filed**
Excluding bail applications filed at remand hearings	*Excluding bail granted at remand hearings*	*Excluding persons released at remand stage*

Table III: Early Access to Legal Aid at Pre-Arrest, Arrest and Remand Stage

H	I	J	K	L	M
Suspects provided legal assistance at pre-arrest stage at police station	How many such suspects not arrested by police	How many arrestees provided legal assistance at the police station before producing them before courts	How many were provided legal assistance at remand stage	Number of bail applications filed at remand stage	Number of cases in which bail granted

Table IV: Legal Advice and Assistance

N	O
No. of beneficiaries rendered legal advice	No. of beneficiaries rendered other legal assistance
excluding those counted under any other head in this format	*excluding those counted under any other head in this format*

Table V: Cost Efficiency

P
Cost per case
Total cost incurred during the month / Cases handled (A+B+E+H+J+K+L+N+O)

Monitoring and Evaluation of Legal Aid Defence Counsel System Scheme

F. No. L/27/2022/NALSA/
Dated: 16/05/2024

To
The Member Secretary,
All the State Legal Services Authorities

Sub: Monitoring and Evaluation of Legal Aid Defence Counsel System Scheme.

Sir/Madam,

Please refer to NALSA's e-mail dated 28.03.2024 sending therewith letter dated 15.03.2024 and final EFC Memorandum dated 5.3.2024 received from the Department of Justice, conveying approval of Ministry of Finance regarding Central Sector Scheme namely "Legal Aid Defense Counsel System (LADCS) Scheme" for 3 year (F.Y. 2023-24 to F.Y. 2025-26) with outlay of ?998.43 Crore, for placing the same before the Hon'ble Executive Chairman and Hon'ble Patron-in-Chief, SLSA for information and ensuring compliance.

2. Further, it is also conveyed that LADCS Scheme will be funded with 100% Central share till FY 2025-26 after which it will be scaled down to 75% in 4th & 5th year (2026-28), 50% in 6th & 7th year (2028-30) and 25% in 8th year (2030-31).

Thereafter, LADCS would be completely funded by the State Governments.

3. I am to state that further course of action is required to be taken by the SLSAs in accordance with the letter dated 15.3.2024 and final EFC Memorandum dated 5.3.2024 received from the Department of Justice.
04/07/2024, 13:59 Gmail - Monitoring and Evaluation of Legal Aid Defence Counsel System Scheme.
4. It is further informed that LADCS Scheme has been monitored and evaluated on the basis of the information available with this Authority w.r.t

(i) Setting up of LADCS offices in the states
(ii) Utilisation of dedicated fund allotted w.r.t LADCS and
(iii) Functioning of Legal Aid Defense Counsel System (LADCS) scheme.

5. Further, with the approval of Ld. Member Secretary, NALSA, I am directed to request your good self to take the following recommended course of actions to facilitate effective implementation of LADCS scheme in all the SLSAs:

(i) Stop incremental expansion of LADCS offices during the current F.Y. 2024-25 with immediate effect.
(ii) Immediately take steps to fill-up the shortfalls of Human Resources for each LADCS office, as per requirement, maximum up to 17 only.
(iii) Ensure that:
    (a) the terms of contract entered into under LADCS with the Counsels, Office Assistant and others must be designed to prevent any claim of the contractual persons to regular Government positions or to Government pay, allowances or perquisites.
    (b) the contract clearly stipulates that the payments made are not salary.
    (c) the contract entered with the Counsels and others shall be initially for two years and extended by one year on performance basis.
    (d) clear performance yard stick is incorporated in the contract.
    (e) selection process is transparent following due process.
(iv) Provide detailed information to NALSA about infrastructure viz. office space available, computers, printers, internet connection, telephone, furniture consisting of tables, chairs and almirah, books, staff position, rate of honorarium, category of towns in which LADCS office located, in the prescribed proforma (Annexure A) by 31.05.2024.
(v) Fix a target w.r.t cases/bail applications to be handled and disposed for each of the LADCS offices and furnish the performance cum-achievement report to NALSA on monthly basis by the 5 th of the following month in Annexure B.



Annexure 'A'

Monthly Expenditure Report (MER) for the month of _____

Name of DLSA : District Legal Services Authority _____			
SL. No		**Activities**	**Amount (in Rs.)**
1	1	**Legal Aid and Advice:**	
	a	Fees for panel lawyers for legal aid cases assigned to them	
	b	Honorarium to Remand and duty lawyers but other than retainer lawyers.	
	c	Honorarium to lawyers for jail visits / police station and others, if any.	
	d	Other incidental expenses in providing Legal aid, assistance and advice	
	e	Miscellaneous expenses	
	f	Expenses related to Court based legal representations	
		Total	
2	2	**Alternate Dispute Resolution (ADR):**	
		Lok Adalats	
	a	Honorarium for Lok Adalat Benches / Staff as per NALSA Regulation	
	b	Other Administrative expenses in organisation of Lok Adalats including publicity for NLA.	
	3	**Mediation:**	
	a	Expenses for mediation and honorarium to mediators.	
	b	Expenses for mediators training programmes.	
	c	Other miscellaneous expenses incidental to Mediation activities.	
		Total	
		Awareness & Outreach Activities:	
		(i) Legal Awareness Programmes	
	a	Payments to lawyers/resource persons of such programmes.	
	b	Payments to para legal volunteers	
	c	Organizational expenses	
	d	Awareness through media, radio, television, community media, social media etc.	
	e	Advertisement & publicity expenses on any media	

		(ii) Outreach Activities	
	a	Organisational expenses of Legal services Camps including pre-camp activities	
	b	I.E.C. materials including pamphlets, booklets, videos, short-films etc.	
	c	Utilization and publicity through mobile vans.	
	d	Incidental expenditure in organisation of awareness & outreach activities etc.	
		Others	
		(i) Front Offices at SLSAs, DLSAs and HCLSCs	
	a	Fee for Retainer Lawyers, whether engaged on Monthly & daily basis.	
	b	Para-Legal Volunteers, if deputed in front offices of DLSAs	
3	c	Payment related to helpline, internet charges and official mobile numbers used to provide legal services.	
		(ii) Capacity Building Programmes including organisation expenses & honorarium to resource persons	
		(iii) **Legal Services Clinics (LACs) at Mandal, Taluk, Village Panchayat etc.**	
	a	Payment to para- legal volunteers.	
	b	Honorarium of Lawyers, if visiting such clinics.	
		(iv) Jail Legal Aid clinics, Taluka Legal services Committees, LACs in JJBs etc.	
	a	Honorarium to para-legal volunteers.	
	b	Administrative expenses of clinics and TLSCs.	
		(v) **Entire Expenses in organising seminars / meets / consultations, etc.**	
		(vi) Audit and other fees to Auditors.	
		(vii) All other miscellaneous expenses incidental and related to legal aid to poor programme, if not provided otherwise.	
		Total	
		Grand Total (1+2+3)	

Secretary
District Legal Services Authority



No. ASLSA 84/2017/1917
Dated Guwahati the 29th December 2017

To
THE SECRETARY
DISTRICT LEGAL SERVICES AUTHORITY

Barpeta, Bongaigaon, Cachar, Darrang, Dhemaji, Dhubri, Dibrugarh, Goalpara, Golaghat, Hailakandi, Jorhat, Kamrup, Karimganj, Kokrajhar, Lakhipmur, Morigaon, Nagaon, Nalbari, Sivasagar, Tezpur, Tinsukia, Udalguri

Sub: Regarding incurring expenditure from District Legal Aid Fund Delegation of Financial Powers- Reg.

Sir,

You are well aware that, at the ground level, Secretary, DLSA is the front line officer to carry out the day to day functions/ responsibilities towards translating legal aid strategies /progranmes into action for achieving the objective of "Access to Justice for All".

For expeditious and successful implementation of legal aid programmes and policies, Secretary, DLSA must have certain financial powers to avoid unnecessary delays in seeking approvals.

Therefore, in order to avoid unnecessary delay, Hon'ble Executive Chairman, Assam State Legal Services Authority has been pleased to delegate the following financial powers to the Secretaries of DLSAs in the state of Assam.

1. The Secretaries of DLSAs in the state of Assam may incur expenditure at their own level. upto Rs. 15,000/- per month from the District Legal Aid Fund without obtaining approval from Chairman, DLSA.

While calculating the above amount of Rs. 15,000/-, the following may be excluded:

Fixed expenditure such as Legal fee bills, Payment to PLVs, Panel Advocates, Coordinators, Payment of Water bills, Electricity bills, Telephone bills, Internet & Dongle bills, refueling of publicity mobile van/s & Salary bills of contractual staffs.

a. If the expenditure exceeds Rs. 15,000/- per month, but is equal to or less than Rs. 25,000/- per month, approval of Chairman, DLSA be taken.
b. In case the expenditure is more than Rs. 25,000/- per month, necessary approval of ASLSA shall be taken.

2. The Secretaries of DLSAs in the state of Assam may incur a further expenditure at their own level upto Rs. 20,000/- per quarter from District Legal Aid Fund without obtaining approval from Chairman, DLSA for the following purpose.
For incurring expenditure on Refreshment and making other necessary arrangements for holding Lok Adalats/ Rural Lok Adalats/ Mobile Lok Adalats/ Daily Lok Adalats, Legal Aid Clinics and Pre-Lok Adalat sittings etc.

3. It may be clarified that payments for which approval of Chairman are not required, the bills need not be taken to the Chairman for counter signature. However, all contingency bills like TA/DA bills, Office Expenses bills, Medical bills should be countersigned by Chairman.

4. The Secretaries of DLSAs in the state of Assam may incur the following Administrative Expenditure out of Cost Fund & Interest A/c.
For incurring expenditure on Stationery, Printing of Flex Boards/ Banners, Postage Stamps, Misc. Office Expenses, Hospitality etc.
However, purchase of Stationery and Crockery be made strictly as per need and requirement and utmost economy be observed while incurring the expenditure.

5. It may further be clarified that all types of expenditure to be incurred for implementation of Legal Aid Schemes including the bill payment of Helpline Telephone and Landline Telephone of PLA (PUS) may be met out from NALSA Grant A/c till the time any funds are provided by the Government in 14th Finance Commission Grant.

This is for your kind information and needful action.

Yours faithfully,

Member Secretary,
Assam State Legal Services Authority

Copy to: District & Sessions Judge-cum-Chairman,
All DLSAs in the state of Assam



Format- 'A'

Sub: Information of prisoners who have not been released due to non-payment of fine- reg.

Whether the scheme has been implemented in all jails in the State.	No. of prisoners identified who are in prisons since long for non-payment of fine.	No. of such individuals released under this scheme.	2-3 good examples/cases.



A. UTPs - Revised Format (Attachment-C)

Name of the District (1)	Total Number of UTPs granted bail in the preceding month (2)	Total Number of UTPs released on bail (3)	UTPs not released despite grant of bail (4)				UTPs on whose behalf application for modification of bail conditions has been filed under Section 440 Cr.P.C. (5)		
			Total:				Total:		
			Unable to furnish surety bonds of the prescribed value	Insufficiency in number of sureties/ non-availability of local sureties	On account of multiple cases	Other Reasons (kindly specify)	Allowed	Rejected	Pending

Guideline for Providing Continuous Competent Legal Services to UTPs

ASSAM STATE LEGAL SERVICES AUTHORITY

GAUHATI HIGH COURT, OLD BLOCK (1ST FLOOR),
GUWAHATI-781001

CIRCULAR

Dated, Guwahati 4th August, 2023

No. ASLSA 214/2020(1)/85: The Hon'ble Supreme Court of India, in Suo Moto Writ Petition (Criminal) No. 4 of 2021, titled In Re Policy Strategy for Grant of Bail, vide order dated 29.11.2022, inter-alia, has been pleased to direct NALSA to process for making necessary suggestions to deal with the issue in providing legal assistance to Under Trial Prisoners (UTPs), who continued to be in custody despite having been granted benefit of bail on account of their inability to fulfill the conditions of bail, wherever necessary.

Vide e-mail dated 05.12.2022, NALSA has forwarded a copy of the above order dated 29.11.2022, passed by the Hon'ble Supreme Court, with a request to furnish the details of Under Trial Prisoners (UTPs) who continued to be in custody despite having been granted benefit of bail on account of their inability to fulfill the conditions of bail and in compliance of the above, the DLSAs have furnished the list of such UTPs to NALSA through the Assam State Legal Services Authority.

Vide e-mail dated 15.02.2023, NALSA has forwarded a copy of order dated 31.01.2023, passed by the Hon'ble Supreme Court of India with certain further directions and the same was also circulated amongst all the DLSAS for compliance.

In the light of the above, the following guidelines are hereby issued for the DLSAs to be followed in compliance with the directions of the Hon'ble Supreme Court, forwarded by NALSA, in providing continuous competent legal services to the UTPs who have been granted bail but remain detained in custody on account of their inability to fulfill the conditions of bail.

GUIDELINES

1. DLSAS have to play a pro-active role in providing competent legal services and interaction with the concern inmate is required to be conducted at the earliest for providing assistance in all way possible for release of such inmate and also facilitating preparation of "Report on the socio economic conditions of the inmates" so as to understand the specific need on case to case basis in a time bound manner in accordance with the direction of the Hon'ble Supreme Court, as contained in the Clause 2 and Clause 4 of the order dated 31.01.2023, passed in SMWP (CRIMINAL) No. 4 of 2021.
2. Where no member of the family is available to fulfill the bail condition (s), the DLSAS may initiate endeavor to establish contact with the family member (s) through PLVs /LADCs/other means for facilitating competent legal services.
3. In appropriate case (s), assistance of NGOs/Civil Society Groups working in this field may be availed, keeping in view the guidelines of NALSA in this regard, to facilitate competent legal services in fulfilling bail condition (s) by such inmate (s).
4. Prayer for relaxation of bail condition (s) may be moved before the concern Learned Court through LADC, by way of competent legal services, where difficulty in fulfilling bail condition is owing to monetary constraints and subsequent follow up steps in this regard may also be ensured.
5. In case of refusal by the member of the family to take out accused on bail, the DLSAS may ensure finding out the exact reason (s) behind such stand and arrange for necessary counseling/steps by way of competent legal services so as to assist in release of such accused by exploring all possible avenues.
6. In appropriate case (s), LADCs may be appraised to make submissions before the Learned Court for release of accused in "temporary bail" for a specified period so as to facilitate furnishing bail bond/sureties in accordance with the direction of the Hon'ble Supreme Court, as contained in the Clause 5 of the order dated 31.01.2023, passed in SMWP (CRIMINAL) No. 4 of 2021.
7. The DLSAS may initiate endeavor in assisting drafting and filing of application through LADC by way of competent legal services, before the concerned Learned Court, for conversion of bail condition (s) to Personal Release Bond (s) in suitable case (s).
8. Where the accused could not avail the benefit of bail granted in one case owing to pendency of another or multiple case (s), the DLSAS may monitor such other pending case (s) and assist in providing competent legal services ensuring and facilitating submission of bail prayer (s)/hearing before the concerned Learned Court.
9. In a given case, falling under this category, where private Advocate (s) have been engaged, the role of DLSAS remains as a facilitator to monitor, guide and provide necessary assistance in prompt release of such inmates since as per the mandate of Section 12 (g) of the Legal Services Authorities Act, 1987 as amended uptodate, every person in custody defending a case is entitled to competent legal services.

10. In addition to above, the DLSAs may explore all other possible means of providing competent legal services to facilitate assistance to the accused person (s) whose bail was granted but continued to remain in Prison due to non fulfillment of bail condition (s).
11. DLSAS have to maintain the record of such actions taken on case by case basis.

By Order

Sd/-
R. Bhattacharjee
Member Secretary,
Assam State Legal Services Authority

Memo No. No. ASLSA 214/2020(1)/85-A Dated Guwahati the 4th August, 2023

Copy to:
1. The P.S. to the Hon'ble Executive Chairman, Assam State Legal Services Authority for His Lordship's kind information.
2. The Chairmen, All District Legal Services Authorities of Assam for information and necessary action.

Member Secretary,
Assam State Legal Services Authority

C. Monthly Report regarding follow-up of cases and get UTPs released on bail

NATIONAL LEGAL SERVICES AUTHORITY

राष्ट्रीय विधिक सेवा प्राधिकरण

B-Block, Ground Floor, ABC, Supreme Court of India, New Delhi
Double Story Building, 26, Jaisalmer House, Mansingh Road, New Delhi 110011
डबल स्टोरी बिल्डिंग, 26, जैसलमेर हाउस, मानसिंह रोड नई दिल्ली-110011

Tel. 011-23382778
011-23386176
Fax 011-23382121

F.No. NALSA-CM/05/2023/734/J
11-03-2024

To
The Ld. Member Secretaries, All SLSAS
Sub: M.A. No.2034/2022 in M.A. No. 1849/2021 in SLP (Crl.) No. 5191/2021 titled Satender Kumar Antil v. CBI and Anr. -reg.

Sir/Madam,

Please find attached the order dated 13.02.2024, passed by the Hon' ble Supreme Court in the case titled "Satender Kumar Antil v. CBI and Anr." in M.A. No.2034/2022 in M.A. No. 1849/2021 in SLP (Crl.) No. 5191/2021 (marked as Attachment- A), wherein the Hon' ble Supreme Court in Paragraph Number 39 at Page 69, has passed certain directions, inter alia, for NALSA, which are reproduced herein under:

39. NALSA -Directions to be complied with:

(i) In terms of the Order dated 02.05.2023, NALSA shall supply updated information with regard to para 100.8 and 100.10 in Satender Kumar Antil (Supra);

(ii) NALSA shall inform the follow-up action taken by NALSA and State Legal Services Authorities of the States and Union Territories as provided to NALSA by various authorities including the State governments and Union Territories.

(iii) In order to provide to this Court adequate updated information, we deem it appropriate to direct all the States and Union Territories to cooperate with NALSA.

G. In view of the above referred report and affidavits, we direct all the States, Union Territories, High Courts, Union of India, CBI and NALSA to file their updated compliance affidavits on the above referred aspects within a period of 8 weeks from today, and the learned Amicus upon perusal of the same shall file a report on these compliances in 2 weeks thereafter."

It is pertinent to mention here that NALSA had vide email dated 06.04.2023, (while circulating the letter dated 23.03.2023 received from Mr. Siddharth Luthra, Senior Advocate, Supreme Court of India (amicus curiae) along with the affidavits filed by the High Court of the various States), in compliance of order dated 23.03.2023 passed by the Hon'ble Supreme Court, requested your goodself to take prompt action in the matter and furnish detailed Action Taken Report of the individual UTPs identified in the affidavits

filed by the respective High Courts and to furnish a consolidated report till 25.04.2023, in the format attached with the email dated 06.04.2023. This Authority had thereafter, received such reports from different States till 01.08.2023, which was compiled into consolidated report and filed before the Hon' ble Supreme Court in August, 2023. The consolidated report filed by this Authority is marked as Attachment- B.

I am now directed to call for an updated Action Taken Report/ Status Report (alongwith the individual status of the UTPs) regarding the remaining undertrials, who had not been released on bail till 01.08.2023 from all the SLSAs. You are accordingly, requested to furnish the updated status of the UTPs as mentioned in the attached consolidated report of all States, latest by 16.03.2024.

Further, since there is a continuous change in the number of undertrial prisoners who are in custody despite grant of bail to them, you are requested to continue with a regular follow-up of such cases and take steps to get such UTPs released on bail, and file monthly reports before this Authority, in the format annexed herewith. The format of such monthly reports is marked as Attachment- C.

This may be treated as most urgent.

Timely response in the matter shall be highly appreciated.

Thanking you,



Harshita Mishra
Officer on Special Duty



REVISED PROFORMA

UTRC data in W.P. (C) No. 406/2013

(1st January, _____ to 31st March, _____)

1.	No. of meetings of the Under Trial Review Committee held in all the districts of your State during the period.				
Reply					
2.	Category wise total number of cases considered, recommended, applications moved and inmates released across all districts				
	Category	No. of UTPs/ Convicts considered by UTRC	No. of UTPs / Convicts recom-mended for bail/ release	No. of bail/ other applications moved post recommen-dations	No. of inmates released pursuant to UTRCs recommenda-tions
(i)	UTPs eligible under section 436 A of CrPC				
(ii)	UTPs released on bail by the court, but have not been able to furnish sureties				

(iii)	UTPs accused of compoundable offences.				
(iv)	UTPs covered under Section 436 CrPC.				
(v)	UTPs who may be covered under Section 3 of the Probation of Offenders Act, namely accused of offence under Sections 379, 380, 381, 404, 420 IPC or alleged to be an offence not more than 2 years imprisonment.				
(vi)	Convicts who have undergone their sentence or are entitled to release because of remission granted to them.				
(vii)	UTPs become eligible to be released on bail u/s 167(2)(a) (i) & (ii) of the Code read with section 36 A of the Narcotic Drugs and Psychotropic Substances Act, 1985(where persons accused of section 19 or section 24 or section 27 A or for offences involving commercial quantity) and where investigation is not completed in 60/ 90/180 days.				
(viii)	UTPs who are imprisoned for offences which carry a maximum punishment of 2 years.				

(ix)	UTPs who are detained under chapter VIII of the CrPC i.e. u/s 107,108,109 and 151 of Cr.PC.				
(x)	UTPs who are sick or infirm and require specialized medical treatment				
(xi)	UTPs Women offenders (S.437 of Cr.P.C);				
(xii)	UTPs who are first time male 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.				
(xiii)	UTPs who are of unsound mind and must be dealt under chapter XXV of the Code;				
(xiv)	UTPs who are eligible for release under section 437(6) of the Code, 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 sixty days from the first date fixed for taking evidence in the case.				



ASSAM STATE LEGAL SERVICES AUTHORITY

GUWAHATI-781001, ASSAM PHONE: 0361-2516367, FAX: 0361-2601843

No. ASLSA-214/2020/8/876
Dated: Guwahati the 13/06/2024

To
The Secretary, District Legal Services Authority

Barpeta, Baksa, Biswanath, Bongaigaon, Cachar, Chirang, Charaideo, Darrang, Dhemaji, Dhubri, Dibrugarh, Dima Hasao, Goalpara, Golaghat, Hailakandi, Hojai, Jorhat, Kamrup, Kamrup (R), Karimganj, Karbi Anglong, Kokrajhar, Lakhimpur, Morigaon, Majuli, Nagaon, Nalbari, Sivasagar, Sonitpur, South Salmara-Hat Singimari, Tinsukia, Udalguri and West Karbi Anglong.

Sub :- W.P. (C) No. 1082 of 2020, titled "Suhas Chakma v. Union of India and Ors."

Ref:- Letter No. F. No. NALSA-CM/05/2024 dated 01/06/2024 received from Officer on Special Duty-II, NALSA, New Delhi W.P. (C) No. 1082 of 2020, titled "Suhas Chakma v. Union of India and Ors."

Sir/Madam,

With reference to the subject cited above, I am forwarding herewith the letter No. F. No. NALSA-CM/05/2024 dated 01/06/2024 received from Officer on Special Duty-II, NALSA, New Delhi in connection with W.P. (C) No. 1082 of 2020, titled "Suhas Chakma v. Union of India and Ors." which is self-explanatory.

Further, you are requested to furnish the requisite information quarterly as per format, for onward transmission of the same to NALSA.

This is for favour of your kind information and necessary action.

Enclo: As stated.

Yours faithfully

(Pronita Morang)
Deputy Secretary
Assam State Legal Services Authority

F.No. NALSA-CM/05/2024
01-06-2024

To
The Ld. Member Secretaries,

All State Legal Services Authorities
Sub: W.P. (C) No. 1082 of 2020, titled "Suhas Chakma v. Union of India and Ors."

Sir/Madam,

In/ (W.P. (C) No. 1082 of 2020, titled "Suhas Chakma v. Union of India and Ors.", the Hon'ble Supreme Court of India is dealing with, inter alia, the issue of lack of information to the convicts in jails about their right to file SLP through SCLSC. In the said matter, the Hon'ble Supreme Court has directed NALSA to undertake an exercise whereby the Jail Visiting Lawyers interact with the convicts and inform them about their right to prefer an appeal or to apply for remission.)

Accordingly, I have been directed to request you to kindly:

1. Direct the DLSAs to send Jail Visiting Lawyers to all Jails within their respective Districts for interacting with convicts who have been sentenced to imprisonment of 7 years or more and inform them about their right to prefer an appeal before the High Court or Supreme Court or apply for remission.
2. The Jail Visiting Lawyers are to fill up the Convict Information Sheet as per Format- A and forward the same to the DLSA after interaction with the convicts.
3. The Ld. Secretary, DLSA shall on receipt of convict information sheet of all such prisoners, take appropriate steps for filing of the appeal on behalf of the convict/ forward the application to HCLSC/SCLSC (through SLSA), as the case maybe.
4. The Ld. Secretary, DLSA shall on receipt of convict information sheet of all such prisoners, as forwarded by Jail Visiting Lawyers, also forward information to the State Legal Services Authority/ High Court Legal Services Committee, as per Format- B, for information and necessary action.
5. The Ld. Member Secretary, SLSA shall furnish quarterly reports to NALSA as per Format-C.

Yours Sincerely,

(Harshita Mishra)
Officer on Special Duty-II

CONVICT INFORMATION SHEET BY THE JAIL VISITING LAWYER TO THE DLSA

Name of Jail:
District: **State:**

1.	Name of the convict	
2.	Offence for which convicted	
3.	Sentence awarded	
4.	Sentence undergone	
5.	Particulars of the order of the Ld. Trial Court (Case No. and date of order)	
6.	Particulars of the order of the Hon'ble High Court (Case No. and date of order)	
7.	Whether an appeal has been filed against the order of conviction before the Ld. Trial Court, if yes (date/other relevant particulars)?	
8.	In case appeal has not been filed, reason for not preferring an appeal.	
9.	Whether an appeal/SLP has been filed against the order of the Hon'ble High Court, if yes (date/other relevant particulars)?	
10.	In case an appeal/SLP has not been filed against the order of the Hon'ble High Court, reason for not preferring the appeal.	
11.	Whether the convict is eligible for remission under the relevant Prison Rules?	

Dated: **Name and Signature of the Jail Visiting Lawyer:**

FORMAT-B

REPORT OF DLSA TO BE SUBMITTED TO THE SLSA

NAME OF DISTRICT:

NAME OF THE JAIL:

DATE OF REPORT:

PERIOD DURING WHICH JAIL VISITING LAWYERS INTERACTED WITH CONVICTS:

No. of convicts in the prison, who have been sentenced to 7 years or more of imprisonment (1)	No. of such convicts who have already preferred an appeal (2)			No. of such convicts who have not preferred any appeal till interaction with the Jail Visiting Lawyer (3)	No. of convicts who now want to prefer an appeal before the (4)			No. of convicts who do not want to prefer appeal at all	Reasons for not preferring an appeal (please specify reasons)
	HC	SC	Total		HC	SC	Total		

FORMAT-C

STATE REPORT TO BE SENT TO NALSA

NAME OF STATE:

DATE OF REPORT:

PERIOD DURING WHICH JAIL VISITING LAWYERS INTERACTED WITH CONVICTS:

No. of convicts in the prison, who have been sentenced to 7 years or more of imprisonment (1)	No. of such convicts who have already preferred an appeal (2)			No. of such convicts who have not preferred any appeal till interaction with the Jail Visiting Lawyer (3)	No. of convicts who now want to prefer an appeal before the (4)			No. of convicts who do not want to prefer an appeal at all	Reasons for not preferring an appeal (please specify reasons)
	HC	SC	Total		HC	SC	Total		



NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

I.A. No.71387 of 2023
in
WRIT PETITION (C) NO. 295 OF 2012

S. RAJASEEKARAN **… Petitioner**

vs.

UNION OF INDIA & ORS. **… Respondents**
Kishan Chand Jain **… Applicant**

O R D E R

ABHAY S. OKA, J.

1) We have heard the learned counsel on the question of issuing interim directions for the effective implementation of the provisions of the Motor Vehicles Act, 1988 (for short, 'the MV Act') relating to the grant of compensation in case of hit and run motor accidents.

2) Section 161 of the MV Act, as applicable from 1st April 2022, reads thus:

"161. Special provisions as to compensation in case of hit and run motor accident.— (1) Notwithstanding anything contained in any other law for the time being in force or any instrument having the force of law, the Central Government shall provide for paying in accordance with the provisions of this Act and the Scheme made under sub-section (3), compensation in respect of the death of, or grievous hurt to, persons resulting from hit and run motor accidents. (2) Subject to the provisions of this Act and the Scheme made under sub-section (3), there shall be paid as compensation,—

(a) in respect of the death of any person resulting from a hit and run motor accident, a fixed sum of two lakh rupees or such higher amount as may be prescribed by the Central Government;

(b) in respect of grievous hurt to any person resulting from a hit and run motor accident, a fixed sum of fifty thousand rupees or such higher amount as may be prescribed by the Central Government.

3) The Central Government may, by notification in the Official Gazette, make a Scheme specifying the manner in which the Scheme shall be administered by the Central Government or General Insurance Council, the form, manner and the time within which applications for compensation may be made, the officers or authorities to whom such applications may be made, the procedure to be followed by such officers or authorities for considering and passing orders on such applications, and all other matters connected with, or incidental to, the administration of the Scheme and the payment of compensation under this section.

4) A Scheme made under sub-section (3) may provide that,—
   (a) a payment of such sum as may be prescribed by the Central Government as interim relief to any claimant under such Scheme;
   (b) a contravention of any provision thereof shall be punishable with imprisonment which may extend to two years, or with fine which shall not be less than twenty-five thousand rupees but may extend to five lakh rupees or with both;
   (c) the powers, functions or duties conferred or imposed on any officer or authority by such Scheme may be delegated with the prior approval in writing of Central Government, by such officer or authority to any other officer or authority."

5) In terms of sub-Section (3) of Section 161, the Compensation of Victims of Hit and Run Motor Accidents Scheme, 2022 (for short, 'the Scheme') has been brought into force with effect from 1st April 2022. It superseded the Solatium Scheme, 1989 (the Solatium Scheme) framed under unamended sub-Section (1) of Section 163 of the MV Act. The broad framework of the Scheme can be summarised as follows;
   a) The Scheme provides for the setting up of the Standing Committee and District Level Committees. The Standing Committee is at the central level. The primary duty of the Standing Committee is to periodically review the working of the Scheme, including consideration of the report of the General Insurance Council. The Standing Committee has the power to direct corrective steps to be taken. Another important function assigned to the Standing Committee is to make recommendations to the Central Government for the amendment of the Scheme for its better and more effective implementation;
   b) The District Level Committees are under a mandate to evaluate the progress of the Scheme's implementation in the concerned district and take corrective measures. Each District Level Committee is under an obligation to submit a report to the Standing Committee every quarter. The report must include monthly statistics about the claim applications received and how the same are dealt with. Another essential function of the District Level Committee is to ensure that the Scheme gets adequate publicity and the claimants are made aware of their rights under the Scheme;
   c) Clause 19 provides the procedure for applying for compensation under the Scheme. The applications are firstly considered by the Claims Enquiry Officer, defined in sub-clause (e) of clause 2 of the Scheme. Upon receipt of the applications, the Claims Enquiry Officer must obtain a copy of the First Accident Report (FAR) and post-mortem report (in case of a fatal accident) from the concerned authorities. It is the duty of the Claim Enquiry Officer to decide who the rightful claimants are to

claim the compensation;

d) After receiving a report from the Claims Enquiry Officer, the Claims Settlement Commissioner appointed in terms of sub-clause (f) of clause 2 of the Scheme is empowered to sanction the claim as provided in clause. It is the ultimate responsibility of the General Insurance Council to make an e-payment of the compensation amount within 15 days from the date of receipt of the sanction order and

e) Under Clause 24 of the Scheme, the General Insurance Council is under an obligation to prepare an annual report on the working of the Scheme and submit the same to the Standing Committee. The General Insurance Council is constituted under Section 64(C) of the Insurance Act, 1938.

6) Grave concerns have been raised across the bar about the implementation of the Scheme. Our attention was invited to year-wise reports titled "Road Accidents in India", published by the Ministry of Road Transport and Highways of the Government of India annually. The figures of hit and run accidents are as under:

2016	2017	2018	2019	2020	2021	2022
55,942	65,186	69,822	69,621	52,448	57,415	67,387

It is evident from records published by the Ministry of Road Transport and Highways of the Government of India from 2016-2022 that there were 55,942 hit and run motor accidents in 2016, which increased to 65,186 in 2017, 69,621 in 2018, and 69,621 in 2019. During COVID 19 period, the number of accidents decreased.

7) As regards the implementation of the Scheme, our attention was invited to two important documents. The first is the annual report of the General Insurance Council for the financial year 2022-23. It records that only 205 claims were received under the Scheme during the said financial year, out of which 95 claims have been settled. The second document is the answer that the Hon'ble Minister of Road Transport and Highways gave to a starred question on 16th March 2023 in Lok Sabha. Whether there were any provisions or schemes for Compensation to victims of hit and run motor accidents and if so; the number of cases registered to seek such compensation and the amount disbursed under such scheme. The answer records that in the last five years, there were 660 deaths in hit and run cases, and there were 113 injury cases for which compensation of 184.60 Lakhs was disbursed. If we compare the number of hit and run road accidents reported and the number of cases registered for seeking compensation, what stares at the face is that negligible number of victims have taken advantage of the said scheme. One reason may be that the victims were not made aware of the existence of the Scheme. This aspect ought to have been considered by the Standing Committee. However, that has not been done. The Standing Committee must look into the causes of non-implementation of the Scheme and direct corrective measures to be taken to ensure that every claimant who is entitled to the benefit of the Scheme is encouraged to take benefit thereof. If the Scheme cannot be effectively implementedwithout making amendments, the Standing Committee must recommend amendments to the Scheme. The minutes of the meeting of the Standing Committee held on 16th August 2023 have been placed on record. The minutes record a decision taken to issue a direction to the General Insurance Council to submit an annual

report on the working of the Scheme till the end of August 2023. A decision was made to take the initiatives for public awareness and sensitisation about the Scheme across the states and districts. We are not sure whether the General Insurance Council has submitted a report on the working of the Scheme by 31st August 2023 as directed and whether the Standing Committee has made any decision based on the same.

8) We have perused the suggestions of Shri Gaurav Agrawal, the learned Amicus Curiae, and the suggestions submitted by Shri EC Agrawala, the learned counsel. When a motor accident occurs, the injured or the legal representatives of the deceased may not be aware of whether it is a hit and run accident. After a motor accident, a report is registered by the officer in charge of the jurisdictional Police Station. Clause (d) of Section 145 of the MV Act defines a hit and run accident. An accident involving a motor vehicle can be considered as a hit and run accident, provided the identity of the vehicle that caused the accident cannot be ascertained despite reasonable efforts. Obviously, reasonable efforts must be made by the Police Station which registers the accident. If the Police conclude that it is a case of hit and run accident, the Police must inform the victim or the legal representatives of the victim, as the case may be, about the availability of the Scheme. There are cases where the Police, as well as the Claims Enquiry Officer, are aware of the fact that a hit and run accident has occurred. However, no efforts are made to ensure that the persons entitled to seek compensation file their claims. An appropriate direction will have to be issued, which will ensure that the victims or the legal representatives of the victims, as the case may be, who are entitled to seek compensation under the Scheme, are informed about the availability of the Scheme and that they are assisted in filing the claims.

9) Certain submissions were made on the implementation of the Solatium Scheme framed under sub-section (1) of Section 163 of the MV Act (as it existed before 1st April 2022). We may note here that Section 163 of the MV Act, as it existed till 1st April 2022, dealt with the Scheme for payment of compensation in case of hit and run motor accidents. Sub-clause (2) of clause 20 of the Solatium Scheme provided a period of limitation of 6 months for filing claims from the date of the accident, which was extendable up to 12 months. Under the Scheme framed in 2022, no specific limitation period is prescribed for submitting a claim. A submission is made that the period of limitation provided under the Solatium Scheme should be done away with, and those who are entitled to compensation under the Solatium Scheme should be permitted to apply. We propose to issue a direction to the Central Government to consider whether a modification can be made so that those who were entitled to apply under the Solatium Scheme can apply within the time extended as a one-time measure. This submission made across the bar merits consideration. The reason is that many victims may not be aware of their right to apply under the Solatium Scheme.

10) In view of the above discussion, we issue the following directions :-

a) We direct the Standing Committee to consider the annual report submitted by the General Insurance Council as provided in paragraph 5 of the minutes of the meeting dated 16th August 2023 and to make recommendations to the Central Government, if necessary, for the amendment of the Scheme;

b) The Standing Committee may also issue directions for the effective implementation of the Scheme. The Standing Committee shall address the major concern that notwithstanding the availability of the Scheme, very few eligible claimants are taking benefit of the Scheme;

c) The Standing Committee shall issue elaborate directions for developing public awareness and for sensitisation of the members of the public about the Scheme and

d) We grant the time of four months to the Standing Committee to report compliance with the directions mentioned above to this Court.

11) We issue the following directions, which will operate till further orders, which can be modified after looking at the compliance made by the Standing Committee :-

a) If the particulars of the vehicle involved in the accident are not available at the time of registration of the report regarding the accident by the jurisdictional Police Station and if, after making reasonable efforts, the particulars of the vehicle involved in the accident could not be ascertained by the Police within a period of one month from the date of registration of accident report, the officer-in-charge of the Police Station shall inform in writing to the injured or the legal representatives of the deceased, as the case may be, that compensation can be claimed under the Scheme. The contact details such as e-mail ID and office address of the jurisdictional Claims Enquiry Officer shall be provided by the Police to the injured or the legal representatives of the deceased, as the case may be;

b) The officer in charge of the Police Station, within one month from the date of the accident, shall forward the FAR to the Claims Enquiry Officer as provided in subclause (1) of clause 21 of the Scheme. While forwarding a copy of the said report, the names of the victims in case of injury and the names of the legal representatives of the deceased victim (if available with the Police Station) shall also be forwarded to the jurisdictional Claims Enquiry Officer, who shall cause the same to be entered in a separate register. After receipt of the FAR and other particulars as aforesaid by the Claims Enquiry Officer, if the claim application is not received within one month, the information shall be provided by the Claims Enquiry Officer to the concerned District Legal Service Authority with a request to the said authority to contact the claimants and assist them in filing the claim applications;

c) A Monitoring Committee shall be constituted at every district level consisting of the Secretary of the District Legal Service Authority, the Claims Enquiry Officer of the district or, if there is more than one, the Claim Enquiry Officer nominated by the State Government, and a police officer not below the level of Deputy Superintendent of Police as may be nominated by the District Superintendent of Police. The Secretary of the District Legal Services Authority shall be the Convener of the Monitoring Committee. The Committee shall meet at least once in every two months to monitor the implementation of the Scheme in the district and the compliance with the aforesaid directions;

d) The Claims Enquiry Officer shall ensure that a report containing his recommendation and other documents are forwarded to the Claim Settlement Commissioner within one month from receipt of the claim application duly filled in;

e) The Registry of this Court shall forward a copy of this order to the Member Secretaries of the Legal Services Authorities of each State and Union Territories. The Member Secretaries shall, in turn, forward the copies of this order to the Secretaries of each District Legal Services Authorities within its jurisdiction. After receipt of the copies of this order, the Secretaries of the District Legal Services Authorities shall take steps to form the Monitoring Committees for their respective districts and

f) The Secretaries of the District Legal Services Authorities shall submit quarterly reports on the functioning of the Monitoring Committees to the Member Secretaries of the respective Legal Services Authorities of the State or the Union Territories, as the case may be. The Member Secretaries shall collate the reports submitted by all districts and forward a comprehensive report to the Registry of this Court.

12) Sub-section (2) of Section 161 of MV Act provides that in case of death of any person resulting from hit and run motor accident, a compensation of Rs. 2 lakhs or such higher amount as may be prescribed by the Central Government shall be paid. In case of grievous injury, the compensation amount is Rs. 50 thousand. The value of money diminishes with time. We direct the Central Government to consider whether the compensation amounts can be gradually enhanced annually. The Central Government shall take an appropriate decision on this issue within eight weeks from today.

13) We direct the Central Government to consider whether the time limit prescribed in sub-clause (2) of clause 20 of the Solatium Scheme can be extended and permission be granted to the eligible claimants to apply within the extended time as a one time measure. Even on this aspect, we expect the Central Government to decide within eight weeks from today.

14) The copies of the compliance reports by various authorities reporting compliance with the directions mentioned above shall be provided by the concerned authorities to the learned Amicus Curiae and the learned counsel representing the parties. List on 22nd April 2024 for considering the compliance.

……..J.
(Abhay S. Oka)

……..J.
(Pankaj Mithal)

New Delhi;
January 12, 2024



(a) CONSTITUTION OF EMPOWERED COMMITTEE

HMA-12/161/2023-HOME(B)-H and P-Home Department
GOVERNMENT OF ASSAM HOME & POLITICAL
DEPARTMENTS DISPUR: GUWAHATI-06

NOTIFICATION

e-File No.307142/57: In pursuance of the 'Guidelines and Standard Operating Procedure' of Govt. of India issued vide letter D.O.No.17013/26/2023-PR dated 19/06/2023 in connection with implementation of the scheme to provide financial support to poor prisoners in prisons who are unable to afford the penalty or the bail amount, an Empowered Committee comprising of the following officials is hereby constituted:

1.	District Magistrate	:	Chairperson
2.	Superintendent of Police	:	Member
3.	Secretary, District Legal Services Authority	:	Member
4.	Superintendent/Deputy concerned of the Prison Superintendent	:	Member Secretary
5.	Judge in-charge of the concerned Prison, as nominee of the District Judge	:	Member

The Empowered Committee will assess the requirement of financial support in each case for securing bail or for payment of fine, etc. and based on the decision taken, the District Magistrate (DM) will draw money from the CNA account and take necessary action.

The Committee may appoint a Nodal Officer and take assistance of any civil society representative/ social worker/ District Social Welfare Officer to assist them in processing cases of needy prisoners.

Signed by Niraj Verma
Date: 29-08-2023 18:04:17
Principal Secretary to the Govt. of Assam
Home & Political Department

e-File No.307142/57/A

Copy to:-

1. The Secretary Co-ordination to Chief Secretary, Assam.
2. The PPS to the Hon'ble Chief Minister, Assam
3. The District Commissioners (All)
4. The Inspector General of Prisons, Assam, Khanapara, Guwahati-22 for information and necessary action.
5. The Superintendents of Police (All)
6. The Director of Printing and Stationary, Assam, Bamunimaidam, Guwahati-2.
7. The P.S. to the Principal Secretary, Home & Political Department for kind appraisal of the Principal Secretary.
8. All Members of the Committee

By order etc.,
Signed by Partha Pratim Majumdar
Date: 29-08-2023
Secretary to the Govt. of Assam
Home & Political Department

(b) CONSTITUTION OF OVERSIGHT COMMITTEE

HMA-12/161/2023-HOME(B)-H and P-Home Department
GOVERNMENT OF ASSAM HOME & POLITICAL DEPARTMENTS DISPUR: GUWAHATI-06

NOTIFICATION

e-File No.307142/58: In pursuance of the 'Guidelines and Standard Operating Procedure' of Govt. of India issued vide letter D.O.No.17013/26/2023-PR dated 19/06/2023 in connection with implementation of the scheme to provide financial support to poor prisoners in prisons who are unable to afford the penalty or the bail amount, an Oversight Committee comprising of the following officials is hereby constituted:

1.	Principal Secretary to the Govt. of Assam, Home & Political Department	:	Chairperson
2.	Registrar General, Gauhati High Court or his nominee	:	Member
3.	Secretary to the Govt. of Assam, Judicial Department	:	Member
4.	Secretary to the Govt. of Assam, Home (B) Department	:	Member Secretary
5.	Secretary, Assam State Legal Services Authority	:	Member
6.	Inspector General of Prisons, Assam	:	Member

The functions of this Committee would be to oversee the implementation of the Scheme and to consider cases referred to it by the District Level Empowered Committees.

Signed by Niraj Verma
Date: 29-08-2023 18:05:05
Principal Secretary to the Govt. of Assam
Home & Political Department

e-File No.307142/58/A
Copy to:-

1. The Secretary Co-ordination to Chief Secretary, Assam
2. The District Commissioners (All)
3. The PPS to the Hon'ble Chief Minister, Assam
4. The Inspector General of Prisons, Assam, Khanapara, Guwahati-22 for information and necessary action
5. The Director of Printing and Stationary, Assam, Bamunimaidam, Guwahati-2.
6. The Superintendents of Police (All)
7. The P.S. to the Principal Secretary, Home & Political Department for kind appraisal of the Principal Secretary
8. All the Members of the Oversight Committee

By order etc.,
Signed by Partha Pratim Majumdar
Date: 29-08-2023 Secretary to the Govt. of Assam
Home & Political Department



Arbitration and Mediation Centres Annexed to the Commercial Courts

Current Date :	DD/MM/YYYY
Data for the Year of :	YYYY-MM
1. Name of The High Court:	Gauhati High Court
2. No. of Dedicated/ Designated Commercial Courts	
3. No. of Commercial Courts with Court annexed Arbitration Centres	

* Summary of Commercial Cases of Arbitration Centres annexed with commercial Courts

4. Cases Instituted during the Month	
5. Cases Disposed During the Month	
6. Total Cases Pending at the end of the Month #	
7. Arbitration Centres with specialised sectoral experts (Yes/No)##	
8 No. of Commercial Courts with Court annexed Mediation Centres	

* Summary of Commercial Cases of Mediation Centres annexed with commercial Courts

9. Cases Instituted during the Month	

10. Cases Disposed During the Month	
11. Total Cases Pending at the end of the Month #	
12. Arbitration Centres with Specialised sectoral Experts (Yes/No)##	
13. No. of ADR Centres run by DLSA*	

* Summary of Commercial Cases of ADR Centres run by DLSA

14. Cases lnstituted during the Month	
15 Cases Disposed during the Month	
16. Total Cases pending at the end of the Month #	

Note:
This column should reflect the number of backlog cases + new cases instituted during the month - cases disposed during the month.
lf yes, also specify the number of such sectoral experts

DLSA: District Legal Services Authority of lndia.

Secretary
District Legal Services Authority

FORMAT FOR PROVIDING MONTHLY MEDIATION DATA FOR UPLOADING ON MCPC DATABASE SOFTWARE

NAME OF DLSA: .....

MONTH: .....

Sl. No.	Name of Mediators	Name of Mediation Centre	Date of 40 hrs Mediation Training Program	Name of Trainers	Whether undergone Refresher Course since Inception (Yes/No)	Whether undergone Capsule Course since Inception (Yes/No)	Whether recommended for TOT after Capsules Course since Inception (Yes/No)	No. of Cases referred for mediation during the month	No. of successful mediation during the month	No. of Cases not settled during the month	No. of Cases Non-Starter	No. of Connected Cases	No. of Cases pending at the end of the month	Whether Advocate/ Judicial Officer/ Social Worker / Retired Judicial Officer / Other	Whether active and interested in continuing as Mediator (Yes/No)
1															
2															
3															
4															
5															
Total															

Note: (i) Number of Rows may be increased or decreased depending on the number of Mediators.

(ii) Each cell of the table should be filled in.

.....

Signature of Secretary, DLSA

Form 6 (i) Mediation data on monthly basis
See rule 10(2)

List of cases received for Pre-Institution Mediation and Settlement during the month of …….

Sl. No	Name of the Mediation Centre	Total no. of application pending on the 1st day of the month	Total no. of application received during the month	Total no. of cases settled during the month	Total no. of Non-starter cases during the month	Total no. of application pending at the end of the month
1	2	3	4	5	6	7

Secretary,

DLSA, ……

Form 6 (ii): Mediation Data on Quarterly Basis

Sl. No.	Name of the Authority	No. of application received by the Authority	Nature of Applicant Party		Nature of Opposite Party		No. of applications slab-wise as per Schedule-II					No. of Application disposed off as per Rule 3 (4) and 3(6)	No. of Application referred for mediation	No. of Application where the settlement arrived at as per Rule 7(1)(ix)	No. of Application where parties reached on settlement as per Rule 7 (I) (vii))
			Individual	Corporate	Individual	Corporate	I	II	III	IV	V				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)					(9)	(10)	(11)	(12)

Secretary,
DLSA, ...

(A)

(REVISED PERFORMA)

STATISTICAL INFORMATION- DISPOSAL IN RESPECT OF LOK ADALATS

Daily/ Weekly etc. U/s 19 of LSA Act, 1987 excluding National Lok Adalats (u/s 19) and PLAs U/s 22-B

NAME OF THE DISTRICT LEGAL SERVICES AUTHORITY: _____
STATISTICAL INFORMATION FOR THE MONTH OF : _____

Total No. of Lok Adalat Benches constituted u/s 19 of LSA Act:									
Category of cases	Pre-Litigation			Pending in Courts/Post-litigation			Total		
	Taken up	Disposed of	Settlement Amount.	Taken up	Disposed of	Settlement Amount.	Taken up	Disposed of	Settlement Amount.
Criminal Compoundable Offence Cases									
NI Act Cases u/s.138									
Bank Recovery Cases									
MACT Cases									
Matrimonial Disputes									
Labour Disputes Cases									
Land Acquisition									
Other Civil Cases									
Revenue Cases									
Other Cases (pl. specify)									
Total No. of Cases Settled.									

MOBILE/FIELD LOK ADALATS

No. of Lok Adalats held	Pre-litigation			Pending in Courts			Total		
	Taken up	Disposed of	Settlement Amount.	Taken up	Disposed of	Settlement Amount.	Taken up	Disposed of	Settlement Amount.

Secretary,
DLSA, ...

(B)

	FOR DISPOSAL IN NATIONAL LOK ADALAT HELD ON: _____								
	Name of the District Legal Services Authority: _____								
	Total No. of National Lok Adalat Benches Constituted:								
	Pre-Litigation Cases			**Pending Cases**			**Total**		
Subject	Taken up	Disposed of	Settlement Amount.	Taken up	Disposed of	Settlement Amount.	Taken up	Disposed of	Settlement Amount.
Criminal Compoundable Offence Cases									
NI Act Cases u/s.138									
Bank Recovery Cases									
MACT Cases									
Matrimonial Disputes									
Labour Disputes Cases									
Land Acquisition									
Electricity									
Revenue Cases									
BSNL									
Other Civil Cases									
TOTAL									

Secretary,
DLSA, ...