



F.No.L/12/2024/NALSA
Dated: 11th July, 2024

To
The Member Secretaries
All the State Legal Services Authorities.

Sub: Framework for strengthening the functioning of the Prison Legal Aid Clinics.

Madam/Sir,

With the approval of the Hon'ble Executive Chairman, NALSA, a 'Framework for strengthening the functioning of Prison Legal Aid Clinics' has been prepared. The Framework is enclosed with this email, which seeks to strengthen the functioning of the Prison Legal Aid Clinics (PLACs) through regular monitoring and supervision, to ensure that timely and quality legal services are made available to the prisoners in the country.

2. The Formats prescribed in the Framework, are enclosed with this email, which include:
 - a) 'Inspection Form: Prison Legal Aid Clinic' (Format-A) to be filled up by the Secretaries of the DLSAs at the time of the monthly inspection of the PLACs in the jails in their respective districts.
 - b) 'Inspection & Evaluation Report of the Prison Legal Aid Clinic' (Format-B) to be filled up by the Chairmen of the DLSAs after they conduct the quarterly inspections of the PLACs in the jails in their respective districts. The said Inspection Reports (Format A and Format B) shall then be sent to the SLSA by the last week of March, June, September and December.
 - c) 'Report on Functioning of the Prison Legal Aid Clinics' (Format-C) for SLSAs to send a combined and comprehensive report of inspection of all PLACs functioning in the respective State/ UT to NALSA. The said reports are to be sent by 2nd week of April, July, October and January.
3. Kindly consider that 'NALSA's Standard Operating Procedures on Access to Legal Aid Services to Prisoners and Functioning of the Prison Legal Aid Clinics, 2022' (enclosed) is required to be referred while inspecting the PLACs.

Warm regards,

Yours sincerely
Santosh Snehi Mann
Member Secretary

Framework for Strengthening the Functioning of Prison Legal Aid Clinics

1. The PLACs have been setup in all prisons across India pursuant to NALSA (Legal Services Clinics) Regulations, 2011. In 2016, NALSA prepared Standard Operating Procedures for Representation of Persons in Custody with the aim to bring uniformity in the functioning of the PLACs. These were subsequently revised in the year 2022 as the 'NALSA Standard Operating Procedures on Access to Legal Aid Services to Prisoners and Functioning of the Prison Legal Aid Clinics, 2022' (NALSA SOP- 2022).
2. The NALSA SOP- 2022 enumerates the following functions of the PLACs:
 - a) to ensure at all times that no person is without legal representation at any stage of the criminal proceeding and generate awareness about the same;
 - b) to bridge the information gap between the prisoner and the Court;
 - c) to facilitate communication between the prisoner and the lawyer, whether legal aid or private;
 - d) to ensure that no person is illegally or unnecessarily detained;
 - e) to ensure special needs of vulnerable groups (women, young offenders, mentally-ill, foreign nationals, persons from other states, etc.); in prisons are addressed;
 - f) to collaborate with local authorities, universities, academic institutions and civil society organisations to further strengthen legal aid services for prisoners;
 - g) to act as a One Stop Centre (OSC) to raise the grievances by prisoners and direct the grievances to appropriate authorities through DLSA; and
 - h) to undertake implementation of the NALSA and SLSA campaigns for prisoners or any other work assigned to fulfil its mandate of providing legal aid services and assistance to the prisoners.
3. In order to review and strengthen the functioning of the PLACs, the following steps shall be taken:
 - a) The Ld. Member Secretary, SLSA shall interact with the Chairmen & Secretaries, DLSAs regarding inspection of the PLACs and the reporting thereon, as per Formats A & B;
 - b) The Secretaries, DLSAs shall conduct monthly inspections of PLACs in each prison in their districts, and complete the inspections as per Format A. In their inspection form, they will outline the gaps identified in the functioning of the PLACs and the proposed action points to address the same, and discuss the same with the Chairman, DLSA;
 - c) The Ld. Chairmen, DLSAs shall conduct inspection of the PLACs in each prison in their district on a quarterly basis, as per Format B. Thereafter Format A and Format B shall be submitted to the SLSA by last week of March, June, September and December;
 - d) The Ld. Member Secretary, SLSA shall share consolidated information on functioning of PLACs in the State/ Union Territory, based on the inspection reports of Ld. DLSAs, as per Format C and share it with NALSA by the 2nd week of April, July, October and January;

- e) The Ld. Member Secretary, SLISA shall designate one Nodal Officer for monitoring PLACs' functioning and reviewing the PLAC Inspection Sheets, and regularly interacting with the Secretaries, DLSAs for addressing any challenges or concerns.
4. In addition to the above, the Ld. Member Secretary, SLISA shall also ensure that:
- 1) DLSA Secretaries visit and inspect the Prison Legal Aid Clinics at least once a month.
 - 2) DLSA Secretaries shall ensure that legal aid lawyers are appointed to represent all undertrials. In circumstances where any prisoner is found without legal representation during the visit by the DLSA, immediate steps shall be taken towards ensuring appointment of a counsel.
 - 3) DLSA Secretaries shall verify whether panel lawyers are meeting and interacting with prisoners including legal aid beneficiaries. In circumstances where panel lawyers are not interacting and communicating with the prisoners, the lawyer must be called to understand the concern and best respond to it.
 - 4) DLSA Secretaries shall check the prison conditions with respect to health, sanitation, food and hygiene in addition to access to legal representation. If any such concerns are raised, the same shall be shared with the Chairman of the DLSA, Member Secretary of SLISA as well as the Board of Visitors who have the authority to raise it to the Appropriate Authority.
 - 5) DLSA Secretaries shall track whether there are any instances of non-production at court hearings, be it physical or virtual. If such instances are reported, DLSA Secretaries to take immediate steps to rectify such occurrences.
 - 6) DLSA Secretaries shall ensure that concerns of vulnerable category of prisoners are heard and responded to.
 - 7) DLSA Secretaries shall check the documentation and reporting practices of the Clinic.
 - 8) DLSA Secretaries shall ensure that the PLVs and JVLs are able to perform their duties effectively and have access to the prison during official hours. They should ensure that no unnecessary hindrances are created by the prison officers, which may hamper the working of the PLACs.
 - 9) Quarterly visits to prisons are made by the Ld. Chairman, DLSA (District & Sessions Judge) to understand any concerns regarding prison conditions and to also look into the functioning of the PLACs.

FORMAT – A

INSPECTION FORM: PRISON LEGAL AID CLINIC

[To be completed by the Secretary, DLSA on his/her monthly inspection]

1. Date and time of Inspection:

2. Name of the Prison: _____

3. Type of Prison:

☐ Central
 ☐ District
 ☐ Sub
 ☐ Women
 ☐ Special
 ☐ Open

4. No. of prisoners on date of visit:

Convicts: _____ Undertrials: _____ Detenues: _____ Others: _____

Male: _____ Female: _____ Transgender: _____

5. Details of legal services providers [PLAC Functionaries] assigned to the Prison Legal Aid Clinic:

S. No.	Name	Category (Jail Visiting Lawyer/ Convict PLV/ Community PLV)	Whether received induction training [Y/N]	Days & timings of their visits
1.				
2.				
3.				
4.				
5.				
6.				
7.				

6. Schedule of Functioning of the PLAC: *[Mention days and timing when the clinic is operational]*

7. Details of the Legal Aid Applications received/ prepared at Prison Legal Aid Clinic (PLAC) and forwarded to Legal Services Institutions (LSIs) in the last month:

No. of Legal Aid Applications prepared at the PLAC: _____					
LSI	Applications forwarded to the LSI	Applications where a Legal Aid Lawyer has been appointed	Cases where intimation of appointment of lawyer sent by the LSI to the Prison Superintendent	Cases where intimation of appointment of lawyer communicated to the prisoner	Legal Aid Applications pending
DLSA					
HCLSC					
SCLSC					
Total					

8. Checklist on PLAC functioning as per NALSA's SOP

S. No	Tick [✓] as Applicable	Remarks/If non-compliant, action to be taken
1)	Infrastructure: <input type="checkbox"/> Location of PLAC: <input type="checkbox"/> Office of the Superintendent <input type="checkbox"/> Office area of prison <input type="checkbox"/> Common area inside prison premises <input type="checkbox"/> Other area, pl specify	
	<input type="checkbox"/> Infrastructure at PLAC: <input type="checkbox"/> a separate room, <input type="checkbox"/> sufficient number of tables and chairs, <input type="checkbox"/> computer and printers, <input type="checkbox"/> internet access, <input type="checkbox"/> one set of basic law books (bilingual).	
	<input type="checkbox"/> Proper space for lawyers to interact with prisoners in a confidential manner.	
	<input type="checkbox"/> Functional e-court kiosk in the prison premises for use of prisoners.	

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2)	Visibility of PLAC: <ul style="list-style-type: none"> <input type="checkbox"/> Information about PLAC timing and location in common areas inside the prison. <input type="checkbox"/> Display inside prison <input type="checkbox"/> Communication through public announcement system 	
	<ul style="list-style-type: none"> <input type="checkbox"/> Display of name and schedule of visits of JVLs and PLVs inside the PLAC. 	
	<ul style="list-style-type: none"> <input type="checkbox"/> Display of information about NALSA's 'Legal Services Management System' portal in the PLAC and the visitor's area/room. 	
3)	Documentation & Reporting: <ul style="list-style-type: none"> <input type="checkbox"/> Maintenance of record of PLAC as per NALSA's Handbook of Formats 2020 by the PLAC functionaries. 	
	<ul style="list-style-type: none"> <input type="checkbox"/> Maintenance of attendance registers for PLVs/JVLs 	
	<ul style="list-style-type: none"> <input type="checkbox"/> Compliance by PLVs to submit: <ul style="list-style-type: none"> <input type="checkbox"/> Grievances and requests of prisoners; <input type="checkbox"/> Duty reports. 	
4)	Awareness & Outreach: <ul style="list-style-type: none"> <input type="checkbox"/> Legal awareness programmes organised as per topics listed in the NALSA SOP. <i>No. of programmes conducted: _____</i> <i>No of prisoners attended: _____</i> <i>Topics covered:</i> <ul style="list-style-type: none"> i. ii. 	
	<ul style="list-style-type: none"> <input type="checkbox"/> Display of posters on rights and entitlements of prisoners inside the prison. 	
5)	Complaints & Grievance Redressal: <ul style="list-style-type: none"> <input type="checkbox"/> Set up of a complaint box in the PLAC. <input type="checkbox"/> Information to prisoners about the complaint box. 	
	<ul style="list-style-type: none"> <input type="checkbox"/> Date of observance of the monthly Grievance Redressal Day: _____ <input type="checkbox"/> Prisoners informed about the Grievance Redressal Day. 	

9. Feedback on PLAC processes*[To be completed after interacting with the PLAC functionaries]*

S. No	Points for interaction with the PLAC functionaries <i>Tick [✓] as Applicable</i>	Remarks
1)	Processing of legal aid application:	
	<input type="checkbox"/> Applications for legal aid are sent within 24 hours.	
	<input type="checkbox"/> A legal aid lawyer is appointed by the LSI within 48 hours of the request.	
	<input type="checkbox"/> Intimation letters regarding appointment of legal aid lawyers is received at the prison/PLAC.	
	<input type="checkbox"/> Information on appointment of the legal aid lawyer is updated in the registers and online database.	
2)	Legal Services to prisoners:	
	<input type="checkbox"/> A case table is organised for newly admitted prisoners.	
	<input type="checkbox"/> Requests for legal aid received during the case table submitted to concerned LSI within 24 hours.	
	<input type="checkbox"/> Follow-ups with prisoners seeking time to consider whether or not to take legal aid lawyer, till the time a lawyer is engaged by him/her.	
	<input type="checkbox"/> PLVs/JVLs inform the Prison Superintendent about any prisoner needing urgent medical attention.	
	<input type="checkbox"/> PLVs/JVLs inform the Prison Superintendent about prisoners whose family members have statedly not been informed about their detention.	
	<input type="checkbox"/> PLVs/JVLs take measures to provide assistance (such as translator, basic necessities etc.) for prisoners belonging to other state/country.	
3)	<input type="checkbox"/> PLVs/JVLs inform the Secretary, DLSA about probable minors lodged in the prison.	
	<input type="checkbox"/> PLVs/JVLs interact with vulnerable prisoners and provide assistance (as mentioned in NALSA SOP).	
	Legal Services for filing cases in High Court/Supreme Court:	
	<input type="checkbox"/> PLVs/JVLs inform prisoners about the right and process to challenge orders dismissing/rejecting bail, judgement of conviction, order on sentence etc. before the Sessions Court/High Court/Supreme Court.	
	<input type="checkbox"/> Record of applications sent to HCLSC/SCLSC maintained in a register/database.	
	<input type="checkbox"/> The HCLSC/SCLSC send intimations to the	

	PLAC/prison regarding the appointment of a lawyer.	
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10. Feedback on Legal Services being provided by PLAC Functionaries*[To be completed after interacting with prisoners]*

S. No	Questions for prisoners <i>Tick [✓] as Applicable</i>	Remarks
1)	Q. Are prisoners being regularly informed by the JVLs and PLVs about the following: <input type="checkbox"/> Right to avail legal aid irrespective of their financial status; and <input type="checkbox"/> Right to complain and seek redressal, if a legal aid lawyer asks for money or if the prisoner is dissatisfied with the services of a legal aid lawyer?	
2)	Q. Is a case table being organised by the PLAC for newly admitted prisoners to help them understand and navigate procedures in prison and courts? <input type="checkbox"/> Yes <input type="checkbox"/> No	
3)	Q. Is there any prisoner who is not represented by a lawyer? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Details of such prisoners:</i>	
4)	Q. Is there any prisoner who was seemingly a minor at the time of commission of offence? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Details of such prisoners:</i>	
5)	Q. Does any prisoner require information on the whereabouts of his/her child or children who are outside, or who may need support? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Details of such prisoners:</i>	
6)	Q. Are prisoners who are represented by legal aid lawyers, being regularly informed about the status of their case by the PLAC functionaries? <input type="checkbox"/> Yes	

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	<input type="checkbox"/> No	
7)	Q. Are prisoners receiving written case updates from their legal aid lawyers or LADC? <input type="checkbox"/> Yes <input type="checkbox"/> No	
8)	Q. Are prisoners aware about the Complaint Box and the Grievance Redressal Day? <input type="checkbox"/> Yes <input type="checkbox"/> No	
9)	Q. Does any prisoner require a copy of the judgment/order to enable him/her to file a review/appeal/revision? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Details of such prisoners:</i>	
10)	Q. Is the LADC/legal aid lawyer appointed by the concerned LSI regularly interacting with the prisoners? <input type="checkbox"/> Yes <input type="checkbox"/> No	

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FORMAT – B

**INSPECTION AND EVALUATION REPORT OF THE
PRISON LEGAL AID CLINIC¹**

*[To be filled by the Chairman, DLSA during the quarterly inspection of the
Prison Legal Aid Clinic]*

Abbreviation Key:

PLAC: Prison Legal Aid Clinic **SOP:** NALSA's SOP on Access to Legal Aid Services to Prisoners and Functioning of the Prison Legal Aid Clinics, 2022 **PLV:** Para Legal Volunteer **JVL:** Jail Visiting Lawyer

1. Name of District and Name of Prison:

2. Date and Time of Inspection:

3. Details of Legal Services Providers deputed at the Prison Legal Aid Clinic:

S. No	Category of Legal Services Provider	Number of such providers			
		Male	Female	Transgender	Total
	NOTE: To be filled on the basis of information displayed inside the PLAC				
3.1.	Jail Visiting Lawyer				
3.2.	Community Para Legal Volunteer				
3.3.	Convict Para Legal Volunteer				
	Grand Total				

¹ To evaluate the compliance of NALSA's Standard Operating Procedures on Access to Legal Aid Services to Prisoners and Functioning of the Prison Legal Aid Clinics, 2022.

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4. Set up and Functions of a Prison Legal Aid Clinic (PLAC) [Part A - SOP]

S. No	Parameter	Status	Evaluation (‘1’ mark if ‘Yes’ and ‘0’ if ‘No’)
NOTE: Following parameters to be marked on the basis of observation, display and record.			
4.1.	Is a Prison Legal Aid Clinic (PLAC) established in the prison?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.2.	Is the PLAC located in a common area with open and unfettered access for prisoners and not in Office Area of Prison/ Office of Prison Superintendent?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.3.	Does the PLAC have infrastructure such as - a separate room, sufficient tables and chairs, a computer and printer, internet access and basic law books (IPC, CrPC, Jail Manual)?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.4.	Is the relevant information regarding PLAC (timing, location) displayed in the common areas inside prisons?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.5.	Whether the schedule of visits of Jail Visiting Lawyers (JVLs) and Para Legal Volunteers (PLVs), deputed to the PLAC, along with their names, displayed at the PLAC?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.6.	Is information on PLAC shared through notice board or public announcement system inside the prison?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.7.	Is the PLAC functional for the number of days specified in the SOP?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.8.	Are prescribed number of JVLs deputed for the PLAC as specified in the SOP?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.9.	Whether women JVLs deputed for women enclosures/prisons?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.10.	Whether transgender JVL deputed for transgender enclosures?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.11.	Whether convict PLVs are deputed to the PLAC?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

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4.12.	Whether community PLVs deputed to the PLAC?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.13.	Whether total no. of PLVs deputed to the PLAC are as per the SOP?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
NOTE: Following parameters to be marked on the basis of interaction with prisoners and perusal of record maintained at PLAC.			
4.14.	Do JVLs make the number of visits to the PLACs as per the mandate in the SOP?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.15.	Whether the JVLs visit the PLAC for at least 03 hours on the assigned days?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.16.	Whether the JVLs visit the Women's Enclosure as per the mandate in the SOP?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
NOTE: Following parameters to be marked on the basis of interaction with JVLs/PLVs.			
4.17.	Whether payment of honorarium to JVLs is made timely?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.18.	Whether payment of honorarium to PLVs is made within 2 weeks of submission of vouchers?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.19.	Whether PLVs submit reports, grievance, request of prisoners to the DLSA within one week of their receipt?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.20.	Whether PLVs were provided training within the first month of their deputation at the PLAC?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.21.	Whether students from colleges/universities are assisting in the functioning of the PLAC?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
NOTE: Following parameters to be marked on the basis of			

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inspection of records maintained at PLAC.			
4.22.	Whether formats for documentation and reporting prescribed in NALSA's Handbook of Formats (for e.g. attendance register; work register; reporting etc.), used by JVLs?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.23.	Whether formats for documentation and reporting prescribed in NALSA's Handbook of Formats (for e.g. Legal Aid Clinic: Work Register, Attendance Register, Case Progress Tracker, Reporting) used by Community PLVs?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.24.	Whether formats for documentation and reporting prescribed in NALSA's Handbook of Formats (for e.g. Legal Aid Clinic: Case Progress Tracker; Reporting) used by Convict PLVs?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.25.	Whether records are maintained by JVLs and PLVs in the computer system at the PLAC?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Total Assessment Points			_____/25

5. Processing of Applications for Legal Aid and the role of PLAC in facilitating appointment of Legal Aid Lawyer [Part B – NALSA SOP]

S. No	Parameter	Status	Evaluation (‘1’ mark if ‘Yes’ and ‘0’ if ‘No’)
NOTE: Following parameters to be marked on the basis of interaction with prisoners.			
5.1.	Are JVLs, PLVs and Secretary, DLSA regularly informing prisoners about their: <ul style="list-style-type: none"> - right to avail legal aid irrespective of their financial status; - right to complain and seek redressal if a Legal Aid Lawyer 	<input type="checkbox"/> Yes <input type="checkbox"/> No	

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	asks for money or if they are dissatisfied with the services of a Legal Aid Lawyer.		
NOTE: Following parameters to be marked on the basis of the monthly inspection report of Secretary, DLSA and PLAC records.			
5.2.	Is a prisoner's application for legal aid sent/given to the LSI, within 24 hours of the request being received?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
5.3.	Whether the Legal Aid Lawyer is appointed by the LSI within 48 hours of the request being received?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
5.4.	Whether the intimation regarding appointment of Legal Aid Lawyer along with his/ her contact details shared with the PLAC in each case?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
5.5.	Whether details of the date of application, date of appointment of a Legal Aid Lawyer and details of Legal Aid Lawyer appointed, regularly updated by the PLV in the designated registers and computer systems (where available)?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Total Assessment Points			_____/05

6. PLAC's Role in providing Legal Aid Services and Legal Assistance to Vulnerable Groups in Prisons [Part C – NALSA SOP]

S. No	Parameter	Status	Evaluation (‘1’ mark if ‘Yes’ and ‘0’ if ‘No’)
NOTE: Following parameters to be marked on the basis of interaction with prisoners.			
6.1.	Whether Case-Table interaction is held between the PLAC functionaries and the prisoners after their admission in the prison, as per the SOP?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
6.2.	Whether prisoners are explained the offences for which they have been sent	<input type="checkbox"/> Yes <input type="checkbox"/> No	

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	to judicial custody, their rights and duties and day to day processes of the prison?		
6.3.	Whether a Legal Aid application is submitted within 24 hours of the prisoner's request for legal aid, made during the case-table interaction?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
6.4.	Whether the PLVs do a regular follow-up every two days with prisoners who seek time to consider whether they want a Legal Aid Lawyer or not, till the time such prisoners have engaged a lawyer?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
NOTE: Following parameters to be marked on the basis of interaction with JVLs/PLVs.			
6.5.	Whether PLVs/JVLs inform Prison Superintendent about such cases where the prisoners convey that their family members have not been informed of their arrest and whether necessary assistance is provided to such prisoners, as prescribed in the SOP?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
6.6.	Whether PLVs/JVLs inform the Prison Superintendent about prisoners requiring urgent medical attention?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
6.7.	Whether, in case of foreign nationals, necessary assistance such as services of translator etc. are provided in case the prisoners want some legal assistance?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
6.8.	Whether in cases of probable juveniles being lodged in Prisons, necessary assistance is provided to them to move applications, raising the plea of juvenility?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
6.9.	How many applications for claiming juvenility have been moved on behalf of inmates in the last quarter?	No. of such applications: _____	<i>[NO MARKS TO BE ASSIGNED]</i>
6.10.	Whether assistance is provided to the prisoners who are concerned about the safety and well-being of their	<input type="checkbox"/> Yes <input type="checkbox"/> No	

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	children/family outside?		
6.11.	Whether PLVs/JVLs interact with the 17 categories of vulnerable prisoners outlined in the NALSA SOP during their visit to prison?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Total Assessment Points			<u> </u> /10

**7. PLAC's Role in Providing Legal Information to Prisoners and their families
[Part D – NALSA SOP]**

S. No	Parameter	Status	Evaluation (‘1’ mark if ‘Yes’ and ‘0’ if ‘No’)
NOTE: Following parameters to be marked on the basis of interaction with prisoners.			
7.1.	Are prisoners getting regular updates on their cases from the PLAC functionaries?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.2.	Are prisoners getting written updates on their case status from the legal aid lawyer/legal aid defence counsel?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.3.	Are prisoners aware of the e-court kiosk installed in the prison premises?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.4.	Is the e-court kiosk functional?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.5.	Are prisoners aware of the e-prison module, NALSA's LSMS portal and NALSA Helpline etc.?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Total Assessment Points			<u> </u> /05

8. PLAC's Role in Raising Legal Awareness among Prisoners and Grievance Redressal [Part E– NALSA SOP]

S. No	Parameter	Status	Evaluation (‘1’ mark if ‘Yes’)
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			and '0' if 'No')
NOTE: Following parameters to be marked on the basis of observation.			
8.1.	Whether posters are put at prominent places in the prison about legal rights of the prisoners?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
8.2.	Has a complaint box been set-up in the PLAC?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
NOTE: Following parameters to be marked on the basis of interaction with prisoners.			
8.3.	Are legal awareness programmes conducted regularly in the prison?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
8.4.	Is the Grievance Redressal Day held every month, as per the SOP?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
8.5.	Whether confidentiality is maintained during redressal of grievances of the prisoners?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Total Assessment Points			_____/05

9. Legal Assistance in Filing of Petitions/Jail Appeal in the High Court/Supreme Court by Convict Prisoners [Part F– NALSA SOP]

S. No	Parameter	Status	Evaluation (‘1’ mark if ‘Yes’ and ‘0’ if ‘No’)
NOTE: Following parameters to be marked on the basis of interaction with prisoners.			
9.1.	Do PLAC functionaries inform the prisoners: i. Whose bail application is rejected; or ii. Who is convicted by the trial court; regarding their right to challenge the order dismissing the bail application or the judgement of conviction/order on	<input type="checkbox"/> Yes <input type="checkbox"/> No	

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	sentence, by way of appropriate proceedings before the Sessions Court/High Court/Supreme Court and the process of filing the same?		
9.2.	Are lawyers appointed by the HCLSC/SCLSC regularly interacting with their clients/prisoners?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9.3.	Is a copy of the judgment/order made available to the prisoner to enable him/her to file an appeal, revision etc.?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
NOTE: Following parameter to be marked after inspection of PLAC record.			
9.4.	Is a record of applications sent to HCLSC/SCLSC kept in a designated register and computer system?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
NOTE: Following parameter to be marked on the basis of interaction with JVLs/PLVs.			
9.5.	Does the HCLSC/SCLSC regularly send an intimation to the PLAC/prison regarding the appointment of the lawyer?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Total Assessment Points			_____/05

10. Strengthening Communication of Prisoners with their Lawyers [Part H–NALSA SOP]

S. No	Parameter	Status	Evaluation (‘1’ mark if ‘Yes’ and ‘0’ if ‘No’)
NOTE: Following parameters to be marked on the basis of observation.			
10.1.	Is adequate space available for JVLs to interact with their clients in a confidential manner?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
10.2.	Are the rules for lawyers to seek visitation/interviews with their clients displayed outside the prison?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
10.3.	Is a Video Conferencing facility available in the Prison to enable	<input type="checkbox"/> Yes	

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	lawyers (legal aid and private) to communicate regularly with their clients in prison?	<input type="checkbox"/> No	
10.4.	Is information about the Video Conferencing facility publicised in the prisons for knowledge of lawyers and prisoners?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
10.5.	Are lawyers empanelled with the High Court/Supreme Court Legal Services Committees availing the Video Conferencing facility to interact with prisoners?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Total Assessment Points			/05

11. Action Points for the DLSA to Address Gaps in Compliance with the SOP

S. No		Action Points
11.1.	Set up and Functions of a Prison Legal Aid Clinic (PLAC) [Part A - SOP]	
11.2.	Processing of application for legal aid and Role of PLAC in Facilitating Appointment of legal aid lawyer [Part B – NALSA SOP]	
11.3.	PLAC's Role in providing Legal Aid Services and Legal Assistance to Vulnerable Groups in Prisons [Part C – NALSA SOP]	
11.4.	PLAC's Role in Providing Legal Information to Prisoners and their families [Part D – NALSA SOP]	
11.5.	PLAC's Role in Raising Legal Awareness among Prisoners and Grievance Redressal [Part E– NALSA SOP]	
11.6.	Legal Assistance in Filing of Petitions/Jail Appeal in the High Court/Supreme Court by Convict Prisoners [Part F– NALSA SOP]	
11.7.	Strengthening Communication of	

National Legal Services Authority

	Prisoners with their Lawyers [Part H– NALSA SOP]	
11.8.	Any other remarks.	

12. Summary of Assessment Points

S. No		Points received	Maximum Points
12.1.	Set up and Functions of a Prison Legal Aid Clinic (PLAC) [Part A - SOP]		25
12.2.	Processing of application for legal aid and Role of PLAC in Facilitating Appointment of legal aid lawyer [Part B – NALSA SOP]		5
12.3.	PLAC's Role in providing Legal Aid Services and Legal Assistance to Vulnerable Groups in Prisons [Part C – NALSA SOP]		10
12.4.	PLAC's Role in Providing Legal Information to Prisoners and their families [Part D – NALSA SOP]		5
12.5.	PLAC's Role in Raising Legal Awareness among Prisoners and Grievance Redressal [Part E– NALSA SOP]		5
12.6.	Legal Assistance in Filing of Petitions/Jail Appeal in the High Court/Supreme Court by Convict Prisoners [Part F– NALSA SOP]		5
12.7.	Strengthening Communication of Prisoners with their Lawyers [Part H– NALSA SOP]		5
	Total Assessment Points		60

FORMAT – C

REPORT ON FUNCTIONING OF THE PRISON LEGAL AID CLINICS

[To be submitted by the Member Secretary, SLSA to the Member Secretary, NALSA every quarter]

1. Name of SLSA: _____
2. Total number of DLSAs: _____
3. Total number of Prisons: _____
4. Total number of prisons where more than one PLAC is functional:

5. No. of DLSAs that submitted monthly Inspection Form [Format A] Report to SLSA: _____
6. No. of DLSAs that submitted Quarterly Inspection Report [Format B] to SLSA: _____
7. Date on which meeting convened by Member Secretary, SLSA with the Chairmen & Secretaries, DLSA to discuss the inspection report and action points: _____
8. Data on Legal Aid Applications received by PLACs:

[Give consolidated data for all districts as per information received in Format A from the Secretary, DLSA]

Total No. of Legal Aid Applications prepared at the PLAC: _____					
LSI	Applications forwarded to the LSI	Applications where a Legal Aid Lawyer has been appointed	Cases where intimation of appointment of lawyer sent by the LSI to the Prison Superintendent	Cases where intimation of appointment of lawyer communicated to the prisoner	Legal Aid Applications pending
DLSA					
HCLSC					
SCLSC					
Total					

9. Number of Legal Services Providers assigned to the Prison Legal Aid Clinics in the State:

[Give consolidated data for all districts as per information received in Format A from the Secretary, DLSA]

S. No	Category of Legal Services Providers	Number of such providers assigned:			Total number of providers who have received induction training
		Male	Female	Transgender	
1.	Jail Visiting Lawyers				
2.	Community Para Legal Volunteers				
3.	Convict Para Legal Volunteers				

10. Data on Inspection and Evaluation of the Prison Legal Aid Clinics *[Give PLAC- wise data on Assessment Marks for each district as per Q. 12 of Format B]*

S. No	Name of DLSA	Name of the Prison	ASSESSMENT MARKS							
			Set up and Functions of a Prison Legal Aid Clinic (PLAC) [Part A - SOP]	Processing of Applications for legal aid and Role of PLAC in facilitating appointment of legal aid lawyer [Part B - NALSA SOP]	PLAC's Role in providing Legal Aid Services and Legal Assistance to Vulnerable Groups in Prisons [Part C - NALSA SOP]	PLAC's Role in Providing Legal Information to Prisoners and their families [Part D - NALSA SOP]	PLAC's Role in Raising Legal Awareness among Prisoners and Grievance Redressal [Part E- NALSA SOP]	Legal Assistance in Filing of Petitions/Jail Appeal in the High Court/Supreme Court by Convict Prisoners [Part F- NALSA SOP]	Strengthening Communication of Prisoners with their Lawyers [Part H- NALSA SOP]	Total Compliance Points

NALSA
STANDARD OPERATING PROCEDURES ON ACCESS TO
LEGAL AID SERVICES TO PRISONERS AND FUNCTIONING
OF THE PRISON LEGAL AID CLINICS, 2022

NATIONAL LEGAL SERVICES AUTHORITY

**B-Block, Additional Building, Supreme Court of India,
Mathura Road, New Delhi- 110001
Website: www.nalsa.gov.in; Email: nalsa-dla@nic.in**

BACKGROUND

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

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

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

Definitions:

- a) **‘Act’** means the Legal Services Authorities Act, 1987.
- b) **‘Legal Aid Clinic’** means the facility established by the District Legal Services Authority to provide basic legal services to the people with the assistance of Para-Legal Volunteers or Lawyers or any other arrangement, as the point of first contact for help and advice and includes legal services clinics set up under Regulation 3 and 24 the NALSA (Legal Services Clinics) Regulations, 2011.
- c) **‘Legal services institutions’** means a State Legal Services Authority, District Legal Services Authority or the Taluk Legal Services Committee or the High Court Legal Services Committee or the Supreme Court Legal Services Committee as the case may be;
- d) **‘Jail Visiting lawyer(s)’** means the lawyer(s) assigned work of visit to Prisons either from the panel prepared under regulation 8 of the NALSA (Free and Competent Legal

Services) Regulations 2010 or Legal Aid Defence Counsels appointed under the LADC scheme and also those who are offering services on pro-bono basis at the request of Legal services institution(s);

- e) **‘Para-legal volunteer’** means a para-legal volunteer empaneled & trained as such by a legal services institution and includes any other individual(s) rendering his/her services at the request of any of the Legal services institution(s);
- f) **‘Prison’** means Central Jail, District Jail, Sub Jail, Women Jail, Special Jail including High security Jail and Borstals.
- g) **‘Prisoners’** means all categories of prisoners including undertrials, convicts, detenues, and civil prisoners.
- h) **‘Prison Superintendent’** includes Deputy Superintendent and Officer Incharge of the jail.

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

1. **Setting up of the Prison Legal Aid Clinic:** The District Legal Services Authority (DLSA) of every district shall establish a Prison Legal Aid Clinic (PLAC) within the premises of every prison under its jurisdiction. This is in furtherance of NALSA (Legal Services Clinics) Regulations 2011, which mandates the setting up of legal services clinic in prisons.
 - 1.1 **Location of the PLAC:** The Secretary DLSA shall, along with the Prison Superintendent, ensure that the PLAC is located at such a common area which has open and unfettered access for prisoners. Even in prisons, where there is paucity of space, in no circumstance the PLAC shall be located as part of the office building as this would hinder the access of prisoners to the PLAC.
 - 1.2 **Infrastructure of PLAC:** As far as possible, a separate well appointed room must be designated as a PLAC. DLSA shall ensure that every PLAC is equipped with adequate infrastructure including table, chairs, computer, internet, printer etc., as the need be. DLSA shall also provide atleast one set of basic law books preferably bilingual (English & language of state) including IPC, CrPC, etc. for use both by the functionaries of PLAC and prisoners.
 - 1.3 **Display of information on clinic timings:** The DLSA should ensure that information regarding the PLAC timings and location are displayed in common areas inside the prison. The names of the Jail Visiting Lawyer(s) (JVL) and Para Legal Volunteer(s) (PLV) on duty, and the schedule of their visits, should be clearly displayed inside the PLAC. Information regarding the clinic and presence of JVL or PLV can also be communicated to prisoners either through notice board in each enclosure or use of public announcement systems, where available.
 - 1.4 **Operationality of PLAC:** The suggested number of days for which every PLAC may be operational is as follows:
 - i. For every Central Prison, 5 days per week;
 - ii. For every District Prison, 4 days per week;
 - iii. For every Sub-Jail and other prisons, 2 days per week;
 - iv. For every Women Enclosure (as part of the main prison), 3 days per week.
2. **Purpose of the Prison Legal Aid Clinics (PLACs):** The objective of establishing and operationalizing the Prison Legal Aid Clinic in every prison in the country is

to provide meaningful, efficient and effective legal services and assistance to prisoners. It must be noted that the role of PLAC is not limited to only cater to the needs of prisoners who have opted for legal aid services, rather much broader and includes:

- a) to ensure at all times that no person is without legal representation at any stage of the criminal proceeding and generate awareness about the same;
- b) to bridge the information gap between the Prisoner and the Court;
- c) to facilitate communication between the Prisoner and the Lawyer, whether legal aid or private;
- d) to ensure that no person is illegally or unnecessarily detained;
- e) to ensure special needs of vulnerable groups (women, young offenders, mentally-ill, foreign nationals, persons from other states, etc.); in prisons are addressed;
- f) to collaborate with local authorities, universities, academic institutions and civil society organisations to further strengthen legal aid services for prisoners;
- g) to act as a One Stop Centre (OSC) to raise the grievances by prisoners and direct the grievances to appropriate authorities through DLSA; and
- h) to undertake implementation of the NALSA and SLSA campaigns for prisoners or any other work assigned to fulfill its mandate of providing legal aid services and assistance to the prisoners.

3. **PLAC Functionaries and their functions:** The objectives and aims of the Prison Legal Aid Clinics will be carried out by the joint working of para legal volunteers (be it from the community or from among the convicts in the prison) and Jail Visiting Lawyers.

- 3.1 **Jail Visiting Lawyers (JVLs)**

- 3.1.1 **Appointment and Tenure of JVLs:** JVLs shall be appointed by the DLSA from the office of LADC, if functional in the district and if not then from pool of panel lawyers. The tenure of the JVL must be such as to ensure a semblance of continuity and smooth transition to another individual. The number of JVLs appointed would be directly proportional to the population of inmates in the respective prisons they would be appointed to. The suggested proportion is as follows:

- a. For every Central & District Prison, 2 to 3 Jail Visiting Lawyers be appointed.
- b. For every Sub-Jail, 1 Jail Visiting Lawyer be appointed.

- 3.1.2 **Appointment of women advocates for women enclosures:** To ensure access to legal representation and assistance to women prisoners, the DLSA would select and appoint women jail visiting lawyer(s) to provide services in women enclosures and women prisons. Visit of women lawyers will ensure regular interactions with women prisoners confined in women enclosures and in women prisons. Steps should be taken towards ensuring interaction and communication between beneficiaries i.e. women prisoners and lawyers (both panel lawyers and jail visiting lawyers). It would be imperative for the panel lawyer to meet, interact and update the beneficiaries regarding their cases and progress charted.

- 3.1.3 **Appointment of transgender advocate, if available for transgender enclosure:** Where prisons have transgender enclosure, the DLSA should make endeavor to appoint a transgender jail visiting lawyer or a lawyer who has received specialized training to address concerns of transgender persons in detention.
- 3.1.4 **Periodicity of Visits to PLAC:** The JVLs must visit the clinics as many days as required and in accordance with the caseload. In instances of prisons with higher prisoner population, visits by JVLs must be made more frequently. The timings of visits must be fixed but not less than 3 hours per day and complied with to the maximum extent. The suggested periodicity of visits is as follows:
- For every Central Prison, at least 5 visits per week;
 - For every District Prison, at least 4 visits per week;
 - For every Sub-Jail, at least 2 visits per week for sub jails and other jails.
 - For every Women Prison/ Enclosure (as part of the main prison) - (i) with a women prison population of more than 100, at least two visits per week; (ii) with a prison population of less than 100, at least one visit per week. Similar periodicity can be adopted for transgender enclosures as well.
- 3.1.5 **Payment of JVLs:** The payment of honorarium to JVL(s) should normally include the costs incurred in the conveyance to the prisons and back. Additional payment on account of conveyance shall not be made from NALSA fund. The payment to the JVLs must be cleared promptly upon the submission of the weekly report(s) and proof of visit(s), if any. (The rate of honorariums may be revised on a regular basis, subject to directions of NALSA).
- 3.2 **Paralegal Volunteers:** In addition to appointment of JVLs for each PLAC, the DLSA should assign each PLAC with adequate number of convict and community PLVs.
- 3.2.1 **Appointment of Convict PLVs:** Convict PLVs shall be appointed by the DLSA from among the convicts lodged in the relevant prison. Presence of convict PLVs would ensure regular interaction of prisoners with PLVs, and further effective management of the clinics. The selection of the convict PLV would take into account the candidate's position among the prison population as well as minimum criteria of basic education, orientation, character and behavior necessary to ensure proper functioning, documentation and reporting to authorities.
- 3.2.2 **Appointment of Community PLV(s):** The DLSA secretary, should appoint community para-legal volunteer(s) to each PLAC, to bridge the gap between the beneficiaries and Legal Services Institutions. They would discharge similar responsibilities of regular and detailed interaction with prisoners, as convict PLV, but their presence in the community and regular visits/interaction with DLSA would ensure effective communication between the DLSA and the prisoners.
- 3.2.3 **Proportion of PLVs:** The number of PLVs appointed would be proportional to the population of inmates in the respective prisons they would be appointed to. The suggested proportion is as follows:
- For every Central Prison, 2 community & 2 to 3 convict PLVs be appointed.
 - For every District Prison, 1 community & 1 to 2 convict PLVs be appointed.
 - For every Sub-Jail, 1 community PLV be appointed.

- 3.2.4 **Tenure of PLVs:** The tenure would be for a minimum period as prescribed under any directions or policy either by NALSA or SLSA, subject to renewal post assessment of previous performance.
- 3.2.5 **Payment of PLVs:** The payment of honorariums will be made every month by the DLSA after due verification of necessary documents and bills but within 2 weeks after completion of month and submission of voucher/bill.
- 3.2.6 **Timely submission of reports & bills:** It shall be duty of the PLV to submit the reports, grievance or request of the prisoner to the DLSA at earliest. The claim/ voucher and duty report, if any have to be submitted without any delay but not later than one week.
- 3.3 **Orientation/Training of PLAC Functionaries:** The training/orientation of the Jail Visiting Lawyers and Paralegal Volunteers, whether convict or community, appointed to the PLAC, should be conducted, preferably, within the first month of their appointment. It must include the following:
- a) Overview of the prison administration and the role of prison personnel at different levels.
 - b) Information about prison population - sanctioned strength vs actual prison population, categories of prisoners lodged in the concerned prison and the demography of the prison population.
 - c) Legal aid system and grievance redressal portal,
 - d) NALSA mobile app and e-courts services portal,
 - e) General Dos and Don'ts during prison visits.
 - f) Frequency of prison visits and areas to be covered during prison visits.
 - g) Duties of PLAC Functionaries including identifying prisoners in need of legal aid or legal assistance with special needs of undertrials and convicts; assisting them by taking appropriate steps; legal awareness of prisoners; implementation of NALSA campaigns etc.
 - h) Duties regarding documentation work of the PLAC - names and formats of the registers to be maintained, documentation of the grievances of prisoners, follow up and their redressal, etc.
 - i) Functioning of the Under Trial Review Committees;
 - j) E-prison portal and other digital facilitation portals etc.
 - k) Information about any other task that may be assigned.
- 3.4 **General Functions of the PLAC Functionaries:** The duties for jail visiting lawyers and paralegal volunteers have been outlined in the NALSA's Handbook of Formats 2020. These are enumerated below:
- 3.4.1 **Jail Visiting Lawyers:**
- a) To visit the prison legal aid clinic as prescribed in most disciplined manner.
 - b) To identify cases eligible for release under the mandate of the Undertrial Review Committee (UTRC).
 - c) To interact with inmates identified by the paralegal volunteers and provide legal advice.
 - d) To draft applications and petitions for parole/juvenility/bail etc. for the

undertrials and convicts present in the clinic.

- e) To ensure filling of legal aid application form for those who need legal aid lawyers and submit the same to the legal services authority, without any delay.
- f) To conduct legal awareness camps inside prisons including apprising new entrants to prison about the free legal services provided by TSLC or SDLSC, DLSA, HCLSC and SCLSC.
- g) To train the paralegal volunteers and oversee the effective functioning of the PLAC.
- h) To regularly inform the inmates about the status of their cases.
- i) To communicate to the defense lawyer any pertinent information that an inmate has requested to be shared with his/her lawyer.
- j) To get acquainted with the prison manual and the other rules & regulations relating to prisons.
- k) To ensure that the registers are filled by the paralegals accurately.
- l) To record attendance and work in the registers available and also record in digital manner, if provided at the prison.
- m) To also represent the inmates in courts in some cases, if appointed by the LSI but not otherwise.
- n) To submit a weekly report of the work to the legal service institutions by 1st working day of preceding week.
- o) To also submit a copy of the register of beneficiaries maintained at the clinic.
- p) To ensure that a copy of the charge sheet or any document taken from any prisoner is returned.
- q) To not canvass or solicit for any case in your private capacity.
- r) To prioritise and focus on personal interactions with the inmates in the PLAC during the visit and then document and prepare the petitions.
- s) To send intimation to the DLSA in advance if he is unable to visit the PLAC on a particular day.
- t) To assist the UTRC by coordinating with the inmates and the courts on cases eligible for release.
- u) To follow the directions given under NALSA SOP for representing persons in custody.
- v) To bring into notice of DLSA about the concern of inmates in respect of conditions in jail.
- w) Updating information on digital platform of legal aid and legal aid e-prison.
- x) Working on NALSA mobile app and digital report mechanism.

3.4.2 Paralegal Volunteers:

- a) To manage/ organise legal aid clinics inside prisons, as prescribed.
- b) To take steps towards identification of inmates who are in need of legal assistance.
- c) This would involve reaching out to all prisoners whether beneficiary of legal aid or not, especially the new entrants.

- d) To seek permission from the prison authorities to visit the wards/ enclosures of prisoners to ascertain that no one remains unrepresented.
- e) To fill out the legal aid application form and promptly send it to the concerned DLSA/SDLSC & also ensure that the prisoners interact with the jail visiting lawyer on his next visit to prison.
- f) To coordinate and assist the jail-visiting lawyers in providing legal advice and aid.
- g) They would also give updates on the case of the inmates.
- h) To counsel inmates and explain any legal provision pertaining to their case. Where there are doubts, then refer the case to the Jail Visiting Lawyer.
- i) To receive legal aid lawyer appointment letters, replies from legal service institutions and other authorities, maintain record and give copies to the concerned prisoner.
- j) If you come across a prisoner who claims to be a juvenile at the time of commission of offence or at arrest, to draft an application to bring the case to the attention of the concerned Legal Services Authority, Juvenile Justice Board and the Child Welfare Committee.
- k) To submit weekly reports to the DLSA.
- l) To submit reports to the DLSA about the Undertrial Review Committee on cases eligible under section 436/436A Cr.P.C.
- m) To write to the concerned LSI about any queries, grievances or for shortage of any basic requirements for the smooth functioning of the clinic.
- n) In case of community PLV to contact the family members of the inmates so as to intimate about his detention and if needed facilitate interviews with family members
- o) To keep track of non-production of any inmate in the court as per the date given and inform the Secretary, DLSA/SDLSC or TLCS.
- p) To assist the inmate in filing any complaint or grievances relating to their stay in prison.
- q) To maintain the registers in the clinic. The Paralegal Volunteers shall maintain registers recording name, fathers name, age, date of admission, offences charged under, case ref & concerned court, details of lawyer, status of case, next production.
- r) To regularly update the registers. In particular, document each prison clinic, record information on all cases, and assist in follow up of cases such as case status, bail, lawyer appointment, next date of hearing, communicating client instructions.
- s) To keep a record of the letters, applications, and petitions written through prison and sent to relevant agencies and similarly keep a record of the documents received.
- t) To send reminders/ letters to the corresponding Legal Services Authority to seek information regarding status of case, name and contact details of the assigned legal aid lawyer.

- u) To send a monthly report of their work to the Secretary of the DLSA/SDLSC or TLCS by 5th of every month.
 - v) To submit a copy of the legal aid register for review to the Secretary of the DLSA/ SDLSC or TLCS every month.
 - w) To not seek any money/ benefits for the work done from the inmates or their families.
 - x) Updating information on digital platform of legal aid and legal aid e-prison.
 - y) Working on NALSA mobile app and digital report mechanism.
- 3.5 Documentation and Reporting in PLAC**
- 3.5.1 Formats used at different stages:** Kindly refer to the formats available in NALSA's Handbook of Formats 2020:
- a) Section 1 - Chapter IV (Pages 15 - 19) for Jail Visiting Lawyers appointed to Prison Legal Aid Clinics.
 - b) Section 1 - Chapter V (Pages 20 - 25) for Community Para Legal Volunteers appointed to Prison Legal Aid Clinics.
 - c) Section 1 - Chapter VI (Pages 26 - 32) for Convict Para Legal Volunteers appointed to Prison Legal Aid Clinics.
- 3.6 Digitization of records:** All these records must be maintained on the computers available in Prison Legal Aid Clinics and regularly updated by JVL and PLV as per directions.
- 4. Monitoring of functioning of PLAC by DLSA**
- 4.1 Periodicity of visits by DLSA Secretary:** DLSA Secretary will visit and inspect the Prison Legal Aid Clinics at least once a month.
- 4.2 Role of the DLSA Secretary during prison visits:** The following is the role:
- a) To ensure that legal aid lawyers have been appointed to represent all undertrials. In circumstances where any prisoner is found without legal representation during the visit by the DLSA, immediate steps to be taken towards ensuring appointment.
 - b) To verify whether panel lawyers are meeting and interacting with prisoners including legal aid beneficiaries. In circumstances where panel lawyers are not interacting and communicating with the prisoners, the lawyer must be called to understand the concern and best respond to it. If need be, where deemed appropriate by the Secretary, DLSA, the concern lawyer may be removed from the panel, and a fresh appointment initiated.
 - c) To check the prison conditions with respect to health, sanitation, food and hygiene in addition to access to legal representation. If any such concerns are raised, the same shall be shared with the Chairman of the DLSA, Member Secretary of SLSA as well as the Board of Visitors who have the authority to raise it to the appropriate authority.
 - d) To track whether there are any instances of non-production at court hearings, be it physical or virtual. If such instances are reported, take immediate steps to rectify such misgivings.
 - e) To ensure that concerns of vulnerable category of prisoners are heard and responded to.

- f) To ensure and check the documentation and reporting practices of the Clinic.
 - g) To ensure that the PLVs and JVLs are able to perform their duties effectively, and have access to the prison at all times. They should ensure that no unnecessary hindrances are set forward from the prison officers, which may create hurdle in working of the PLAC.
- 4.3 **Periodicity of visits by the Chairman, DLSA (District & Sessions Judge):** The Chairman, DLSA (District & Sessions Judge) shall visit the Prison Legal Aid Clinics at least once in three months. He would also visit the premises of the prison to understand any concerns regarding prison conditions, and also enquire into the functioning of the PLAC. They may also interact with prisoners to received feedback for services provided.
- 4.4 **Role of the Chairman, DLSA during prison visits:** The Chairman DLSA would undertake to inspect the condition of the prisons, communicate with the inmates to understand their concerns with respect to their regimen, food, sanitation hygiene etc. in addition to access to legal representation. In circumstances where concerns are raised, the same may be raised in the meetings with the Secretary, DLSA to take measures to combat them. Specialized formats for documentation of prison visits by the Chairman may be prepared by the SLA.
5. **Role of Law Colleges/Students in assisting DLSA in the functioning of PLAC:**
Law College through their legal aid clinics and law students can assist the Legal Services Institution to ensure minimum levels of legal awareness among persons in custody. Furthermore, students can support panel lawyers in providing legal research for their legal aid matters. Lastly, they can also be appointed as volunteers to assist the Legal Services Institutions in bridging gaps with geographically remote locations to ensure access to justice. Formal proposals for collaboration in assisting prison legal aid clinics by university/ college legal aid clinics, may be considered by the Chairman, DLSA and appropriate permission may be granted for collaborative work.

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

6. **Awareness about legal aid:** The JVLs, PLVs and Secretary, DLSA shall regularly inform prisoners about the following during their periodic visit to prisons:
- a) prisoners' right to legal aid and that a legal aid lawyer is provided free of charge to the prisoner, irrespective of their financial status.
 - b) prisoners' right to complain and seek redressal if a legal aid lawyer asks for any remuneration, monetary or otherwise, from the prisoner or prisoner's family or if s/he is dissatisfied by the services of a legal aid lawyer. In such cases, the legal aid lawyer should be immediately replaced and appropriate steps shall be taken by the DLSA Secretary and the Chairman, DLSA to verify the claims, and take appropriate action.
7. **Application for legal aid:** If any prisoner, at any stage of remand/trial/court proceeding, wishes to apply for legal aid, s/he may contact the JVL or PLV appointed

to the PLAC. S/he may also approach the DLSA Secretary during their prison visit with the request to appoint a legal aid lawyer.

- 7.1 As soon as the JVL/PLV receives the request, whether oral or written, by a prisoner to apply for legal aid, the application in the prescribed form shall be made by the PLV. The application shall urgently be sent/ handed over to the DLSA Secretary within 24 hours of the request so received.
- 7.2 On receipt of the application for legal aid, the DLSA Secretary shall check with the trial court if the lawyer has already been appointed in that case, and in case it is not, s/he shall ensure that a legal aid lawyer is appointed with 48 hours of the request so received.
- 7.3 The intimation regarding appointment of lawyer along with the contact details of the lawyer, as per prescribed format in NALSA's Handbook of Formats 2020, shall be immediately sent to the prison which in turn should be handed over to the concerned prisoner.
- 7.4 Details of the date of application, date of appointment of lawyer and details of lawyer appointed should be updated by the PLV in the designated registers and online databases, where available.

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

8. **Newly Admitted Prisoners and 'Case Table':** A person is most vulnerable as soon as s/he is admitted in the prison. S/he requires assistance to navigate through the initial procedures in prison and is in need of support and guidance. For this purpose, 'Case Table' shall be organised for all the newly admitted prisoners on the same day or the next day of the admission. During case table, following officials/ persons shall be present:
 - a) Prison Superintendent/officer-in-charge
 - b) Para legal Volunteers appointed in the PLAC
 - c) Full-time Medical Officer of the prison, if any
 - d) Any other prison officer/staff that the Superintendent directs to be present
- 8.1 The Prison Superintendent shall explain the offences under which the person has been sent to judicial custody; general rights and duties of prisoners and the day-to-day processes inside prison.
- 8.2 During the case table, the Prison Superintendent shall enquire about the following from every newly admitted prisoner and a note of the same shall be made in a separate register maintained by the PLACfunctionaries:
 - a) Whether an undertrial is represented by a legal counsel. If not, s/he must be informed of their right to legal aid services. In case an undertrial is willing to apply for legal aid, such application must be submitted to the DLSA within 24 hours of the request so received. The same must also be documented in a register. In case the person needs time to consider, the paralegal/s shall do the follow-up once every two days till the person has either engaged a private lawyer or agrees to opt for a legal aid lawyer.
 - b) **Whether a prisoner has informed his/her family member about his/**

her imprisonment.

- i. If any prisoner has not been able to inform his/her family, the paralegal/JVL shall immediately inform the Prison Superintendent and it has to be ensured that the undertrial is able to speak to his/her family at the earliest either virtually or telephonically.
 - ii. There may be the situation that the prisoner's mobile phone is confiscated by the police at the time of arrest and the person does not remember the contact number of the family member/relative/friend, in such circumstances, a coordinated effort is needed, on behalf of the Prison Superintendent and the concerned police station where the person's belongings may be placed, to procure the contact number/s of the family member/relative/friend.
 - iii. In case the person is unable to communicate with his/her family, and the prisoner belongs to another district or state, the DLSA Secretary in whose jurisdiction the prison is located, shall contact the concerned DLSA or the SLSA of the state, where the relative of the prisoner resides to enable communication between them.
 - iv. To enable prompt communication, postcards, specially developed for the purpose by the postal department and provided free of cost to the prisons, duly filled shall be sent by post to the home/ permanent address of the prisoner, duly signed by the Prison Superintendent and the DLSA Secretary. The PLVs shall conduct this task on a regular basis.
- c) **Where a prisoner needs any urgent medical attention.** In such a case, the paralegal/JVL shall immediately inform the Prison Superintendent and the Medical Officer, attached with the prison. If the prison does not have a full-time medical officer, such undertrial shall be immediately attended as per protocol and the concerned court shall be informed of the same.
- d) **Where a prisoner belongs to another state or country.** An undertrial belonging to any other state may need assistance in understanding the local language in case his/her mother tongue is different, contacting family/ relative/ friend, getting clothes and basic necessities, getting used to the local food, arranging for local surety in case bail is granted, etc. Special attention shall be given to such persons in coordination with the prison authorities. The Superintendent may request the DLSA to arrange for a translator to enable the prisoner to understand the legal proceedings in his/her case.
- e) **Where an undertrial appears to be a minor.** If the person appears to be a minor, the PLV shall enquire about the age proof of the person. In case, the person claims to be below 18 years of age, the PLV shall immediately inform the Prison Superintendent and the DLSA Secretary. An application shall be filed immediately to the concerned court on behalf of the person by the DLSA requesting:
- i. to initiate the proceeding to determine the age of the person and;
 - ii. to immediately transfer the person to the Observation Home under

S.9(4) of the Juvenile Justice (Care and Protection of Children) Act, 2015, while the age of the person is being determined by the court.

- f) **The whereabouts of children of newly admitted prisoners.** In case, there is a child or children who may be alone and without any family support outside, the same shall be immediately communicated by the Superintendent to the DLSA Secretary, who will intern communicate this to the district Child Welfare Committee to ensure safety and care of children.
- 9. **Legal Assistance to Other Vulnerable Groups in Prisons:** While everyone is vulnerable in prison, there are certain categories of prisoners who need more attention due to their special needs. In order to identify them, the PLV/JVL shall visit all the barracks/wards of the prison regularly. It is important for the PLAC functionaries to play a proactive role and reach out to them directly. The prison authorities shall grant permission to the JVL/PLVs to interact with prisoners. The PLV/JVLs shall frequently communicate with the prisoners falling under the following categories and inform the DLSA Secretary about their grievances, if any, during his/her visit to the prison -
 - a) Women Prisoners
 - b) Transgender Prisoners
 - c) Prisoners belonging to other states
 - d) Prisoners without family support
 - e) Prisoners who are unable afford surety for bail
 - f) Older Prisoners
 - g) Young Offenders and Alleged Juveniles
 - h) Prisoners Suffering from Mental Illnesses
 - i) Prisoners suffering from Physical Disabilities
 - j) Prisoners suffering from alcohol and drug dependency, terminal illnesses, HIV and other medical issues
 - k) Foreign National Prisoners
 - l) Asylum seekers and refugees
 - m) Stateless prisoners
 - n) Prisoners on Death Row
 - o) Prisoners on Life Sentence
 - p) Prisoners belonging to religious and caste-based minorities
 - q) Prisoners given prison punishment

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

- 10. **Case Status Information:** Undertrials shall be provided information about the status of their case/es by the PLAC once in two months. Special attention shall be given to apprise women prisoners about their case status and making them aware about the stages of hearings, etc. Lawyers may also be encouraged to send updates on the progress of cases to their clients in prison. For this purpose, NALSA portal or postcards can be specially developed by the postal department and provided free of cost to the legal aid lawyers from the DLSA Office.

11. **E-court Kiosks:** PLAC shall ensure that the kiosks provided to all prisons under the e-courts project are operational at all times. In case they are not, the same shall be communicated to the Prison Superintendent and DLSA Secretary so that time steps could be taken.
12. **Access to information by Family members:** The PLAC and the prison shall publicize about NALSA's portal through which family members could access the information about the case/s of their relative detained in prison.

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

13. **Legal Awareness Programs in Prisons:** Apart from the information related to their case status, prisoners shall be regularly made aware, through legal awareness programmes by the DLSA about the following from time to time:
 - a) right to legal aid and the procedure for applying to legal aid;
 - b) stages of trial and rights of accused at different stages of the trial;
 - c) information about compoundable offences;
 - d) Eligibility and process of plea bargaining;
 - e) eligibilities under the Undertrial Review Committees;
 - f) process of filing of appeals/petitions;
 - g) process of filing for parole/furlough;
 - h) eligibilities under the state prison rules on premature release of prisoners and the process regarding the same;
 - i) information about legal procedures in special laws like NDPS Act, POCSO Act and state local laws;
 - j) Any other subject that is peculiar to a particular district/state or that the DLSA Secretary thinks appropriate.

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

14. **Grievance Redressal of Prisoners:**
 - 14.1 **A Complaint box** must be set up in the PLAC in every prison by the DLSA and prisoners must be informed about the same and must be encouraged to raise their grievances without any fear. It must be under the lock and the key must be with the Chairman, or Secretary, DLSA only.
 - 14.2 **The DLSA must fix a day at least once in a month as the 'Grievance Redressal Day'**, for example the second or last Saturday of every month. The DLSA Secretary may visit the prison on the fixed day and open the complaint box and interact with the concerned prisoners in the absence of the prison staff. The PLV/JVLs shall assist them in the process. Appropriate steps shall be taken by the DLSA Secretary.
 - 14.3 **As far as possible**, the identities of the complainant shall be kept confidential and in case it is shared with the prison staff, the DLSA Secretary shall ensure that there should be no repercussions/ backlash on the complainants by the prison staff.

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

15. The DLSA, in coordination with the prison and the PLAC shall ensure smooth filing of petitions of convicts in High Court and Supreme Court:
- 15.1 As soon as the order rejecting bail or an order of conviction is pronounced by the court (District Court or High Court), a prisoner shall be informed by the PLAC regarding the right to bail/appeal/review/revision in the High Court/Supreme Court and the process of filing the same.
- 15.2 Steps must be taken promptly through the PLAC to apply for appointment of lawyer by the High Court Legal Services Committee (HCLSC) or the Supreme Court Legal Services Committee (SCLSC), as the case may be. A record of such application must be made in the designated register/database.
- 15.3 Where copy of judgment is not available with the prisoner, the DLSA shall make available an extra copy of the judgment to the prisoner to enable filing of the petition/jail appeal.
- 15.4 The PLVs/JVLs shall prepare and collate the relevant documentation necessary for filing of the petition/jail appeal. The same shall be sent to the concerned HCLSC/SCLSC by the DLSA.
- 15.5 Upon receiving a request for legal assistance, the HCLSC/SCLSC must immediately appoint a lawyer to the case, and details of whom must be duly intimated to the prisoner via the prison superintendent, as per prescribed formats provided in the NALSA's Handbook of Formats 2020.
- 15.6 Details of the lawyer appointed by the HCLSC/SCLSC must be duly noted in the register/databased maintained at the PLAC.
- 15.7 Regular interaction and communication between the counsel and the client/ convict must be ensured by SCLSC, HCLSC, DLSA and SLSC in order to update the beneficiary as to the progress of the case. Where the prisoners complain of lack of interaction with the lawyer assigned by HCLSC/SCLSC – the DLSA shall intimate the same to the HCLSC concerned /SCLSC at the earliest.
- 15.8 The PLV shall provide updates to the prisoner on progress in his/her case. Information may be sourced directly from the HCLSC/SCLSC or through the relevant Court websites.
- 15.9 DLSA may undertake to jointly conduct camps with HCLSC/SCLSC to apprise prisoners of the various remedies in law for bail/appeal/review/revision as well as writ remedies.

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

16. The PLAC functionaries can play an important role in identifying the eligible persons under the mandated categories of review of the UTRC and assisting the prison and the DLSA:
- 16.1 The JVLs and PLVs shall be well informed about the eligible categories of cases that are reviewed by the district-level Under Trial Review Committee.
- 16.2 In case they come across any eligible prisoner within these eligible categories of the UTRC, they shall inform the DLSA Secretary about the same so that a particular case can be shortlisted and reviewed by the UTRC in its next meeting.

PART H: Strengthening Communication of Prisoners with their Lawyers

17. Role of Legal Services Institutions:

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

PART I: Role of the Trial Court

18. Role of the Trial Court:

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

PART J: Role of the Prison Superintendent

19. **Role of the prison superintendent in ensuring effective functioning of PLAC**
- The prison superintendent must ensure that PLVs/JVLs are provided necessary permissions to conduct the PLAC inside prison.
 - Adequate space must be allocated for setting up the PLAC.
 - The PLVs must be permitted to display information regarding the PLAC in common areas inside the prison.
 - An attendance register for visits by the community PLV and JVL to the prison, as well as the number of times the PLAC has been conducted in

prison, should be kept with the prison superintendent. This must be shared with the DLSA at the end of every month.

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



**APPROVAL OF NEW CENTRAL SECTOR SCHEME NAMELY
"LEGAL AID DEFENSE COUNSEL SYSTEM (LADCS)
SCHEME WITH AN OUTLAY OF RS. 998.43 CRORE FOR THE
PERIOD OF 3 YEARS (FY 2023- 24 TO FY 2025-26)-REG**

**GOVERNMENT OF INDIA
DEPARTMENT OF JUSTICE, MINISTRY OF LAW & JUSTICE
NATIONAL LEGAL SERVICES AUTHORITY**

**B-BLOCK, GROUND FLOOR, ADDITIONAL BUILDING COMPLEX,
SUPREME COURT OF INDIA, NEW DELHI-110001
COMMUNICATION ADDRESS-JAISALMER HOUSE, 26,
MAN SINGH ROAD, NEW DELHI-110011
EMAIL: naisa dia@nic.in WEBSITE: www.nalsa.gov.in 23381450
PH: 011-23382778, 21 FAX: 011-23382121**

F. No. L-27/2022-NALSA(Part File)/ 4678-4714

27th March, 2024

To,
The Member Secretary,
All the State Legal Services Authorities

Sir/Madam,

With the approval of Hon'ble Executive Chairman, NALSA, I am directed to forward herewith Letter No. A-60011/22/2023-LAP(JUS) (E-8407) dated 15.03.2024 and final EFC Memorandum dated 05.03.2024 received from Department of Justice, Ministry of Law & Justice inter- alia conveying that the proposed Central Sector Scheme namely "Legal Aid Defense Counsel System (LADCS) Scheme" for 3 years (F.Y. 2023-24 to F.Y. 2025-26) with outlay of 998,43 crore has been approved by Ministry of Finance. It is requested that said letter dated 15.03.2024 and final EFC Memorandum dated 05.03.2024 may kindly be placed before the Hon'ble Executive Chairman and Hon'ble Patron-in-Chief. SLISA for information and ensuring compliance.

In this regard, it is stated that "Legal Aid Defense Counsel System (LADCS) Scheme" will be funded with 100% Central share with an outlay of 2998.43 crore for the period of 3 years (FY 2023-24 to FY 2025-26) till FY 2025-26 after which Central share will be scaled down to 75% in 4th & 5th year (2026-28), 50% in 6 & 7th year (2028-30) and 25% in 8th year (2030-31).

Thereafter, LADCS would be completely funded by the State Governments. Primarily, finances are required for monthly honorarium (to support manpower, on contractual basis: 13 nos, personnels for each LADCS office in the 1st year FY 2023-24 and 17 nos. personnels for each LADCS office in the following 2 years (FY 2024-25 & 2025-26) as indicated in Annexure 1(B) of final EFC Memo circulated vide DoJ OM dated 05.03.2024 including expenses incidental to litigation and other Further, I am under direction to request your goodself to ensure that the terms of contract entered into for LADCS office with the Counsels, Office Assistant and others must be so designed as to prevent any claim of the contractual persons to regular Government positions or to Government pay, allowances or perquisites. The contract should clearly stipulate that the payments are as honorarium or on retainer basis and not salaried. The contract entered into with the Counsels and others shall be enforced for two years initially and extended by one year on performance basis. Clear performance yard stick may be incorporated in the contract. There is need for transparent selection process, as the success of the scheme will depend upon the team of Defence Counsels at the District level.

With regards,

Yours sincerely,

(Shailendra Kumar)
Accounts Officer, NALSA
Encl: As above

No. A-60011/22/2023-LAP(JUS) (E-8407)

**Government of India
Ministry of Law & Justice
Department of Justice**

Jaisalmer House
26, Man Singh Road, New Delhi
Dated: 15.03.2024

To
The Member Secretary,
National Legal Services Authority (NALSA),
Jaisalmer House, New Delhi.

Subject: Approval of new Central Sector Scheme namely "Legal Aid Defense Counsel System (LADCS) Scheme" with an outlay of Rs. 998.43 crore for the period of 3 years (F.Y.2023-24 to F.Y.2025-26) - reg.

Madam,

I am directed to inform that the proposed Central Sector Scheme namely "Legal Aid Defense Counsel System (LADCS) Scheme" for 3 years (F.Y.2023-24 to F.Y. 2025-26) with outlay of Rs. 998.43 crore has been approved by Ministry of Finance.

2. LADCS Scheme shall provide legal aid to the beneficiaries w.r.t criminal cases only and the beneficiaries shall be as per eligibility criteria as stated in Sections 12 of the LSAA, 1987. The year-wise allocation of the scheme will be as under:

Scheme	FY	Proposed Outlay (INR Crores)
Legal Aid Defense	2023-24	(RE 2023-24) 200.00
Counsel System (LADCS)	2024-25	367.70
	2025-26	430.73
	Total	998.43

3. In this regard, it is informed that the LADCS Scheme will be with 100% Central share till F.Y. 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. Primarily, finances are required for monthly honorarium (to manpower support, on contractual basis: 13 nos. personnels for the 1st year and 17 nos. personnels for the following 2 years as indicated in Annexure - I(B) of final EFC Memo circulated vide DoJ OM dated 05.03.2024), expenses incidental to litigation and other administrative expenses such as postal, stationary etc. for LADCS office.

4. The proposed scheme is for the XVth Finance Commission cycle. Scheme would be reviewed during the year 2025-26 for which provision of fund for evaluation of LADCS Scheme has been made. Based on the findings of the Evaluation Report, suitable decision on continuation, termination or necessary corrective measures in the Scheme will be undertaken. The Scheme will be monitored centrally by the Project Monitoring Unit (PMU) manned by outsourced staff, at the Department of Justice and NALSA, having institutional experience, will be responsible for successful operations through institutional setup across the country. Provision of fund has also been made for Technology wherein MIS dashboard of LADCS scheme will be worked out in due course after due deliberations. Considering the above, the scheme outlay has been projected at RS.998.43 crore which includes PMU Cost, Technology Cost, Evaluation Cost, Contingency Cost also.

5. Since, it is important to engage with the State Governments before the 100% funding from the Central Government is proposed to be tapered down, it is requested to incorporate monitoring parameters in LADCS which demonstrate engagement with the State Governments through outreach in year one and MoU in year two to ensure that funding of the State Govt. to district level fund and the Taluka fund is well prepared to take up the transition after the 3rd year. In order to maintain uniformity and consistency, a model MOU for engaging with State Governments may be drafted under intimation to DoJ.

6. The terms of contract entered into under LADCS with the Counsels, Office Assistant and other must be so designed as to prevent any claim of the contractual persons to regular Government positions or to Govt. pay, allowances or perquisites. The contract should clearly stipulate that the payments are as honorarium or on retainership basis and not salaried. The contract entered into with the Counsels and others shall be enforced for two years initially and extended by one year on performance basis. Clear performance yard stick may be incorporated in the contract. There is need for transparent selection process, as the success of the scheme will depend upon the team of Defence Counsels at the District level. The draft terms of contract, SOP for engaging counsels and other resources and the yardsticks for performance as the basis for extension may be drafted under intimation to DoJ.

7. The outcomes and output framework and the indicators therein specified in the Final EFC Note (Para 2.2) circulated vide DoJ OM dated 05.03.2024 may be referred to and the same may be complied during implementation for the current year. For the year 2024-25, the new Output-Outcome Monitoring Framework (OOMF) need to be drawn in consultation with NITI Aayog and the same needs to be tabled in the parliament in the upcoming session. The dates for deliberating this will be conveyed in due course.

8. Further, as informed during the EFC Meeting, decisions requiring approval of Central Authority may be included in the agenda items of ensuing Central Authority meeting.

Encl: As above.

(Chandra Mohiyar Bathala)
Director
Tel: 23385332

**CONSTITUTION OF DISTRICT LEVEL COMMITTEE IN
CONNECTION WITH I.A. NO. 71387 OF 2023 IN WRIT
PETITION (C) NO. 295 OF 2012
(S. RAJASEEKARAN -VS- UNION OF INDIA & ORS.).**

**ASSAM STATE LEGAL SERVICES AUTHORITY
GUWAHATI- 781001, ASSAM
PHONE : 0361-2516367, FAX: 0361-2601843**

No. ASLSA-214/2020/7/507

Dated: Guwahati the 20/04/2024

To,
The Member Secretary,
National Legal Services Authority,
12/11, Jam Nagar House,
Shahjahan Road, New Delhi-110011.

Sub:- Furnishing information regarding constitution of District Level Committee in connection with I.A. No. 71387 of 2023 in Writ Petition (C) No. 295 of 2012 (S. Rajaseekaran -vs- Union of India & Ors.).

Ref :-Your e-mail dated 19/04/ 2024.

Dated: Guwahati the 20/04/2024.

Respected Madam,

With reference to the subject cited above, I have the honour to enclosed herewith the information of constitution of Monitoring Committee in connection with Hit and Run Motor Accidents Scheme 2022 received from all DLSAs of Assam as sought for. Submitted for your kind information.

Enclo :- As stated.

Yours faithfully

(R. Bhattacharjee)
Member Secretary
Assam State Legal Services Authority

List of DLSAs under Assam State Legal Services Authority

Sl. No.	Name of DLSA	Information	Remarks
1.	Barpeta	Committee Constituted	Letter No. DLSA (BPT)/2024/357 dated 5th March, 2024 is enclosed herewith
2.	Baksa	Committee Constituted	Letter No. DLSA/BAK-70/2024/2022 dated 23 rd February, 2024 is enclosed herewith
3.	Biswanath	Committee Constituted	Order dated 20/03/2024 is enclosed herewith
4.	Bongaingaon	Committee Constituted	Notification dated 26 February, 2024 is enclosed herewith
5.	Cachar	Committee Constituted	Letter No. DLSA/EST/14/2024/727 dated 22/03/2024 is enclosed herewith
6.	Chirang	Committee Constituted	Order dated 22 nd March, 2024 is enclosed herewith
7.	Charaideo	Committee Constituted	Letter No. DLSA/CHD/2024 dated 26th February, 2024 is enclosed herewith
8.	Darrang	Committee Constituted	Letter No. DLSA (D)/567 dated 28th March, 2024 is enclosed herewith
9.	Dhemaji	Committee Constituted	Letter No. DLSA (DH)/204 dated 29th February, 2024 is enclosed herewith
10.	Dhubri	Committee Constituted	Letter No. DLSA/MISC/2024/340 dated 28/02/2024 is enclosed herewith
11.	Dibrugarh	Committee Constituted	Letter No. DLSA/DIB/1062/24 dated 18/04/2024 is enclosed herewith
12.	Dima Hasao	Committee Constituted	Letter No. DLSA/DH/2024/125 dated 23/02/2024 is enclosed herewith
13.	Goalpara	Committee Constituted	Letter No. DLSA (G)/436 dated 19th March, 2024 is enclosed herewith
14.	Golaghat	Committee Constituted	Letter No. DLSA/GLT/2024/315 dated 23 rd February, 2024 is enclosed herewith
15.	Hailakandi	Committee Constituted	Letter No. DLSA (H) 58/2016/1 dated 29 February, 2024 is enclosed herewith
16.	Hojai	Committee Constituted	Letter No. DLSA-HSN/61 dated 27/02/2024 is enclosed herewith
17.	Jorhat	Committee Constituted	Letter No. DLSA (J)/460/2024 dated 26/02/2024 is enclosed herewith
18.	Kamrup	Committee Constituted	Letter No. DLSA/KAM (M)/528/2024 dated 26 th February, 2024 is enclosed herewith

Sl. No.	Name of DLSA	Information	Remarks
19.	Kamrup(M)	Committee Constituted	Letter No. DLSA/KA/Rep/2024/310 dated 23 rd February, 2024 is enclosed herewith
20.	Karimganj	Committee Constituted	Order No. 03 dated 22/02/2024 is enclosed herewith
21.	Karbi Anglong	Committee Constituted	Letter No. DLSA/KA/2024/158 dated 26 February is enclosed herewith
22.	Kokrajhar	Committee Constituted	Letter No. DLSAK-82/2024/120 dated 26 th February, 2024 is enclosed herewith
23.	Lakhimpur	Committee Constituted	Order -13 dated 22/02/2024 is enclosed herewith
24.	Morigaon	Committee Constituted	Letter No. DLSA (M)/2024/243 dated 22/02/2024 is enclosed herewith
25.	Majuli	Committee Constituted	Letter No. DLSA (M)/2024/128 dated 22 February, 2024 is enclosed herewith
26.	Nagaon	Committee Constituted	Letter No. DLSA-N/2024/1050 dated 19 April, 2024 is enclosed herewith
27.	Nalbari	Committee Constituted	Letter No. DLSA (N)/354-359 dated 27 th February, 2024 is enclosed herewith
28.	Sivsagar	Committee Constituted	Letter No. DLSA/SVR/2024/178 dated 26 th February is enclosed herewith
29.	Sonitpur	Committee Constituted	Letter No. DLSA(S) 327 dated 09/02/2024 is enclosed herewith
30.	South Salmara	Committee Constituted	Order dated 02/03/2024 is enclosed herewith
31.	Tinsukia	Committee Constituted	Letter No. DLSA/TSK//24/767 dated 23/02/2024 is enclosed herewith
32.	Udalguri	Committee Constituted	Letter No. DLSA (U) No. 194 dated 23 February, 2024 is enclosed herewith
33.	West Karbi Anglong	Committee Constituted	Letter No. DLSA/2024/151 dated 19 th March, 2024 is enclosed herewith

Member Secretary
Assam State Secretary Legal Services Authority

**GUIDELINES AND STANDARD OPERATING PROCEDURE
FOR IMPLEMENTATION OF THE SCHEME FOR SUPPORT
TO POOR PRISONERS.**

**ASSAM STATE LEGAL SERVICES AUTHORITY
GUWALLATI"81001 ASSAM
PHONE: 0361 251636, FAX: 0361-2601843**

No. ASLSA-114/2010/Pt-1/188

Dated: Guwahati the 30/08/2023.

To
The Chairperson cum District & Sessions Judge,
District Legal Services Authority

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

Sub: Forwarding Guidelines and Standard Operating Procedure for implementation of the Scheme for support to poor prisoners.

Ref:- Notification received from Secretary to the Govt. of Assam, Home & Political Department, Dispur, Guwahati- 6.

Respected Sir/Madam

With reference to the subject cited above, I am under instruction to forward herewith the Guidelines and Standard Operating Procedure for implementation of the Scheme for support to poor prisoners including Notification No. e-File No. 307142/58/A dated 29/08/2023 and Notification No. e-File No. 307142/57/A dated 29/08/2023 received from the Secretary to the Govt. of Assam Home & Political Department, Dispur, Guwahati, which is self-explanatory.

This is for favour of your kind information.

Enclo: As stated.

Yours faithfully
(Ranjan Brahma)
Deputy Secretary
Assam State Legal Services Authority.

**GUIDELINES AND STANDARD OPERATING PROCEDURE
(SOP) FOR IMPLEMENTATION OF THE SCHEME PROVID-
ING FINANCIAL SUPPORT TO POOR PERSONS IN PRIS-
ONS WHO ARE UNABLE TO AFFORD THE PENALTY OR
THE BAIL AMOUNT HAVE BEEN RECEIVED.- REG.**

**GOVERNMENT OF ASSAM HOME & POLITICAL DEPARTMENT
DISPUR: GUWAHATI-06**

e-File No.307142/60

From : Shri Bipul Kumar Das, ACS
Joint Secretary to the Govt. of
Assam Home & Political Department

To : The Member Secretary,
Assam State Legal Services Authority,
Gauhati High Court, Guwahati-01

Sub : Guidelines and Standard Operating Procedure (SOP) for implementation of the scheme providing financial support to poor persons in prisons who are unable to afford the penalty or the bail amount have been received.- reg.

Madam,

In enclosing herewith a copy of Guidelines and Standard Operating Procedure (SOP) for implementation of the scheme providing financial support to poor persons in prisons issued by the Home Secretary, Govt. of India vide letter D.O. No.17013/26/2023-PR dated 19/06/2023 received from the Secretary, Coordination to Chief Secretary, Assam which is self explanatory, I am directed to request you kindly to circulate the same to the District Level Services Authority.

Encl: As stated above.

Yours faithfully

Signed by Bipul Kumar Das
Joint Secretary
Assam Home & Political Department

Ajay Bhalla, IAS

D.O. No. 17013/26/2023-PR

19 June, 2023

AS DIRECTED PLEASE TAKE NECESSARY ACTION Secretary, nation to C.S.

Dear Chief Secretary,

As you are aware, a sustained and conscious effort is being made by the Government of India to ensure that the benefits of the Budget are felt across all sections of society. While tabling the Union Budget 2023-24 in Parliament on 14 February 2023, the Union Minister for Finance and Corporate Affairs announced that as part of the Government's priority in Reaching the Last Mile: No one to be left behind', required financial support will be provided to poor persons who are in prisons and are unable to afford the penalty or the bail amount.

2. The Ministry of Home Affairs has therefore finalised a scheme to provide relief to poor prisoners, who are unable to pay the fine imposed on them or are unable to secure bail due to financial constraints. Many of these prisoners may be socially disadvantaged or less educated or belong to low income groups. It is expected that providing financial support to such poor prisoners in paying their fine amount or helping them in securing bail will help them to come out of jail and join the main stream as a responsible citizen of the country.

3. Hon'ble Home Minister has also written to the Chief Minister/Lieutenant Governor of your State/UT on 23rd May, 2023 in this regard, a copy of which is enclosed for your reference.

4. I am now attaching a copy of the 'Guidelines and Standard Operating Procedure' which may be followed in implementation of this scheme. You are requested to go through the same and issue necessary directions to the concerned officers for successful implementation of this scheme.

5. I am hopeful that this Scheme will go a long way in not only mitigating the problems faced by poor and indigent prisoners but will also help in solving the problem of overcrowding in your prisons.

With regards,

Encl. as above

Yours sincerely,

(Ajay Bhalla)

The Chief Secretaries of all States and UTs

AMIT SHAH
HOME MINISTER AND COOPERATION MINISTER
GOVERNMENT OF INDIA

D.O.No. 17013/26/2023-PR

Dated: 2.3 May, 2023

Shri Himanta Biswa Sarma Ji,

Under the leadership and guidance of Hon'ble Prime Minister Shri Narendra Modi, the Ministry of Home Affairs has been taking several steps from time to time to solve the problems faced by the prisoners lodged in the jails of the country. As part of this series, one of the priorities of the Union Budget this time is to provide benefit to the person sitting at the last end of the society. Under this, among other things in the Budget, an important announcement was made by the Central Government, through which financial assistance will be provided to those poor prisoners who are not being released from jails as they are unable to pay the fine imposed on them or in securing bail due to financial constraints.

Therefore, it has been decided by the Ministry of Home Affairs that the Government of India will provide financial assistance to provide relief to such poor prisoners, most of whom are socially disadvantaged or less educated and from low income groups. This step will help them to come out of the jail and join the main stream once again as an able citizen of the society.

You are aware that prisons are an important part of the criminal justice system and play a vital role in maintaining a peaceful and secure environment in the society. Ministry of Home Affairs, through various advisories issued from time to time, shares important guidelines with the State Governments towards better administration and management of prisons. Further, the Ministry of Home Affairs is providing financial assistance to the State Governments to improve and modernize the security infrastructure in prisons, Free legal aid is also being provided to poor prisoners through Legal Services Authority at various levels.

Recently, in this regard, the outdated 'Prison Act, 1894' and 'Prisoners Act, 1900' of the pre-independence era were reviewed in depth by the Ministry of Home Affairs, and for this purpose a comprehensive 'Model Prisons Act, 2023' has been finalized to make prison management and administration in line with the modern and present times, which has been shared by the Union Home Secretary with the Chief Secretaries/Advisors of all States/Union Territories on 10th May 2023 for implementation.

The broad contours of the 'Scheme to provide financial assistance to poor prisoners to pay fine and secure bail have been finalized in consultation with concerned subject experts, various legal advisors, lawyers and the state officials etc. Under this scheme, the Government of India will provide financial assistance through the State/UT Governments to provide relief to those poor prisoners who are not released from jail due to financial constraints, because of which they are unable to pay the fine or are not able to bear the bail amount Detailed Standard Operating Procedure in this regard is being shared with the State/UT Governments at the administrative level.

Various technology-based solutions are also being implemented to further streamline and strengthen the solution to the problems of prisoners and to ensure that benefits reach the prisoners, such as strengthening the e-prison platform; strengthening of District Legal Services Authority and capacity- building of stakeholders to ensure availability of quality legal aid to needy poor prisoners etc.

You are requested to take full advantage of this Central Government scheme of 'providing financial assistance to poor prisoners' in your State/UT. The funds in this regard shall be borne entirely by the Central Government and will be released to the appropriate institution directly from the funds of the Central Government through the concerned authority of the State/UT Government.

I hope that this step will ensure delivery of benefit to poor prisoners and this scheme will also help in solving the problem of over-crowding in the jails of your State/UT.

With regards,

Yours sincerely,
(Amit Shah)

Shri Himanta Biswa Sarma,
Chief Minister of Assam,
Chief Minister's Block, Janata Bhawan, Assam
Secretariat, Dispur, Assam-781006

Guidelines and Standard Operating Procedure for implementation of the Scheme for support to poor prisoners

- i) Funds to the States/UTs will be provided through the Central Nodal Agency (CNA). The National Crime Records Bureau has been designated as the CNA for this scheme.
- ii) States/UTs will draw the requisite amount from the CNA on case-to-case basis and reimburse the same to the concerned competent authority (Court) for providing relief to the prisoner.
- iii) An 'Empowered Committee' may be constituted in each District of the State/UT, comprising of i) District Collector(DC)/District Magistrate (DM), ii) Secretary, District Legal Services Authority, iii) Superintendent of Police, iv) Superintendent/ Dy. Supdt. of the concerned Prison and v) Judge incharge of the concerned Prison, as nominee of the District Judge.

Note: This 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 DC/DM will draw money from the CNA account and take necessary action.

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

- iv) An Oversight Committee may be constituted at the State Government level, comprising of i) Principal Secretary (Home/Jail), ii) Secretary (Law Deptt), iii) Secretary, State Legal Services Authority, iv) DG/IG (Prisons) and v) Registrar General of the High Court.

Note: The composition of the State level 'Empowered Committee' and 'Oversight Committee' are suggestive in nature. Prisons/persons detained therein being 'State-List' subject, it is proposed that the Committees may be constituted and notified by the concerned State Governments/UT Administrations.

Standard Operating Procedure

UNDERTRIAL PRISONERS

1. If the undertrial prisoner is not released from the jail within a period of 7 days of order of grant of bail, then the jail authority would inform Secretary, District Legal Services Authority (DLSA).
2. Secretary, DLSA would inquire and examine whether the undertrial prisoner is not in a position to furnish financial surety for securing bail in terms of the bail conditions. For this, DLSA may take the assistance of Civil Society representatives, social workers/ NGOs, District Probation officers or revenue officer. This exercise would be completed in a time bound manner within a period of 10 days.
3. Secretary, DLSA will place all such cases before the District Level Empowered Committee every 2-3 weeks.

4. After examination of such cases, if the Empowered Committee recommends that the identified poor prisoner be extended the benefit of financial benefit under 'Support to poor prisoners Scheme', then the requisite amount upto Rs. 40,000/- per case for one prisoner, can be drawn and made available to the Hon'ble Court by way of Fixed Deposit or any other method, which the District Committee feels appropriate.
5. This benefit will not be available to persons who are accused of offences under Prevention of Corruption Act, Prevention of Money Laundering Act, NDPS or Unlawful Activities Prevention Act or any other Act or provisions, as may be specified later.
6. If the prisoner is acquitted/convicted, then appropriate orders may be passed by the trial court so that the money comes back to the Government's account as this is only for the purposes of securing bail unless the accused is entitled to the benefit of bail U/s. 389 (3) Cr.P.C. in which event the amount can be utilised for bail by Trial Court to enable the accused to approach the Appellate Court and also if the Appellate Court grants bail U/s. 389 (1) of Cr.P.C.
7. If the bail amount is higher than Rs.40,000/-, Secretary, DLSA may exercise discretion to pay such amount and make a recommendation to the Empowered Committee. Secretary, DLSA may also engage with legal aid advocate with a plea to have the surety amount reduced. For any amount over and above Rs. 40,000/-, the proposal may be approved by the State level Oversight Committee.

CONVICTED PRISONERS:

1. If a convicted person is unable to get released from the jail on account of non- payment of fine amount, the Superintendent of the Jail would immediately inform Secretary, DLSA (Time bound manner: 7 days).
2. Secretary, DLSA would enquire into the financial condition of the prisoner with the help of District Social Worker, NGOs, District Probation Officer, Revenue Officer who would be mandated to cooperate with the Secretary, DLSA. (Time bound manner: 7 days)
3. The Empowered Committee will sanction the release of the fine amount upto Rs. 25,000/- to be deposited in the Court for securing the release of the prisoner. For any amount over and above Rs. 25,000/-, the proposal may be approved by the State level Oversight Committee.

CONSTITUTION OF EMPOWERED COMMITTEE FOR IMPLEMENTATION OF THE SCHEME TO PROVIDE FINANCIAL SUPPORT TO POOR PRISONERS

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 Superintendent of the concerned Prison | : | 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, Bamunimaidan, 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 18:47:02
Secretary to the Govt. of
Assam Home & Political Department

CONSTITUTION OF OVERSIGHT COMMITTEE FOR IMPLEMENTATION OF THE SCHEME TO PROVIDE FINANCIAL SUPPORT TO POOR PRISONERS

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

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
6. The Superintendents of Police (All)
5. 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 the Members of the Oversight Committee

By order etc.,

Signed by Partha Pratim Majumdar

Date: 29-08-2023 18:46:21

Secretary to the Govt. of Assam
Home & Political Department



NATIONAL LEGAL SERVICES AUTHORITY (LEGAL SERVICES FOR DIFFERENTLY ABLED CHILDREN) SCHEME, 2021

**12/11, Jamnagar House, Shahjahan Road, New Delhi-110011
Website: www.nalsa.gov.in**

INTRODUCTION

About 4-8% of the population in India is differently abled. One in every 10 children is born with or with the passage of time acquires a physical, mental or sensory disability. These translate into 40-90 million children across the world, which is a substantial number. Only 35.29% of the persons with disabilities have access to schools during their lifetime.

Despite improvement in the health care system of the country, the situation of differently abled children remains deplorable, particularly in rural areas and among the lower socio-economic population. Differently abled children in India are subjected to multiple deprivations and limited opportunities in several dimensions of their lives. Some of these include, not being enrolled to schools, lower employment rates, limited awareness of entitlements and services available and lack of social welfare support.

The pseudo-stigma attached to the disabilities makes family members hide the fact of having a disabled or challenged member at home, ultimately leading to social isolation and restrictive behaviors. There is a fear that they would be victims of disgrace and indignity and thereby family members would lose the status or acceptance they enjoy in the community. This denial becomes a hurdle for early identification and treatment.

Such persons would be hidden somewhere and the family members expect, unrealistically, to overcome the situation without realizing the long term consequences of such self-imposed denial.

As per the Census 2011, in India out of the 121 Crore population, 2.68 Crore persons are 'disabled' which is 2.21% of the total population. Out of the 2.68 crore disable persons, 78.64 lakh are children below the age of 18 years.

Total disabled children population as per Census 2011	No. of Disabled children (Disability Wise)(approx.)							
	Seeing	Hearing	Speech	Movement	Mental Retardation	Mental illness	Any other	Multiple disability
78,64,636	14,10,554	15,94,983	6,83,771	10,45,708	5,95,231	1,35,791	17,20,86	6,78,512

TARGET GROUPS:

The target group under the Scheme will be the mentally and physically disabled children including children who are from poor and needy families that cannot afford the education of their child. The recipients of legal literacy would, however include teachers, doctors and Officers responsible for the welfare of children and other stake holders.

LAWS/LEGISLATIONS

Constitutional Rights: Mentally and physically challenged people can avail all the fundamental rights guaranteed to an ordinary citizen by the Constitution of India. No statute bars them from enjoying these rights. However for mentally challenged the most important constitutional rights are:

Right against discrimination: By Article 15(2) of Constitution of India any citizen, including mentally challenged people, can't be denied access to public goods. Also, they need to be provided equal opportunities to prosper in life.

Right to Health: Article 21 gives the right to life and personal liberty. Right to health flows directly from right to life and the same has been laid down by the Supreme Court in many cases.

• **The Rehabilitation Council of India Act 1992 :**

With a view to address the growing concern about the disadvantages suffered by the handicapped persons in every walk of life including education, the Parliament enacted this Act to provide for the constitution of the Rehabilitation Council of India, for regulating and monitoring the training of rehabilitation professionals and personnel; promoting research in rehabilitation and special education; the maintenance of a Central Rehabilitation Register; and for matters connected therewith or incidental thereto. Special teachers for educating and training the handicapped form part of the definition of "rehabilitation professionals" in Section 2(1)(n). This enactment also governs the special teachers engaged by any school/institution for imparting education and training to CwSN. They must fulfil this requirement over and above the qualifications prescribed under the special law concerning registration and recognition of schools and maintaining minimum standards for imparting quality education.

• **The Persons with Disabilities (Equal opportunities, protection of rights and full participation) Act 1995:**

This Act recognizes the need to provide equal opportunities and enhance participation of mentally challenged in the society. Few landmark steps taken in this regard were:

- o Establishment of special schools for the education of disabled children.

- o Disabled children are given the right to free education till the age of 18 under this Act.
- o 3% employment reservation for disabled (Including mentally disabled) in government jobs was approved.

• **The Rights of Persons with Disabilities Act, 2016:**

It repealed and replaced the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995. It has been enacted to give effect to the United Nations Convention on the Rights of Persons with Disabilities and for connected matters. More rights have been conferred on the disabled persons and more categories have been added. Access to justice, free education, role of local authorities, National fund, and the State fund for persons with disabilities have been created. 2016

Act is noticeably a sea change in the perception and requires a march forward look regarding the persons with disabilities and the role of the States, local authorities, educational institutions, and the companies.

Individual dignity signifies identifying the individual's worth as an equivalent member of society, respect for dignity of others and fostering conditions in which everyone can evolve according to their capacities. Principle of reasonable accommodation concedes that if disability as a social construct must be remedied, conditions must affirmatively be created for facilitating development of disabled i.e. it is founded in norm of inclusion. Exclusion negates individual dignity and worth. Accommodation implies positive obligation to create conditions conducive to growth and fulfilment of disabled in every aspect of their existence. Accommodation which law mandates is "reasonable" since it must meet requirement of each condition of disability. Expectations of disabled person are unique to nature of his disability and character of impediments encountered as its consequence. Reasonable accommodation

Justice Sunanda Bhandare Foundation v. Union of India, (2017) determinations must be based on case-to-case basis in consultation with disabled person concerned.

• **The Mental HealthCare Act 2017**

Under this Act, a mentally disabled person has the right to treatment and care in a psychiatric hospital. Provision for separate accommodation for mentally challenged people under the age of 18 is provided in the Act. The cost of the treatment in Mental Health Establishment needs to be undertaken by respective state governments unless the relatives of the patient bear it. The Act also provides certain legal safeguards to the mentally challenged. A mentally challenged person has the right to avail legal aid as per section 12 of the Legal Services Authorities Act, 1987.

JUDICIAL APPROACH

The Indian judiciary has adopted a sympathetic approach towards mentally disabled people. Time and again the judiciary has taken cognizance of infringement of rights of these people and provided them relief.

Chandan Kumar Vs. State of West Bengal, Writ Petition (Crl.) No. 365 of 1988 decided on 25.04.1990 :- In the mental hospital of Mankaundi in Hoogly District West Bengal, the patients were kept chained with iron ropes and were physically tortured and denied food and water. This was all done in the name of treatment. The Supreme Court ordered the cessation of this inhuman practice, held the State liable and recommended reforms in mental health hospitals across the country. Now no patient in these hospitals can be held chained.

Legal Aid Committee Vs. State of MP, 1994 SCC (5)27 on 10.05.1994:- The Supreme Court highlighted the need to have stricter enforcement of laws made for the betterment of mentally ill.

PROBLEMS, GAPS AND CONSTRAINTS

- **Lack of Mental Health Establishment**

India, though a signatory to various conventions and treaties, still falls short of adequate number of mental health establishments. Ideally, there should be at least one mental health establishment in every district.

- **Poor infrastructure**

Most of the mental health establishments require upgradation. Lack of facilities in addition to staff and doctors exacerbates the situation of mentally challenged.

- **Lack of awareness**

The majority of the country is today unaware of the rights of mentally challenged.

- **Current laws**

The current set up in the country induces incompetence and seclusion in the mentally challenged children rather than seeking to uplift them and assimilate them in the society.

WHY THIS SCHEME IS NEEDED

To ensure effective access to justice to persons with disabilities on an equal basis with others, NALSA has launched the NALSA (Legal Services to the Mentally Ill and Mentally Disabled Persons) Scheme, 2015. However, the said NALSA Scheme talks only about the mentally ill and mentally disabled persons which is apparently silent on the rights and benefits of a person who is physically disabled or handicapped. Children with physical disability equally require an extra-care and attention as of mentally ill persons.

They need different and special kind of education, skill training, health-care and other basic facilities for their welfare and rehabilitation. Community support is equally important for their re-integration in society.

TYPES OF DISABILITIES

1. Physical Disability
 - o Locomotor Disability
 - Leprosy Cured Person
 - Cerebral Palsy
 - Dwarfism
 - Muscular Dystrophy
 - Acid Attack Victims
 - o Visual Impairment
 - Blindness
 - Low Vision
 - o Hearing Impairment
 - Deaf
 - Hard of Hearing
 - o Speech and Language Disability
2. Intellectual Disability
 - o Specific Learning Disabilities
 - o Autism Spectrum Disorder

3. Mental Behaviour (Mental Illness)
4. Disability caused due to
 - o Chronic Neurological Conditions such as
 - Multiple Sclerosis
 - Parkinson's Disease
 - o Blood Disorder
 - Haemophilia
 - Thalassemia
 - Sickle Cell Disease

5. Multiple Disabilities

6. Other disabilities described in the Legislations

Children with disabilities in India face many challenges. They need special education and resources for their survival e.g. blind children need to be given training in Braille language and a deaf & dumb children needs to learn sign language to communicate with others. Improving vocational training for children with disabilities is a critical element for enhancing the quality of life for such children and their families.

OBJECTIVES:

- o To increase educational and future employment accessibility of the children with disabilities by using assistive aids/technologies and comprehensive vocational training.
- o To promote primary and higher education of the Visually Impaired, Disabled and Underprivileged children.
- o To promote special training on communication and language skills through use of Braille script to the blind children.
- o To improve the mobility skills of the children with visual disability and facility in the use of necessary aid and appliances.
- o To give special inputs on managing the daily living skills.
- o To provide for special orientation education with reference to the physical, psychological and social environment.
- o To cope with the normal literacy levels to prepare and provide opportunities for educational integration that would eventually lead to social integration.
- o To involve the parents and encourage them in a participative role in the educational process of their child.
- o To reduce malnutrition related disability through nutritional supplements.
- o To promote and spread art, cultural and recreational avenues for children with disabilities.

SPECIAL MEASURES TO BE TAKEN:

1. State Legal Services Authorities/District Legal Services Authorities shall ensure legal representation to the disabled children.
2. State Legal Services Authorities/District Legal Services Authorities to ensure maximum enrollment of disabled children in inclusive schools and vocational institutions in the respective Districts. School should not deny admission to any specially disabled child.
3. State Legal Services Authorities/District Legal Services Authorities to ensure that requisite boards reflecting the availability of free legal services to the eligible categories including disabled persons are being displayed outside all Private and Government Schools. The

- possibility for displaying such boards outside hospitals, office of Deputy Commissioners, Panchayat Ghar etc. be also explored.
4. State Legal Services Authorities/ District Legal Services Authorities shall explore each and every possibility to join hands with the other stakeholders including NGOs and public agencies working for the protection, rehabilitation and reformation of disabled children.
 5. All educational institutions and training centres to ensure safety and security of female trainees. Appropriate facilities must be available for female trainees with disabilities to ensure their safety and privacy. SLSAs/DLSAs to take necessary steps accordingly.
 6. Governments and non-governmental organizations are developing special programmes for children with disabilities. SLSAs/DLSAs to create awareness about such special programmes and efforts be made to connect disabled children with these schemes/ programmes to get benefits under them.
 7. Children with disabilities generally have less opportunity to go to school. Training programmes must be developed to use hands-on training techniques to teach new skills to children with disabilities.
 8. Children with special needs have different characteristics. Due to such characteristics and constraints, they require a special form of educational service tailored to their abilities and potential. SLSAs/DLSAs to ensure admission of specially targeted children in special or normal schools in accordance with their specificity.
 9. There is an urgent need of using media for children with special needs to facilitate learning process and vocational skills of children with special needs. With interactive multimedia, acceptance of the informative material will be more easily captured than the delivery by using books and props.
 10. Ensure Issuance of Disability Certificates in Schools: State Legal Services Authorities/ District Legal Services Authorities in co-ordination with District Education Officers, Chief Medical Officers and other relevant departments shall ensure (through Principals) that disability certificates are issued to all the disabled students. Confirmation regarding the issuance of the same be sent to respective District Legal Services Authorities/ State Legal Services Authorities.
 11. Ensuring accessible toilets and drinking water facilities in Schools for disabled Children: At times, the Children with disabilities do not attend school for want of an accessible toilet and drinking water facilities. The district education officer shall ensure that such basic facilities are made easily accessible. in their schools. The same shall be ensured by District Legal Services Authorities/ State Legal Services Authorities.
 12. Competitions for Disabled Children in Schools: To promote a sense of belonging and togetherness among disabled children, competitions and easy games viz. essay competitions, street play competitions, poster making, debate etc. be organized in schools for disabled children. Separate teams may be formed for such competitions. Ideally, the teams so formed may include normal children and those with disability.
 13. Special awareness camps for issuing disability certificates in villages: Special awareness camps be organized for issuing disability certificates in villages/rural and urban areas in co-ordination with Chief Medical Officers and other relevant departments.

14. Disabled children are more prone to be victims of violence: Children with disabilities are more likely to be victims of violence. Estimates indicate that children with disabilities are at significantly higher risk of experiencing violence than peers without disabilities: 3.7 times more likely for combined measures of violence, 3.6 times for physical violence and 2.9 times for sexual violence. State Legal Services Authorities/District Legal Services Authorities to organize legal awareness camps for the victims of violence particularly with disabilities.
15. Children with disabilities and their families face particular challenges in emergencies: Children with disabilities or their representatives should be associated in the planning and implementation of disaster risk reduction and recovery processes. Special awareness campaigns for disabled children in coordination with Disaster Management teams be organized where disabled children are sensitized on rescue measures to be adopted in times of emergencies.
16. Legal Awareness Camps be linked with NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015