



Commonwealth Human Rights Initiative



November 14, 2018

JAIL MAIL: LEGAL SERVICES DAY: LOOKING BACK AT AN EVENTFUL YEAR

Dear friends,

Greetings from CHRI!

The 24th Legal Services Day was celebrated on November 9, 2018. As is customary, we bring to you updates on the latest developments in legal aid in India. In the past year, NALSA has introduced a slew of changes in the administration of legal aid which we believe can go a long way in not only improving access but also quality of legal aid services in the country. The highlight of this year has been increased emphasis by NALSA to monitor services delivered by legal services institutions.

This year, NALSA also held several regional meetings for the north, south, east and north-eastern states. The focus of these meetings were issues related to legal aid, under the following themes: Evaluation and review of the work Performance of SLSAs on legal aid; National *Lok Adalats* and the implementation of NALSA schemes; and the identification of areas for expansion of SLSA activities under the NALSA Schemes.

Highlights of the Year:

In **November, 2017**, NALSA started its '**Connecting to Serve**' project. Carried out between November 9 and 18, the project aimed to make weaker and marginalised sections of society aware of legal service institutions and the availability of free legal services. An estimated 48,43,807 people were reached through this project and 4,41,617 were identified for providing legal aid.

NALSA also released a module on training of para-legal volunteers. This module has been designed to improve the quality of training for paralegals since they are the primary legal service providers across the country.

In **December, 2017**, the *First Literacy Club* was opened at the Dibrugarh Government Girls' Higher Secondary and Multi-Purpose School in Assam by Justice Ranjan Gogoi, Executive Chairperson, NALSA. After the inaugural function, Justice Gogoi said that it was imperative for legal authorities to expand their reach to the grassroots to make all sections of society aware of their rights.

He also initiated the **digitisation phase** for 700 jail legal aid clinics across the country -- the first being the clinic in Dibrugarh Central Jail on December 16, 2017. Between January and March, 2018, 410 Jail Legal Aid Clinics have been digitized.

In **January, 2018**, NALSA decided to set up **legal literacy clubs** in five government schools in each district of India, where students will be provided legal literature in vernacular languages. This decision was taken to spread awareness and ensure that legal services are not just limited to cities and would be extended to remote areas too.

In **March, 2018**, the 16th All-India Meet of the State Legal Services Authorities was held at Guwahati, Assam. Inaugurating the event, Justice Gogoi once again stressed on the need to reach out to the marginalised sections of society by leveraging advancements in technology and adopting new initiatives rolled out by NALSA and, therefore, ensuring their empowerment through adequate awareness and access.

In April, 2018, a committee was set up by the Supreme Court -- in response to *Shankar Mahto Vs. State of Bihar (CRLMP No.786212017)* -- to prepare a standard operating procedure for the timely filing of appeals by convicted prisoners via legal aid.

In **May, 2018**, NALSA launched a nationwide campaign for **enhancing legal services to women inmates and their accompanying children in prisons**. The campaign is designed to protect, secure and promote rights of women prisoners and their children. It also sought to make women prisoners aware of their rights and the functioning of the legal services authorities and, therefore, decrease their vulnerability.

In **July, 2018**, NALSA organised a round-table consultation on **legal aid for persons in custody** that was attended by representatives from all State Legal Services Authorities (SLSAs). At the conference, recommendations to improve legal aid delivery for persons in custody were deliberated upon in detail, and certain resolutions were passed in order to improve access to legal aid for persons in custody across the country.

In **September, 2018**, NALSA, in consultation with the Centre, prepared and finalized the **Compensation scheme for women victims/survivors of sexual assaults/other crimes, 2018**. This provides for compensation of a minimum of Rs 5 lakh and Rs 7 lakh to women after a sexual assault or severe trauma such as an acid attack; and Rs 5 lakh to the victims/their family in case of crimes such as gang-rapes or death.

What We Did This Year:

- Continued to engage with legal services institutions across the country on improving access to legal aid for persons in custody.
- Prepared guidance documents for the establishment of legal aid clinics in police stations. These documents provide different models of legal aid clinics for police stations ([click here](#)), and puts forth CHRI's recommended model for the establishment of these clinics. ([click here](#))
- Organised a one-day workshop in December, 2017, in Kolkata on '**Welfare Behind Bars: Recent Developments**'. The workshop brought together 27 Welfare Officers, Controllers, Assistant Controllers and Superintendents appointed to the various Central and District Correctional Homes in West Bengal. Recent developments on legal aid for persons in custody were developed and discussed during the meeting. ([Download report here](#))
- Published the first National Report of legal aid for persons in custody – **Hope Behind Bars**. The report, published in two volumes, identifies policy and implementation gaps plaguing the legal aid system and suggests ways to improve legal aid delivery, particularly for those who are in custody. ([click here to download Vol I & Vol II](#))
- Organised a one-day consultation on **Improving Quality of Legal Aid Services for Persons in Custody**, alongside the launch of **Hope Behind Bars** in September, 2018. The consultation explored through a consultative process, areas of collaboration and convergence between civil society and legal service institutions for improving both the access and quality of legal aid services for persons in custody. Report ([About the report, Vol I & Vol II](#)) and press release/coverage ([click here](#)).
- Attended an expert group meeting organized by the United Nations Office of Drugs and Crime (UNODC), Vienna, in September, 2018 on **The Quality of Legal Aid Services in Criminal Justice Systems**.
- Prepared a flyer on legal aid for persons in custody to enable wider dissemination of awareness on the regulatory framework for legal aid for the general public. ([click here](#))
- Prepared a guidebook on defending asylum seekers for the dissemination of awareness among prison functionaries, welfare officers and legal aid lawyers. ([click here](#))
- Prepared an infographic on the 10 most important things you need to know about legal aid in India. ([click here](#))

What you can do?

1. Raise awareness about various NALSA initiatives and schemes so it can reach intended beneficiaries. Assist us in translating legal aid posters and pamphlets in vernacular languages to help us increase the scope of their outreach.
2. Through Right to Information (RTI) applications and other modes, review the work of these initiatives and ensure their compliance.
3. Write to the state/district legal services authorities to offer any support that you can to facilitate the implementation of these schemes.

Please feel free to write to us at chriprisonsprog@gmail.com with your comments and suggestions. Send us an email if you wish to subscribe to our **Jail Mail**, in case not already subscribed.

Best Regards,

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About *Jail Mail*

Jail Mail is a regular series of Prison Reform Updates from CHRI for readers interested in the rights of prisoners and the reform of prisons as a matter of public concern. The engagement of civil society in the management and monitoring of prisons and the rights of prisoners is vital to the transparency of this traditionally closed institution and to ensure the practical realisation of the rights of those behind bars. *Jail Mail* invites discussion between civil society members and those entrusted to oversee and manage prisons.

Evidence-based research and watch reports of CHRI's Prison Reforms Programme, interviews with critical stakeholders, topical issues and developments concerning the liberty of prisoners, and health of prisons in India and around the world will form the sources of *Jail Mail*. Its periodicity will depend on the urgency of issues and the interest they generate.

About CHRI and the Prison Reforms Programme

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-profit, non-partisan, international non-governmental organisation, mandated to ensure the practical realisation of human rights in the countries of the Commonwealth. In 1987, several Commonwealth professional associations founded CHRI, with the conviction that there was little focus on the issues of human rights within the Commonwealth although the organisation provided member countries a shared set of values and legal principles from which to work.

The Prison Reforms Programme of CHRI is more than 15 years old. The programme focuses on improving prison monitoring through the strengthening of undertrial review mechanisms and prison visiting system nationally, and ensuring early safeguards against unnecessary pre-trial detentions, specifically in Rajasthan and West Bengal. The programme also advocates for timely repatriation of foreign national prisoners and immediate release of asylum seekers. Evidence-based research, advocacy, capacity-building of actors of the criminal justice system including prison officials, welfare and probation officers, criminal defense lawyers, magistrates, legal aid functionaries and civil society actors are the regular activities of the programme