LEGAL AID FOR PRISONERS
STATUS REPORT ON THE IMPLEMENTATION OF THREE SCHEMES IN RAJASTHAN
The Commonwealth Human Rights Initiative (CHRI) is an independent, 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. They believed that while the Commonwealth provided member countries a shared set of values and legal principles from which to work, and provided a forum within which to promote human rights, there was little focus on the issues of human rights within the Commonwealth.

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Through its reports and periodic investigations, CHRI continually draws attention to progress and setbacks to human rights in Commonwealth countries. In advocating for approaches and measures to prevent human rights abuses, CHRI addresses the Commonwealth Secretariat, member governments and civil society associations. Through its public education programmes, policy dialogues, comparative research, advocacy and networking, CHRI’s approach throughout is to act as a catalyst around its priority issues.

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ISBN:  978-93-81241-30-1

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THREE SCHEMES IN RAJASTHAN

“There can be no equal justice where the kind of a trial a man gets depends on the amount of money he has.”

United States Supreme Court Justice Hugo Black, 1964

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EDITING:

MAJA DARUWALA & SANA DAS
ACKNOWLEDGEMENTS

The Commonwealth Human Rights Initiative (CHRI) wishes to thank all the individuals who enriched this study with their knowledge and experience.

We would like to extend our deep appreciation to Hon’ble Mr Justice Ajay Rastogi, Executive Chairman Rajasthan State Legal Services for entrusting us with the responsibility to develop a status report on the implementation of legal aid schemes in Rajasthan. Our sincere thanks go to CHRI Director, Maja Daruwala for her invaluable editorial support.

CHRI is grateful to Mr Raja Bagga for his commitment and rigour in the preparation of the report. Our thanks also go to the other team members of the Prisons Reforms Programme, especially Ms Sana Das for her vital suggestions and continued support throughout the study; Ms Sugandha Shankar for designing the template of the report cards and for her suggestions throughout the making of this report and Ms Mrinal Sharma for her valuable inputs. We also wish to thank Ms Kakoli Jadala and Ms. Aphune Kezo for procuring and collating the information; Mr. Mohan Sundaram for facilitating coordination; Prakhar Pandey, Utkarsh Tiwari, Ashmita Chandela, Faisal Mohammed, Sanghmitra Singh and other interns who assisted us in data compilation and computation.

Finally, this study and report would not have been possible without the generous financial support of the Open Society Institute.

Report designed by: Mr. Gurnam Singh
Panel Lawyer: Panel lawyers are appointed by the legal services institution for three years to represent those who are in need of free and competent legal services and are entitled to legal aid.

Retainer Lawyer: Retainer lawyers are drawn from among the panel lawyers for a fixed period by the Executive Chairman of the legal services authority. They shall devote their time exclusively for legal aid work.

Monitoring Committee: Monitoring committees are set up by every legal services institution to monitor the progress of the court-based legal services rendered by the panel lawyers in legal aid cases. The committee for the district or taluka legal services institution shall be constituted by the Executive Chairman of the SLSA and shall consist of a) the senior-most member of the higher judicial services in the district, b) member secretary or secretary of the legal service institution and c) a legal practitioner with more than 15 years' experience at the local bar, to be nominated in consultation with the president of the local bar association.

Completion Report: The panel lawyer has to submit the report of completion of proceedings to the legal services institution upon which the payment is made to the lawyer for the services rendered.

Jail Visiting Lawyer: Jail visiting lawyers are panel lawyers appointed by the legal services institution to visit jail legal aid clinics every fortnight. They are mandated to provide legal advice, draft applications, letters and petitions for inmates inside the jail.

Prison Paralegal Volunteer: Prison paralegal volunteers are long-term convicts nominated by the prison department and appointed by the legal services institution. They are mandated to manage the jail legal aid clinic twice a week; draft bail applications, appeals, parole and other applications; and maintain the records and registers.

Community Paralegal Volunteer: Community paralegal volunteers are appointed by the legal services institution to maintain legal aid clinics, give legal advice, resolve disputes through lok adalats, implement various schemes of the State Legal Services Authority (SLSA), and other activities.

Remand & Bail Lawyer/ Legal Aid Counsel: Remand & bail lawyers are appointed by the legal services institution under the “Legal Assistance to Persons in Custody Scheme”. They are appointed for a period of six months and are assigned to each magistrate court to oppose remand, apply for bail and move miscellaneous applications for those who are in custody.

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1 As per Section 12 of the Legal Services Authorities Act, 1987.
2 As per the Rajasthan State Legal Service Authority Guidelines, 2012.
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BANSI’s LONG JOURNEY TO GET A LEGAL AID LAWYER

DAY 0 ▶ Bansri was arrested on charges of theft on 31st January 2016 and was produced in front of the magistrate on 4th morning. Bansri signed the order sheet and then was taken to the jail. Bansri was a daily wage earner. In jail, Bansri was housed in the nayi amad (new admission) ward. He had never been to a jail before and did not talk to anyone for the first two days. Then on the third day he started talking to people around him and they asked him if he had a lawyer. He told them that he does not have the money to afford a lawyer. They asked him to meet Sanjay, the prisoner paralegal volunteer who could get him a ‘sarkari vakil’ (legal aid lawyer) for free. Bansri recalled that the magistrate did mention the words sarkari vakil but in that few seconds peshi, he did not understand anything the magistrate said.

DAY 1 ▶ On 7th January, Bansri met Sanjay and told him that he didn’t have a lawyer. Sanjay suggested that he should wait till Saturday and check with his family at mulakat (visit) if they have appointed a lawyer for him. On Saturday Bansri’s mother visited him in jail and mentioned that they had gone to several lawyers but could not afford any of them.

On Sunday, Bansri requested Sanjay to help him get a sarkari vakil and Sanjay filled his application form, got his signature on the form. But when he went to get the necessary attestation and signature from the jailor on the form, the jailor was not in the office. The assistant jailor was busy. By the time the jailor came back it was time for Sanjay to be back and locked up in his barracks.

DAY 2 ▶ The next day Sanjay got the form attested, took it to the guard and asked him to take it to the DLSA office. The DLSA Secretary received the application forms the same day but the office staff was busy preparing for a lok adalat so the form remained on his table. Two days later, the secretary noticed that the forms were still lying on his table and told the staff to take action. The next day the forms were entered in the register and later given to the clerk to take them to the respective courts and check from court files if the person already has a lawyer. The court readers were busy and asked the clerk to come later. The files were in the record room and it would take them time to retrieve the files.

DAY 4 ▶ On 17th January, Bansi met Sanjay and told him that he didn’t have a lawyer. Sanjay suggested that he should wait till Saturday and check with his family at mulakat (visit) if they have appointed a lawyer for him. On Saturday Bansri’s mother visited him in jail and mentioned that they had gone to several lawyers but could not afford any of them.

On Sunday, Bansri requested Sanjay to help him get a sarkari vakil and Sanjay filled his application form, got his signature on the form. But when he went to get the necessary attestation and signature from the jailor on the form, the jailor was not in the office. The assistant jailor was busy. By the time the jailor came back it was time for Sanjay to be back and locked up in his barracks.

DAY 8 ▶ On 24th when Sanjay asks if any letters have been received from the DLSA, the section incharge hands over the DLSA letters. Sanjay after finishing all his work, goes to the sarkari vakil and Sanjay filled his application form, got his signature on the form. But when he went to get the necessary attestation and signature from the jailor on the form, the jailor was not in the office. The assistant jailor was busy. By the time the jailor came back it was time for Sanjay to be back and locked up in his barracks.

DAY 10 ▶ Meanwhile in jail Bansi has been following up with Sanjay but Sanjay did not have any answers to give. At the DLSA office, after following up with the court reader for two days, DLSA staff were finally informed that the court records do not reflect any information about Bansi’s lawyer. The same day, Bansi was again produced in front of the magistrate. The magistrate asked if he had a lawyer. He nodded and began to explain that he had applied for a sarkari vakil but… Before he could finish his sentence, the magistrate turned to a witness in another case going on in the court at the same time and asked him a question. Bansi’s explanation was left ignored and his moment lost. He was again remanded for 7 days and taken out of court by the police.

DAY 14 ▶ On 28th January and tells him that the DLSA has assigned him a lawyer and hands over the letter. The DLSA on the other hand is furious that Bansi has again sent a legal aid application form even though they have already appointed a lawyer for him. Does Bansi know anything about the client lawyer relationship; does he know the name of the lawyer; does the lawyer discuss anything with him. Does he get the vakalatnama signed; does he take Bansi’s next date of hearing; does Bansi even know the next date of hearing.

The story above is true. It is also typical. It points to all that is wrong in the system. The system is geared not for upholding the law nor for the benefit of the majority of poor people who get caught up in it but for the convenience of the officials who run it. It has long ago lost the purpose behind the legal aid statutes which is to ensure a fair trial. While Bansri was struggling to get to the very first essential of a fair trial, getting legal representation several provisions created solely to protect constitutional rights had been breached: he had appeared twice before the magistrate without legal representation; at first appearance he had not been explained to about his rights; he had not been asked if he had a lawyer; if he had been in custody for more than 24 hours; if he had been mistreated. The magistrate had not looked into the memo of arrest to see if the arrest was justified; he had not taken any plea; he could not argue against his remand and there was no justification for a remand of 14 days as opposed to any lesser time. As it was a case of theft in most cases the police would likely have asked for police remand to ‘effect recovery’ which is a euphemism for rough treatment which substitutes for investigation in our system. Usual practice is to ask for such remand for several days which is cut down by way of a bargain by the magistrate but given nevertheless. In our experience even when there is a lawyer present the lawyer hardly ever protests the remand nor seeks bail at the first instance.

We point out that the system persists because no single functionary, police, lawyer, magistrate, jailor, is held accountable for breaches in procedure and the burden and suffering of delay and dysfunction fall squarely on the accused. For those who say too much attention is given to his rights we point out that if justice is not delivered in accordance with the rules laid down at law it can be - and is - manipulated to the benefit of the most powerful and to the lasting disadvantage of the victims of crime as much as to the accused.
PREFACE

As on 31 December 2015, 12.7 lakh cases were pending in the 1,372 trial and session courts in Rajasthan, of which 68% are criminal cases (8.6 lakhs). Of these, 46,061 cases have been pending for more than 10 years. With perpetual vacancies in courts, the enormous backlog of cases and the poor functioning of the review committees set up to monitor long periods of detentions, there does not seem to be a light at the end of the tunnel. The burden of this malfunctioning does not fall on the authorities but on the hapless users of the system, with the greatest ramifications on the undertrials who must bear the burden of the sum of the faults of the entire system. Unfortunately this is the story of the majority of the accused in Rajasthan as two-thirds of the prison population are undertrials. Many of them are illiterate and most (82%) belong to Schedule Castes, Schedule Tribes and other backward classes.

While they are in judicial custody, they are the responsibility of the court in Rajasthan. However, more than one-third of these undertrials are not even produced at court for their trial on the dates ordered by the court.

With these systemic challenges, the only way an accused can dream of a fair trial is if he/she has a competent lawyer who is ready to “battle” through the broken system at every step and safeguard their rights as provided by the Constitution. The UN Legal Aid Principles recognise legal aid as an “essential element of a functioning criminal justice system”. The principle states that the right to legal aid should be recognised by the states at the highest possible level, and where applicable, in the constitution. India gave right to legal aid constitutional status in 1976 through the 42nd Amendment by inserting Article 39A. To extend the reach of legal aid, the government gave legal aid statutory recognition in 1987 through the Legal Services Authority Act. Various committees and judgements also underscored the importance of legal aid. Yet none of this has ensured access to legal aid for all.

In the last ten years, less than 1% (0.72%) of jail inmates in Rajasthan were provided legal aid services. Despite the constitutional mandate, statutory provisions, structured legal aid bodies, myriad committees and judgements, and detailed legal aid schemes, access to legal aid is still an illusion. Access is neither timely, nor effective. This report looks at the access to legal aid for prisoners through three schemes. These schemes mandate access to legal aid in police stations, courts and prisons. It looks at the mandate of legal aid lawyers in various avatars who are assigned specific roles, paralegal volunteers, legal aid bodies, the prisons, and the courts. The study then compares the mandate with actual practices on ground, classified under appointments, representation, reporting and monitoring.

The study shows that the chasm between the mandate and practice is extremely wide. It is only through robust and practical structures, defined mandates, orientation and training, transparent procedures, a culture of accountability and constant monitoring, that this gap can be bridged and the constitutional right to legal aid be realised.

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3 http://ecourts.gov.in/services/
4 United Nations principles and guidelines on Access to Legal Aid in Criminal Justice Systems.
5 In the last ten years, 24,36,533 persons were arrested in Rajasthan, so on an average about 2,40,000 people were arrested every year. In the same period, 17,505 persons in custody were provided legal aid in Rajasthan, which translates to an average 1,750 inmates per year.
The report has been divided into three segments. The first segment, an executive summary, second the mandate and third the findings. The executive summary provides the backdrop on legal aid, the purpose and process of the report, the key findings of the study and the recommendations following thereof. The mandate details the duty of each actor in order to ensure responsibility with respect to the legal aid scheme in question. The findings detail “on the ground” implementation of the legal aid schemes in question. There were 27 parameters divided into five themes that were chosen as indicators for the implementation. This segment is divided into two parts: first, the state level performance and second, the district level report cards. The district level report cards are in easy-to-read infographic format. The recommendations are provided on the basis of the parameters formulated.

Section 12 of the LSA Act, 1987 provides the category of persons eligible for legal aid and “persons in custody” is one such category. This report is prepared with the aim of assisting the State Legal Services Authority (SLSA), Rajasthan to get a worm’s eye view of early and effective access to counsel for unrepresented prisoners in Rajasthan. In order to assess this, the study looked at the implementation and monitoring of three legal aid schemes that are operative in the state to benefit prisoners. Two are regulations of the National Legal Services Authority (NALSA). These are: the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010 (NALSA 2010 Regulations); and the National Legal Services Authority (Legal Aid Clinics) Regulations, 2011 (NALSA 2011 Regulations); and the Rajasthan State Legal Services Authority (RSLSA) Guidelines, 2012. The third is a state-level guideline of the State Legal Service Authority (SLSA) called the Rajasthan State Legal Service Authority’s Legal Assistance to Persons in Custody Scheme, 2012 (RSLSA 2012 Guidelines). Of the three schemes, while NALSA 2010 and 2011 regulations were not specific only to prisoners, the RSLSA 2012 scheme is only to decent persons in custody through timely and effective use of remand and bail laws.

The 2010 NALSA regulations provide for a pool of panel lawyers selected by the legal services institution (LSI). When the legal services institution receives the application for legal aid from the prison (or are referred by the court), the institution appoints a legal aid lawyer from the panel. The letter of appointment is to be sent to the lawyer and the prisoner. The legal services institution is also mandated to constitute a monitoring committee (MC) to oversee the day-to-day progress of legal aid cases and record the same in registers. At the completion of the case, the panel lawyer is expected to submit a report of completion of proceeding upon which he receives the remuneration for the case.

The 2011 NALSA regulations provide for the constitution of legal aid clinics (LACs) in order to ensure wider access to legal aid to vulnerable sections of society. The 2012 RSLSA guidelines, based on the 2011 NALSA regulations, specifically prescribe for the constitution of legal aid clinics in central, district and sub-jails. These clinics are supposed to be operational regularly and manned by prisoner paralegal volunteers (PLVs) who are trained specifically for this activity. Jail visiting lawyers (JLVs) are also expected to visit the jail periodically and render free legal aid. The working of the clinic is recorded in work and attendance registers maintained by the PLV.

The RSLSA 2012 guidelines on remand and bail were introduced to safeguard rights at the pre-trial stage. The scheme formulates the appointment of a remand & bail lawyers (R&B) in magistrate courts, who are expected to be present during remand hours in their designated courts to oppose remand, apply for bail and file other applications for those who need a legal aid lawyer. These lawyers are expected to submit their monthly work reports to the District Legal Services Authority (DLSA) and the courts have to issue monthly attendance certificates for the lawyers.

The legal aid delivery mechanism in Rajasthan constitutes 182 taluka legal services committees, 35 district legal services committees, two High Court legal services committees (in Jaipur and Jodhpur) and the state legal services authority (SLSA). CHRI filed RTI requests to the 33 district legal services authorities (DLSAs) and the SLSA between August 2014 and January 2015. For details, refer to the table below. The information regarding the implementation of the NALSA 2010 regulations as well as RSLSA, 2012 at the district and the taluka level were sought from the DLSAs. Compared to the district-level information, the information from talukas was extremely limited. Further, the information provided was mostly on appointments. With respect to the NALSA, 2011 regulations, the information on the functioning of legal aid clinics at central, district and sub-jails was sought. Most of the information received was from central and district jails. Sub-jail information was limited. In total 102 RTI requests were filed, of which responses were received for 84. First appeals were filed in 17 cases. Phone calls were made to 13 districts. Some of the respondents answered only limited queries of the RTI filed. As the information received about talukas and sub-jails was limited, the report primarily deals with the district level and central and district jail information whereas the taluka and sub-jail information has been discussed separately.

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7 Section 12(g) of the LSA Act, 1987.
### RTI Schemes

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### KEY FINDINGS

The intent of the legal aid delivery mechanism is to improve access to justice for the most vulnerable and marginalised section of the society. According to the report, there is a complete disregard for these mechanisms. The implementation of the schemes is dismal as only eight out of the 33 districts in the state have complied with even 40% of the provisions mandated.

With regards to the implementation of the NALSA 2010 regulations, while appointment of panel lawyers have been made in most districts, the structural mechanisms to record their work, ensure their reporting and monitor their performance are non-existent in most cases. Monitoring committees have not been established in most districts, and even where established, the required infrastructure and procedural mechanism appear to be completely lacking. Retainer lawyers have been appointed in only two districts. The report also looked at the NALSA 2011 regulations and the corresponding RSLSA 2012 guidelines. The RTI responses revealed that while most central and district jails have legal aid clinics, the majority of the sub-jails are still denied this basic mechanism to ensure legal representation and advice. Even where legal aid clinics are established, they are hardly operational as paralegal volunteers to man these clinics have not been appointed, jail visiting lawyers do not visit as mandated, and the legal aid institutions do not ensure reporting and monitoring of the work done in the clinics through constant review of registers. Lastly, the report looked at the implementation of the Rajasthan SLSA’s model scheme (2012) which focuses on access to legal aid at the pre-trial stage. The study reveals that appointment of remand and bail lawyers under the scheme in most districts are not regular. Also, while the scheme has formulated reporting mechanisms, they are rarely used. Some districts like Ajmer and Sikar give a glimmer of hope, but the systemic failure of the justice delivery actors in assuring the right to legal aid is evident. It is the collective responsibility of the legal aid institutions, the judiciary, the bar, the prisons and the police departments to ensure the practical realisation of this crucial right.

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8 33 DLSAs and SLSA.
9 Jaisalmer did not respond to the RTI request.
10 Alwar, Banswara, Barmer, Sawai Madhopur, Jaisalmer, Jhalawar, Jipur, Karauli, Nagaur and Pratapgarh did not respond to the RTI request.
11 Alwar, Jaisalmer, Jipur, Karauli, Nagaur, Pratapgarh, and Tonk did not respond to the RTI request.
STATUS OF LEGAL AID SCHEMES IN RAJASTHAN: THEME-WISE

APPOINTMENT

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REPRESENTATION

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<td>Publicity to the scheme</td>
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<table>
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REPORTING

<table>
<thead>
<tr>
<th>Reports and Registers</th>
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<tbody>
<tr>
<td>Completion Reports by Panel Lawyers</td>
</tr>
<tr>
<td>Monthly Reports Submitted by PLV</td>
</tr>
<tr>
<td>Registers Maintained Reports and Registers in JAC</td>
</tr>
<tr>
<td>Work Reports by all lawyers</td>
</tr>
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MONITORING

<table>
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<tr>
<th>Committee, Reports and Registers</th>
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<tr>
<td>Monitoring Committees Constituted</td>
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<tr>
<td>MC Registers Maintained</td>
</tr>
<tr>
<td>Bimonthly reports sent by MC</td>
</tr>
<tr>
<td>Work Reports by R&amp;B Lawyers</td>
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<tr>
<td>Attendance Certificates by R&amp;B Lawyers</td>
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<table>
<thead>
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<th>Number of Districts</th>
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</table>
## Status of Compliance of the Legal Aid Schemes in Rajasthan: Overall Ranking

<table>
<thead>
<tr>
<th>Rank</th>
<th>Scheme</th>
<th>NALSA 2010 (Out of 45)</th>
<th>NALSA 2011 (Out of 55)</th>
<th>RSLSA 2012 (Out of 35)</th>
<th>Total (Out of 135)</th>
<th>Compliance (in %)</th>
<th>Compliance Status</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Ajmer</td>
<td>21</td>
<td>50</td>
<td>9</td>
<td>80</td>
<td>59</td>
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</tr>
<tr>
<td>2</td>
<td>Sikar</td>
<td>21</td>
<td>29</td>
<td>18</td>
<td>68</td>
<td>50</td>
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</tr>
<tr>
<td>3</td>
<td>Jodhpur</td>
<td>16</td>
<td>27</td>
<td>18</td>
<td>61</td>
<td>45</td>
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</tr>
<tr>
<td>4</td>
<td>Sirohi</td>
<td>3</td>
<td>35</td>
<td>22</td>
<td>60</td>
<td>44</td>
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</tr>
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<td>Jhunjhunu</td>
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<td>57</td>
<td>42</td>
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<tr>
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<td>Bikaner</td>
<td>11</td>
<td>22</td>
<td>21</td>
<td>54</td>
<td>40</td>
<td>MINIMUM (12 out of 33 districts)</td>
</tr>
<tr>
<td>7</td>
<td>Churu</td>
<td>5</td>
<td>33</td>
<td>16</td>
<td>54</td>
<td>40</td>
<td>GOOD (1 out of 33 districts)</td>
</tr>
<tr>
<td>8</td>
<td>Hanumangarh</td>
<td>15</td>
<td>16</td>
<td>23</td>
<td>54</td>
<td>40</td>
<td>GOOD (1 out of 33 districts)</td>
</tr>
<tr>
<td>9</td>
<td>Udaipur</td>
<td>10</td>
<td>29</td>
<td>14</td>
<td>53</td>
<td>39</td>
<td>GOOD (1 out of 33 districts)</td>
</tr>
<tr>
<td>10</td>
<td>Bhilwara</td>
<td>0</td>
<td>32</td>
<td>14</td>
<td>46</td>
<td>34</td>
<td>GOOD (1 out of 33 districts)</td>
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<tr>
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<td>Baran</td>
<td>5</td>
<td>25</td>
<td>11</td>
<td>41</td>
<td>30</td>
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<tr>
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<td>20</td>
<td>40</td>
<td>30</td>
<td>MINIMUM (12 out of 33 districts)</td>
</tr>
<tr>
<td>13</td>
<td>Chittorgarh</td>
<td>10</td>
<td>22</td>
<td>8</td>
<td>40</td>
<td>30</td>
<td>MINIMUM (12 out of 33 districts)</td>
</tr>
<tr>
<td>14</td>
<td>Sri Ganganagar</td>
<td>0</td>
<td>20</td>
<td>19</td>
<td>39</td>
<td>29</td>
<td>MINIMUM (12 out of 33 districts)</td>
</tr>
<tr>
<td>15</td>
<td>Banswara</td>
<td>11</td>
<td>25</td>
<td>0</td>
<td>36</td>
<td>27</td>
<td>FAIR (4 out of 33 districts)</td>
</tr>
<tr>
<td>16</td>
<td>Dungarpur</td>
<td>16</td>
<td>5</td>
<td>13</td>
<td>34</td>
<td>25</td>
<td>MINIMUM (12 out of 33 districts)</td>
</tr>
<tr>
<td>17</td>
<td>Dausa</td>
<td>5</td>
<td>10</td>
<td>14</td>
<td>29</td>
<td>21</td>
<td>MINIMUM (12 out of 33 districts)</td>
</tr>
<tr>
<td>18</td>
<td>Bharatpur</td>
<td>0</td>
<td>10</td>
<td>13</td>
<td>23</td>
<td>17</td>
<td>MINIMUM (12 out of 33 districts)</td>
</tr>
<tr>
<td>19</td>
<td>Jalore</td>
<td>0</td>
<td>10</td>
<td>13</td>
<td>23</td>
<td>17</td>
<td>MINIMUM (12 out of 33 districts)</td>
</tr>
<tr>
<td>20</td>
<td>Dholpur</td>
<td>8</td>
<td>5</td>
<td>9</td>
<td>22</td>
<td>16</td>
<td>MINIMUM (12 out of 33 districts)</td>
</tr>
<tr>
<td>21</td>
<td>Jhalawar</td>
<td>5</td>
<td>14</td>
<td>0</td>
<td>19</td>
<td>14</td>
<td>MINIMUM (12 out of 33 districts)</td>
</tr>
<tr>
<td>22</td>
<td>Kota</td>
<td>5</td>
<td>5</td>
<td>8</td>
<td>18</td>
<td>13</td>
<td>MINIMUM (12 out of 33 districts)</td>
</tr>
<tr>
<td>23</td>
<td>Pali</td>
<td>0</td>
<td>0</td>
<td>18</td>
<td>18</td>
<td>13</td>
<td>MINIMUM (12 out of 33 districts)</td>
</tr>
<tr>
<td>24</td>
<td>Tonk</td>
<td>5</td>
<td>0</td>
<td>13</td>
<td>18</td>
<td>13</td>
<td>MINIMUM (12 out of 33 districts)</td>
</tr>
<tr>
<td>25</td>
<td>Bundi</td>
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<td>0</td>
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<td>13</td>
<td>10</td>
<td>MINIMUM (12 out of 33 districts)</td>
</tr>
<tr>
<td>26</td>
<td>Ahwar</td>
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<td>0</td>
<td>10</td>
<td>7</td>
<td>MINIMUM (12 out of 33 districts)</td>
</tr>
<tr>
<td>27</td>
<td>Barmer</td>
<td>0</td>
<td>10</td>
<td>0</td>
<td>10</td>
<td>7</td>
<td>MINIMUM (12 out of 33 districts)</td>
</tr>
<tr>
<td>28</td>
<td>Nagaur</td>
<td>8</td>
<td>0</td>
<td>0</td>
<td>8</td>
<td>6</td>
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<tr>
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<td>Jaipur</td>
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<td>0</td>
<td>5</td>
<td>4</td>
<td>MINIMUM (12 out of 33 districts)</td>
</tr>
<tr>
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<td>Karauli</td>
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<td>5</td>
<td>4</td>
<td>MINIMUM (12 out of 33 districts)</td>
</tr>
<tr>
<td>31</td>
<td>Pratapgarh</td>
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<td>0</td>
<td>5</td>
<td>4</td>
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<td>32</td>
<td>Jaisalmer</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>NO COMPLIANCE (2 out of 33 districts)</td>
</tr>
<tr>
<td>33</td>
<td>Sawai Madhopur</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>NO COMPLIANCE (2 out of 33 districts)</td>
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<table>
<thead>
<tr>
<th>Total</th>
<th>217</th>
<th>329</th>
<th>1044</th>
<th>436</th>
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</thead>
<tbody>
<tr>
<td>16%</td>
<td>26%</td>
<td>29%</td>
<td>23%</td>
<td>0</td>
</tr>
</tbody>
</table>

The legal services institutions in Rajasthan have been compliant with only 23% of provisions mandated by the legal aid schemes in question. In half of the districts, the compliance is less than even 20%.

Even with dismal 29% compliance, the Rajasthan SLSA guidelines on remand & bail has been most complied with compared to the other two schemes. The NALSA 2010 Regulation at 16% was the least complied with. The table below further corroborates that.

### Compliance by Districts

<table>
<thead>
<tr>
<th>COMPLIANCE</th>
<th>NALSA 2010</th>
<th>NALSA 2011</th>
<th>RSLSA 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Above 40%</td>
<td>3</td>
<td>9</td>
<td>9</td>
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</table>

Not even a single district fully complied with the mandate of all the three schemes or even one of the schemes in toto. Ajmer with 59% compliance was the best performing DLSA in the State. Ajmer DLSA was awarded the best DLSA12 in Western Zone (among Rajasthan, Maharashtra, Gujarat and M.P) in Nov’14.

As the information received about talukas and sub-jails was limited, the scoring and thus the ranking does not capture the working of the schemes in talukas and sub-jails.

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12 Rajasthan High Court, Newsletter Volume 5, Part No. IV, Page 15 http://hcraj.nic.in/newsletter-volume-5-part-IV.pdf
## STATUS OF COMPLIANCE OF THE LEGAL AID SCHEMES IN RAJASTHAN: SCHEME-WISE RANKING

<table>
<thead>
<tr>
<th>District</th>
<th>NALSA 2010</th>
<th>NALSA 2011</th>
<th>RSLSA 2012</th>
<th>Overall Rank</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>Ranking</td>
<td>Compliance (%)</td>
<td>Ranking</td>
<td>Compliance (%)</td>
</tr>
<tr>
<td>Ajmer</td>
<td>2</td>
<td>47</td>
<td>1</td>
<td>91</td>
</tr>
<tr>
<td>Sikar</td>
<td>3</td>
<td>47</td>
<td>5</td>
<td>53</td>
</tr>
<tr>
<td>Jodhpur</td>
<td>4</td>
<td>36</td>
<td>7</td>
<td>49</td>
</tr>
<tr>
<td>Sirohi</td>
<td>23</td>
<td>7</td>
<td>2</td>
<td>64</td>
</tr>
<tr>
<td>Jhunjhunu</td>
<td>1</td>
<td>53</td>
<td>13</td>
<td>36</td>
</tr>
<tr>
<td>Bikaner</td>
<td>7</td>
<td>24</td>
<td>10</td>
<td>40</td>
</tr>
<tr>
<td>Churu</td>
<td>14</td>
<td>11</td>
<td>3</td>
<td>60</td>
</tr>
<tr>
<td>Hanumangarh</td>
<td>6</td>
<td>33</td>
<td>15</td>
<td>29</td>
</tr>
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<td>Udaipur</td>
<td>9</td>
<td>22</td>
<td>6</td>
<td>53</td>
</tr>
<tr>
<td>Bhilwara</td>
<td>24</td>
<td>0</td>
<td>4</td>
<td>58</td>
</tr>
<tr>
<td>Baran</td>
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<td>11</td>
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<td>45</td>
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<td>0</td>
<td>12</td>
<td>38</td>
</tr>
<tr>
<td>Chittorgarh</td>
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<td>22</td>
<td>11</td>
<td>40</td>
</tr>
<tr>
<td>Sri Ganganagar</td>
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<td>0</td>
<td>14</td>
<td>36</td>
</tr>
<tr>
<td>Banwara</td>
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<td>24</td>
<td>9</td>
<td>45</td>
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<tr>
<td>Dungarpur</td>
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<td>36</td>
<td>21</td>
<td>9</td>
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<tr>
<td>Dausa</td>
<td>16</td>
<td>11</td>
<td>17</td>
<td>18</td>
</tr>
<tr>
<td>Bharatpur</td>
<td>27</td>
<td>0</td>
<td>18</td>
<td>18</td>
</tr>
<tr>
<td>Jalore</td>
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<td>0</td>
<td>19</td>
<td>18</td>
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<td>Dholpur</td>
<td>12</td>
<td>18</td>
<td>22</td>
<td>9</td>
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<td>Jhalawar</td>
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<td>11</td>
<td>16</td>
<td>25</td>
</tr>
<tr>
<td>Kota</td>
<td>18</td>
<td>11</td>
<td>23</td>
<td>9</td>
</tr>
<tr>
<td>Pali</td>
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<td>0</td>
<td>24</td>
<td>0</td>
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<tr>
<td>Tonk</td>
<td>19</td>
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<td>0</td>
</tr>
<tr>
<td>Bundi</td>
<td>30</td>
<td>0</td>
<td>26</td>
<td>0</td>
</tr>
<tr>
<td>Alwar</td>
<td>11</td>
<td>22</td>
<td>27</td>
<td>0</td>
</tr>
<tr>
<td>Barmer</td>
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<td>0</td>
<td>20</td>
<td>18</td>
</tr>
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<td>Nagaur</td>
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<td>18</td>
<td>28</td>
<td>0</td>
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<td>0</td>
</tr>
<tr>
<td>Karauli</td>
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<td>11</td>
<td>30</td>
<td>0</td>
</tr>
<tr>
<td>Pratappgarh</td>
<td>22</td>
<td>11</td>
<td>31</td>
<td>0</td>
</tr>
<tr>
<td>Jaisalmer</td>
<td>32</td>
<td>0</td>
<td>32</td>
<td>0</td>
</tr>
<tr>
<td>Sawai Madhopur</td>
<td>33</td>
<td>0</td>
<td>33</td>
<td>0</td>
</tr>
</tbody>
</table>

### Top 5 District

Ajmer, Sikar and Jodhpur DLSAs have performed distinctly better than the rest of the districts in implementing these schemes.

While Ajmer has almost fully complied with the NALSA 2011 Regulations, and implemented the NALSA 2010 scheme better than the other districts in the State; Jodhpur and Sikar have ensured decent implementation of all the three schemes.

Pali & Tonk whose overall performance relative to the other districts has been poor, it has performed reasonably better at the implementation of the RSLSA 2012 Guidelines.

Bundi, Dholpur, Alwar, Barmer, Nagaur, Jaipur, Karauli, Pratappgarh, Sawai Madhopur, and Jaisalmer stand at the bottom of the list. 6 of the 33 districts did not respond to at least two of three RTIs (Jaisalmer, Pratappgarh, Nagaur, Karauli, Jaipur, and Sawai Madhopur). Of those who responded, Bundi, Dholpur, Alwar, and Barmer were the worst performers.

### COMPLIANCE

<table>
<thead>
<tr>
<th>District</th>
<th>NALSA 2010</th>
<th>NALSA 2011</th>
<th>RSLSA 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0-10%</td>
<td>11</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>11%-20%</td>
<td>11</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>21%-30%</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>31%-40%</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>41%-50%</td>
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<td></td>
<td>51%-60%</td>
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<td>61%-70%</td>
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<td>71%-80%</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>81%-90%</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>91%-99%</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>100%</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total Districts</td>
<td>33</td>
<td>33</td>
<td>33</td>
</tr>
</tbody>
</table>
THE CONCEPT

Equality before the law demands that those who cannot afford to engage a lawyer, for reasons of impoverishment, should be provided legal representation by the state, at its cost. Equal access to justice can be realised only if all those who come into conflict with the law, either by their actions or through abuse of power to arrest by the police, are placed in a position wherein their liberty is not compromised unnecessarily and illegally owing to lack of resources or ignorance of the law. The Supreme Court in the landmark Hussainara Khatoon case interpreted the right to legal aid as implicit under Article 21 of the Constitution and stated: "The right to free legal services is therefore, clearly an essential ingredient of 'reasonable, fair and just' procedure for a person accused of an offence and it must be held implicit in the guarantee of Article 21.”

THE EVOLUTION

The earliest national regulation on legal aid in independent India was drawn up in 1960. This provided guidelines on legal aid schemes. Major developments on legal aid in the country were made in the 1970s and 80s with a national conference on legal aid in 1970. In 1970, a committee on free legal aid, under the chairmanship of Justice P. N. Bhagwati, was appointed by the government of Gujarat. The report of the Gujarat committee led to the constitution of an expert committee in 1972 under the chairmanship of Justice V. R. Krishna Iyer was formed and it produced the celebrated 275-page report in 1973. Three years later in 1976, Article 39A was introduced as a directive principle of state policy providing right to legal aid at the state's expense. In the same year, the Juridicare Committee was constituted, comprising Justices P. N. Bhagwati and V. R. Krishna Iyer and it gave its report in 1977. The next year, the Supreme Court in the M. H. Hoskot judgement opined that absence of statutory provisions for free legal aid would negate the principle of “fair legal procedure” implicit in Article 21. This statutory provision came about almost ten years later. But before that, in 1980, CILAS (Committee for Implementing Legal Aid Schemes) was constituted to oversee and supervise legal aid programmes throughout the country under the chairmanship of Justice P. N. Bhagwati. In 1981, in Khatri and Bachan the Supreme Court stated that the state is under a constitutional mandate to provide a lawyer to an accused person and it cannot avoid its constitutional obligation by pleading financial or administrative liability. In 1986, the Supreme Court in Suk Das went a step further to say that given the widespread lack of legal awareness in India among both literate and illiterate persons, just because an accused person did not apply for legal aid, his rights to a lawyer cannot be denied. Eventually in 1987, legal aid received statutory status with the enactment of the Legal Services Authorities Act (LSA Act) to give a statutory base to legal aid programmes throughout the country in a uniform pattern. The Act was enforced in 1995. With the enforcement of the Act, legal services institutions at the national, state, district, taluk, Supreme Court and high court levels were constituted. While NALSA brought out rules in 1995 and 2000, the state bodies also laid down regulations for the implementation of the LSA Act. NALSA as well as SLSAs have developed multiple schemes in order to provide legal aid to various vulnerable sections of society.

13 Hussainara Khatoon & Ors vs Home Secretary, State Of Bihar 1979 AIR 1369
14 http://shodhganga.inflibnet.ac.in/bitstream/10603/12050/9/09_chapter%2010.pdf Page 130
16 http://shodhganga.inflibnet.ac.in/bitstream/10603/77785/3/08_chapter%201.pdf Page 10
17 Madhav Hayawadanrao Hoskot vs State Of Maharashtra1979 AIR 1348
18 Khatri And Others vs State Of Bihar & Ors 1981 SCC (1) 627
19 Bachan Singh Etc. Etc vs State Of Punjab 1982 AIR 1323
20 Suk Das & Anr vs Union Territory Of Arunachal 1986 AIR 991
RECOMMENDATIONS

I - National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010

POLICY RECOMMENDATIONS

1. **Early access to legal aid:** The early stages of a trial are crucial for people in custody as it safeguards them against violations and has an impact on the entire trial. Regulation 7(4)(b) of the NALSA 2010 regulations allows the legal services authority eight weeks to determine whether a legal aid applicant is entitled to the aid. It is nothing short of injustice to make undertrials wait in prison until the committee decides whether the person is entitled to legal aid. Section 12(g) of the LSA Act categorically entitles people in custody to receive legal aid. Keeping liberty paramount, a legal aid lawyer should be appointed to an inmate as soon as an application is received by the Legal Services institution. Therefore we recommend an addition to Regulation 7(4) of the NALSA 2010 Regulation stating, “in case the application has been received from a person in custody, the evaluation whether the person is entitled or not should be done the same day.” Also the legal services authority shall also ensure that the lawyer visits the person in custody within 24 hours.

2. **Access to legal aid at Police Stations:** The scheme and guidelines should be amended to clearly specify that persons are entitled to legal aid at the police station. Person in custody should mean person in police custody as well. The policy of placing hoardings on the police stations indicates the intent of the policy to enable access to legal aid in police custody. The scheme and guidelines should be amended to mandate appointment of PLVs at police station under the NALSA PLV Scheme so that they can inform the person about their right to legal aid.

3. **Allocation of cases among Panel Lawyers:** The allocation of legal aid cases should be based on needs of the case in question and the expertise knowledge of specific laws of the panel lawyers rather than by the alphabetical list.

4. **Visits by Panel Lawyers to Jails and Police stations:** The scheme should make it mandatory for the panel lawyer to visit the inmate at least twice a month and the police station as soon as he is intimated by the paralegal volunteer stationed in the police station. The appointment letter for the panel lawyer should lay down the duties he is expected to perform. This should include jail and police station visits. The report panel lawyers are supposed to submit to the monitoring committee should include the dates on which he met the accused in prison.

5. **Appointment of Retainer Lawyers:** There should be an assessment of the real obstacles in the appointment of Retainer lawyers, whether it is monetary, or simply impractical to expect their ‘exclusive’ time for legal aid as expected under provision 8(10) of the scheme. An alternative could be to decide fixed hours for Retainer lawyers with payment commensurate to those hours, the city or taluka in question, and the years of experience of the lawyer.

6. **Role of Retainer Lawyers:** The minimum eligibility criteria to be appointed as Retainer lawyer needs to be revisited. Currently it is the same as that of the Panel lawyers which is three years. The policy needs to make a clearer distinction in the role and responsibilities of the Panel lawyers and the Retainer lawyers to justify the remuneration to Retainer lawyers.

7. **Panel Lawyers to submit reports as and when called by the MC:** The scheme mandates strict monitoring of the legal aid cases by the monitoring committee. In order to ensure that the panel lawyer is accountable to the client, the regulations have mandated the monitoring committee to call reports from the lawyer ‘as and when’ required. However this stipulation keeps the ground open for lapses. Therefore with the need of a time based standard, CHRI recommends that panel lawyers should submit monthly reports to the committee. SLSA should create a standardised format for submitting these reports.

8. **Monitoring by the SLSA:** Under the scheme the SLSA is mandated to play an important role in suggesting the next course of action on the legal aid cases based on the bi-monthly report of the monitoring committee. However as per 12(2) of the NALSA 2010 regulations, the SLSA is expected to give its advice on every legal aid matter taken by the legal services authority. This seems impractical and would overburden the SLSA who is expected to monitor various schemes in the state. To remedy the impractical provision of the Executive Chairman of the LSI giving advice on each and every legal aid case, it is suggested that only two types of cases be sent from the monitoring committee to the SLSA: (i) As the Executive Chairman of the SLSA is part of the appointing authority for Panel and Retainer lawyers, the first type of cases could be those that require action on their non-performance and continued lack of progress on their cases; (ii) The second category of cases could be those whose progress can be ensured effectively through intervention at High Court level as the Executive Chairman is empowered under this scheme to specially engage special advocates.

9. **Bail releases and acquittals:** The number of releases and acquittals under the scheme is an important indicator of the quality of implementation of the scheme. The findings show that this information is either not being maintained and when maintained, it’s meagre. In order to monitor the statistics, the bi-monthly report submitted by the monitoring committee to the SLSA should also mention the number of bail releases and acquittals.

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21. “The Committee shall scrutinise and evaluate the application and decide whether the applicant is entitled to the legal services or not within a period of eight weeks from the date of receipt of the application.”

22. “After evaluating the reports by the Committee, the Executive Chairman or Chairman of the Legal Services Institution shall decide the course of action to be taken in each case.”
IMPLEMENTATION RECOMMENDATIONS

APPOINTMENTS ARE STILL A CONCERN IN SOME DISTRICTS. IN MOST DISTRICTS THERE IS HARDLY ANY REPORTING. MONITORING COMMITTEE IS STILL UNDER PROCESS IN MANY DISTRICTS.

1. Appointment of Panel Lawyers
   Eleven districts, namely Barmer, Bharatpur, Bundi, Dholpur, Sawai, Madhopur, Sri Ganganagar, Jalore, Rajasthan, Sirohi and Bhilwara did not appoint panel lawyers. SLSA to direct the DLSAs to ensure appointment of panel lawyers in these districts as soon as possible. Jaisalmer did not respond to the RTI requests. SLSA to enquire if appointments have been made by the Jaisalmer DLSA.

2. Appointment of Retainer Lawyers
   Retainer lawyers have not been appointed in any district in Rajasthan except Alwar and Hanumangarh. Four districts, namely Ajmer, Dholpur, Jhunjhunu and Nagaur mentioned that the appointment of retainer lawyers was under process. SLSA to check whether the appointments have been made in these districts. SLSA to ensure the appointment of retainer lawyers in the remaining 28 districts.

3. Representation by Panel Lawyers
   At least in 17 of the 33 districts panel lawyers did not represent even a single person under the scheme. This can be attributed to lack of legal awareness, lack of information about the scheme in police station and courts and jails; unreasonably long time taken in appointing lawyers, non-accountable lawyers due to lack of infrastructure to monitor their cases. Until all the infrastructural mechanisms are not put in place, even though people may not have the means to engage a private lawyer, the representation numbers would be low.

4. Information on bail releases and acquittals
   Information on releases and acquittals are not being maintained by the DLSAs. From the records available, there were 110 bail releases from Kota and one acquittal from Dungarpur under the scheme. Bail release information must plough back to the DLSAs so that effective representation can be assessed, and case results are known to both DLSA and monitoring committee. This information not being maintained means there is no monitoring and no regard for one of the key reasons for representation.

5. Report of completion of proceedings
   Completion reports were not submitted by lawyers in any district in Rajasthan except Dungarpur. SLSA to direct the DLSAs to ensure that completion reports are submitted by every district in Rajasthan. Also the report of completion of proceedings should include the case details, the interventions made by the lawyer and the decision of the court. A copy of the judgment should also be attached.

6. Constitution of Monitoring Committee
   Twelve districts, namely Barmer, Baran, Bhilwara, Bundi, Chittorgarh, Dausa, Kota, Rajasthan, Udaipur, Sri Ganganagar, and Jhalawar have not constituted monitoring committees. SLSA to direct the DLSAs to expedite their constitution. Two districts, Dungarpur and Sirohi, mentioned that the constitution of monitoring committees is under process. SLSA to check if they have been constituted. Eleven districts, namely Alwar, Bharatpur, Sawai Madhopur, Jaisalmer, Jalore, Jaipur, Karauli, Nagaur, Pratapgarh, Pali and Tonk did not respond to the query. SLSA to check if monitoring committees have been established or not.

7. Registers maintained by the Monitoring Committees
   Registers have not been maintained by any monitoring committee in Rajasthan except Sikar. SLSA to ensure that monitoring committees are established in each district and the remaining 32 districts maintain the register to record and keep a check on the day-to-day operation of the legal aid cases.

8. Bi-Monthly reports sent by Monitoring Committees to the SLSA
   Bi-monthly reports have been sent only by the monitoring committees constituted in Jhunjhunu. SLSA to ensure that these work reports be submitted bi-monthly as mandated by the remaining 32 districts in Rajasthan.

II - Rajasthan State Legal Service Authority's Legal Assistance to Persons in Custody Scheme, 2012

POLICY RECOMMENDATIONS

1. Tenure of the Scheme: The short tenure of the scheme disadvantages the client if she has to find another lawyer during the trial. Accountability (reporting and tracking) is also far more difficult in short tenure. Lawyers had also suggested that remand and bail lawyers maintain a case diary to hand over to the lawyer who then takes on the case after them. This obligation should be mentioned in the scheme. The parent NALSA Model scheme also does not mandate such a small duration. CHRI recommends that the tenure of the term be two years.
2. Applicability of the scheme in Executive Magistrate cases: Given the quantum of arrests under preventive detention cases in Rajasthan, the scheme should accommodate a lawyer for preventive arrest cases under section 151 and related provisions of the CrPC.

3. Regular appointment of lawyers: In order to ensure regular appointments given the short tenure of the lawyers, a standardized appointment process from receiving applications, selecting the lawyers and confirmation of the list should be initiated a month in advance. Also a standardized schedule/calendar for appointment of lawyers in the entire state would help SLSA monitor the implementation of the schemes.

4. Role of Remand and Bail lawyers: The State Legal Services must clarify the role and tenure of Counsels under the scheme - should it be ad hoc, should it be only till first production, should it be for the entire trial; when does the duty of a remand and bail lawyer begin and when does it end.

5. Presence of the lawyer in court: Fixing 'remand hours' has been considered and attempted in some jurisdictions and its viability should be seriously considered as it will streamline the processes to ensure effective production and representation. Until that is not in place, the lawyer should visit the court every day and as and when called by the magistrate and when an unrepresented person from custody is produced, the court reader should be duty bound to call the lawyer attached to the court.

6. Alternative arrangements in lawyer's absence: The lawyer should also nominate a back-up lawyer which should be informed to the DLSA and the court. When a person is produced at the Magistrate's residence, first the R&B lawyer of his court is to be informed by him, and if he can't be reached or is unable to appear, the backup lawyer may be informed. During court holidays productions take place in a few courts. A roster system for presence in the production court be set up for this by the DLSA.

7. Format for recording work and presence of the lawyer: There are no standardized formats for work reports. In order to ensure standardization and completeness of information, CHRI and DLSA Jodhpur developed23 a format which incorporates both work reports and attendance certificates.

8. Timely submission of work reports and attendance certificates: There should be a standardised report which records both the work done and the attendance of the lawyer. The appointment letter issued by the LSI should mention the format of the report and issue directions for the report to be received by the first week of the next month.

9. Attendance Register at the Court: Every magistrate court should maintain a register recording the daily presence and work done by the lawyer. The register should be filled in by the lawyer and checked by the reader. CHRI has developed24 a format for the same.

10. Orientation of the Lawyers: The lawyers should be oriented about their specific responsibilities under the scheme within the first week of their appointment. Their appointment letter should also lay down the responsibility of the lawyers. If the reports are not submitted within the first week of the next month for two months, the lawyer may be removed from the panel.

11. Orientation of the Magistrates: The legal services authority should ensure that the magistrates are oriented about their duties with regard to the scheme. CHRI has issued responsibility notes for each actor under the scheme.

IMPLEMENTATION RECOMMENDATIONS

FREQUENCY OF APPOINTMENT IS A CONCERN IN MOST DISTRICTS. REPORTING AND MONITORING IS EITHER MINIMAL OR NON-EXISTENT IN MOST DISTRICTS.

1. Appointment of Remand and Bail Lawyers

Remand & bail lawyers are appointed for a period of six months and then another batch of lawyers is appointed. Appointments were made regularly only in five districts (Regular appointments here means appointments made for four or five out of five terms in questions). In six districts namely, Baran, Bharatpur, Ganganagar, Jalore, Pali, and Jodhpur appointments were not regular. SLSA to direct these DLSAs to ensure appointment of remand & bail lawyers regularly. In 12 districts, namely Bhilwara, Bundi, Churu, Chittorgarh, Dungarpur, Hanumangarh, Jhunjhunu, Kota, Rajasmand, Sikar, Udaipur and Tonk, the term of appointment of the lawyers was not mentioned in the RTI response. SLSA to direct the DLSA that the term of the lawyer in these districts be set up for this by the DLSA. In 12 districts, namely Alwar, Banswara, Barmer, Sawai Madhopur, Jaisalmer, Jhalawar, Jaipur, Karauli, Nagaur, Pratapgarh. SLSA to check if R&B lawyers are appointed in these districts on a regular basis.

2. Submission of Work Reports by Lawyers

Only seven districts namely Sri Ganganagar, Hanumangarh, Rajasmand, Jodhpur, Udaipur, Chittorgarh and Sirohi submitted work reports. In 14 districts, legal aid lawyers have not submitted work reports at all. These districts are: Ajmer, Bharatpur, Bikaner, Bhilwara, Bundi, Churu, Dausa, Dholpur, Dungarpur, Jhunjhunu, Jalore, Pali, Sikar, and Tonk. SLSA to direct the DLSA that the DLSA reports to the SLSA in advance before the term of R&B lawyers comes to an end and when the new batch is to be appointed. We did not receive any response from 10 districts namely Alwar, Banswara, Barmer, Sawai Madhopur, Jaisalmer, Jhalawar, Jaipur, Karauli, Nagaur, Pratapgarh. SLSA to check if R&B lawyers are appointed in these districts on a regular basis.

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23 Refer Formats, page no. 76
24 Refer Formats, page no. 76
were submitted to the DLSA after the completion of their term as Remand & Bail Lawyers. SLSA to direct the DLSAs to ensure that reports are submitted monthly as mandated. Also, while the lawyers in other districts have submitted monthly reports, only lawyers in Sikar district have submitted case based reports. This seems to be an effective way to ensure reporting

3. Issuance of Attendance Certificate by the Court

Attendance certificates for the legal aid lawyers have been issued by court in only eleven districts. In ten districts, namely Baran, Bharatpur, Bundi, Dungarpur, Sri Ganganagar, Jalore, Pali, and Sirohi, no attendance certificates were issued by the court. SLSA to direct the DLSAs to ensure that magistrates issue certificates on a monthly basis. If the appointed legal aid lawyers do not appear in front of the magistrate, the same should be mentioned in these certificates. This could be because the magistrates are unaware of the scheme, or they are not complying, or lawyers do not appear in the court. Majority of the reports and certificates submitted/issued by the lawyers and courts in different districts are issued either quarterly or half yearly. All the reports and certificates were submitted to the DLSA after the completion of their term as Remand & Bail Lawyers. The work reports are not standardized, but the attendance certificates are.

III - National Legal Services Authority (Legal Aid Clinics) Regulations, 2011 and Rajasthan State Legal Services Authority Guidelines, 2012

POLICY RECOMMENDATIONS

1. Constitution of LACs in Jails and Police Stations: The NALSA 2011 scheme recommends the constitution of the legal aid clinics (LACs) in places with barriers to access making police stations and jails the most eligible place to set up a legal aid clinic. In jails, it is well known that most of the population comprises of undertrial prisoners. It is also well known that they are from the lower economic strata. They have little or no awareness of rights nor of legal process. They do not know that they are entitled to effective representation. Because there is no explicit mandate to hold legal clinics in police stations and jails most legal aid authorities do not in fact hold clinics in these places and a major aim of the statute is defeated. Therefore NALSA Regulations should be amended to clearly specify that legal aid clinics should be constituted in jails and police stations.

2. Appointment and Training of PLVs: The prison in-charge of every prison must assist the DLSA in identifying convict paralegal volunteers keeping in mind the educational qualifications and stay in prison. The SLSA could issue directions that the PLVs be trained within two weeks of their appointment. The training should be designed in such a way that the prison in-charge understands the responsibilities of the PLVs and the training should be conducted under the guidance of a legal services institution.

3. Tenure of the PLVs: The tasks of the prisoner paralegal volunteer entails advising inmates about their legal queries, drafting applications, managing registers and reports. These activities involve skill and commitment and the paralegals are supposed to undergo training to perform their tasks. In order to capitalize on the training and experience, the tenure of the PLVs should be for a short period. CHRI recommends appointment of a PLV for at least one year.

4. Regular visits of the JVLs: The RSLSA Guidelines should be amended to mandate jail visiting lawyers to visit prisons at least twice a week. The prison in-charge must make proper arrangements for the lawyers to work at the prison which includes providing them with a table and chair and a designated place to carry on their tasks. If the prison is located far from the court complex, then the lawyer may visit the prison once a week and interact with the inmates through video-conferencing once a week. The appointment letters of the jail visiting lawyer should detail these and other responsibilities under the scheme.

5. Reviewing the registers: The PLVs and JVLs are expected to maintain the registers in the jail legal aid clinic (JLAC). The register records the work done in the clinic and the quality of the maintenance of the register impacts the operation of the clinic itself. CHRI recommends that the legal services institutions should review the register monthly. It should be categorically mentioned in the policy that all columns of the register should be mandatorily filled. Also, proper filing of the ‘action taken column’ helps the LSI to suggest the PLVs and JVLs what course of actions can be taken in future. The legal services institutions should ensure through the jail visiting lawyers that monthly reports regarding the work done in the clinic is received from the PLVs.

6. Other register to be maintained by the LACs: LACs should maintain a dispatch register and an inward register. While the dispatch register would keep a record of all the letters, applications, petitions that have been sent through the clinic, the inward register would keep a record of the responses, appointment letters and other information received.

7. Honorarium to paralegals: To make its prisoner paralegal scheme successful SLSA could write to the Prison Department to consider remission against paralegal work done.

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23 CHRI conducted small roundtables with R&B lawyers of different batches to identify the problems. Subsequent to this, CHRI conducted an information campaign for magistrates on the scheme supported by the DLSA in Jodhpur.
IMPLEMENTATION RECOMMENDATIONS

LEGAL AID CLINICS HAVE BEEN ESTABLISHED IN MOST DISTRICTS. HOWEVER THE MAJORITY ARE NON-OPERATIONAL AS JAIL VISITING LAWYERS AND PRISONER PARALEGALS HAVE NOT BEEN APPOINTED, AND WHERE APPOINTED, REPORTING AND MONITORING IS MINIMAL.

1. Constitution of Legal Aid Clinics
   Among central district and jails, legal aid clinics (LAC) have not been constituted in two jails: Bundi and Pali. SLSA to direct the DLSAs to constitute jail legal aid clinics in these districts as soon as possible. Nine districts did not respond to the query. These are Alwar, Dholpur, Sawai Madhopur, Jaisalmer, Jaipur, Karauli, Nagaur, Pratapgarh and Tonk. SLSA to check if LACs have been constituted in these jails.
   Out of 60 sub-jails, only 21 have a legal aid clinic, while 12 sub-jails do not have a legal aid clinic. These are Naima, Bhadra, Khetri, Ramganj, Mandi, Sangod, NimBahera, Jhadole, Kanore, Kotra, Mavli, and Salumber. SLSA to direct the DLSAs to ensure the constitution of clinics in these jails. The DLSAs did not respond to the query in the remaining 27 sub-jails. SLSA to check whether LACs are appointed in these jails.

2. Working of Legal Aid Clinics
   In ten districts, even though legal aid clinics were constituted, they have not been working. These districts are Banswara, Bharatpur, Dausa, Dungarpur, Sri Ganganagar, Jhunjhunu, Jodhpur, Jalore, Kota and Rajasmand. SLSA to direct the DLSAs in these districts to ensure regular working of the legal aid clinics. Eight districts did not respond to this query. These are Alwar, Sawai Madhopur, Jaisalmer, Jaipur, Karauli, Nagaur, Pratapgarh and Tonk. SLSA to check if LACs are working regularly.

3. Appointment of Jail Visiting Lawyers (JVL)
   Jail visiting lawyers were not appointed in 10 districts. These are Barmer, Bharatpur, Bikaner, Bundi, Dholpur, Dungarpur, Sri Ganganagar, Jhalawar, Kota and Pali. SLSA to direct the DLSAs to appoint jail visiting lawyers in these districts. Eight districts, namely Alwar, Sawai Madhopur, Jaisalmer, Jaipur, Karauli, Nagaur, Pratapgarh and Tonk did not respond to this query. SLSA to check if JVLs have been appointed in the jails in these districts.

4. Visits by Jail Visiting Lawyer (JVL)
   JVLs are mandated to visit jails fortnightly. JVLs appointed in Baran, Chittorgarh, Rajasmand, Sikar and Sirohi district jails and Jodhpur and Udaipur central jails visited the prisons, but not as frequently as mandated. JVLs appointed in Banswara, Dausa, Hanumangarh, Jhunjhunu and Jalore district jail did not visit the jails at all. All of these jails except Hanumangarh do not maintain JLAC registers. SLSA to direct the DLSAs to monitor the visits of JVLs by ensuring the attendance registers are maintained in the clinic and are checked on a regular basis. Further, payment of an honorarium would be an incentive for JVLs to visit jails on a regular basis.

5. Appointment of Prisoner Paralegal Volunteers
   Paralegal volunteers (PLVs) have not been appointed in 14 districts. These are Barmer, Baran, Bharatpur, Bundi, Chittorgarh, Dausa, Dholpur, Dungarpur, Sri Ganganagar, Hanumangarh, Jhalawar, Kota, and Pali. SLSA to direct the DLSAs to appoint paralegal volunteers in the jails of these districts. Eight districts, namely Alwar, Sawai Madhopur, Jaisalmer, Jaipur, Karauli, Nagaur, Pratapgarh and Tonk did not respond to this query. SLSA to check if PLVs have been appointed in the jails in these districts.

   Only Ajmer PLVs have submitted reports to the DLSA about the functioning of the legal aid clinic. SLSA to direct the DLSA of the remaining 32 districts to ensure that PLVs submit monthly reports to them.

7. Registers Maintained
   Registers have not been maintained by jail legal aid clinics in 14 districts. These are Banswara, Bharatpur, Bundi, Dausa, Dholpur, Dungarpur, Sri Ganganagar, Jhunjhunu, Jodhpur, Jalore, Kota, Pali, Rajasmand and Sikar. SLSA to direct the DLSAs to ensure that registers are maintained by PLVs in the jail legal aid clinics in these districts. Eight districts, namely Alwar, Sawai Madhopur, Jaisalmer, Jaipur, Karauli, Nagaur, Pratapgarh and Tonk did not respond to the query. SLSA to check whether registers are being maintained in the jail legal aid clinics in these districts.

8. PLV Trainings
   In five districts, paralegal volunteers were appointed but were not trained during this period. These districts are Jodhpur, Rajasmand, Sirohi, Churu and Udaipur. SLSA to direct the DLSAs in these districts to ensure PLVs are trained. Eight districts, namely Alwar, Sawai Madhopur, Jaisalmer, Jaipur, Karauli, Nagaur, Pratapgarh and Tonk did not respond to the query. SLSA to check whether PLVs are trained in the jails of these districts.
# THE MANDATE

## SCHEME - I

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Type</th>
<th>Periodicity</th>
<th>Mandate</th>
<th>Provision</th>
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<tr>
<td></td>
<td>National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010</td>
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<tr>
<td>1</td>
<td>Structural</td>
<td>Continuous</td>
<td>To make available legal aid application forms (Form I) in the local language or English through their office, legal aid clinics, paralegal volunteers, voluntary social service institutions and others.</td>
<td>Regulation 3(1) &amp; (6)</td>
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<td>2</td>
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<td>Once every three years</td>
<td>To constitute a panel of legal aid lawyers based on the qualifications mentioned in the scheme.</td>
<td>Regulation 8</td>
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<td>3</td>
<td>Structural</td>
<td>Once every three years</td>
<td>To maintain separate panels for dealing with different type of cases.</td>
<td>Regulation 8(5)</td>
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<td>4</td>
<td>Structural</td>
<td>Once every three years</td>
<td>To maintain a separate panel of senior lawyers, law firms, retired judicial officers, mediators, conciliators and law professors for providing legal advice and other legal services.</td>
<td>Regulation 9(1)</td>
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<td>5</td>
<td>Continuous</td>
<td>Continuous</td>
<td>To maintain a list of such agencies, institutions or persons who are willing to render free legal services.</td>
<td>Regulation 7(6)</td>
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<td>6</td>
<td>Period as fixed</td>
<td>To prepare a list of legal practitioners from among panel lawyers to be designated as retainers.</td>
<td>Regulation 8(6)</td>
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<td>7</td>
<td>One-time constitution</td>
<td>To constitute monitoring committees to oversee progress of cases taken up by panel lawyers.</td>
<td>Regulation 10(1)</td>
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<td>8</td>
<td>Continuous</td>
<td>Continuous</td>
<td>To appoint adequate staff and infrastructure to the monitoring committee to monitor day-to-day progress of legal aid cases.</td>
<td>Regulation 11(2)</td>
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<td>9</td>
<td>Procedural</td>
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<td>To send the details of the legal services provided in Form-II to the monitoring committee as soon as legal services are provided.</td>
<td>Regulation 11(1)</td>
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<td>10</td>
<td>Procedural</td>
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<td>To request the presiding officer of the court to have access to the registers maintained by the court to ascertain the proceedings of the case.</td>
<td>Regulation 11(3)</td>
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<td>11</td>
<td>Procedural</td>
<td>As and when required</td>
<td>To pay fees and expenses to panel lawyers as soon as the report of completion of the proceedings is received.</td>
<td>Regulation 14(3)</td>
</tr>
<tr>
<td>12</td>
<td>Procedural</td>
<td>As and when required</td>
<td>To take urgent steps for disbursement of the requisite amount for additional expenditure such as payment of court fees, expenses for obtaining certified copies, etc.</td>
<td>Regulation 13(1)</td>
</tr>
<tr>
<td>13</td>
<td>Monitoring</td>
<td>As and when required</td>
<td>To take appropriate steps including withdrawal of the case and removal from the panel of such lawyers who do not perform satisfactorily or act contrary to the objectives and spirit of the LSA Act and these regulations.</td>
<td>Regulation 8 (15)</td>
</tr>
<tr>
<td>14</td>
<td>Reporting</td>
<td>Once every two weeks</td>
<td>To place bi-monthly reports of the monitoring committee before the Executive Chairman/Chairman of the SLSA and to obtain orders based on the report.</td>
<td>Regulation 12(3)</td>
</tr>
</tbody>
</table>
### Monitoring Committee

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Type</th>
<th>Periodicity</th>
<th>Mandate</th>
<th>Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Primary work</td>
<td>Daily</td>
<td>To oversee progress of cases taken up by panel lawyers.</td>
<td>Regulation 10(1)</td>
</tr>
<tr>
<td>2</td>
<td>Application of mind</td>
<td>Continuous</td>
<td>To advise the legal service institution to take appropriate steps if the progress of the case is not satisfactory.</td>
<td>Regulation 11(5)</td>
</tr>
<tr>
<td>3</td>
<td>Procedural</td>
<td>Daily</td>
<td>To maintain the records for day-to-day progress of legal aid cases.</td>
<td>Regulation 9(1)</td>
</tr>
<tr>
<td>4</td>
<td>Continuous</td>
<td>Continuous</td>
<td>To call for reports from the panel lawyers within such time as may be determined by the committee.</td>
<td>Regulation 11(5)</td>
</tr>
<tr>
<td>5</td>
<td>Continuous</td>
<td>Daily</td>
<td>To call for court registers to ascertain the progress of cases.</td>
<td>Regulation 11(3)</td>
</tr>
<tr>
<td>6</td>
<td>As and when required</td>
<td>Continuous</td>
<td>To engage senior advocates in appropriate cases.</td>
<td>Regulation 11(5)</td>
</tr>
<tr>
<td>7</td>
<td>Recording</td>
<td>Daily</td>
<td>To maintain a register for legal aid cases to record day-to-day postings, progress of cases and the end results.</td>
<td>Regulation 11(1)</td>
</tr>
<tr>
<td>8</td>
<td>Reporting</td>
<td>Monthly</td>
<td>To submit the register to the chairman of the committee every month.</td>
<td>Regulation 11(4)</td>
</tr>
<tr>
<td>9</td>
<td>Reporting</td>
<td>Once every two weeks</td>
<td>To submit bi-monthly reports to the executive chairman or chairman of the legal services institution</td>
<td>Regulation 12(1)</td>
</tr>
</tbody>
</table>

### Panel Lawyer

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Type</th>
<th>Periodicity</th>
<th>Mandate</th>
<th>Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Primary work</td>
<td>Continuous</td>
<td>To represent the person in court.</td>
<td>Regulation 8</td>
</tr>
<tr>
<td>2</td>
<td>Continuous</td>
<td>As and when sought</td>
<td>To visit the client in prison.</td>
<td>Implicit</td>
</tr>
<tr>
<td>3</td>
<td>Reporting</td>
<td>On completion of the case</td>
<td>To submit report of completion of proceeding</td>
<td>Regulation 14(3)</td>
</tr>
<tr>
<td>4</td>
<td>Reporting</td>
<td>Always</td>
<td>Not to ask for or receive any fee or consideration from the person to whom legal services are rendered.</td>
<td>Regulation 8(14)</td>
</tr>
<tr>
<td>5</td>
<td>Reporting</td>
<td>As and when required</td>
<td>To provide reasons to the member secretary/secretary if desirous of withdrawing from a case assigned.</td>
<td>Regulation 8(13)</td>
</tr>
</tbody>
</table>

### Retainer Lawyer

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Mandate</th>
<th>Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>To devote their time exclusively for legal aid work.</td>
<td>Regulation 8(10)</td>
</tr>
<tr>
<td>2</td>
<td>To be always available to deal with legal aid cases and to man the front office of consultation office.</td>
<td>Regulation 8(10)</td>
</tr>
<tr>
<td>3</td>
<td>All the regulations that the panel lawyers are mandated to follow.</td>
<td>Regulation 11(5)</td>
</tr>
</tbody>
</table>
### STATE LEGAL SERVICES AUTHORITY

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Type</th>
<th>Periodicity</th>
<th>Mandate</th>
<th>Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Monitoring</td>
<td>Bi-monthly</td>
<td>To receive reports from the monitoring committee.</td>
<td>Regulation 12(1)</td>
</tr>
<tr>
<td>2</td>
<td>Application of mind</td>
<td>Bi-monthly</td>
<td>To decide course of action to be taken in each case.</td>
<td>Regulation 12(2)</td>
</tr>
<tr>
<td>3</td>
<td>Reporting</td>
<td>As and when deemed fit</td>
<td>To give orders based on the report of the monitoring committee.</td>
<td>Regulation 12(3)</td>
</tr>
<tr>
<td>4</td>
<td>Reporting</td>
<td>As and when deemed fit</td>
<td>To send consolidated half-yearly reports of the monitoring committee indicating the success and failure of each legal aid case to NALSA.</td>
<td>Regulation 16(4)</td>
</tr>
<tr>
<td>5</td>
<td>Reporting</td>
<td>As and when deemed fit</td>
<td>To effect periodic revision of the honorarium to be paid to panel lawyers.</td>
<td>Regulation 14(2)</td>
</tr>
</tbody>
</table>

### NATIONAL LEGAL SERVICES AUTHORITY

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Type</th>
<th>Periodicity</th>
<th>Mandate</th>
<th>Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Monitoring</td>
<td>Every six months</td>
<td>To receive consolidated half-yearly reports of the monitoring committee indicating the success and failure of each legal aid case.</td>
<td>Regulation 16(4)</td>
</tr>
<tr>
<td>2</td>
<td>As and when deemed fit</td>
<td>To nominate and authorise NALSA members to supervise, monitor or advice the legal services institution for effective and successful implementation of the NALSA, 2010 regulations.</td>
<td>Regulation 16(5)</td>
<td></td>
</tr>
</tbody>
</table>

### SCHEME - II

#### ACTORS

<table>
<thead>
<tr>
<th>Rajasthan State Legal Service Authority's Legal Assistance to Persons in Custody Scheme, 2012</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Type</th>
<th>Periodicity</th>
<th>Mandate</th>
<th>Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Duties of Remand and Bail Lawyers</td>
<td>Daily</td>
<td>To be present during &quot;remand hours&quot;.</td>
<td>Guideline 7</td>
</tr>
<tr>
<td>2</td>
<td>Daily</td>
<td>To visit the designated police station on a daily basis and check whether any inmate in custody is unrepresented.</td>
<td>Implicit in Guideline 5</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>As and when required</td>
<td>To oppose unnecessary remand: to question the type and duration of remand.</td>
<td>Guideline 6</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>As and when required</td>
<td>To file bail applications and other necessary applications.</td>
<td>Guideline 6</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Monthly</td>
<td>To maintain a record of the work done and submit a report to the court at the end of the month.</td>
<td>Guideline 15</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Monthly</td>
<td>To submit attendance certificate issued by the court on a monthly basis.</td>
<td>Guideline 8 &amp; RSLSA letter</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>As and when required</td>
<td>To ensure being able to be contacted by the court when an unrepresented inmate is produced, if there are no designated remand hours.</td>
<td>Implicit in Guideline 6</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Once</td>
<td>To ensure that the lawyers’ names and phone numbers are displayed outside the designated court, police stations and prison. Also not to prepare and display any personal board or nameplate or misuse the position.</td>
<td>Guideline 10</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Secondary Work</td>
<td>As and when required</td>
<td>To assist the district authority and taluka committee to implement other schemes.</td>
<td>Guideline 13</td>
</tr>
<tr>
<td>10</td>
<td>Ethics</td>
<td>Always</td>
<td>Not to demand remuneration from aided persons.</td>
<td>Guideline 11</td>
</tr>
</tbody>
</table>
## COURTS

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Type</th>
<th>Periodicity</th>
<th>Mandate</th>
<th>Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Structural</td>
<td>Every six months</td>
<td>To ensure that the name and phone numbers of lawyers are displayed outside the designated court.</td>
<td>Guideline 10</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>Once</td>
<td>To maintain an attendance register for the designated remand and bail lawyer</td>
<td>Flows from Guideline 8</td>
</tr>
<tr>
<td>3</td>
<td></td>
<td>Daily</td>
<td>To ensure the presence of the remand and bail lawyer during &quot;remand hours&quot;</td>
<td>Flows from Guideline 7</td>
</tr>
<tr>
<td>4</td>
<td>Reviewing</td>
<td>As and when required</td>
<td>If there are no fixed remand hours, contact the lawyer designated whenever an unrepresented inmate comes to the court.</td>
<td>Flows from Guideline 7</td>
</tr>
<tr>
<td>5</td>
<td></td>
<td>Monthly</td>
<td>To forward the work report submitted by the lawyer to the legal services institution.</td>
<td>Guideline 15</td>
</tr>
<tr>
<td>6</td>
<td>Recording</td>
<td>Monthly</td>
<td>To issue attendance certificates of the designated lawyers.</td>
<td>Guideline 8</td>
</tr>
</tbody>
</table>

## LEGAL SERVICES INSTITUTIONS

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Type</th>
<th>Periodicity</th>
<th>Mandate</th>
<th>Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Structural</td>
<td>As deemed fit</td>
<td>To ascertain the number of remand and bail lawyers required in each court based on the number of productions.</td>
<td>Guideline 5</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>Primary Work</td>
<td>Every six months</td>
<td>Guideline 10</td>
</tr>
<tr>
<td>3</td>
<td></td>
<td>Monitoring</td>
<td>Every six months</td>
<td>Guidelines 3(a) &amp; 12</td>
</tr>
<tr>
<td>4</td>
<td></td>
<td>Monitoring</td>
<td>Every month</td>
<td>Guideline 8</td>
</tr>
<tr>
<td>5</td>
<td></td>
<td>Reporting</td>
<td>Every month</td>
<td>Guideline 15</td>
</tr>
<tr>
<td>6</td>
<td></td>
<td>Procedural</td>
<td>As and when required</td>
<td>Guideline 10</td>
</tr>
<tr>
<td>7</td>
<td></td>
<td>Procedural</td>
<td>Every month</td>
<td>Regulation 15</td>
</tr>
<tr>
<td>8</td>
<td></td>
<td>Secondary Work</td>
<td>As and when required</td>
<td>Guideline 9</td>
</tr>
<tr>
<td>9</td>
<td></td>
<td>Secondary Work</td>
<td>To seek assistance from the lawyers for the implementation of other legal aid schemes.</td>
<td>Regulation 13</td>
</tr>
</tbody>
</table>

## POLICE STATIONS

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Type</th>
<th>Periodicity</th>
<th>Mandate</th>
<th>Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Structural</td>
<td>Every six months</td>
<td>To display the names and phone numbers of the designated remand and bail lawyers.</td>
<td>The RLSLA letter attached to the scheme</td>
</tr>
<tr>
<td>2</td>
<td>Primary Work</td>
<td>Always</td>
<td>To inform the remand and bail lawyer if an unrepresented inmate is in their custody.</td>
<td>Implicit in Guideline 5</td>
</tr>
<tr>
<td>S. No.</td>
<td>Type</td>
<td>Periodicity</td>
<td>Mandate</td>
<td>Provision</td>
</tr>
<tr>
<td>--------</td>
<td>-----------------------</td>
<td>--------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>1</td>
<td>Primary &amp; Structural</td>
<td>Once</td>
<td>To constitute a legal aid clinic in every jail.</td>
<td>Guideline 5(2) RLSLA, 2012 &amp; Regulation 3 NALSA, 2011</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>Once</td>
<td>To display a signboard exhibiting the name, working hours and days of the legal aid clinic in English and the local language.</td>
<td>Regulation 13 NALSA, 2011</td>
</tr>
<tr>
<td>3</td>
<td></td>
<td>Every six months</td>
<td>To appoint long-term convicts as paralegals volunteers in every jail.</td>
<td>Regulation 5 NALSA, 2011 &amp; Guideline 11 RLSLA, 2012</td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
<td>To assign jail visiting lawyers for every jail. Preference to be given to women lawyers having a practice of at least three years.</td>
<td>Regulation 6 &amp; Regulation 8 NALSA, 2011</td>
</tr>
<tr>
<td>5</td>
<td></td>
<td>Continuous</td>
<td>To ensure that there are work register and attendance registers in the legal aid clinic.</td>
<td>Regulation 20(2) NALSA, 2011</td>
</tr>
<tr>
<td>6</td>
<td></td>
<td>Twice/once a week</td>
<td>To ensure legal aid clinics are operational twice a week in central and district jails and once a week in sub-jails.</td>
<td>Guideline 2 RLSLA, 2012</td>
</tr>
<tr>
<td>7</td>
<td>Primary &amp; Regular Work</td>
<td>Every six months</td>
<td>To train prisoner paralegal volunteers.</td>
<td>RLSLA, 2012 Guideline</td>
</tr>
<tr>
<td>8</td>
<td></td>
<td>Continuous</td>
<td>To ensure that the work and attendance registers are up-to-date.</td>
<td>Regulation 20(2) &amp; (3) NALSA, 2011</td>
</tr>
<tr>
<td>9</td>
<td></td>
<td>As and when required</td>
<td>To call for the registers maintained in the clinic through the paralegals or jail visiting lawyers.</td>
<td>Regulation 20(5) NALSA, 2011</td>
</tr>
<tr>
<td>10</td>
<td>Reporting</td>
<td>Monthly</td>
<td>To submit monthly work reports to the State Legal Services Authority.</td>
<td>Regulation 26(1) NALSA 2011</td>
</tr>
<tr>
<td>11</td>
<td>Operational</td>
<td>Every six months</td>
<td>To issue identity proof for paralegal volunteers</td>
<td>RLSLA, 2012 Guideline</td>
</tr>
<tr>
<td>12</td>
<td></td>
<td>Continuous</td>
<td>To provide adequate infrastructure and other resource for the smooth functioning of the clinic.</td>
<td>Regulation 14 NALSA, 2011</td>
</tr>
<tr>
<td>13</td>
<td></td>
<td>Monthly</td>
<td>To pay an honorarium to the paralegal volunteers and jail visiting lawyers.</td>
<td>Regulation 17 NALSA, 2011</td>
</tr>
</tbody>
</table>

**PARALEGAL VOLUNTEERS**

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Type</th>
<th>Periodicity</th>
<th>Mandate</th>
<th>Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Primary Work</td>
<td>Continuous</td>
<td>To draft bail applications, appeals, parole applications or any other information. Formats of these applications would be provided by RLSLA.</td>
<td>Regulation 11 RLSLA, 2012</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>Twice/once a week</td>
<td>To ensure operationalisation of the clinic twice a week in central and district jails and once in a week in sub-jails.</td>
<td>RLSLA, 2012 Guideline 2</td>
</tr>
<tr>
<td>3</td>
<td>Primary Work/ Reporting</td>
<td>Twice/once a week</td>
<td>To maintain attendance registers to record the working of the legal aid clinic.</td>
<td>NALSA, 2011 Regulation 20(1) &amp; RLSLA, 2012 Guideline</td>
</tr>
<tr>
<td>4</td>
<td></td>
<td>Twice/once a week</td>
<td>To maintain a work register recording the names and addresses of the persons seeking legal services, name of the lawyer or paralegal volunteer who renders services in the legal aid clinic, nature of the service rendered, remarks of the lawyer or paralegal volunteer and signature of persons seeking legal services</td>
<td>NALSA, 2011 Regulation 20 (2) &amp; RLSLA, 2012 Guideline</td>
</tr>
<tr>
<td>5</td>
<td>Secondary Work</td>
<td>Twice/once a week</td>
<td>To maintain any other register asked by the DLSA</td>
<td>NALSA, 2011 Regulation 20(4)</td>
</tr>
<tr>
<td>6</td>
<td>Reporting</td>
<td>As and when sought</td>
<td>To hand over the legal aid clinic registers to the legal services institutions as and when called for</td>
<td>NALSA, 2011 Regulation 20(5)</td>
</tr>
<tr>
<td>7</td>
<td>Operational</td>
<td>Continuous</td>
<td>To dispatch applications to the legal services institutions or any other relevant authority</td>
<td>RLSLA, 2012 Implicit in Guideline</td>
</tr>
<tr>
<td>8</td>
<td></td>
<td>As and when received</td>
<td>To receive legal aid lawyer appointment letters, replies from legal service institution and other authorities and give it to the concerned prisoner</td>
<td>Practice</td>
</tr>
</tbody>
</table>
### Jail Visiting Lawyer

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Type</th>
<th>Periodicity</th>
<th>Mandate</th>
<th>Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Primary Work</td>
<td>Fortnightly</td>
<td>To visit jails once a fortnight.</td>
<td>RLSA, 2012 Guideline 10 &amp; NALSA, 2011 Regulation 7</td>
</tr>
<tr>
<td>2</td>
<td>Primary Work</td>
<td>During every jail visit</td>
<td>To provide legal awareness to inmates.</td>
<td>RLSA, 2012 Guideline 7</td>
</tr>
<tr>
<td>3</td>
<td>Primary Work</td>
<td>During every jail visit</td>
<td>To draft petitions, letters and applications as requested by the inmates.</td>
<td>NALSA, 2011 Regulation 5(3) &amp; RLSA, 2012 Guideline</td>
</tr>
<tr>
<td>4</td>
<td>Primary Work/Reporting</td>
<td>During every jail visit</td>
<td>To record the presence and work done during the visit in the register maintained by the paralegal volunteer.</td>
<td>NALSA, 2011 Regulation 20 &amp; RLSA, 2012 Guideline</td>
</tr>
<tr>
<td>5</td>
<td>Secondary Work</td>
<td>As and when sought</td>
<td>To hand over the legal aid clinic registers to the legal services institutions as and when called for.</td>
<td>NALSA, 2011 Regulation 20(5)</td>
</tr>
<tr>
<td>6</td>
<td>Secondary Work</td>
<td>As and when required</td>
<td>To work on any other activity given by the legal services institution.</td>
<td>RLSA, 2012 Guideline</td>
</tr>
</tbody>
</table>

### State Legal Services Authority

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Type</th>
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<th>Mandate</th>
<th>Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Monitoring</td>
<td>Monthly</td>
<td>To collect monthly reports from DLSAs on the functioning of legal aid clinic in their jurisdiction.</td>
<td>NALSA, 2011 Regulation 26(1)</td>
</tr>
<tr>
<td>2</td>
<td>Monitoring</td>
<td>At least quarterly</td>
<td>To conduct periodical reviews of the working of legal aid clinics at least once every three months or more frequently.</td>
<td>NALSA, 2011 Regulation 26(2)</td>
</tr>
<tr>
<td>3</td>
<td>Operational</td>
<td>Continuous/periodically</td>
<td>To issue directions periodically to ensure that the weaker sections of society are provided legal services in an efficient manner.</td>
<td>NALSA, 2011 Regulation 26(3)</td>
</tr>
<tr>
<td>4</td>
<td>Reporting</td>
<td>As and when required</td>
<td>To fix the honorarium of visiting lawyers and paralegal volunteers attached to the clinic in consultation with NALSA.</td>
<td>NALSA, 2011 Regulation 17</td>
</tr>
<tr>
<td>5</td>
<td>Reporting</td>
<td>Quarterly</td>
<td>To send quarterly reports on the functioning of LACs to NALSA.</td>
<td>NALSA, 2011 Regulation 26(4)</td>
</tr>
<tr>
<td>FINDINGS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rajasthan State Legal Service Authority’s Legal Assistance to Persons in Custody Scheme, 2012</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Legal Services Authority (Legal Aid Clinics) Regulations, 2011 and Rajasthan State Legal Services Authority Guidelines, 2012</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Ajmer, Sikar, Jodhpur and Sirohi implemented the legal aid schemes better than the other districts. While most of the districts have appointed panel lawyers they have not gone beyond the appointments, thus rendering the scheme redundant. Most districts do not have a monitoring committee, and those that do, have them only on paper. Not even half the jails in the state have a legal aid clinic. In those that do have legal aid clinics, the clinics are either not operational or do not have the paralegals to maintain them or jail visiting lawyers to provide legal aid. The local remand & bail lawyers scheme appears to have performed relatively better in terms of appointments, but like the other schemes, there were hardly any representations or releases. The complete absence of monitoring and reporting mechanisms appears to be the apparent reason for this state of affairs. The schemes, if implemented meticulously and in the right spirit can ensure access to legal aid for all. For now, the destination is a long way ahead.
At the district level, 11 districts have not even appointed a panel of legal aid lawyers and therefore, there has been zero implementation of the scheme in these districts. In the 21 districts that have appointed a panel of lawyers, in only seven of them, have cases been assigned to these lawyers. Hence, the appointment of the panel in the remaining 14 districts have served no purpose. In the seven districts where cases were assigned, just four have monitoring committees to review the cases taken up by the lawyers. Only one of these committees has maintained a separate register and a staff member to ensure monitoring of cases. Information about the ultimate outcome for which the legal aid machinery under this scheme was put in place, releases and acquittals are not maintained. From the records available, there were 110 bail releases from Kota and one acquittal from Dungarpur.

As on 1 December 2014, there were a total of 617 panel lawyers appointed in 21 districts. Of these, Churu had the largest panel of 80 lawyers and Jaipur of 79 lawyers. Of the 21 districts, 10 had a panel of less than 20 lawyers, some even less than ten. Bikaner, surprisingly had appointed only one panel lawyer. Jalore and Pali had no panel lawyers on 31 December 2014, but appointed 20 and 10 panel lawyers on 31 January 2015 and 28 January 2015 respectively. While the eligibility criteria prescribes that the lawyer should have at least three years of practice, lawyers with long years of experience were also appointed. The senior-most panel lawyer appointed in the period analysed was Mr Prakash Chand Jain from Dausa who has been practising for more than 37 years.

Of the 32 DLSAs, only two, Alwar and Hanumangarh have appointed retainer lawyers. Four districts, namely Ajmer, Dholpur, Jhunjhunu and Nagaur mentioned that appointments are under process. The remaining either do not have retainer lawyers or have not responded to the query.

Of the 21 districts that appointed panel lawyers, seven also took up legal aid cases, eight did not respond to this query and six did not take up any legal aid cases. The remaining 11 that did not appoint panel lawyers naturally did not have any representations. Therefore at least 17 of the 33 districts did not represent even a single person under the scheme.

In total, 1,343 people were represented by the 229 lawyers in the seven districts where representations were made. Of these, 1,000 case were taken up in Ajmer and Jodhpur with 585 and 415 cases respectively. Out of these seven districts, six did not provide the number of bail releases that took place through the representation. While Udaipur and Jodhpur mentioned that this information is not available with them, Ajmer, Chittorgarh, Dungarpur, and Sikar answered with a “-” which probably means that they also did not maintain this information. The one district that provided information about bail releases was Jhunjhunu, however, it had “Nil” releases. Kota, which had not responded to the query on representation, stated that there were 110 bail releases under the scheme. Incredibly, there was information about one acquittal (from Dungarpur) from the entire state.

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26 Barmer, Bhilwara, Bundi, Dholpur, Sawai Madhopur, Sri Ganganagar, Jalore, Pali, Rajasthan and Sirohi.
27 Some districts have not responded to the query, so there may be a few more districts that have made appointments. The seven districts mentioned here are Ajmer, Chittorgarh, Dungarpur, Jhunjhunu, Jodhpur, Sikar and Udaipur.
28 Alwar, Banswara, Baran, Bikaner, Churu, Dausa, Hanumangarh, Jhalawar, Jaipur, Karauli, Kota, Nagaur, Pratapgarh, and Tonk
29 Ajmer, Jhunjhunu, Jodhpur and Sikar
30 Sawai Madhopur
31 Alwar, Banswara, Baran, Bikaner, Churu, Chittorgarh, Dausa, Dungarpur, Hanumangarh, Jhunjhunu, Jodhpur, Pratapgarh, and Tonk
32 Alwar, Baran, Bikaner, Chittorgarh, Dungarpur, Hanumangarh, Jhunjhunu, Jhalawar, Pratapgarh, and Tonk
33 Bikaner, Churu, Dausa, Jaipur, Karauli, Kota, Nagaur, Pratapgarh and Tonk
34 Ajmer, Chittorgarh, Dungarpur, Jhunjhunu, Jodhpur, Sikar and Udaipur
35 Alwar, Banswara, Baran, Karauli, Kota, Nagaur, Pratapgarh and Tonk
36 Bikaner, Churu, Dausa, Jaipur, Jhalawar and Pali
<table>
<thead>
<tr>
<th>District</th>
<th>Date of Constitution of MC</th>
<th>Members</th>
<th>Separate staff for MC</th>
<th>Register maintained by the MC</th>
<th>Bi-monthly reports sent by the MC</th>
<th>Senior advocates appointed by the MC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ajmer</td>
<td>Not provided</td>
<td>District and Sessions Judge, Ajmer and one lawyer</td>
<td>No</td>
<td>No</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Banswara</td>
<td>15-11-2014</td>
<td>District and Sessions Judge and Chief Judicial Magistrate, Banswara and one lawyer</td>
<td>Nil</td>
<td>No</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Bikaner</td>
<td>17-11-2014</td>
<td>District and Sessions Judge and Additional District Judge-1, Bikaner; Full time member Secy., Bikaner DLSA; One lawyer</td>
<td>No</td>
<td>No cases thus no need for a register</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Dholpur</td>
<td>Not provided</td>
<td>District and Sessions Judge and one lawyer</td>
<td>Nil</td>
<td>No</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Hanumangarh</td>
<td>Not provided</td>
<td>Senior judicial officer; Full time secy., DLSA and one lawyer</td>
<td>1</td>
<td>No request received so no need for a register</td>
<td>Not Available</td>
<td>Nil</td>
</tr>
<tr>
<td>Jhunjhunu</td>
<td>31-07-2014</td>
<td>Upper District and Sessions Judge, Additional Chief Judicial Magistrate, Chair and secy. bar association; and mediation lawyer</td>
<td>Nil</td>
<td>Nil</td>
<td>Yes</td>
<td>Two</td>
</tr>
<tr>
<td>Jodhpur</td>
<td>21-05-2014</td>
<td>District and Sessions Judge, Judge in charge, Chair and Secy. bar association; mediation judicial officer; mediation lawyer, Chair DLSA</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Sikar</td>
<td>14-11-2014</td>
<td>District and Sessions Judge and Chief Judicial Magistrate, Sikar and one lawyer</td>
<td>1</td>
<td>Yes (Attached)</td>
<td>No</td>
<td>1</td>
</tr>
</tbody>
</table>

Though the scheme came into force in 2010, the monitoring committees have not been established in a majority of the districts. Further, in the eight districts where they have been constituted, they came up in 2014. Also, the composition of members of the MC in Jhunjhunu and Jodhpur clearly indicates that it refers to the mediation committee and not the monitoring committee. Interestingly, the designated lawyer in the MC in Ajmer was also a part of the panel of lawyers. The infrastructure, in terms of the staff and registers maintained by these committees, is also non-existent. Bikaner and Hanumangarh in their honest yet unfortunate response mentioned that as no requests for legal aid were made, no registers were maintained. Sikar is the only district which maintained a register. However the purpose of the register is to record the day-to-day proceedings of the cases, but the register maintained by Sikar only has the details of the cases taken up by the authority with no details of any subsequent hearings. A bi-monthly report on the implementation of the scheme is mandated to be sent by every DLSA to SLSA. Of the 33 districts, only Jhunjhunu mentioned that the report is sent regularly, but it was not attached. Also, it is not clear whether these reports are related to mediation or monitoring of legal aid cases.

Legal aid lawyers are supposed to submit a report of completion of proceedings. Dungarpur was the only district in the state which mentioned that completion reports were submitted. However the copy of the same was not attached with the RTI response. The surprising response from Chittorgarh was that completion reports were not submitted as the monitoring committee was not established. The scheme mandates that payments should be made to the panel lawyers after they submit the report of the proceedings. However payments to panel lawyers for their services were disbursed in five districts: Chittorgarh (Rs. 95,500), Dungarpur (Rs. 68,750), Jodhpur (Rs. 2,99,150), Sikar (Rs. 63,700) and Sirohi (Rs. 67,800).
TALUKA LEVEL INFORMATION FROM THE DLSAs

<table>
<thead>
<tr>
<th>DLSAs response on the TLSC level information</th>
<th>DLSAs</th>
<th>Number of TLSCs</th>
</tr>
</thead>
<tbody>
<tr>
<td>DLSAs which did not respond to the RTI</td>
<td>Jaisalmer</td>
<td>1</td>
</tr>
<tr>
<td>DLSAs which provided no taluka level information</td>
<td>Barmer, Bharatpur, Bhiwara, Bundi, Churu, Dausa, Dholpur, Sawai Madhopur, Sri Ganganagar, Jodhpur, Kota, Pali, Rajasmand, and Sirohi</td>
<td>84</td>
</tr>
<tr>
<td>DLSAs which provided information from some talukas</td>
<td>Ajmer, Alwar, Chittorgarh, Udaipur, and Tonk</td>
<td>39</td>
</tr>
<tr>
<td>DLSAs which provided information from all the talukas</td>
<td>Banswara, Baran, Bikaner, Dungarpur, Hanumangarh, Jhunjhunu, Jalore, Jhalawar, Karauli, Nagaur, Pratapgarh and Sikar</td>
<td>58</td>
</tr>
<tr>
<td>Total</td>
<td>33</td>
<td>182</td>
</tr>
</tbody>
</table>

Limited information was received from the talukas. Talukas from 15 districts have appointed 568 panel lawyers. Talukas in Tonk, Nagaur and Hanumangarh have appointed the maximum number of panel lawyers with 101, 82 and 71 lawyers respectively. Hanumangarh is the only district to have appointed 6 retainer lawyers at the taluka level. Chittorgarh and Sikar are the only districts with information on releases from the talukas. While three people were represented in Sikar, 424 were represented in Chittorgarh. There were no releases or acquittals. No completion reports have been received from the panel lawyers. However, payments have been made to panel lawyers in Chittorgarh (Rs. 3,45,324), Dungarpur (Rs. 6,000) and Sirohi (Rs. 76,250). The monitoring committee has been constituted in 25 talukas only. The details regarding the committees are mentioned below.

CONSTITUTION OF MONITORING COMMITTEE (AS ON 1ST DECEMBER 2014)

<table>
<thead>
<tr>
<th>Districts</th>
<th>Date of Constitution of MC</th>
<th>Number of Talukas with MC</th>
<th>Members</th>
<th>Separate staff personnel for the Monitoring Committee</th>
<th>Register maintained by the MC</th>
<th>Bi-monthly reports sent by the MC</th>
<th>Senior advocates appointed by the MC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ajmer</td>
<td>Not provided</td>
<td>8</td>
<td>Upper District Judicial Magistrate/Additional Chief Judicial Magistrate/Judicial Magistrate &amp; one lawyer</td>
<td>No</td>
<td>No</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Banswara</td>
<td>15-11-2014</td>
<td>4</td>
<td>Additional Chief Judicial Magistrate/Chief Judicial Magistrate, junior clerk, and a lawyer</td>
<td>Nil</td>
<td>Not provided</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Bikaner</td>
<td>17-11-2014</td>
<td>5</td>
<td>Judicial Magistrate &amp; one lawyer</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Dholpur</td>
<td>Not provided</td>
<td>2</td>
<td>Upper District Judicial Magistrate/Judicial Magistrate and one lawyer</td>
<td>No</td>
<td>Not provided</td>
<td>Not provided</td>
<td>Not provided</td>
</tr>
<tr>
<td>Hanumangarh</td>
<td>Not provided</td>
<td>6</td>
<td>Senior judicial officer; Chair, TLSC and one lawyer</td>
<td>No</td>
<td>Not provided</td>
<td>Not provided</td>
<td>Not provided</td>
</tr>
</tbody>
</table>

Lawyers designated in the MC in Gadi, Ghatol and Kushalgarh talukas of Banswara district; Bhadra, Ravatsar and Pilibanga of Hanumangarh district and Kolayat, Lunkaransar and Nokha of Bikaner district were also the part of the panel of lawyers. Further, the talukas of Bikaner district only had one panel lawyer each.

SCHEME - II: Rajasthan State Legal Service Authority’s Legal Assistance to Persons in Custody Scheme, 2012

<table>
<thead>
<tr>
<th>Theme</th>
<th>Appointment</th>
<th>Representation</th>
<th>Bail Releases</th>
<th>Work Reports</th>
<th>Attendance Certificates</th>
<th>Statistical Reports</th>
<th>Publicity to the scheme</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of Districts</td>
<td>23</td>
<td>10</td>
<td>4</td>
<td>7</td>
<td>11</td>
<td>2</td>
<td>14</td>
</tr>
</tbody>
</table>

Appointments of remand & bail lawyers are expected to be done every six months. This was actually done in only one of the 23 districts. In the remaining 22 districts, appointments were made in four, three or even fewer months during the 28 months under study. Not even a single case was taken up in at least 12 districts37 and there was no information of a single release or acquittal from at least 18 districts under the scheme in 28 months. This reflects the sorry state of the implementation of the scheme. Sri Ganganagar, Jodhpur, Rajasmand and Hanumangarh performed better than the other districts in the implementation of the scheme. Ajmer, Banswara and Chittorgarh who had implemented the other schemes reasonably well, were among the worst performers as far as the Model Scheme was concerned.

37 Ajmer, Baran, Bharatpur, Bundi, Churu, Chittorgarh, Dausa, Dholpur, Dungarpur, Jhunjhunu, Jalore and Kota.
Between February 2012 and July 2014, just 400 remand & bail lawyers were appointed in 23 districts of Rajasthan. While 71 of them were from Ajmer, nine districts[39] have appointed less than 10 lawyers. Of the 23 districts, 12[40] have not mentioned the period for which the remand & bail lawyers were appointed. Some districts have also not provided a court-wise list of lawyers and thus it is difficult to ascertain if appointments were made in all the courts and for all the time periods. Sikar is the only district where appointments were made for all the five terms. There is no standardisation regarding the time period of the appointment of the remand & bail lawyers in the districts. This would make it extremely difficult for the SLSA to monitor timely appointments of lawyers.

<table>
<thead>
<tr>
<th>Appointment of R&amp;B Lawyers (between February 2012 &amp; July 2014)</th>
<th>(23 Responses)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regularly: 5[38]</td>
<td></td>
</tr>
<tr>
<td>Irregular: 6[38]</td>
<td></td>
</tr>
<tr>
<td>Term not clear: 12</td>
<td></td>
</tr>
</tbody>
</table>

In ten districts,[41] the remand & bail lawyers took up 616 legal aid cases, more than half of which were from Rajasamand (229) and Bhilwara (99), whereas six[42] of the ten districts had taken up less than 50 cases in 28 months. In five districts, the appointed remand & bail lawyers were not assigned any legal aid cases or did not take up any. These districts were Baran, Dungarpur, Jalore, Kota and Tonk. Three districts, Bharatpur, Chittorgarh and Dausa mentioned that as no registers were maintained for the remand & bail lawyers scheme, information regarding representation cannot be made available. Jhunjhunu seems to have misunderstood the question as it responded “is scheme ke tehat adhivakta ke alava anya kisi vyakti ki niyukti nahi ki jaa sakti”. (Under this scheme, no one other than advocates can be appointed).

Of the ten districts, only Bikaner, Bhilwara and Sri Ganganagar provided information on bail releases. While no information on representation was provided, Churu has provided information on the releases under the scheme. Four inmates were released from Bikaner, 82 from Ganganagar and 745 from Churu under the scheme. In Bhilwara, 1756 inmates were released from judicial custody and 557 from police custody.

Bharatpur, Chittorgarh, Dholpur, Dungarpur, Hanumangarh, Jalore, Kota, Pali, Rajasamand, Sikar, Sirohi and Tonk mentioned that no releases have taken place under the scheme. Dausa, Udaipur and Jodhpur stated that they have not maintained any separate register to record bail releases under the scheme and hence do not have any information on bail releases. Bharatpur and Jhunjhunu mentioned that as no information was received from the court, no information on bail release was available. While the court may maintain information about bail releases, it is the responsibility of the legal services authority to maintain registers and work reports from the lawyers.

<table>
<thead>
<tr>
<th>Bail Releases (between April 2014 &amp; June 2014)</th>
<th>(21 Responses)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes: 4</td>
<td>Nil: 12</td>
</tr>
<tr>
<td>Nil: 12</td>
<td>INA: 5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Representation made (between February 2012 &amp; July 2014)</th>
<th>(19 Responses)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes: 10</td>
<td>INA: 3</td>
</tr>
<tr>
<td>Nil: 5</td>
<td>Others: 1</td>
</tr>
</tbody>
</table>

In seven districts: Sri Ganganagar, Hanumangarh, Rajasamand, Jodhpur, Udaipur, Chittorgarh and Sirohi. Only four[43] of them pertain to the time period (April 2014 to June 2014) for which they were sought in the RTI request.

Most of the work reports were submitted as a consolidated report for six or three months. Only a few were monthly. All of them were issued much after the completion of the term of the lawyer.

Work reports are to be submitted by the lawyers to the presiding officer of the court which is then forwarded to the chairman of the legal services institution at the end of every month. Work reports were actually submitted only in seven districts: Sri Ganganagar, Hanumangarh, Rajasamand, Jodhpur, Udaipur, Chittorgarh and Sirohi. Only four[44] of them pertain to the time period (April 2014 to June 2014) for which they were sought in the RTI request.

Most of the work reports were submitted as a consolidated report for six or three months. Only a few were monthly. All of them were issued much after the completion of the term of the lawyer.

Lack of deadlines for submission of reports could be one of the reasons for this delay. Without periodical submission of the work reports the legal services institution would be unable to review the work done by the lawyers.

<table>
<thead>
<tr>
<th>Monthly Work Report** (between April 2014 &amp; June 2014)</th>
<th>(21 Responses)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submitted: 7</td>
<td>Not Submitted: 14</td>
</tr>
</tbody>
</table>

Eleven districts[45] mentioned that they did not receive monthly work reports from the lawyers. Of these, Bhilwara, Jalore and Tonk did not cite any reason for this. Baran, Bharatpur, Chittorgarh and Pali stated that the presiding officers did not send them the reports. Bikaner, Dausa, Dungarpur and Jhunjhunu stated that the reports are not available with them as the lawyers do not send the work reports to the court. The work report attached by Sikar was case-wise and not month-wise. It seems to be an effective way to record the work done. It is the responsibility of the legal services institution to ensure that the lawyers appointed by them perform their duties. If the lawyers do not submit their reports and in time, or they are not forwarded by the court, it is the duty of the legal services institution to ensure that they receive these reports every month by getting in touch with the lawyers and the courts.

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38 Ajmer, Bikaner, Chittorgarh, Dausa, Dholpur and Sirohi.
39 Baran, Bharatpur, Jalore, Jodhpur, Pali and Sri Ganganagar.
40 Baran, Bundi, Chittorgarh, Dholpur, Hanumangarh, Kota, Sikar and Tonk.
41 Bhilwara, Bundi, Churu, Chittorgarh, Dungarpur, Hanumangarh, Jhunjhunu, Kota, Rajasamand, Sikar, Udaipur and Tonk.
42 Bikaner, Bhilwara, Sri Ganganagar, Hanumangarh, Jodhpur, Pali, Rajasamand, Sikar, Sirohi, and Udaipur.
43 Hanumangarh, Jodhpur, Pali, Sirohi, Udaipur, and Sikar.
44 As per Guideline 15 of HLSLA, 2012.
45 Sri Ganganagar, Hanumangarh, Rajasamand and Sirohi.
46 Baran, Bharatpur, Bhilwara, Bikaner, Chittorgarh, Dausa, Dungarpur, Jalore, Jhunjhunu, Pali and Tonk.
Monthly attendance certificates are to be issued by the court to lawyers which are then submitted to the DLSA. Attendance certificates were issued only in 11 districts: Bikaner, Baran, Bhilwara, Churu, Chittorgarh, Hanumangarh, Jodhpur, Rajasamand, Sikar, Sri Ganganagar and Udaipur. Udaipur, Sikar and Bikaner shared the most number of attendance registers. Udaipur also shared absence certificates. Only seven districts shared attendance certificates which pertain to the time period (April 2014 to June 2014) for which they were sought.

Most of the attendance certificates were issued as a consolidated document for six or three months. Only some were monthly. The ones issued were also done after the completion of the term. Lack of insistence of the same from the DLSA as well as use of the certificate only as a proof for seeking the honorarium for the work done could be the probable reasons for this practice.

Ajmer and Baran did not provide any information about attendance certificates. Bharatpur and Sirohi stated that there were no appointments, and thus, no attendance certificates. Dausa, Tonk and Jhunjhunu mentioned that the certificates were attached, but could not be seen. Dungarpur and Pali stated that the attendance certificates were not sent to their office. Jalore mentioned that it has received no attendance certificates. Dholpur did not provide the information as the photocopy fee was not attached. The legal services authority has all the powers under the scheme to ensure submission of attendance certificates.

Monthly Attendance Certificates (between April 2014 & June 2014) (21 Responses)

| Issued: 11 | Not Issued: 10 |

Only Chittorgarh and Hanumangarh sent the statistical report to SLSA. Both of these were sent after CHRIs RTI request were filed. Both maintain the same format: information on the number of cases the lawyers represented and the amount of honorarium disbursed. While no representations and payments were made in Chittorgarh, in Hanumangarh, 309 inmates were represented by remand and bail lawyers but only Rs. 6,000 was paid as honorarium between February 2012 (commencement of the scheme) and July 2014.

Baran, Bikaner, Bharatpur, Dausa and Jhunjhunu stated that as the courts did not send any information to them, they did not send it to SLSA. Bhilwara, Sri Ganganagar, Jalore, Pali, Rajasamand, Sikar, Sirohi, Udaipur and Tonk have not sent the completion report to SLSA. According to Dungarpur, as lawyers are not present during remand hours, they do not submit monthly reports to the DLSA and the quarterly reports are not sent to SLSA. Dholpur did not provide the information, as the photocopy fee was not attached. The statistical report plays a crucial role in providing a snapshot of the implementation of the scheme to the SLSA every quarter. Further, the information in the statistical report should include the number of representation, releases, number of work reports and attendance certificates received and the disbursements made.

Statistical Report to SLSA (18 Responses)

| Sent: 2 | Not Sent: 16 |

The DLSA is expected to give wide publicity to the scheme. Ten DLSAs mentioned that they publicised the scheme through legal awareness camps. Some also used pamphlets to advertise the scheme. Four DLSAs displayed boards outside courts, one displayed boards outside the DLSA office and the courts, one displayed boards outside jails and police stations, and one mentioned that the publicity was as per the SLSA guidelines. Bharatpur mentioned that they not only used legal awareness camps, displayed boards outside the bar association office but also advertised the scheme in print and electronic media. It would be incorrect to imply from the disappointing representation figures that there is no “demand” for remand and bail lawyers. Among other factors, the information about the availability of the remand and bail scheme at the right time and the right place is extremely important in order to assess the true “need” for legal aid.

Publicity to the scheme (19 Responses)

| Done: 17 | Not Done: 2 |

As per Guideline 15 of RSLSA, 2012.

Bikaner, Bhilwara, Churu, Hanumangarh, Rajasamand, Sirohi and Udaipur.


Baran, Bharatpur, Churu, Dausa, Hanumangarh, Jhunjhunu, Jodhpur, Rajasamand, Sirohi, and Tonk.

Bharatpur, Bikaner, Dungarpur, and Sri Ganganagar.

Baran, Bharatpur, Churu, Dausa, Hanumangarh, Jhunjhunu, Jodhpur, Rajasamand, Sirohi, and Tonk.
There are 124 jails in the 33 districts of Rajasthan. Every central, district and sub jail in Rajasthan is mandated to constitute a legal aid clinic. The RTIs filed looked at responses from the 93 jails (8 central jails, 25 district jails and 60 sub-jails). Only 44 of them have a legal aid clinic. These clinics are supposed to operate twice a week. Of these 44 jails, 10 have not had operational clinics for a single day. Only 3 have operational clinics as per the mandate.

Prisoner paralegals are responsible to manage these clinics. Only 12 of these 44 clinics have a prisoner paralegal volunteer. The DLSA has the responsibility to train these paralegals so that they can perform their tasks. Only 6 of these 12 volunteers have been trained. They maintain the work and attendance (roz namcha and upasthititi) registers which record the activities of the clinic. The upasthititi register and roz namcha maintained by Churu and Sirohi district jails are the most detailed and provide a clear depiction of the healthy state of the clinics in these two jails. The paralegals are also expected to submit a monthly report of the activities of the clinic. Only one jail (Ajmer Central Jail) submits the report. The DLSA is mandated to also appoint jail visiting lawyers who visit jails twice a month to provide legal advice, and draft applications and petitions for the inmates. JVLs were appointed in only 20 of the 44 jails with LACs. Five of the 20 did not visit the prison even once. Only 3 of the 20 visited as mandated. The DLSA remunerates both the PLVs and JVLs for the services rendered. JVLs in 10 jails and PLVs in three jails have received honorariums.
A. Constitution of Legal Aid Clinics

DLSAs have not provided the status of LAC in more than one-third of the jails. Only 44 of the 93 jails have a legal aid clinic. However, 7 out of 8 central jails have an LAC.

- In total, out of the 93 jails, only 44 have a legal aid clinic. Of these, seven are in central jails, 16 in district jails and 21 in sub-jails.
- We do not have information on the status of 35 JLACs. Out of the 35, the majority (27) are from LACs in sub-jails. The rest constitute the LAC in Jaipur Central Jail and seven others from district jails. The status of more than one-third of the sub-jails have not been shared. It could mean that either the JLACs have not been constituted, or they have been constituted but the DLSA has not maintained any information regarding them.

B. Year of Constitution of LACs:

At least half of the JLACs have been constituted in 2012. Bharatpur Central Jail constituted the LAC in 2001.

- The NALS (Legal Aid Clinics) Regulations were issued in 2011. The Rajasthan SLSA Guidelines on Legal Aid Clinics were issued in 2012.
- Out of the 44 JLACs constituted, five did not mention the date of its constitution. Four of the five were sub-jails.
- Out of the remaining 39, 22 JLACs were constituted in 2012. All of them were constituted post May 2012. Five of the 7 LACs in central jails were constituted this year. The Rajasthan SLSA guidelines were dated 2 May 2012. A status report on the implementation of the guidelines was directed to be sent to the SLSA by 15 May 2012.
- Five JLACs were constituted prior to 2012. Bharatpur deserves a special mention on account of having constituted the JLAC on 28 January 2001. Out of the remaining four, one was constituted in June, two in November and one in December 2011.
- 12 JLACs were constituted post 2012. Four of them in early 2013, four in late 2013 and four before July 2014.
C. Days of Operations of LAC

Only 3 of the 44 JLACs were operational as per the mandate. Two were from Ajmer. Ten JLAC were not operational for even a single day.

- According to the Rajasthan SLSA Guidelines, LACs in central and district jails are mandated to operate twice a week, and in sub-jails, once a week.
- Out of the 44 jails which had a legal aid clinic, in 20 the DLSA did not mention the number of days it operated. Of these, 19 LACs are from sub-jails which is an area of concern. This could be because the LACs have been non-operational, registers have not been maintained, or if registers are maintained, the information is not available with the DLSAs.
- Out of the 24 which mentioned the days of operation, only 3 were operational as per the mandate. These were Ajmer Central Jail, Beawar Sub-Jail (in Ajmer District) and Barmer District Jail. While the JLAC in Barmer was operational as per the mandate, the LACs in both jails in Ajmer were operational for almost twice the number of days mandated.
- The remaining 21 JLACs were not operational as per the mandate. 10 of these 21 were not even operational for a single day. Six of the 10 LACs were in district jails and four in central jails. Such a situation is only possible when the DLSAs after constituting the clinics have completely abrogated their responsibility to make the clinics operational.
D. Appointments and Visits by Jail Visiting Lawyers (JVLs)

JVLs were appointed in only 20 JLACs. Visits as mandated took place in only 3 jails. No visits even for a single day took place in 5 Jails. Visits were made to only 2 of the 60 sub-jails in the state.

**APPOINTMENTS OF JAIL VISITING LAWYERS**

- **JVLs Appointed**: 20
- **JVLs Not appointed**: 23
- **No Response**: 1

**VISITS BY JAIL VISITING LAWYERS**

- **Visited as per the mandate (Twice a month or more)**
- **Visited jails but less than the mandate**
- **NIL- Not visited the jail even once**
- **No Response**
### E. Appointment and Training of Prisoner Paralegal Volunteers (PLVs)

#### Appointment of Prison Paralegal Volunteers

<table>
<thead>
<tr>
<th>Status</th>
<th>No. of PLVs</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Response</td>
<td>14</td>
</tr>
<tr>
<td>Not Appointed</td>
<td>18</td>
</tr>
<tr>
<td>Appointed</td>
<td>12</td>
</tr>
</tbody>
</table>

**Total JLACs:** 44

#### Appointment of PLVs - Jail Type-wise

<table>
<thead>
<tr>
<th>Jail Type</th>
<th>No. of JLAC</th>
<th>Appointed</th>
<th>Not Appointed</th>
<th>No Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Jail</td>
<td>7</td>
<td>4</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>District Jails</td>
<td>16</td>
<td>7</td>
<td>9</td>
<td>0</td>
</tr>
<tr>
<td>Subjail Jails</td>
<td>21</td>
<td>1</td>
<td>6</td>
<td>14</td>
</tr>
</tbody>
</table>

#### PPLV Trainings

<table>
<thead>
<tr>
<th>Status</th>
<th>No. of PLVs Trained</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Trained</td>
<td>6</td>
</tr>
<tr>
<td>Trained</td>
<td>6</td>
</tr>
</tbody>
</table>

**Total PLVs:** 12

#### Training PLVs - Jail Type-wise

<table>
<thead>
<tr>
<th>Jail Type</th>
<th>No. of PLVs Trained</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Jails</td>
<td>2</td>
</tr>
<tr>
<td>District Jails</td>
<td>4</td>
</tr>
<tr>
<td>Subjail Jails</td>
<td>0</td>
</tr>
</tbody>
</table>

**Total Subjail Jails:** 1
Appointments and Visits by Jail Visiting Lawyers (JVLs)

- Out of the 44 JLACs, information about 43 JVLs was made available.
- A total of 23 of the 43 JLACs have not appointed a JVL; four each from central and district jails and 15 in sub-jails.
- So, out of 93 jails, jail visiting lawyers have been appointed in 20 jails.
- The RSLSA, 2012 Guidelines on legal aid clinics mandates the jail visiting lawyer to visit the jail once every fortnight. This we believe is insufficient to meet the needs of legal aid inside prisons. The findings however show that even this fortnightly mandate was not met at all.
- JVLs appointed in five out of the 20 jails have not visited the jails even once. All five belong to district jails.
- Three DLSAs did not mention whether JVLs visited the jails or not. All three belong to sub-jails.
- JVLs appointed in nine jails visited the jails, but less than the mandated fortnightly visits.
- Only three JLACs had Jail visiting lawyers who visited the jail as per the mandate. These were Ajmer, Bhilwara and Churu. The JVLs in Bhilwara and Churu visited the jail on every occasion when the JLAC was operational.

Appointment and Training of Prisoner Paralegal Volunteers (PLVs)

- The NALSA Guidelines as well the RSLSA Guidelines details the crucial role of paralegals in ensuring the operation of the LACs. The paralegal scheme also details their role. Only 12 of the 93 jails have PLVs. Only one (Nohar Sub Jail in Hanumangarh) out of 60 sub-jails in the state has a paralegal volunteer. It shows the unfortunate state of legal aid clinics in the state.
- Out of these 12 PLVs, only 6 have been trained for the work they are expected to perform.

F. Registers Maintained in Jail Legal Aid Clinics (JLACs)

<table>
<thead>
<tr>
<th>Status</th>
<th>Register Maintained</th>
<th>Register not maintained</th>
<th>Not Responded</th>
</tr>
</thead>
<tbody>
<tr>
<td>No of JLACs (Total- 44)</td>
<td>14</td>
<td>17</td>
<td>13</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Jail Type</th>
<th>Registers Maintained</th>
<th>Register not maintained</th>
<th>Not Responded</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Jail-7</td>
<td>3</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>District Jail-16</td>
<td>7</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>Sub-jail-21</td>
<td>4</td>
<td>5</td>
<td>12</td>
</tr>
</tbody>
</table>

- Register Maintained
- Register not maintained
- Not Responded
i. Jail Legal Aid Clinic (JLAC) Registers

- Registers were maintained by 14 JLACs. Half of them were in district jails. Only four of the 60 sub-jails have maintained registers.
- Surprisingly, even though the DLSAs had not appointed PLVs in Baran, Chittorgarh, Jhalawar and Hanumangarh district jails, JLAC registers were maintained.

ii. Monthly Reports to be Submitted by PLVs

- Out of the 12 jails where PLVs were appointed, only the PLVs in Ajmer have submitted monthly reports.

G. Payments and Incentives

i. Honorarium to Prisoner Paralegal volunteers

- Out of the 12 PLVs appointed, only three were paid honorarium. The one PLV appointed in a sub-jail was not paid any honorarium.
- Besides the three PLVs who were paid an honorarium, Sri Ganganagar DLSA paid honorariums worth Rs. 86,250. However, interestingly, they had mentioned in the RTI that they had not appointed any PLVs.
ii. Honorarium to Jail Visiting Lawyers (JVLs)

- Half of the JVLs appointed were paid honorarium.
- All the JVLs appointed in central jails were paid an honorarium.
- Besides the 10 JVLs who were paid honorariums, Sri Ganganagar DLSA paid honorariums worth Rs 34,500. However, interestingly, they mentioned in the RTI that they had not appointed any JVLs.
## THE ROLE OF THE SLSA IN THE MONITORING OF THE THREE SCHEMES

<table>
<thead>
<tr>
<th>Mandate</th>
<th>Findings</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Rajasthan State Legal Service Authority’s Legal Assistance to Persons in Custody Scheme 2012</strong></td>
<td>From the reply received from the SLSA it appears that the information being maintained is mainly about the total number of cases under which representation was provided and payment made under the scheme.</td>
<td>The DLSAs may be benefited by guidelines from the SLSA on making their quarterly statistical reports comprehensive and appropriate for assessment of early and effective interventions in the opposition of remand. The information of only number of cases represented and payment made under the scheme may be quite inadequate for this purpose. As CHRI has been training legal aid lawyers appointed under this scheme since 2013 CHRI could assist in preparation of suitable formats, indicators and guidelines for gathering this statistical or other information.</td>
</tr>
<tr>
<td><strong>B. National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010</strong></td>
<td>The reply received from SLSA on 9th Feb 2015 mentions that the constitution of Monitoring Committees is under process.</td>
<td>SLSA could take stock of the current status in the districts if monitoring committees have been constituted and seek their bi-monthly reports accordingly. CHRI could assist in the preparation of reporting formats.</td>
</tr>
<tr>
<td><strong>C. National Legal Services Authority (Legal Aid Clinics) Regulations, 2011 &amp; Rajasthan State Legal Services Authority Guidelines 2012</strong></td>
<td>“The information sought is not being maintained in this office”</td>
<td>SLSA could consider conducting periodic review of the working of legal aid clinics at least once in three months which will surely improve their efficiency. CHRI’s experience in aiding and monitoring the legal aid clinic in Jodhpur central Jail under its ‘Swadhinakar’ project enables it to assist the SLSA and DLSAs in the preparation of appropriate review formats and indicators.</td>
</tr>
</tbody>
</table>

### DISTRICT REPORT CARDS
HOW TO READ THE DISTRICT REPORT CARDS AND THE SCORING RATIONALE

- Each report card is divided into three sections and each section details the implementation of a scheme. The left side of each section contains the status of implementation of the schemes at the district level/central or district jail. The right side of each section has two sub-sections, one for the notable findings and the other for taluka level/sub-jail information.

- The maximum score for each parameter is 5 and the minimum is 0. The tick sign (✔) implies full compliance and a score of 5. The cross sign (×) implies partial or no compliance and a score of 0, 1, 2, 3 or 4.

THE FIRST SECTION: This section looks at the implementation of the NALSA (Free and Competent Legal Services) Regulations, 2010. The section has 9 parameters grouped in 5 themes. The maximum score for the section is 45 (9*5 = 45).

---

**NALSA (FREE AND COMPETENT LEGAL SERVICES) REGULATIONS 2010**

<table>
<thead>
<tr>
<th>Theme</th>
<th>Appointment</th>
<th>Representation</th>
<th>Reporting</th>
<th>Monitoring</th>
<th>Functions of MC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parameter</td>
<td>Appointment of panel lawyer</td>
<td>Appointment of retainer lawyer</td>
<td>Representation by panel lawyer</td>
<td>Representation by retainer lawyer</td>
<td>Completion reports submitted</td>
</tr>
<tr>
<td>Responses</td>
<td>Yes, No</td>
<td>Yes, U.P., No</td>
<td>Yes, No</td>
<td>Yes, No</td>
<td>Yes, U.P., No</td>
</tr>
<tr>
<td>Score</td>
<td>3, 0</td>
<td>3, 3, 0</td>
<td>3, 0</td>
<td>3, 0</td>
<td>3, 3, 0</td>
</tr>
</tbody>
</table>

---

**TALUKA INFORMATION**

Beawer (1), Kishangarh (1), Kekri (4), Vijaynagar (5), Pushkar (2) and Sarwar (5) have appointed panel lawyers. Nasirabad has not appointed any panel lawyer. Monitoring committees have been established in all the above talukas.

---

**THE SCORING RATIONALE:**

**Score**

- Total: 21
THE SECOND SECTION: The second section (orange) looks at the implementation of the NALSA (Legal Aid Clinics) Regulations, 2011 and Rajasthan SLSA Guidelines 2012. The section has 11 parameters grouped in 4 themes. The maximum score for the section is 55 (11*5 = 55)

<table>
<thead>
<tr>
<th>Theme</th>
<th>LAC</th>
<th>JVL</th>
<th>PLV</th>
<th>DLSA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parameter</td>
<td>Constitution of the LAC</td>
<td>Days of operation</td>
<td>Appointment of jail visiting lawyer (JVL)</td>
<td>No of visits</td>
</tr>
<tr>
<td>Responses</td>
<td>Yes, No</td>
<td>(81-100%, 61-80%, 41-60%, 21-40%, 1-20%, 0)</td>
<td>Yes, No</td>
<td>(81-100%, 61-80%, 41-60%, 21-40%, 1-20%, 0)</td>
</tr>
<tr>
<td>Score</td>
<td>5.0</td>
<td>5, 4, 3, 2, 1, 0</td>
<td>5.0</td>
<td>5, 4, 3, 2, 1, 0</td>
</tr>
</tbody>
</table>

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

THE SCORING RATIONALE:

NOTABLE FINDINGS
The RTI response mentions that both attendance registers and work registers are maintained by the PLVs and have been attached. The attachment was not found.

SUB JAIL INFORMATION
Jail | Constitution of JVL | Date of Constitution
---|-------------------|-------------------
Beawer | Constituted | 16 September 2013
THE THIRD SECTION: The third section (dark pink) looks at the implementation of the NALSA (Free and Competent Legal Services) Regulations, 2010. The section has 7 parameters grouped in 4 themes. The maximum score for the section is 35 (7*5 = 35)

RAJASTHAN SLSA’s LEGAL ASSISTANCE TO PERSON IN CUSTODY SCHEME 2012

THE SCORING RATIONALE:

<table>
<thead>
<tr>
<th>Theme</th>
<th>Appointment</th>
<th>Representation</th>
<th>Reporting</th>
<th>Monitoring</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parameter</td>
<td>Lawyers appointed</td>
<td>Number of terms for which R&amp;B Lawyers were appointed</td>
<td>Inmates represented</td>
<td>Publicity to the scheme given or not</td>
</tr>
<tr>
<td>Responses</td>
<td>Yes, No</td>
<td>5,4,3,2,1,0</td>
<td>Yes, No</td>
<td>Yes, No</td>
</tr>
<tr>
<td>Score</td>
<td>5,0</td>
<td>5,4,3,2,1,0</td>
<td>5,0</td>
<td>5,0</td>
</tr>
</tbody>
</table>
### JODHPUR

#### 1 CENTRAL JAIL AND 1 SUB JAIL 5 TALUKA LEGAL SERVICES COMMITTEES

<table>
<thead>
<tr>
<th>APPOINTMENTS</th>
<th>REPRESENTATIONS</th>
<th>REPORTING</th>
<th>MONITORING</th>
<th>FUNCTIONS OF MC</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 ✔</td>
<td>5 ✔</td>
<td>0 ❌</td>
<td>5 ✔</td>
<td>0 ❌</td>
</tr>
</tbody>
</table>

- Panel lawyers: Yes (65)
- Retainers: No
- By Panel lawyers: Yes (415)
- By Retainers: No
- Completion report submitted by panel lawyers: No
- Monitoring Committee constituted: Yes
- Date of Constitution: 5/21/2014
- MC Register Maintained: No
- Bimonthly Report sent by MC: No

Total: 16

#### NALSA (FREE AND COMPETENT LEGAL SERVICES) REGULATIONS 2010

- NOTABLE FINDINGS
  - Members of the monitoring committee:
    - D&S Judge – Chairman;
    - Judge in charge of Mediation – Member;
    - Chairman, Bar Association – Member; Secretary General, Bar Association – Member;
    - Prashikshit Judicial Officer, Mediation – Member;
    - Prashikshit Lawyer, Mediation – Member;
    - Full-Time Secretary, DSLA – Secretary.
  - This committee does not appear to be the monitoring committee under the NALSA, 2010 Scheme, rather to be a different committee to oversee mediation cases.

#### NALSA (LEGAL AID CLINICS) REGULATIONS 2011 & RAJASTHAN SLSA GUIDELINES 2012

<table>
<thead>
<tr>
<th>LEGAL AID CLINIC</th>
<th>JAIL VISITING LAWYERS</th>
<th>PRISONER PARALEGALS</th>
<th>ROLE OF DLSA</th>
<th>SUB-JAIL INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 ✔</td>
<td>5 ✔</td>
<td>5 ✔</td>
<td>5 ✔</td>
<td>No response received.</td>
</tr>
</tbody>
</table>

- LAO constituted: Yes (22-10-2012)
- Days of Operation: Nil/192
- Lawyers Appointed: Yes (8)
- No. of Visits: 17/48
- PLVs Appointed: Yes (5)
- Monthly Reports submitted: No
- Register Maintained: No
- PLVs Trainings Conducted: No
- Honorarium Paid to PLV: Yes (Rs 11,750/-)
- Honorarium Paid to JVL: Yes (Rs 8,500/-)
- Reports submitted by PLV: No

Total: 27

#### RAJASTHAN SLSA’s LEGAL ASSISTANCE TO PERSON IN CUSTODY SCHEME 2012

<table>
<thead>
<tr>
<th>APPOINTMENTS</th>
<th>REPRESENTATIONS</th>
<th>REPORTING</th>
<th>MONITORING</th>
<th>TALUKA INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 ✔</td>
<td>5 ✔</td>
<td>0 ❌</td>
<td>0 ❌</td>
<td>No response received.</td>
</tr>
</tbody>
</table>

- Lawyers Appointed: Yes (23)
- Number of Terms of Appointment (out of 5): 3
- Persons Represented: Yes (7)
- Publicity To The Scheme: Legal Literacy Camps, Hoardings
- Monthly Reports Prepared By All Lawyers: No
- Number of Work Reports submitted: Nil/69 (0%)
- Number of Attendance Certificates Issued by the court: Nil/69 (0%)

Total: 18

---

41
SIROHI

1 DISTRICT JAIL AND 1 SUB JAIL
5 TALUKA LEGAL SERVICES COMMITTEES

NALSA (FREE AND COMPETENT LEGAL SERVICES) REGULATIONS 2010

APPOINTMENTS
- Panel lawyers: No
- Retainers: No

REPRESENTATIONS
- By Panel lawyers: No
- By Retainers: No

REPORTING
- Completion report submitted by panel lawyers: No

MONITORING
- Monitoring Committee constituted: U.P.
- Date of Constitution: N.R.

FUNCTIONS OF MC
- MC Register Maintained: No
- Bimonthly Report sent by MC: No

Total: 3

GRAND TOTAL: 60

NALSA (LEGAL AID CLINICS) REGULATIONS 2011 & RAJASTHAN SLSA GUIDELINES 2012

LEGAL AID CLINIC
- LAC constituted: Yes (12-03-2013)
- Days of Operation: 58/176

JAIL VISITING LAWYERS
- Lawyers Appointed: Yes (1)
- No. of Visits: 30/44

PRISONER PARALEGALS
- PLVs Appointed: Yes (1)
- Monthly Reports submitted: No
- Registers Maintained: Yes

ROLE OF DLSA
- PLV Trainings Conducted: No
- Honorarium Paid to PLV: Yes (Rs 1,750/-)
- Honorarium Paid to VJL: Yes (Rs 3,550/-)
- Reports submitted by PLV: No

Total: 35

NOTEABLE FINDINGS
Only two pages of the roz namcha were shared. The column for the problem of the applicant and the comments column were filled in considerable detail. The upasthiti register is filled properly. It has separate demarcated areas for signature of the lawyer and the volunteer.

SUB-JAIL INFORMATION
- Jail: Constitution of JIAC
- Date of Constitution: 24 November 2011

RAJASTHAN SLSA’S LEGAL ASSISTANCE TO PERSON IN CUSTODY SCHEME 2012

APPOINTMENTS
- Lawyers Appointed: Yes (10)
- Number of Terms of Appointment (out of 5): 5

REPRESENTATIONS
- Persons Represented: Yes (21)
- Publicity To The Scheme: Legal Awareness Camps

REPORTING
- Monthly Reports Prepared By All Lawyers: No

MONITORING
- Number of Work Reports submitted: 1/6 (17%)
- Number of Attendance Certificates Issued by the court: 1/6 (17%)

Total: 22

NOTEABLE FINDINGS
One work report submitted two months after the completion of the term which mentioned no representations were made and the lawyer did not even present himself in court.

TALUKA INFORMATION
Information was received about the appointment of lawyers in five taluks, namely Aburoad, Shewon, Mount Abu, Pindaara and Reodar. A total of 753 inmates were represented. Aburoad (483), Sheoganj (253), Mount Abu (17), Pindaara (nil), Reodar (nil).
**1 CENTRAL JAIL AND 1 SUB JAIL**
**5 TALUKA LEGAL SERVICES COMMITTEES**

- **APPOINTMENTS**
  - Panel lawyers: Yes (1)
  - Retainers: N.R.
  - By Panel lawyers: No
  - By Retainers: No
  - Total: 5

- **REPRESENTATIONS**
  - Completion report submitted by panel lawyers: No
  - Total: 0

- **REPORTING**
  - Monitoring Committee constituted: Yes
  - Date of Constitution: 11/17/2014
  - Total: 5

- **MONITORING**
  - MC Register Maintained: No
  - Bimonthly Report sent by MC: No
  - Total: 0

- **FUNCTIONS OF MC**
  - Total: 0

---

**NALSA (FREE AND COMPETENT LEGAL SERVICES) REGULATIONS 2010**

**NOTABLE FINDINGS**
In Nokha, Loonkaransar and Kolayat talukas the panel lawyer appointed was also a member of the monitoring committee.

**TALUKA INFORMATION**
5 panel lawyers were appointed in each taluka – Dungargarh, Nokha, Lunakransar, Kolayat and Khajuwala.

---

**LEGAL AID CLINIC**
- LAC constituted: Yes (13-06-2012)
- Days of Operation: 69/192
- Total: 2

**JAIL VISITING LAWYERS**
- Lawyers: Appointed: No
- No. of Visits: Nil/48
- Total: 0

**PRISONER PARALEGALS**
- PLVs Appointed: Yes (19)
- Monthly Reports submitted: No
- Registers Maintained: Yes
- Total: 5

**ROLE OF DLSA**
- PLV Trainings Conducted: Yes (1)
- Honorarium Paid to PLV: Nil
- Honorarium Paid to JVL: Nil
- Reports submitted by PLV: No
- Total: 0

---

**NALSA (LEGAL AID CLINICS) REGULATIONS 2011 & RAJASTHAN SLSA GUIDELINES 2012**

**NOTABLE FINDINGS**
The action taken column in the roz namcha was never filled. The upasthit register was maintained quite well. It contained the name, the work done and signature of the PLVs and JVLs.

**SUB-JAIL INFORMATION**

<table>
<thead>
<tr>
<th>Jail</th>
<th>Constitution of JLAC</th>
<th>Date of Constitution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nokha</td>
<td>Constitution</td>
<td>18 June 2012</td>
</tr>
</tbody>
</table>

---

**RAJASTHAN SLSA’S LEGAL ASSISTANCE TO PERSON IN CUSTODY SCHEME 2012**

- **APPOINTMENTS**
  - Lawyers Appointed: Yes (55)
  - Number of Terms of Appointment (out of 5): 4
  - Total: 9

- **REPRESENTATIONS**
  - Persons Represented: Yes (53)
  - Publicity To The Scheme: Boards outside the DLSA and the Courts Literacy Camps
  - Total: 10

- **REPORTING**
  - Monthly Reports Prepared By All Lawyers: No
  - Total: 0

- **MONITORING**
  - Number of Work Reports submitted: Nil/45 (0%)
  - Number of Attendance Certificates Issued by the court: 10/45 (31%)
  - Total: 2

---

**NOTABLE FINDINGS**
The attendance certificates have the bank details of the lawyers. The attendance certificates relating to April, May and June were issued in July. In response to the queries on representation, the DLSA stated that monthly reports are not submitted to the presiding officers of the courts by legal aid counsel so no information is received in this regard.

**TALUKA INFORMATION**
Information was received from five talukas namely Dungargarh, Nokha, Kolayat and Loonkaransar. Nineteen lawyers were appointed in these talukas. In Dungargarh, 10 inmates were represented and all of them were released. In Nokha, 135 inmates were represented and 85 were released. There were 30 releases in Loonkaransar. In Khajuwala, 58 inmates were represented and released. Attendance certificates were maintained in Dungargarh and Nokha TSLCs.

**Total**

**21**
CHURU

NALS(A) (FREE AND COMPETENT LEGAL SERVICES) REGULATIONS 2010

APPOINTMENTS
- 5
- Panel lawyers: Yes (80)
- Retainers: No

REPRESENTATIONS
- 0
- By Panel lawyers: No
- By Retainers: No

REPORTING
- 0
- Completion report submitted by panel lawyers: No

MONITORING
- 0
- Monitoring Committee constituted: No
- Date of Constitution: N.R.

FUNCTIONS OF MC
- 0
- MC Register Maintained: No
- Bimonthly Report sent by MC: No

TOTAL
- 5

TALUKA INFORMATION
- Nil

NALS(A) (LEGAL AID CLINICS) REGULATIONS 2011 & RAJASTHAN SLSA GUIDELINES 2012

LEGAL AID CLINIC
- 5
- LAC constituted: Yes (29-05-2012)
- Days of Operation: 85/192

JAIL VISITING LAWYERS
- 5
- Lawyers Appointed: Yes (5)
- No. of Visits: 85/48

PRISONER PARALEGALS
- 0
- PLVs Appointed: Yes (Number N.M.)
- Monthly Reports submitted: No
- Register Maintained: Yes

ROLE OF DLSA
- 0
- PLV Trainings Conducted: 0
- Honorarium Paid to PLV: 0
- Honorarium Paid to JVL: Yes (Rs 28,750/-)
- Reports submitted by PLV: 0

TOTAL
- 33

RAJASTHAN SLSA'S LEGAL ASSISTANCE TO PERSON IN CUSTODY SCHEME 2012

APPOINTMENTS
- 5
- Lawyers Appointed: Yes (10)
- Number of Terms of Appointment (out of 5): N.M.

REPRESENTATIONS
- 0
- Persons Represented: N.R.
- Publicity To The Scheme: Legal Literacy Camps, Boards in the Bar Association, Informal Police Officers

REPORTING
- 0
- Monthly Reports Prepared By All Lawyers: No

MONITORING
- 0
- Number of Work Reports submitted: Nil
- Number of Attendance Certificates Issued by the court: 10

TOTAL
- 16

TALUKA INFORMATION
- No response received.

GRAND TOTAL : 54

NOTABLE FINDINGS
The only JLAC where even the timings of the operations in the clinic were mentioned in the upashtik register. From January 2013 to May 2013 the timings were mostly 10 am to 5 pm. Post May 2013, the duration of the clinic was recorded as one hour. The roznamcha was very detailed. The problem of the applicant and the action taken columns were filled in detail.

SUB-JAIL INFORMATION

<table>
<thead>
<tr>
<th>Jail</th>
<th>Constitution of JAC</th>
<th>Date of Constitution</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Raigarh</td>
<td>Constituted</td>
<td>9 January 2013</td>
<td></td>
</tr>
<tr>
<td>Ratangah</td>
<td>N.C.</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>
HANUMANGARH

NALSJA (FREE AND COMPETENT LEGAL SERVICES) REGULATIONS 2010

APPOINTMENTS
- Panel Lawyers: Yes (18)
- Retainers: Yes (5)

REPRESENTATIONS
- No by Panel Lawyers
- No by Retainers

REPORTING
- Completion Report submitted by Panel Lawyers: No
- Monitoring Committee constituted: Yes
- Date of Constitution: Date N.M.
- MC Register Maintained: No
- Bimonthly Report sent by MC: No

TOTAL: 15

NOTABLE FINDINGS
In response to the query on MC registers, the DLSA stated that the register was not maintained because they have not received any applications as yet.

TALUKA INFORMATION
Panel lawyers were appointed in six talukas namely Bardra (20), Nohar (2), Sangaria (14), Rawatsar (9), Pilibanga (24) and Tibbi (3). A Monitoring Committee has been established in all six talukas.

NALSJA (LEGAL AID CLINICS) REGULATIONS 2011 & RAJASTHAN SLSC GUIDELINES 2012

LEGAL AID CLINIC
- LAC constituted: Yes (21-01-2014)
- Days of Operation: 26/92

JAIL VISITING LAWYERS
- Lawyers Appointed: Yes (2)
- No. of Visits: Nil/23

ROLE OF DLSA
- PLV Trainings Conducted: No
- Honorarium Paid to PLV: No
- Honorarium Paid to JVL: Nil
- Reports submitted by PLV: No

TOTAL: 16

NOTABLE FINDINGS
Letter dated 27 February 2015 from the Hanumangarh district jail to DLSA was provided which mentioned that the two appointed JLVs have not visited the jails. PLVs have been part of the JLAC every week.

RAJASTHAN SLSC’S LEGAL ASSISTANCE TO PERSON IN CUSTODY SCHEME 2012

APPOINTMENTS
- Lawyers Appointed: Yes (4)
- Number of Terms of Appointment (out of 5): N.M.

REPRESENTATIONS
- Persons Represented: Yes (23)
- Publicity to The Scheme: Legal Literacy Camps

REPORTING
- Monthly Reports Prepared By All Lawyers: No
- Number of Work Reports submitted: 6/12 (50%)

TOTAL: 23

MONITORING
- Number of Attendance Certificates issued by the court: 3/12 (25%)

NOTABLE FINDINGS
Consolidated monthly work reports of two lawyers for the work done in 2013 and 2014 were issued by the court in January 2015 and September 2014.

TALUKA INFORMATION
Information from six talukas was provided. Three talukas (Tibbi, Sanaria and Pilibanga) do not have a remand & bail lawyer. Bardra has eight remand & bail lawyers. Nohar and Rawatsar have three remand & bail lawyers. Totally, 260 inmates were represented (all from Bhadra).
### UDAIPUR

#### 1 CENTRAL JAIL AND 5 SUB JAILS
10 TALUKA LEGAL SERVICES COMMITTEES

<table>
<thead>
<tr>
<th>Appointments</th>
<th>Representations</th>
<th>Reporting</th>
<th>Monitroing</th>
<th>Functions of MC</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Panel lawyers: Yes (50)</td>
<td>By Panel lawyers: Yes (181)</td>
<td>Completion report submitted by panel lawyers: No</td>
<td>Monitoring Committee constituted: No</td>
<td>MC Register Maintained: No</td>
</tr>
<tr>
<td>Retainers: N.R.</td>
<td></td>
<td>Date of Constitution: N.R.</td>
<td>Bimonthly Report sent by MC: No</td>
<td></td>
</tr>
</tbody>
</table>

| Total | 10 |

#### NALS (LEGAL AID CLINICS) REGULATIONS 2011 & RAJASTHAN SLSA GUIDELINES 2012

<table>
<thead>
<tr>
<th>Legal Aid Clinic</th>
<th>Jail Visiting Lawyers</th>
<th>Prisoner Paralegals</th>
<th>Role of DLSA</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>5</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>LAC constituted: Yes (22-08-2012)</td>
<td>Lawyers Appointed: Yes (1)</td>
<td>PLVs Appointed: Yes (1)</td>
<td>PLV Trainings Conducted: No</td>
</tr>
<tr>
<td>Days of Operation: 30/192</td>
<td>No. of Visits: 26/48</td>
<td>Monthly Reports submitted: No</td>
<td>Honorarium Paid to PLV: No</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Registers Maintained: Yes</td>
<td>Honorarium Paid to JVL: Yes (Rs 7,500/-)</td>
</tr>
</tbody>
</table>

| Total | 29 |

#### RAJASTHAN SLSA’S LEGAL ASSISTANCE TO PERSON IN CUSTODY SCHEME 2012

<table>
<thead>
<tr>
<th>Appointments</th>
<th>Representations</th>
<th>Reporting</th>
<th>Monitoring</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>5</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Lawyers Appointed: Yes (32)</td>
<td>Persons Represented: Yes (46)</td>
<td>Monthly Reports Prepared By All Lawyers: No</td>
<td>Number of Work Reports submitted: Nil/63 (0%)</td>
</tr>
<tr>
<td>Number of Terms of Appointment (out of 5): N.M.</td>
<td>Publicity To The Scheme: Nil</td>
<td></td>
<td>Number of Attendance Certificates Issued by the court: 1/63 (2%)</td>
</tr>
</tbody>
</table>

| Total | 14 |

#### Grand Total: 53

#### Taluka Information

There were 35 panel lawyers appointed in four talukas, namely Mavli (12), Salumber (10), Sarada (1), Vallabh Nagar (12) and Kherwara (Nil).

#### Notable Findings

- The upashakti register shared was maintained properly. The number of visits per month by the lawyer and PLV were mentioned in the register. The roz namcha shared was maintained in a detailed manner for a particular period, but the action taken and comments section were not filled at all.

- Sub-Jail Information
  - Not Constituted.

- Notable Findings
  - Of the 48 attendance certificates, 14 were issued to indicate absence. Only one pertained to the time period asked for.

- Taluka Information
  - No response received.
BHILWARA

NALS A (FREE AND COMPETENT LEGAL SERVICES) REGULATIONS 2010

APPOINTMENTS
- Panel lawyers: No
- Retainers: No

REPRESENTATIONS
- By Panel lawyers: No
- By Retainers: No

REPORTING
- Completion report submitted by panel lawyers: No

MONITORING
- Monitoring Committee constituted: No
- Date of Constitution: N.R.

FUNCTIONS OF MC
- MC Register Maintained: No
- Bimonthly Report sent by MC: No

TOTAL 0

NALS A (LEGAL AID CLINICS) REGULATIONS 2011 & RAJASTHAN SLSA GUIDELINES 2012

LEGAL AID CLINIC
- LAC constituted: Yes (24-11-2011)
- Days of Operation: 64/192

JAIL VISITING LAWYERS
- Lawyers Appointed: Yes (5)
- No. of Visits: 64/48

PRISONER PARALEGALS
- PLVs Appointed: Yes (2)
- Monthly Reports submitted: No
- Registers Maintained: Yes

ROLE OF DLSA
- PLV Trainings Conducted: Yes (1)
- Honorarium Paid to PLV: No
- Honorarium Paid to JVL: Nil
- Reports submitted by PLV: No

TOTAL 32

RAJASTHAN SLSA’S LEGAL ASSISTANCE TO PERSON IN CUSTODY SCHEME 2012

APPOINTMENTS
- Lawyers Appointed: Yes (35)
- Number of Terms of Appointment (out of 5): N.M.

REPRESENTATIONS
- Persons Represented: Yes (99)
- Publicity To The Scheme: No

REPORTING
- Monthly Reports Prepared By All Lawyers: No

MONITORING
- Number of Work Reports submitted: N/A (33%)
- Number of Attendance Certificates Issued by the court: 4/33 (12%)

TOTAL 14

NOTABLE FINDINGS
- Total releases under the scheme: 2,313 (police custody: 1,756; judicial custody: 557).
- Of these, 2,285 releases (1756+ 529) were from one court (CIM). The remaining 28 were from four courts.
- Four attendance certificates from February to July were issued in August 14, September 14, October 14, and January 15.
- No response received.

TOTAL 46
1 DISTRICT JAIL AND 2 SUB JAILS
7 TALUKA LEGAL SERVICES COMMITTEES

BARAN

GRAND TOTAL: 41

**Appointments**
- Panel lawyers: Yes (10)
- Retainers: No

**Representations**
- By Panel lawyers: N.R.
- By Retainers: No

**Reporting**
- Completion report submitted by panel lawyers: No

**Monitoring**
- Monitoring Committee constituted: No
- Date of Constitution: N.R.

**Functions of MC**
- MC Register Maintained: No
- Bimonthly Report sent by MC: No

**Taluka Information**
A panel of five lawyers have been appointed in each of the talukas: Chhabra, Shahbad, Anta, Mangrol, Kishanganj, Chhipabaro, and Atru.

**Legal Aid Clinic**
- LAC constituted: Yes (22-09-2012)
- Days of Operation: 114/192

**Jail Visiting Lawyers**
- Lawyers Appointed: Yes (2)
- No. of Visits: 20/48

**Prisoner Paralegals**
- PVJs Appointed: No
- Monthly Reports submitted: No
- Register Maintained: Yes

**Role of DLSA**
- PVJ Trainings Conducted: No
- Honorarium Paid to PVJs: No
- Honorarium Paid to JVL: Rs. 6,500/-
- Reports submitted by PVJs: No

**Notable Findings**
The notes and notings were very basic and general. The comments column was always blank. The column on problems of the applicant was used to mention the offenses under which he was charged. The action taken column was either blank or had basic notings such as, information about legal aid/law was given. The signature of the applicant was always present. The upasahiti register is filled properly. It has separate demarcated areas for the signature of the lawyer and the volunteer. This was the only jail, where the absence of the paralegal volunteer was also mentioned in the upasahiti register.

**Rajasthan SLSA's Legal Assistance to Person in Custody Scheme 2012**

**Appointments**
- Lawyers Appointed: Yes (8)
- Number of Terms of Appointment (out of 5): 1

**Representations**
- Persons Represented: No
- Publicity To The Scheme: Legal Literacy Camps

**Monitoring**
- Number of Work Reports submitted: N.R.
- Number of Attendance Certificates Issued by the court: N.R.

**Notable Findings**
The attendance certificate from the court mentioned that the lawyer was also present at the police station.

**Taluka Information**
Appointment of 16 lawyers were made in six talukas, namely Chhabra, Atru, Shahbad, Chhipabaro, Mangrol and Anta. These lawyers represented 96 inmates, 39 of whom were released. Work reports and attendance certificates were maintained in Chhabra and Chipabodad.
### RAJSAMAND

**1 DISTRICT JAIL AND 1 SUB JAIL**  
**6 TALUKA LEGAL SERVICES COMMITTEES**

**RAJASTHAN SLSA’S LEGAL ASSISTANCE TO PERSON IN CUSTODY SCHEME 2012**

<table>
<thead>
<tr>
<th>Appointments</th>
<th>Representations</th>
<th>Reporting</th>
<th>Monitoring</th>
<th>Functions of MC</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 (2)</td>
<td>0 (0)</td>
<td>0 (0)</td>
<td>0 (0)</td>
<td>0 (0)</td>
</tr>
</tbody>
</table>
| - Lawyers Appointed: Yes (12)  
- Number of Terms of Appointment (out of 5): N.M. | - Persons Represented: Yes (229)  
- Publicity To The Scheme: Legal Awareness Camps | - Monthly Reports Prepared By All Lawyers: No | - Monitoring Committee constituted: No  
- Date of Constitution: No | - MC Register Maintained: No  
- Bimonthly Report sent by MC: No |

**LEGAL AID CLINIC**

<table>
<thead>
<tr>
<th>Jail Visiting Lawyers</th>
<th>Prisoner Paralegals</th>
<th>Role of DLSA</th>
<th>Sub-jail Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 (5)</td>
<td>0 (0)</td>
<td>5 (5)</td>
<td>0 (0)</td>
</tr>
</tbody>
</table>
| - LAC constituted: Yes (13-01-2013)  
- Days of Operation: Nil/183 | - Lawyers Appointed: Yes (3)  
- No. of Visits: 10/46 | - PLVs Appointed: Yes (1)  
- Monthly Reports submitted: No  
- Registers Maintained: No | - PLV Trainings Conducted: No  
- Honorarium Paid to PLV: No  
- Honorarium Paid to JVL: Yes (Rs 5,000/-)  
- Reports submitted by PLV: No |

**NOTABLE FINDINGS**

Six work reports were submitted. Most did not pertain to the time period asked for. The format followed for the case details in the work report was quite detailed. It included the FIR number, the police station, the sections, case number, date of first production, date of challan and next date of hearing.

**TALUKA INFORMATION**

Information was received about the appointment of 16 lawyers in six taluks namely Nathdwara, Bhim, Railmagra Deoghar, Kumbalgarh, and Amet. In total 107 inmates were represented, all from Deoghar. There were no representation in the other five taluks.
BANSWARA

NALS'A (FREE AND COMPETENT LEGAL SERVICES) REGULATIONS 2010

APPOINTMENTS
5 ✔ 0
❖ Panel lawyers: Yes (20)
❖ Retainers: N.R.

REPRESENTATIONS
0 ✔ 0
❖ By Panel lawyers: N.R.
❖ By Retainers: N.R.

REPORTING
0 ✔ 0
❖ Completion report submitted by panel lawyers: No

MONITORING
5 ✔ 1
❖ Monitoring Committee constituted: Yes
❖ Date of Constitution: 11/15/2014
❖ MC Register Maintained: N.R.
❖ Bimonthly Report sent by MC: No

FUNCTIONS OF MC
0 ✔ 0

Total 11

TALUKA INFORMATION
5 panel lawyers each have been appointed in Kushalgarh, Bagidora, Gadi and Ghatoli talukas. Monitoring committees have been established in all the four talukas.

NALS'A (LEGAL AID CLINICS) REGULATIONS 2011 & RAJASTHAN SLSA GUIDELINES 2012

LEGAL AID CLINIC
5 ✔ 0
❖ LAC constituted: Yes (July 2013)
❖ Days of Operation: Nil/192

JAIL VISITING LAWYERS
5 ✔ 0
❖ Lawyers Appointed: Yes (2)
❖ No. of Visits: Nil/48

PRISONER PARALEGALS
5 ✔ 0
❖ PLVs Appointed: Yes (1)
❖ Monthly Reports submitted: No
❖ Register Maintained: No

ROLE OF DLSA
5 ✔ 0
❖ PLV Trainings Conducted: Yes (2)
❖ Honorarium Paid to PLV: No
❖ Honorarium Paid to JVL: Yes (Rs. 9,000/-)
❖ Reports submitted by PLV: No

Total 25

SUB-TALUKA INFORMATION
No response received.

RAJASTHAN SLSA'S LEGAL ASSISTANCE TO PERSON IN CUSTODY SCHEME 2012

APPOINTMENTS
0 ✔ 0
❖ Lawyers Appointed: N.R.
❖ Number of Terms of Appointment (out of 5): N.R.

REPRESENTATIONS
0 ✔ 0
❖ Persons Represented: N.R.
❖ Publicity To The Scheme: N.R.

REPORTING
0 ✔ 0
❖ Monthly Reports Prepared By All Lawyers: N.R.

MONITORING
0 ✔ 0
❖ Number of Work Reports submitted: N.R.
❖ Number of Attendance Certificates Issued by the court: N.R.

Total 0

TALUKA INFORMATION
No response received.

J.A.C. = Juvenile Aid Clinic | J.V. = Jail Visiting Lawyer | L.A.C. = Legal Aid Clinic | L.S.L. = Legal Services Institution | M.C. = Monitoring Committee | N.A. = Not Applicable | N.R. = Not Responded | U.P. = Under Process |
### Dalipur

**District Jail and 1 Sub Jail**
3 Taluka Legal Services Committees

**Total:** 16

**Appointments**
- Panel lawyers: Yes (15)
- Retainers: No

**Representations**
- By Panel lawyers: Yes (37)
- By Retainers: No

**Reporting**
- Completion report submitted by panel lawyers: Yes

**Monitoring**
- Monitoring Committee constituted: U.P.
- Date of Constitution: N.R.

**Functions of MC**
- MC Register Maintained: No
- Bimonthly Report sent by MC: No

---

**Legal Aid Clinic**
- LAC constituted: Yes (24-06-2012)
- Days of Operation: Nil/192

**Jail Visiting Lawyers**
- Lawyers Appointed: No
- No. of Visits: Nil/48

**Prisoner Paralegals**
- PLVs Appointed: No
- Monthly Reports submitted: No
- Registers Maintained: No

**Role of DLSA**
- PLV Training Conducted: No
- Honorarium Paid to PLV: No
- Honorarium Paid to JVL: Nil
- Reports submitted by PLV: No

---

**Rajasthan SLSA’s Legal Assistance to Person in Custody Scheme 2012**

**Appointments**
- Lawyers Appointed: Yes (3)
- Number of Terms of Appointment (out of 5): N.M.

**Representations**
- Persons Represented: No
  - Publicity to The Scheme: Boards outside Courts

**Reporting**
- Monthly Reports Prepared by All Lawyers: No

**Monitoring**
- Number of Work Reports submitted: Nil/9 (0%)
- Number of Attendance Certificates Issued by the court: Nil/9 (0%)

---

**Taluka Information**

- Panel lawyers were appointed in three talukas namely Sagarwa (9), Simlawa (4) and Aaspur (5).
- No response received.

---

**Rajasthan SLSA Guidelines 2011 & Rajasthan SLSA Guidelines 2012**

**Total:** 5
JALORE

NALS A (FREE AND COMPETENT LEGAL SERVICES) REGULATIONS 2010

APPOINTMENTS
- Panel lawyers: No
- Retainers: No

REPRESENTATIONS
- By Panel lawyers: Nil
- By Retainers: N.R.

REPORTING
- Completion report submitted by panel lawyers: N.R.

MONITORING
- Monitoring Committee constituted: N.R.
- Date of Constitution: N.R.

FUNCTIONS OF MC
- MC Register Maintained: N.R.
- Bimonthly Report sent by MC: N.R.

NOTABLE FINDINGS
As on 1 December 2014, no appointments of panel or retainer lawyers were made at the district and taluka levels. As per the direction from RLSA on 31 January 2015, Jalore appointed 20 panel lawyers.

TALUKA INFORMATION
Panel lawyers have been appointed in 3 talukas namely Bhinmal (5), Sanchore (10) Raniwada (5).

LEGAL AID CLINIC
- LAC constituted: Yes (August 2013)
- Days of Operation: Nil/138

JAIL VISITING LAWYERS
- Lawyers Appointed: Yes (1)
- No. of Visits: Nil/34

PRISONER PARALEGALS
- PLVs Appointed: No
- Monthly Reports submitted: No
- Register Maintained: No

ROLE OF DLSA
- PLV Trainings Conducted: No
- Honorarium Paid to PLV: No
- Honorarium Paid to JVL: Nil
- Reports submitted by PLV: No

TOTAL

RAJASTHAN SLSA's LEGAL ASSISTANCE TO PERSON IN CUSTODY SCHEME 2012

APPOINTMENTS
- Lawyers Appointed: Yes (12)
- Number of Terms of Appointment (out of 5): 3

REPRESENTATIONS
- Persons Represented: No
- Publicity To The Scheme: Legal Literacy Camps

REPORTING
- Monthly Reports Prepared By All Lawyers: No

MONITORING
- Number of Work Reports submitted: Nil/12 (0%)
- Number of Attendance Certificates issued by the court: Nil/12 (0%)

TALUKA INFORMATION
Information was received from three talukas – Bhinmal, Raniwada and Sanchore; four courts; and 4 RB lawyers. The lawyers appointed have not presented themselves in court-roll.

TOTAL
<table>
<thead>
<tr>
<th><strong>1 DISTRICT JAIL</strong></th>
<th><strong>2 TALUKA LEGAL SERVICES COMMITTEES</strong></th>
<th><strong>DHOLPUR</strong></th>
<th><strong>GRAND TOTAL : 22</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>APPOINTMENTS</strong></td>
<td><strong>REPRESENTATIONS</strong></td>
<td><strong>REPORTING</strong></td>
<td><strong>MONITORING</strong></td>
</tr>
<tr>
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<td>0 × 0</td>
<td>5 × 0</td>
</tr>
<tr>
<td>Panel lawyers: No</td>
<td>By Panel lawyers: Nil</td>
<td>Completion report submitted by panel lawyers : N.R.</td>
<td>Monitoring Committee constituted: Yes</td>
</tr>
<tr>
<td>Retainers: U.P.</td>
<td>By Retainers: N.R.</td>
<td></td>
<td>Date of Constitution: N.M.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>FUNCTIONS OF MC</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>MC Register Maintained: No</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Bimonthly Report sent by MC : No</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>8</strong></td>
<td></td>
<td><strong>Total</strong> 8</td>
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<table>
<thead>
<tr>
<th><strong>NALSA (FREE AND COMPETENT LEGAL SERVICES) REGULATIONS 2010</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>TALUKA INFORMATION</td>
</tr>
<tr>
<td>Lawyers were not appointed, but monitoring committees were constituted in Bari and Rajakhera.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>LEGAL AID CLINIC</strong></th>
<th><strong>JAIL VISITING LAWYERS</strong></th>
<th><strong>PRISONER PARALEGALS</strong></th>
<th><strong>ROLE OF DLSA</strong></th>
<th><strong>SUB-JAIL INFORMATION</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>5 × 0</td>
<td>0 × 0</td>
<td>0 × 0</td>
<td>0 × 0</td>
<td>No response received.</td>
</tr>
<tr>
<td>LAC constituted : Yes</td>
<td>Lawyers Appointed: No</td>
<td>PVs Appointed: No</td>
<td>PLVs Training Conducted : No</td>
<td></td>
</tr>
<tr>
<td>Days of Operation: Nil</td>
<td>No. of Visits: Nil</td>
<td>Monthly Reports submitted: No</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Registers Maintained: No</td>
<td>Honorarium Paid to PLV: No</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Honorarium Paid to Jail Lawyer: Nil</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Reports submitted by PLV: No</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>5</strong></td>
<td><strong>0</strong></td>
<td><strong>0</strong></td>
<td><strong>Total</strong> 5</td>
</tr>
</tbody>
</table>

| **NALSA (LEGAL AID CLINICS) REGULATIONS 2011 & RAJASTHAN SLSA GUIDELINES 2012** |

<table>
<thead>
<tr>
<th><strong>RAJASTHAN SLSA'S LEGAL ASSISTANCE TO PERSON IN CUSTODY SCHEME 2012</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>TALUKA INFORMATION</td>
</tr>
<tr>
<td>Lawyers were appointed in Rajakhera (2) and Bari (2). No other information was provided.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>APPOINTMENTS</strong></th>
<th><strong>REPRESENTATIONS</strong></th>
<th><strong>REPORTING</strong></th>
<th><strong>MONITORING</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>5 × 4</td>
<td>0 × 0</td>
<td>0 × 0</td>
<td>0 × 0</td>
</tr>
<tr>
<td>Lawyers Appointed: Yes (5)</td>
<td>Persons Represented: N.R.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Terms of Appointment (out of 5) : 4</td>
<td>Publicity To The Scheme: N.R.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monthly Reports Prepared By All Lawyers: No</td>
<td>Number of Work Reports submitted: Nil/15 (0%)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Attendance Certificates Issued by the court: Nil/15 (0%)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>9</strong></td>
<td><strong>0</strong></td>
<td><strong>0</strong></td>
</tr>
</tbody>
</table>

(*J4C: Jail Legal Aid Clinics [JLAC], Jail Visiting Lawyers [JAVL], Legal Services Institution [LSI], Monitoring Committee [MC], National Legal Services Authority [NLSA], Police [POLICE], Prisons [PRISONS], DLSA)*
1 DISTRICT JAIL AND 2 SUB JAILS
5 TALUKA LEGAL SERVICES COMMITTEES

JHALAWAR

NALS (FREE AND COMPETENT LEGAL SERVICES) REGULATIONS 2010

APPOINTMENTS
- Panel lawyers: Yes (10)
- Retainers: No

FUNCTIONS OF MC
- MC Register Maintained: No
- Bimonthly Report sent by MC: No

REPRESENTATIONS
- By Panel lawyers: No
- By Retainers: No

REPORTING
- Completion report submitted by panel lawyers: No
- Date of Constitution: N.R.

MONITORING
- Monitoring Committee constituted: No

GRAND TOTAL: 19

NOTABLE FINDINGS
- Senior lawyers were appointed as panel lawyers both at the district and taluka level.
- TALUKA INFORMATION
  - Panel lawyers were appointed in Aklera (5), Bhawanimandi (5) Khapur (5), Pirawa (5), and Chaumohalla (5).

NALS (LEGAL AID CLINICS) REGULATIONS 2011 & RAJASTHAN SLSA GUIDELINES 2012

LEGAL AID CLINIC
- LAC constituted: Yes (17-04-2013)
- Days of Operation: 136/166

ROLE OF DLSA
- PLVs Trainings Conducted: No
- Honorarium Paid to PLV: Nil

JAIL VISITING LAWYERS
- Lawyers Appointed: No
- No. of Visits: Nil/42

PRISONER PARALEGALS
- PLVs Appointed: No
- Monthly Reports submitted: No
- Register Maintained: Yes

SUB-TALUKA INFORMATION
- No response received.

RAJASTHAN SLSA’s LEGAL ASSISTANCE TO PERSON IN CUSTODY SCHEME 2012

APPOINTMENTS
- Lawyers Appointed: N.R.
- Number of Terms of Appointment (out of 5): N.R.

REPRESENTATIONS
- Persons Represented: N.R.
- Publicity To The Scheme: N.R.

REPORTING
- Monthly Reports Prepared By All Lawyers: N.R.

MONITORING
- Number of Work Reports submitted: N.R.
- Number of Attendance Certificates Issued by the court: N.R.

Total
- 5
- 0
- 0
- 0
- 0

TALUKA INFORMATION
- No response received.
<table>
<thead>
<tr>
<th>1 CENTRAL JAIL AND 2 SUB JAILS</th>
<th>5 TALUKA LEGAL SERVICES COMMITTEES</th>
<th>KOTA</th>
<th>GRAND TOTAL: 18</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>APPOINTMENTS</strong></td>
<td><strong>Representations</strong></td>
<td><strong>Reporting</strong></td>
<td><strong>Monitoring</strong></td>
</tr>
<tr>
<td>5 ✅</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Retainers: No</td>
<td>By Retainers: No</td>
<td></td>
<td>Date of Constitution: N.R.</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>Total</strong></td>
<td><strong>Total</strong></td>
<td><strong>Total</strong></td>
</tr>
<tr>
<td>5</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

| **TALUKA INFORMATION**         | **NIL**                              | **NIL** | **NIL**       | **NIL**           |

| **NALSA (LEGAL AID CLINICS) REGULATIONS 2011 & RAJASTHAN SLSA GUIDELINES 2012** |
|---------------------------------|--------------------------------------|--------|----------------|
| **LEGAL AID CLINIC**            | **JAIL VISITING LAWYERS**            | **PRISONER PARALEGALS** | **ROLE OF DLSA** | **SUB-JAIL INFORMATION** |
| 5 ✅                            | 0                                    | 0      | 0             | No response received. |
| LAC constituted: Yes (01-12-2011) | Lawyers Appointed: No               | PLVs Appointed: No | PLV Trainings Conducted: No | No response received. |
| Days of Operation: Nil/192     | No of Visits: Nil/48                 | Monthly Reports submitted: No | Honorarium Paid to PLV: No | Nil |
| **Total**                      | **Total**                            | **Total** | **Total**     | **Total**         |
| 5                              | 0                                    | 0      | 0             | 0                 |

| **RAJASTHAN SLSA’S LEGAL ASSISTANCE TO PERSON IN CUSTODY SCHEME 2012** |
|---------------------------------|--------------------------------------|--------|----------------|
| **APPOINTMENTS**                | **Representations**                  | **Reporting** | **Monitoring** | **TALUKA INFORMATION** |
| 5 ✅                            | 0                                    | 0      | 0             | No response received. |
| Number of Terms of Appointment (out of 5): N.R. | Publicity To The Scheme: N.R. | | Number of Attendance Certificates Issued by the court: N.R. | |
| **Total**                      | **Total**                            | **Total** | **Total**     | **Total**         |
| 8                              | 0                                    | 0      | 0             | 0                 |
**PALI**

1. **District Jail and 3 Sub Jails**
   - **7 Taluka Legal Services Committees**

   **Appointments**
   - Panel lawyers: No
   - Retainers: No

   **Representations**
   - By Panel lawyers: Nil
   - By Retainers: N.R.

   **Reporting**
   - Completion report submitted by panel lawyers: N.R.

   **Monitoring**
   - Monitoring Committee constituted: N.R.
   - Date of Constitution: N.R.

   **Functions of MC**
   - MC Register Maintained: N.R.
   - Bi-monthly report sent by MC: N.R.

   **Legal Aid Clinics**
   - LAC constituted: No
   - Days of Operation: Nil

   **Jail Visiting Lawyers**
   - Lawyers Appointed: No
   - No. of Visits: Nil

   **Prisoner Paralegals**
   - PLVs Appointed: No
   - Monthly Reports submitted: No
   - Register Maintained: No

   **Role of DLSA**
   - PLV Trainings Conducted: No
   - Honorarium paid to PLV: No
   - Honorarium paid to JVL: Nil
   - Reports submitted by PLV: No

**NALS(A) (Free and Competent Legal Services) Regulations 2010 & Rajasthan SLSA Guidelines 2012**

**Appointments**
- Lawyers Appointed: Yes (18)
- Number of Terms of Appointment (out of 5): 3

**Representations**
- Persons Represented: Yes (5)
- Publicity to the Scheme: Boards outside Jails and Police Stations

**Monitoring**
- Number of Work Reports submitted: Nil (18, 0%)
- Number of Attendance Certificates issued by the court: Nil (18, 0%)

**Total**: 18

**Rajasthan SLSA's Legal Assistance to Person in Custody Scheme 2012**

**Legal Aid Clinics**
- No response received.

**Jail Visiting Lawyers**
- No response received.

**Prisoner Paralegals**
- No response received.

**Total**: 0

**Role of DLSA**
- No response received.

**Notable Findings**
- The RTI response mentioned that the appointments will not be made in due course. RLSSA has given direction for the implementation of the NALS(A), 2010 Scheme. Names of the panel lawyers have been sent to RLSSA. Post confirmation from the SLSA, appointments will be made in the courts and JAC.
# Tonk

## 1 District Jail and 1 Sub Jail
5 Taluka Legal Services Committees

### Appointments
- Panel Lawyers: Yes (40)
- Retainers: No

### Representations
- By Panel Lawyers: N.R.
- By Retainers: N.R.

### Reporting
- Completion Report submitted by panel lawyers: N.R.

### Monitoring
- Monitoring Committee constituted: N.R.
- Date of Constitution: N.R.

### Functions of MC
- MC Register Maintained: N.R.
- Bimonthly Report sent by MC: N.R.

**Total** 5

## NALSA (Free and Competent Legal Services) Regulations 2010

### Taluka Information
A total of 101 panel lawyers were appointed.

## NALSA (Legal Aid Clinics) Regulations 2011 & Rajasthan SLSA Guidelines 2012

### Legal Aid Clinic
- LAC constituted: N.R.
- Days of Operation: N.R.

### Jail Visiting Lawyers
- Lawyers Appointed: N.R.
- No. of Visits: N.R.

### Prisoner Paralegals
- PLVs Appointed: N.R.
- Monthly Reports submitted: N.R.
- Registers Maintained: N.R.

### Role of DLSA
- PLV Trainings Conducted: N.R.
- Honorarium Paid to PLV: N.R.
- Honorarium Paid to JFL: N.R.
- Reports submitted by PLV: N.R.

**Total** 0

## Rajasthan SLSA’s Legal Assistance to Person in Custody Scheme 2012

### Appointments
- Lawyers Appointed: Yes (9)
- Number of Terms of Appointment (out of 5): N.M.

### Representations
- Persons Represented: No
- Publicity To The Scheme: Notice Board of the Court Room

### Reporting
- Monthly Reports Prepared By All Lawyers: No

### Monitoring
- Number of Work Reports submitted: N.I./9 (0%)
- Number of Attendance Certificates issued by the court: N.I./9 (0%)

**Total** 13

---

JAC: Jail Legal Aid Clinic
LAC: Legal Aid Clinic
JLS: Jail Legal Service
TALUKA: Taluka
N.I.: Not Issued
N.R.: Not Required
N.M.: Not Mentioned
N.A.: Not Applicable
N.K.: Not Known
N.O.: Not Open
N.F.: Not Found

### Bundi

**1. District Jail and 1 Sub Jail, 6 Taluka Legal Services Committees**

- **Appointments**
  - Panel lawyers: No
  - Retainers: No
- **Representations**
  - By Panel lawyers: No
  - By Retainers: No
- **Reporting**
  - Completion report submitted by panel lawyers: No
- **Monitoring**
  - Monitoring Committee constituted: No
  - Date of Constitution: N/R
- **Functions of MC**
  - MC Register Maintained: No
  - Bimonthly Report sent by MC: No

**Total:** 0

### NALSA (Free and Competent Legal Services) Regulations 2010

- **Legal Aid Clinic**
  - LAC constituted: No
  - Days of Operation: Nil
- **Jail Visiting Lawyers**
  - Lawyers Appointed: No
  - No. of Visits: Nil
- **Prisoner Paralegals**
  - PLVs Appointed: No
  - Monthly Reports submitted: No
  - Register Maintained: No
- **Role of DLSA**
  - PLV Training Conducted: No
  - Honorarium Paid to PLV: No
  - Honorarium Paid to JVL: Nil
  - Reports submitted by PLV: No

**Total:** 0

### NALSA (Legal Aid Clinics) Regulations 2011 & Rajasthan SLSA Guidelines 2012

- **Legal Aid Clinic**
  - LAC constituted: No
  - Days of Operation: Nil
- **Jail Visiting Lawyers**
  - Lawyers Appointed: No
  - No. of Visits: Nil
- **Prisoner Paralegals**
  - PLVs Appointed: No
  - Monthly Reports submitted: No
  - Register Maintained: No
- **Role of DLSA**
  - PLV Training Conducted: No
  - Honorarium Paid to PLV: No
  - Honorarium Paid to JVL: Nil
  - Reports submitted by PLV: No

**Total:** 0

### Rajasthan SLSA's Legal Assistance to Person in Custody Scheme 2012

- **Appointments**
  - Lawyers Appointed: Yes (6)
  - Number of Terms of Appointment (out of 5): N.M.
- **Representations**
  - Persons Represented: N.R.
  - Publicity To The Scheme: As per directions of SLSA
- **Reporting**
  - Monthly Reports Prepared By All Lawyers: No
- **Monitoring**
  - Number of Work Reports submitted: Nil/18 (0%)
  - Number of Attendance Certificates Issued by the court: Nil/18 (0%)

**Total:** 13

---

**Notes:**
- JLAC: Jail Legal Aid Clinic
- JLAC: Jail Legal Aid Clinics
- LAC: Legal Aid Clinics
- JRLS: Jail Legal Services
- DLSA: District Legal Services Authority
- SLSA: State Legal Services Authority
- N/R: Not Applicable
- Nil: Not Reportable
- N/A: Information Not Available
- Under Process
1 DISTRICT JAIL AND 2 SUB JAILS
9 TALUKA LEGAL SERVICES COMMITTEES

NALSA (FREE AND COMPETENT LEGAL SERVICES) REGULATIONS 2010

**APPOINTMENTS**
- Panel lawyers: Yes (11)
- Retainers: Yes (8)

**REPRESENTATIONS**
- By Panel lawyer: N.R.
- By Retainers: N.R.

**REPORTING**
- Completion report submitted by panel lawyers: N.R.

**MONITORING**
- Monitoring Committee constituted: N.R.
- Date of Constitution: N.R.

**FUNCTIONS OF MC**
- MC Register Maintained: N.R.
- Bimonthly Report sent by MC: N.R.

**NOTABLE FINDINGS**
No response was received on the primary RTI. In response to the RTI filed to SLSA which was forwarded to Alwar DSLA, Alwar mentioned that panel & retainer lawyers have been appointed in both the district and taluka level.

**TALUKA INFORMATION**
15 panel lawyers and 25 retainer lawyers have been appointed in the talukas.

---

NALSA (LEGAL AID CLINICS) REGULATIONS 2011 & RAJASTHAN SLSA GUIDELINES 2012

**LEGAL AID CLINIC**
- LAC constituted: N.R.
- Days of Operation: N.R.

**JAIL VISITING LAWYERS**
- Lawyers Appointed: N.R.
- No. of Visits: N.R.

**PRISONER PARALEGALS**
- PLVs Appointed: N.R.
- Monthly Reports submitted: N.R.
- Registers Maintained: N.R.

**ROLE OF DSLA**
- PLV Training Conducted: N.R.
- Honorarium Paid to PLV: N.R.
- Honorarium Paid to JVPL: N.R.
- Reports submitted by PLV: N.R.

**SUB-JAIL INFORMATION**
No response received.

---

RAJASTHAN SLSA’S LEGAL ASSISTANCE TO PERSON IN CUSTODY SCHEME 2012

**APPOINTMENTS**
- Lawyers Appointed: N.R.
- Number of Terms of Appointment (out of 5): N.R.

**REPRESENTATIONS**
- Persons Represented: N.R.
- Publicity To The Scheme: N.R.

**REPORTING**
- Monthly Reports Prepared By All Lawyers: N.R.

**MONITORING**
- Number of Work Reports submitted: N.R.
- Number of Attendance Certificates Issued by the court: N.R.

**TALUKA INFORMATION**
No response received.

---

Total 10

Legend:
- ✓: Appointed
- ✗: Not Appointed
- 0: Not done

LAC: Legal Aid Clinics
PLV: Prisoner Paralegals
JVPL: Jail Visiting Paralegals
JSLSA: Rajasthan SLSA

[Note: Diagram includes additional symbols and text not fully transcribed in this representation.]
1 DISTRICT JAIL AND 3 SUB JAILS 9 TALUKA LEGAL SERVICES COMMITTEES

NAGAUR

NALS (FREE AND COMPETENT LEGAL SERVICES) REGULATIONS 2010

APPOINTMENTS
5 ✔️ 3
- Panel lawyers: Yes (26)
- Retainers: U.P.
- By Panel lawyers: N.R.
- By Retainers: N.R.

REPRESENTATIONS
0 ✔️ 0
- Completion report submitted by panel lawyers: N.R.

REPORTING
0 ✔️ 0
- Monitoring Committee constituted: N.R.
- Date of Constitution: N.R.

MONITORING
0 ✔️ 0
- MC Register Maintained: N.R.
- Bimonthly report sent by MC: N.R.

FUNCTIONS OF MC
0 ✔️ 0

Total 8

NALS (LEGAL AID CLINICS) REGULATIONS 2011 & RAJASTHAN SLSA GUIDELINES 2012

LEGAL AID CLINIC
0 ✔️ 0
- LAC constituted: N.R.
- Days of Operation: N.R.

JAIL VISITING LAWYERS
0 ✔️ 0
- Lawyers Appointed: N.R.
- No. of Visits: N.R.

PRISONER PARALEGALS
0 ✔️ 0
- PLVs Appointed: N.R.
- Monthly reports submitted: N.R.
- Registers Maintained: N.R.

ROLE OF DLSA
0 ✔️ 0
- PLV Trainings Conducted: N.R.
- Honorarium Paid to PLV: N.R.
- Honorarium Paid to JVL: N.R.
- Reports submitted by PLV: N.R.

SUB-JAIL INFORMATION
No response received.

Total 0

RAJASTHAN SLSA'S LEGAL ASSISTANCE TO PERSON IN CUSTODY SCHEME 2012

APPOINTMENTS
0 ✔️ 0
- Lawyers Appointed: N.R.
- Number of Terms of Appointment (out of 5): N.R.

REPRESENTATIONS
0 ✔️ 0
- Persons Represented: N.R.
- Publicity To The Scheme: N.R.

REPORTING
0 ✔️ 0
- Monthly Reports Prepared By All Lawyers: N.R.

MONITORING
0 ✔️ 0
- Number of Work Reports submitted: N.R.
- Number of Attendance Certificates issued by the court: N.R.

TALUKA INFORMATION
No response received.

Total 0
THE FORMATS

1 FORMATS SHARED BY DISTRICTS

SCHEME 1: National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010

The format of the monitoring committee register was studied. The monitoring committee shall maintain a register for legal aid cases to record the day-to-day postings, progress of the case and the end result (success or failure) in respect of cases for which legal aid is allowed. The register shall be scrutinised by the chairman of the committee every month. No specific format for the registers to be maintained by the monitoring committee is mentioned or provided in the scheme. Only the monitoring committee of the Sikar DLSA has maintained a register. Dholpur and Ajmer have not shared the certified copies or format of their register. The format of the Sikar monitoring committee register was attached but it does not appear to be the appropriate as it does not track the day to day proceedings of cases which the register is expected to maintain under the scheme.

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Subject</th>
<th>Year/Month</th>
<th>Civil</th>
<th>Criminal</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>No. of Panel lawyers</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>No. of cases assigned to Panel lawyers</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>No. of cases decided after examining all witnesses</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>No. of cases in which disposal was granted after examining only the witness</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>No. of cases disposed of after recording more than 1 witness but not all witnesses</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Time taken in disposal from time of assignment of case to panel lawyers</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>No. of adjournments sought by the panel lawyer and for what reason</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>No. of cases disposed of on first hearing on plea of guilt (criminal)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>No. of cases disposed of favourably (civil)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>No. of cases decided ex parte (civil)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>No. of cases ending in acquittals (criminal)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>No. of cases ending in conviction (criminal)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>No. of cases in which appeals were filed by the panel lawyers</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>No. of cases in which appeal was filed with delay with average period (range of delay)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>No. of cases in which parties approached legal services in appellate courts including sessions, High Court and Supreme Court where trial was by private counsels</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>No. of cases in which appeal was disposed of favourably</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>No. of cases in which appeal was dismissed</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>No. of hearings in appellate courts</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>No. of adjournments in appellate courts by panel lawyers and reasons thereof</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>No. and nature of complaints, if any, against panel lawyers.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>How were these complaints dealt with?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>No. of legal aid cases dealt under plea bargaining after assignment to panel lawyer</td>
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<td>23</td>
<td>No. of cases dealt under mediation after assignment to panel lawyer</td>
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<tr>
<td>24</td>
<td>No. of legal aid cases dealt with under lok adalat after assignment to panel lawyer</td>
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</tbody>
</table>
The format of the attendance register and work registers maintained in legal aid clinics were studied. The scheme says, lawyers and paralegal volunteers rendering service in legal aid clinics shall record their attendance in the register maintained in the legal aid clinic. There shall be a register in every legal aid clinic to record the names and addresses of persons seeking legal aid services, the names of lawyers or paralegal volunteers who render services in the legal aid clinic, the nature of the services rendered, remarks of the lawyers or paralegal volunteers and signatures of the persons seeking legal aid services. The records of the legal aid clinics shall be under the control of the chairman or the secretary of the legal services institution that has territorial jurisdiction over it. No format for the registers are provided in the schemes. However, some DLSAs seem to have innovated on their own and have developed some parameters and formats. However these are neither standardized nor complete, and there is a requirement for guidance on the part of both NALSA and SLSA. CHRI offers a few recommendations in this area.

**Attendance Register:** The format of the attendance register was available from five districts. Sirohi, Churu and Bikaner used the same format. The register was in the form of a grid/calendar with defined spaces to mark the attendance of lawyers and paralegal volunteers. Such a format ensures easy and quick monitoring. We suggest the register maintained by Sirohi.

**Work Register:** The format of the work register was received from 11 districts. Of these, six had detailed registers with columns for details of the applicant, problems of the application, his signature, action taken on the problem and comments (Baran, Bikaner, Churu, Sirohi, Bundi and Hanumangarh). Bundi has an extra column – date of disposal. Bhilwara had a very basic register with only one column, and the format of Chittorgarh was not clear. Kota, Barmer and Ganganagar had monthly reports and not monthly registers.

### Sirohi’s Attendance Register

In Tabular Format:

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Date</th>
<th>Names of the paralegal volunteers</th>
<th>Name of the panel lawyer</th>
<th>Signature</th>
<th>Description of the work/remedy provided</th>
</tr>
</thead>
</table>

### Baran’s Work Register

In Tabular Format:

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Date</th>
<th>Name of the applicant, father's name, caste, full address &amp; telephone number if any</th>
<th>Detail of the problems of the applicant in brief</th>
<th>Description of the action taken against the problem of the applicant</th>
<th>Signature of the applicant</th>
<th>Comments</th>
</tr>
</thead>
</table>
The format of the lawyers’ monthly work reports and attendance certificate were studied. The scheme does not prescribe any standardised format for these two documents. Work reports are to be submitted by the lawyers to the court, which are then forwarded to the DLSA. Monthly attendance certificates are to be issued by the court to lawyers, which are then forwarded to the DLSA. The certified copies of work reports and attendance certificates were shared by only four53 and nine54 districts respectively. Ten districts shared their formats for their attendance certificates, seven shared work report formats, and one (Udaipur) appears to have combined both into one report.

Attendance Certificates: A common format has been used by most districts. The document basically certifies the presence of the lawyers in the courts. It does not mention the number of days the lawyers were present, whether they were present during the “remand hour” every day or appeared when they were called by the courts. The format basically mentions that the lawyers were “regularly present”. CHRI’s observations in Jodhpur were that the courts did not maintain any attendance registers for remand & bail lawyers. In the absence of a register, certifying the attendance of a lawyer would not be possible. Also, as the name and presence of lawyers are usually not noted in order sheets, the documentation on presence of lawyers is missing.

BARAN’S ATTENDANCE CERTIFICATE

<table>
<thead>
<tr>
<th>Date</th>
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<tbody>
<tr>
<td>Attendance certificate</td>
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</tbody>
</table>

| S. No. | Name of the legal aid counsel | Term of presence | Details of work done |

BARAN’S WORK REPORT

Legal aid provided to the offenders in custody by the legal aid counsel in __________ (Month) __________ (Year)

| Serial number | FIR number | Name of the police station | Offence | Name of the offender | Date | Certified by the concerned authority. |

<table>
<thead>
<tr>
<th>SRI GANGANAGAR’S WORK REPORT</th>
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<tbody>
<tr>
<td>S. No.</td>
</tr>
<tr>
<td>Signature</td>
</tr>
</tbody>
</table>

SIKAR’S WORK REPORT

Tabular data under following heads

<table>
<thead>
<tr>
<th>S. No.</th>
<th></th>
<th>Whether panel lawyers attended the hearing in remand cases?</th>
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<tbody>
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<td>1</td>
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</table>

53 Sri Ganganagar, Hanumangarh, Rajasthan and Sirohi.
54 Bikaner, Bhilwara, Churu, Chittorgarh, Hanumangarh, Jodhpur, Rajasthan, Sikar and Udaipur.
II CHRI'S SUGGESTED FORMAT

1. Attendance Certificate and Work Report: CHRI in consultation with Jodhpur DLSA formulated a common format for the attendance certificate and work report Rajasthan State Legal Service Authority's Legal Assistance to Persons in Custody Scheme, 2012. Based on the Sikar's work reports which are case based, CHRI can further develop this format.

   Name of the Court ________________________________________________
   Name of the Presiding officer ________________________________________
   Name of the Remand & Bail Lawyer ____________________________________

   This is to certify that the Adv. ____________ who is appointed as the remand and bail lawyer in Court __________ has been/not been regularly attending the court. He/ She has extended his/her legal services in the cases below:

<table>
<thead>
<tr>
<th>S.No</th>
<th>Title of the Case</th>
<th>Case. No.</th>
<th>Dates of the hearings in the month</th>
<th>Interventions in the Case</th>
<th>Applications Filed</th>
</tr>
</thead>
<tbody>
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</table>

   Signature of the Presiding Officer

2. CHRI has also formulated the format for the register to be maintained at the court to record the work and attendance of the lawyer. The format is as below:

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Called/ Visited</th>
<th>Name of the Case represented</th>
<th>Intervention Made</th>
<th>Signature of the Lawyer</th>
<th>Signature of the Court</th>
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</table>

3) Taking inputs from the formats of work registers maintained by some of the Jail Legal Aid Clinics under Rajasthan State Legal Services Authority Guidelines, 2012, CHRI has devised a format as mentioned below:

WORK REGISTER

In Tabular Format:

1. S. No.
2. Date
3. Name of the applicant, father's name, caste, full address & telephone number if any. Date on which action taken ; date on which application was made by UTP. Date on which application was presented to DLSA; Date on which lawyer appointed; Date on which UTP was informed about appointed/assigned lawyer
4. Detail of the problems of the applicant in brief
5. Description of the action taken against the problem of the applicant
6. Date of appearance
7. Decision
8. Date of Disposal
9. Signature of the applicant
10. Comments
ANNEXURES

A. District wise Recommendations

B. National Legal Services Authority and State Legal Services Authority Schemes
   1. Rajasthan State Legal Service Authority’s Legal Assistance to Persons in Custody Scheme, 2012
   2. National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010
   3. National Legal Services Authority (Legal Aid Clinics) Regulations, 2011
   4. Rajasthan State Legal Services Authority Guidelines, 2012

C. Right to Information Applications Filed
   1. RTI application on the implementation of Rajasthan State Legal Service Authority’s Legal Assistance to Persons in Custody Scheme, 2012
   2. RTI application on the implementation of National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010
   3. RTI application on the implementation of National Legal Services Authority (Legal Aid Clinics) Regulations, 2011 & Rajasthan State Legal Services Authority Guidelines, 2012
### A. DISTRICT WISE RECOMMENDATIONS

<table>
<thead>
<tr>
<th>Districts/ Parameters</th>
<th>Rajasthan State Legal Service Authority’s Legal Assistance to Persons in Custody Scheme, 2012</th>
<th>National Legal Services Authority (Legal Aid Clinics) Regulations, 2011 &amp; Rajasthan State Legal Services Authority Guidelines, 2012</th>
<th>National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ajmer</strong></td>
<td>✤ Appointment of R&amp;B lawyers&lt;br&gt;✤ Publicity for the scheme&lt;br&gt;✤ Work reports submitted&lt;br&gt;✤ Attendance certificate issued by the court</td>
<td>✤ Constitution of the LAC&lt;br&gt;✤ LAC operational&lt;br&gt;✤ Prisoner paralegal volunteers (PLV) appointed&lt;br&gt;✤ Jail visiting lawyers (JVL) appointed&lt;br&gt;✤ Registers maintained in the LAC&lt;br&gt;✤ PLV trainings&lt;br&gt;✤ PLV reports</td>
<td>✤ Appointment of panel lawyer&lt;br&gt;✤ Appointment of retainer lawyer&lt;br&gt;✤ Completion reports submitted&lt;br&gt;✤ Monitoring committee (MC) constituted&lt;br&gt;✤ Bi-monthly reports sent by MC&lt;br&gt;✤ MC register maintained</td>
</tr>
<tr>
<td><strong>Alwar</strong></td>
<td>✤ Publicity to the scheme: DLSA has not responded to this RTI query. The R&amp;B scheme should be given publicity if it has not been done already.&lt;br&gt;✤ Submission of work reports: To ensure submission of the work reports regularly.&lt;br&gt;✤ Issuance of attendance certificate: To ensure issuance of attendance certificate</td>
<td>✤ Constitution of LAC: To check whether Legal Aid Clinics were constituted as DLSA has not responded to the query&lt;br&gt;✤ Operationalization of LAC: To check whether the Legal Aid Clinics are operational as DLSA has not responded to the query&lt;br&gt;✤ Appointment of PLVs: To check whether Prisoner Paralegal Volunteers have been appointed as DLSA has not responded to the query&lt;br&gt;✤ appointment of JVLs: To check whether Jail Visiting Lawyers are appointed as DLSA has not responded to the query&lt;br&gt;✤ LAC Registers: To check whether LAC Registers are being maintained as DLSA has not responded to the query&lt;br&gt;✤ PLV Training: To check whether PLVs are being trained as DLSA has not responded to the query&lt;br&gt;✤ PLV Reports: To check whether PLV reports are being submitted as DLSA has not responded to the query</td>
<td>✤ Completion Reports: DLSA has not responded to the query. Ensure submission of Completion reports if they are not being submitted regularly&lt;br&gt;✤ Constitution of MC: DLSA has not responded to the query. Constitute a Monitoring Committee if it has not been constituted already&lt;br&gt;✤ PLVMonthly Reports: DLSA has not responded to the query. Ensure submission of PLV Monthly reports if it is not being submitted every month&lt;br&gt;✤ MC Reports: DLSA has not responded to the query. Ensure bi-monthly submission of MC Reports if it is not being sent</td>
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<tr>
<td><strong>Banswara</strong></td>
<td>✤ Appointment of R&amp;B lawyers: DLSA has not responded to this query. Appoint R&amp;B Lawyers regularly if they have not been appointed&lt;br&gt;✤ Publicity to the Scheme: DLSA has not responded to this RTI query. The R&amp;B Scheme should be given publicity if it has not been done already.&lt;br&gt;✤ Submission of Work Reports: DLSA has not responded to this query. Ensure submission of work reports if they are not being submitted regularly&lt;br&gt;✤ Issuance of Attendance Certificate: DLSA has not responded to the query. Ensure issuance of Attendance Certificate if they are not being issued regularly</td>
<td>✤ Operationalization of LAC: To ensure that the Legal Aid Clinics are operational&lt;br&gt;✤ LAC Registers: To maintain LAC Registers&lt;br&gt;✤ PLV Reports: To ensure PLV reports are being submitted</td>
<td>✤ Appointment of Retainer Lawyers: DLSA has not responded to the query. Appoint Retainer Lawyers if they have not been appointed&lt;br&gt;✤ Completion Reports: To ensure submission of Completion Reports&lt;br&gt;✤ Monthly PLV Reports: To ensure submission of Monthly Report by PLV&lt;br&gt;✤ MC Reports: DLSA has not responded to the query. Ensure bi-monthly submission of MC Reports if it is not being sent</td>
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<tr>
<td>Location</td>
<td>Key Issues</td>
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<tr>
<td>Barmer</td>
<td><em>Appointment of R&amp;B lawyers: DLSA has not responded to this query. Appoint R&amp;B Lawyers regularly if they have not been appointed</em>&lt;br&gt;<em>Publicity to the Scheme: DLSA has not responded to this RTI query. The R&amp;B Scheme should be given publicity if it has not been done already.</em>&lt;br&gt;<em>Submission of Work Reports: DLSA has not responded to this query. Ensure submission of work reports if they are not being submitted regularly</em>&lt;br&gt;<em>Issuance of Attendance Certificate: DLSA has not responded to the query. Ensure issuance of Attendance Certificate if they are not being issued regularly</em>&lt;br&gt;<em>Appointment of PLVs: To appoint Prisoner Paralegal Volunteers</em>&lt;br&gt;<em>Appointment of JVLs: To appoint Jail Visiting Lawyers</em>&lt;br&gt;<em>LAC Registers: To maintain LAC Registers</em>&lt;br&gt;<em>PLV Training: To train PLVs</em>&lt;br&gt;<em>PLV Reports: To ensure PLV reports are being submitted</em></td>
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<tr>
<td>Baran</td>
<td><em>Submission of Work Reports: To ensure submission of the work reports regularly</em>&lt;br&gt;<em>Issuance of Attendance Certificate: To ensure issuance of Attendance Certificate</em>&lt;br&gt;<em>Appointment of PLVs: To appoint Prisoner Paralegal Volunteers</em>&lt;br&gt;<em>PLV Training: To train PLVs</em>&lt;br&gt;<em>PLV Reports: To ensure PLV reports are being submitted</em></td>
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<tr>
<td>Bharatpur</td>
<td><em>Submission of Work Reports: To ensure submission of the work reports regularly</em>&lt;br&gt;<em>Issuance of Attendance Certificate: To ensure issuance of Attendance Certificate</em>&lt;br&gt;<em>Operationalization of LAC: To ensure that the Legal Aid Clinics are operational</em>&lt;br&gt;<em>Appointment of PLVs: To appoint Prisoner Paralegal Volunteers</em>&lt;br&gt;<em>Appointment of JVLs: To appoint Jail Visiting Lawyers</em>&lt;br&gt;<em>LAC Registers: To maintain LAC Registers</em>&lt;br&gt;<em>PLV Reports: To ensure PLV reports are being submitted</em></td>
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<tr>
<td>Bikaner</td>
<td><em>Submission of Work Reports: To ensure submission of the work reports regularly</em>&lt;br&gt;<em>Appointment of JVLs: To appoint Jail Visiting Lawyers</em>&lt;br&gt;<em>PLV Reports: To ensure PLV reports are being submitted</em>&lt;br&gt;<em>Appointment of Retainer Lawyer: DLSA has not responded to the query. Appoint Retainer Lawyers if they have not been appointed</em>&lt;br&gt;<em>Completion Reports: DLSA has not responded to the query. Ensure submission of Completion Reports if they are not being submitted regularly</em>&lt;br&gt;<em>Constitution of MC: DLSA has not responded to the query. Constitute a Monitoring Committee if it has not been constituted already</em>&lt;br&gt;<em>PLV Monthly Reports: DLSA has not responded to the query. Ensure submission of PLV Monthly reports if it is not being submitted every month</em>&lt;br&gt;<em>MC Reports: DLSA has not responded to the query. Ensure bi-monthly submission of MC Reports if it is not being sent</em>&lt;br&gt;<em>Appointment of Panel Lawyer: To appoint Panel Lawyers</em>&lt;br&gt;<em>Appointment of Retainer Lawyer: To appoint Retainer Lawyers</em>&lt;br&gt;<em>Completion Reports: To ensure submission of Completion Reports</em>&lt;br&gt;<em>Constitution of MC: To constitute Monitoring Committee (MC)</em>&lt;br&gt;<em>Monthly PLV Reports: To ensure submission of Monthly Report by PLV</em>&lt;br&gt;<em>MC Reports: To ensure Bi-Monthly submission of Reports by MC</em></td>
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<tr>
<td>District</td>
<td>Publicity to the Scheme: DLSA has not responded to this RTI query. The R&amp;B Scheme should be given publicity if it has not been done already.</td>
<td>Submission of Work Reports: To ensure submission of the work reports regularly</td>
<td>PLV Reports: To ensure PLV reports are being submitted</td>
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<tr>
<td>Bhilwara</td>
<td>▶ Publicity to the Scheme: DLSA has not responded to this RTI query. The R&amp;B Scheme should be given publicity if it has not been done already.</td>
<td>▶ Submission of Work Reports: To ensure submission of the work reports regularly</td>
<td>▶ PLV Reports: To ensure PLV reports are being submitted</td>
</tr>
<tr>
<td>Bundi</td>
<td>▶ Submission of Work Reports: To ensure submission of the work reports regularly</td>
<td>▶ Issuance of Attendance Certificate: To ensure issuance of Attendance Certificate</td>
<td>▶ PLV Training: To train PLVs</td>
</tr>
<tr>
<td>Churu</td>
<td>▶ Submission of Work Reports: To ensure submission of the work reports regularly</td>
<td>▶ PLV Reports: To ensure PLV reports are being submitted</td>
<td>▶ PLV Training: To train PLVs</td>
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<tr>
<td>Chittorgarh</td>
<td>▶ Publicity to the Scheme: DLSA has not responded to this RTI query. The R&amp;B Scheme should be given publicity if it has not been done already.</td>
<td>▶ Submission of Work Reports: To ensure submission of the work reports regularly</td>
<td>▶ Appointment of PLVs: To appoint Prisoner Paralegal Volunteers</td>
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<tr>
<td>Dausa</td>
<td>▶ Submission of Work Reports: To ensure submission of the work reports regularly</td>
<td>▶ Issuance of Attendance Certificate: To ensure issuance of Attendance Certificate</td>
<td>▶ Operationalization of LAC: To ensure that the Legal Aid Clinics are operational</td>
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<tr>
<td>District</td>
<td>Action Item</td>
<td>Response by DLSA</td>
<td>Suggested Action</td>
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<tr>
<td>Rajasthan</td>
<td>Publicity to the Scheme: DLSA has not responded to this RTI query. The R&amp;B Scheme should be given publicity if it has not been done already.</td>
<td>DLSA has not responded to the query</td>
<td>Appoint Panel Lawyer: To appoint Panel Lawyers</td>
</tr>
<tr>
<td></td>
<td>Submission of Work Reports: To ensure submission of the work reports regularly</td>
<td></td>
<td>Appoint Retainer Lawyer: To appoint Retainer Lawyers</td>
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<td></td>
<td>Issuance of Attendance Certificate: To ensure issuance of Attendance Certificate</td>
<td></td>
<td>In response to the RTI DLSA had mentioned that the appointment of Retainer lawyers was under process. SLSA should check if the same has been appointed</td>
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<tr>
<td></td>
<td>Submission of Work Reports: To ensure submission of the work reports regularly</td>
<td></td>
<td>Completion Reports: DLSA has not responded to the query. SLSA should check if they are not being submitted regularly</td>
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<td>Issuance of Attendance Certificate: To ensure issuance of Attendance Certificate</td>
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<td>Monthly PLV Reports: To ensure submission of Monthly Report by PLV</td>
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<tr>
<td>Sri Ganganagar</td>
<td>- Issuance of Attendance Certificate: To ensure issuance of Attendance Certificate</td>
<td>- Operationalization of LAC: To ensure that the Legal Aid Clinics are operational</td>
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<td>- Appointment of PLVs: To appoint Prisoner Paralegal Volunteers</td>
<td>- Appointment of PLVs: To appoint Prisoner Paralegal Volunteers</td>
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<tr>
<td></td>
<td>- Appointment of JVLs: To appoint Jail Visiting Lawyers</td>
<td>- Appointment of Retainer Lawyer: To appoint Retainer Lawyers</td>
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<td></td>
<td>- LAC Registers: To maintain LAC Registers</td>
<td>- Completion Reports: DLSA has not responded to the query. Ensure submission of Completion reports if they are not being submitted regularly</td>
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<td></td>
<td>- PLV Reports: To check whether PLV reports are being submitted as DLSA has not responded to the query</td>
<td>- Constitution of MC: DLSA has not responded to the query. Constitute a Monitoring Committee if it has not been constituted already</td>
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<td>- Appointment of Panel Lawyer: To appoint Panel Lawyers</td>
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<td>- Appointment of Retainer Lawyer: To appoint Retainer Lawyers</td>
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<td>- Completion Reports: DLSA has not responded to the query. Ensure submission of Completion reports if they are not being submitted regularly</td>
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<td>- Monthly PLV Reports: To ensure submission of Monthly Report by PLV</td>
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B. NATIONAL LEGAL SERVICES AUTHORITY AND STATE LEGAL SERVICES AUTHORITY SCHEMES

LEGAL ASSISTANCE TO PERSON IN CUSTODY SCHEME GUIDELINES

RAJASTHAN STATE LEGAL SERVICES AUTHORITY
RAJASTHAN HIGH COURT CAMPUS, JAIPUR BENCH, JAIPUR

No. RSLSA/ Legal Aid Council Scheme/ 13th F.C./2011

To,

The Chairman
District Legal Services Authority
(District & Sessions Judge)
All Rajasthan.

Sub: Regarding Model Scheme for Legal Aid Counsel in Rajasthan.

Sir,

While enclosing copy of the Model Scheme for Legal Aid Counsel in all the Courts of Magistrate, I am directed to request you that as per the Scheme the District Legal Services Authority may prepare a panel of Legal Aid Counsel preferably with a minimum standing of 5 years on criminal side. The Advocates from this panel may be attached to the Courts of Magistrates and may be called the “Legal Aid Counsel”. The remuneration for trial of the case, fee schedule for acting as a defense counsel, appointed by District Legal Services Authority/ Taluk Legal Services Committee, as the case may be for added person shall be separately as per Regulation 22 of the Rajasthan State Legal Services Authority Regulations, 1999. All payments to the Legal Aid Counsel may be made after submitting monthly report regarding attendance of the Legal Aid Counsel at the time of remand bail or miscellaneous application as the case may be to the concerned judicial officer. The names of the Legal Aid Counsel may be displayed outside the Court to which he is attached and also affix hoardings in the Police Stations and Jails. The Printed Proforma of nomination letters to be issued to Legal Aid Counsel is also attached for ready reference. These instructions may be complied with in letter and spirit and compliance report of implementation of the model scheme shall be sent by 24th February, 2012.

Remuneration payable to Legal Aid Counsel under this scheme will be paid from the funds allocated to your District Legal Services Authority under recommendation of the Finance Commission under head Legal Aid to eligible persons.

Yours sincerely
(K.B.Katta)
Member Secretary

Date: 17-2-2012

Encl.As above

No: 18734-18737

Copy forwarded to the following for information:
1. Registrar-cum-Principal Secretary to the Hon'ble the Chief Justice, Rajasthan High Court, Jodhpur.
2. Secretary, Rajasthan High Court Legal Services Committee, Jodhpur/Jaipur.
3. District & Sessions Judge, Jodhpur District, Jodhpur.

(K.B.Katta)
Member Secretary.

Date: 17-2-2012

Encl.As above
LEGAL ASSISTANCE TO PERSON IN CUSTODY SCHEME GUIDELINES

In exercise of the powers conferred by clause (g) of section 2 read with clause (a) of sub-section (2) of Section 7 and Section 12(g) of the Legal Services Authorities Act, 1987, the state authority hereby makes the following scheme guidelines, namely:

1. The Scheme may be called the Legal Assistance to Person in Custody Scheme.
   (b) District Authority means District Legal Services Authority constituted under Section 9 of the Act.
   (c) Person in custody shall have the same meaning as defined in the Section 12(g) of the Act.
3. The District Authority or Taluk Committee, as the case may be, shall prepare
   a) Panel of counsels for nomination of Legal Aid Counsel for each Court of Magistrate or more, depending upon the quantum of remand cases received each day, for defending persons in custody.
4. Such Legal Aid Counsel should have put at least 5 years of practice at the Bar.
5. The District Authority or Taluk Committee, as the case may be, shall nominate one Legal Aid Counsel from the panel of Counsels prepared by them, for each court of Magistrate of more, depending upon the quantum of remand cases received each day, for defending persons in Custody.
6. It would be the duty of the Legal Aid Counsel so nominated to oppose remand, apply for bail and remove miscellaneous applications as may be required.
7. It shall be the duty of the Legal Aid Counsel so nominated to remain present during remand hours and such as may be directed by Courts concerned.
8. The District Legal Services Authority or Taluk Committee, as the case may be, shall insist upon certificate from the Court concerned about the regular attendance of the Legal Aid Counsel Concerned.
9. A Legal Aid Counsel so nominated shall be paid a fixed honorarium of Rs. 1000/- per month for discharging his functions, in addition to incidental charges.
10. The District Authority or Taluk Committee, as the case may be, shall give vide publicity to this scheme and display boards outside the Court room. The Boards should also disclose the names of Legal Aid Counsel and his address and that no payment is required to be made by the persons in custody for availing of the services of the Legal Aid Counsel. The Legal Aid Counsel shall not prepare and display any personal board or name plate at anywhere and misuse his capacity as Legal Aid Counsel.
11. Any Legal Aid Counsel demanding remuneration from the aided persons or misuse his capacity shall be liable to be removed from panel and his nomination shall be cancelled immediately.
12. The District Authority or Taluk Committee, as the case may be, shall change the nomination of Legal Aid Counsel after every six months and to nominate to another counsel from the panel so prepared for this purpose, as per rotation.
13. The District Authority or Taluk Committee, as the case may be, can take services of such Legal Aid Counsel for other legal services programmes and schemes implemented by them. It would be the duty of the Legal Aid Counsel so nominated to assist concerned authority or committee for implementation of legal services programmes or schemes.
14. After the stage of bail/remand, if the accused desires and entitled for legal aid, his application form, for providing legal aid, can be sent to concern District Legal Services Authority/ Taluk Legal Services Committee for necessary action.
15. The Legal Aid Counsel will keep details of the case in which he has extended his legal services in the concern Court in this regard and by the end of the month, he will submit it to the concern Presiding Officer of the Court, which will be forwarded to the Chairman, Taluk Committee or Chairman, District Authority as the case may be. The Chairman, District Authority will send consolidated statistical information at the end of every Quarter to the State Authority.

(K.B.Katta)
Member Secretary.
No.L/61/10/NALSA. - In exercise of the powers conferred by section 29 of the Legal Services Authorities Act, 1987 (39 of 1987) and in pursuance of the provisions in section 4 of the Act to make available free and competent legal services to the persons entitled thereto under section 12 of the said Act, the Central Authority hereby makes the following regulations, namely: -

1. **Short title, extent and commencement.** - (1) These regulations may be called the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

   (2) They shall be applicable to Supreme Court Legal Services Committee, State Legal Services Authorities, High Court Legal Services Committees, District Legal Services Authorities and Taluk Legal Services Committees in India.

   (3) They shall come into force from the date of their publication in the Official Gazette.

2. **Definitions.** - (1) In these regulations, unless the context otherwise requires, -

   (a) “Act” means the Legal Services Authorities Act, 1987 (39 of 1987);

   (b) “Form” means a Form annexed to these Regulations;

   (c) “front office” means a room in the Legal Services Institution where legal services are made available;

   (d) “legal practitioner” shall have the meaning assigned to it in clause (i) of section 2 of the Advocates Act, 1961 (25 of 1961);

   (e) “Legal Services Institution” means the Supreme Court Legal Services Committee, a State Legal Services Authority, the High Court Legal Services Committee, District Legal Services Authority or the Taluk Legal Services Committee, as the case may be;

   (f) “Para-Legal Volunteer” means a para-legal volunteer trained as such by a Legal Services Institution;

   (g) “Secretary” means the Secretary of the Legal Services Institution;

   (h) “section” means the section of the Act;

   (i) “State regulation” means regulation made by the State Authorities under the Act.

   2. All other words and expressions used but not defined in these regulations shall have the same meanings assigned to them in the Act.

3. **Application for legal services.** - (1) An application for legal services may be presented preferably in Form-I in the local language or English.

   (2) The applicant may furnish a summary of his grievances for which he seeks legal services, in a separate sheet along with the application.

   (3) An application, though not in Form-I, may also be entertained, if reasonably explains the facts to enable the applicant to seek legal services.

   (4) If the applicant is illiterate or unable to give the application on his or her own, the Legal Services Institutions may make arrangement for helping the applicant to fill up the application form and to prepare a note of his or her grievances.

   (5) Oral requests for legal services may also be entertained in the same manner as an application under sub-regulation (1) and (2).

   (6) An applicant advised by the para-legal volunteers, legal aid clubs, legal aid clinics and voluntary social service institutions shall also be considered for free legal services.

   (7) Requests received through e-mails and interactive on-line facility also may be considered for free legal services after verification of the identity of the applicant and on ensuring that he or she owns the authorship of the grievances projected.
4. Legal Services Institution to have a front office. - (1) All Legal Services Institutions shall have a front office to be manned by a panel lawyer and one or more para-legal volunteers available during office hours.

(2) In the case of court based legal services, such lawyer shall after consideration of the application, forward the same to the Committee set up under regulation 7 and for other types of legal services, the panel lawyer in the front office may provide such legal services.

(3) The panel lawyer in the front office shall render services like drafting notices, sending replies to lawyers' notices and drafting applications, petitions etc.

(4) The panel lawyer in the front office may obtain secretarial assistance from the staff of the Legal Services Institutions.

(5) In case of urgent matters, the panel lawyer in the front office may in consultation with the Member-Secretary or Secretary of the Legal Services Institutions provide legal assistance of appropriate nature: Provided that the Committee set up under regulation 7 may consider and approve the action taken by the panel lawyer in the front office.

5. Proof of entitlement of free legal services. -- (1) An affidavit of the applicant that he falls under the categories of persons entitled to free legal services under section 12 shall ordinarily be sufficient.

(2) The affidavit may be signed before a Judge, Magistrate, Notary Public, Advocate, Member of Parliament, Member of Legislative Assembly, elected representative of local bodies, Gazetted Officer, teacher of any school or college of Central Government, State Government or local bodies as the case may be.

(3) The affidavit may be prepared on plain paper and it shall bear the seal of the person attesting it.

6. Consequences of false or untrue details furnished by the applicant. - The applicant shall be informed that if free legal services has been obtained by furnishing incorrect or false information or in a fraudulent manner, the legal services shall be stopped forthwith and that the expenses incurred by the Legal Services Institutions shall be recoverable from him or her.

7. Scrutiny and evaluation of the application for free legal services. - (1) There shall be a Committee to scrutinise and evaluate the application for legal services, to be constituted by the Legal Services Institution at the level of Taluk, District, State and above.

(2) The Committee shall be constituted by the Executive Chairman or Chairman of the Legal Services Institution and shall consist of, -

(i) the Member Secretary or Secretary of the Legal Services Institution as its Chairman and two members out of whom one may be a Judicial Officer preferably having working experience in the Legal Services Institution and;

(ii) a legal professional having at least fifteen years' standing at the Bar or Government pleader or Assistant Government Pleader or Public Prosecutor or Assistant Public Prosecutor, as the case may be.

(3) The tenure of the members of the Committee shall ordinarily be two years which may be further extended for a maximum period of one year and the Member Secretary or Secretary of the Legal Services Institution shall, however, continue as the ex-officio Chairman of the Committee.

(4) The Committee shall scrutinise and evaluate the application and decide whether the applicant is entitled to the legal services or not within a period of eight weeks from the date of receipt of the application.

(5) If the applicant is not covered under the categories mentioned in section 12, he or she shall be advised to seek assistance from any other body or person rendering free legal services either voluntarily or under any other scheme.

(6) The Legal Services Institution shall maintain a list of such agencies, institutions or persons who have expressed willingness to render free legal services.

(7) Any person aggrieved by the decision or order of the Committee, he or she may prefer appeal to the Executive Chairman or Chairman of the Legal Services Institution and the decision or order in appeal shall be final.

8. Selection of legal practitioners as panel lawyers. - (1) Every Legal Services Institution shall invite applications from legal practitioners for their empanelment as panel lawyers and such applications shall be accompanied with proof of the professional experience with special reference to the type of cases which the applicant-legal practitioners may prefer to be entrusted with.

(2) The applications received under sub-regulation (1) shall be scrutinised and selection of the panel lawyers shall be made by the Executive Chairman or Chairman of the Legal Services Institution in consultation with the Attorney-General (for the Supreme Court), Advocate-General (for the High Court), District Attorney or Government Pleader (for the District and Taluk level) and the respective Presidents of the Bar Associations as the case may be.

(3) No legal practitioner having less than three years' experience at the Bar shall ordinarily be empanelled.

(4) While preparing the panel of lawyers the competence, integrity, suitability and experience of such lawyers shall be taken into account.
(5) The Executive Chairman or Chairman of the Legal Services Institution may maintain separate panels for dealing with different types of cases like, Civil, Criminal, Constitutional Law, Environmental Law, Labour Laws, Matrimonial disputes etc.

(6) The Chairman of the Legal Services Institution may, in consultation with the Executive Chairman of the State Legal Services Authority or National Legal Services Authority as the case may be prepare a list of legal practitioners from among the panel lawyers to be designated as Retainers.

(7) The Retainer lawyers shall be selected for a period fixed by the Executive Chairman on rotation basis or by any other method specified by the Executive Chairman.

(8) The strength of Retainer lawyers shall not exceed, -
   (a) 20 in the Supreme Court Legal Services Committee;
   (b) 15 in the High Court Legal Services Committee;
   (c) 10 in the District Legal Authority;
   (d) 5 in the Taluk Legal Services Committee.

(9) The honorarium payable to Retainer lawyer shall be, –
   (a) Rs.10,000 per month in the case of Supreme Court Legal Services Committee;
   (b) Rs.7,500 per month in the case of High Court Legal Services Committee;
   (c) Rs.5,000 per month in the case of District Legal Services Authority;
   (d) Rs.3,000 per month in the case of the Taluk Legal Services Committee:
Provided that the honorarium specified in this sub-regulation is in addition to the honorarium or fee payable by the Legal Services Institution for each case entrusted to the Retainer lawyer.

(10) The panel lawyers designated as Retainers shall devote their time exclusively for legal aid work and shall be always available to deal with legal aid cases and to man the front office or consultation office in the respective Legal Services Institution.

(11) The panel prepared under sub-regulation (2) shall be re-constituted after a period of three years but the cases already entrusted to any panel lawyer shall not be withdrawn from him due to re-constitution of the panel.

(12) The Legal Services Institution shall be at liberty for withdrawing any case from a Retainer during any stage of the proceedings.

(13) If a panel lawyer is desirous of withdrawing from a case he shall state the reasons thereof to the Member-Secretary or the Secretary and the latter may permit the panel lawyer to do so.

(14) The panel lawyer shall not ask for or receive any fee, remuneration or any valuable consideration in any manner, from the person to whom he had rendered legal services under these regulations.

(15) If the panel lawyer engaged is not performing satisfactorily or has acted contrary to the object and spirit of the Act and these regulations, the Legal Services Institution shall take appropriate steps including withdrawal of the case from such lawyer and his removal from the panel.

9. Legal services by way of legal advice, consultation, drafting and conveyancing. - (1) The Executive Chairman or Chairman of the Legal Services Institution shall maintain a separate panel of senior lawyers, law firms, retired judicial officers, mediators, conciliators and law professors in the law universities or law colleges for providing legal advice and other legal services like drafting and conveyancing.
(2) The services of the legal aid clinics in the rural areas and in the law colleges and law universities shall also be made use of.

10. Monitoring Committee. - (1) Every Legal Services Institution shall set up a Monitoring Committee for close monitoring of the court based legal services rendered and the progress of the cases in legal aided matters.
(2) The Monitoring Committee at the level of the Supreme Court or the High Court, as the case may be, shall consist of -
   (i) the Chairman of the Supreme Court Legal Services Committee or Chairman of the High Court Legal Services Committee;
   (ii) the Member-Secretary or Secretary of the Legal Services Institution;
   (iii) a Senior Advocate to be nominated by the Patron-in-Chief of the Legal Services Institution.
(3) The Monitoring Committee for the District or Taluk Legal Services Institution shall be constituted by the Executive Chairman of the State Legal Services Authority and shall consist of -
   (i) the senior-most member of the Higher Judicial Services posted in the district concerned, as its Chairman;
   (ii) the Member-Secretary or Secretary of the Legal Services Institution;
   (iii) a legal practitioner having more than fifteen years' experience at the local Bar to be nominated in consultation with the President of the local Bar Association.
Provided that if the Executive Chairman is satisfied that there is no person of any of the categories mentioned in this sub-regulation, he may constitute the Monitoring Committee with such other persons as he may deem proper.

11. Functions of the Monitoring Committee. - (1) Whenever legal services are provided to an applicant, the Member-Secretary or Secretary shall send the details in Form-II to the Monitoring Committee at the earliest.
(2) The Legal Services Institution shall provide adequate staff and infrastructure to the Monitoring Committee for maintaining the records of the day-to-day progress of the legal aided cases.
(3) The Legal Services Institution may request the Presiding Officer of the court to have access to the registers maintained by the court for ascertaining the progress of the cases.
(4) The Monitoring Committee shall maintain a register for legal aided cases for recording the day-to-day postings, progress of the case and the end result (success or failure) in respect of cases for which legal aid is allowed and the said register shall be scrutinised by the Chairman of the Committee every month.
(5) The Monitoring Committee shall keep a watch of the day-to-day proceedings of the court by calling for reports from the panel lawyers, within such time as may be determined by the Committee.
(6) If the progress of the case is not satisfactory, the Committee may advise the Legal Services Institution to take appropriate steps.

12. Monitoring Committee to submit bi-monthly reports. – (1) The Monitoring Committee shall submit bi-monthly reports containing its independent assessment on the progress of each and every legal aid case and the performance of the panel lawyer or Retainer lawyer, to the Executive Chairman or Chairman of the Legal Services Institution.
(2) After evaluating the reports by the Committee, the Executive Chairman or Chairman of the Legal Services Institution shall decide the course of action to be taken in each case.
(3) It shall be the duty of the Member-Secretary or Secretary of the Legal Services Institution to place the reports of the Monitoring Committee before the Executive Chairman or Chairman of the Legal Services Institution and to obtain orders.

13. Financial assistance. – (1) If a case for which legal aid has been granted requires additional expenditure like payment of court fee, the fee payable to the court appointed commissions, for summoning witnesses or documents, expenses for obtaining certified copies etc., the Legal Services Institution may take urgent steps for disbursement of the requisite amount on the advice of the panel lawyer or Monitoring Committee.
(2) In the case of appeal or revision the Legal Services Institution may bear the expenses for obtaining certified copies of the judgment and case records.

14. Payment of fee to the panel lawyers. - (1) Panel lawyers shall be paid fee in accordance with the Schedule of fee, as approved under the State regulations.
(2) The State Legal Services Authority and other Legal Services Institution shall effect periodic revision of the honorarium to be paid to panel lawyers for the different types of services rendered by them in legal aid cases.
(3) As soon as the report of completion of the proceedings is received from the panel lawyer, the Legal Services Institution shall, without any delay, pay the fees and expenses payable to panel lawyer.

15. Special engagement of senior advocates in appropriate cases. – (1) If the Monitoring Committee or Executive Chairman or Chairman of the Legal Services Institution is of the opinion that services of senior advocate, though not included in the approved panel of lawyers, has to be provided in any particular case the Legal Services Institution may engage such senior advocate.
(2) Notwithstanding anything contained in the State regulations, the Executive Chairman or Chairmen of the Legal Services Institution may decide the honorarium for such senior advocate: Provided that special engagement of senior advocates shall be only in cases of great public importance and for defending cases of very serious nature, affecting the life and liberty of the applicant.

16. Evaluation of the legal aid cases by the National Legal Services Authority and State Legal Services Authorities. – (1) The Supreme Court Legal Services Committee shall send copies of the bi-monthly reports of the Monitoring Committee of the Supreme Court Legal Services Committee to the Central Authority.
(2) The High Court Legal Services Committees, the State Legal Services Authorities shall submit copies of the bi-monthly reports of their Monitoring Committees to their Patron-in-Chief.
(3) The District Legal Services Authorities and Taluk Legal Services Committees shall submit copies of the bi-monthly reports of their Monitoring Committees to the Executive Chairman of the State Legal Services Authority.
(4) The State Legal Services Authorities shall also send consolidated half-yearly reports of the Monitoring Committees, indicating the success or failure of each of the legal aided cases, to the Central Authority.
(5) In appropriate cases, the Executive Chairman of the National Legal Services Authority may nominate and authorise the members of its Central Authority to supervise, monitor or advise the Legal Services Institution for effective and successful implementation of these regulations.

(U. Sarathchandran)
Member-Secretary
Form -I

National Legal Services Authority
(Free and Competent Legal Services) Regulations, -2010
(see regulation-3)

The Form of Application for Legal Services
(this may be prepared in the regional language)

Registration No. :

1. Name :

2. Permanent Address :

3. Contact Address with phone no. if any, e-mail ID, if any. :

4. Whether the applicant belongs to the category of persons mentioned in section -12 of the Act :

5. Monthly income of the applicant :

6. Whether affidavit/proof has been produced in support of income/eligibility u/s 12 of the Act :

7. Nature of legal aid or advise required :

8. A brief statement of the case, if court based legal services is required. :

Signature of the applicant

Place:

Date:
Information furnished to the Monitoring Committee about the legal Services provided

(i) Name of the Legal Services : 

(ii) Legal aid application number and date on which legal aid was given. :

(iii) Name of the legal aid applicant. :

(iv) Nature of case (civil, criminal, constitutional law etc.) :

(v) Name and roll number of the lawyer assigned to the applicant. :

(vi) Name of the Court in which the case is to be filed/defended. :

(vii) The date of engaging the panel lawyer. :

(viii) Whether any monetary assistance like, court fee, advocate commission fee, copying charges etc. has been given in advance? :

(ix) Whether the case requires any interim orders or appointment of commission? :

(x) Approximate expenditure for producing records, summoning of witnesses etc. :

(xi) The expected time for conclusion of the proceedings in the Court. :

MEMBER-SECRETARY / SECRETARY
In exercise of the powers conferred by section 29 of the Legal Services Authorities Act, 1987 (39 of 1987) and in pursuance of the provisions in section 4 of the said Act the Central Authority hereby makes the following regulations, namely: -

1. **Short title and commencement.** - (1) These regulations may be called the National Legal Services Authority (Legal Aid Clinics) Regulations, 2011.
   (2) They shall come into force from the date of their publication in the Official Gazette.

2. **Definitions.** – (1) In these regulations, unless the context otherwise requires, -
   (a) “Act” means the Legal Services Authorities Act, 1987 (39 of 1987);
   (b) “District ADR centre” means the District Alternative Dispute Resolution Centre established with the funds of the 13th Finance Commission and includes any other similar facilities like Nyayaseva Sadans at the district level;
   (c) “legal aid clinic” means the facility established by the District Legal Services Authority to provide basic legal services to the villagers with the assistance of Para-Legal Volunteers or Lawyers, on the lines of a primary health centre providing basic health services to the people in the locality and includes the legal aid clinic run by the law colleges and law universities;
   (d) “legal services institution” means a State Legal Services Authority, District Legal Services Authority or the Taluk Legal Services Committee, as the case may be;
   (e) “panel lawyer” means the panel lawyer selected under regulation 8 of the National Legal Services Authority (Free and Competent Legal Services) Regulations 2010;
   (f) “para-legal volunteer” means a para-legal volunteer trained as such by a legal services institution;
   (g) “retainer lawyer” means a retainer lawyer selected under regulation 8 of the National Legal Services Authority (Free and Competent Legal Services) Regulations 2010;
   (h) “section” means the section of the Act;
   2. All other words and expressions used in these regulations but not defined shall have the same meanings as assigned to them in the Act.

3. **Establishment of legal aid clinic.** - Subject to the financial resources available, the District Legal Services Authority shall establish legal aid clinics in all villages, or for a cluster of villages, depending on the size of such villages, especially where the people face geographical, social and other barriers for access to the legal services institutions.

4. **Eligibility criteria for free legal services in the legal aid clinic.** - Every person who fulfils the criteria specified in section 12 shall be eligible to get free legal services in the legal aid clinics.

5. **The personnel manning the legal aid clinic.** - (1) Every legal aid clinic established under regulation 3 shall have at least two para-legal volunteers available during the working hours of the legal aid clinics.
   (2) The legal services institution having territorial jurisdiction or the District Legal Services Authority may depute trained para-legal volunteers to the legal aid clinics.
   (3) When lawyers are deputed to the legal aid clinic, it shall be the duty of the para-legal volunteers engaged in such clinic to assist the lawyers in drafting petitions, applications, pleadings and other legal documents.
   (4) The State Legal Services Authority may encourage para-legal volunteers to obtain diploma or degree in law for betterment of their prospects in the long run.

6. **Deputing lawyers to the legal aid clinic.** – (1) The nearest legal services institution having territorial jurisdiction may depute its panel lawyers or retainer lawyers to the legal aid clinic.
2. If the matter handled by any such lawyer requires follow-up and continuous attention for a long duration, the same lawyer who had handled the matter may be entrusted to continue the legal services.

7. Frequency of visit by lawyers in the legal aid clinic. - Subject to the local requirements and availability of financial resources, the legal services institution having territorial jurisdiction may decide the frequency of the lawyers’ visit in the legal aid clinics and if the situation demands for providing continuous legal services, such legal services institution may consider arranging frequent visits of lawyers in the legal aid clinic.

8. Selection of lawyers for manning the legal aid clinics.- (1) The Panel lawyers or retainer lawyers with skills for amicable settlement of disputes, shall alone be considered for being deputed to the legal aid clinic:
Provided that preference shall be given to women lawyers having practice of at least three years.

9. Legal services in the legal aid clinic. - (1) Legal services rendered at the legal aid clinic shall be wide ranging in nature.
(2) The legal aid clinic shall work like a single-window facility for helping the disadvantaged people to solve their legal problems whenever needed.
(3) Besides legal advice, other services like preparing applications for job card under the Mahatma Gandhi National Rural Employment Guarantee (MGNREG) Scheme, identity card for different government purposes, liaison with the government offices and public authorities, helping the common people who come to the clinic for solving their problems with the government officials, authorities and other institutions also shall be part of the legal services in the legal aid clinic:
Provided that the legal aid clinic shall provide assistance by giving initial advice on a problem, assistance in drafting representations and notices, filling up of forms for the various benefits available under different government schemes, public distribution system and other social security schemes:
Provided further that, in appropriate cases, the legal services sought for by the applicants in the legal aid clinic shall be referred to the legal services institutions for taking further action.

10. Functions of para-legal volunteers in the legal aid clinic.- (1) The para-legal volunteers engaged in the legal aid clinic shall provide initial advice to the persons seeking legal service, help such people, especially the illiterate, in drafting petitions, representations or notices and filling-up the application forms for various benefits available under the government schemes.
(2) para-legal volunteers shall, if necessary, accompany the persons seeking legal services to attend the government offices for interacting with the officials and for solving the problems of such persons.
(3) If services of a lawyer is required at the legal aid clinic, the para-legal volunteers shall, without any delay, contact the nearest legal services institution to make available the services of a lawyer.
(4) In case of emergency, the para-legal volunteers may take the persons seeking legal services in the legal aid clinic to the nearest legal services institutions.
(5) para-legal volunteers shall distribute pamphlets and other materials in aid of legal education and literacy to the persons seeking legal services in the legal aid clinic.
(6) para-legal volunteers shall take active part in the legal awareness camps organised by the legal services institutions in the local area of the legal aid clinic.

11. Location of legal aid clinic. – (1) Legal aid clinics shall be located at places where the people of the locality can have easy access.
(2) The legal services institutions may request the local body institutions, such as the village panchayat, to provide a room for establishing legal aid clinics:
Provided that if no such rooms are available, the District Legal Services Authority may take a room on rent till alternative accommodation is available for establishing the legal aid clinic.

12. Assistance of the local body institutions in obtaining a convenient room for the legal aid clinic. – (1) The State Legal Services Authority shall call upon the local body institutions like the village panchayat, mandal or block panchayat, municipality and corporation etc, to provide space for the functioning of the legal aid clinic.
(2) Since the legal aid clinic is for the benefit of the people in the locality, the State Legal Services Authority may impress upon the local body institution and the district administration the need to co-operate with the functioning of the legal aid clinics.

13. Sign-board exhibiting the name of the legal aid clinic. – (1) There shall be a sign-board, both in English and in the local language, depicting the name of the legal aid clinic, working hours and the days on which the legal aid clinic shall remain open.
(2) Working hours of the legal aid clinic shall be regulated by the legal services institution having territorial jurisdiction, in consultation with the District Legal Services Authority:
Provided that subject to the local conditions and requirements of the people in the locality, legal aid clinics shall function on all Sundays and holidays.
14. Infrastructure in the legal aid clinic. – (1) Every legal aid clinic shall have at least the basic and essential furniture like a table and 5 to 6 chairs.
   (2) If the legal aid clinic is established in the building of the local body institutions, such local bodies may be requested to provide the essential furniture for use in the legal aid clinic.
   (3) If the legal aid clinic is established in hired premises, the District Legal Services Authority may provide the furniture required in the legal aid clinic:

Provided that if the District Legal Services Authority has its own building to establish legal aid clinic, the infrastructural facilities shall be provided by such Authority.

15. Publicity. – (1) Local body institutions shall be persuaded to give adequate publicity for the legal aid clinic.
   (2) The elected representatives of the local body institutions may be persuaded to spread the message of the utility of legal aid clinic to the people in his or her constituency or ward.

16. Para-legal volunteers or lawyers in the legal aid clinic shall attempt to resolve disputes amicably. – (1) The para-legal volunteers or the lawyers engaged in the legal aid clinics shall attempt to amicably resolve the pre-litigation disputes of the persons brought to the legal aid clinics.
   (2) If the para-legal volunteers or the lawyers feel that such dispute can be resolved through any of the ADR mechanisms, they may refer such disputes to the legal services institution having territorial jurisdiction or to the District ADR centre.

17. Honorarium for the lawyers and para-legal volunteers rendering services in the legal aid clinics.- (1) Subject to the financial resources available, the State Legal Services Authority in consultation with the National Legal Services Authority may fix the honorarium of lawyers and para-legal volunteers engaged in the legal aid clinics:

Provided that such honorarium shall not be less than Rs. 500/- per day for lawyers and Rs. 250/- per day for the para-legal volunteers.
   (2) Special consideration may be given in cases where the legal aid clinic is situated in difficult terrains and in distant places where transport facilities are inadequate.

18. The nearest legal services institutions to organise lok adalats at the legal aid clinic or near to its premises. – (1) The nearest legal services institution having territorial jurisdiction or the District Legal Services Authority may organise lok adalats for pre-litigation disputes at the legal aid clinic or in its vicinity.
   (2) The lok adalats organised for pre-litigation settlement of the disputes sent from the legal aid clinic shall follow the procedure prescribed in sub-section (2) of section 20 and also the provisions in the National Legal Services Authority (Lok Adalats) Regulations, 2009.

19. Administrative control of the legal aid clinic.- (1) legal aid clinics shall be under the direct administrative control of the District Legal Services Authority
   (2) The State Legal Services authority shall have the power to issue instructions and guidelines on the working of the legal aid clinics.

20. Maintenance of records and registers.- (1) lawyers and para-legal volunteers rendering service in the legal aid clinic shall record their attendance in the register maintained in the legal aid clinic.
   (2) There shall be a register in every legal aid clinic for recording the names and addresses of the persons seeking legal services, name of the lawyer or para-legal volunteer who renders services in the legal aid clinic, nature of the service rendered, remarks of the lawyer or para-legal volunteer and signature of persons seeking legal services.
   (3) The records of the legal aid clinics shall be under the control of the Chairman or the Secretary of the legal services institution having territorial jurisdiction over it.
   (4) The District Legal Services Authority may require the legal aid clinic to maintain other registers also, as may be required.
   (5) It shall be the duty of the para-legal volunteers and the lawyers in the legal aid clinic to hand over the registers to the legal services institution having territorial jurisdiction as and when called for.

21. Use of mobile lok adalat vehicle. – (1) The lawyers rendering legal services in the legal aid clinic or the para-legal volunteers may request the District Legal Services Authority to send the mobile lok adalat van with members of the lok adalat bench to the legal aid clinic for settlement of the disputes identified by them.
   (2) The mobile lok adalat van fitted with the facilities for conducting the proceedings of the lok adalat may also be used for conducting lok adalat at the legal aid clinic or at a place near to it or even at village congregations such as melas and other festive occasions.
Legal aid clinics run by the law students. – The above regulations shall mutatis mutandis be applicable to the student legal aid clinics set up by the law colleges and law universities.
Provided that students of law colleges and law universities also may make use of the legal aid clinics established under these regulations with the permission of the District Legal Services Authority.

Law students may adopt a village for legal aid camps. – (1) Law students of the law colleges or law universities may adopt a village, especially in the remote rural areas and organise legal aid camps in association with the legal aid clinic established under these regulations.
(2) The law students may, with the assistance of the para-legal volunteers engaged in the legal aid clinics, conduct surveys for identifying the legal problems of the local people.
(3) The surveys referred to in sub-regulation (2) may include gathering information relating to the existing litigations and unresolved pre-litigation disputes also.
(4) The surveys referred to sub-regulation (2) may also focus on the grievances of the local people which would enable the National Legal Services Authority to take necessary steps by way of social justice litigation as provided in clause (d) of section 4.
(5) The law students conducting such surveys shall send reports to the State Legal Services Authorities with copies to the legal services institutions having territorial jurisdiction and also to the District Legal Services Authority.

Legal aid clinics attached to the law colleges, law universities and other institutions. – (1) The law colleges, law universities and other institutions may set up legal aid clinics, as envisaged in clause (k) of section 4 attached to their institutions as a part of the clinical legal education.
(2) The law colleges, law universities and other institutions establishing such legal aid clinic shall inform the State Legal Services Authority about the establishing of such legal aid clinic.
(3) The State Legal Services Authority shall render the required technical assistance for the operation of such legal aid clinics and shall take measures to promote the activities of such legal aid clinics.
(4) The law students in the final year classes may render legal services in such legal aid clinics under the supervision of the faculty member of their institution.
(5) The State Legal Services Authority may organise alternative dispute resolution camps, including lok adalats, to resolve the problems of the people who seek legal aid in such legal aid clinics.
(6) The District Legal Services Authority may issue certificates to the students who complete their assignment in such legal aid clinics.

Services of para-legal volunteers trained by the Legal Services Authorities may be made available in the legal aid clinics run by the Law Colleges, Law Universities etc. – Trained para-legal volunteers may be deputed to the legal aid clinics established under regulation 24 for assisting the persons seeking free legal services and for interacting with the students and the members of the faculty.

The State Legal Services Authorities to conduct periodical review of the functioning of legal aid clinics. – (1) The State Legal Services Authority shall collect monthly reports from the District Legal Services Authorities, law colleges and law universities on the functioning of legal aid clinics working in their jurisdiction.
(2) The State Legal Services Authority shall conduct periodical review of the working of such legal aid clinics at least once in three months or more frequently.
(3) The State Legal Services Authority may issue directions from time to time for improving the services in the legal aid clinics to ensure that members of the weaker sections of the society are provided legal services in an efficient manner.
(4) The State Legal Services Authority shall send quarterly reports about the functioning of the Legal Aid Clinics within their jurisdiction to the National Legal Services Authority.

File No. L/08/11/NALSA
Para Legal Volunteer Scheme 2011

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Para Legal Volunteer Scheme 2011
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(2) इतिहास / लिएत्र का कार्य करने के लिए विकल्प गणना किया जाने के कारण,
(3) पूर्णांक का विकल्प लिएत्र के कारण
(4) अनुसार और इतिहास / लिएत्र का कार्य करने के कारण
(5) इतिहास / लिएत्र का कार्य करने के कारण
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(12) इतिहास / लिएत्र का कार्य करने के कारण

2. इस कार्य का विकल्प लिएत्र एवं एक ऐसा विकल्प लिएत्र का कार्य करने के कारण
3. इस कार्य का विकल्प लिएत्र एवं एक ऐसा विकल्प लिएत्र का कार्य करने के कारण
4. इस कार्य का विकल्प लिएत्र एवं एक ऐसा विकल्प लिएत्र का कार्य करने के कारण
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6. इस कार्य का विकल्प लिएत्र एवं एक ऐसा विकल्प लिएत्र का कार्य करने के कारण
7. इस कार्य का विकल्प लिएत्र एवं एक ऐसा विकल्प लिएत्र का कार्य करने के कारण
8. इस कार्य का विकल्प लिएत्र एवं एक ऐसा विकल्प लिएत्र का कार्य करने के कारण
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11. इस कार्य का विकल्प लिएत्र एवं एक ऐसा विकल्प लिएत्र का कार्य करने के कारण
12. इस कार्य का विकल्प लिएत्र एवं एक ऐसा विकल्प लिएत्र का कार्य करने के कारण

१२. इस कार्य का विकल्प लिएत्र एवं एक ऐसा विकल्प लिएत्र का कार्य करने के कारण

११. इस कार्य का विकल्प लिएत्र एवं एक ऐसा विकल्प लिएत्र का कार्य करने के कारण

१०. इस कार्य का विकल्प लिएत्र एवं एक ऐसा विकल्प लिएत्र का कार्य करने के कारण

९. इस कार्य का विकल्प लिएत्र एवं एक ऐसा विकल्प लिएत्र का कार्य करने के कारण

८. इस कार्य का विकल्प लिएत्र एवं एक ऐसा विकल्प लिएत्र का कार्य करने के कारण

७. इस कार्य का विकल्प लिएत्र एवं एक ऐसा विकल्प लिएत्र का कार्य करने के कारण

६. इस कार्य का विकल्प लिएत्र एवं एक ऐसा विकल्प लिएत्र का कार्य करने के कारण

५. इस कार्य का विकल्प लिएत्र एवं एक ऐसा विकल्प लिएत्र का कार्य करने के कारण

४. इस कार्य का विकल्प लिएत्र एवं एक ऐसा विकल्प लिएत्र का कार्य करने के कारण

३. इस कार्य का विकल्प लिएत्र एवं एक ऐसा विकल्प लिएत्र का कार्य करने के कारण

२. इस कार्य का विकल्प लिएत्र एवं एक ऐसा विकल्प लिएत्र का कार्य करने के कारण

१. इस कार्य का विकल्प लिएत्र एवं एक ऐसा विकल्प लिएत्र का कार्य करने के कारण
प्राधिक तौर पर यह प्रकार लिखने वालों के प्रभाव के बाद सख्त रूप से लिखा गया है।

परीक्षा के प्रभाव के बाद सख्त रूप से लिखा गया है।

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परीक्षा के प्रभाव के बाद स�
(Format of Identity Card to be issued by concern DLSA/TLSC)

Name District Legal Services Authority/ Taluk Legal Services Committee ………………………
Para Legal Volunteer Registration No. ------ (……)       Valid up to …./…./2012
Photograph of
Para Legal Volunteer.
Name ...................................................................................................
Father/Husband Name ......................................................................
Occupation ..........................................................................................
Address ................................................................................................

Signature of Para Legal Volunteer.
Signature of Secretary, DLSA with date and Seal.
ACCESS TO JUSTICE FOR ALL
On back side of Card
DUTIES OF PLV’s.
To keep a watch on the acts of injustice.
To report the acts of injustice to the nearest Legal Services Authority/ Committee
To organize Legal Awareness Camps.
To educate citizens to enable them to be aware of their rights to leave with human dignity and to enable them to enjoy all constitutional rights.
To spread awareness about the benefits of settlement of disputes through arbitration, conciliation, mediation and lok adalats.
To create awareness among citizens for settlement of their disputes relating to electricity, water supply, sewerage and sanitation, insurance, hospitals, transport, banking, telephone/mobile, postal services etc. through permanent lok adalats (Public Utility Services)
To manage legal aid clinics
1. Please return this Identity Card after expiry.
2. Please registered F.I.R. if it is kept
<table>
<thead>
<tr>
<th>विधिक सहायता क्लिनिक का नाम</th>
<th>विधिक सहायता क्लिनिक का स्थान</th>
</tr>
</thead>
<tbody>
<tr>
<td>ग्राम पंचायत/पंचायत सभा संख्या</td>
<td>जिला/पंचायत का नाम</td>
</tr>
<tr>
<td>ग्राम पंचायत/पंचायत सभा संख्या</td>
<td>जिला/पंचायत का नाम</td>
</tr>
<tr>
<td>विधिक सहायता क्लिनिक पर मनोरीत पैरा लीगल वोल्यूम का नाम</td>
<td>विधिक सहायता क्लिनिक पर मनोरीत पैरा लीगल वोल्यूम का नाम</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>विषय</th>
<th>आवेदक का नाम, पिता का नाम, जाति, पिता का पता एवं टेलिफोन नंबर, जहां कोई भी</th>
</tr>
</thead>
<tbody>
<tr>
<td>आवेदक की समस्या का संक्षिप्त विवरण</td>
<td>समस्या के निवारण हेतु की गई कार्यवाही का विवरण</td>
</tr>
<tr>
<td>आवेदक के हस्ताक्षर</td>
<td>टिप्पणी</td>
</tr>
</tbody>
</table>

नोट— संचित जिला प्राधिकरण/संचित आवश्यकतानुसार कॉलम बढ़ा सकते हैं।
To
Chief Judicial Magistrate
The State Assistant Public Information Officer
District Legal Services Authority
Pratapgarh - 312605, Rajasthan

In reference to the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010 (hereinafter mentioned as “NALSA Regulations 2010”), I request you to kindly provide me with the following information under section 6(1) of the Right to Information Act

1) The list of lawyers with their years of experience appointed under Regulation 8 of the NALSA Regulations 2010 in the district courts as on 1st December 2014 as a) Panel Lawyers and b) Retainer Lawyers at each level:
   i. District Legal Services Authority
   ii. Taluk Legal Services Committees

2) The total number of persons who were provided legal representation under the NALSA Regulations 2010 in the district courts from 1st December 2013 till 1st December 2014 through a) Panel Lawyers and b) Retainer Lawyers at each level, as per the table below:

<table>
<thead>
<tr>
<th>Legal Services Institution</th>
<th>Number of persons represented by Panel Lawyers</th>
<th>Number of persons represented by Retainer Lawyers</th>
<th>Number of Bail Releases</th>
<th>Number of Acquittals</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Legal Services Authority</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Taluk Legal Services Committees</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

3) The list of senior lawyers, law firms, retired judicial officers, mediators and law professors in the panel appointed under Regulation 9 of the NALSA Regulations 2010 as on 1st December 2014 at each level:
   i. District Legal Services Authority
   ii. Taluk Legal Services Committees

4) The date of constitution of the Monitoring Committee and the names of the members of the Monitoring Committee along with their designation appointed under Regulation 10 (3) of the NALSA Regulations 2010 as on 1st December 2014 at each level:
   i. District Legal Services Authority
   ii. Taluk Legal Services Committees

5) The list of staff personnel provided to the Monitoring Committee to ensure maintaining of daily records as per Regulation 11(2) of the NALSA Regulations 2010 as on 1st December 2014 at each level:
   i. District Legal Services Authority
   ii. Taluk Legal Services Committees
6) Certified copy of the register maintained by the Monitoring Committee for recording day – to-day progress of legal aid cases as per Regulation 11(3) of the NALSA Regulations 2010 from 1st December 2013 till 1st December 2014 at each level:
   i. District Legal Services Authority
   ii. Taluk Legal Services Committees

7) Certified copies of the bi-monthly reports submitted by the monitoring committee to the Executive Chairman/ Chairman as per Regulation 12(1) of the NALSA Regulations 2010 from 1st December 2013 till 1st December 2014 at each level:
   i. District Legal Services Authority
   ii. Taluk Legal Services Committees

8) The amount of funds disbursed to a) Panel Lawyers & b) Retainer Lawyers at each level i. District Legal Services Authority and ii. Taluk Legal Services Committees as
   A) Honorarium as per Regulation 8 (9) & 14 (1) of the NALSA Regulations 2010 & Regulation 22 of the Rajasthan State Legal Services Authorities (1999)
   B) Additional Expenditure as per Regulation 13 (1) of the NALSA Regulations 2010
   C) Expenses for Obtaining certified copies of judgment in case of appeal or revision as per Regulation 13(2) of the NALSA Regulations 2010

9) The names and number of senior advocates appointed by the Monitoring Committee or Executive Chairman/ Chairman of the Legal aid committee as per Regulation 15 of the NALSA Regulations 2010 from 1st December 2013 till 1st December 2014 at each level:
   i. District Legal Services Authority
   ii. Taluk Legal Services Committees

10) Certified copies of the completion reports received from panel lawyers as per Regulation 14(3) of the NALSA Regulations 2010 from 1st December 2013 till 1st December 2014 at each level:
    i. District Legal Services Authority
    ii. Taluk Legal Services Committees

11) The format of the application of legal services used at each level
    i. District Legal Services Authority
    ii. Taluk Legal Services Committees

12) The number of Form-II sent by the Member Secretary/ Secretary to the Monitoring Committee as per Regulation 11 (1) of the NALSA Regulations 2010 from 1st December 2013 till 1st December 2014 at each level:
    i. District Legal Services Authority
    ii. Taluk Legal Services Committees

13) Is the method of payment of the Panel Lawyers as per Regulation 22 (3) of the Rajasthan State Legal Services Authorities (1999) i.e. half payment after the first hearing post the appointment of the panel lawyer and half payment after the final decision of the case?
    i. Yes
    ii. No
    iii. If any other method, kindly mention
To,
PIO
DLSA

Respected Sir/Madam,

Sub: Application for seeking information regarding the implementation of the National Legal Services Authority (Legal Aid Clinics) Regulations, 2011 and Rajasthan State Legal Services Authority Guidelines (Reference number- RSLSA/2012/3121-3338) dated 02-May-2012

In reference to the National Legal Services Authority (Legal Aid Clinics) Regulations, 2011 (hereinafter mentioned as NALSA Regulations 2011) and Rajasthan State Legal Services Authority Guidelines (Reference number- RSLSA/2012/3121-3338) dated 02-May-2012 (hereinafter mentioned as RSLSA Guidelines 2012), I request you to kindly provide me with the following information under section 6(1) of the Right to Information Act:

1) The details of the legal aid clinics constituted in the jails in your district under guideline 1 of RSLSA GUIDELINES 2012 and Regulation 3 of NALSA REGULATIONS 2011 as per the table below:

<table>
<thead>
<tr>
<th>Jails</th>
<th>Name of the Jail</th>
<th>Legal Aid Clinic constituted (Yes/No)</th>
<th>Date of constitution of the Legal Aid Clinic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Jail</td>
<td></td>
<td></td>
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<tr>
<td>District Jail</td>
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<tr>
<td>Sub Jail 1</td>
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<td>Sub Jail 2</td>
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<td>Sub Jail 3</td>
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<td>Sub Jail 4</td>
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<tr>
<td>Sub Jail 5</td>
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</tr>
</tbody>
</table>

2) Information under guidelines 9,10 and 11 of RSLSA GUIDELINES 2012 and Regulation 5 and 6 of NALSA REGULATIONS 2011 as below:
   A. List of Jail Visiting Lawyers (in the Central/ District & Sub Jails) as on the date of the RTI.
   B. List of Prisoners para legal volunteers (in the Central/ District & Sub Jails) as on the date of the RTI.
   C. List of Community para legal volunteers (in the Central/ District & Sub Jails) as on the date of the RTI.

3) The details of the jail visiting lawyer appointed under guideline 10 of the RSLSA GUIDELINES 2012 and regulation 6 of NALSA REGULATIONS 2011 between 1st December 2012 to 1st December 2014, as below :
   A. Number of Jail Visiting Lawyers appointed (in the Central/ District & Sub Jails) in the above mentioned period.
   B. Number of visits made by the Jail Visiting Lawyers (in the Central/ District & Sub Jails) in the above mentioned period.
   C. The total honorarium paid to Jail Visiting Lawyer (in the Central/ District & Sub Jails) in the above mentioned period.
4) The details of the long term prisoners para legal volunteers appointed in the jails (Central/ District & Sub Jails) in your district under guideline 9, 11 and 12(10) of the RSLSA GUIDELINES 2012 between 1st December 2012 to 1st December 2014, as below:
   A. Number of prisoner para legal volunteers appointed (in the Central/ District & Sub Jails) in the above mentioned period.
   B. Number of monthly reports submitted by the prisoner para legal volunteers (in the Central/ District & Sub Jails) in the above mentioned period.
   C. The total honorarium paid to prisoner para legal volunteers (in the Central/ District & Sub Jails) in the above mentioned period.
   D. Number of Trainings organised by the District Legal Services Authorities/Taluka Legal Services Committee for the Prisoners para legal volunteers (in the Central/ District & Sub Jails) in the above mentioned period.

5) Information under guideline 5 and 20(1), (2) and (4) of the RSLSA GUIDELINES 2012, as below:
   A. Total number of days the legal aid clinic (in the Central/ District & Sub Jails) in your district was operational between 1st December 2012 to 1st December 2014
   B. Name of the registers maintained by the Legal aid clinic (in the Central/ District & Sub Jails) in your district.
   C. Certified copies of the format maintained for the registers in the Legal aid clinic (in the Central/ District & Sub Jails) in your district.

6) Certified copy of the Attendance register (मित्रता शिक्षा रजिस्तान) maintained in the Legal Aid clinic as per the RSLSA GUIDELINES 2012 and Regulation 20 (1) of NALSA REGULATIONS 2011 between 1st December 2012 to 1st December 2014 from the (i) Central Jail/District Jails and (ii) Sub Jails in your district.

7) Certified copy of the Work register (कार्यक्रम हेतु रजिस्तान) maintained in the Legal Aid clinic as per RSLSA GUIDELINES 2012 and Regulation 20(2) of NALSA REGULATIONS 2011 between 1st June 2014 to 1st December 2014 from the (i) Central Jail/ District Jails and (ii) Sub Jails in your district.

I have also attached an IPO (bearing number) for Rs. 10/- towards payment of the prescribed application fee as under the section 6(1) of the Right to Information Act.

I request you to kindly accept my application and provide me with the information requested above at my postal address as mentioned above.
Assistance of Persons in Custody Scheme 2012

To,
PIO
DLSA

Respected Sir/Madam,

Sub: Application for seeking information regarding the implementation of Remand and Bail Lawyers Scheme.

In reference to the Rajasthan's Remand and Bail Lawyers Scheme, 2012, of the State Legal Services Authority, I request you to kindly provide me with the following information under section 6(1) of the Right to Information Act:

1) Court-wise distribution of list of lawyers and their years of experience appointed under the Remand and Bail Lawyers Scheme in the district courts from 24 February, 2012 till 1 July, 2014, as provided in Guideline 3 of the Scheme.
   i. Under the District Legal Services Authority
   ii. Under the Taluka Legal Services Committee

2) Court-wise distribution of total number of persons represented under the Remand and Bail Lawyers Scheme in the district courts from 24 February, 2012 till 1 July, 2014.
   i. Under the District Legal Services Authority
   ii. Under the Taluka Legal Services Committee

3) Court-wise distribution of total number of persons released from police custody and judicial custody under the Remand and Bail Lawyers Scheme in the district courts from 24 February, 2012 till 1 July, 2014 in the format provided below:

<table>
<thead>
<tr>
<th>NAME OF THE COURT</th>
<th>TOTAL NUMBER OF PERSONS RELEASED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>FROM POLICE CUSTODY</td>
</tr>
</tbody>
</table>

4) Certified copies of the consolidated statistical information, as provided under Guideline 15 of the Scheme, sent by the Chairman of the District Authority to the State Legal Services Authority at the end of every quarter from 24 February, 2012 till 1 July, 2014.
   2 districts

5) Certified copy of the format of monthly report submitted to the presiding officer of the court by the legal aid counsel and forwarded to the Chairman of the District Authority or Taluka Committee, as provided under Guideline 15 of the Scheme.

6) Measures taken by the District Legal Services Authority and the Taluka Legal Services Committee to give wide publicity to the Scheme as provided under Guideline 10 of the Scheme.

7) Certified copies of the attendance certificates received from all courts regarding the regular attendance of the legal aid counsel concerned, as provided in Guideline 8 of the Scheme from April 2014 to June 2014.

8) Certified copies of the monthly reports submitted to the presiding officer of the court by the legal aid counsel and forwarded to the Chairman of the District Authority or Taluka Committee, as provided under Guideline 15 of the Scheme, from April 2014 to June 2014.

I have also attached an IPO (bearing number) for Rs. 10/- towards payment of the prescribed application fee as under the section 6(1) of the Right to Information Act. I request you to kindly accept my application and provide me with the information requested above at my postal address as mentioned above.
CHRI PROGRAMMES

CHRI’s work is based on the belief that for human rights, genuine democracy and development to become a reality in people’s lives, there must be high standards and functional mechanisms for accountability and participation within the Commonwealth and its member countries. CHRI furthers this belief through strategic initiatives and advocacy on human rights, access to justice and access to information. It does this through research, publications, workshops, information dissemination and advocacy.

Access to Justice

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

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

Access to Information

CHRI is acknowledged as one of the main organisations working to promote access to information across the Commonwealth. It encourages countries to pass and implement effective right to information laws. We routinely assist in the development of legislation and have been particularly successful in promoting right to information in India, Bangladesh and Ghana where we are the Secretariat for the RTI civil society coalition. We regularly critique new bills and intervene to bring best practices into governments and civil society knowledge both in the time when laws are being formulated and when they are first being implemented. Our experience of working across even in hostile environments as well as culturally varied jurisdictions allows CHRI to bring valuable insights into countries seeking to evolve and implement new laws on right to information. In Ghana, for instance we have been promoting knowledge about the value of access to information which is guaranteed by law while at the same time pushing for introduction of an effective and progressive law. In Ghana as and when the access to information law comes into being we intend to build public knowledge in parallel with monitoring the law and using it in ways which indicate impact of the law on system accountability – most particularly in the area of policing and the working of the criminal justice system.

Strategic Initiatives Programme: CHRI monitors member states’ compliance with human rights obligations and advocates around human rights exigencies where such obligations are breached. CHRI strategically engages with regional and international bodies including the Commonwealth Ministerial Action Group, the UN and the African Commission for Human and People’s Rights. Ongoing strategic initiatives include: Advocating for and monitoring the Commonwealth’s reform; Reviewing Commonwealth countries’ human rights promises at the UN Human Rights Council and engaging with its Universal Periodic Review; Advocating for the protection of human rights defenders and civil society space; and Monitoring the performance of National Human Rights Institutions in the Commonwealth while advocating for their strengthening.
Since the inception of the Legal Services Authorities Act 1987 legal aid bodies have made immense structural and procedural efforts to meet the requirements of the fundamental right to a lawyer as the essence of protection to life and liberty under Article 21 of the Constitution. Several schemes and guidelines have been formulated for legal aid bodies and lawyers to bridge the chasm between the ideal of the law and the incapacities on the ground, to reduce the distress of the indigent and needy in this regard through measures for timely and competent representation. One of the significant groups eligible for free legal aid are persons in custody.

This study by the Commonwealth Human Rights Initiative (CHRI) looks at the implementation of three NALSA legal aid schemes devised to provide early and effective access to legal aid for prisoners in Rajasthan.

The three schemes are:
1. National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010
2. National Legal Services Authority (Legal Aid Clinics) Regulations, 2011 and Rajasthan State Legal Services Authority Guidelines, 2012
3. Rajasthan State Legal Service Authority’s Legal Assistance to Persons in Custody Scheme, 2012

Using the Right to Information, the study examines the responses of 33 DLSAs and the SLSA in Rajasthan and points out the gaps in policy and delivery. The study provides practical recommendations in the areas of a) appointments of different avatars of legal aid lawyers and paralegal volunteers; b) constitution of legal aid clinics in jails and monitoring committees at the legal services institutions; and c) effective reporting at all levels.

The study calls for greater accountability of the duty holders who are entrusted with the responsibility of safeguarding the right to fair trial.

“\[The right to free legal services is, therefore, clearly an essential ingredient of reasonable, fair and just, procedure for a person accused of an offence and it must be held implicit in the guarantee of Article 21. This is a constitutional right of every accused person who is unable to engage a lawyer and secure legal services on account of reasons such as poverty, indigence or incommunicado situation and the State is under a mandate to provide a lawyer to an accused person if the circumstances of the case and the needs of justice so required, provided of course the accused person does not object to the provision of such lawyer.\]”

- Justice P. Bhagwati, Hussainara Khatoon & Ors. v. Home Secretary, State Of Bihar, 1979