



Commonwealth Human Rights Initiative

New Delhi, India. London, UK. Accra, Ghana

NGO in Special Consultative Status with the Economic & Social Council of the United Nations

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For Press Release

Event: 'Consultation on Access to Legal Aid in West Bengal'

It is being organized by the Commonwealth Human Rights Initiative (CHRI) in collaboration with Human Rights Law Network

Date – 21 March 2015, Saturday

Time: 9.45 am to 4.30 pm

Venue – Regional Institute of Correctional Administration, 1/1 Reservoir Road, Dum Dum, Kolkata -700028

Rationale - The right to free legal assistance for criminal defendants who are unable to afford a lawyer is a widely accepted principle of law and an essential component of the right to a fair trial. It provides a foundation for a fair and effective criminal justice system. Early access to legal services especially in the case of detained persons ensures that their rights are protected and provides a safeguard from abuse. It is one of the pillars that ensures the fairness of the criminal justice system and upholds Article 14 of the Constitution that states: "The State shall not deny any person equality before the law or the equal protection of the laws within the territory of India". Under Article 39A of the Constitution of India, the State is mandated to provide free legal aid to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. This includes people under detention.

However, in practice it is observed more as a privilege than a right. Effective State funded legal aid is important in this direction to assist indigent accused persons to realize their rights and allow them a better chance to seek justice. State machinery and civil society have a great role to play in providing effective legal services to those detained in Correctional Homes. Without access to effective legal representation, millions of poor and marginalized persons face arbitrary and extended pre-trial detention, torture, coerced confessions, wrongful convictions, stigma, health and livelihood impacts and other abuses.

By engaging members of the legal services authority including the newly appointed full time secretaries of the District Legal Services Authority, members of the High Court Legal Services Committee, State Legal Services Authority, Legal Aid Lawyers and Correctional Home officers and other experts on common challenges in providing inmates with access to effective legal aid services, this conference will focus on practical and achievable solutions to address issues related to ensuring effective access of legal aid services to accused persons in West Bengal.

List of participants –

1. Hon'ble Justice Ruma Pal, former judge, Supreme Court of India & member of the Executive Council of the Commonwealth Human Rights Initiative
2. Hon'ble Justice Joymalya Bagchi, Judge, Calcutta HC
3. Shri Adhir Sharma, ADG Correctional Services, West Bengal
4. Shri Anjan K Sengupta, Deputy Secretary, State Legal Services Authority, West Bengal
5. Secretary, District Legal Services Authority
6. Superintendent and Welfare Officer of Correctional Homes
7. Probation officers
8. Legal Aid Lawyers
9. Paralegal volunteers attached with the Permanent Legal Aid Clinics in Correctional homes

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