

CHRI 2015

LEGAL AID SERVICES

IN CORRECTIONAL HOMES OF WEST BENGAL

PARALEGAL

**PANEL
LAWYER**

**CORRECTIONAL
HOME**

**LEGAL
SERVICES
AUTHORITY**



COURT



CHRI
Commonwealth Human Rights Initiative
working for the practical realisation of human rights in
the countries of the Commonwealth

A Joint study by:
The Commonwealth Human Rights Initiative
&
The Directorate of Correctional Services, West Bengal



Commonwealth Human Rights Initiative

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.

CHRI's objectives are to promote awareness of and adherence to the Commonwealth Harare Principles, the Universal Declaration of Human Rights and other internationally recognised human rights instruments, as well as domestic instruments supporting human rights in Commonwealth Member States.

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.

The nature of CHRI's sponsoring organisations allows for a national presence and an international network.* These professionals can steer public policy by incorporating human rights norms into their own work and act as a conduit to disseminate human rights information, standards and practices. These groups also bring local knowledge, can access policy makers, highlight issues, and act in concert to promote human rights.

CHRI is based in New Delhi, India, and has offices in London, UK and Accra, Ghana.

International Advisory Commission: Yashpal Ghai - Chairperson. Members: Alison Duxbury, Wajahat Habibullah, Neville Linton, Vivek Maru, Edward Mortimer, Sam Okudzeto and Maja Daruwala

Executive Committee (India): Wajahat Habibullah - Chairperson. Members: B. K. Chandrashekar, Nitin Desai, Sanjoy Hazarika, Kamal Kumar, Poonam Muttreja, Ruma Pal, Jacob Punnoose, A P Shah and Maja Daruwala - Director.

Executive Committee (Ghana): Sam Okudzeto - Chairperson. Members: Akoto Ampaw, Yashpal Ghai, Wajahat Habibullah, Neville Linton, Kofi Quashigah, Juliette Tuakli and Maja Daruwala - Director.

Executive Committee (UK): Clare Doube - Chairperson. Members: Neville Linton, Richard Bourne, Sashy Nathan Katherine O'Byrne, Joanna Ewart-James, Frances Harrison, Sadakat Kadri, Michael Stone, Rita Payne, Meenakshi Dhar.

*Commonwealth Journalists Association, Commonwealth Legal Education Association and Commonwealth Parliamentary Association.

ISBN 978-93-81241-32-5

©Commonwealth Human Rights Initiative, 2015. Material from this report may be used, duly acknowledging the source.



CHRI Headquarters, New Delhi
55A, Third Floor
Siddharth Chambers
Kalu Sarai, New Delhi 110 017
India
Tel: +91 11 4318 0200
Fax: +91 11 2686 4688
E-mail: info@humanrightsinitiative.org

CHRI London
Room No. 219
School of Advanced Study
South Block, Senate House
Malet Street, London WC1E
7HU, United Kingdom
Tel: +44(0) 207 664 4860
Fax: +44(0) 207 862 8820
E-mail: chri.admin@sas.ac.uk

CHRI Africa, Accra
House No.9, Samora Machel Street
Asylum Down, Opposite Beverly
Hills Hotel Near Trust Towers,
Accra,
Ghana
Tel/Fax: +233 302 971170
Email: chriafrika@humanrightsinitiative.org

www.humanrightsinitiative.org

LEGAL AID SERVICES

IN CORRECTIONAL HOMES OF WEST BENGAL

Written by:

Madhurima Dhanuka,
Consultant, CHRI

Data Analysis & Compilation by:

Devdeep Dutta,
Dealing Assistant, Statistics & Human Rights,
Directorate of Correctional Services, West Bengal &

Amrita Paul,
Programme Officer, CHRI

Design & Layout by:

Gurnam Singh

ACKNOWLEDGEMENTS

We extend our gratitude to Mr Adhir Sharma, ADG & IG Correctional Services, West Bengal, for granting us permission to conduct this study and enable us to obtain relevant information from all correctional homes in the state for this study.

We thank the State Legal Services Authority, West Bengal and District Legal Services Authority in the state for their cooperation and guidance in gathering relevant information for the study. We are also grateful to all correctional home officers who provided relevant information in a timely manner and also to those who compiled the information.

We thank Sana Das for her invaluable editorial support, Raja Bagga for his insights in data evaluation and depiction and Sajan Kuriakos for editorial assistance. We are grateful to all members of the Prison Reforms Programme whose support has been instrumental in the completion of this report. We also thank our intern Sruti Baid for her support in the documentation work.

Last but not the least, CHRI is grateful to Open Society Foundations for their generous grant to help us prepare this study.

FOREWORD



ADHIR SHARMA, IPS
ADG & IG, Correctional Services,
West Bengal

Since colonial times, the criminal justice system in India has operated on the premise that every person charged with an offence is presumed innocent until proved guilty. This is reflected in the Constitution of India in the Fundamental Rights and Directive Principles of the State Policy. Article 39A of the Indian Constitution requires equal justice and free legal aid by suitable legislation or schemes or other means to ensure opportunities for securing justice are not denied to any citizen by reason of economic or other disadvantages.

In keeping with the spirit of the Constitution, the Supreme Court extended legal aid even to Ajmal Kasab, a foreigner charged with the most heinous offences of mass murder and terrorism.

In 1987, the Legal Services Authorities Act (LSA) was enacted to give a statutory base to this constitutional mandate and bring all legal aid programmes throughout the country on a uniform pattern. The LSA act strives to ensure that the constitutional pledge is fulfilled in letter and spirit and equal justice is made available to the poor, downtrodden and weaker sections of society.

A nationwide network is foreseen under the act for providing legal aid and assistance. The National Legal Services Authority (NALSA) is the apex body constituted to lay down policies and principles for making legal services available under the provisions of the Act and to frame the most effective and economical schemes for legal services.

In every state a State Legal Services Authority (SLSA) is constituted to effect the policies and directions of NALSA and give legal services to the people. NALSA has also called upon State Legal Services Authorities to set up legal aid cells in prisons so that the prisoners are provided prompt and efficient legal aid to which they are entitled by section 12 of Legal Services Authorities Act, 1987.

However, in reality, legal services authorities often forget to look into correctional homes and make regular visits to check if there's someone without legal counsel. The high walls of correctional homes and the world's indifference towards inmates make these facilities a breeding ground for delays and illegalities that even the correctional home would want to be rid of.

The scenario in correctional homes across West Bengal mirrors the ineffectiveness of legal aid services. In 2012, out of a population of approximately 15,000 undertrial prisoners, statistics show that only 1063 inmates were provided legal aid. In 2011-2012 the legal services authorities could organise only 39 legal awareness camps across 57 correctional homes in the state. These numbers are reflective of the highly inadequate state of legal aid services in the state.

In West Bengal, 1,29,367 Under Trial Prisoners (UTPs) were admitted to correctional homes in 2014. Of these, 93,768 could secure bail. However, only 3969 UTPs were provided with legal aid. This lack of access to effective legal aid services means it is possible that a significant number of UTPs may have remained in custody simply because lawyers were not appointed, were not present, did not argue, or not argue well enough to secure bail for their clients. Such a situation also leads to overcrowding in prisons.

It is imperative that permanent legal aid facilities be established in all correctional homes along with counselling and conciliation centres. Further: Legal aid advocates and legal aid counsels should be appointed at each home; visits of legal aid advocates and counsels to correctional homes should be required at regular intervals; NGOs should be accredited to undertake legal literacy and legal awareness campaigns; legal aid schemes and programmes should be publicised to make correctional home inmates aware about legal aid facilities; emphasis should be put on competent and quality legal services and judicial officers should be made aware of legal services schemes and programmes.

With the objective of preparing a comprehensive account on correctional homes, the Directorate of Correctional Services in July 2015 asked the Commonwealth Human Rights Initiative to document the current status of legal aid services and highlight current issues and provide suggestions for improving access to legal aid services. A similar exercise had been undertaken by CHRI in 2013.

This report has been compiled to assist the State Legal Aid Authorities in ensuring that effective legal aid services are provided to all inmates detained in correctional homes across West Bengal. The information received from the correctional homes has been organised in a manner that gives a district wise account of status of legal aid services. It is hoped that legal services authorities will find the information provided by officers of correctional homes useful and they can work toward further improving the functioning of the legal aid system in the state.

(ADHIR SHARMA)
ADG & IG, Correctional Services
West Bengal

TABLE OF CONTENTS

ACKNOWLEDGEMENT	IV
FOREWORD	V
PART -I	1
INTRODUCTION	2
CHAPTER I : ACCESS TO LEGAL AID FOR PRISONERS: THE FRAMEWORK	3
CHAPTER II : LEGAL AID SERVICES IN CORRECTIONAL HOMES: AN ASSESSMENT	13
CHAPTER III : CONCLUSION & RECOMMENDATIONS	21
PART -II DISTRICT WISE DATA ON LEGAL AID SERVICES IN CORRECTIONAL HOMES	25
PART -III ANNEXURES.....	47
ANNEXURE A : Circular Issued by Directorate of Correctional Service, WB	48
ANNEXURE B : NALSA Model Scheme on Legal Aid Counsel at Magistrate Court	52
ANNEXURE C : WBSLSA Legal Aid Counsel at Magistrate Court Scheme.....	54
ANNEXURE D : NALSA Letter on Set Up of Legal Aid Clinics in Prisons.....	55
ANNEXURE E : WBSLSA Letter on Set Up of Legal Services Clinics in Prisons.....	56
ANNEXURE F : WBSLSA Letter on Set Up of Permanent Legal Aid Clinics in Correctional Homes..	57
ANNEXURE G : Legal Awareness Posters	58
ANNEXURE H : WBSLSA Letter for Set Up of Monitoring Committee	60
ANNEXURE I : NALSA Questionnaire for Monthly Reporting by DLSAS.....	61
ANNEXURE J : NALSAs Legal Services Card	65
ANNEXURE K : Performa for Maintaining Case Records – CHRI	66
ANNEXURE L : Letter from Andhra Pradesh SLSA for Set up of Grievance Redressal Boxes	68
ANNEXURE M : District Wise List of Courts, Correctional Homes and Legal Services Authorities....	69

PART - I

INTRODUCTION

The Legal Services Authority Act (LSA Act) was enacted in India in 1987, but enforced only from 1996. It allowed legal services authorities to provide free legal services to the disadvantaged sections of society. In accordance with the act, legal services authorities at national, state, district and taluk levels are constituted across India. Legal aid authorities have also been established at the appellate courts as well in order to ensure legal representation at the High Court and Supreme Court. The act prescribes income criteria as well as a list of persons entitled to legal aid. According to Section 12 of the act all persons in custody, including custody in a protective home, a juvenile home, a psychiatric hospital or a psychiatric nursing home are entitled to legal aid irrespective of their incomes.

However, even after 20 years of its enactment, one finds that access to effective legal services, to those in custody, is an unfulfilled dream. CHRI's experience in ensuring effective access to legal aid for prisoners shows that often prisoners do not know if they have a lawyer. In a large number of cases it is found that the prisoner is unrepresented at the time of arrest or first production before a magistrate or in subsequent trial proceedings. In certain other cases, one finds that prisoners are often unable to afford a lawyer mid-way through legal proceedings due to lack of funds and are forced to be without counsel for the rest of their trial. Additionally, one finds that most lawyers do not meet their clients in jail. Prisoners fall back on the meagre resources of their families and must rely on unaccountable and ineffective private lawyers. Several even forego their right to a lawyer entirely only because of their socio-economic circumstances and lack of legal awareness.

This study documents the status of legal aid services in West Bengal based on evaluation of data received from correctional homes on the compliance and implementation of various schemes and directives of the National Legal Aid Services Authority (NALSA) and State Legal Services Authority, West Bengal (WBSLSA). The data covers the period 1 July 2014 to 30 June 2015. The study gives a district-wise account of legal aid services in correctional homes with the aim to apprise the legal services authorities of each district about the lacunas and gaps that exist in ensuring effective access to legal aid in the criminal justice system. In addition to the recommendations made by CHRI, the study also brings to the fore suggestions given by the correctional home authorities on how to improve legal aid services for their particular home.

In order to formulate an evaluation, a questionnaire was circulated to all correctional homes via the Directorate of Correctional Services, West Bengal in July 2015. The questionnaires were part of a circular issued by the Directorate, intimating the correctional home officers about recent NALSA initiatives.¹ The questionnaire sought information on legal aid services available in correctional homes by seeking responses on

- i. visits and legal awareness camps held by District Legal Services Authorities,
- ii. set up of permanent legal aid clinics in correctional homes,
- iii. visits by paralegals, and
- iv. appointment of panel lawyers to visit correctional homes

The study is divided into two parts. Part I contains three chapters. The first chapter lays down the mandate for ensuring access to legal aid to prisoners and documents the various NALSA & WBSLSA schemes on the issue. Chapter 2 collates information on access to legal aid services in correctional homes of West Bengal and conclusions and recommendations are provided in chapter 3. Part II gives a district-wise account of existing legal aid services in correctional homes across West Bengal.

¹ Annexure A.

CHAPTER I:

ACCESS TO LEGAL AID FOR PRISONERS : THE FRAMEWORK

A. STATUTORY PROVISIONS

The Legal Services Authorities Act 1987 was framed to constitute legal services authorities to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other factors.² Chapter IV of the act lays down the entitlement to legal services in India. Section 12 of the act lays down the criteria for eligibility for legal aid services and includes within its ambit various vulnerable categories of persons as well as those whose annual incomes fall below a prescribed sum.

In particular, section 12(g) entitles all persons in custody, including custody in a protective home, a juvenile home, a psychiatric hospital or a psychiatric nursing home to legal aid irrespective of their incomes. By virtue of this section a person is entitled to legal aid if he is in custody; the term 'Custody' can be construed to include all nature of detention viz., in a Police Station, Jail, Observation Home, Shelter Home, After Care Homes, Mental Health Family, Orphanage, Old Age Homes, Drug Addiction Centres, Protective Homes, Beggar Home or any other such Private & Government run Institution.³

The foundations for ensuring access to legal aid services to indigent accused persons in West Bengal can also be found in the **West Bengal State Legal Services Rules & Regulations**. The rules lay down elaborate provisions as to the power and functions of the Member Secretary, SLSA, which include providing free legal services to eligible persons, to work out modalities of the legal services schemes and programmes and ensure their effective monitoring and implementation, to maintain up-to-date and complete statistical information of the implementation of various legal services programmes, to produce video/documentary films, publicity material, literature and other publications to inform the general public about the various aspects of the legal service programmes. In addition, the **West Bengal Legal Services Authorities Regulations 1998** provide for the power and functions of the High Court Legal Services Committee, which include rendering legal service to eligible persons and conducting legal literacy campaign and legal awareness programmes.

In addition to the mandate of the legal services authorities, provisions of the **West Bengal Correctional Services Act 1992**⁴ further strengthen the mandate to ensure effective access to legal aid services, in as much as they impose upon the superintendent of each correctional home the duty to 'provide every prisoner with all reasonable opportunities for invoking the aid of law in all matters concerning his confinement and matters of personal nature'.⁵ It further provides that the right of access to law shall include the right of access to legal service and legal aid.

Further the Act also stipulates ensuring access to legal aid in cases where a condemned prisoner desires to prefer an appeal to the High Court or the Supreme Court⁶ or make a mercy petition to the Governor of the state or the President of India⁷ and also where a prisoner commits a punishable offence within the correctional home premises.⁸ This emphasis on ensuring access to legal aid is a building block upon which an effective legal aid system rests upon. Legal aid to undertrial prisoners however finds no mention in the West Bengal Jail Code 1960, however one hopes that the state will soon amend its code or draft one afresh in order to bring in the provisions provided in the Model Prison Manual 2016.

Provisions ensuring legal aid at the appellate stage can be found in the **Calcutta High Court Appellate**

² See preamble to the Legal Services Authorities Act 1987.

³ See Standard Operating Protocol for 'Scrutiny and Evaluation Committees', Delhi State Legal Services Authority, available at www.edslsa.org/wp-content/uploads/2015/07/SOP-for-Scrutiny-Evaluation-Committees1.pdf.

⁴ Came into force in 2000.

⁵ Section 79(1), West Bengal Correctional Services Act.

⁶ Section 71(1), West Bengal Correctional Services Act.

⁷ Section 71(2), West Bengal Correctional Services Act.

⁸ Section 82(3), West Bengal Correctional Services Act.

Side Rules. These rules must be read in connection with **Section 383 of the Code of Criminal Procedure 1973 (Cr.P.C.)**, which lays down the procedure to be followed when the appellant is in jail. The section states that 'if the appellant is in jail, he may present his petition of appeal and the copies accompanying the same to the officer in charge of jail, who shall thereupon forward such petition and copies to the proper appellate court.' In furtherance of this statutory provision, the Calcutta High Court Appellate Side Rules lay down provisions for filing of jail appeals. Chapter XI Rule 22 states that jail appeals may be received by post. In the case of such an appeal the registrar shall commission a translation of the Petition of Appeal to be prepared (if necessary) and shall submit it to the Bench for Orders. Chapter XI Rule 23 further states that if a Jail Appeal is admitted, it shall be dealt in the manner prescribed for appeals which are filed in court. Chapter XI Rule 23A then states that in any appeal, if the accused is not represented by an advocate of his own choice, the State shall appoint an advocate from the panel of advocates maintained for the purpose by the public prosecutor. Chapter XIII Rule 11A states that no fees are to be demanded or paid for searching for or copying or typing papers required by the Supreme Court Legal Aid Committee or the High Court Legal Aid Committee for their purposes. In such cases the copies are to be made on plain paper by the salaried establishment. Applications coming from the said Legal Aid Committee should be treated as urgent applications.

The process for application to the Supreme Court has also been streamlined by NALSA in 2015.⁹ In compliance with the directives issued by NALSA the SCLSC sent a letter to the Inspector General of Correctional Services vide circular no. F-191/Circular/SCLSC/2015 on 15 April 2015 intimating that, '..... all matters that are required to be filed before the Supreme Court be processed and prepared by the High Court Legal Services Committee, including translation of documents and that SLSA's transfer adequate funds to High Court Legal Services Committees for preparation and translation of documents before dispatch to the Supreme Court Legal Services Committee for filing.' These amendments will play an important role in speeding up the process of applications to the SCLSC. Since majority of district courts documents are available in the local language, getting all the documents prepared themselves created a burden upon the indigent accused who sought legal assistance to file for appeal/petitions in the Supreme Court.

B. JURISPRUDENCE

The right to fair trial is an integral part of the right to life and personal liberty guaranteed under Article 21 of the Indian Constitution. Over the last 40 years there has been a plethora of judicial pronouncements that has brought the right to legal aid within the ambit of Article 21. The courts verdict, in *MH Hoskot v State of Maharashtra*,¹⁰ *Hussainara Khatoon v State of Bihar*,¹¹ *Sheela Barse v State of Maharashtra*,¹² *Suk Das v Union Territory of Arunachal Pradesh*¹³ and more recently *Md. Ajmal Md. Amir Kasab @ Abu Mujahid v State of Maharashtra*,¹⁴ have added substance to the right to legal aid in India.

The jurisprudential framework of access to legal aid for accused persons can be further understood by broadly discussing some recent supreme court pronouncements within three sub headings, viz. commencement i.e. the stage when the right to legal aid is enforceable, duty of stakeholders in ensuring legal representation and the consequences upon a criminal trial where legal representation is not ensured.

i. Commencement of the right to legal aid: In 2012, in its decision in *Md. Ajmal Md. Amir Kasab @ Abu Mujahid v State of Maharashtra* the Supreme Court has stated that, 'the right to access to legal aid, to consult and to be defended by a legal practitioner, arises when a person arrested in connection with a cognizable offence is **first produced before a magistrate.**' However, this interpretation can be termed as a slight departure from our constitutional guarantees in particular Article 22(1) of the Indian Constitution, which guarantees the right to counsel to all persons, which means that every individual has the right to consult and be defended by a legal practitioner of his choice in the advent of his arrest. This right is further expounded by the recent amendment of the Cr.P.C. in 2010,¹⁵ wherein section 41-D lays down the 'Right of arrested person to meet an advocate of his choice during interrogation'. The section states that when any person is arrested and interrogated by the police, he shall be entitled to meet an advocate

⁹ F.No.12/2014/NALSA/5937 dtd 19.2.2015.

¹⁰ (1978) 3 SCC 544.

¹¹ *Hussainara Khatoon (IV) v State of Bihar* AIR 1979 SC 1369 and *Khatri & Others v State of Bihar & Ors* (1981) 1 SCC 627.

¹² AIR 1983 SC 378.

¹³ AIR 1986 SC 991.

¹⁴ (2012) 9 SCC 1 (Criminal appeal nos. 1899-1900 of 2011), judgment dated 29 August 2012.

¹⁵ Criminal Procedure Code (Amendment) Act 2008, which came into force in 2010.

of his choice during the interrogation, though not throughout the interrogation.¹⁶ A plain reading of these provisions along with Article 39A of the Indian Constitution and Section 12 of the Legal Services Authorities Act can be construed to mean that the right to consult an advocate of one's own choice is inclusive of the right to legal aid, thus imposing a duty upon the arresting authority to ensure presence of a lawyer, private or state funded, at arrest.

ii. Duty upon stakeholders to ensure legal representation: In *Nandini Satpathy v PL Dani*,¹⁷ the Supreme Court held that while the right to consult an advocate of his choice cannot be denied to any person who is arrested, it does not mean that it is the duty of the police to secure services of a lawyer. This approach was partially altered by the *Court in State (NCT of Delhi) v. Navjot Sandhu@ Afsan Guru*,¹⁸ wherein the court observed that,

"If the person in custody is not in a position to get the services of a legal practitioner by himself, such person is very well entitled to seek free legal aid either by applying to the Court through the police or the concerned Legal Services Authority, which is a statutory body. Not that the police should, in such an event, postpone investigation indefinitely till his request is processed, but what is expected of the police officer is to promptly take note of such request and initiate immediate steps to place it before the Magistrate or Legal Services Authority so that at least at some stage of interrogation, the person in custody would be able to establish contact with a legal practitioner."

However, in *Kasab*, the Court refrained itself from following the observations made in *Sandhu*, stating thus that there is no duty upon the police to ensure legal representation. Instead the Court held that it is the unequivocal duty of the magistrates to ensure that every person produced before him is represented. Explaining the duty of magistrates, the Court held that,

"[I]t is the duty and obligation of the magistrate before whom a person accused of committing a cognizable offence is first produced to make him fully aware of his right to consult and be defended by a legal practitioner and in case he has no means to engage a lawyer of his own choice, that one would be provided to him from legal aid at the expense of the State."

iii. Consequences of non-representation during proceedings: In the *Kasab* verdict the Supreme Court distinguished the consequences of non-representation between the two stages of a criminal trial, viz. pre-trial and during the course of the trial. While dealing with the consequences of the failure to provide a lawyer to the accused at the pre-trial stage, the court stated that it would not vitiate the trial unless it be shown that the failure to provide legal assistance at the pre-trial stage had resulted in some material prejudice to the accused in the course of the trial, which would be judged according to the facts of each case. The court did however enlist other consequences of failure such as making a delinquent magistrate liable to disciplinary proceedings, or giving the accused a right to claim compensation against the state for failing to provide him legal aid.

However, in the case of a trial, the Court relied upon its decision in *Suk Das v Union Territory of Arunachal Pradesh* and ruled that non-representation during the course of trial would vitiate the trial *in toto*. It stated that:

"Every accused unrepresented by a lawyer has to be provided a lawyer at the commencement of the trial, engaged to represent him during the entire course of the trial. Even if the accused does not ask for a lawyer or he remains silent, it the Constitutional duty of the court to provide him with a lawyer before commencing the trial. Unless the accused voluntarily makes and informed decision and tells the court, in clear and unambiguous words, that he does not want the assistance of any lawyer and would rather defend himself personally, the obligation to provide him with a lawyer at the commencement of the trial is absolute, and failure to do so would vitiate the trial and resultant conviction and sentence, if any, given to the accused."

C. SCHEMATIC FRAMEWORK

In pursuance of its objectives, NALSA has over the years framed a number of schemes to ensure effective legal aid delivery. A study of the schematic framework will reveal that while there are numerous schemes

¹⁶ See also *DK Basu v State of WB*, AIR 1997 SC 610.

¹⁷ (1978) 2 SCC 424.

¹⁸ (2005) 11 SCC 600.

in place for ensuring access to legal aid services to indigent accused persons, there is no comprehensive scheme which caters to the needs of the criminal justice system as a whole. One finds that not only has this left gaps in ensuring effective access to legal aid during the entirety of court proceedings, but also where the schemes overlap there are provisions that can create confusion amongst both legal aid functionaries and beneficiaries.

There are four schemes in particular that focus on ensuring access to legal aid services to prisoners,¹⁹

1. Legal Aid Counsel at Magistrate Court
2. Legal Aid Facilities in Jail
3. Paralegal Volunteers in Police Station & Jails
4. Publicity of legal aid schemes and programmes to make people aware about legal aid facilities

1. *Legal Aid Counsel at Magistrate Court*

The Legal Aid Counsel scheme, which sought the appointment of legal aid lawyers in all courts of Magistrates in the country, was envisaged by Justice AS Anand, the Executive Chairman of NALSA during 1995-98. The scheme aimed at ensuring immediate legal assistance to those prisoners who are not in a position to engage their own counsel.²⁰ It said:

‘Legal Aid Counsel may be attached to all the courts of Magistrates in the Country who should give legal assistance to the persons in custody, for opposing remand applications, securing orders for bail and moving miscellaneous applications as may be required...Legal Aid Counsel should be under an obligation to remain present in the court assigned to him during the remand hour and such other hours as may be directed by the Court. Thereafter when a challan is filed against the accused in custody in the court assigned to such advocate, the case should be entrusted to him for defence also. The appeals or revisions arising out of such challans should also be ordinarily entrusted to him...This system can go a long way in providing effective and meaningful legal assistance to undertrial prisoners, who feel handicapped in their defence on account of lack of resources or other disabilities and cannot engage a counsel to defend them.’

Thus the scheme was aimed at ensuring that no person went unrepresented even in the early stages of his trial, i.e. during first and subsequent productions before the court. It is a widely accepted notion that, ‘the early stages of the criminal justice process—the first hours or days of police custody or detention—are crucial for those who have been arrested or detained in respect of a criminal offence. Decisions made and actions taken, or not taken, will determine their ability to effectively defend themselves, the length of their detention, whether and when they are produced before a court, whether appropriate decisions are made about prosecution or diversion from the criminal justice system and, ultimately, whether they receive a fair trial.’²¹ It is also during this period that accused persons are at greatest risk of torture or other forms of ill-treatment, thus necessitating prompt access to effective legal services.

In order to adopt this model framework, in 2000, the WBSLSA framed a Scheme for ‘Legal Aid Counsels’ in all the courts of magistrates in addition to the NALSA Model Scheme.²² The Scheme aimed at ensuring the presence of legal aid counsel in the court of magistrate attached to him during remand hours even on holidays. The appointed counsel is required to appear in cases of all undefended accused persons, who are in custody and produced before the magistrate, for challenging the remand applications and moving bail applications. In particular the scheme envisages the following framework:-

- a. Presence of legal aid counsel in court of the magistrate during remand hours and or on holidays during remand hours
- b. Appearance of legal aid counsel to challenge the remand application with consent of the undefended accused in custody
- c. Name and address of legal aid counsel may be displayed outside the court to which he is attached

¹⁹ For a list of all schemes see NALSA website, www.nalsa.gov.in/.

²⁰ Annexure B.

²¹ For more information, see ‘Early access to legal aid in criminal justice processes: A handbook for policymakers and practitioners’ United Nations Office on Drugs & Crime & United Nations Development Programme, 2014. Available at www.unodc.org/documents/justice-and-prison-reform/eBook-early_access_to_legal_aid.pdf.

²² Annexure C.

- d. No payments are required to be given by accused persons to legal aid counsels
- e. Judicial officers to provide certificate of attendance of the counsel, on the basis of which payments are to be made
- f. Certificate of merit to be given to legal aid counsel whose performance is outstanding
- g. In case of complaint against legal aid counsels regarding demand of fees or other charges, prompt action will be taken by way of removal of his name from panel

WBSLSA twice sent letters, in 2012 and 2013, to all DLSAs²³ seeking compliance of the scheme as well as to give force to the pronouncement made by the apex court in *Kasab*.

2. Legal Aid Facilities in Jail

The need for constituting legal aid clinics in prisons to provide necessary help to undertrials was reiterated by the Minister of Law & Justice at the 12th All India Meet of State Legal Services Authority in March 2015.²⁴ In his address during the inaugural session, he stated that:

“It is our responsibility to ensure that the large numbers of socially and economically disadvantaged people are not subject to unnecessary undertrial detention as compared to more affluent and educated citizens. There is no doubt of the urgent need for legal aid clinics working at the prison level to provide the necessary legal aid to these undertrial prisoners. It should be a topmost priority.”

Pursuant to the meeting, a communication was made by the Director, National Legal Services Authority to all the Member Secretaries of the State Legal Services Authority vide No. L/47/2014-NALSA dated 21.05.15 seeking to establish Legal Service Clinics in all prisons in their respective states including formulation, development and implementation of a system of electronic links between the prisons within a period of three months.²⁵ Subsequently, on 22 May 2015, SLSA directed the set up of legal service clinics in all correctional homes within a period of three months.²⁶

However, the concept of legal aid clinics in jails is not new for West Bengal. In 2013, SLSA had sent directives to all DLSAs for the set up of Permanent Legal Aid Clinics in all correctional homes of West Bengal. The clinics were to be manned by paralegal volunteers in order to deal with the problems of inmates.²⁷ The DLSAs were also asked to submit performance reports bearing month by month statements as to number and category of beneficiaries. Additionally, the West Bengal Correctional Services website says that services of government counsels were provided starting January 1, 2007 inside all the correctional homes of the State on fixed days by the State Legal Services Authority and District Legal Services Authorities in West Bengal. However, no documents could be found either at the Directorate or SLSA to corroborate this information.

Prior to NALSA’s letter, some of the DLSAs, viz. Berhampore, South 24 Parganas, Kolkata and North 24 Parganas had nominated panel lawyers to make visits to correctional homes. The letters stated that the lawyers thus appointed were to render all services including counselling and free legal advice to the inmates. They were to also ascertain the name and number of inmates who remained undefended or unrepresented in their cases pending before the concerned courts. It also stated that the panel lawyer would be at liberty to mention any special finding during his visit in his report which was to be brought before the district authority for redressal.

Thus, it is within the broad framework of these two schemes that legal aid clinics in correctional homes are functional in West Bengal i.e. clinics to be run by paralegal volunteers and panel lawyers appointed by legal services authority.

3. Paralegal Volunteers in Police Station & Jails

In 2010, the Chief Justice of India had set up a National Committee for Paralegal Training and Legal

²³ Letter No. 939(19)/SLSA-286/2006 dtd 24.4.2013 and Letter No 2327 (96)/SLSA - 286/2006 dtd 20.11.2012.

²⁴ Available at www.lawmin.nic.in/mino/2015-03-21%20-%20STATE%20LEGAL%20SERVICES%20AUTHORITIES%20MEET.pdf.

²⁵ Annexure D.

²⁶ Annexure E.

²⁷ No. 192(19)/SLSA - 26/1 dtd 21.1.2013. Annexure F.

Aid Activities. Pursuant to its vision, NALSA framed its Paralegal Volunteer Scheme,²⁸ placing emphasis on the need of intermediaries between the common man and legal services institutions. In the scheme document it was stated that,:

'Paralegal volunteers help the poor and disadvantaged to free them from the stranglehold of the mighty and powerful for protecting their legal rights. The ultimate object of paralegal volunteers is to help the legal services institutions established under the Legal Services Authorities Act, 1987 for bringing the voice of the voiceless to be heard and to get their grievances redressed. It is indeed a part of the preventive and strategic legal aid programme contemplated under Section 7 (2) (c) of the Legal Services Authorities Act, 1987.'

An evaluation of the schemes indicates of two facets wherein paralegals have been assigned specific roles in ensuring access to legal aid for accused persons.

Firstly, whenever the paralegals receive information about the arrest of a person in their locality, they are to visit the police station and ensure that the arrested person gets legal assistance, if necessary, through the legal services institutions. While the presence of paralegals in police stations is a system used in a number of countries,²⁹ the only drawback of this scheme is that paralegals can visit the station only if they receive information of the arrest of a person. At times they might not and probably those are the cases where legal aid is relevant. Unless, there is an obligation upon the police station personnel to inform the nearest legal aid institution whenever an undefended accused person is taken into custody, the role of paralegals at police station may not yield results as anticipated.

Secondly, the scheme seeks legal training of educated well-behaved prisoners serving long term sentences in the central prison and district prisons as paralegal volunteers. It further stipulates that their services shall be available to the other prisoners in the jail including the undertrial prisoner. In as much as this scheme sought to ensure the presence of some inmates within each prison who could provide a prisoner basic legal information and/or assist him in applying for legal aid services, it can thus be construed that this scheme is meant to be another means of ensuring effective access to legal aid to accused persons/prisoners.

In pursuance of this, in 2011, SLSA started organising training programmes for convicts to train them as paralegals and mediators so that they could bring appropriate cases of their fellow inmates to the notice of visiting legal aid counsels at the legal aid clinics. This scheme was formulated with a view to reduce the gap between inmates and legal aid authorities.³⁰ The 'Syllabus on Law for Bare Foot Lawyers' includes knowledge of provisions of the Cr.P.C, Indian Penal Code, Penal sections of environmental laws, special laws pertaining to juveniles, child labour, immoral trafficking, narcotic drugs and right to information. The syllabus also includes provisions on civil remedies as well.

In 2011 a workshop for the training of convicts to become barefoot lawyers was inaugurated by Justice P.K. Samanta, Judge, High Court at Calcutta in presence of Justice K.J.Sengupta, Judge, High Court at Calcutta. Training programmes were organized for the convicts into paralegals and mediators so that they can bring the appropriate cases of their fellow inmates to the notice of visiting legal aid counsels at the legal aid clinic. The initiative aimed at reducing the gap between the residents of correctional homes and officials as well as help in the management of cases in the shortest possible time by the legal aid counsels.

Additionally, in 2013, the Calcutta High Court Legal Services Committee appointed a retired judicial officer to visit Alipore Women Correctional Home as part of NALSAs bare foot lawyer project.³² Similarly, in May 2013, SLSA appointed retired judicial officers of the rank of district and sessions judges to visit some of

28 Available at www.nalsa.gov.in/schemes.html.

29 Paralegals in Angola, Malawi, Nigeria, Sierra Leone, South Africa, the Sudan and Uganda provide early access to legal aid to indigent accused persons at police station. For more see Chapter 'Early access to legal aid in criminal justice processes: A handbook for policymakers and practitioners' United Nations Office on Drugs & Crime & United Nations Development Programme, 2014. Available at www.unodc.org/documents/justice-and-prison-reform/eBook-early_access_to_legal_aid.pdf.

30 www.wbcorrectionalservices.gov.in/reforms_legal.html.

31 As listed on the websites of State Legal Services Authority, West Bengal and Directorate of Correctional Services, West Bengal, www.wbcorrectionalservices.gov.in/reforms_legal.html.

32 Letter no. 13-14//LSC dtd 7.5.2013.

the correctional homes twice a week to ascertain legal aid needs of both undertrials and convicts.³³ They were also to take classes for training of bare foot lawyers from amongst long term convicts. They were also required to submit monthly/weekly feedback reports for further course of action, if to be taken by the SLSA. Additionally, the Permanent Legal Aid Clinics that were set up in pursuance to the SLSA directive in 2013 were to be manned by paralegal volunteers in order to deal with the problems of inmates.

4. Legal Awareness

While Section 4(l) of the LSA Act clearly mandates legal services authorities to spread awareness on legal aid, Rule 6(j) of the NALSA Rules 1995, mandates the Member Secretary to produce video/documentary films, publicity material, literature and publications to inform the general public about various aspects of the Legal Services Programmes.³⁴

While there are no specific directives issued pertaining to raising legal awareness and organising legal aid camps, details of camps held and organised by the authorities have been listed on the websites of the West Bengal Correctional Services as well as the West Bengal State Legal Services Authority. This information can be used to gauge the kind of initiatives taken to raise awareness regarding legal aid in West Bengal.

- On 24 September 2006 the first ever Legal Aid Research & Resource Centre for facilitating prisoners' access to social justice was inaugurated by the Justice K.G. Balakrishnan the then Executive Chairman, National Legal Services Authority at Presidency Correctional Home.
- On 24 August 2010 a legal awareness camp was held at Presidency Central Correctional Home by the Commonwealth Human Rights Initiative & Legal Aid Society, National University of Juridical Sciences under the aegis of State Legal Services Authority, West Bengal and Directorate of Correctional Services, West Bengal. The Legal Aid Camp aimed to inform the inmates about the purpose and goals of the project *Shadhinota*.³⁵ The Legal Aid Camp was followed by weekly Legal Aid Clinics held by CHRI & NUJS.
- On 24 July 2012 a legal awareness camp was held in the Sub-Correctional Home at Lalbagh, where also one Free Legal Aid Centre/Clinic was established. The Chairman, SDLSC, Lalbagh & Additional District & Sessions Judge, Lalbagh, Judicial officers, members of Local Bar attended the camp. Most of the under-trial prisoners (UTPs) were present there.
- On 30 July, 2012, at Howrah District Correctional Home an awareness programme was held on Plea Bargaining. The Chairman, District Legal Services Authority & District & Sessions Judge, Howrah, Additional District Judges, The Superintendent of Correctional Home, Social Welfare Officer, Panel Advocates attended and a good number of UTPs were present.
- On 15 September, 2012, a State Level Coordination Meeting on the Criminal Justice System vis-à-vis prisoners was organised by the West Bengal Human Rights Commission and the Commonwealth Human Rights Initiative. There was a strong focus on access to legal aid services in West Bengal wherein the representatives of the legal services authority were informed about the need to ensure effective access to legal aid in correctional homes.³⁶
- On 2 December, 2012, a Training Programme of the Specialised Course for Welfare Officers of the Correctional Services on Law and Legal Aid at the Regional Institute of Correctional Administration, Government of West Bengal, Dum Dum, Kolkata from 2nd to 4th December, 2012 was organised by the State Legal Services Authority, West Bengal and Regional Institute of Correctional Administration in association with the Commonwealth Human Rights Initiative and Human Rights Law Network. Mir Dara Sheko, Member Secretary, State Authority, Chairmen of District Authorities, Howrah, Hooghly, North 24 Parganas and South 24 Parganas, Chief Judicial Magistrates and Additional Chief Judicial Magistrates both sadar and sub-divisions under the respective districts participated in Training programme on 2.12.2012.³⁷
- On 21 March, 2015, a one day Consultation on Access to Legal Aid in West Bengal was organised

33 Dum Dum CCH Letter No 1093/SLSA 162/12 dtd 17.5.2013; Midnapore CCH Letter No 1132/SLSA 162/12 dtd 21.5.2013; Berhampore CCH Letter No 1106/SLSA 162/12 dtd 21.5.2013.

34 See preceding section.

35 For more information on legal aid clinics in prison see www.humanrightsinitiative.org/content/legal-clinics.

36 Report available at www.humanrightsinitiative.org/download/14571569592012%20State%20Level%20Coordination%20Meeting.pdf.

37 Report available at www.humanrightsinitiative.org/download/14571568002012%20Law%20And%20Legal%20Aid%20-%20Welfare%20Officer%20training.pdf

jointly by the Commonwealth Human Rights Initiative and Human Rights Law Network, which brought together representatives from correctional homes and legal services authorities from five districts of West Bengal.³⁸

- In July 2015, the Directorate of Correctional Services, West Bengal in collaboration with the Commonwealth Human Rights Initiative prepared two legal awareness posters on right to legal aid to prisoners and stages of criminal trial.³⁹ The posters aimed at raising awareness amongst prisoners on both these aspects. The poster were printed on 6x4 ft flex banners and have been displayed in Bengali, Hindi and English across all correctional homes in West Bengal.

D. ROLE OF LEGAL AID FUNCTIONARIES

i. Jail Visits by District Legal Services Authority

The mandate upon the legal services authorities for visiting jails is set out under the guidelines issued by the National Legal Services Authority in 2011.⁴⁰ Guideline 4 describes the functions of the DLSA secretaries, and states that 'The secretary of the District Legal Services Authorities will have to perform a significant role in the legal services activities.'

Guideline 20 further stipulates that the Secretary of the DLSA by himself or along with the Chairman of the DLSA shall make regular visits to the jails within the district. The purpose of the visits shall be to identify the following:

- a) Undertrial prisoners languishing for want of legal aid
- b) Identify whether any convicts are undergoing imprisonment in the jail who were juveniles on the date of the case charged against them
- c) To identify whether any non-criminal mentally ill persons are detained in prison
- d) To identify whether any juveniles are detained in prison
- e) To identify compliance of the order of the Supreme Court in *RD Upadhyay v State of AP (2007) 15 SCC 337* in relation to the care of the children below the age of six years living with their mothers in prison
- f) Any other matters specially brought to the attention of the DLSA by any court of by way of complaint from other sources

This guideline further states that appropriate remedial action by way of legal aid, shall be given to the persons detained in the jails either by way of providing lawyers or by writing to the superior authorities of the jail. Serious matters may be brought to the notice of the High Court by way of a report submitted to the Patron-in-Chief.

In addition to the NALSA guidelines of 2011, there are no specific directives issued on prison visits, however prison visits are often made by the legal aid functionaries. Some of these visits find mention in the news updates section of the West Bengal SLSAs website and are listed below.

In the news update section for July-September 2014, the website states that all the Secretaries of the District Legal Services Authorities of West Bengal are visiting the correctional homes located in their respective District on a routine basis and they have interacted with the UTPs/Convicts in regard to the rights and role of the Legal Services Authorities /Committees and to hold sensitization meeting with the Correctional Home Authorities and also inspect the Legal aid Clinic at the Correctional Home.

Prior to this, there is also mention that in compliance of the direction of the Calcutta High Court and the Executive Chairman, State Legal Services Authority, West Bengal, the Member Secretary of State Legal Services Authority, West Bengal, Mir Dara Sheko visited the Dum Dum Central Correctional Home on 25th September, 2012 and the Presidency Correctional Home on 27th September, 2012.

³⁸ Report available at www.humanrightsinitiative.org/download/14571574192015%20Access%20to%20Legal%20Aid%20in%20WB.pdf.

³⁹ Annexure G.

⁴⁰ As per discussions of the working group held at the National Judicial Academy in 2011, certain guidelines were issued by NALSA for compliance by for the State Legal Services Authorities, District Legal Service Authorities, Taluk Legal Service Committees and High Court Legal Services Committees.

It is also stated that on 6th August, 2014 Sri Anjan Kumar Sengupta, Registrar-cum-Deputy Secretary of State Legal Services Authority, West Bengal, Mou Chatterjee, Secretary, District Legal Services Authority, Kolkata, Sri Prasanta Mukhopadhyay, Secretary, District Legal Services Authority, South 24 Parganas visited the Presidency Correctional Home at Alipore and interacted with the convicts where Alakananda Roy, an eminent social activist shared her experiences. During the interaction a large number of inmates spoke about their illegal detention u/s 107/109 of Cr. P. C. The issue was immediately taken up with the Chief Judicial Magistrate, South 24 Parganas and 92 inmates were released.

ii. Role of DLSA as member of Undertrial Review Committee & Role of Panel Lawyers for ensuring release of undertrials in certain cases

In addition to these guidelines, in 2015 the Supreme Court of India in *Re Inhuman Conditions in 1382 Prisons*,⁴¹ has instructed NALSA to ensure the set up of undertrial review committees in each district across India. The secretary of the District Legal Services Authority has subsequently been made a member of the committee as well.⁴² It also directed NALSA to issue directions to the SLSAs to urgently take up cases of prisoners who have been granted bail but are unable to furnish sureties and cases wherein the offences are compoundable. The SLSAs were directed to instruct panel lawyers to urgently meet such prisoners, discuss the case with them and move applications before the appropriate court. In a subsequent order, the court also directed the secretary of the District Legal Services Authority to be part of the Undertrial Review Committees. Thus, underlining the role and responsibilities of legal services authorities' in ensuring effective access to legal aid in the criminal justice system and ensuring that no undertrial remains unnecessarily detained in prison for prolonged periods of time. This is the first time that the apex court has placed obligations upon the legal services authorities to ensure effective legal services are rendered to those incarcerated in prisons by way of regular monitoring of cases by the legal aid lawyers.

E. MONITORING AND REPORTING

The NALSA (Free and Competent Legal Services) Regulation 2010 direct the set up of monitoring committees, at each level – Supreme Court, High Court, District and Sub-Division,⁴³ with the intent of ensuring accountability of legal aid services rendered. These regulations aim at ensuring close supervision by Legal Services Authority over the legal services provided. The regulations provide for involvement and participation of monitoring committee at each stage of a legal aid case and lay down the following functions for the committee:⁴⁴

- i. The monitoring committee is to be intimated whenever legal services are provided to an applicant.
- ii. 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.
- iii. 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.
- iv. 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.
- v. The monitoring committee shall keep a watch of the day-to-day proceedings of the court by calling for reports from panel lawyers, within such time as may be determined by the committee.
- vi. If the progress of the case is unsatisfactory, the committee may advise the Legal Services Institution to take appropriate steps.

In compliance with the NALSA notification on the 2010 Regulations, SLSA issued directives to all DLSAs vide its letter no. 139(80)/SLSA-7/2012, for set up on monitoring committees as per Rule 10 (1) of the 2010 Regulations for the close monitoring of court based legal services and the progress of the cases in legal aid matters. However, interactions with various legal aid functionaries during the survey period shows that monitoring committees have either not been set up in the districts or are not functional. Based on reports on non-compliance of the 2012 circular, SLSA WB has issued another circular on 9 March 2016 to all DLSAs reminding them about its previous circular. The letter directs the DLSAs to

41 WP (Civil) no(s). 406/2013.

42 As per order dated 7th August 2015.

43 Regulation 10 of NALSA (Free and Competent Legal Services) Regulation 2010.

44 Regulation 11 of NALSA (Free and Competent Legal Services) Regulation 2010.

revamp the formation of the committee or constitute the committee where it has not been formed at all. The letter further states that the monitoring committees may regularly assess the progress of cases assigned to panel lawyers and monitor court based legal aid services.⁴⁵

F. DIRECTIVES OF CALCUTTA HIGH COURT

In addition to the Supreme Court directives on ensuring legal aid services, there are very few judgments passed by the Calcutta High Court on this issue. There are however two judgments that are relevant in the context of ensuring access to legal aid to indigent accused persons in West Bengal.

In 2013, the Calcutta High Court issued certain directions while considering a public interest litigation on lack of physical production before the concerned magistrates in *CHRI v State of West Bengal*, WP 56 (W) of 2013.⁴⁶ In addition to other directives issued to the state government, a directive was issued to the district legal services authority to make available the list of the panel of lawyers in the concerned court premises for a smooth communication between the arrested or detained. A further directive was issued to judicial officers to apprise the arrested or detained of his/ her right to be defended and in case he/ she has no means to engage a lawyer, a lawyer is to be made available at the expenses of the State through Legal Services Authority/Committee.

In 2012, the Calcutta High Court issued certain directives while considering a public interest litigation on the illegal detention of juveniles in adult correctional homes throughout the State of West Bengal in *CHRI v State of West Bengal* WP 7058 (W) of 2012.⁴⁷ In addition to issuing directives to the state government, the court asked the WBSLSA to ensure compliance of directives from the National Legal Services Authority and ensure legal aid to juveniles, made through the District Legal Services Authority within the stipulated time of two months and to file a report before the court and to ensure compliance of the order passed by the Supreme Court in the *Sampurna Behrua* case. Further directives were issued to the District Legal Services Authority to ensure the compliance of the directions issued by the Supreme Court in the *Sampurna Behrua* case and to hold frequent training and sensitisation programmes for the benefit of Child Welfare Officers and members of the Juvenile Justice Board.

It is within these frameworks that the legal aid system functions within West Bengal. One finds there are numerous schemes laid down in order to ensure representation of prisoners in criminal proceedings. There are also provisions to ensure compliance of the schemes and monitor the functioning. Having set the framework, the next chapter will deal with the level of compliance of some of these schemes in West Bengal.

⁴⁵ Annexure H.

⁴⁶ Order available at www.humanrightsinitiative.org/download/1456994602CHRI%20vs.%20State%20of%20WB%20WP%2056%20of%202013.pdf.

⁴⁷ Order available at www.humanrightsinitiative.org/download/1456994824CHRI%20vs.%20State%20of%20WB%20WP%207058%20of%202012.pdf.

CHAPTER II:

LEGAL AID SERVICES IN CORRECTIONAL HOMES: AN ASSESSMENT

While the previous chapter dealt with the comprehensive framework of legal aid services to prisoners, this chapter provides an insight into the status of implementation of the various schemes and initiatives by collating and analysing data received from correctional homes of West Bengal. In particular the chapter highlights how there is lack of accuracy in the statistics that are available for legal aid cases of people in custody, which makes it difficult to establish trends on this issue. It also reports on details of visits by DLSA representatives to correctional homes, number of legal aid applications filed, number of legal awareness camps held, and set up of legal aid facilities in correctional homes, including permanent legal aid clinics manned by paralegal volunteers and appointed panel lawyers.

A. ADMINISTRATIVE

West Bengal is divided into 20 districts,⁴⁸ with each district being further divided into sub-divisions and blocks. The Calcutta High Court is situated in Kolkata and has a circuit bench in Port Blair. Each district has a court, which administers justice at the district level, and each district court is headed by a district & sessions judge. These courts are under the administrative and judicial control of the Calcutta High Court.

The State Legal Services Authority, West Bengal (WBSLSA) was constituted on 23rd April, 1998 through a Gazette Notification under No. 3536-J dated 22.4.1998, and started functioning from August, 1998. Thereafter, the District Legal Services Authorities (DLSA) and Sub Divisional Legal Services Committees (SDLSC) were constituted in all districts and sub-divisions of West Bengal. The DLSAs had the District Judge as its Chairman and one of the Civil Judges of senior division rank as secretary, whereas the senior most judicial officer of the sub division was appointed as the chairman of SDLSC.⁴⁹

The WBSLSA has 27 members with the Chief Justice of Calcutta High Court being the Patron-in-Chief, and a judge of Calcutta High Court the Executive Chairman. In addition, there are nine ex-officio members including the advocate general, secretary to the finance department, judicial department, backward classes welfare department, women and child development and social welfare department; Director General and Inspector General of Police, Chairman DLSA South 24 Parganas and Kolkata district and the Chairperson, West Bengal Commission for Women. There are 15 other members and a secretary, who comes from the West Bengal Higher Judicial Services.⁵⁰

However, in 2013, pursuant to the NALSA Guidelines 2011, which sought appointment of full time secretaries for the DLSA, the government of West Bengal appointed 19 full time secretaries with the rank of civil judge (senior division) of each DLSA in consultation with the High Court, Calcutta vide Notification No. 5600-J/JD//4J-07/13 dated 19.12.2013 of the Government of West Bengal, Judicial Department.⁵¹

Section 3 of the West Bengal Correctional Services Act, 1992 prescribes the establishment of four categories of correctional homes in West Bengal: central, district, subsidiary and special correctional homes. For administrative purposes, the correctional homes have been divided into six ranges: Jalpaiguri, Berhampore, Presidency, Alipore, Dum Dum and Midnapore. There are a total of 58 correctional homes in West Bengal including six central (CCH), 33 subsidiary (SCH), 12 district (DCH), three special (SpCH), two women (WCH) and two open air (OACH).⁵² Please see Annexure M for a complete list of district courts, correctional homes and legal services authorities.

⁴⁸ Alipurduar became West Bengal's 20th district on 25 June 2015.

⁴⁹ See www.wbslsa.org.

⁵⁰ www.wbslsa.org/Members%20of%20SLSA%20WB.pdf.

⁵¹ See www.wbslsa.org/newsupdates.htm

⁵² On 2 November 2015, Burdwan DCH was converted into a Central CH and Alipurduar Special CH was converted into a District CH.

Table 1. Capacity and Population of Inmates in each Category of Correctional Home

Sl.No.	Type	No. of CHs	Total Capacity of Inmates			Population as on 1 July 2015			Percentage Share of Undertrials
			M	F	T	M	F	T	
01	Central Correctional Home (CCH)	06	11,140	160	11,300	11,058	757	11,815	61%
02	District Correctional Home (DCH)	12	5,287	555	5,842	4,990	265	5,255	83%
03	Subsidiary Correctional Home (SCH)	33	1,819	313	2,132	4,133	294	4,427	98%
04	Women's Correctional Home (WCH)	02	0	400	400	0	550	550	55%
05	Open Air Correctional Home (OACH)	02	125	0	125	154	0	154	0%
06	Special Correctional Home (SpCH)	03	1,022	95	1,117	737	43	780	91%
Total		58	19,393	1,523	2,0916	21,072	1,909	22,981	

B. STATISTICS

The National Crime Record Bureau's annual publication, Prison Statistics India collates data on number of prisoners to whom legal aid is provided in a given year. This data is available from 2001 onwards. Statistics reveal that West Bengal constitutes a very small share of the total number of cases where legal aid is provided if compared at the all India level (Table 2). The data is reflective of a huge jump in legal aid cases in 2005-2006 period from 601 to 2880 prisoners, after which the numbers have remained in the 2500-3500 range, with a slight jump in 2011 to 4057 cases.

However, the problem arises when one tries to correlate the data available at different sources, viz. Prison Statistics India, NALSA/SLSA and Directorate of Correctional Services. For instance, in 2013 the NCRB lists the number as 2964 but data from NALSA says it is 2356. Similarly, in 2014 NCRB lists the number as 3036, whereas the records available at the Directorate of Correctional Services shows it to be 3969 and data on the SLSA website states it as 1668 for January to September 2014. The data received as per the survey conducted for this study pens the number at 3637 for July 2014 to June 2015.

A reason for this vagueness probably lies in the lack of standardization in documentation of legal aid cases. While the correctional homes maintain records of prisoners given legal aid through applications sent from the correctional home, the legal services authority also take into account the number of prisoners afforded legal aid at time of production or cases where relatives applied directly through the legal services authorities. How NCRB collates the data is not clear and its criteria not available to the public. This ambiguity makes it difficult to ascertain the exact number of cases where legal aid is given as well as to establish any trends on that basis.

In order to determine the exact number of legal aid applications sent and processed by the legal aid authorities, a system must be built wherein data from all three sources, legal services authorities, correctional homes and courts can be collated. Without ascertaining the number of legal aid applications, it is very difficult for the SLSA to regulate the progress in these cases thus leading to non-implementation of the various schemes and directions laid down by it.

Table 2: Statistics on number of legal aid cases taken up for inmates

Year	India	West Bengal - NCRB	WB - SLSA/NALSA	Directorate of Correctional Services, WB
2014	79121	3036	1668 (January to September)	3969
2013	67386	2964	2356	-
2012	62050	2583	855	1063
2011	52042	4057	-	-
2010	49968	3020	1457	
2009	50721	2920	-	-
2008	45585	3549	-	-
2007	48707	2080	-	-
2006	45035	2880	-	-
2005	33983	601	-	-
2004	33966	608	-	-
2002	26355	226	-	-
2001	23528	256	-	-

C. DATA ON LEGAL AID SERVICE IN CORRECTIONAL HOMES- EVALUATION AND ANALYSIS

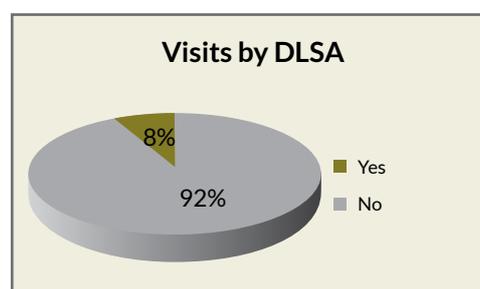
While the overall picture on access to legal aid services in correctional homes can be termed as decent, yet the data reveals that in most the visits by DLSA representatives are rare, the paralegals are not functioning well or that the panel lawyers rarely visit correctional homes as per mandate. This necessitates that SLSA must strengthen its monitoring and regulatory capacities to seek compliance of its directives in its true letter and spirit. There is a strong need to hold legal awareness camps on a regular basis within prisons and also ensure that proper documentation is maintained for visits and performance by paralegals and panel lawyers appointed to visit correctional homes.

Evaluated below are the responses received from 39 correctional homes on various facets of legal aid services.

a. DISTRICT LEGAL SERVICES AUTHORITIES

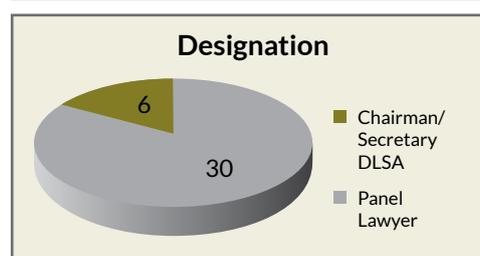
i. Visits to correctional homes

In 36 out of the 39 Correctional Homes in West Bengal which responded, a representative from the DLSA visits the correctional homes.⁵³ It is encouraging to see that in 92 per cent of the correctional homes (CH) in West Bengal, District Legal Services Authorities have their presence. However, there still exist three such correctional homes where DLSA needs to extend its services viz. Asansol SpCH, Kalimpong SCH and Islampore SCH.



ii. Designation of DLSA representative visiting correctional home

Of the 36 CHs in 30 CHs visits were made by either the chairman or secretary DLSA. In remaining 6 the visits are



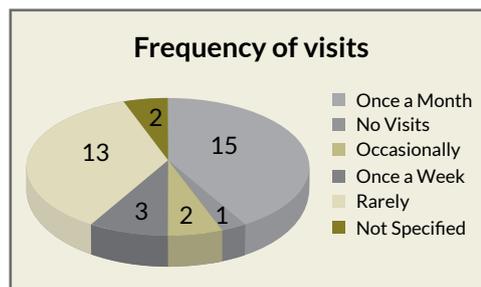
53 Alipore CCH, Alipore WCH, Alipurduar DCH, Balurghat DCH, Bankura DCH, Berhampore CCH, Bishnupur SCH, Bolpur SCH, Contai SCH, Cooch Behar DCH, Darjeeling DCH, Dinhatia SCH, Dum Dum CCH, Ghatal SCH, Haldia SCH, Hooghly DCH, Jalpaiguri CCH, Jangipur SCH, Jhargram SCH, Kalyani SCH, Kandi SCH, Kurseong SCH, Lalbagh SCH, Laigola OACH, Malda DCH, Mathabhanga SCH, Midnapore CCH, Presidency CCH, Raghunathpur SCH, Raiganj DCH, Siliguri SpCH, Suri DCH, Tamluk SCH, Tehatta SCH, Tufanganj SCH.

made by panel lawyers who are assigned the task to visit CH by the DLSA, viz. Jalpaiguri CCH, Howrah DCH, Jhargram SCH, Tufanganj SCH, Bolpur SCH and Lalgola OACH.

iii. Frequency of visits

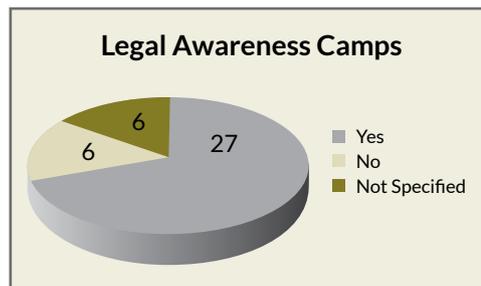
In those CHs visited by DLSAs, the frequency of visits varies considerably. In 15 CHs DLSA visits once a month,⁵⁴ while in 13 CHs visits are made rarely,⁵⁵ in three the visits are weekly, two CHs did not specify the frequency of visits while Kalyani SCH reported that no visits were made between the survey period. Four of the CHs where visits are made rarely are CCHs.

Between 1 July 2014 and 30 June 2015 a total of 370 visits were made. Ideally monthly visits should be made, so there should have been at least 468 visits to 39 CHs in the period.



iv. Legal Awareness Camps

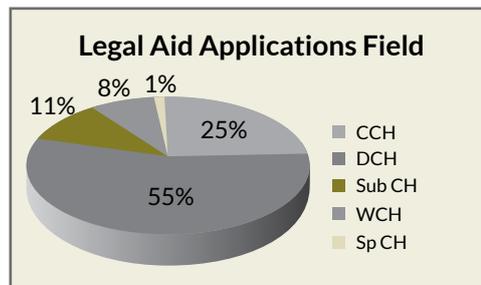
Legal Awareness camps were organised by DLSA in 69% of CHs (27), while no camps were held in six CHs. The CHs did not explain why. From 1 July 2014 to 30 June 2015 a total of 81 legal awareness camps were organised in 27 West Bengal CHs, with the highest number of camps being held in Raiganj DCH (11).



This data is indicative of problems in terms of raising awareness among prisoners of their legal rights. With a majority of the prisoner population being illiterate and unaware, legal aid camps should be held at least once a month.

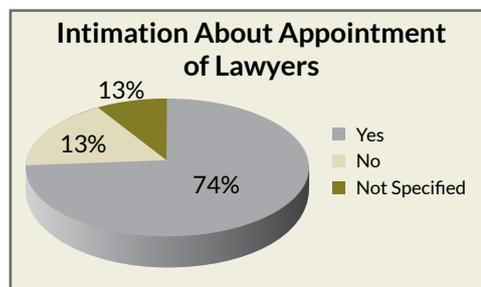
v. Number of legal aid applications filed

A total of 3664 legal aid applications were filed during the survey period. Of these, a majority were filed from the DCHs.



vi. Intimation to CHs about appointment of lawyers

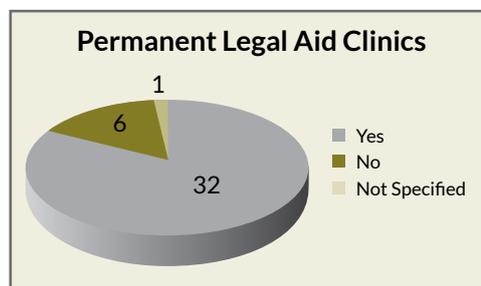
In 29 CHs the DLSAs intimate the correctional homes regarding appointment of lawyers; however in five no intimations are sent viz. Balurghat DCH, Kalyani SCH, Alipurduar DCH, Cooch Behar DCH and Haldia SCH. These CHs did not provide an explanation.



b. LEGAL AID FACILITIES IN CORRECTIONAL HOME: PERMANENT LEGAL AID CLINICS - PARALEGAL VOLUNTEERS

i. Whether established

In accordance with the SLSA directives of 2013 Permanent Legal Aid Clinics have been established in 32 CHs. However, even after two years PLACs have not been set up in six CHs viz. Asansol Special CH, Jalpaiguri CCH, Siliguri Special CH, Ghatal SCH, Tamluk SCH and Howrah DCH.

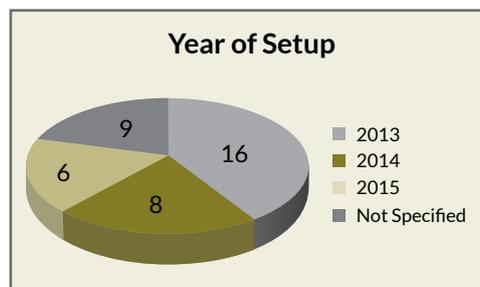


⁵⁴ Berhampore CCH, Malda DCH, Balurghat DCH, Suri DCH, Kandi SCH, Jangipur SCH, Cooch Behar DCH, Raiganj DCH, Dinhatra SCH, Mathabhanga SCH, Bishnupur SCH, Haldia SCH, Tamluk SCH, Contai SCH, Hooghly DCH.

⁵⁵ Alipore CCH, Alipore WCH, Alipurduar DCH, Bankura DCH, Darjeeling DCH, Dum Dum CCH, Ghatal SCH, Kurseong SCH, Lalbagh SCH, Midnapore CCH, Presidency CH, Raghunathpur SCH, Tehatta SCH.

ii. Year of establishment of PLAC

Of the 32 PLACs, half of them (16) were established by 2013 whereas in some CHs PLACs have been set up fairly recently.



iii. Whether paralegal assigned

Out of the 32 CHs where a PLAC has been established, paralegal volunteers have been assigned in only 24 CHs, while in five CHs PLVs need to be appointed in order to make the PLACs functional. These are Bolpur SCH, Kalyani SCH, Alipurduar DCH, Kurseong SCH, Jhargram SCH. Remaining 3 CHs did not provide any specific answer. Among the 24, in 6 CHs convicts have been appointed as the paralegals.

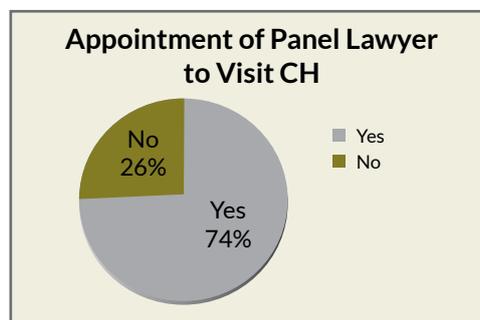
iv. Number of visits made by paralegals

A total of 1123 visits were made by paralegals assigned to the PLACs in the survey period. The DCHs had 572 visits, SCHs 791 and no visits were made to the CCHs.

c. LEGAL AID FACILITIES IN CORRECTIONAL HOMES: PANEL LAWYERS NOMINATED FOR CONDUCTING VISITS

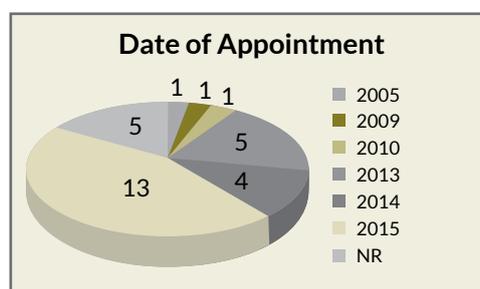
i. Appointment

Out of the 39 CHs, in 29 CHs panel lawyers have been appointed who visit correctional homes. Ten CHs responded that no lawyer has been appointed till date viz. Tehatta SCH, Siliguri SpCH, Raiganj DCH, Asansol SpCH, Dinhata SCH, Islampur SCH, Kurseong SCH, Kalimpong SCH, Haldia SCH and Contai SCH.



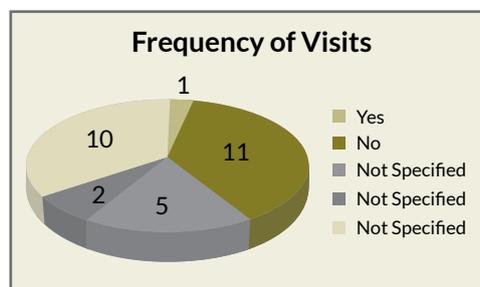
ii. Date of appointment

Among the 29 CHs in majority of CHs (13) the panel lawyers were nominated in 2015.⁵⁶ In two CHs panel lawyers have been visiting as early as 2005 (Alipurduar DCH), 2009 (Kalyani SCH) and 2010 (Howrah DCH). In Balurghat DCH and Mathabhanga SCH it appears that the appointments of panel lawyers are made on a monthly basis.⁵⁷ Thus it appears that in most correctional homes, panel lawyers were nominated in compliance of the NALSA/SLSA letter on set up of legal aid clinics in prisons.



iii. Frequency of visits

Among the 29 CHs where panel lawyers are appointed for visiting correctional homes, weekly visits are made in 11,⁵⁸ in five fortnightly visits are made, in two monthly visits are made and in one CH daily visits are made. Ten CHs did not provide any specific response to the query. A total of 245 visits were reported to be made, however this figure is incomplete on account of some CHs not providing specific data on visits, but merely stating that visits were monthly or weekly. Also in the questionnaire data was sought for total number of visits between 1 May 2015 and 30 June 2015, however some CHs provided data for the whole year, thus ascertaining the exact frequency of visits based on the data is difficult.



56 Berhampore CCH, Lalgola OACH, Malda DCH, Balurghat DCH, Lalbagh SCH, Dum Dum CCH, Raghunathpur SCH, Bishnupur SCH, Ghatal SCH, Tam-luk SCH, Presidency CCH, Alipore WCH, Alipore CCH.
 57 Interestingly, the scheme is silent regarding the tenure of appointments, thus one finds disparity among districts.
 58 Lalgola OACH, Balurghat DCH, Lalbagh SCH, Bolpur SCH, Jalpaiguri CCH, Cooch Behar DCH, Midnapore CCH, Bankura DCH, Raghunathpur SCH, Jhargram SCH, Hooghly DCH.

iv. Number of cases taken up and releases effectuated

Since appointment 2589 cases have been taken up by panel lawyers who visit correctional homes. The highest number of cases (1276) has been taken up by the panel lawyer at Howrah DCH. Of these there are 383 reported cases of releases in cases taken up by the panel lawyers. However this figure can be higher as correctional homes often do not maintain consolidated information on status of legal aid cases. This is primarily because there is no obligation upon the legal aid lawyers to intimate the correctional homes about the updates in each case. Evidence for this can be found in the response to a query on whether lawyers intimate the correctional home regarding progress in cases, wherein only eight CHs replied in the affirmative.

d. FINDINGS IN A NUTSHELL

Thus in summation one finds that there is much ground to cover when it comes to ensuring effective access to legal aid services in all correctional homes in West Bengal. An analysis of the data would reveal that in 34% of CHs there is complete compliance in terms of availability of legal aid services, while in one CH (Asansol CH) there is no compliance, Islampore SCH, Kalingpong SCH and Siliguri SpCH report only minimal compliance and 21% of CHs report basic compliance (Table 3 & 5).

Table 3: Compliance status of Correctional Homes

Compliance Status	Score	Number of CH	% of Total
No Compliance	0	1	1.7
Minimal Compliance	0.5,1	3	5
Basic Compliance	1.5, 2	12	21
Average Compliance	2.5	4	6.8
Full Compliance	3	20	34
No Response	-	18	31

Table 4: Comparative table 2013/2015 data.

Parameters	2013			2015		
	Yes	No	N.R.	Yes	No	N.R.
DLSA Visit	32	10	16	36	3	19
PLAC Set up	29	13	16	32 (5- No PLV)	6	20
Panel Lawyer Visit	Not recorded			29	9	20

A further comparison of this datasheet from a similar survey conducted in 2013 shows that there is only some improvement in terms of compliance.⁵⁹ When compared, it is seen that a representative of DLSA visits 36 CHs in 2015, while in 2013 it was 29. Further, PLAC has been setup in 32 CHs in 2015⁶⁰ as opposed to 29 in 2013. Since there was no mandate for appointment of legal aid lawyers to visit correctional homes back in 2013, there was no data to compare this set of data (Table 4).

⁵⁹ One shortcoming of this comparison is that some of the CHs who responded in 2013, didn't respond in 2015 and others did. So in most CHs it is difficult to apprehend the status in 2013. Yet, it is fairly indicative of compliance.

⁶⁰ See Legal Aid Services in Correctional Homes in West Bengal, Anisha Joseph, CHRI, 2013 available at www.humanrightsinitiative.org/download/14571492622014%20Legal%20Aid%20Services%20in%20Correctional%20Homes%20of%20West%20Bengal.pdf.

Table 5. District wise Correctional Home data on legal aid services in WB

S. NO	DISTRICT	CORRECTIONAL HOMES	DLSA Visits (A)		PLAC Constituted(B)		Panel Lawyer visits CH (C)	Total Points
			2013	2015	2013	2015	2015	=A+B+C/3
1	Alipurduar	Alipurduar DCH	Yes	Yes	No	Yes, PLV NA	Yes	2.5/3
2	Bankura	Bankura DCH	Yes	Yes	Yes	Yes	Yes	3/3
		Bishnupur SCH	Yes	Yes	No	Yes	Yes	3/3
3	Birbhum	Suri DCH	Yes	Yes	Yes	Yes	Yes	3/3
		Bolpur SCH	NR	Yes	NR	Yes, PLV NA	Yes	2.5/3
		Rampurhat SCH	NR	NR	NR	NR	NR	-
4	Burdwan	Burdwan DCH	No	NR	No	NR	NR	-
		Asansol SpCH	Yes	No	No	No	NR	0/3
		Durgapur SCH	NR	NR	NR	NR	NR	-
		Durgapur OACH	NR	NR	NR	NR	NR	-
		Katwa SCH	NR	NR	NR	NR	NR	-
		Kalna SCH	NR	NR	NR	NR	NR	-
5	Cooch Behar	Cooch Behar DCH	No	Yes	No	Yes	Yes	3/3
		Dinhata SCH	Yes	Yes	Yes	Yes	No	2/3
		Mathabhanga SCH	Yes	Yes	Yes	Yes	Yes	3/3
		Tufanganj SCH	No	Yes	Yes	Yes	Yes	3/3
		Mekhliganj SCH	Yes	NR	No	NR	NR	-
6	Dakshin Dinajpur	Balurghat DCH	Yes	Yes	Yes	Yes	Yes	3/3
7	Darjeeling	Darjeeling DCH	Yes	Yes	Yes	Yes	Yes	3/3
		Siliguri SpCH	Yes	Yes	Yes	No	No	1/3
		Kalimpong SCH	NR	No	NR	Yes	No	1/3
		Kurseong SCH	NR	Yes	NR	Yes, PLV NA	No	1.5/3
8	Hooghly	Hooghly DCH	Yes	Yes	Yes	Yes	Yes	3/3
		Arambagh SCH	Yes	NR	Yes	NR	NR	-
		Chandannagore SCH	NR	NR	NR	NR	NR	-
		Serampore SCH	Yes	NR	Yes	NR	NR	-
9	Howrah	Howrah DCH	Yes	Yes	Yes	No	Yes	2/3
		Uluberia SCH	Yes	NR	Yes	NR	NR	-
10	Jalpaiguri	Jalpaiguri CCH	Yes	Yes	Yes	No	Yes	2/3
11	Kolkata	Presidency CH	No	Yes	Yes	Yes	Yes	3/3
		Alipore WCH	NR	Yes	NR	Yes	Yes	3/3
12	Malda	Malda DCH	Yes	Yes	Yes	Yes	Yes	3/3
13	Murshidabad	Berhampore CCH	Yes	Yes	Yes	Yes	Yes	3/3
		Lalbagh SCH	NR	Yes	NR	Yes	Yes	3/3
		Kandi SCH	NR	Yes	NR	Yes	Yes	3/3
		Jangipur SCH	Yes	Yes	Under Process	Yes	Yes	3/3
		Lalgola OACH	NR	Yes	NR	NR	Yes	2/3

14	Nadia	Krishnanagar DCH	NR	NR	NR	NR	NR	-
		Kalyani SCH	Yes	Yes	Yes	Yes, PLV NA	Yes	2.5/3
		Ranaghat SCH	Yes	NR	Yes	NR	NR	2/3
		Tehatta SCH	NR	Yes	NR	Yes	No	2/3
15	North 24 Parganas	Dum Dum CCH	No	Yes	No	Yes	Yes	3/3
		Bongaon SCH	Yes	NR	Yes	NR	NR	-
		Basirhat SCH	Yes	NR	Yes	NR	NR	-
		Barrackpore SCH	NR	NR	NR	NR	NR	-
16	Paschim Midnapore	Midnapore CCH	Yes	Yes	Yes	Yes	Yes	3/3
		Jhargram SCH	No	Yes	No	Yes, PLV NA	Yes	2.5/3
		Ghatal SCH	Yes	Yes	No	No	Yes	2/3
17	Purba Midnapore	Tamluk SCH	Yes	Yes	No	No	Yes	2/3
		Contai SCH	No	Yes	Yes	Yes	No	2/3
		Haldia SCH	No	Yes	No	Yes	No	2/3
18	South 24 Parganas	Alipore CCH	Yes	Yes	Yes	Yes	Yes	3/3
		Diamond Harbour SCH	Yes	NR	Yes	NR	NR	-
19	Purulia	Purulia DCH	Yes	NR	Yes	NR	NR	-
		Purulia WCH	Yes	NR	Yes	NR	NR	-
		Raghunathpur SCH	No	Yes	Yes	Yes	Yes	3/3
20	Uttar Dinajpur	Raiganj DCH	Yes	Yes	Yes	Yes	No	2/3
		Islampore SCH	No	No	No	Yes	No	1/3

CHAPTER III: CONCLUSION & RECOMMENDATIONS

A. CONCLUSION

Effective state-funded legal aid is important in order to assist indigent accused persons to realise their rights and provide them equal opportunities to seek justice. State machinery and civil society have an important role to play in providing effective legal services to those detained in correctional homes. Without access to effective legal representation, millions of poor and marginalised persons face arbitrary and extended pre-trial detention, torture, coerced confessions, wrongful convictions, stigma, health and livelihood impacts and other abuses.

The preceding sections clearly indicate that even though the legal aid framework in India has been laid out, much more is needed in terms of fleshing out the frameworks in order for the schemes to be effective. It appears that these schemes, having been set in place at different times in the past 30 years, seem dis-jointed. With so many schemes in play, overlapping areas exist which tends to weaken the system, reducing efficacy. For instance, it is not specified whether the legal aid lawyer assigned to a case at the time of first production will remain throughout the course of trial or whether the lawyer will change at commencement of trial. The interplay between paralegal volunteers at police station and prisons and legal aid lawyers is not specified often leading to duplicity of work. No regulations exist for handing over case information in cases where legal aid lawyers change in the midst of an on-going trial. It is unclear whether a person remains entitled to legal aid even after he is released on bail. There are no guidelines to ensure uniformity of applicability of schemes across India leading to multiple patterns of legal aid delivery etc.

Another aspect that needs to be highlighted is that none of the schemes or statutes lay down any mechanisms for receiving feedback from those who receive legal aid services or provide any mechanism for grievance redressal. This in itself is problematic as one of the best ways of evaluating quality of services rendered is customer satisfaction and client feedback. The current legal aid system seems to be based on a one-sided approach wherein the participation of the accused himself throughout the course of the trial is very minimal. Apart from signing on an application seeking legal aid, there is no other point where client feedback is sought or if received any relevance is placed. So the legal services authorities has no mechanism set in place wherein they can receive feedback on whether the lawyer is effective, whether the client finds his services to be satisfactory and whether the client wishes to continue with his services or seeks a change of lawyer. Thus, it is necessary for NALSA/SLSAs to institute a grievance redressal mechanism within the system in order to ensure whether effective legal services are being rendered.

With reference to the data received from the correctional homes, it is clear that there are gaps that need filling in as well as there is much to do in terms of ensuring implementation of the various schemes in West Bengal. The State Legal Services Authority in West Bengal must work to build mechanisms to ensure compliance across all DLSAs. Attempts should also be made to ensure uniformity in legal aid services rendered across all districts and sub divisions. Data clearly shows that basic initiatives such as legal aid clinics in correctional homes have not been set up in all correctional homes. It also shows that in some CHs there are no visits from the DLSA office, with visits being made only by panel lawyers.

With monitoring committees not having been established till date in majority of districts, ensuring quality of legal aid services remains an uphill task. It is hoped that with the recent directive from the SLSA seeking compliance with NALSA 2010 Regulations for forming monitoring committees, the DLSAs will take affirmative action. As part of the survey, responses from many correctional homes provided suggestions on how to improve legal aid services at their facilities. These recommendations along with those aimed at streamlining legal aid delivery in West Bengal are listed below.

B. RECOMMENDATIONS GIVEN BY CORRECTIONAL HOMES

There is no one better to provide insight and suggestions in order to improve access to legal aid services

in correctional homes than those who work in the system. As such the survey questionnaires that were circulated included questions which sought comments and suggestions from the correctional home administration on how to strengthen access to legal aid services for prisoners. Their responses are reproduced below.

General

- Asansol SpCH, being one of the CHs where legal aid is non-existent reiterated the necessity for effective legal aid services.
- Kalimpong SCH emphasised that regular visits by DLSA should be made.
- Jalpaiguri CCH suggested that there should be a job chart of legal aid lawyers.
- Bankura DCH pointed a major area of concern to be furnishing of bail bonds.
- Ghatal SCH pointed out the need to appoint a welfare officer who can ascertain legal aid needs of prisoners.

Organise legal aid camps

- Kandi SCH, Dinhata SCH, Alipurduar DCH, Darjeeling DCH, Howrah DCH and Raghunathpur SCH all opined that DLSA should organise regular legal awareness camps.

Panel lawyers

- Tehatta SCH, Siliguri SpCH, Kurseong SCH, Kalimpong SCH, Alipurduar DCH and Howrah DCH all recommended that panel lawyers must be appointed and they should visit CH regularly. In addition, Alipurduar DCH further stated that atleast two legal aid lawyers, one for female inmates and other for male inmates should ensure visits atleast twice a week to correctional homes.

Paralegal volunteers

- Kalyani SCH, Jalpaiguri CCH, Kalimpong SCH, Howrah DCH said Paralegal Volunteers must be appointed to the Legal Aid Clinic in CH. Raghunathpur SCH stated that not only should the awareness drive be increased but paralegal volunteers should function more effectively.

Intimation from DLSA/Panel lawyers

- Balurghat DCH emphasised that intimation of progress of cases must be given by legal aid lawyers or DLSA.
- Lalbagh SCH, Dum Dum CCH, Kalyani SCH, Midnapore CCH and Alipore WCH all emphasized that legal aid lawyers must meet their clients and apprise them of the progress of the case, mainly outcome of bail applications on a regular basis.
- Alipurduar DCH pointed out that DLSA should intimate about appointment of lawyers to the correctional homes promptly.

C. RECOMMENDATIONS FOR STAKE HOLDERS

In addition to the specific recommendations provided by correctional homes, there are other suggestions that can be considered by various stakeholders in order to provide effective legal aid services to those in custody.

STATE LEGAL SERVICES AUTHORITY

Monitoring & Compliance

1. Monitor the compliance of each NALSA/SLSA schemes in all districts by seeking regular reports on the implementation of the schemes. A format may be prepared based on the NALSA 'Questionnaire for Monthly Reporting on the Progress of NALSA's National Plan of Action 2012-13 And Various Schemes'.⁶¹
2. Impress upon the DLSAs to insist on the use of the Legal Services Card⁶² for ensuring reports on

⁶¹ Annexure I.

⁶² Annexure J.

cases by legal aid lawyers. For recording detailed information CHRI has also developed a format which can be used.⁶³

3. Ensure the set up of monitoring committees in all districts. Once committees are formed the SLSA should continue to monitor their workings and seek reports from time to time.
4. Install a grievance redressal mechanism in all correctional homes. This scheme can be replicated from similar orders issued by the Andhra Pradesh Legal Services Committee in 2006.⁶⁴

Legal Aid Clinics in Correctional Homes

1. Immediately direct the set up the Permanent Legal Aid Clinics in the Correctional Homes, where they have not been set up so far.
2. Immediately direct the appointment of panel lawyers to visit correctional homes, where they have not been made so far.
3. Direct the legal services authorities to organize monthly awareness camps inside the correctional homes. Assistance from universities and other non-governmental organisations may be sought in this regard.
4. Direct paralegal volunteers and legal aid lawyers to undertake regular visits to correctional homes to gauge the needs of inmates and also provide them ample opportunities to air their grievances by holding interactive sessions with them.
5. Prepare a format for intimation upon appointment of legal aid lawyers, which can be promptly made available to both inmates and welfare officers.
6. In accordance with directives from the Supreme Court instructions should be given to legal aid lawyers, in cases where the inmate can't pay the bail bond, to apply to the concerned court to seek release of inmates without bail bonds/waiver of conditions.

Panel Lawyers

7. List containing the names of panel lawyers be made available in every police station, production/remand courts and trial courts.
8. As far as possible, those lawyers should be assigned criminal cases who have reasonable experience in defending accused person
9. Regular trainings should be imparted to lawyers to hone their criminal defence skills.
10. Special training should be given to lawyers who are appointed to magistrate's courts under the Legal Aid Counsel at Magistrate Court Scheme.
11. Prepare a document containing roles and responsibilities of legal aid lawyers. This document should be attached to appointment letters or provided with case record at the time of appointment of legal aid lawyers.

Paralegal Volunteers

12. A list with names of paralegal volunteers attached to police stations and correctional homes should be made available in each police station and correctional home. Attempts should be made to display their names and contact numbers at easily viewable spots inside police stations and correctional homes.
13. Paralegal volunteers should be trained on basic criminal law and fair trial rights.
14. Prepare a document containing roles and responsibilities of paralegal volunteers attached to police station and correctional homes should be prepared. This document should be provided to them at the time of their appointment.
15. Prepare a format to record case information where in paralegal volunteers can note down the information based on their interaction with the accused at police station or correctional home and can share the same with the legal aid lawyer appointed to the case.
16. Promote the use of the Convict Bare Foot Lawyer scheme across all correctional homes where convicts are lodged.

⁶³ Annexure K.

⁶⁴ Annexure L.

DISTRICT LEGAL SERVICES AUTHORITY

1. Ensure compliance of legal aid schemes in all correctional homes falling with its jurisdiction.
2. Set up the monitoring committee as per the NALSA Regulations 2010 in their district.
3. Insist upon receiving written case updates from the legal aid lawyers. The NALSA Legal Services Card format may be used to document case details.
4. Make monthly visits to all correctional homes falling with jurisdiction to ascertain legal aid needs of inmates as well as ensure coordination among correctional home officers, panel lawyers, paralegal volunteers and legal services authorities.
5. Hold monthly legal awareness camps in all correctional homes on different laws and subjects.
6. Install grievance redressal boxes in correctional homes falling within its jurisdiction.

CORRECTIONAL HOMES

1. Ensure that there is regular communication from correctional homes to legal services authorities with respect to legal services.
2. Any complaints with respect to legal aid services like non-visits by paralegal volunteers, panel lawyers, quality of services etc. should be promptly reported to the concerned SDLSC with copy to DLSA.
3. Cases of unnecessary detention should immediately be brought into the notice of the representatives of the legal services authority.
4. A register should be maintained at time of case table wherein all accused persons who are unrepresented can be ascertained on the first day of their admission itself.
5. A register should be maintained to note down progress of each case taken up by legal aid lawyers.
6. A register/attendance register should be maintained to note down the date and time of visits made by lawyers and paralegal volunteers. A photocopy of the register may be sent to the concerned DLSA by end of each month. This would help ensure regular visits.

LEGAL AID LAWYERS

1. Should devise a mechanism for strengthening reporting and feedback on court hearings and cases.
2. Should interact with their clients on a regular basis or inform the families or correctional home officers regarding status of the case
3. Should visit their clients in prisons or in lock up on a regular basis so as to remove the communication barriers that exist at present. Visits should be made prior to and after every court hearing to ensure constant communications between client and lawyer.
4. Should adhere to professional ethics and provide best quality services to their clients.
5. Communicate with the legal aid authorities all issues and concerns felt while rendering their services.

PARALEGAL VOLUNTEERS

1. Visit the police station and court lock ups in their vicinity and inform arrested persons of their rights.
2. Inform the legal aid services authority as soon as they discover persons who are unrepresented in the police station. Their details as well as the clients' instructions may be duly noted down for passing information on to the legal aid lawyer subsequently appointed.
3. Visit the correctional homes in their district and interact with the inmates, inform them about their rights, ventilate their grievances, take feedback on legal services etc.

PART - II

**DISTRICT WISE DATA ON
LEGAL AID SERVICES IN
CORRECTIONAL HOMES**

ALIPURDUAR	Total Prison Population - 270	Undertrials - 243
COURTS	Sub Divisional Court at Alipurduar	
LEGAL SERVICES AUTHORITY	Alipurduar SDLSC	
CORRECTIONAL HOMES (CH)	Alipurduar DCH	

INFORMATION	ALIPURDUAR DCH
BASIC INFORMATION	
Visits by DLSA representative	Yes
Frequency of visits	Rarely
Designation	Secretary, DLSA Jalpaiguri
No. of visits (1.7.2014-30.6.2015)	3
Legal awareness camps organized (in the CH)	1
No. of legal aid applications filed	180
Whether intimation of appointments made to CH/ inmate	No
PERMANENT LEGAL AID CLINICS (PLAC) IN CORRECTIONAL HOMES	
PLAC Constituted (Year)	Yes (2014)
Paralegal volunteer (PLV) assigned	No
No. of PLVs	-
No. of visits made (1.7.14-30.6.2015)	-
PANEL LAWYERS FOR CORRECTIONAL HOMES	
Panel lawyer appointed for visiting the CH	Yes
No. of panel lawyers appointed	1
Date of appointment	26.4.2005
No. of visits	21
No. of cases taken up	74 (record available from 18.1.2012)
No. of releases made	No record
Register maintained for documentation of visits	-

Action Required:

<input checked="" type="checkbox"/>	DLSA representative should visit every month.
<input checked="" type="checkbox"/>	Legal awareness camps should be organised on a bimonthly basis.
<input checked="" type="checkbox"/>	Register should be maintained at CH to ensure proper documentation.
<input checked="" type="checkbox"/>	Para legal volunteer should be appointed for the PLAC.
<input checked="" type="checkbox"/>	Intimation of appointments should be made promptly by the DLSA, as well as intimation on case progress.
<input checked="" type="checkbox"/>	Atleast two lawyers, one for female inmates and one for male inmates should ensure visits atleast twice a week to CH.
<input checked="" type="checkbox"/>	Panel lawyers should initiate legal aid applications on first day of interaction to ensure appointments by next date of hearing.

BANKURA	Total Prison Population - 277	Undertrials - 258
COURTS	District & Sessions Court, Bankura, Sub Divisional Courts at Bankura Sadar, Bishnupur & Khatra	
LEGAL SERVICES AUTHORITY	Bankura DLSA, SDLSC Bankura (Sadar), Bishnupur SDLSC, Khatra SDLSC	
CORRECTIONAL HOMES (CH)	Bankura DCH, Bishnupur SCH	

INFORMATION	BANKURA DCH	BISHNUPUR SCH
BASIC INFORMATION		
Visits by DLSA representative	Yes	Yes
Frequency of visits	Rarely	Monthly
Designation	Secretary, DLSA Bankura	District & Sessions Judge, Bankura
No. of visits (1.7.2014-30.6.2015)	3	12
Legal awareness camps organized (in the CH)	3	0
No. of legal aid applications filed	124	-
Whether intimation of appointments made to CH/ inmate	Yes	Yes
PERMANENT LEGAL AID CLINICS (PLAC) IN CORRECTIONAL HOMES		
PLAC Constituted (Year)	Yes (2013)	Yes (2013)
Paralegal volunteer (PLV) assigned	Yes	Yes
No. of PLVs	2	1
No. of visits made (1.7.14-30.6.2015)	92	48
PANEL LAWYERS FOR CORRECTIONAL HOMES		
Panel lawyer appointed for visiting the CH	Yes	Yes
No. of panel lawyers appointed	2	1
Date of appointment	15.3.2013, 18.3.2013	28.4.2015
No. of visits	9 (1.5.2015-30.6.2015)	14 (1.5.2015-30.6.2015)
No. of cases taken up	168 & 142	No Record
No. of releases made	53 & 48	No Record
Register maintained for documentation of visits	Yes	Yes

Action Required:

- DLSA representative should visit Bankura DCH every month.
- Legal awareness camps should be organized on a bimonthly basis.
- Register should be maintained at Bishnupur SCH to ensure proper documentation.

BIRBHUM	Total Prison Population - 504	Undertrials - 399
COURTS	District & Sessions Court, Birbhum, Sub Divisional Courts at Suri, Dubrajpur Chowki, Rampurhat, Bolpur	
LEGAL SERVICES AUTHORITY	Birbhum DLSA, Suri SDLSC, Bolpur SDLSC, Rampurhat SDLSC	
CORRECTIONAL HOMES (CH)	Suri DCH, Bolpur SCH, Rampurhat SCH	

INFORMATION	SURI DCH	BOLPUR SCH	RAMPURHAT SCH
BASIC INFORMATION			
Visits by DLSA representative	Yes	Yes	No Information Received
Frequency of visits	Monthly/Twice a Month	-	
Designation	Chairman & Secretary, DLSA Birbhum	Panel lawyer	
No. of visits (1.7.2014-30.6.2015)	26	-	
Legal awareness camps organized (in the CH)	3	3	
No. of legal aid applications filed	39	46	
Whether intimation of appointments made to CH/inmate	Yes	Yes	
PERMANENT LEGAL AID CLINICS (PLAC) IN CORRECTIONAL HOMES			
PLAC Constituted (Year)	Yes (2013)	Yes (2013)	No Information Received
Paralegal volunteer (PLV) assigned	Yes (Convict)	No	
No. of PLVs	8	-	
No. of visits made (1.7.14-30.6.2015)	N.A. ¹	-	
PANEL LAWYERS FOR CORRECTIONAL HOMES			
Panel lawyer appointed for visiting the CH	Yes	Yes	No Information Received
No. of panel lawyers appointed	3	1	
Date of appointment	-	21.5.2013	
No. of visits	5 (1.6.2015-30.6.2015)	46	
No. of cases taken up	12	92	
No. of releases made	5	6	
Register maintained for documentation of visits	Yes	Yes	

¹In case of convict paralegals, they are available at all times inside the correctional home premises.

Action Required:

- In addition to panel lawyer, representative from DLSA should also visit Bolpur SCH monthly.
- Legal awareness camps to be organized bimonthly.
- Paralegal to be appointed for Bolpur SCH.

BURDWAN	Total Prison Population - 853	Undertrials - 773
COURTS	District & Sessions Court, Burdwan, Sub Divisional Courts at Burdwan, Asansol, Katwa, Durgapur, Kalna	
LEGAL SERVICES AUTHORITY	Burdwan DLSA, Burdwan (Sadar) SDLSC, Asansol SDLSC, Durgapur SDLSC, Katwa SDLSC, Kalna SDLSC	
CORRECTIONAL HOMES (CH)	Burdwan DCH, Asansol SpCH, Durgapur SCH, Durgapur OACH, Katwa SCH, Kalna SCH	

INFORMATION	ASANSOL SpCH	BURDWAN DCH, DURGAPUR SCH & OACH, KATWA SCH, KALNA SCH
BASIC INFORMATION		
Visits by DLSA representative	No	No Information Received
Frequency of visits	-	
Designation	-	
No. of visits (1.7.2014-30.6.2015)	0	
Legal awareness camps organized (in the CH)	0	
No. of legal aid applications filed	-	
Whether intimation of appointments made to CH/ inmate	-	
PERMANENT LEGAL AID CLINICS (PLAC) IN CORRECTIONAL HOMES		
PLAC Constituted (Year)	No	No Information Received
Paralegal volunteer (PLV) assigned	-	
No. of PLVs	-	
No. of visits made (1.7.14-30.6.2015)	-	
PANEL LAWYERS FOR CORRECTIONAL HOMES		
Panel lawyer appointed for visiting the CH	No	No Information Received
No. of panel lawyers appointed	-	
Date of appointment	-	
No. of visits	-	
No. of cases taken up	-	
No. of releases made	-	
Register maintained for documentation of visits	-	

Action Required:

- Immediate attention is required by DLSA for ensuring implementation of all legal aid schemes in their true spirit in Asansol SpCH.

COOCH BEHAR

Total Prison Population - 443

Undertrials - 320

COURTS

District & Sessions Court, Cooch Behar, Sub Divisional Courts at Cooch Behar, Dinhata, Tufanganj, Mathabhanga, Mekhliganj

LEGAL SERVICES AUTHORITY

Cooch Behar DLSA, Cooch Behar SDLSC, Dinhata SDLSC, Mathabhanga SDLSC, Tufanganj SDLSC, Mekhliganj SDLSC

CORRECTIONAL HOMES (CH)

Cooch Behar DCH, Dinhata SCH, Mathabhanga SCH, Tufanganj SCH, Mekhliganj SCH

INFORMATION	COOCH BEHAR DCH	MATHABHANGA SCH	TUFANGANJ SCH	MEKHLIGANJ SCH	DINHATA SCH
BASIC INFORMATION					
Visits by DLSA representative	Yes	Yes	No	NO INFORMATION RECEIVED	Yes
Frequency of visits	Monthly	Monthly	-		Monthly
Designation	Chairman & Secretary, DLSA Cooch Behar	Secretary, DLSA Cooch Behar, District & Sessions Judge, Cooch Behar, Chief Judicial Magistrate, Cooch Behar	Only panel lawyer & paralegal visit		Secretary, DLSA, Cooch Behar, Chairman SDLSC, Dinhata
No. of visits (1.7.2014-30.6.2015)	9	10	-		21
Legal awareness camps organized (in the CH)	1	-	3		-
No. of legal aid applications filed	10	-	6		10
Whether intimation of appointments made to CH/inmate	No	Yes, promptly	Yes, promptly		Yes
PERMANENT LEGAL AID CLINICS (PLAC) IN CORRECTIONAL HOMES					
PLAC Constituted (Year)	Yes (2013)	Yes (2014)	Yes (2013)	NO INFORMATION RECEIVED	Yes (2014)
Paralegal volunteer (PLV) assigned	Yes	Yes	Yes		Yes
No. of PLVs	2	1	1		1
No. of visits made (1.7.14-30.6.2015)	138	44	27		50
PANEL LAWYERS FOR CORRECTIONAL HOMES					
Panel lawyer appointed for visiting the CH	Yes	Yes	Yes	NO INFORMATION RECEIVED	No
No. of panel lawyers appointed	1	1 (monthly appointments)	1		-
Date of appointment	18.8.2013	Appointed every month	27.8.2013		-
No. of visits	Weekly visits (No visits 1.5.2015-30.6.2015)	8	27		-
No. of cases taken up	10	5	16		-
No. of releases made	10	Don't Know	11		-
Register maintained for documentation of visits	No	Yes	Yes		-

Action Required:

- Legal awareness camps should be organized on a bimonthly basis.
- Register should be maintained at CH to ensure proper documentation.

Action Required:

- In Mathabhanga SCH, panel lawyers are appointed every month, the data reveals names of 8 lawyers who have been appointed since September 2014.
- Mathabhanga SCH has stated that the existing system is effective and needs to be continued.

DAKSHIN DINAJPUR

Total Prison Population - 849

Undertrials - 572

COURTS

District & Sessions Court, Dakshin Dinajpur,
Sub Divisional Court at Balurghat, Buniadpur

LEGAL SERVICES AUTHORITY

Dakshin Dinajpur DLSA, Balurghat SDLSC,
Gangarampur SDLSC

CORRECTIONAL HOMES (CH)

Balurghat DCH

INFORMATION	BALURGHAT DCH
BASIC INFORMATION	
Visits by DLSA representative	Yes
Frequency of visits	Monthly
Designation	Secretary, DLSA Dakshin Dinajpur
No. of visits (1.7.2014-30.6.2015)	-
Legal awareness camps organized (in the CH)	2
No. of legal aid applications filed	72
Whether intimation of appointments made to CH/ inmate	Yes
PERMANENT LEGAL AID CLINICS (PLAC) IN CORRECTIONAL HOMES	
PLAC Constituted (Year)	Yes (2012)
Paralegal volunteer (PLV) assigned	Yes
No. of PLVs	-
No. of visits made (1.7.14-30.6.2015)	330
PANEL LAWYERS FOR CORRECTIONAL HOMES	
Panel lawyer appointed for visiting the CH	Yes
No. of panel lawyers appointed	-
Date of appointment	29.6.2015
No. of visits	13
No. of cases taken up	-
No. of releases made	-
Register maintained for documentation of visits	Yes

Action Required:

- Legal awareness camps should be organized on a bimonthly basis.
- Register should be maintained at CH to ensure proper documentation.
- Lawyers should intimate the inmates and the correctional home authorities regarding the progress in cases as a measure to improve legal aid services in Balurghat DCH.

DARJEELING	Total Prison Population - 498	Undertrials - 459
COURTS	District & Sessions Court, Darjeeling, Sub Divisional Courts at Darjeeling Sadar, Siliguri, Kurseong, Mirik, Mungpoo, Gorubathan	
LEGAL SERVICES AUTHORITY	Darjeeling DLSA, Darjeeling (Sadar) SDLSC, Kalimpong SDLSC, Kurseong SDLSC, Siliguri SDLSC	
CORRECTIONAL HOMES (CH)	Darjeeling DCH, Kalimpong SCH, Kurseong SCH, Siliguri SpCH	

INFORMATION	DARJEELING DCH	KALIMPONG SCH	KURSEONG SCH	SILIGURI SpCH
BASIC INFORMATION				
Visits by DLSA representative	Yes	No	Yes	Yes
Frequency of visits	Rarely	-	Rarely	Occasionally
Designation	Secretary, DLSA Darjeeling	-	Secretary, DLSA Darjeeling	Secretary, DLSA Darjeeling
No. of visits (1.7.2014-30.6.2015)	3	-	4	10
Legal awareness camps organized (in the CH)	-	-	-	-
No. of legal aid applications filed	9	98	7	47
Whether intimation of appointments made to CH/inmate	Yes	Yes	No	Yes
PERMANENT LEGAL AID CLINICS (PLAC) IN CORRECTIONAL HOMES				
PLAC Constituted (Year)	Yes (2013)	Yes (2013)	Yes (2013)	No
Paralegal volunteer (PLV) assigned	-	No	No	-
No. of PLVs	-	-	-	-
No. of visits made (1.7.14-30.6.2015)	-	-	-	-
PANEL LAWYERS FOR CORRECTIONAL HOMES				
Panel lawyer appointed for visiting the CH	Yes	No	-	No
No. of panel lawyers appointed	1	-	-	-
Date of appointment	4.4.2013	-	-	-
No. of visits	12	-	-	-
No. of cases taken up	34	-	-	-
No. of releases made	10	-	-	-
Register maintained for documentation of visits	Yes	-	-	No

Action Required:

- Legal awareness camps should be organized on a bimonthly basis.
- DLSA representative should visit every month in all CHs within district.
- Register should be maintained at CH to ensure proper documentation.
- Panel lawyers for visiting correctional homes to be appointed for all CHs.
- Kalimpong SCH: Regular visits by representative of the District Legal Services Authority is required in order to improve legal aid services.
- Kurseong SCH: Atleast two panel lawyers be appointed and order be issued mandating them to interact with inmates once in a week in order to improve legal aid services in this CH.
- Siliguri SpCH: Legal Aid Clinic be setup inside correctional home.

Special Observation:

In Darjeeling DCH, a lawyer has been appointed as the PLV for the Permanent Legal Aid Clinic Kalimpong SCH, Kurseong SCH & Siliguri SpCH have stated that inmates are not satisfied with the work of legal aid lawyers.

HOOGHLY

Total Prison Population - 695

Undertrials - 676

COURTS

District & Sessions Court, Hooghly, Sub Divisional Courts at Hooghly Sadar (Chinsurah), Chandannagore, Serampore, Arambagh

LEGAL SERVICES AUTHORITY

Hooghly DLSA, Hooghly Sadar SDLSC, Arambagh SDLSC, Chandannagar SDLSC, Serampore SDLSC

CORRECTIONAL HOMES (CH)

Hooghly DCH, Arambagh SCH, Chandannagar SCH, Serampore SCH

INFORMATION	HOOGHLY DCH	ARAMBAGH SCH, CHANDANNAGAR SCH, SERAMPORE SCH
BASIC INFORMATION		
Visits by DLSA representative	Yes	NO REPORT RECEIVED
Frequency of visits	Monthly	
Designation	Secretary, DLSA Hooghly	
No. of visits (1.7.2014-30.6.2015)	50	
Legal awareness camps organized (in the CH)	0	
No. of legal aid applications filed	61	
Whether intimation of appointments made to CH/ inmate	Yes	
PERMANENT LEGAL AID CLINICS (PLAC) IN CORRECTIONAL HOMES		
PLAC Constituted (Year)	Yes (2013)	NO INFORMATION RECEIVED
Paralegal volunteer (PLV) assigned	No	
No. of PLVs	-	
No. of visits made (1.7.14-30.6.2015)	-	
PANEL LAWYERS FOR CORRECTIONAL HOMES		
Panel lawyer appointed for visiting the CH	Yes	NO INFORMATION RECEIVED
No. of panel lawyers appointed	1	
Date of appointment	21.5.2015	
No. of visits	8	
No. of cases taken up	117	
No. of releases made	90	
Register maintained for documentation of visits	Yes	

Action Required:

- Legal awareness camps should be held on a regular basis.
- Paralegal volunteer should be appointed for the legal aid clinic in Hooghly DCH.

HOWRAH	Total Prison Population - 816	Undertrials - 706
COURTS	District & Sessions Court, Howrah, Sub Divisional Court at Howrah Sadar, Uluberia	
LEGAL SERVICES AUTHORITY	Howrah DLSA, Howrah (Sadar) SDLSC, Uluberia SDLSC	
CORRECTIONAL HOMES (CH)	Howrah DCH, Uluberia SCH	

INFORMATION	HOWRAH DCH	ULUBERIA SCH
BASIC INFORMATION		
Visits by DLSA representative	No	NO REPORT RECEIVED
Frequency of visits	-	
Designation	-	
No. of visits (1.7.2014-30.6.2015)	-	
Legal awareness camps organized (in the CH)	-	
No. of legal aid applications filed	1298	
Whether intimation of appointments made to CH/ inmate	Yes, verbally	
PERMANENT LEGAL AID CLINICS (PLAC) IN CORRECTIONAL HOMES		
PLAC Constituted (Year)	No	NO REPORT RECEIVED
Paralegal volunteer (PLV) assigned	-	
No. of PLVs	-	
No. of visits made (1.7.14-30.6.2015)	-	
PANEL LAWYERS FOR CORRECTIONAL HOMES		
Panel lawyer appointed for visiting the CH	Yes	NO REPORT RECEIVED
No. of panel lawyers appointed	1	
Date of appointment	24.9.2010	
No. of visits	11	
No. of cases taken up	1276	
No. of releases made	No record	
Register maintained for documentation of visits	Yes	

Action Required:

- Howrah DCH: Paralegal volunteers from the educated inmates be selected and trained; Lawyers be appointed by DLSA to conduct frequent visits to CH; Legal Awareness camp should be held inside correctional home; Cases where bail has been granted but cannot provide surety should be taken up by DLSA.
- DLSA representative should visit every month.
- Permanent Legal Aid Clinic should be setup and paralegal volunteer should be appointed.
- Presidency CH & Alipore WCH: Inmates from Howrah district are also detained at these CHs. Efforts should be made by DLSA to ensure visits by representative, paralegal or panel lawyer to ascertain needs to inmates detained in these CHs.

JALPAIGURI	Total Prison Population - 1360	Undertrials - 727
COURTS	District & Sessions Court, Jalpaiguri, Sub Divisional Courts at Jalpaiguri, Malbazar, NJP Railway Court	
LEGAL SERVICES AUTHORITY	Jalpaiguri DLSA, Jalpaiguri (sadar) SDLSC, Mal SDLSC	
CORRECTIONAL HOMES (CH)	Jalpaiguri CCH	

INFORMATION	JALPAIGURI DCH
BASIC INFORMATION	
Visits by DLSA representative	No
Frequency of visits	-
Designation	-
No. of visits (1.7.2014-30.6.2015)	-
Legal awareness camps organized (in the CH)	0
No. of legal aid applications filed	114
Whether intimation of appointments made to CH/ inmate	Yes
PERMANENT LEGAL AID CLINICS (PLAC) IN CORRECTIONAL HOMES	
PLAC Constituted (Year)	No
Paralegal volunteer (PLV) assigned	-
No. of PLVs	-
No. of visits made (1.7.14-30.6.2015)	-
PANEL LAWYERS FOR CORRECTIONAL HOMES	
Panel lawyer appointed for visiting the CH	Yes
No. of panel lawyers appointed	1
Date of appointment	21.2.2014
No. of visits	21
No. of cases taken up	23
No. of releases made	3
Register maintained for documentation of visits	Yes

Action Required:

- DLSA representative should visit every month.
- Legal awareness camps should be organized on a bimonthly basis.
- Panel lawyers should visit more often.
- Permanent Legal Aid Clinic should be setup and paralegal volunteer should be appointed.
- Jalpaiguri CCH: Intimation of bail order to the correctional home authorities; Information pertaining to the particulars or job-chart of the lawyers appointed by DLSA be provided; Appointment of paralegal volunteers to correctional homes.

KOLKATA	Total Prison Population - 2487	Undertrials - 1693
COURTS	City Sessions Court, Kolkata, Bankshall Court and Presidency Small Causes Court	
LEGAL SERVICES AUTHORITY	Kolkata DLSA	
CORRECTIONAL HOMES (CH)	Presidency CH, Alipore WCH	

INFORMATION	PRESIDENCY CH	ALIPORE WCH
BASIC INFORMATION		
Visits by DLSA representative	Yes	Yes
Frequency of visits	Rarely	Rarely
Designation	Secretary, DLSA Kolkata	Secretary, DLSA Kolkata
No. of visits (1.7.2014-30.6.2015)	7	3
Legal awareness camps organized (in the CH)	5	2
No. of legal aid applications filed	169	-
Whether intimation of appointments made to CH/ inmate	Yes	Yes
PERMANENT LEGAL AID CLINICS (PLAC) IN CORRECTIONAL HOMES		
PLAC Constituted (Year)	Yes (2015)	Yes (2012)
Paralegal volunteer (PLV) assigned	Yes (Convict)	-
No. of PLVs	2	-
No. of visits made (1.7.14-30.6.2015)	N.A. ¹	-
PANEL LAWYERS FOR CORRECTIONAL HOMES		
Panel lawyer appointed for visiting the CH	Yes	Yes
No. of panel lawyers appointed	1	1
Date of appointment	13.5.2015	19.5.2015
No. of visits	Twice a week	3
No. of cases taken up	102	10
No. of releases made	-	0
Register maintained for documentation of visits	Yes	Yes

¹In case of convict paralegals, they are available at all times inside the correctional home premises.

Action Required:

- DLSA representative should visit every month.
- Legal awareness camps should be organized on a bimonthly basis.
- Panel lawyers should visit CH more often.
- Presidency CH: Monthly review meeting be organized at office of respective DLSA for review of progress of cases and follow up; Setting up legal aid clinic for inmates of Howrah; Ensure regular meeting with legal aid appointed lawyers and his client; Frequent visits by DLSA and interaction with inmates; Organising quarterly/monthly meetings between DLSA, Panel Lawyers and the Correctional Home Authorities.
- Alipore WCH: Lawyers may be requested to interact with the inmates more often.

Note: In addition to South 24 Parganas & Kolkata district, Presidency CH also has inmates whose cases are being tried in Howrah, Hooghly, North 24 parganas and Midnapore districts. Thus, the DLSAs from these districts should arrange for visit by paralegal volunteer/Panel Lawyers for Correctional Home/member of DLSA atleast once in a month. Similarly, Alipore WCH also has inmates from South 24 Parganas, Kolkata, Howrah & North 24 Parganas.

MALDA	Total Prison Population - 634	Undertrials - 596
COURTS	District & Sessions Court, Malda, Sub divisional court at Malda Sadar	
LEGAL SERVICES AUTHORITY	Malda DLSA, Malda (Sadar) SDLSC	
CORRECTIONAL HOMES (CH)	Malda DCH	

INFORMATION	MALDA DCH
BASIC INFORMATION	
Visits by DLSA representative	Yes
Frequency of visits	Monthly
Designation	Secretary, DLSA Malda
No. of visits (1.7.2014-30.6.2015)	12
Legal awareness camps organized (in the CH)	2
No. of legal aid applications filed	0
Whether intimation of appointments made to CH/ inmate	Yes
PERMANENT LEGAL AID CLINICS (PLAC) IN CORRECTIONAL HOMES	
PLAC Constituted (Year)	Yes (2014)
Paralegal volunteer (PLV) assigned	-
No. of PLVs	-
No. of visits made (1.7.14-30.6.2015)	-
PANEL LAWYERS FOR CORRECTIONAL HOMES	
Panel lawyer appointed for visiting the CH	Yes
No. of panel lawyers appointed	1
Date of appointment	1.4.2014, 27.2.2015
No. of visits	Daily
No. of cases taken up	-
No. of releases made	-
Register maintained for documentation of visits	Yes

Action Required:

- Paralegal volunteer should be appointed for the legal aid clinic which is currently manned by a lawyer.
- Legal awareness camps should be organized on a bimonthly basis.

Special Observation:

- In Malda, panel lawyer has been assigned to the PLAC and not paralegal.

MURSHIDABAD	Total Prison Population - 2604	Undertrials - 1267
COURTS	District & Sessions Court, Murshidabad, Sub Divisional Courts at Berhampore, Kandi, Lalbagh, Jangipur	
LEGAL SERVICES AUTHORITY	Murshidabad DLSA, Berhampore SDLSC, Lalbagh SDLSC, Kandi SDLSC, Jangipur SDLSC	
CORRECTIONAL HOMES (CH)	Berhampore CCH, Lalbagh SCH, Kandi SCH, Jangipur SCH, Lalgola OACH	

INFORMATION	BERHAMPORE CCH	LALBAGH SCH	LALGOLA OACH	KANDI SCH	JANGIPUR SCH
BASIC INFORMATION					
Visits by DLSA representative	Yes	Yes	No	No	Yes
Frequency of visits	Monthly	Rarely	-	-	Monthly
Designation	Secretary, DLSA Murshidabad	Secretary, DLSA Murshidabad	-	-	Add District & Sessions Judge, Jangipur
No. of visits (1.7.2014-30.6.2015)	8	4	-	-	11
Legal awareness camps organized (in the CH)	0	2	-	3	3
No. of legal aid applications filed	86	26	-	14	7
Whether intimation of appointments made to CH/inmate	Yes	Yes	Yes	Yes	Yes
PERMANENT LEGAL AID CLINICS (PLAC) IN CORRECTIONAL HOMES					
PLAC Constituted (Year)	Yes (2015)	Yes (2014)	No	Yes (2014)	Yes (2012)
Paralegal volunteer (PLV) assigned	Yes, Convicts	Yes, Convicts	-	Yes, Undertrial	Yes
No. of PLVs	2	2	-	1	1
No. of visits made (1.7.14-30.6.2015)	N.A.	N.A.	-	N.A.	240
PANEL LAWYERS FOR CORRECTIONAL HOMES					
Panel lawyer appointed for visiting the CH	Yes	Yes	Yes	Yes	Yes
No. of panel lawyers appointed	2	2	2	9	1
Date of appointment	27.2.2015 & 1.4.2015	17.4.2015	26.4.2015	9.9.2014	September, 2014
No. of visits	2	9	7	2	Monthly
No. of cases taken up	15	16	2	2	16
No. of releases made	-	5	-	2	4
Register maintained for documentation of visits	Yes	Yes	Yes	Yes	Yes

Action Required:

- DLSA representative should visit every month to all CHs.
- Legal awareness camps should be organized on a bimonthly basis.
- Lalbagh SCH:** Appointed lawyers should atleast meet their client in court lock up or at correctional homes fortnightly so that accused may have information about his case, especially about status of bail applications and progress of trial.

Special Observation:

- Kandi SCH, 9 advocates have been appointed to visit CH on alternate basis.

NADIA	Total Prison Population - 1252	Undertrials - 1162
COURTS	District & Sessions Court, Nadia, Sub Divisional Courts at Krishnanagar, Tehatta, Kalyani, Ranaghat, Nabadwip	
LEGAL SERVICES AUTHORITY	Nadia DLSA, Krishnanagar SDLSC, Kalyani SDLSC, Ranaghat SDLSC, Tehatta SDLSC	
CORRECTIONAL HOMES (CH)	Krishnanagar DCH, Kalyani SCH, Ranaghat SCH, Tehatta SCH	

INFORMATION	TEHATTA SCH	KALYANI SCH	KRISHNANAGAR DCH & RANAGHAT SCH
BASIC INFORMATION			
Visits by DLSA representative	Yes	Yes	NO INFORMATION RECEIVED
Frequency of visits	Rarely	Rarely	
Designation	Chairman, SDLSC Tehatta	Secretary, DLSA Nadia	
No. of visits (1.7.2014-30.6.2015)	3	0	
Legal awareness camps organized (in the CH)	2	3	
No. of legal aid applications filed	22	21	
Whether intimation of appointments made to CH/inmate	Yes	No	
PERMANENT LEGAL AID CLINICS (PLAC) IN CORRECTIONAL HOMES			
PLAC Constituted (Year)	Yes (2014)	Yes	NO INFORMATION RECEIVED
Paralegal volunteer (PLV) assigned	Yes	No	
No. of PLVs	9	-	
No. of visits made (1.7.14-30.6.2015)	Thrice a week	-	
PANEL LAWYERS FOR CORRECTIONAL HOMES			
Panel lawyer appointed for visiting the CH	No	Yes	NO INFORMATION RECEIVED
No. of panel lawyers appointed	-	1	
Date of appointment	-	13.3.2009	
No. of visits	-	4 (1.5.2015-30.6.2015)	
No. of cases taken up	-	119	
No. of releases made	-	116	
Register maintained for documentation of visits	Yes	Yes	

Action Required:

<input checked="" type="checkbox"/>	DLSA representative should visit every month.
<input checked="" type="checkbox"/>	Paralegal volunteer should be appointed for the PLAC in Kalyani SCH.
<input checked="" type="checkbox"/>	Panel lawyer to be appointed for Tehatta SCH.

NORTH 24 PARGANAS	Total Prison Population - 4946	Undertrials - 3212
COURTS	District & Sessions Court, North 24 Parganas, Sub Divisional Courts at Barasat, Bongaon, Basirhat, Barrackpore, Bidhannagar	
LEGAL SERVICES AUTHORITY	North 24 Parganas DLSA, Barasat SDLSC, Bongaon SDLSC, Basirhat SDLSC, Barrackpore SDLSC, Bidhannagar SDLSC	
CORRECTIONAL HOMES (CH)	Dum Dum CCH, Bongaon SCH, Basirhat SCH, Barrackpore SCH	

INFORMATION	DUM DUM CCH	BONGAON SCH, BASIRHAT SCH, BARRACKPORE SCH
BASIC INFORMATION		
Visits by DLSA representative	Yes	NO INFORMATION RECEIVED
Frequency of visits	Rarely	
Designation	Secretary, North 24 Parganas DLSA	
No. of visits (1.7.2014-30.6.2015)	3	
Legal awareness camps organized (in the CH)	3	
No. of legal aid applications filed	120	
Whether intimation of appointments made to CH/ inmate	Yes	
PERMANENT LEGAL AID CLINICS (PLAC) IN CORRECTIONAL HOMES		
PLAC Constituted (Year)	Yes	NO INFORMATION RECEIVED
Paralegal volunteer (PLV) assigned	Yes	
No. of PLVs	3	
No. of visits made (1.7.14-30.6.2015)	-	
PANEL LAWYERS FOR CORRECTIONAL HOMES		
Panel lawyer appointed for visiting the CH	Yes	NO INFORMATION RECEIVED
No. of panel lawyers appointed	2	
Date of appointment	11.4.2015	
No. of visits	4	
No. of cases taken up	35	
No. of releases made	15	
Register maintained for documentation of visits	Yes	

Action Required:	
<input checked="" type="checkbox"/>	Legal awareness camps should be organized on a bimonthly basis.
<input checked="" type="checkbox"/>	DLSA representative should visit every month to all CH.
<input checked="" type="checkbox"/>	Dum Dum CCH: More panel lawyers may be appointed to visit correctional home.
<input checked="" type="checkbox"/>	Presidency CH & Alipore WCH: Inmates from Howrah district are also detained at these CHs. Efforts should be made by DLSA to ensure visits by representative, paralegal or panel lawyer to ascertain needs to inmates detained in these CHs.

PASCHIM MIDNAPORE

Total Prison Population - 1437

Undertrials - 702

COURTS

District & Sessions Court, Midnapore, Sub Divisional Courts at Ghatal, Jhargram

LEGAL SERVICES AUTHORITY

Paschim Midnapore DLSA, Midnapore (sadar) SDLSC, Jhargram SDLSC, Ghatal SDLSC

CORRECTIONAL HOMES (CH)

Midnapore CCH, Jhargram SCH, Ghatal SCH

INFORMATION	MIDNAPORE CCH	JHARGRAM SCH	GHATAL SCH
BASIC INFORMATION			
Visits by DLSA representative	Yes	No	Yes
Frequency of visits	Rarely	-	Rarely
Designation	Secretary, DLSA Paschim Midnapore	-	Chairman, SDLSC Ghatal
No. of visits (1.7.2014-30.6.2015)	1	-	1
Legal awareness camps organized (in the CH)	3	1	9
No. of legal aid applications filed	28	15	11
Whether intimation of appointments made to CH/ inmate	No	Yes	Rarely
PERMANENT LEGAL AID CLINICS (PLAC) IN CORRECTIONAL HOMES			
PLAC Constituted (Year)	Yes (2013)	Yes (2015)	No
Paralegal volunteer (PLV) assigned	Yes	No	-
No. of PLVs	6	-	-
No. of visits made (1.7.14-30.6.2015)	Discontinued after 12.6.2015	-	-
PANEL LAWYERS FOR CORRECTIONAL HOMES			
Panel lawyer appointed for visiting the CH	Yes	Yes	Yes
No. of panel lawyers appointed	2	5	2
Date of appointment	-	-	3.7.2015
No. of visits	7	15	2
No. of cases taken up	244	15	-
No. of releases made	No record	3	-
Register maintained for documentation of visits	Yes	Yes, Gate Register	Yes

Action Required:

- DLSA representative should visit every month to all CHs, especially Jhargram SCH.
- Legal awareness camps should be organized on a bimonthly basis.
- PLAC should be constituted and paralegal volunteer should be appointed in Ghatal SCH.
- Midnapore CCH: Appointment of panel lawyer in correctional home with orders to defend the prisoner counselled during the visit; instructions to panel lawyers to meet their client on each court hearing; Panel lawyers to provide time to time intimation on status of the cases.
- Ghatal SCH: Appointment of welfare officer at Ghatal SCH.

PURBA MIDNAPORE

Total Prison Population - 523

Undertrials - 513

COURTS

District & Sessions Court, Purba Midnapore, Sub Divisional Courts at Tamluk, Contai, Haldia

LEGAL SERVICES AUTHORITY

Purba Midnapore DLSA, Tamluk SDLSC, Contai SDLSC, Haldia SDLSC

CORRECTIONAL HOMES (CH)

Tamluk SCH, Contai SCH, Haldia SCH

INFORMATION	TAMLUK SCH	HALDIA SCH	CONTAI SCH
BASIC INFORMATION			
Visits by DLSA representative	Yes	Yes	Yes
Frequency of visits	Monthly	Monthly	Monthly
Designation	Secretary, Purba Midnapore DLSA	Chairman & Secretary, Purba Midnapore DLSA	Chairman, SDLSC Contai
No. of visits (1.7.2014-30.6.2015)	7	12	18
Legal awareness camps organized (in the CH)	1	5	3
No. of legal aid applications filed	12	8	42
Whether intimation of appointments made to CH/ inmate	Yes	No	Yes
PERMANENT LEGAL AID CLINICS (PLAC) IN CORRECTIONAL HOMES			
PLAC Constituted (Year)	No	Yes (2015)	Yes (2015)
Paralegal volunteer (PLV) assigned	-	Yes	Yes
No. of PLVs	-	2	2
No. of visits made (1.7.14-30.6.2015)	-	10	20
PANEL LAWYERS FOR CORRECTIONAL HOMES			
Panel lawyer appointed for visiting the CH	Yes	No	No
No. of panel lawyers appointed	2	-	-
Date of appointment	2015	-	-
No. of visits	13	-	-
No. of cases taken up	5	-	-
No. of releases made	2	-	-
Register maintained for documentation of visits	Yes	Yes	Yes

Action Required:

- PLAC should be constituted and paralegal volunteer should be appointed in Tamluk SCH.
- Intimation of appointments should be made promptly by the DLSA, as well as intimation on case progress especially in Haldia & Contai SCH.
- Panel lawyers to be appointed for Haldia & Contai SCH.
- Legal awareness camps should be organized on a bimonthly basis.

PURULIA	Total Prison Population - 322	Undertrials - 279
COURTS	District & Sessions Court, Purulia, Sub Divisional Courts at Purulia Sadar, Raghunathpur	
LEGAL SERVICES AUTHORITY	Purulia DLSA, Purulia Sadar SDLSC, Raghunathpur SDLSC	
CORRECTIONAL HOMES (CH)	Purulia DCH, Purulia WCH, Raghunathpur SCH	

INFORMATION	RAGHUNATHPUR SCH	PURULIA DCH & PURULIA WCH
BASIC INFORMATION		
Visits by DLSA representative	Yes	NO INFORMATION RECEIVED
Frequency of visits	Rarely	
Designation	Secretary, Purulia DLSA	
No. of visits (1.7.2014-30.6.2015)	4	
Legal awareness camps organized (in the CH)	4	
No. of legal aid applications filed	27	
Whether intimation of appointments made to CH/ inmate	Yes	
PERMANENT LEGAL AID CLINICS (PLAC) IN CORRECTIONAL HOMES		
PLAC Constituted (Year)	Yes (2015)	NO INFORMATION RECEIVED
Paralegal volunteer (PLV) assigned	Yes	
No. of PLVs	1	
No. of visits made (1.7.14-30.6.2015)	21	
PANEL LAWYERS FOR CORRECTIONAL HOMES		
Panel lawyer appointed for visiting the CH	Yes	NO INFORMATION RECEIVED
No. of panel lawyers appointed	1	
Date of appointment	6.7.2015	
No. of visits	Weekly	
No. of cases taken up	-	
No. of releases made	-	
Register maintained for documentation of visits	Yes	

Action Required:

- DLSA representative should visit every month to all CHs.

Special Observations:

- Raghunathpur SCH:** Only registered legal practitioners be associated with legal aid clinics, as paralegals are unable to meet the queries of inmates on legal matters.

SOUTH 24 PARGANAS	Total Prison Population - 1743	Undertrials - 1233
COURTS	District & Sessions Court, South 24 Parganas (Alipore), Sub Divisional Courts at Alipore Sadar, Sealdah, Baruipur, Kakdwip, Diamond Harbour	
LEGAL SERVICES AUTHORITY	South 24 Parganas DLSA, Alipore (Sadar) SDLSC, Baruipur SDLSC, Diamond Harbour SDLSC, Kakdwip SDLSC	
CORRECTIONAL HOMES (CH)	Alipore CCH, Diamond Harbour SCH, Presidency CH, Alipore WCH ¹	

INFORMATION	ALIPORE CCH	PRESIDENCY CH	ALIPORE WCH	DIAMOND HARBOUR SCH
BASIC INFORMATION				
Visits by DLSA representative	Yes	Yes	Yes	NO REPORT RECEIVED
Frequency of visits	Rarely	Rarely	Rarely	
Designation	Secretary, South 24 Parganas, DLSA	Secretary, South 24 Parganas, DLSA	Secretary, South 24 Parganas, DLSA	
No. of visits (1.7.2014-30.6.2015)	2	7*	3	
Legal awareness camps organized (in the CH)	2	5*	2	
No. of legal aid applications filed	278	97	289	
Whether intimation of appointments made to CH/inmate	Yes, verbally	Yes	Yes	
PERMANENT LEGAL AID CLINICS (PLAC) IN CORRECTIONAL HOMES				
PLAC Constituted (Year)	Yes (2013)	Yes (2015)	Yes (2012)	NO REPORT RECEIVED
Paralegal volunteer (PLV) assigned	-	Yes, Convicts	Yes	
No. of PLVs	-	2	-	
No. of visits made (1.7.14-30.6.2015)	-	N.A.	-	
PANEL LAWYERS FOR CORRECTIONAL HOMES				
Panel lawyer appointed for visiting the CH	Yes	Yes	Yes	NO REPORT RECEIVED
No. of panel lawyers appointed	1	1	1	
Date of appointment	15.5.2015	15.5.2015	19.5.2015	
No. of visits	0	2	3	
No. of cases taken up	0	39	10	
No. of releases made	-	-	0	
Register maintained for documentation of visits	Yes	Yes	Yes	

¹ Presidency CH & Alipore WCH cater to prisoners from this district as well. For particulars see district card for Kolkata too.

* data does not mention which DLSA it denotes, thus can be either South 24 parganas or Kolkata.

Action Required:

- DLSA representative should visit every month to all CHs.
- Legal awareness camps should be organized on a bimonthly basis.
- Panel lawyers should visit more frequently to all CHs.
- Alipore CCH:** Lawyers appointed by DLSA should immediately & regularly visit CH.
- Presidency CH:** Monthly review meeting be organized at office of respective DLSA for review of progress of cases and follow up; Sensitization of inmates on legal aid by organizing camps by DLSA; Ensure regular meeting with legal aid appointed lawyers and his client; Frequent visits by DLSA and interaction with inmates; Organising quarterly/monthly meetings between DLSA, Panel Lawyers and the Correctional Home Authorities.
- Alipore WCH:** Lawyers may be requested to interact with the inmates more often.

UTTAR DINAJPUR	Total Prison Population - 461	Undertrials - 309
COURTS	District & Sessions Court, Uttar Dinajpur, Sub Divisional Court at Raiganj, Islampore	
LEGAL SERVICES AUTHORITY	DLSA Uttar Dinajpur, Raiganj SDLSC, Islampore SDLSC	
CORRECTIONAL HOMES (CH)	Raiganj DCH, Islampore SCH	

INFORMATION	RAIGANJ DCH	ISLAMPURE SCH
BASIC INFORMATION		
Visits by DLSA representative	Yes	No
Frequency of visits	Monthly	-
Designation	Secretary, Uttar Dinajpur DLSA	-
No. of visits (1.7.2014-30.6.2015)	11	-
Legal awareness camps organized (in the CH)	11	-
No. of legal aid applications filed	51	-
Whether intimation of appointments made to CH/ inmate	Yes	-
PERMANENT LEGAL AID CLINICS (PLAC) IN CORRECTIONAL HOMES		
PLAC Constituted (Year)	Yes (2013)	Yes (2014)
Paralegal volunteer (PLV) assigned	Yes, Convicts	Yes
No. of PLVs	2	Varies each month
No. of visits made (1.7.14-30.6.2015)	N.A.	70
PANEL LAWYERS FOR CORRECTIONAL HOMES		
Panel lawyer appointed for visiting the CH	No	No
No. of panel lawyers appointed	-	-
Date of appointment	-	-
No. of visits	-	-
No. of cases taken up	-	-
No. of releases made	-	-
Register maintained for documentation of visits	-	-

Action Required:

- DLSA representative should visit every month to Islampore SCH.
- Legal awareness camps should be organized on a bimonthly basis at Islampore SCH.
- Panel lawyers should be appointed for both Raiganj DCH & Islampore SCH.

Special Observations

- Islampore SCH: Inmates are not satisfied with work of legal aid lawyers.

PART - III

ANNEXURES

ANNEXURE A:

CIRCULAR ISSUED BY DIRECTORATE OF CORRECTIONAL SERVICES & QUESTIONS ASKED FROM CORRECTIONAL HOMES

URGENT

GOVERNMENT OF WEST BENGAL
DIRECTORATE OF CORRECTIONAL SERVICES
63 N.S. Road, Jessop Building
KOLKATA - 700001
CIRCULAR

No: 2514/SR - 11/2015.

Date: 02.07.2015

To

1. The Superintendents of all Correctional Homes
2. All Zonal AlsG & Range DIsG, West Bengal
3. Controller/ Assistant Controller - in - Charge of all Subsidiary Correctional Homes
4. Administrative Officer, RICA, Dum Dum, Kolkata.

Sub: Instructions in connection with immediate furnishing of information on Legal Aid Services available in Correctional Homes of the State for 2014-15. - regarding.

1. The undersigned is to inform that the National Legal Services Authority (NALSA) has resolved that all the State Legal Services Authority (SLSA) shall set up Legal Service Clinics in all the Correctional Homes/ Jails in their respective States including formulation, development and implementation of the system of electronic link between the Correctional Homes/Jails within a period of three (3) months. The matter was decided in the Central Authority (NALSA) meeting held on 21.03.15 at Ranchi and the State Legal Services Authority was directed to take necessary steps for compliance of the said decision. This is with reference to the communication made by the Director, National Legal Services Authority to all the Member Secretaries of the State Legal Services Authority vide No. L/47/2014-NALSA Dated. 21.05.15.
2. Accordingly the Member Secretary of the State Legal Services Authority in the State of West Bengal communicated the aforesaid decision for necessary compliance to the Chairman of the District Legal Services Authority (DLSA) and also to the Ld. Chief Judge/District and Sessions Judge of all the nineteen (19) Districts of the State of West Bengal. This is with reference to the communication made by the Member Secretary of State Legal Services Authority of West vide No. 1392(19) SLSA-89/2015 Dated. 22.05.15.
3. Considering the necessity to cogitate the current status of the Legal Aid Services in all the 58 Correctional Homes of the State, it is essential to furnish pertinent information on your part with due importance regarding the setup of Legal Aid Clinics and functioning of Legal Aid Authorities for 2014-15 including pertinent information in connection with appointment of Panel Lawyers in Correctional Homes, if any. Enclosed please find herewith copies of two (2) draft formats, seeking relevant information on the aforesaid subjects which is to be filled up and furnished to this Directorate at the earliest by the competent authorities of all the Correctional Homes of the State. The last date for sending the report is 20.07.2015
4. It is also to be informed that it has come to the notice of the undersigned that the National Legal Services Authority (NALSA) has also decided in the meeting of the Central Authority of NALSA on 29.11.2014 that all matters that are required to be filed before the Supreme Court be processed and prepared by the High Court Legal Services Committee, including translation of documents and that State Legal Services Authorities transfer adequate funds to High Court Legal Services Committees

for preparation and translation of documents before dispatch to the Supreme Court Legal Services Committee for filing. The Superintendents of all Correctional Homes of the State are accordingly directed to transmit the Cases to the Supreme Court Legal Services Committee of those inmates who are seeking legal aid at the Supreme Court through the High Court Legal Services Committee. This is with reference to the Letter No. F - 191/Circular/SCLSC/2015 Dated. 15.04.2015 from the Secretary, Supreme Court Legal Services Committee & Additional Registrar, Supreme Court of India. It is advised to all the Senior Correctional Home Officers to act accordingly. Compliance to the above guideline is also required to be furnished in the report.

5. The said report is advised to be sent in soft copy to the undersigned at the E-Mail id: adgcswb@gmail.com and hard copy of the report, addressed to the undersigned, duly signed by the competent authority of individual Correctional Homes must follow subsequently. The copies of any communications received from District Legal Services Authority/SLSA/NALSA pertaining to the said subject should also be enclosed with the report. Any kind of important information and suggestion for implementation of the said matter should also be enclosed with the report. (The authorities of individual Correctional Homes are instructed to furnish the report to the undersigned directly and a copy of the report to the Superintendent of the concerned circle, along with a copy to the Zonal AIG & Range DIG).
6. It is also highlighted that after receiving and compilation of the report, as per requirement, another advisory may be issued from this end in view of the captioned subject for further necessary action for successful implementation of the said project.

It is to be noted that failing to comply with the aforesaid instructions regarding furnishing of the report, within the said date, as referred to above would be viewed seriously and responsibility would be fixed up accordingly.

7. The Superintendents of all Central Correctional Homes are hereby directed to collect the report of their individual circles in the prescribed Proforma and submit the same to this Directorate (both in soft copy through e-mail on adgcswb@gmail.com and hard copy addressed to the undersigned should follow subsequently) within the prescribed date positively.
8. The AIG (North) of Correctional Services, W.B. is advised to collect the report of his Zone i.e. the report of the Correctional Homes of Jalpaiguri and Berhampore Circle and send the same within the said date (both in soft copy and hard copy) positively.
9. Similarly AIG (West) of Correctional Services, W.B. shall arrange to collect the data pertaining to Midnapore Circle /Range in the prescribed proforma and arrange to submit the same to this Directorate (both in soft copy through e-mail on adgcswb@gmail.com and hard copy).
10. AIG (South) is advised to collect the report in respect of South Zone by compiling reports of DIG(Training) for Dum Dum Circle, DIG(W&D) for Presidency Circle & DIG(South) for Alipore Circle and submit the same to the undersigned.
11. The Superintendents of all Correctional Homes and Controller/ Assistant Controller – in – Charge of all Subsidiary Correctional Homes are directed to ensure strict compliance in this respect and also send the report of their respective Correctional Homes in the prescribed Proforma and submit the same to this Directorate also (both in soft copy through e-mail on adgcswb@gmail.com and hard copy positively).

An acknowledgement regarding receipt of this communication with reference to the No. cited above) should be sent at adgcswb@gmail.com.

Enclos: as stated above.

Sd/-
(ADHIR SHARMA)
ADG & IG of Correctional Services
West Bengal

LEGAL AID SERVICES IN CORRECTIONAL HOMES 2014-15

Name of Correctional Home: _____

Courts within jurisdiction of Correctional Home: _____

Inmate population: Total: _____ UTP: _____ Convict: _____

Date: _____

DETAILS

1. Whether any member of District Legal Services Authorities (DLSA) visits correctional homes?
Yes No
2. If yes, name & designation
3. If yes, how often? Once a week Once a month Rarely Never
4. How many visits were made to the Correctional Home from 1.7.14 - 30.6.15
5. Whether Permanent Legal Aid Clinic has been established by DLSA
Yes No
6. If yes, name of the paralegal volunteer assigned to the clinic
7. If yes, date on which clinic was setup
8. How many times the paralegal volunteer visits the correctional home?
Daily Once a week Once a month Rarely Never
9. Are you satisfied with the work of the paralegal volunteer Yes No
10. The no. of visits made by the paralegal volunteer to the correctional homes from 1.7.14 - 30.6.15
11. No. of legal aid applications made from 1.7.14 - 30.6.15
12. Does the DLSA send intimation of appointment of lawyer with contact details to the Correctional home Never Rarely Promptly Others.....
13. Do prisoners seem satisfied with the work of the legal aid lawyers? Yes No
14. Whether DLSA has organized any legal awareness camps inside the correctional home in past 1 year?
Yes No
15. How many legal awareness camps have been held inside correctional homes by DLSA from 1.7.14-30.6.15?
16. Any suggestions you may have for improving legal aid in your correctional home
17. The copy of any communication, if received from District Legal Services Authority, pertaining to the said subject, should also be enclosed with the report or else state NO.
18. The copy of any communication, if received from State Legal Services Authority/DLSA, pertaining to the subject, as highlighted in Point 4 of the Circular should also be enclosed with the report or else state NO.

A line of confirmation for compliance of the stated direction should be ensured.

Sign & Seal of Superintendent

NB: It is to be ensured that the information stated above should be accurate and to be furnished within prescribed date positively.

APPOINTMENT OF PANEL LAWYER FOR CORRECTIONAL HOMES (IF ANY)

1. Whether the DLSA has appointed panel lawyer to visit the correctional home
Yes No
2. If yes, name of lawyer
3. Date of appointment of lawyer
4. If yes, how often is the lawyer supposed to visit
Daily Once a week Fortnightly Once a month
5. How many visits were made by the lawyer to the Correctional Home from 1.5.15 - 30.6.15?
6. How many cases have been taken up by the lawyer since appointment?
7. How many releases have been made in the cases taken up by the lawyer since appointment?
8. Is a register being maintained for documentation of details of each visit and case progress?
9. Do you feel this initiative has been useful in securing effective legal aid to inmates?
10. Do the lawyers intimate the inmates and Correctional Home authorities regarding progress in cases
Yes No
11. Have any complaints been received regarding these lawyers till date?
Yes No
12. Any suggestions for improvement?

Sign & Seal of Superintendent

ANNEXURE B:

NALSA MODEL SCHEME ON LEGAL AID COUNSEL AT MAGISTRATE COURT

MODEL SCHEME FOR 'LEGAL AID COUNSEL' IN ALL THE COURTS OF MAGISTRATES

According to Section 12(g) of the Legal Services Authorities Act, 1987 (as amended in 1994), any person in custody, including custody in a protective home or in juvenile home or in psychiatric hospital or psychiatric nursing home, is entitled to legal services for filing or defending a case. A large number of under trial prisoners who are not in a position to engage lawyers for defending them, feel handicapped in their defence and remain incarcerated for long periods. Therefore, His Lordship Hon'ble Dr. Justice A.S. Anand, Judge, Supreme Court of India and Executive Chairman, National Legal Services Authority has invited suggestions/views from all the Chief Justices of the High Courts (Patron-in-Chief of State Legal Services Authorities) on a scheme for legal aid and assistance to the prisoners in custody. His Lordship has pointed out that Legal Aid Counsel may be attached to all the courts of Magistrates in the Country who should give legal assistance to the persons in custody, for opposing remand applications, securing orders for bail and moving miscellaneous applications as may be required. According to His Lordship, Legal Aid Counsel should be under an obligation to remain present in the court assigned to him during the remand hour and such other hours as may be directed by the Court. Thereafter when a challan is filed against the accused in custody in the court assigned to such advocate, the case should be entrusted to him for defence also. The appeals or revisions arising out of such challans should also be ordinarily entrusted to him. His Lordship is of the view that this system can go a long way in providing effective and meaningful legal assistance to under trial prisoners, who feel handicapped in their defence on account of lack of resources or other disabilities and cannot engage a counsel to defend them. His Lordship has desired that this scheme be followed throughout the country.

2. The Scheme lays emphasis for legal aid and assistance to the persons in custody at the following three stages:-
 - a) When in custody during investigation of the cases and need legal assistance for getting released on bail and opposing remand applications;
 - b) Legal assistance during trial for defence; and
 - c) Legal assistance for preferring appeals or revisions in case of adverse orders.
3. In terms of the directions issued by His Lordship, a model scheme has been formulated which may be adopted by the States with suitable modifications as required under the prevailing circumstances and needs of the respective States as under:-
 - i) The first step should be to identify all the courts of Magistrates in each District for attaching Legal Aid Counsel. In case the workload in a particular court or courts is too little, one Legal Aid Counsel may be attached to two courts even.
 - ii) State Legal Services Authority or District Legal Services Authority to which the implementation of the scheme is entrusted may prepare a panel of Legal Aid Counsel preferably with a minimum standing of five years on criminal side. The Advocates from this panel may be attached to the Courts of Magistrates and may be called "Legal Aid Counsel".
 - iii) The remuneration and fee to be paid to Legal Aid Counsel may be determined by State Legal Services Authority or District Legal Services Authority; as the case may be. The remuneration/fee may be fixed under the following counts:-
 - a) for attending the court during remand hour every day (the remuneration for attending the court during remand hour may be fixed at Rs. 1000/- per month* or more depending upon the work load);
 - b) fee schedule for acting as defence counsel for aided persons may be drawn. It may be on the basis

of effective hearings in warrant as well as summon trial cases which a ceiling of maximum fee;

- c) fixed fee with incidental expenditure for filing and contesting an appeal or revision. The appeals and revisions may be permitted to be filed with the approval of the Member Secretary of the State legal Services Authority or Secretary, District legal Services Authority, as the case may be.

(All payments to Legal Aid Counsel may be made after obtaining certificates from the concerned Judicial Officers regarding attendance of the counsel at the time of remand or conduct of trial/appeal/revision).

Note: National Legal Services Authority vide letter No. F. No. 6(2)/98-NALSA/5826 dated 22 January 2014 has increased the honorarium/remuneration @ 1000/- per month in place of Rs. 500/- per month.

- (iv) Name and address of the Legal Aid Counsel may be displayed outside the Court to which he is attached with requisite information as to who are eligible persons under the Legal Services Authorities Act and no payment is required to be made by them to Legal Aid Counsel (in case of any complaint against a Legal Aid Counsel regarding demand of fee or any other charges from an aided person, prompt action by way of removal of his name from the panel may be taken).
- (v) The scheme of Legal Aid Counsel may be given wide publicity in the State.

Hoardings in the police stations and jails may be affixed.

- (vi) The scheme can be more effectively implemented if printed preforms of appointment letters to be issued to Legal Aid Counsel are handed over to the Courts of Magistrates with a request to issue the same in favour of the Legal Aid Counsel who takes over the defence of any person in custody being produced before the Court. On the basis of this appointment letter legal aid functionaries to issue, required order allocating that case to Legal Aid Counsel to facilitate settlement of bills.
- (vii) To ensure that the Legal Aid Counsel remains present in the Court during remand hour or any other hour of the day as directed by the Court. Legal Aid functionaries may insist for an attendance certificate issued by the Court to the Legal Aid Counsel before making him payment for remand hour.
- (viii) Certificates of merit/awards may be given to those Legal Aid Counsel whose performance is found to be outstanding.

ANNEXURE C:

WBSLSA LEGAL AID COUNSEL AT MAGISTRATE COURT SCHEME

Scheme for “Legal Aid Counsel” in all the Courts of Magistrates framed by the State Legal Services Authority, West Bengal in addition to the Model Scheme framed by the NALSA

1. Legal Aid Counsel has to remain present in the Court of Magistrates attached to him during remand hours and or on holidays during the remand hours.
2. The Legal Aid Counsel has to appear in the case of undefended accused who is in the custody and is produced before the magistrate with the consent of the accused concerned, for challenging the remand application, if the remand application is given by the Investigation agency or he has to file a bail application.
3. Payment to the Legal Aid Counsel may be made after obtaining a certificate from the concerned Judicial Officers regarding attendance of the Counsel at the time of remand hour.
4. To ensure that the Legal Aid Counsel remains present in the Court during the remand hour or any other hour of the day as directed by the Court, the Legal Aid Counsel functionaries may insist for an attendance certificate issued by the Court to Legal Aid Counsel before making his payment for remand hour.
5. Certificates for merits/awards may be given to those Legal Aid Counsels whose performance is found to be outstanding.
6. The name and address of the Legal Aid Counsel may be displayed outside the Court to which he is attached with requisite information as to who are eligible under the Legal Services Authorities Act and no payment is required to be made by them to Legal Aid Counsel.
7. In case of any complaint against Legal Aid Counsel regarding demand of fee or any other charges from an aided person, prompt action by way of removal of his name from the panel may be taken after making due inquiry and give a reasonable opportunity of hearing to the Legal Aid Counsel.
8. For the appointment for filing a complaint or defending the case or for filing appeal or revision, the existing procedure be followed and the Advocate appointed for filing complaint or defending case or filing revision or appeal or writ may be paid at the prescribed rate, irrespective of the fees of legal aid counsel, as stated above.

As directed & approved by the
Executive Chairman, S.L.S.A.,
West Bengal

(TB Banerjee)
Member-Secretary,
State Legal Service Authority,
West Bengal

ANNEXURE D:

NALSA LETTER ON SET UP OF LEGAL AID CLINICS IN PRISONS

From: NALSA <nalsa-dla@nic.in>

To: All SLSAs

L/47/2014-NALSA

Date: 21.5.2015

Subject: Setting up of Legal Service Clinics in each jail and electronic link between jail and LSAs

Sir/Madam,

I am directed to convey that in the Central Authority (NALSA) meeting held on 21.3.15, at Ranchi, it was resolved that all the SLSAs shall set up Legal Service Clinics in each one of the jails in their respective States within a period of 3 months. It was also resolved that all SLSAs will develop and put in piece electronic link between jail and Legal Services Authorities borrowing from the model used in Karnataka.

You are, therefore, requested to kindly take steps for compliance of the above decision and a compliance report may be sent to the Authority within three months

With regards,

Yours sincerely,
(Rajesh Kumar Goel)

Director
National Legal Services Authority,
12/11, Jam Nagar House,
Shahjahan Road, New Delhi: 110011
Ph No: 011-23302778

ANNEXURE E:

WBSLSA LETTER ON SET UP OF LEGAL SERVICES CLINICS IN PRISONS

Abhijit Som, WBHJS
Member Secretary
STATE LEGAL SERVICES AUTHORITY
WEST BENGAL

City Civil Court Building (1st Floor),
2 & 3 Kiran Sankar Roy Road,
Kolkata – 700 001, India
Phone: 033 – 22483892/4234
Fax: 033 – 2248 4235
Email: wbstatelegal@gmail.com
Website: www.wbslsa.org

No. 1392(19) SLSA-89/2015

Dt. 22.05.2015

MOST URGENT

To,

The Chairman,

District Legal Services Authority

&

The Chief Judge/ The District and Sessions Judge

Kolkata, Howrah, Hooghly, Burdwan, Purba Mednipur, Paschim Mednipur, Birbhum, Bankura, North 24 Parganas, South 24 Parganas, Purulia, Nadia, Murshidabad, Malda, Uttar Dinajpur, Dakshin Dinajpur, Jalpaiguri, Cooch Behar and Darjeeling.

Sub: Setting up of Legal Services Clinic in each Correctional Home/Jail

Sir/Madam,

By enclosing the copy of Letter No. L/47/2014-NALSA dated 21.05.2015 of the Director, NALSA I am directed to convey that in the Central Authority (NALSA) meeting held on 21.03.2015 at Ranchi, it has been resolved that all the SLSAs shall set up Legal Service Clinics in each of the Correctional Homes/ jails in their respective states within a period of three months.

I would, therefore, request your goodself to take steps for the compliance of the above decision of Central Authority and a compliance report may kindly be sent to this authority by 20th June 2015 for onward submission of same to NALSA.

With regards,

Yours faithfully,

Sd/-

(Abhijit Som)

Member Secretary

State Legal Services Authority, W.B.

ANNEXURE F:

WBSLSA LETTER ON SET UP OF PERMANENT LEGAL AID CLINICS IN CORRECTIONAL HOMES

Mir Dara Sheko, WBHJS
Member Secretary

STATE LEGAL SERVICES AUTHORITY
WEST BENGAL

City Civil Court Building (1st Floor),
2 & 3 Kiran Sankar Roy Road,
Kolkata – 700 001, India
Phone: 033 – 22483892/4234
Fax: 033 – 2248 4235
Email: wbsstatelegal@gmail.com
Website: www.wbslsa.org

No. 192(19)/SLSA-26/10, Dt. 21.01.2013

To,

The Chairman,

District Legal Services Authority

&

The Chief Judge/ The District and Sessions Judge

Kolkata, Howrah, Hooghly, Burdwan, Purba Mednipur, Paschim Mednipur, Birbhum, Bankura, North 24 Parganas, South 24 Parganas, Purulia, Nadia, Murshidabad, Malda, Uttar Dinajpur, Dakshin Dinajpur, Jalpaiguri, Cooch Behar and Darjeeling.

Sub: Setting up Permanent Legal Aid Clinic compulsorily to the Correctional Home within the district

Sir,

I am directed to request you to take **immediate step** to set up **Permanent Legal Aid Clinic** in the **District Correctional Home** as well as **Sub-Divisional Correctional Homes** of the District, so that, through the trained Paralegal Volunteers, such as Permanent Legal Aid Clinics can function to deal with the problems of the intimates **either legal or otherwise** in the Correctional Homes of the District.

I am further directed to **obtain compliance report** from you as regards setting up such Permanent Legal Aid Clinics in the district and sub-division Correctional Homes of your district positively within 5th March, 2013, and to submit thereafter performance report bearing statements **month by month** with reference to number and category (viz. Male, Female, Scheduled Caste, Scheduled Tribe, etc.) of the beneficiaries.

Yours faithfully,
(Mir Dara Sheko)
Member Secretary
State Legal Services Authority, W.B.

ANNEXURE G: LEGAL AWARENESS POSTERS

LEGAL AID & YOU

1 WHAT IS LEGAL AID?

Legal aid is giving free legal services to all those poor and needy who do not have the means to afford a lawyer to fight a case before any court, tribunal or authority.



2 IS A PRISONER ENTITLED TO LEGAL AID?

Yes, any person in custody is entitled to free legal aid u/s 12(g) of the Legal Services Authorities Act 1987.

3 WHOM TO APPROACH TO GET FREE LEGAL AID?

You can request-

- (i) the magistrate before whom s/he is produced; or
- (ii) the custodial authorities, if under detention.
- (iii) the Senior Civil Judge nominated as the chairperson of the Mandal/Taluq Legal Services Authority;
- (iv) the Secretary, District Legal Services Authority at the district level;
- (v) the Member Secretary of the State Legal Services Authority;
- (vi) the Secretary, High Court Legal Services Committee at the state level;
- (vii) the Secretary, Supreme Court Legal Services Committee at the higher level;

4 WHAT ARE THE SERVICES AVAILABLE UNDER LEGAL AID?

- (i) Services of a lawyer who will represent your case (trial or appeal) in court
- (ii) Payment of court and other process fee
- (iii) Charges for preparing, drafting and filing of any legal proceedings;
- (iv) Charges of a legal practitioner or legal advisor;
- (v) Costs of obtaining decrees, judgments, orders or any other documents in a legal proceeding;
- (vi) Costs of paper work, including printing, translation etc.

5 HOW TO APPLY FOR LEGAL AID?

- (i) You can submit a written application to the concerned authority mentioned above
- (ii) If the person cannot read or write, the legal services authority will record his/her statement along with thumb impression. Such a statement is treated as an application.



6 WHO PROVIDES LEGAL AID?

Legal aid is provided by the legal services authority, viz.

- 1) Sub-divisional Legal Services Authority (SDLSA) / Taluk Legal Services Committee (TLSC)
- 2) District Legal Services Authority (DLSA)
- 3) State Legal Services Authority (SLSA) & High Court Legal Services Committee (HCLSC)
- 4) National Legal Services Authority (NALSA) & Supreme Court Legal Services Committee (SCLSC)

7 WHAT ARE THE DUTIES OF PERSON RECEIVING LEGAL AID?

- (i) Follow the directions given by the Secretary of the Legal Services Authority
- (ii) Tell the complete truth to your lawyer.
- (iii) Not pay your lawyer any fees or expenses, and,
- (iv) Where possible send a family member to attend the office of the committee, the court or the lawyer assigned.



8 WHAT ARE THE DUTIES OF THE POLICE AND THE COURTS TO ENSURE LEGAL AID IS PROVIDED?

- A. Duty of the Police to inform the accused of his constitutional right to have a lawyer.
- B. Duty of the Court to enquire if accused has a lawyer at time of production/hearing, and if accused is not represented by a lawyer then immediately appoint a lawyer at the expense of the state.





COMMONWEALTH HUMAN RIGHTS INITIATIVE
55 A, Third Floor, Siddhartha Chambers-1, Kalyani Bazar,
New Delhi - 110016 Tel: 91-11-43180200 Fax: 91-11-43180217
E-mail: info@humanrightsinitiative.org
Website: www.humanrightsinitiative.org



**DIRECTORATE OF CORRECTIONAL SERVICES,
WEST BENGAL**
GOVERNMENT OF WEST BENGAL

STEPS FROM ARREST TO APPEAL



1 ARREST

Arrest: You can be arrested where reasonable grounds exist that you have committed an offence or are about to. Upon your arrest you will be taken to the police station. In case of a bailable offence, the police can promptly bail you from the police station itself.



2 PRODUCTION

Production: Within 24 hours of your arrest the police must produce you before a magistrate. In the court, the police will submit the investigation papers. The police may request more time to keep you in custody while they continue their investigation. The magistrate after perusal of the documents may send you back to the police station (police custody), or send you to prison (judicial custody) or grant bail or discharge you of the charge and order your release forthwith.

POLICE CUSTODY



JUDICIAL CUSTODY



BAIL OR DISCHARGE



3 CHARGE

Charge: A charge is a formal notice of the offence you are alleged to have committed. Upon completion of its investigation the police submits a chargesheet in the court. After perusal of the chargesheet the court shall frame the charge and it shall be read out to you in court. You will need to decide whether you committed the offence set down in the charge - or not - in which case you will plead Guilty or Not Guilty.

GUILTY

NOT GUILTY

4 TRIAL

Trial: If you plead not guilty, the case is posted for trial. A trial includes the following stages:

- Statement of accused in s.313 Cr.P.C.
- Oral & Documentary Evidence
- Arguments by prosecution & defence lawyers
- Pronouncement of Judgment



5 CONVICTION OR ACQUITTAL

Conviction or Acquittal: After completion of the trial the court will either find you not guilty of the offence(s) and you will be acquitted (set free and released from custody, if in jail); or you will be convicted and sentenced.

6 APPEAL

Appeal: An appeal can be filed within a specified time limit by the party aggrieved by judgment on acquittal/ conviction/ reduction of sentence. You may be granted a suspension of sentence by the appellate court pending hearing of the appeal.

SUSPENSION OF SENTENCE



COMMONWEALTH HUMAN RIGHTS INITIATIVE
55 A, Third Floor, Siddhanta Chambers-I, Kailash,
New Delhi - 110016. Tel: 91-11-43180200 Fax: 91-11-42180217
E-mail: info@karnanrightsinitiative.org
Website: www.karnanrightsinitiative.org

DIRECTORATE OF CORRECTIONAL SERVICES,
WEST BENGAL
GOVERNMENT OF WEST BENGAL



ANNEXURE H:

WBSLSA LETTER FOR SET UP OF MONITORING COMMITTEE

Abhijit Som, WBHJS
Member Secretary
STATE LEGAL SERVICES AUTHORITY
WEST BENGAL

City Civil Court Building (1st Floor),
2 & 3 Kiran Sankar Roy Road,
Kolkata – 700 001, India
Phone: 033 – 22483892/4234
Fax: 033 – 2248 4235
Email: wbstatelegal@gmail.com
Website: www.wbslsa.org

No. 625(19) /SLSA-7/12

Dt. 9.3.2016

To,

The Chairman,

District Legal Services Authority

&

The Chief Judge/ The District and Sessions Judge

Kolkata, Howrah, Hooghly, Burdwan, Purba Mednipur, Paschim Mednipur, Birbhum, Bankura, North 24 Parganas, South 24 Parganas, Purulia, Nadia, Murshidabad, Malda, Uttar Dinajpur, Dakshin Dinajpur, Jalpaiguri, Cooch Behar and Darjeeling

Sub: Formation and functioning of Monitoring Committee as per National Legal Services Authority (Free and Competant Legal Services) Regulations 2010.

Sir/Madam,

In pursuant to letter No. 139(80)/SLSA-7/2012 dated 24.01.2012 (copy enclosed) if the State Legal Services Authority, West Bengal, Monitoring Committee might have been setup in DLSA and SDLSCs of your district but reports are coming to this authority that the Committee has not been functioning up to the mark or in some cases has not been functioning at all.

I humbly remind you that Rule 10 of National Legal Services Authority (free and competent legal services) Regulations 2010 speaks that,

“Every legal services institution.....he may deem proper”. [sic]
Therefore I am directed to request you to revamp the formation of the committee or constitute the committee where it has not been formed at all as per guideline mentioned above within a couple of weeks period and sent the particulars of the Monitoring Committee to this Authority by 28.3.2016.

You are also requested to see that Monitoring Committee may regularly assess the progress of cases assigned to panel lawyers and above all monitoring court based legal services rendered and progress of cases in legal aid matters.

With regards,
Yours faithfully,
Sd/-
(Abhijit Som)
Member Secretary
State Legal Services Authority, W.B.

ANNEXURE I:

NALSA QUESTIONNAIRE FOR MONTHLY REPORTING BY DLSAS

NATIONAL LEGAL SERVICES AUTHORITY
12/11, JAM NAGAR HOUSE, SHAHJAHAN ROAD,
NEW DELHI- 100 011

QUESTIONNAIRE FOR MONTHLY REPORTING ON THE PROGRESS OF NALSA'S NATIONAL PLAN OF ACTION 2012-13 AND VARIOUS SCHEMES
(To be sent by the District Legal Services Authorities)

DLSAs shall send the information by e-mail at nalsa1987@gmail.com on or before 5th of every month with copy to the State Legal Services Authority.

Name of the District Legal Services Authority _____ Name of the State _____

Month and year of reporting:

S No.	National Plan of Action	Response by the District Legal Services Authority <i>Note: all columns shall be filled up</i>
	Legal Services to Children	
1.	Whether District Legal Services Authority has received the National Plan of Action 2012-13?	
2.	Whether training programme for juvenile/child welfare officers attached to each police station has been conducted as directed by the Hon'ble Supreme Court of India?	
3.	Whether a separate panel of lawyers for providing legal assistance to the juveniles in conflict with the law has been maintained?	
4.	Whether the lists of such panel lawyers have been furnished to the Juvenile Justice Boards?	
5.	Whether the panel lawyers dealing with the cases of children are given special training on juvenile jurisprudence, child psychology and behavioural science? If not, what the DLSA plans to do about it?	
6.	Whether services of such trained panel lawyers are made available for the proceedings in the Child Welfare Committees?	
7.	What steps have been taken with the help of PLVs and NGOs for the rehabilitation of children rescued from bonded/child labour or sexual exploitation by use of force and intimidation?	
8.	Whether PLVs have been given special trainings on the rights of children?	
9.	Whether cases of violation of rights of child have been taken up with the CWC or Police?	
	Legal Services relating to women	
10.	Whether legal literacy classes for women have been conducted? What are the topics of legal literacy?	
11.	Whether booklets containing the important laws a woman in the household should know have been distributed amongst the women?	

S No.	National Plan of Action	Response by the District Legal Services Authority <i>Note: all columns shall be filled up</i>
12.	Whether legal literacy classes for PNDT Act and the impact of skewed sex ratio of the population has been conducted with the assistance of Ministry of Health & Family planning, Government of India/State Department of Health? If not please write to the Ministry/Department to provide technical assistance (the DLSA need not wait for technical assistance and may proceed with legal awareness classes on PNDT Act).	
13.	Whether awareness classes on PWDV Act has been conducted, especially in rural areas?	
14.	Whether any special legal literacy class for Women Self Help Groups (SHGs) or Neighbourhood Groups (NHGs) have been conducted, supplying them with necessary booklets containing different laws that a woman in the household should know i.e. laws on marriage, laws relating to inheritance, PNDT Act, PWDV Act, NI Act, Senior Citizens/ Act and the Right to Education Act?	
15.	Whether a list of panel lawyers including women along with their addresses and telephone numbers has been provided to the protection officers and also to the service providers under the PWDV Act?	
16.	What steps have been taken for replication of Dove Mission and Kutty Mission Project as mentioned in the National Plan of Action 2012-13?	
	Front Office	
17.	Whether front office has been established in the DLSAs?	
18.	Whether front office has been established in the TLSCs?	
	Paralegal Volunteers (PLVs)	
19.	Whether trained PLVs have been issued identity card (valid for one year only)?	
20.	What is the percentage of women amongst the PLVs?	
21.	Whether refresher training has been given to PLVs either at the Taluk level or District level? If so at what intervals?	
22.	Whether PLVs have been engaged in legal aid clinics and front office?	
23.	Whether a diary of activities is maintained by the PLVs?	
24.	Whether such diaries are scrutinized by the DLSAs/TLSCs, if so by whom?	
25.	Whether PLVs have been sent to prisons to ascertain the legal services needs of prisoners?	
	Legal Aid Clinics	
26.	Number of persons visited legal aid clinics and the number and categories of their grievances resolved?	Name of Persons: Category of Grievances: Male: Female
27.	Number of disputes refereed from the legal aid clinics to the district ADR centres.	
28.	Whether legal aid clinics have been set up in the jails?	
29.	Whether PLVs have been selected and trained from amongst the long term prisoners in the central prisons?	
30.	Whether PLVs have been trained to visit the sub jail and district jails and to identify the under trial prisoners who require free legal services?	
31.	Whether lawyers have been directed to visit legal aid clinics in jails and the frequency of such visits?	

S No.	National Plan of Action	Response by the District Legal Services Authority <i>Note: all columns shall be filled up</i>
32.	Whether legal aid clinics have been set up in universities, law colleges and other institutions?	
	Legal Awareness Classes in School/College	
33.	Whether the resource persons for legal literacy classes have been given orientation class by the District Legal Services Authority?	
34.	Whether legal literacy classes have been conducted in schools and colleges as per the National Plan of Action?	
35.	Whether books 'lessons in law' have been distributed amongst the students?	
36.	Whether confidential feedback has been collected from the principals of the Schools/Colleges about the classes and the performance of the resource persons?	
	Legal Services to Mentally Ill Prisoners	
37.	Whether National Legal Services Authority (Legal Services to the Mentally Ill Persons and Persons with Mental Disabilities) Scheme 2010 has been implemented?	
38.	Whether the Chief Judicial Magistrate has been requested to inform the District Legal Services Authority when the proceedings relating to mentally ill prisoners are taken up?	
39.	Whether retainer lawyer has been deputed to keep a watch in the Court of CJM when the proceedings on issue of Reception Order relating to mentally ill persons are taken up	
40.	Whether a list of mentally ill persons sent for treatment under reception orders is maintained? Whether steps have been taken for their release after they get cured of their illness?	
41.	How many cured mentally ill persons have been released at the instance of the District Legal Services Authority during the current month?	
	Legal Aid to Senior Citizens	
42.	Whether the PLVs have been instructed to report incidents calling for legal assistance to senior citizens under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007?	
43.	How many cases relating to senior citizens have been given legal aid?	
44.	Whether awareness classes are conducted as per Section 21(ii) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007?	
	Invoking Cooperation of the Government Departments	
45.	Whether steps have been taken to make the government officials aware of the legal services?	
46.	Whether liason work with the training institutions for government officials are being undertaken?	
47.	Whether the DLSA is in touch with the public relation department of the State, Field Publicity Bureau having jurisdiction of that district regarding publicity of legal services activities?	
48.	Whether training programmes for elected representatives of local self-government bodies have been conducted?	
	Web-based monitoring system	
49.	Whether training has been given to the staff of DLSAs/TLSCs for feeding data through web-based monitoring system of NALSA	

50.	Whether the trained staff of DLSAs/TLSCs is feeding data into the web-based system of NALSA?	
	Social Audit on the Legal Services Authority	
51.	Whether data relating to the opinion and suggestions of the beneficiaries of legal services activities are being collected?	
52.	Whether the staff of DLSAs/TLSCs are assisting the illiterate persons to fill up the questionnaire to be given to the participants at the end of each programme?	
53.	Whether any open house discussion has been conducted after each programme?	
54.	Whether a consolidated report indicating the general information and suggestions and the need for improvement has been sent to the State Legal Services Authorities?	
	Handbook of Guidelines for the guidance.	
55.	Whether Handbook of guidelines prepared by NALSA is being used as ready-reckoner/reference book?	
	Legal Services Card	
56.	Whether Legal Services Card (see last page of National Plan of Action, 2012) is being issued to the court-annexed legal aid beneficiaries	
57.	Whether the applicants for legal aided cases are approaching the front office of the DLSA/TLSC	

**Secretary,
District Legal Services Authority**

Place : _____

Dated : _____

Note: The format of this questionnaire shall be kept as a template in the computer of the DLSAs.

ANNEXURE J: NALSA's LEGAL SERVICES CARD

A SPECIMEN OF THE LEGAL SERVICES CARD

Name of the Legal Aided Persons: _____

Plaintiff/Defendant/Petitioner/Respondent/ _____

Appellant/Accused: _____

Title of the Case: _____

Nature of the Case: _____

The Court in which the case is pending: _____

Name of the Legal Aid Counsel: _____

Contact no. and address of the Counsel: _____

Sl. No.	Date.	Proceedings taken place.	Next hearing date.	Nature of proceedings on the next posting date and instructions to the party (legal aided person).	Name and signature of the PLVs/Panel Advocates manning at the 'Front Office'.

ANNEXURE K:

PERFORMA FOR MAINTAINING CASE RECORDS – CHRI

Name of lawyer:

District Legal Services Authority/Sub Divisional Legal Services Authority:

CLIENT & CASE INFORMATION:				
Legal Aid #		Client Name		
FIR No. & Concerned PS	Offence u/s	Case No.	Court	Custody warrant date:
Client Contact Info			Presently detained in (Name of Correctional Home)	
Date of Offence	Arrest Date & Time (Police)	Arrest Date & Time (Client)	Time spent in police custody	
Co-Accused	Age of Client: On record/his claim -	Date Charge Sheet Required	Date Charge Sheet Filed	
DETAILS OF COURT HEARINGS				
Date of First Production:	Subsequent Production/ Remand Dates:		Whether client physically produced on each production? If not, why?	
Date of Committal:	Court committed to:		Whether you were present on each hearing? If not, why?	
Dates of trial hearing:				
Comments & Details on trial hearings:				
BAIL & OTHER APPLICATIONS FILED				
Bail Applied - Date of each application:			Bail not applied? Reasons, why not:	
Outcome of bail applications: Application no..... Date of filing: Outcome: Denied / Withdrawn / Granted				
Application No..... Date of filing: Outcome: Denied / Withdrawn / Granted				
Application No..... Date of filing: Outcome: Denied / Withdrawn / Granted				
Release on bail? <input type="checkbox"/> Date:				
Bail Conditions fulfilled? <input type="checkbox"/> Date of release from custody:				
Appeal against rejection of bail: Yes/No If no, reasons:.....	Sessions Court <input type="checkbox"/> Date of filing: Outcome: Denied / Withdrawn / Granted Date of filing: Outcome: Denied / Withdrawn / Granted			
	High Court <input type="checkbox"/> Date of filing: Outcome: Denied / Withdrawn / Granted Date of filing: Outcome: Denied / Withdrawn / Granted			
	Date of filing: Outcome: Denied / Withdrawn / Granted			
Details of any other applications filed on behalf of client:				
CLOSING INFORMATION:				
Reason for close: Case Resolved / Absconded / Hired private lawyer / Other:				
Final Result:	Acquitted	Convicted	Release on bail	Case Dismissed
			Other:	
If convicted, final charge:			If convicted, final sentence:	
Date of Final Result		Closing Date	Client in detention or out at Close? IN / OUT	

PAYMENT INFORMATION

Date of taking up case:

--	--	--	--	--

Expenses incurred towards:

- 1. Certified copy:
- 2. Filing costs:
- 3. Drafting costs:
- 4. Court fees:
- 5. Stationary costs:
- 6. Travel expenses:
- 7. Other related expenses:

PAYMENT RECEIVED TILL DATE:

Amount received	Date	Signature of lawyer
Amount received	Date	Signature of lawyer
Amount received	Date	Signature of lawyer
Amount received	Date	Signature of lawyer

Any other remarks:

ANNEXURE L:

LETTER FROM ANDHRA PRADESH SLSA FOR SET UP OF GRIEVANCE REDRESSAL BOXES



N.VIDYA PRASAD
Member Secretary

GOVERNMENT OF ANDHRA PRADESH

A.P.STATE LEGAL SERVICES AUTHORITY

Nyaya Seva Sadan, City Civil Court Compound
Purani Haveli, Hyderabad -500 002
Ph.23446700, 23446702, 23446703 Fax:23446701
E-Mail: apslsaauthority@yahoo.com
E-Mail: apslsaauthority@rediff.com

ROC No:128/APSLSA/LSW/06 Dt:21-07-2006

CIRCULAR

Sub:- Legal Services to prisoners – Providing Grievance Boxes in prisons.

I am to state that in the meeting held on 13.07.2006 with the Hon'ble Executive Chairman, A.P. State Legal Services Authority and the Director General and Inspector General of Prisons and Correctional Services it is resolved to put up Grievance Boxes in prisons. In this regard, I am directed to issue the following instructions:

1. To keep requisite number of Grievance Boxes in the Central Prisons / District / Sub-Jails of your respective Jurisdiction.
2. Issue necessary directions to the Superintendents of the respective Prisons to see that free access is afforded to the prisoners to put up petitions for Legal Aid, or complaints of transgression on human rights., injuries or torture, where he/she needs remedial action, in such Grievance Boxes.
3. Such Boxes shall be under the lock and keys. The keys shall be in the custody of the Chairman, District Legal Services Authority or Mandal Legal Services Committee as the case may be and shall be opened only under the Authority of the respective Chairman once in a week.
4. The Secretaries of the respective District Legal Services Authority or the Chairman, Mandal Legal Services Committee shall get the complaints/petitions processed in Grievance Boxes enter the complaints/petitions in a separate register duly noting the action taken at their end on each complaint/petition.
5. The Secretary, District Legal Services Authority or the Chairman, Mandal Legal Services Committee as the case shall take all necessary steps to make the prisoners know about the Grievance Boxes kept in the prisons by the District Legal Services Authorities or Mandal Legal Services Committees and awareness be created among prisoners in this regard through Para-Legal volunteers identified in prisons.
6. The District Legal Services Authorities are permitted to meet the expenditure incurred for preparing Grievance Boxes and locks from out of Legal Aid Fund if the Jail authorities fail to provide such facility.
7. The Chairmen, District Legal Services Authorities are requested to issue a press note in this regard in News papers / Electronic Media.

District Judge & Chairman, District Legal Services Authority, Chairman, Mandal Legal Services Committee shall take all steps for establishing Grievance boxes in the Jails in your unit and send compliance report by 16.08.2006 so as to place it before His Lordship.


For MEMBER SECRETARY

To:

1. All the Chairmen, District Legal Services Authorities.
2. The Secretary, A.P. High Court Legal Services Committee, Hyderabad.

ANNEXURE M:

DISTRICT WISE LIST OF COURTS, CORRECTIONAL HOMES AND LEGAL SERVICES AUTHORITIES

S. No.	District	District Court	Sub Divisional Courts	Correctional Home	DLSA/SDLSC
1	Alipurduar		Alipurduar	Alipurduar DCH	Alipurduar SDLSC
2	Bankura	District & Sessions Court, Bankura	Bankura Sadar, Bishnupur, Khatra	Bankura DCH, Bishnupur SCH	Bankura DLSA, Bankura (Sadar) SDLSC, Bishnupur SDLSC, Khatra SDLSC
3	Birbhum	District & Sessions Court, Birbhum	Suri, Dubrajpur Chowki, Rampurhat, Bolpur	Suri DCH, Bolpur SCH, Rampurhat SCH	Birbhum DLSA, Suri SDLSC, Bolpur, Rampurhat SDLSC
4	Burdwan	District & Sessions Court, Burdwan	Burdwan Sadar, Asansol, Katwa, Durgapur, Kalna	Burdwan DCH, Asansol SpCH, Durgapur SCH, Durgapur OACH, Katwa SCH, Kalna SCH	Burdwan DLSA, Burdwan (Sadar) SDLSC, Asansol, SDLSC, Durgapur, SDLSC, Katwa, SDLSC, Kalna SDLSC
5	Cooch Behar	District & Sessions Court, Cooch Behar	Cooch Behar, Dinhata, Tufanganj, Mathabhanga, Mekhliganj	Cooch Behar DCH, Dinhata SCH, Mathabhanga SCH, Tufanganj SCH, Mekhliganj SCH	Cooch Behar DLSA, Cooch Behar Sadar SDLSC, Dinhata SDLSC, Mathabhanga SDLSC, Tufanganj SDLSC, Mekhliganj SDLSC
6	Dakshin Dinajpur	District & Sessions Court, Dakshin Dinajpur	Balurghat, Buniadpur	Balurghat DCH	Dakshin Dinajpur DLSA, Balurghat SDLSC, Gangarampur SDLSC
7	Darjeeling	District & Sessions Court, Darjeeling	Darjeeling Sadar, Siliguri, Kalimpong, Kurseong, Mirik, Mungpoo, Gorubathan	Darjeeling DCH, Kalimpong SCH, Kurseong SCH, Siliguri SpCH	Darjeeling DLSA, Darjeeling (Sadar) SDLSC, Kalimpong, SDLSC, Kurseong SDLSC, Siliguri SDLSC.
8	Hooghly	District & Sessions Court, Hooghly	Hooghly Sadar (Chinsurah), Chandannagaore, Serampore, Arambagh	Hooghly DCH, Arambagh SCH, Chandannagar SCH, Serampore SCH	Hooghly DLSA, Hooghly Sadar SDLSC, Arambagh SDLSC, Chandannagore SDLSC, Serampore SDLSC
9	Howrah	District & Sessions Court, Howrah	Howrah Sadar, Uluberia	Howrah DCH, Uluberia SCH	Howrah DLSA, Howrah (Sadar) SDLSC, Uluberia SDLSC
10	Jalpaiguri	District & Sessions Court, Jalpaiguri	Jalpaiguri Sadar, Malbazar, NJP Railway Court	Jalpaiguri CCH	Jalpaiguri DLSA, Jalpaiguri (Sadar) SDLSC, Mal SDLSC
11	Kolkata	City Sessions Court, Kolkata	Bankshall Court, Presidency Small Causes Court	Presidency CH, Alipore CCH, Alipore WCH	Kolkata DLSA
12	Malda	District & Sessions Court, Malda	Malda Sadar	Malda DCH	Malda DLSA, Malda (Sadar) SDLSC
13	Murshidabad	District & Sessions Court, Murshidabad	Berhampore, Kandi, Lalbagh, Jangipur	Berhampore CCH, Lalbagh SCH, Kandi SCH, Jangipur SCH, Lalgola OACH	Murshidabad DLSA, Berhampore SDLSC, Lalbagh SDLSC, Kandi SDLSC, Jangipur SDLSC

S. No.	District	District Court	Sub Divisional Courts	Correctional Home	DLSA/SDLSC
14	Nadia	District & Sessions Court, Nadia	Krishnanagar, Tehatta, Kalyani, Ranaghat, Nabadwip	Krishnanagar DCH, Kalyani SCH, Ranaghat SCH, Tehatta SCH	Nadia DLSA, Krishnanagar SDLSC, Kalyani SDLSC, Ranaghat SDLSC, Tehatta SDLSC
15	North 24 Parganas	District & Sessions Court, North 24 Parganas	Barasat, Bongaon, Basirhat, Barrackpore, Bidhannagar	Dum Dum CCH, Bongaon SCH, Basirhat SCH, Barrackpore SCH	North 24 Parganas DLSA, Barasat SDLSC, Bongaon SDLSC, Basirhat SDLSC, Barrackpore SDLSC, Bidhannagar SDLSC
16	Paschim Midnapore	District & Sessions Court, Paschim Midnapore	Midnapore Sadar, Ghatal, Jhargram	Midnapore CCH, Jhargram SCH, Ghatal SCH	Paschim Midnapore DLSA, Midnapore (Sadar) SDLSC, Jhargram SDLSC, Ghatal SDLSC
17	Purba Midnapore	District & Sessions Court, Purba Midnapur	Tamluk, Contai, Haldia	Tamluk SCH, Contai SCH, Haldia SCH	Purba Midnapore DLSA, Tamluk SDLSC, Contai SDLSC, Haldia SDLSC
18	South 24 Parganas	District & Sessions Court, South 24 Parganas	Alipore Sadar, [Alipore (Criminal) Kolkata Police, Alipore (Criminal) West Bengal Police], Sealdah, Baruipur, Kakdwip, Diamond Harbour	Alipore CCH, Alipore WCH, Diamond Harbour SCH, Presidency CH	South 24 Parganas DLSA, Alipore (Sadar) SDLSC, Baruipur SDLSC, Diamond Harbour SDLSC, Kakdwip SDLSC
19	Purulia	District & Sessions Court, Purulia	Purulia Sadar, Raghunathpur	Purulia DCH, Purulia WCH, Raghunathpur SCH	Purulia DLSA, Purulia Sadar SDLSC, Raghunathpur SDLSC
20	Uttar Dinajpur	District & Sessions Court, Uttar Dinajpur	Raiganj Sadar, Islampore	Raiganj DCH, Islampore SCH	Uttar Dinajpur DLSA, Raiganj SDLSC, Islampore SDLSC

Key: CCH – CENTRAL CORRECTIONAL HOME, DCH – DISTRICT CORRECTIONAL HOME, SCH – SUBSIDIARY CORRECTIONAL HOME, SpCH – SPECIAL CORRECTIONAL HOME, WCH – WOMEN CORRECTIONAL HOME, OACH – OPEN AIR CORRECTIONAL HOME, DLSA – DISTRICT LEGAL SERVICES AUTHORITY, SDLSC – SUB DIVISIONAL LEGAL SERVICES COMMITTEE

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 over-stays, 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.

This study looks at the implementation of various NALSA and SLSA directives for ensuring access to legal aid services in correctional homes. The study examines the responses received from 39 Correctional Homes in West Bengal and provides an account of the legal aid services available at correctional homes in each of the 20 districts of West Bengal. The study calls for greater compliance of directives and schemes and also puts forth practical recommendations in order to ensure effective access to legal aid services in correctional homes.

“Atleast two legal aid lawyers, one for female inmates and other for male inmates should ensure visits atleast twice a week to correctional homes”

-Alipurduar DCH

“Legal aid lawyers must meet their clients and apprise them of the progress of the case, mainly outcome of bail applications on a regular basis.”

-Lalbagh SCH, Dum Dum CCH, Kalyani SCH, Midnapore CCH and Alipore WCH

“Intimation of progress of cases must be given by legal aid lawyers or DLSA”

- Balurghat DCH

“Not only should the awareness drive be increased but para legal volunteers should function more effectively”

- Raghunathpur SCH



Commonwealth Human Rights Initiative

55A, Third Floor, Siddharth Chambers

Kalu Sarai, New Delhi 110 017, India

Tel: +91 11 4318 0200

Fax: +91 11 2686 4688

E-mail: info@humanrightsinitiative.org

Website: www.humanrightsinitiative.org