

CHRI 2017



Prison Legal Aid Clinics in West Bengal: Bringing Justice Closer?



CHRI

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

Commonwealth Human Rights Initiative

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

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.

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

International Advisory Commission: Yashpal Ghai - Chairperson. Members: Clare Doube, Alison Duxbury, Wajahat Habibullah, Vivek Maru, Edward Mortimer, Sam Okudzeto, and Sanjoy Hazarika.

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

Executive Committee (Ghana): Sam Okudzeto – Chairperson. Members: Akoto Ampaw, Yashpal Ghai, Wajahat Habibullah, Clare Doube, Kofi Quashigah, Juliette Tuakli and Sanjoy Hazarika.

Executive Committee (UK): Clare Doube – Acting Chairperson. Members: Richard Bourne, Joanna Ewart-James, Sadakat Kadri, Neville Linton, Sashy Nathan, Katherine O'Byrne, Rita Payne, Michael Stone and Sanjoy Hazarika

ISBN: 978-93-81241-38-7

©Commonwealth Human Rights Initiative, 2017. Material from this report may be used, duly acknowledging the source.



Commonwealth Human Rights Initiative

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
E-mail: london@humanrightsinitiative.org

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

Prison Legal Aid Clinics in West Bengal: Bringing Justice Closer?

By

Amrita Paul & Madhurima Dhanuka

Design & Layout

Gurnam Singh

"A functioning legal aid system, as part of a functioning criminal justice system, may reduce the length of time suspects are held in police stations and detention centres, in addition to reducing the prison population, wrongful convictions, prison overcrowding and congestion in the courts, and reducing reoffending and revictimization."

*- UN Principles and Guidelines on
Access to Legal Aid in the Criminal Justice System, 2012*

Acknowledgements

We extend our gratitude to Mr Arun Kumar Gupta, Director General & Inspector General of Correctional Services, West Bengal, for enabling us to obtain relevant information from correctional homes for the completion of this study.

We also thank the West Bengal State Legal Services Authority and District Legal Services Authorities for their cooperation and guidance in gathering the necessary information for the study. We are grateful to all correctional home officers and legal aid lawyers who spared their valuable time to answer our queries and provide us with essential information.

We thank Mr Sanjoy Hazarika, Ms Maja Daruwala, Ms Sana Das and Ms Sugandha Shankar for their invaluable editorial support. We are indebted to Mr Raja Bagga for his assistance throughout the study and for his inputs in data evaluation and depiction. We are grateful to all members of the Prison Reforms Programme whose support has been instrumental in the completion of this report.

Table of Contents

Introduction	vii
Chapter I : Methodology	1
Chapter II : The Reality of the Clinics: Mandate vs Practice	3
Chapter III : Evaluation of the Different Clinic Models	8
Chapter IV : Findings and Recommendations	12
ANNEXURES	18
Annexure A : WBSLSA’s Letter on NALSA’s Standard Operating Procedures on Representation of Persons in Custody, 2016	19
Annexure B : CHRI Questionnaire on the Working of Legal Aid Clinics	23
Annexure C : NALSA’s Letter on the Setup of Legal Aid Clinics in Prisons	25
Annexure D : WBSLSA: Setup of Permanent Legal Aid Clinics in each Correctional Home	26
Annexure E : DLSA’s Letter of Appointment for Jail Visiting Lawyers	27
Annexure F : WBSLSA: Setup of Permanent Legal Aid Clinics in Correctional Homes – Paralegals	29
Annexure G : CHRI’s Proposed Sample Form for Documenting Case Details	30
Annexure H : CHRI’s Proposed Sample Form for Monthly Report	31
Annexure I : CHRI’s Proposed Case Tracker for Recording Information on All Cases	32
Annexure J : Poster for Display in Wards of Correctional Homes	34

INTRODUCTION

This report highlights the lack of uniformity in the functioning of legal aid clinics across correctional homes in West Bengal and urges for issuance of guidelines and procedures to streamline their operations. It is a comparative study of different models of legal aid clinics that operate at present in six correctional homes. The lack of homogeneity is attributed to the existence of various schemes and provisions for their functioning. Based on the advantages and disadvantages of the different models, the report goes on to provide detailed recommendations to bring uniformity in their working as well as to ensure efficacy.

It is important to reiterate that “legal aid is an essential element of a fair, humane and efficient criminal justice system that is based on the rule of law and that it is a foundation for the enjoyment of other rights, including the right to a fair trial, as a precondition to exercising such rights and an important safeguard that ensures fundamental fairness and public trust in the criminal justice process”.¹ For those unable to afford a lawyer, the “right to free legal aid” at the state’s cost is crucial² to breathe life into the notion of equal access to justice for all. This resonates in the Code of Criminal Procedure, 1973 (Cr.P.C.)³ as well as in the Legal Services Authority Act, 1987 (the Act).

Effective state-funded legal aid is important to assist poor accused persons to realise their rights and provide a better chance to seek justice. Without access to effective legal representation, millions face arbitrary and extended pretrial detention, torture, coerced confessions, wrongful convictions, stigma, health and livelihood impacts and other abuse.

In India, the National Legal Services Authority (NALSA) and the State Legal Services Authorities (SLSA) have, since inception in 1987, framed numerous schemes for effective legal aid delivery to various sections of the community, as per Sections 4(a) and (b) of the Act. Several of these schemes seek to ensure access to legal aid services to the accused, including but not limited to, ensuring the presence of legal aid lawyers during production at court and setting up legal aid clinics in prison. This report is however, restricted to two schemes in particular, viz. appointment of paralegal volunteers to visit prisons and setup of legal aid clinics in prisons.

Pursuant to the directives issued by the West Bengal State Legal Services Authority (WBSLSA) in 2013⁴ and 2015⁵, two types of legal aid clinics are functional, viz. permanent legal aid clinics handled by paralegal volunteers and legal aid clinics operated by panel lawyers respectively. The absence of documents harmonising both schemes has led to confusion between the roles of panel lawyers and paralegal volunteers.

In this light, the study was undertaken to document the functioning of legal aid clinics in **six correctional**

1 Preamble to the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, 2012.

2 Article 39A. Equal justice and free legal aid: “The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.” See also Article 22(1) Constitution of India & Section 41D.

3 See Section 41D Code of Criminal Procedure, 1973.

4 Annexure F.

5 Annexure D.

homes of West Bengal. Based on the findings of the report, it is strongly urged that WBSLSA may frame guidelines under the aegis of the recently issued Standard Operating Procedures (SOP) for Representation of Persons in Custody, 2016,⁶ in order to bring uniformity in the operations of these clinics across the state.

The report is divided into four chapters. Chapter I states the methodology for the study, while Chapter II highlights the key areas of concern in legal aid delivery at correctional homes and brings together the responses received from panel lawyers assigned to visit correctional homes. Chapter III describes the different models of legal aid clinics that exist across the correctional homes surveyed and Chapter IV puts forward findings, recommendations and a procedural framework that can assist in streamlining and bringing uniformity to the functioning of legal aid clinics in correctional homes.

I. METHODOLOGY

There are 23 districts and 59 correctional homes in West Bengal. For the purpose of this study a survey⁷ was undertaken in February-March 2016 across five districts, viz. North 24 Parganas including Barasat and Bidhannagar, South 24 Parganas, Kolkata, Howrah and Murshidabad and six correctional homes – four central correctional homes, one district correctional home and one women’s correctional home– Dum Dum Central Correctional Home, Presidency Central Correctional Home, Alipore Central Correctional Home, Berhampore Central Correctional Home, Howrah District Correctional Home and Alipore Women’s Correctional Home. Interviews were conducted with six welfare officers⁸ and eight panel lawyers appointed to visit correctional homes by legal services authorities. Of these, a few correctional homes also fall within the jurisdiction of several districts.⁹ Given the richness of the data documented, it can be considered as representative of the situation across the state.

The study was undertaken in response to feedback received from inmates from Dum Dum Correctional Home, Presidency Correctional Home and Alipore Women’s Correctional Home regarding legal aid services being provided to them. Eighteen inmates, all of whom were represented by legal aid lawyers, were interviewed between June and July 2015, and their responses indicate the ailing state of legal aid delivery in the correctional homes. Though the inmates’ feedback was not restricted to legal aid clinics per se, yet the responses raised questions on their functioning, resulting in CHRI undertaking the present study.

For the sake of clarity, the term jail visiting lawyers (JVL) is used hereinafter to denote panel lawyers who have been nominated to visit correctional home; paralegal volunteers (PLVs) denotes either community or convict paralegal volunteers assigned to prison legal aid clinics and; legal aid lawyers refers to lawyers who are subsequently appointed to represent inmates.

Jurisdictional Setup of Legal Services Authorities in West Bengal

West Bengal is a state in India and is situated in the eastern part of the country with Kolkata as its capital. The state consists of 23 districts: Alipurduar, Bankura, Bardhaman, Birbhum, Cooch Behar, Dakshin Dinajpur, Darjeeling, Howrah, Hooghly, Jalpaiguri, Jhargram, Kalimpong, Kolkata, Malda, Murshidabad, Nadia, North 24 Parganas, Purulia, Purba Medinipur, Paschim Bardhaman Paschim Medinipur, South 24 Parganas and Uttar Dinajpur. Each district has a headquarter and subdivisions comprising municipalities and development blocks for ease of administration.

The Legal Services Authority Act, 1987 envisioned a hierarchy of legal services authorities for realising legal aid. At the head would be NALSA with State Legal Services Authorities (SLSAs) in the states of India. Since SLSAs would only be being present in the state capitals, a body would be established in each districts, which would be the District Legal Services Authorities (DLSAs).

7 Questionnaire on Working of Legal Aid Clinics – Annexure B.

8 As per Section 11 of the West Bengal Correctional Services Act, 1992, welfare officers are to be appointed in each central, district and special correctional home. Welfare officers have been assigned a number of duties to ensure the welfare of prisoners, including education, recreation, rehabilitation, etc. They are primarily responsible to ensure that legal aid services are made available to all inmates.

9 Some correctional homes, such as the Presidency Correctional Home and the Alipore Women’s Correctional Home detain inmates from more than one district, viz. Kolkata, Howrah, South 24 Parganas and North 24 Parganas.

In West Bengal, DLSA offices are established at each district court and are headed by the District & Sessions Judge as Chairperson and one full-time Secretary, DLSA. For each sub-divisional court, there is a Sub-divisional Legal Services Committee (SDLSC) headed by a Secretary. For example, North 24 Parganas is a district comprising five subdivisions: Barrackpore, Basirhat, Bongaon, Bidhannagar and Barasat Sadar. Barasat is the headquarter of this district as well, therefore, the office of the Secretary, DLSA for North 24 Parganas is situated here. Barasat Sadar also has the office of the Sub-Divisional Legal Services Committee as do the other subdivisions. Another example is South 24 Parganas, which is a district comprising Alipore Sadar, Baruipur, Canning, Diamond Harbour and Kakdwip subdivisions with Alipore as the headquarters. Alipore has the DLSA, South 24 Parganas with SDLSCs in each of the subdivisions.

One finds that certain jurisdictional overlaps exist at a few correctional homes in and around Kolkata. Some correctional homes, such as the Presidency Correctional Home and the Alipore Women's Correctional Home detain inmates from more than one district, viz. Kolkata, Howrah, South 24 Parganas and North 24 Parganas.

II. THE REALITY OF THE CLINICS: MANDATE VS PRACTICE

A. Framework & Mandate

Legal aid clinics in prisons have been part of NALSA's vision statement for a long time. However, it was only in 2015 that a communication was made by the Director, NALSA to all the Member Secretaries of the State Legal Services Authority, vide letter No. L/47/2014-NALSA dated 21 May 2015 seeking to set up legal service clinics in all the prisons in their respective states. This process should include formulation, development including formulation, development and implementation of a system of electronic links between prisons within a period of three months.¹⁰ Pursuant to NALSA's letter, the West Bengal State Legal Services Authority (WBSLSA) on 22 June 2015 directed the setting up of legal service clinics in all correctional homes within this period.¹¹ However, the letter did not specify the composition of the legal aid clinics, or the procedures to be adopted in pursuance of their mandates.

A few weeks before the formal communications by NALSA and WBSLSA, some of the DLSAs in West Bengal, viz. Murshidabad, South 24 Parganas, Kolkata and North 24 Parganas nominated panel lawyers to visit correctional homes. The letters stated that JVLs were to render every kind of legal service, beyond representation, and including counselling and free legal advice to the inmates. They were also to ascertain the names and number of inmates who were undefended or unrepresented. The JVLs were at liberty to mention any special finding during their visit in their reports, which were to be brought before the district authority for redressal.¹²

Before this, in 2013, WBSLSA had sent directives to all district legal services authorities to setup permanent legal aid clinics in all correctional homes in West Bengal. The clinics were to be manned by paralegal volunteers (PLV) to deal with the problems of the inmates.¹³ Additionally, since 2011, WBSLSA has organised programmes to train convicts as paralegals and mediators¹⁴ so that they could bring appropriate cases of their fellow inmates to the notice of visiting legal aid counsels at the legal aid clinics.¹⁵

These letters and circulars form the foundation for the legal aid clinics in correctional homes. Read collectively, the framework envisages legal aid clinics with the presence of convict paralegals, community paralegals and JVLs within each correctional home. However, the exact number of PLVs

10 Annexure C. Prior to this, some states had setup legal aid clinics in prisons, in pursuance of NALSA's Legal Aid Clinic Regulations, 2011, such as the Rajasthan State Legal Service Authority's Legal Assistance to Persons in Custody Scheme, 2012.

11 WBSLSA: Set Up of Permanent Legal Service Clinics in Each Correctional Homes – Annexure D.

12 DLSA's Letter of Appointment of Jail Visiting Lawyer–Annexure E.

13 WBSLSA: Set Up of Permanent Legal Aid Clinics in Correctional Homes - Paralegals – Annexure F.

14 In compliance with NALSA's Paralegal Volunteer Scheme. Available at www.nalsa.gov.in.

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

and JVLs to be appointed was not mentioned in any of the directives, thus leading to the assumption that at least one PLV and JVL must be appointed from every district for every correctional home. It is also not clear where convict and community PLVs would be appointed, or if both could be appointed.

This is corroborated by data on their appointments that is described in CHRI's Study on Legal Aid Services in Correctional Homes¹⁶ which documents compliance of the 2013 and 2015 directives. The report reveals that in 2015, PLVs were appointed in 32 correctional homes and JVLs were appointed in 29 of the 39 correctional homes that gave their responses.

However, even with the existence of legal aid clinics, feedback from inmates (See below) points to inefficiencies and deep concerns across the board about the quality of services rendered in these clinics.

INMATE FEEDBACK ON THE QUALITY OF LEGAL AID SERVICES (2015)

1. **Awareness:** 16 inmates of the 18 interviewed claimed that they were unaware of their right to legal aid at the time of admission. Ten inmates were informed by prison officials about their right to legal aid, two were informed by the judge, one read the posters and five were informed by fellow prisoners.
2. **Appointment:** Ten inmates filed applications for the appointment of legal aid lawyers within a year of their admission. One got legal aid after five years while four applied within two to five years of admission. Some of these stated that they had private lawyers earlier and opted for legal aid lawyers subsequent to drying up of funds to pay fees.
3. **Intimation from DLSA:** One inmate claimed that he was not intimidated about the appointment of a lawyer in response to his application, while all others said that they received intimation from the welfare officer, the lawyer himself or from DLSA.
4. **Interaction:**
 - o **Enquiring about case particulars from the inmate:** Only five inmates responded in the affirmative, while the remaining thirteen stated that their lawyers had never discussed the details of their cases or made any enquiries from them.
 - o **Place of interaction with legal aid lawyers:** Seven inmates claimed that their lawyers never met them, while others met their lawyers in court, the court lockup or the correctional home. Of these, only three stated that they met their lawyers regularly.
 - o **Presence of lawyer on the date of hearing in court:** Nine inmates claimed that their lawyers were not present on their dates of hearing in court, though they did not clarify if they meant that the lawyers were absent at all hearings or just a few.
 - o **Regular updates on the cases by legal aid lawyers:** Ten inmates claimed that lawyers did not intimate them or their families about the status of their cases.
5. **Client Satisfaction:** Only four inmates were satisfied with their lawyers, while the remaining were unhappy or dissatisfied.
6. **Grievance Redressal:** The inmates stated that in the absence of any avenue or mechanism to share their grievances against their lawyers, complain or even seek a change of lawyer, they were forced to continue with the legal aid lawyers appointed to them.
7. **Seeking Monetary Gains:** Two inmates reported that they were asked to pay Rs.5,000 per person. But since they did not know the procedure for procedure for complaints, they were unable to do anything about it.

16 See Legal Aid Services in Correctional Homes in West Bengal, CHRI, 2015 available at <http://www.humanrightsinitiative.org/download/14652053352015%20Report%20-%20Legal%20Aid%20in%20CH%20-%20WB.pdf>.

The interaction with inmates necessitated that an in-depth enquiry into the functioning of the legal aid clinics in correctional homes be carried out in order to assess the problem areas and shortcomings.

B. Functioning of the Legal Aid Clinics

To assess the functioning and performance of legal aid clinics, there were interactions with JVLs and welfare officers who are entrusted with ensuring that legal services are made available to inmates. Welfare officers universally acknowledged the utility of legal aid clinics. JVLs' visits offered hope to inmates who are often forgotten by the system. The numbers of appointed JVLs was adequate, but their visits were not, and engagement with their work was also often questioned. Welfare officers felt that a system of periodic reviews and evaluations needed to be in place.

The responses from the JVLs were more detailed. A summary is given below:

- 1. Appointments of JVLs and PLVs:** All the JVLs were appointed by the Secretary, District Legal Services Authority. The JVLs for the districts of North 24 Paraganas, South 24 Paraganas, Kolkata and Murshidabad were appointed between February 2015 and May 2015. It was also reported that the JVL for Howrah was working for the past few years. However, JVLs were appointed for central correctional homes only, and not at the district/subsidiary correctional homes in the districts covered under the study. The findings are similar in the case of PLVs. While appointments were made for most central and district correctional homes, the subsidiary ones had none.
- 2. Tenure:** There is no set tenure for the appointments of JVLs to visit correctional homes. As the appointment letters do not specifically state any tenure, it is presumed that they are to continue to work, till further directives are issued. In some cases, however, it was stated that lawyers could request to be relieved from their duties owing to lack of time, delay in payments or discontentment over work.
- 3. Mandate:** The lawyers stated that they have to visit the correctional home on a fixed date and collect the cases from the paralegal volunteer or collate the list of unrepresented undertrials in consultation with the welfare officer. They also discuss the facts of the cases and steps that need to be taken for the benefit of the undertrials. They said that they assist in creating legal awareness among the inmates. It is important to note that their mandate is not mentioned in any of the letters/directives for their appointment. They are often handed one-line appointment letters which do not describe their role, dos and don'ts, or their functions.
- 4. Frequency of Visits:** The frequency of visits varied for each of the JVLs. It ranged from twice a week to once a month. Here again, lack of specific instructions leads to disparity across correctional homes.
- 5. Training of JVLs:** Barring one JVL from Murshidabad district, none of the others were given any training or resource material to orient them towards fulfilling their roles and responsibilities.
- 6. Payment Schedule:** Shortcomings were pointed out in the prevalent payment mechanism. It is indicative of the lack of uniformity in releasing payments, wherein the JVL from Howrah claimed that he had not been paid for the past few years; in North 24 Parganas and South 24 Parganas, payments are made once or maximum twice a year; at Kolkata, payments were eventually made, but not promptly; and only in Murshidabad district, an honorarium was paid and regularly

dispensed within 30-45 days. However, in all districts no expenses were paid towards travel to and from correctional homes.

7. Documentation & Reporting:

- i. **Correctional Homes:** Though there is no specific instruction to this effect, registers are maintained at all the correctional homes. The register records the number of cases and the details of each case given to the JVLs for representation at court.
- ii. **Lawyers:** While all lawyers claimed that they maintained personal registers to record cases, barring two lawyers from Kolkata and Murshidabad, none of them stated that they had any method of reporting the progress of their cases to the DLSAs. While a few said they verbally updated the DLSAs, others pointed out that in some cases other panel lawyers are appointed, wherein it becomes difficult to even keep track or seek updates. However, it is apparent that there are no mechanisms to submit written reports on the progress of the cases to the DLSAs.
- iii. **DLSA/SDLSC Office:** Two lawyers from Kolkata and Murshidabad have a register which is maintained at the DLSA's office for the respective districts where the details of unrepresented undertrials are entered. The other six lawyers stated that no registers are maintained at the offices of the DLSAs. However, they maintain registers that are shared with the DLSAs at appropriate times.

8. **Procedure Followed During Visits to Correctional Homes:** In terms of procedures, there was no uniformity and several models emerged. In correctional homes where paralegal volunteers are functional, the JVL collects the list of unrepresented undertrials from them on his visits. At others, where no paralegals are present, the lawyer prepares the list after interactions and referrals by the welfare officer. The JVL then interacts with the inmates to ascertain case particulars and provide legal advice and counselling. At some correctional homes, the paralegals and the JVL carry out the task of preparing lists, thus duplicating each other's work.

9. **Procedure after the Visits:** The list of unrepresented undertrials is shared with the Secretary, DLSA who issues directions regarding appointment of legal aid lawyers. The time taken to appoint lawyers varied across districts. The JVL who visited the correctional home is assigned to defend the inmates; or legal aid lawyers are appointed on a rotational basis; or lawyers appointed at each particular court are assigned the task of defending the undertrials at their next date of production/hearing. However, it appeared that in cases where there were mid-trial changes in lawyers, there were no formal means to ensure that client instructions were carried forward or that the new lawyer interacted with the client.

10. **Representation after Securing Bail for Clients:** It is commonly understood that once a person has been released on bail, he can continue to receive legal aid only if he satisfies the conditions enumerated under the Act. When an inmate secures bail, the decision rests solely upon the inmate if s/he wants to continue to be represented by the legal aid lawyer. In most cases, the JVLs stated that inmates switched to private lawyers.

11. **Intimation of Appointments to Correctional Home/Inmate:** The respective DLSAs send an intimation regarding the appointment of the legal aid lawyer in a pre-set format to the correctional home and the lawyer appointed.¹⁷ The same is received by the welfare officer and is handed over

to the inmate. However, it appeared that intimations were not promptly sent to all correctional homes, and that no timelines were set for appointment and intimation of appointments of legal aid lawyers.

- 12. Interactions Between Client and Lawyer:** All JVLs stated that there were regular interactions between them and the inmates. They also said that they shared the case updates with them. However, it seems that apart from cases where the JVL visits the correctional home and interacts with the inmates, no procedures are in place either to ensure that legal aid lawyers are appointed on a rotational basis, or that those attached to the concerned court, must interact with his/her client before the next hearing. Additionally, there are no mechanisms to confirm that information regarding the particulars of each case is shared along with client instructions from the inmate to the legal aid lawyer.
- 13. Performance:** In the six to nine months since their appointment, during May to July 2015, the largest numbers of cases were taken up by the JVLs from Kolkata and Howrah. However, none of the lawyers could provide the exact figures on the outcomes of the cases taken up by them. **Table A** lists the number of cases taken up and those in which releases were secured by bail or discharge. The list was prepared from the records available at the correctional homes and was further corroborated by the JVLs. This indicates that there are no mechanisms to report or document case outcomes either with the correctional homes or the JVLs.

Table A

Name of District/Correctional Home	Case Records	
	Cases taken up	Releases
Kolkata/Presidency CH	300	200
South 24 Parganas/Presidency CH	20	Not sure
South 24 Parganas/Alipore CCH	200	Many, though exact number not specified
South 24 Parganas/Alipore WCH	25-30	Not sure
Murshidabad/Berhampore CCH	70-100	Quite a lot
North 24 Parganas/Dum Dum CCH	50	35
Howrah/Howrah DCH	150	50

III. EVALUATION OF DIFFERENT CLINIC MODELS

Lack of precise guidelines from national and state legal aid authorities defining the composition, mandate and procedures of legal aid clinics means that there is no uniformity in their functioning and multiple models are seen on the ground. Even though NALSA's recently framed Standard Operating Procedures for Representation of Persons in Custody, 2016 provides some details for the functioning of these clinics, it does not lay down step-by-step procedures, which would ensure the efficacy of the clinics. This chapter discusses the functioning of each model, evaluates them and showcases the advantages and disadvantages of each.

DIFFERENT MODELS OF CLINICS: AN EVALUATION

A descriptive table on procedures adopted by legal aid clinics in each of the correctional homes is given on page 11. An evaluation of these models brought forth the following observations.

COMPOSITION OF CLINIC	PROS	CONS
Community Paralegal Volunteer (PLV) & Jail Visiting Lawyer (JVL)	<ul style="list-style-type: none"> a. Community PLV ensures prompt and regular transfer of information from correctional home to DLSA office. b. Complements work of JVL in identifying and documenting cases in need of legal aid. c. Even if JVL cannot visit due to unforeseen reasons, PLV ensures link between correctional home and DLSA. d. Presence of both ensures prompt delivery of legal aid services to inmates. 	<ul style="list-style-type: none"> a. Community PLVs are not available at all times within the correctional home and can be approached only if inmates have prior intimation of visits. b. Visits twice a week for one to two hours by community PLVs may be inadequate to ascertain legal aid needs for all inmates.
Convict Paralegal Volunteer (PLV) & Jail Visiting Lawyer (JVL)	<ul style="list-style-type: none"> a. Convict PLV ensures that inmates have access to legal aid services at all times. b. It is easier for convict PLVs to ascertain cases that are unrepresented as they can receive information from other inmates and also visit wards to offer help to those who are unrepresented. c. Convict PLV complements the work of JVL, assists in finding unrepresented inmates, prepares lists and ensures that JVL meets them during his visit. d. Presence of both ensures prompt delivery of legal aid services to inmates. 	<ul style="list-style-type: none"> a. Convict PLVs are not available in all correctional homes such as some district or subsidiary correctional homes. b. Where JVL is not regular in visits, convict PLVs have no means of communicating promptly with DLSAs.

Community PLV	<p>a. Community PLV ensures prompt and regular transfer of information from correctional homes to DLSA's office.</p>	<p>a. Community PLV is not available at all times and can be approached by inmates only if they have prior intimation of his visit.</p> <p>b. Community PLV cannot provide legal advice and counselling, which should be done by a lawyer, thus reducing the scope of legal aid clinics.</p> <p>c. There are no means to ensure interaction of inmates with lawyer or JVL, unless arrangements are made for their meetings in court.</p>
Convict PLV	<p>a. Presence of Convict PLV ensures that inmates have access to legal aid at all times.</p>	<p>a. With no JVL to visit and provide legal aid and advice to inmates directly, the efficacy of legal aid clinic is hampered.</p> <p>b. No direct link to DLSA's office means there is no way to communicate information from correctional home to DLSA's office.</p> <p>c. Convict PLVs are not available in all correctional homes, especially subsidiary correctional homes.</p>
Panel Lawyer	<p>a. JVL can provide legal aid and counsel inmates</p> <p>b. JVL can share information from correctional home to DLSA and take up any urgent matters with DLSA.</p>	<p>a. With no PLV, finding inmates in need of legal aid has to be done by the JVL, along with the documentation. This is time consuming and tedious. Most often one would find that it is difficult for the JVL to do this as well as provide legal aid to inmates. This undermines the scope of the clinics.</p>

THE VERDICT

It is clear from this evaluation that clinics with jail visiting lawyers and paralegals (community or convict) seem to have advantages over clinics where only paralegals or JVLs are assigned to run them. This stated, the best model might actually be one where there is a **convict PLV, a community PLV and a JVL**. This is especially so for central correctional homes where the population of inmates is high and where inmates from several subdivisions and districts are detained. This model would be most beneficial as it would be free from the disadvantages mentioned above, and would ensure

regular and prompt sharing of information between correctional homes and legal services authorities. But it is clear that models with only a paralegal or a lawyer should be avoided where possible, since the lack of a PLV or JVL clearly hampers the functioning as well as efficacy of the clinics. Steps must be taken by the SLSA and DLSAs to remedy this.

Name of District	Presidency CH				Alipore Women's CH				Dum Dum CCH				Berhampore CCH				Howrah DCH				Alipore CCH							
	Kolkata		South 24 Parganas		Kolkata		South 24 Parganas		North 24 Parganas		Murshidabad		Howrah		South 24 Parganas													
	Convict PLV	Community PLV	JVL	Convict PLV	Community PLV	JVL	Convict PLV	Community PLV	JVL	Convict PLV	Community PLV	JVL	Convict PLV	Community PLV	JVL	Convict PLV	Community PLV	JVL	Convict PLV	Community PLV	JVL	Convict PLV	Community PLV	JVL	Convict PLV	Community PLV	JVL	
Legal Aid Clinic	Yes (1)	No	Yes(1)	Yes(2)	No	Yes (1)	No	Yes (1)	Yes (2)	No	Yes (2)	No	Yes	Yes(2)	No	Yes(1)	Yes(1)	Yes(1)	No	Yes(1)	Yes(1)	No	Yes(1)	Yes(1)	No	Yes(1)	Yes(1)	
No. of visits made by JVL (1.6.2015 – 1.1.2016)	Mandated	Mandated	Actual	Mandated	Mandated	Actual	Mandated	Mandated	Actual	Mandated	Actual	Mandated	Mandated	Actual	Actual													
STEP 1: How does an inmate ask for legal assistance?	24	45	-10-12	24	24	10-12	24	10-12	10 & 4	24 & 24	10 & 4	24	6	24	11	20	20	20	20	20	20	20	20	20	20	20	20	20
At the case table* inmate is asked whether he requires legal aid lawyer. Additionally, convict PLVs appointed under Kolkata DLSA hold 2 camps every week whereas in South 24 Parganas PLVs hold 2 camps each per week. They take down details of inmates in need of legal advice, legal representation or those who want information in their cases.																												
STEP 2: Who is responsible to pass on the information to JVL?	Convict PLVs appointed by the Kolkata DLSA put cases before the JVL on his visit.	In case of South 24 Parganas, convict PLVs pass list to DLSA via welfare office since visits by JVL are rare.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.
STEP 3: Who provides legal advice?	JVL visits regularly and interacts with inmates and renders legal advice.	JVL does not visit regularly and convict PLVs pass list to DLSA via welfare office. No one to provide legal advice.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	
STEP 4: Who is responsible to send legal aid applications to the DLSA?	JVL communicates the list to the DLSA office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	Convict PLVs communicate the list to DLSA via the welfare office.	
STEP 5: Who provides legal representation?	Most of the cases are allocated to the JVL himself.	Cases allocated to lawyers from the panel of lawyers.	Cases allocated to lawyers from the panel of lawyers.	Cases allocated to lawyers from the panel of lawyers.	Cases allocated to lawyers from the panel of lawyers.	Cases allocated to lawyers from the panel of lawyers.	Cases allocated to lawyers from the panel of lawyers.	Cases allocated to lawyers from the panel of lawyers.	Cases allocated to lawyers from the panel of lawyers.	Cases allocated to lawyers from the panel of lawyers.	Cases allocated to lawyers from the panel of lawyers.	Cases allocated to lawyers from the panel of lawyers.	Cases allocated to lawyers from the panel of lawyers.	Cases allocated to lawyers from the panel of lawyers.	Cases allocated to lawyers from the panel of lawyers.	Cases allocated to lawyers from the panel of lawyers.	Cases allocated to lawyers from the panel of lawyers.	Cases allocated to lawyers from the panel of lawyers.	Cases allocated to lawyers from the panel of lawyers.	Cases allocated to lawyers from the panel of lawyers.	Cases allocated to lawyers from the panel of lawyers.	Cases allocated to lawyers from the panel of lawyers.	Cases allocated to lawyers from the panel of lawyers.	Cases allocated to lawyers from the panel of lawyers.	Cases allocated to lawyers from the panel of lawyers.	Cases allocated to lawyers from the panel of lawyers.	Cases allocated to lawyers from the panel of lawyers.	

1 Chapter V of the West Bengal Correctional Services Act, 1992 and Chapter IX of the West Bengal Jail Code provides that, "Within seven days from the date of admission of a prisoner or person in the correctional home, the Superintendent of the correctional home shall cause to be registered such descriptive roll in respect of the prisoner or person and in such form as may be prescribed." In common parlance, it is known as a "case table" where the Superintendent and other prison officers interact with the newly admitted inmate to explain to her/him the offences which are alleged against the person in the case of an undertrial. This is the first opportunity for the inmate to talk freely with the authorities and enquire about her/his case and to even discuss any concerns for the family.

IV: FINDINGS AND RECOMMENDATIONS

Legal services authorities at the national and state levels have been keen to ensure effective access to representation to persons in custody. However, intention cannot substitute for effective operational effectiveness on the ground. This requires a clear set of standards, assistance, provisioning that can help effectuate policy prescriptions, monitoring and performance evaluation, especially from the beneficiaries. All these elements are missing in the present schemes, since they are fairly broad and general in their statement. They are aimed only at establishing legal aid clinics and ignore their composition, appointment and administration. No details are provided on the roles of paralegals or panel lawyers; no norms are laid down for standards of service to be provided to the client or on the relationship between the client and representative.

NALSA SOP, 2016 clarifies some provisions such as frequency of visits, roles and responsibilities of jail visiting lawyers, reporting and documentation by paralegals and lawyers, as well as the oversight roles of the legal services authorities over certain cases however, gaps still remain. These guidelines still fail to provide the composition of the clinics. They do not outline their mandates clearly, provide timelines for the appointments of lawyers or ensure client-lawyer interactions.

Ambiguities on these key aspects of the legal aid clinics affect their efficacy, and are evidenced by the data collated in this study. Even though the report covers only six correctional homes across five districts, the documented information is sufficient to give broader understanding of the functioning of legal aid clinics in West Bengal. These foundational inadequacies are further expounded by issues such as lack of regularity, proper training, coordination, accountability, monitoring and oversight. However, at the same time, it is argued that only if the foundations are properly laid, can a building be strong enough to withstand all calamities. As such, SLSA and the DLSAs must take affirmative steps to bring all the existing schemes on legal aid clinics in correctional homes under one comprehensive scheme.

A summary of the multiple ambiguities, which have weakened the system and reduced efficacy, are given below:

- There is no clear demarcation of roles and responsibilities of paralegals and panel lawyers, which sometimes results in duplication of work. For example, preparation of lists/identification of inmates in need of legal representation is carried out by both in some districts.
- It is not specified whether the panel lawyer visiting the correctional home will represent all the clients in court, or some of them or none. Each district has adopted a different process in this respect.
- There are no mechanisms in place to ensure that the legal aid lawyers representing those in custody meet and interact with their clients.
- There are no procedures to ensure the conveyance of clients' instructions from the paralegal/jail visiting lawyer to the panel lawyer representing the client in court or from one panel lawyer to another in case of mid-trial changes.

- There are no mechanisms that require lawyers to submit written reports to DLSAs or SDLSCs, so that they may monitor the progress of the cases.
- There are no backup mechanisms in place to ensure work continues even if the paralegal or panel lawyer is unable to visit due to unforeseen reasons.
- There are no provisions to receive feedback on the functioning of the panel lawyers and paralegals from inmates or correctional home officers by DLSA or SDLSC.

In the interviews conducted, all stakeholders found paralegals to be useful. Correctional home officers, inmates and jail visiting lawyers all found the paralegals to be useful. Being the first point of access to inmates who are often wary of lawyers or unaware of their rights, they have an important role to play in the dispensation of legal aid to persons in custody. It was also noticed that paralegals were able to provide effective support to jail visiting lawyers in their work. Interacting with inmates, listening to their problems, documenting their cases, drafting applications for legal aid, explaining the basic procedures of a trial and providing basic legal counselling are some of the numerous tasks carried out by paralegals under the legal aid clinics. Given this and to ensure maximum efficacy, the model recommended by CHRI for legal aid clinics takes into account the availability of the convict and community paralegal volunteer, along with the jail visiting lawyer at every correctional home. It also relies on NALSA's Standard Operating Procedures for Representation of Persons in Custody, where relevant, to formulate a framework for the functioning of legal aid clinics.

CHRI'S SUGGESTED MODEL FOR LEGAL AID CLINICS

1. **Constitution of Legal Aid Clinic:** The most effective model of a legal aid clinic would comprise convict paralegals, community paralegals and jail visiting lawyers. The number of each should be dependent on the prison population as well as the number of districts and subdivisions which fall under a particular district. Only in cases where convict paralegals are not available, such as in district or subsidiary correctional homes, community paralegal and jail visiting lawyers should constitute the legal aid clinics.¹⁸ It should also be ensured that atleast one female paralegal volunteer, community or convict, is made part of the clinic to ensure equal access to legal aid for women prisoners.
2. **Jurisdiction:** Established legal aid clinics should have PLVs & JVLs representing each district and sub-divisional court complex. Where there are only a few inmates from another district/subdivision or where subdivisions are far afield the PLVs from other districts/subdivisions can be given additional charge so that no person remains without an opportunity to avail legal aid services.
3. **Roles and Responsibilities:**
 - a. **Convict PLV:** The convict PLV would be the first point of contact for inmates in need of legal aid or advice. S/he must make all efforts to identify inmates in need of legal aid, visit wards on a regular basis to ensure no person remains unrepresented and maintain records. S/he must also be available at all times to render basic legal counselling and advice to inmates. S/he must provide information of all such cases to the community PLV on his/her visit. S/he must ensure that the inmates meet the JVL on his/her visit.
 - b. **Community PLV:** The community PLV can play the role of liaison officer between DLSA and the correctional home and be at the helm of ensuring continued lines of communications between prison and legal services authorities. During her/his visit to the correctional home

¹⁸ Even though convicts are usually lodged in central correctional homes, their families are at times situated in districts or subdivisions. Thus one could explore the possibility of seeking the transfer of such convicts to the district correctional homes. This would give them the chance to serve their sentence, earn wages and remain close to their families.

s/he must acquire information on new cases and convey information on appointments, progress of cases, etc. to the convict PLV. S/he must ensure that records are updated periodically and share details of the cases needing immediate attention, such as those where bail has been granted but the inmate is unable to furnish surety, or inmates are not being produced before courts, etc. with the concerned DLSA. In the absence of a convict PLV, their duties must also be performed by community PLVs.

- c. **JVL:** The jail visiting lawyer should provide legal advice and counselling to all inmates. S/he should meet inmates who are unrepresented and ascertain the details of their cases. In cases where the JVL is to represent the inmate in court or even where another panel lawyer is to be appointed, s/he should ensure that client instructions are received and documented. S/he should also share case updates with inmates as well as PLVs so that records can be updated regularly. S/he should also take up cases needing immediate attention with the DLSA.
4. **Frequency of Visits:** Convict PLVs should be available at all reasonable times, whereas community PLVs and JVLs must visit the correctional homes atleast twice a week.¹⁹ The days and timing of their visits should be fixed and displayed at appropriate places within the correctional home.
5. **Documentation:** PLVs should maintain registers to record the date a person was brought into the jail, the offence alleged against the inmate, progress of the case, the next date of hearing and the name of the court.²⁰ Additionally, a Case Record of client instructions and details of the case that can be communicated to panel lawyers and the legal aid lawyer who will eventually represent the client in court must be kept. Where PLVs are able to use computers, Case Trackers/worksheets may be used to record case details, follow-ups and progress in the case. The PLVs should also maintain Monthly Reports and submit them regularly to the DLSA. CHRI has prepared sample performas for case records, worksheets and monthly records.²¹
6. **Feedback and Grievance Redressal:** Grievance redressal boxes must be provided inside every correctional home so that inmates can submit their complaints and provide feedback on the legal services rendered. Efforts should be made to make inmates aware of this opportunity and make them feel confident enough to report unsatisfactory performances by legal aid lawyers, complain about extortion of money, etc. The key of the box should remain with the DLSA secretaries and should be opened once a month during visits.²²
7. **Training:** Effective training programmes must be held for convict and community PLVs as well as JVLs assigned to the legal aid clinics. The objective of the training is to provide sufficient knowledge to perform their task effectively. This requires creating an understanding of why the task is important, what it entails, what the standards, processes and roles of each actor are and how performance is to be judged. While the NALSA Paralegal Scheme provides a detailed curriculum for training, a separate training curriculum, particularly for those tasked with running the legal aid clinics in correctional homes, needs to be created. PLVs assigned to these clinics face different challenges at each level. At the client level, the challenge may be in explaining law and procedure to someone fearful, without resources and new to the system. At the lawyer interface, it may be a lack of communication, understanding the specifics of what is required and getting the lawyer to communicate with the client. While a lot of material exists, it needs to be identified, gathered, sifted and adapted to fit the context. In particular, resource materials need to be prepared on an introduction to basic criminal law, legal aid processes and a step-by-step guide on providing legal aid to inmates. These resource materials must be made available to PLVs and JVLs to facilitate their work.

19 See also NALSA SOP on Legal Aid for Persons in Custody, 2016.

20 See also NALSA SOP.

21 Annexure G, H, I.

22 See also NALSA SOP.

TYPE OF CORRECTIONAL HOME	LEGAL AID CLINIC MODEL	VISITS
Central Correctional Homes	JVL + Community PLV + Convict PLV (representing each district)	JVL: At least twice a week Community PLV: At least twice a week for 1-2 hours minimum
District Correctional Homes	JVL + Community PLV + Convict PLV (where available).	JVL: At least twice a week Community PLV: At least twice a week for 3-4 hours minimum
Subsidiary Correctional Homes	JVL + Community PLV	JVL: At least once a week Community PLV: At least twice a week for 3-4 hours minimum
Women's Correctional Homes/Special Correctional Homes	JVL + Community PLV + Convict PLV (where available).	JVL: At least once a week Community PLV: At least twice a week for 3-4 hours minimum
Open Air Correctional Homes (All categories)	Community PLV	Community PLV: At least once a week for 2-3 hours minimum

STEP-BY-STEP GUIDE ON THE FUNCTIONING OF LEGAL AID CLINICS

Step 01	<ul style="list-style-type: none"> • Mechanism to be set in place to ensure that every inmate is aware of their right to free legal aid when in custody. • PLVs to visit wards once a week and ensure that no inmate is unrepresented. • Inmates may approach the welfare officer/PLVs/JVL for legal assistance • If PLVs are not available, then the welfare officer or any other designated officer to note the details in the register
Step 02	<ul style="list-style-type: none"> • PLVs to interact and record basic case details of inmates as per the prescribed format and note it in the register. • PLVs to note down client instructions and document them so that they may be handed over to the JVL or lawyer appointed in that case.
Step 03	<ul style="list-style-type: none"> • PLVs to take appropriate action in each case. For example: <ul style="list-style-type: none"> • In case further advice is required from JVL/legal aid lawyer, the inmate must be informed of the date and time of the lawyer's visit. • File applications for appointment of legal aid lawyer • Regularly inform inmates about details of the lawyers appointed, case progress and provide continued assistance
Step 04	<ul style="list-style-type: none"> • Where community PLV is available, she/he should communicate cases to the DLSA/SDLSC office. In his/her absence, the JVL should collect cases from the convict PLV and communicate the same to the SDLSC/DLSA office. • JVL to interact with inmates and provide legal counsel and advice as required.

 <p>Step 05</p>	<ul style="list-style-type: none"> • Community PLV/JVL to communicate name and details of lawyers appointed by DLSA/SDLSC. Convict PLV to record details such as name, date of appointment and contact details in the register and inform the inmates. • It is the PLVs duty to ensure that copies of basic case records including client instructions are shared with JVL/lawyer appointed to represent the case in court
 <p>Step 06</p>	<ul style="list-style-type: none"> • JVL to update the PLVs on the progress of the cases during the next visit to the correctional home. • PLVs to update inmate regarding progress of case, as well as update information in the basic case record documents/registers/case trackers. • Where lawyer appointed to represent inmate is different from the JVL, the legal aid lawyer should update the JVL on the progress of the case, so that he can intimate the PLV and the inmate • Upon conclusion of a case or release on bail, PLV should record it in the register and update the basic case record.

RECOMMENDATIONS FOR STAKEHOLDERS

STATE LEGAL SERVICES AUTHORITY

1. Ensure there is one standardised/uniform model of legal aid delivery in all correctional homes. The uniform model should comprise, subject to inmate population, atleast one convict paralegal, one community paralegal and one panel lawyer designated to visit the correctional home.
2. Seek monthly compliance reports from each DLSA for correctional homes falling within their jurisdictions to ascertain whether legal aid clinics have been setup for each sub-divisional court and that paralegals and panel lawyers have been appointed.
3. Consolidate its circulars relating to appointment of paralegal volunteers and panel lawyers and frame one scheme, after taking into account the NALSA Standard Operating Procedures on Representation of Persons in Custody, 2016, for the setup and functioning of legal aid clinics in correctional homes.
4. Streamline the procedures regarding the appointment of panel lawyers where they have not been made so far and issue circulars to regulate payment of panel lawyers and paralegal volunteers. Payment should be made only upon submission of monthly/bimonthly/quarterly reports duly attested by the officers in charge of the correctional homes.
5. In order to facilitate the work of panel lawyers appointed to visit correctional home (JVL), a resource pack should be prepared which may include a short note on the roles and responsibilities of legal aid lawyers²³ and basic information on the functioning of legal aid clinics in correctional home. This document may also be attached to appointment letters or provided with case records, while appointing legal aid lawyers.

²³ This may be framed taking into account NALSAs SOP.

6. A similar resource pack should be prepared for paralegal volunteers, outlining the functioning of legal aid clinics and their roles and responsibilities. A copy of the same must be circulated to each correctional home.
7. Hold training courses for paralegal volunteers assigned to legal aid clinics in correctional homes. The trainings should focus on imparting information on basic laws pertaining to arrest, trial and fair trial rights. Paralegals should also be given training on client counselling, so as to assist them in their interactions with inmates.
8. Seek six-monthly reports from DLSAs to ascertain the number of actual visits made to the correctional homes by paralegal volunteers and panel lawyers.

DISTRICT LEGAL SERVICES AUTHORITY

1. Ascertain whether legal aid clinics have been setup in every correctional home falling within their jurisdictions. Direct the appointment of paralegals and panel lawyers in every correctional home, where these have not been made so far.
2. Ensure that panel lawyers and paralegal volunteers are aware of their roles and responsibilities, while holding legal aid clinics in correctional homes.
3. Develop monthly reporting formats to report the legal aid clinics held in every correctional home which should be attested by the officer in charge of the correctional home. CHRI has prepared a sample format.²⁴
4. Install grievance redressal boxes in every correctional home to receive feedback regarding legal aid clinics as well as any other complaints by the inmates.
5. Provide a list containing names of legal aid lawyers, along with contact details in the correctional homes falling within their jurisdiction. There should be a list of lawyers from each sub-divisional court.

CORRECTIONAL HOME

1. Ascertain that legal aid clinics have been setup and appointments of paralegal volunteers and panel lawyers have been made for each sub-divisional court from which inmates are detained in correctional home.
2. Write to the concerned SDLSC/DLSA where legal aid clinics have not been setup. In case there is no response, write to SLSA seeking appropriate action.
3. Provide adequate space and facilities to conduct legal aid clinics.
4. Maintain registers to ensure documentation of legal aid cases.
5. Ensure that monthly reports on the functioning of legal aid clinics are submitted by paralegal volunteers every month.
6. Report to the concerned SDLSC & DLSA where paralegal volunteers or panel lawyers don't visit for more than two weeks.

24 Annexure I.

PANEL LAWYER

1. Fix a day and time for bi-weekly visits to correctional homes.
2. Interact with inmates in need of legal aid and counselling.
3. Communicate details of cases to and from DLSA/SDLSCs for appointment of lawyers.
4. Communicate case details and client instructions to other panel lawyers appointed to represent cases and hand over case records or case briefs prepared by PLVs.
5. Intimate paralegal volunteers and inmates regarding the progress of their cases on a regular basis.
6. Report any urgent cases in need of attention to the concerned DLSA/SDLSC to take appropriate action.

PARALEGAL VOLUNTEERS

1. Fix the days and time to conduct legal aid clinics in the correctional home.
2. Interact with inmates and document basic case details as per prescribed format for each case.²⁵
3. Communicate details of inmates in need of legal assistance to the panel lawyer visiting the correctional home.
4. Follow up with DLSA/SDLSCs where appointments are not yet made.
5. Inform inmates about the progress of their cases.
6. Update case details on the completion of the case or release on bail of the inmate.

ANNEXURES

ANNEXURE A: WBSLSA'S LETTER ON NALSA'S STANDARD OPERATING PROCEDURES ON REPRESENTATION OF PERSONS IN CUSTODY, 2016

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

To,
The Chairman,
District Legal Services Authority
&
The Chief/District & Sessions Judge,
Kolkata, Howrah, Hooghly, Burdwan, Purba Medinipur, Paschim Medinipur, Birbhum, Bankura, North-24 Parganas, South-24 Parganas, Purulia, Nadia, Murshidabad, Malda, Uttar Dinajpur, Dakshin Dinajpur, Jalpaiguri, Cooch Behar, Darjeeling.

Ref: Letter Nos 1105(19)/SLSA-89/15 dated 02.05.2016 and 1228(19)/SLSA-23/05 dated 16.05.2016

Sir/Madam,

I am forwarding Standard Operating Procedure (SOP) for representation of persons in custody prepared by NALSA and approved by the Hon'ble Executive Chairman, NALSA. You are requested to communicate the aforesaid SOP to the Judicial Officers, Jail Visiting Advocates, PLVs for taking necessary action accordingly.

In view of the above, I refer to the earlier communication of this Authority vide No. 1105(19)/SLSA-89/15 dated 02.05.2016 and 1228(19)/SLSA-23/05 dated 16.05.2016 informing the resolution of the Central Authority of NALSA and the resolution of Chief Justices' Conference, 2016 in regard to setting up legal services clinics inside the jail premises, appointment of panel advocates for visiting jails to offer legal services, organizing legal service camps inside the jails, etc.

You are requested to take necessary steps for compliance of the direction of NALSA as per SOP and also take necessary action as per resolution of Chief Justices' Conference.

Kindly send a monthly report to the Authority for our information and to transmit the same to NALSA.

With regards,
Yours faithfully,

Abhijit Som,
Member Secretary
State Legal Services Authority
West Bengal

NATIONAL LEGAL SERVICES AUTHORITY

Standard Operating Procedure for Representation of Persons in Custody

One of the core areas of activity of the legal services institutions is providing legal aid. Under Section 12 of the Legal Services Authorities Act, 1987, all persons in custody are entitled to legal aid. However the system of providing representation to those in custody is not uniform across the country. The frequency of visits by jail visiting lawyers to the jails is also not standardized with lawyers visiting only once a month in some places while at others, they may visit twice a week. The jail visiting lawyers are often not clear what is expected of them to do. Clearly the system of interaction with the inmates in jail and their representation in courts needs to be strengthened.

In several districts across the country, the persons in custody are not produced before the courts for days together. This happens even at the stage where the charge sheet has still not been filed. There are many cases where the accused was produced before the court after arrest and was remanded to custody but thereafter was not produced on several dates meant for remand. The reasons given for the same are generally are non-availability of sufficient number of armored vehicles and of personnel to produce the persons in custody before the courts and that at times the accused are required to be produced in other courts. This is contrary to the mandate of Code of Criminal Procedure and also violates the basic rights of the persons in custody as enshrined in the Constitution and enunciated by the Hon'ble Apex Court in several landmark cases and most importantly is an impediment to their liberty. Due to non-production of the persons in custody before the courts at regular intervals, the courts are unable to consider whether the persons in custody are facing any problems. Legal representation to them cannot also be ensured in such circumstances.

The persons continue to languish in jails without bail applications being moved on their behalf. Even where bail orders have been granted, they continue to languish in jails as bail bonds are not furnished and the courts find it difficult to communicate with the persons in custody due to their non-production before the courts. Such cases need to be brought to the notice of the court. Further the persons in custody do not get timely information about the status of their cases and their rights. As such, there is an urgent need to bridge the gap between the accused persons and legal services to them.

Several initiatives have already been taken such as setting up of legal services clinics in the jails across the country, identifying and training PLVs who could communicate with the inmates in the prisons but much more needs to be done.

For this purpose, the District Legal Services Authorities should take the following steps:

- 1) Panel lawyers should be deputed as remand advocates in each of the magisterial courts and also, in the courts of sessions where required.
- 2) Work of the legal service clinics in jails should be streamlined with clearly demarcated space for such clinics. Requisite infrastructure should be made available, if need be as per the Regulations in this regard for the efficient functioning of such clinics.
- 3) From amongst the panel lawyers, some lawyers should be earmarked as jail visiting lawyers. Visits to the jails must be made at least twice every week.
- 4) The possibility of taking the services of retired judicial officers as jail visiting lawyers may be explored and honorarium for them can be fixed by the Hon'ble Executive Chairmen of the SLSAs.
- 5) Sufficient number of PLVs, from amongst the convicts serving long sentences should be identified and they should be trained suitably, where not already done, so that they interact with

the inmates, especially the new entrants and can bring to the notice of the jail visiting lawyers or the Secretary of the District Legal Services Authority, the cases requiring attention.

- 6) The PLVs should maintain the record mentioning the date a person was brought into the jail, the offence alleged against him, stage of case, next date of hearing and the name of the court.
- 7) The jail visiting lawyers from the District Legal Services Authorities shall regularly interact with the inmates and especially the new inmates to find out if they are represented by any lawyer and if not, they should inform the inmate about their right to get a legal aid lawyer. They should also inform the District Secretary so that a legal aid lawyer can be appointed to represent the inmate in court.
- 8) The Jail visiting lawyers should prepare a brief summary of each interaction and send the same to the Secretary, District Legal Services Authority along with contact details of the family of the accused, if available so that the panel lawyer can coordinate with them.
- 9) The Secretary, District Legal Services Authority may take up a case brought to his notice which needs immediate attention with the district judge or the jail inspecting judge.
- 10) The Jail Superintendent should be called upon to send a list of inmates in jail every fortnight which should be reviewed by the Secretary, District Legal Services Authority, who can take up the cases requiring attention with the concerned authorities.
- 11) The PLVs and the Jail visiting lawyers should also keep track of non-production of any inmate in the court as per the date given or of the cases where no next date is available and inform the Secretary, District Legal Services Authority.
- 12) If it comes to the notice of the District Secretary that for certain reasons, the persons in custody are not produced before the court on a particular day, he should bring the same to the notice of the concerned chief judicial magistrate or the chief metropolitan magistrate who may take appropriate action and for the time being may designate a magistrate to go to the jails for doing the remand work for that day.
- 13) The matter of making available requisite armored vehicles and personnel for taking the persons in custody to the courts for production should be taken up with the appropriate government.
- 14) The Jail visiting lawyers shall communicate to the Secretary, District Legal Services Authority, whenever bail application has to be filed on behalf of an inmate or if subsequently, it comes to their notice and that is an undertrial is not being represented by a lawyer in the court, who shall issue appropriate directions for a lawyer to be appointed in the case. They should also bring to the notice of the Secretary, District Legal Services Authority cases where bail orders have been issued but bail bonds could not be furnished due to various reasons.
- 15) The Secretary, District Legal Services Authority shall place the cases of undertrial prisoners who are eligible under Section 436A Cr.P.C. before the undertrial review committee of the district promptly.
- 16) The panel lawyer who is appointed to represent a person in custody in the court should interact with the person in custody to have better understanding of the case in hand. The panel lawyer assigned to a particular case shall inform the next date of hearing and the purpose of the same to the Secretary, District Legal Services Authority within 3 days of the date of hearing in the court.
- 17) The legal services clinic in the jail shall coordinate with the Jail Superintendent and the panel lawyer through the Secretary, District Legal Services Authority to keep itself updated on the status of the legal aided cases of each inmate, including the next date of hearing and the purpose. The status of each case shall be recorded in the registers to be maintained by the Clinic and shall also be communicated to the concerned inmate and the Jail Superintendent.
- 18) Regular awareness camps should be organized in the jails to create awareness on legal issues and specifically on the rights of the person in custody.

- 19) Suggestion/complaint box should be available in each legal service clinic in the jail which should be opened once every week in the presence of panel lawyer and the Jail Superintendent and the cases requiring attention should be brought to the notice of the Secretary, District Legal Services Authority.
- 20) Where possible, video conferencing may be used to enable communication with the jail inmates.

The Member Secretaries are requested to take up the above issue urgently.

It would be appropriate if the Member Secretaries of all the States get an inspection done of all the jails in their States to identify cases of persons who have not been produced in courts for several dates and thereafter to direct the Secretaries, District Legal Services Authority to get applications moved in that regard in the concerned courts. Similar steps should be taken where bail applications have to be moved or for modification of bail conditions etc. The Member Secretaries should review the working of the legal service clinics in the jails on a regular basis.

All out efforts should be made to ensure that the persons in custody are effectively represented in the courts and to make them aware of their rights and availability of legal aid.

ANNEXURE B: CHRI QUESTIONNAIRE ON THE WORKING OF LEGAL AID CLINICS

QUESTIONNAIRE ENSURING ACCESS TO LEGAL AID SERVICES TO ACCUSED

Name of Correctional Home: _____

Legal Service Authorities: _____

Courts: _____

A. APPOINTMENT OF JAIL VISITING LAWYERS FOR CORRECTIONAL HOMES(Ask CH Officers)

1.	Whether the DLSA has appointed a panel lawyer to visit the correctional home?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2	If yes, then has a lawyer been appointed by each DLSA/SDLSC	<input type="checkbox"/> Yes, for _____ courts <input type="checkbox"/> No, for _____ courts
3	If yes, name of lawyer and respective court	
4	If yes, date of appointment of each lawyer	
5	If yes, how often is the lawyer supposed to visit	<input type="checkbox"/> Daily <input type="checkbox"/> Once a week <input type="checkbox"/> Fortnightly <input type="checkbox"/> Once a month
6	How many visits were made by each lawyer to the correctional home between 1 June 2015 and 1 January 2016	
7	Is there regular interaction between the jail visiting lawyers and the inmates? Along with regular updates of the case?	
8	How many cases have been taken up by each lawyer since appointment? (mention separately)	
9	How many releases have been made in the cases taken up by each lawyer since appointment? (mention separately)	
10	Is there a need for more JVLs to be appointed?	
11	Is a register being maintained for documentation of details of each visit and case progress with the panel lawyer at the CH and is it shared with the DLSA? (mention separately)	
12	Do you feel this initiative has been useful in securing effective legal aid to inmates?	
13	Any comments and suggestions for improvement?	

B. WORKING OF THE JAIL VISITING LAWYER (JVL) AT THE CORRECTIONAL HOME AND COURT

(Ask JVL – record information for each DLSA/SDLSC JVL separately)

1.	<p>What procedures are followed after a JVL meets an inmate?</p> <p>a) Does the JVL represent the inmate himself? Or,</p> <p>b) Does the JVL take back the details to legal services authority and is a lawyer assigned from the panel of lawyers?</p> <p>c) Any other process</p>	
2	<p>What is the mandate of the JVL? What services is s/he supposed to offer?</p>	
3	<p>Is there any method of reporting and monitoring the progress of cases taken up under the JVL scheme to DLSA/SLSA? If yes, provide details.</p>	
4	<p>Is a register being maintained for the documentation of the details of each visit and progress of the case with DLSA/SDLSC?</p>	
5	<p>Do other lawyers who are appointed visit and interact with the inmates?</p>	
6	<p>If a panel lawyer is appointed to represent the inmates, how are the inmates informed about the appointment?</p>	
7	<p>Is there a set tenure for the appointment of JVLs? If yes, what is the scheme.</p>	
8	<p>Is any specific training accorded to JVLs or resource material provided to orient them for the work that is entailed?</p>	
9	<p>How is the compensation or payment mechanism worked out for the cases assigned under this scheme?</p>	
10	<p>How much time does it take for the payments to be cleared for representing these cases?</p>	
11	<p>Does the JVL continue to represent the inmate after s/he is released on bail?</p>	
12	<p>Any comments and suggestions for improvement in the payment mechanism?</p>	

ANNEXURE C: NALSA's LETTER ON THE SETUP 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 place 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 D: WBSLSA: SETUP OF PERMANENT LEGAL SERVICE CLINICS IN EACH CORRECTIONAL HOME

Abhijit Som, WBHJS
Member Secretary

STATE LEGAL SERVICES AUTHORITY
WEST BENGAL

City Civil Court Building (1st Floor)
2 & 3 Kiran Shankar Roy Road
Kolkata – 700001, India
Phone: 033-22483892/4234
Fax: 033 – 22484235
Email: wbstatelegal@gmail.com
Website: www.wbslsa.org
Cell: 8584859849

No. 1392(19)/SLSA-89/2015

MOST URGENT

dated. 22.05.2015

To,

The Chairman,

District Legal Services Authority

&

The Chief Judge/ The District and Sessions Judge

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

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 services clinics in each one 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 compliance of the above decision of the Central Authority and a compliance report may kindly be sent to this Authority **by 20th June 2015**, for onward submission of the same to NALSA.

With regards,

Encl: As stated

Yours faithfully,
(Abhijit Som)
Member Secretary
State Legal Services Authority, W.B

ANNEXURE E: DLSA'S LETTER OF APPOINTMENT FOR JAIL VISITING LAWYERS

OFFICE OF THE DISTRICT LEGAL SERVICES AUTHORITY, SOUTH 24 PARAGANAS

No. / DLSA/SOUTH 24 PARAGANAS/ 2015 Dated. 30.05.2015

FROM: **Sri Arijit Mukhopadhyay**,
Secretary
District Legal Services Authority
South 24 Parganas

To,
The Controller,
Diamond Harbour Sub Correctional Home
Diamond Harbour
South 24 Parganas

Sub: Setting up of Legal Services Clinic in each Correctional Home/ Jail
Ref: No. 1392(19)/SLSA-89/2015, Dated: 22.05.2015 of State Legal Services Authority,
West Bengal

Sir,

Enclosing please find the guideline of '**National Legal Services Authority**', with the direction for setting up '**Legal Services Clinic**' in each '**Correctional Home/Jail**', within the statutory period as mentioned therein.

Under such circumstances, you are requested to take necessary step for compliance of the direction of '**Central Authority**' (NALSA) at your earliest, with the necessary arrangement for setting up '**Legal Services Clinic**', with the due 'Approval' and sanction by the "District Authority' in compliance of the statutory provision of '**National Legal Services Authority (Legal Aid Clinic) Regulation, 2011**'.

Be it mentioned here that in terms of the official information and records available with this '**Authority**', no such '**Legal Services Clinic**' have been found to have **sanctioned** or **approved** by this '**Authority**' to run the same in your '**Sub Correctional Home**' and this '**Authority**' neither bears any **official responsibility** for running the same, or for any authorized visit/ access of any person within your '**Sub Correctional Home**', till this date.

In the premises, you are requested to take necessary step in compliance of the direction of '**National Legal Services Authority**' as well as '**Honorable Apex Court**', in view of the captioned subject and letter under reference, enclosed for your ready reference

With due regard,

Yours faithfully,
(A. Mukhopadhyay)
Secretary
District Legal Services Authority
South 24 Parganas

OFFICE OF THE DISTRICT LEGAL SERVICES AUTHORITY, SOUTH 24 PARAGANAS

No. 1331(6)/ DLSA/SOUTH 24 PARAGANAS/ 2015 Dated. 30.05.2015

Copy forwarded to:

1. The A.D.G. (P) & I.G. of Correctional Services, West Bengal
2. The District Magistrate, South 24 Paraganas
3. The Superintendent of Police, South 24 Paraganas
4. The S.D.O., Diamond Harbour
5. Chairman, SDLSC Diamond Harbour

(A. Mukhopadhyay)

Secretary

District Legal Services Authority

South 24 Paraganas

ANNEXURE F: WBSLSA: SETUP OF PERMANENT LEGAL AID CLINICS IN CORRECTIONAL HOMES– PARALEGALS

Mir Dara Sheko, WBHJS
Member Secretary

STATE LEGAL SERVICES AUTHORITY
WEST BENGAL

City Civil Court Building (1st Floor)
2 & 3 Kiran Shankar Roy Road
Kolkata – 700001, India
Phone: 033-22483892/4234
Fax: 033 – 22484235
Email: wbstatelegal@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 Medinipur, Paschim Medinipur, 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 Para Legal 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: SAMPLE FORM FOR DOCUMENTING CASE DETAILS

(Proposed by CHRI)

FORM I: BRIEF CASE RECORD

To be completed by paralegal volunteers and affixed to legal aid application

CORRECTIONAL HOME:

S.NO. _____

DTD. _____

BASIC CASE DETAILS:

Name: _____

Father's Name: _____

Address & Family Contact Details: _____

UTP/Convict: _____

Age as per warrant: _____

Age claimed by inmate: _____

Case Ref No.: _____

Concerned police station: _____

Concerned court: _____

Offences charged: _____

Case partners if any: _____

Date of admission: _____

Next date of hearing: _____

Whether physically produced for each hearing: _____

Any other cases ongoing against inmate: _____

Any other relevant details: _____

DETAILS OF ASSISTANCE SOUGHT BY INMATE/CLIENT INSTRUCTIONS:

CASE PROGRESS & FOLLOW UP

Date of interaction with lawyer: _____

Name of lawyer: _____

Name & details of lawyer representing inmate in court: _____

Any other information: _____

CASE OUTCOME

Date: _____

Result: _____

Name & Signature of Paralegal Volunteer

ANNEXURE H: SAMPLE FORM FOR MONTHLY REPORT

(Proposed by CHRI)

FORM II: MONTHLY REPORT ON LEGAL AID CLINIC

To be completed by paralegal volunteers/panel lawyer

Name of correctional home: _____

Concerned DLSA: _____

Name of panel lawyer appointed to visit CH: _____

Name of paralegals: _____

Details	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
No. of clinics held												
No. of visits by paralegal												
No. of visits by panel lawyer												
No. of inmates who approached clinic												
No. of legal aid applications filed												
No. of appointments of lawyers made												
No. of inmates released after appointment of legal aid lawyer												
No. of inmates complained they are not produced in court												
Signature of paralegal												
Signature of panel lawyer												
Signature of officer in charge of CH												
Signature of DLSA												

ANNEXURE I:

CASE TRACKER FOR RECORDING INFORMATION ON ALL CASES

(PROPOSED BY CHRI)

NAME OF CORRECTIONAL HOME:

NAME OF PARALEGAL VOLUNTEERS:

Days of Visit:

S.No.	Basic Info										Production			
	Date of interview	Name of the Inmate	Father's name	Ward No.	Age	Date of admission	Case Ref No.	Concerned court	Offence charged with	Stage of case: Remand, charge sheet, evidence, judgement	Production dates	Whether physically produced or not - yes/no	Whether had private lawyer?	Whether requires legal aid lawyer?

Legal Representation						Case Update & Progress						
Whether met panel lawyer appointed to visit CH	Date & memo no of legal aid application	Date of appointment of legal aid lawyer	Whether legal aid lawyer interacts with inmate? If yes, at court or CH?	Name of the legal aid lawyer along with contact details	Any other relevant information/instructions for lawyer	Current status of case	Next date of hearing	Please mention date of hearing, whether taken up or not, and details of hearing	Please mention date of hearing, whether taken up or not, and details of hearing	Please mention date of hearing, whether taken up or not, and details of hearing	Please mention date of hearing, whether taken up or not, and details of hearing	Date when inmate released on bail, acquittal, conviction, etc.

ANNEXURE J: POSTER FOR DISPLAY IN WARDS OF CORRECTIONAL HOMES

LEGAL AID – YOUR RIGHT



YOU SHOULD GET IN TOUCH WITH A PARALEGAL VOLUNTEER, IF YOU ARE AN UNDER TRIAL OR CONVICT BUT

- You do not have a lawyer
- Your lawyer does not meet you
- You do not know the status of your case
- You applied for legal aid but do not know if legal aid lawyer has been appointed or his details
- You have not been produced in court for 15 days
- You are taken to court but not physically produced before magistrate
- You are less than 18 year old or were less than 18 year at the time of arrest
- You have been granted bail but cannot furnish surety
- You are terminally ill and are in need of medical attention
- You are mentally ill but your family wants to seek your bail
- You as an undertrial have completed half/maximum term of imprisonment for the offence for which you are accused (eligible under 436A CrPC)
- You want to file a jail appeal
- You want to file any complaint or grievances during your stay at the prison
- Your family member do not know your whereabouts
- Any other legal assistance required by you

HOW A PARA-LEGAL VOLUNTEER CAN HELP YOU

- He can fill out an application to apply for legal aid and send to concerned DLSA/Court
- He can explain and help you understand any legal provisions pertaining to your case
- He can inform you the details of legal aid lawyer appointed to your case
- He can give update on your case status & progress
- He can inform DLSA of your non-production in court and seek appropriate action
- In cases where bail has been granted but you cannot furnish surety he can share the details with jail Visiting Lawyer or DLSA who can assist in reduction or waiver of your bail amount
- He can refer your case to the concerned DLSA/Juvenile Justice Board/Child Welfare Committees/ relevant Court for fast action
- He can submit reports to the DLSA on inmates eligible under 436A CrPC.
- He can assist you in filing a jail appeal
- He can assist you in filing any complaint or grievances during your stay at the prison
- He may contact your families to inform your whereabouts
- He can provide information/ legal advice or ensure your meeting with jail visiting lawyer upon their visit

CHRI Programmes

CHRI believes that the Commonwealth and its member countries must be held to high standards and functional mechanisms for accountability and participation. This is essential if human rights, genuine democracy and development are to become a reality in people's lives. CHRI furthers this belief through strategic initiatives and advocacy on human rights, access to justice and access to information. It does so through research, publications, workshops, information dissemination and advocacy. It has three principal programmes:

1. 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 overstay, 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.

2. 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. It routinely assists in the development of legislation and has been particularly successful in promoting Right to Information laws and practices in India, Sri Lanka, Afghanistan, Bangladesh and Ghana. In the later CHRI's is the Secretariat for the RTI civil society coalition. CHRI regularly critiques new legislation and intervenes to bring best practices into governments and civil society knowledge both at a time when laws are being drafted and when they are first being implemented. Its experience of working 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 it has 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.

3. Strategic Initiatives Programme

CHRI monitors commonwealth 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, the 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.



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