



## Commonwealth Human Rights Initiative



November 08, 2017

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

Dear Friends,

Greetings from CHRI!

9<sup>th</sup> November 2017 marks the 23<sup>rd</sup> Legal Services Day. As is customary, we bring to you an update on the latest developments in legal aid in India. In the last one year NALSA has brought a slew of changes, which we believe can go a long way in improving access to legal aid in the country. Moreover, the year also saw an increased emphasis by NALSA to monitor services delivered by legal services institutions.

#### Looking Back:

In **November 2016**, NALSA launched its bilingual e-portal '*Legal Services Management System*' to further efforts to ensure prompt legal assistance for all. Using the portal, any person can apply for legal aid online, and also upload documents, track information, seek clarification or send reminders. This is an important step forward. Filing of online applications via the portal can ideally shorten the time gap between application and delivery and make the system transparent and accountable.

In **March 2017**, the *All India State Legal Services Authority Meet* was organised in New Delhi. The then Chief Justice of India & Patron-in-Chief, NALSA Hon'ble Mr. Justice J.S.Khehar; the then Executive Chairman, NALSA, Hon'ble Mr. Justice Dipak Misra; Executive Chairpersons and Member Secretaries of all SLSAs; Chairmen and Secretaries of all HCLSCs and other dignitaries were present. Justice Kehar highlighted the need to provide necessary legal assistance to victims of crime and desired that the year 2017 be the year of the '**Victims**'. The meeting took stock of implementation of legal aid schemes in all states. With respect to legal aid for persons in custody, the appointment of remand lawyers, the constitution of monitoring committees to monitor the work of panel lawyers, the constitution of legal aid clinics, the visits of jail visiting lawyers, were all discussed in detail.

In **April 2017**, with the objective to further broaden the outreach of legal aid services in rural areas, the Department of Justice, Ministry of Law & Justice (DoJ) launched *Nyay Mitra* Scheme. This project will operate out of district facilitation centres housed in common service centres in the rural areas or districts. A *nyay mitra*, who will be a retired judicial or executive officer will be appointed at each centre. The *nyay mitra's* responsibilities include assistance to litigants who are suffering due to delay in investigations or trial, by actively identifying such cases through the National Judicial Data Grid, providing legal advice and connecting litigants to relevant authorities.

In **May 2017** NALSA initiated the establishment of *Nyay Sampark* -Legal Aid Establishments (Contact with law) at the offices of the State Legal Services Authority across India. At these establishments legal aid beneficiaries can get a) information about case status pending in any of the districts across the State, b) legal aid and advice and c) information about various schemes of Central/State Government. They will also provide facilities like a toll-free helpline number for those seeking legal aid, a video conferencing facility to connect undertrials in jails to lawyers, and a team of volunteers to help people seeking legal aid.

In **June 2017**, NALSA along with DoJ initiated the *Tele Law Scheme*. Tele-law aims to facilitate the delivery of legal advice through an expert panel of lawyers stationed at the office of the State Legal Services Authorities in each state. The project will connect lawyers with clients, even when located in remote areas, through video conferencing facilities by the paralegal volunteers stationed at the Common Service Centre's run by village level entrepreneurs.

In the same month, NALSA also launched a web portal to provide *legal services to prisoners*. The portal will be used by legal services authorities to document data on legal representation of prisoners. The state and district authorities can now keep close watch on whether prisoners have defence counsels to represent them in court, and where there are none appoint lawyers. The software will be able to then generate reports showing total number of inmates, number of inmates unrepresented, number of inmates represented by legal services lawyers and number of inmates represented by private lawyers.

In **June 2017**, the DoJ, with the objective to further encourage and regulate the functioning of pro bono lawyers, initiated the *Pro Bono Legal Services Scheme*. This accorded recognition and some structure to a long-standing custom of public-spirited lawyers rendering their services *pro bono*. Under this scheme any person can seek free legal assistance by submitting an application online on the DoJ website. The DoJ will then connect them to a pro-bono advocate pre-registered with them who will provide them their services free of cost. The nature of legal assistance provided could be legal counseling, advice, drafting of case related document(s), and appearance in the court depending on the availability of the advocates.

In **September 2017** the Hon'ble Supreme Court of India, through an order in the *Re Inhuman Conditions in 1382 Prisons* case, issued multiple directions relating to un-natural deaths inside prisons. Acknowledging the importance of a lawyer during trial and the consequences of his absence, the court also issued directions to strengthen the legal aid system. In light of this observation the court has asked all the State Legal Services Authorities (SLSAs) to urgently conduct a study on the lines of the study conducted by the SLSA in Bihar and CHRI in Rajasthan.

In a subsequent order in **October 2017**, the Supreme Court has also ordered NALSA to develop a *Standard Operating Procedure for the functioning of the Undertrial Review Committees*. The role of these committees is to identify, review, recommend and assist release in certain categories of undertrials in order to prevent unnecessary and prolonged detention.

#### **What We Did This Year:**

- Prepared a stakeholder-wise précis of NALSA's Standard Operating Procedure on Representation of Persons in Custody. This was disseminated to SLSA/DLSAs across India and is available in [English, Bengali & Hindi](#).
- Prepared a survey-based report on Prison Legal Aid Clinics in West Bengal. The report seeks to streamline and bring uniformity in the functioning of prison legal aid clinics. Prepared a survey-based report on Monitoring Committees in West Bengal. The report seeks the implementation of NALSA Regulations 2010 in letter and spirit in order to ensure the legal services institutions are rendering effective legal services. Report can be downloaded [here](#).
- Prepared and disseminated legal awareness posters and pamphlets on [right to legal aid, steps of criminal process](#) to various legal services institutions across India.
- Conducted training for paralegals attached to police stations and prisons in West Bengal in order to build their capacities and inform them of their role and duties. A copy of report can be downloaded [here](#).
- Presented our work on early access to legal aid at the [2nd International Conference on Access to Legal Aid in Criminal Justice System](#) which was held in 15-17 November 2016 in Buenos Aires, Argentina.
- Contributed to the UN *Model Law on Legal Aid*, which was published earlier this year.
- Regularly wrote to the various SLSAs on important events and issues on legal aid for persons in custody, advocating for systemic changes in the process. We are on the verge of concluding our National Study on Legal Aid for Persons in Custody. The RTI based study looks at the implementation of various NALSA schemes in 29 States and Union Territories.

What you can do?

1. Raise awareness about these new NALSA initiatives so that it reaches the intended beneficiaries. Assist us in translating legal aid posters & pamphlets in vernacular languages so as to increase their outreach and spread awareness.
2. Through Right to Information Applications and other modes, review the work of these initiatives and ensure compliance.
3. Write to the state/district legal services authorities to render any support that you can offer in facilitating implementation of these various schemes.

Write to us at [chriprisonsprog@gmail.com](mailto:chriprisonsprog@gmail.com) with your comments and suggestions. Please send us an email if you wished to subscribe to these updates.

Best Regards,

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#### ***About Jail Mail***

Jail Mail is a regular series of Prison Reform Updates from CHRI for readers interested in the rights of prisoners and the reform of prisons as a matter of public concern. The engagement of civil society in the management and monitoring of prisons and the rights of prisoners is vital to the transparency of this traditionally closed institution and to ensure the practical realisation of the rights of those behind bars. Jail Mail invites discussion between civil society members and those entrusted to oversee and manage prisons. Evidence-based research and watch reports of CHRI's Prison Reforms Programme, interviews with critical stakeholders, topical issues and developments concerning the liberty of prisoners, and health of prisons in India and around the world will form the sources of Jail Mail. Its periodicity will depend on the urgency of issues and the interest they generate.

#### ***About CHRI and the Prison Reforms Programme***

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

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

Leave us an email at [chriprisonsprog@gmail.com](mailto:chriprisonsprog@gmail.com) if you wish to subscribe to these updates.

You could also write to us with your comments and suggestions.

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