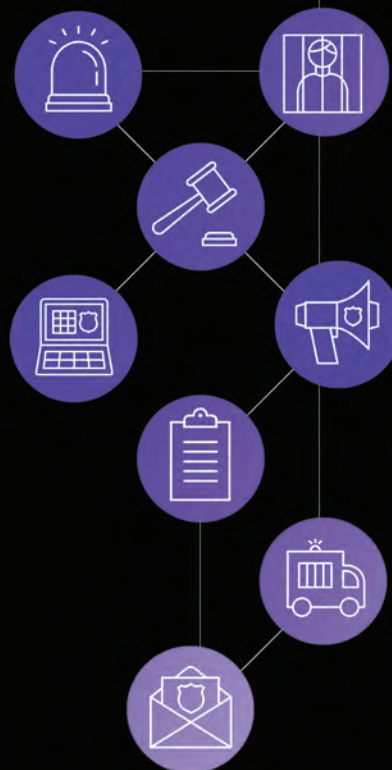
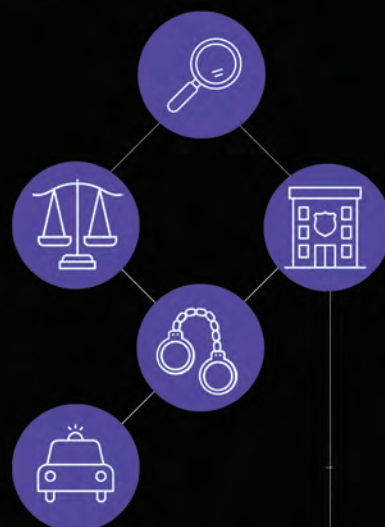


CHRI 2019

CONNECTING THE DOTS

A handbook for
paralegals assigned
to police stations
and prisons



CHRI

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



About Commonwealth Human Rights Initiative

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-profit, non-partisan, international non-governmental organisation working in the area of human rights. In 1987, several Commonwealth professional associations founded CHRI, since there was little focus on human rights within the association of 53 nations although the Commonwealth provided member countries the basis of shared common laws.

Through its reports and periodic investigations, CHRI continually draws attention to the 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, the United Nations Human Rights Council members, the media and civil society. It works on and collaborates around public education programmes, policy dialogues, comparative research, advocacy and networking on the issues of Access to Information and Access to Justice.

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

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

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Sanjoy Hazarika, International Director

ISBN: 978-93-81241-68-4. © 2019. Material from this report may be used, duly acknowledging the source.

CHRI Headquarters, New Delhi

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

CHRI London

Room No. 219
School of Advanced Study
South Block, Senate House
Malet Street
London WC1E 7HU
United Kingdom
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

www.humanrightsinitiative.org



Written by:
Amrita Paul

Concept and edited by:
Madhurima Dhanuka

• Cover Page Illustrations:
Made by Made from The Noun Project

Cover Page Concept:
Richa Udayana

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ABOUT THE HANDBOOK

The handbook has been prepared to assist and facilitate the work of Paralegal Volunteers (paralegals) attached to legal services institutions across the country. It seeks to facilitate the work of paralegals attached to police stations and prisons in ensuring prompt and effective access to legal aid for persons in custody. It contains information that can be used for training, empowerment and capacity-building of paralegals, to strengthen their approach in addressing the issues related to providing primary legal assistance in police stations and prisons, and thus ensuring prompt and effective access to legal aid for persons in custody. It can be used both as a step-by-step guide, as well as a resource for obtaining information on their roles.



I. INTRODUCTION

In 2010, the Chief Justice of India constituted a National Committee for Para Legal Training and Legal Aid Activities. Pursuant to this vision, the National Legal Services Authority of India (NALSA) framed its Para Legal Volunteer Scheme,¹ emphasising on the need for intermediaries between the common man and legal services institutions. In the scheme document it was stated that,

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

The legal aid system in India has evolved immensely over the past decade. In this time, paralegals have become the backbone of legal service delivery. Today, there are 67,844 paralegals trained and 26,909 paralegals deployed at legal aid clinics across the 36 States and Union Territories.² There are also several NALSA schemes that envisage the role of paralegals at both police stations and prisons.

There are two significant provisions of the NALSA’s Para Legal Volunteer Scheme that engage paralegals in specific roles in ensuring access to legal aid for accused persons. Firstly: paralegals are to visit police stations as soon as they receive word of an arrest in their locality and ensure that the arrested person gets legal assistance, if necessary, through legal services institutions. While the presence of paralegals in police stations is a system employed in several countries,³ the only drawback of this method as used for paralegals in India is their mandate to visit police station only if they receive information of the arrest of a person.⁴

¹ Available at <http://nalsa.gov.in/schemes.html>.

² https://nalsa.gov.in/sites/default/files/document/PLVs_as_on_March-2018.pdf.

³ Para legals in Angola, Malawi, Nigeria, Sierra Leone, South Africa, the Sudan and Uganda provide early access to legal aid to indigent accused persons at police station. For more see Chapter ‘Early access to legal aid in criminal justice processes: A handbook for policymakers and practitioners’ United Nations Office on Drugs & Crime & United Nations Development Programme, 2014.

⁴ There may be times paralegals do not get such information, and these can be cases where legal aid is most needed. Without an obligation upon the police to inform the nearest legal aid institution whenever an undefended accused person is taken into custody, the role of paralegals at police stations may not yield the expected results.

Secondly, the scheme seeks to legally train educated and well-behaved prisoners who are serving long-term sentences in the central and district prisons as paralegals. It further states that their services shall be made available to other prisoners, including under-trial prisoners. This is aimed to ensure the presence of some inmates within each prison who can provide basic legal information to fellow prisoners and/or assist them in applying for legal aid services.

This role at prisons is further strengthened by the NALSA Standard Operating Procedure for Representation of Persons in Custody 2016, which provides that

“5) Sufficient number of Para Legal Volunteers, 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 paralegals 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.
11) The paralegals 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.”

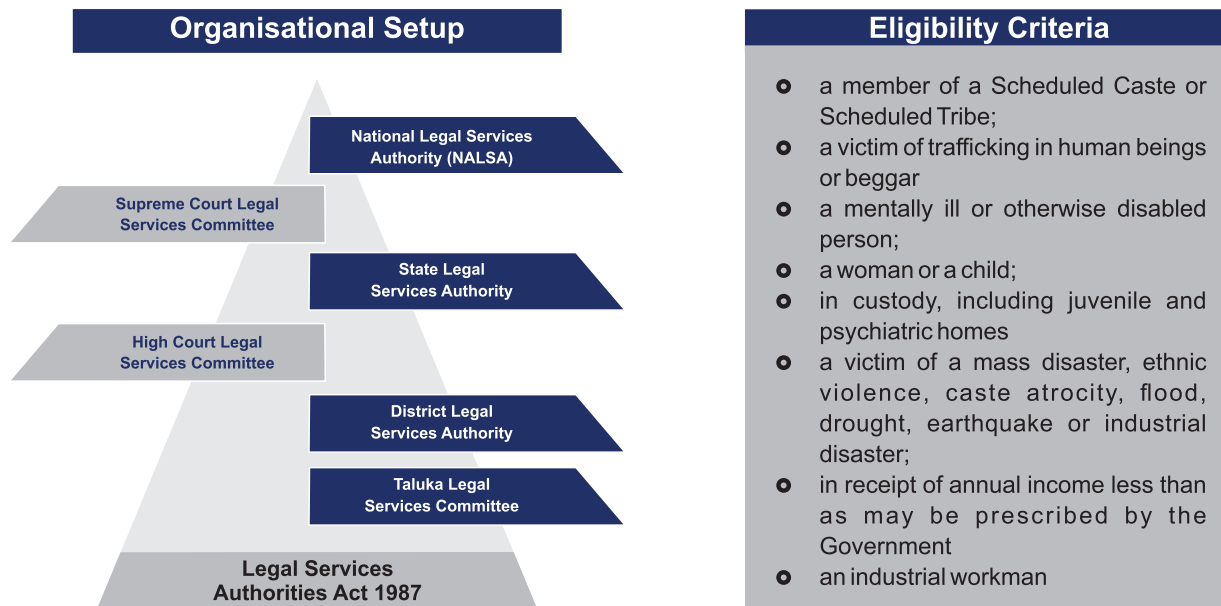
The Prison Reforms programme of the Commonwealth Human Rights Initiative (CHRI) has been working to ensure effective access to legal aid for persons in custody since 2010. Over the years, it has strongly advocated for the prevention of unnecessary and prolonged detention of prisoners, in particular of those who are mentally ill, juveniles, foreign national prisoners or are unrepresented by lawyers. As part of our work, we have interacted with a large number of convict and community paralegals who are assigned to police stations and prisons. In 2017, we also held a training with paralegals from Howrah (West Bengal). Our interaction showcased that paralegals are often not aware of their roles and responsibilities while providing legal aid for persons in custody.

While NALSA has brought out a handbook which may be utilised by resource persons for conducting these trainings,⁵ it does not have a specific focus on their roles at police stations and in prisons. It is to complement this module that CHRI has prepared this handbook, with the goal of assisting paralegals in discharging their duties.

⁵ https://nalsa.gov.in/sites/default/files/document/Training_Module_for_PLVs.pdf.

LEGAL AID FOR PERSONS IN CUSTODY IN INDIA

Articles 21 & 39A of the Indian Constitution along with the Legal Services Act 1987 govern the functioning of the legal aid system in India.



POLICE STATION

As per Article 22(3) & 39A Constitution of India 1950 and S. 41D Code of Criminal Procedure 1973 every person is entitled to legal aid at the police station. However, there is no provision of permanent legal aid clinic in police stations apart from the limited presence of a paralegal under NALSA's Scheme for Para-Legal Volunteers (Revised). They are also not available round the clock.

COURT

For unrepresented persons, at first and subsequent productions in court, remand lawyers are to be appointed in all production courts under NALSA's Model Scheme for 'Legal Aid Counsel' in all Courts of Magistrates 1998.

For unrepresented persons during trial, panel lawyers are appointed under the NALSA (Free and Competent Legal Services) Regulations 2010 & S. 304 Code of Criminal Procedure 1973.

PRISON

A legal aid clinic is to be constituted in each prison manned by paralegal volunteer and jail visiting lawyer to provide legal assistance to unsentenced and sentenced prisoners under NALSA's Standard Operating Procedure for Representation of Persons in Custody 2016, NALSA (Legal Service Clinics) Regulations, 2011 & NALSA's scheme for Para-Legal Volunteers (Revised). For prison legal aid clinics, convicts are also trained as paralegals in some prisons.

II. UNDERSTANDING THE CONCEPT OF PARALEGALS

1) Why do we need Paralegals?

Paralegals are chosen community members who volunteer to assist people in protecting and securing the rights and privileges of marginalised communities by effectuating their right of access to justice. Due to the geographical remoteness of certain marginalised communities, legal service institutions are sometimes unable to cater to their legal aid needs. Paralegals are appointed to overcome this barrier and enable access to legal services to all. Instituting a grassroots network for community outreach helps them effectively implement policies and schemes. Paralegals thus act as intermediaries to bridge the gap between the common people and the legal services institutions.⁶

2) Paralegal vs Lawyers

A paralegal is not a lawyer. They cannot assume the status of a lawyer, nor are they eligible to practice in an Indian court of law in a representative capacity. A paralegal can only provide legal first aid to help any person in need to access the justice system. Paralegals usually belong to the community and volunteer to empowering members to assert and realise their rights.

3) How to become a paralegal?

Paralegals can be drawn from multiple groups, irrespective of gender, community, religion, caste and economic status, or be selected by the community from among its leaders. The following are eligible for becoming paralegals: Teachers, including retired teachers; retired government servants; students; Anganwadi workers; law students; members of civil society organisations, including NGOs and voluntary groups; members of community-based organisation, including women self-help groups (SHG), Mahila Mandal, and youth clubs; community leaders; and community volunteers. To become a paralegal, an interested candidate may write an application to the District Legal Services Authority or the Taluk Legal Services Committee, whichever applicable, expressing interest. This can be followed by an interview. Candidate may also apply after an advertisement is made as a public call for paralegals by the legal services authority.

⁶ For detailed information on role of paralegals, please refer to Committee for Legal Aid to Poor (<http://www.clapindia.org/images/Handbook%20for%20PLV%20Training.pdf>).

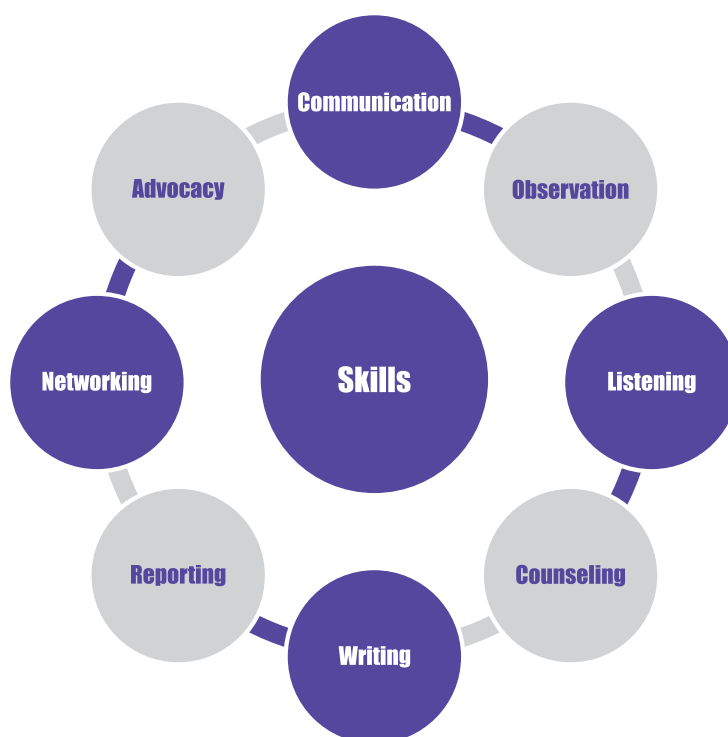
4) Qualifications and skills needed

Paralegals need not be lawyers, but they must be aware of the basics of the law, legal processes and the domestic legal systems. They also undergo further training to be equipped with legal knowledge to help clients when dealing with or advising them in disputes and legal matters. Further, while discharging their functions, they are expected to impart awareness on the law and the legal system along with resorting to mediation, arbitration and negotiation proceedings to resolve disputes. This is to help in counseling parties to redress their disputes through amicable dispute settlement processes instead of long-drawn-out (and often expensive) lawsuits.

A good paralegal is patient, disciplined, tactful, trustworthy, prompt, impartial and dedicated, has a strong commitment towards ensuring the human rights of marginalised communities and a familiarity with the law and local customs. Some, as you may notice, are inherent traits, but others can be acquired with training and practice.

Some other skills that are highly valued in paralegals are good communication, writing, drafting skills and record-keeping, the ability to network, listen and observe well, and mediation, counseling and conciliation skills. Please see Fig 1.

Fig 1: Valued skills of Paralegals



5) Functions

The main duty of the paralegal is to bridge the gap in the legal system by acting as a preliminary legal service provider. The paralegal assists a community in understanding, demanding for and accessing their rights. They help people resolve their disputes by enabling them to consider options for resolving conflicts or to avert looming conflicts. Paralegals stand at a unique position in the criminal justice system, wherein they are at the centre of ensuring that access to legal services is available to both accused and victims. (see fig 2)

Paralegals are prescribed functions and duties under various NALSA schemes. In the context of legal aid for persons in custody, as per the existing regulations, paralegals are appointed at

- **Front Offices:** The Secretary, District Legal Services Authority (DLSA), Taluka Legal Services Committee (TLSC) and High Court Legal Services Committee (HCLSC) can depute one or more paralegals to operate the 'front offices' of legal services institutions.
- **Legal Aid Clinics:** The Secretary, DLSA/TLSC/HCLSC can depute paralegals in the Legal Aid Clinics set up under the National Legal Services Authority (Legal Aid Clinics) Regulations, 2011. These include prison legal aid clinics as well as clinics at police stationz. The paralegals engaged in the clinics function as per the Regulations 2011.

Specific functions of Paralegals:

- i) **Basic counseling:** Paralegals are to counsel accused persons and communities to help them understand processes of the justice system, their rights, possible lines of action and help them in making a decision.
- ii) **Preliminary inquiry and documentation:** Paralegals must conduct preliminary enquiries to ascertain the facts of a problem or complaint. This would also enable them to undertake documentation, file applications, or take whatever appropriate action the case requires. This can include interacting with the persons involved in the case, and noting information relevant to the case.
- iii) **Record-keeping:** Paralegals should assist in maintaining information sheets to enable stakeholders update their clients. They must maintain extensive records for each eligible beneficiary of legal aid and ensure that all communication with the clients, including the nature of service provided, dates and times of meetings, are recorded in their client file. Information regarding action taken and next appointments must also be clearly documented.
- iv) **Conducting Legal Clinics:** Paralegals are an essential link in the chain of providing legal counseling and advice to persons in detention to help them resolve their problems.

- v) **Conducting community education or community capacity-building sessions:** Paralegals must also help in educating the community about their rights and the basic laws that affect them. They should also spread awareness about the services that can be availed through paralegals and how to get in touch with the relevant institutions when they have a problem. The paralegals, in consultation with the nearest legal services institutions, should organise micro-legal literacy camps in the area of their operation groups such as labourers, women, children, and members of the Scheduled Castes or Tribes, etc. They can, at these classes, distribute information booklets and other publications of the Legal Services Authorities.

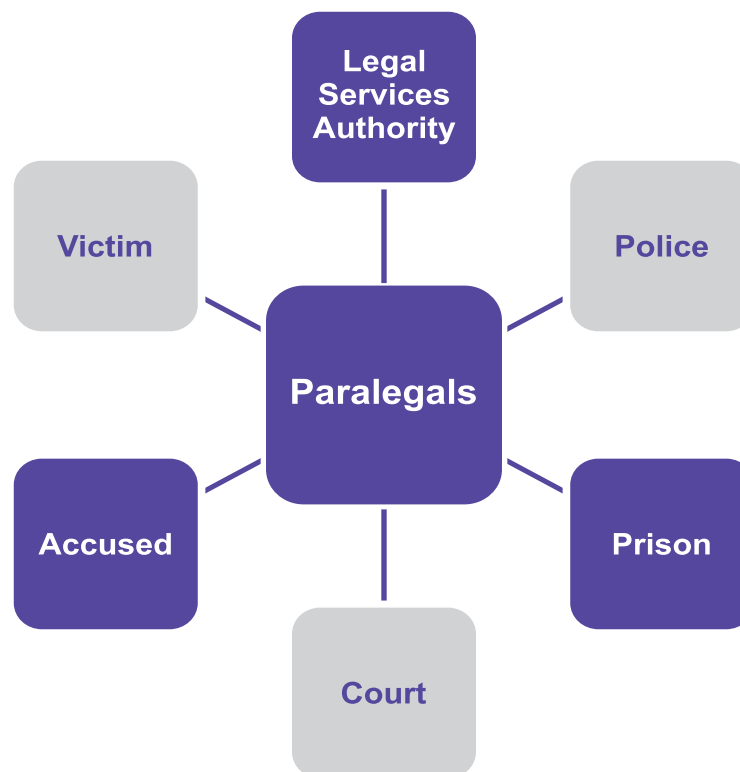


Fig 2: Mapping the working of the Paralegal with other stakeholders

6) Code of Conduct for Paralegals

The code of ethics is a set of standard norms to regulate the behavior and work of paralegals. It is mandatory for each trained paralegal to obey and respect this code during their work. The code mandates that they be honest, respect client confidentiality and human rights, be non-discriminatory, and not expect pecuniary benefits from their clients.

A paralegal must at all times

- a) Display honesty, integrity, and impartiality;
- b) Act professionally and with due diligence and competence;
- c) Not disclose any information obtained from clients if not legally required;
- d) Honor all obligations to clients, except for good cause shown;
- e) Arrive on time for meetings;
- f) Avoid any unnecessary delay in work;
- g) Conduct all processes in a competent and professional manner having due regard to best practices.

III. PARALEGALS AND PRISONS

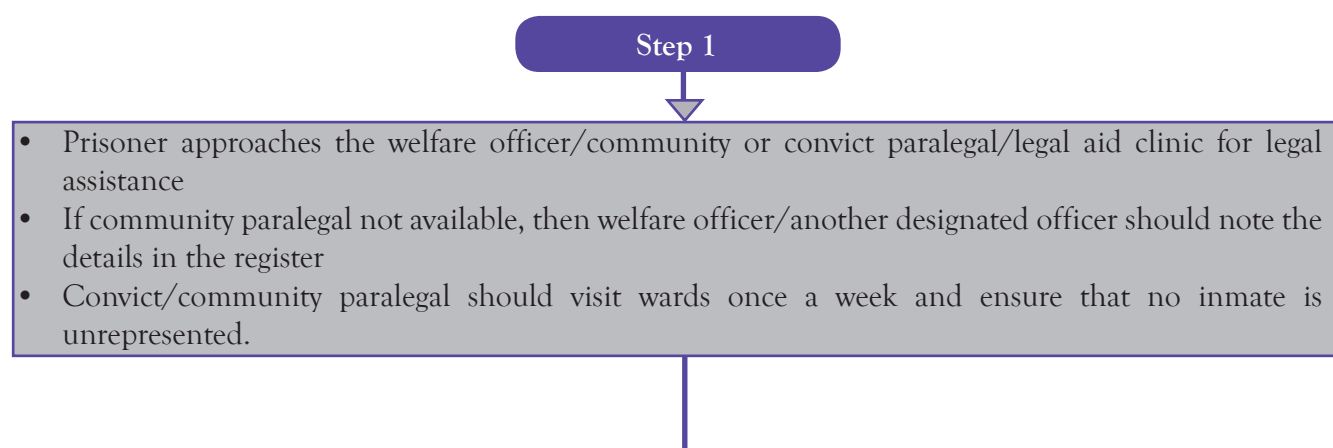
Prison legal aid clinics are mandatory in every prison in India as per the NALSA Standard Operating Procedures on Representation of Persons in Custody 2016. These clinics are managed by paralegals and jail visiting lawyers.

Paralegals appointed to these jail legal aid clinics are vital for inmates to be able to enforce their right to legal representation. Paralegals can be either community or convict paralegals ~ both with an important role to play in the functioning of prison legal aid clinics.⁷ The paralegal acts as an important bridge between the prisoners and other functionaries of the criminal justice system, such as legal aid lawyers, legal services institutions, judiciary and the prison administration. However, without appropriate guidance and training, the efficacy of paralegals is questionable. It is, therefore, imperative that a paralegal ask the right questions, render all possible assistance to the prisoner, and keep them informed about the status of their case. This section offers guidance to paralegals to strengthen their functioning.

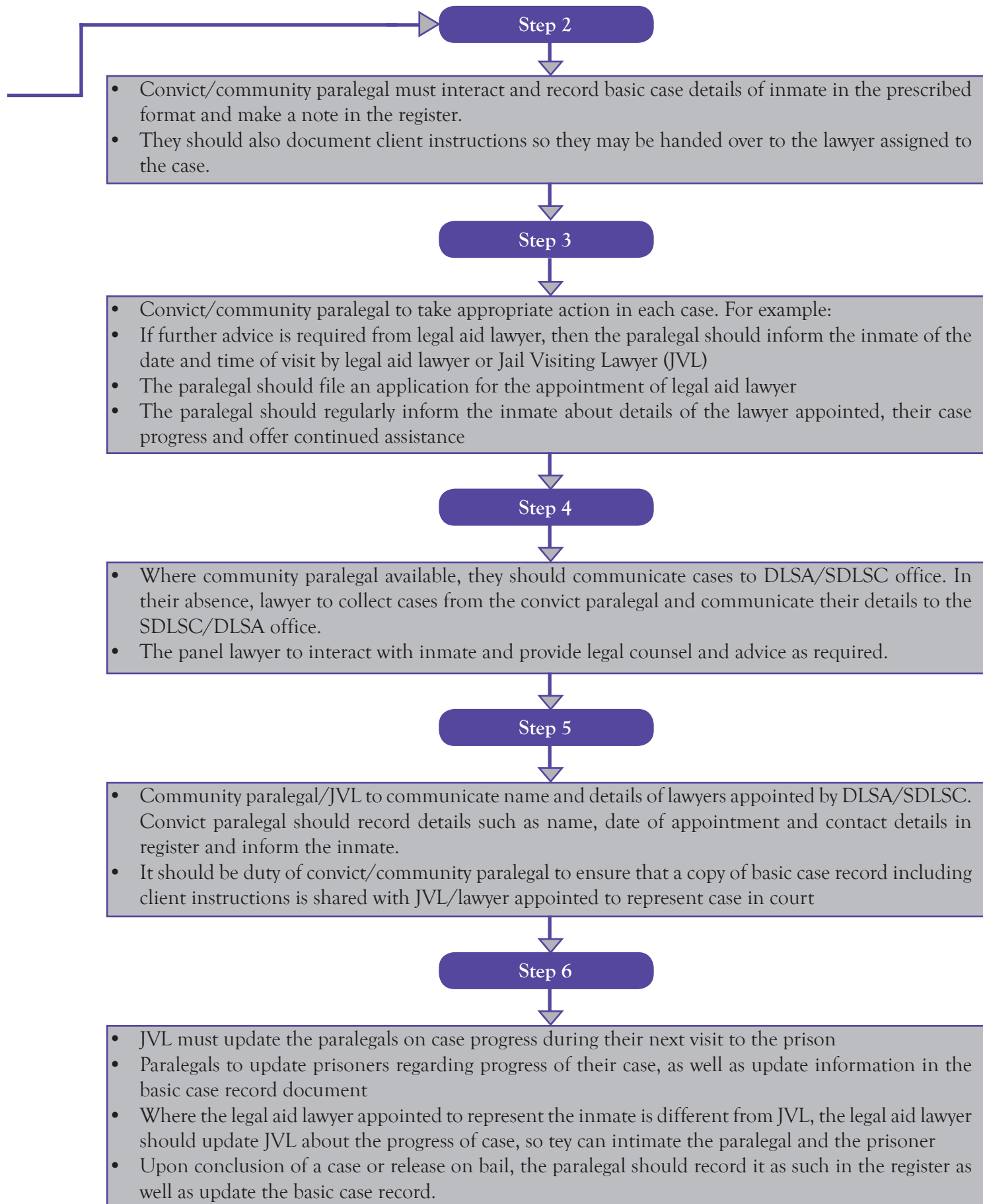
1) Functioning of prison legal aid clinics:

A jail legal aid clinic works according to the steps listed in figure 3.

Fig 3: A step-by-step guide on the functioning of Legal Aid Clinics



⁷ To read more on the functioning of prison legal aid clinics see Bringing Justice Closer, CHRI 2017 available at <http://www.humanrightsinitiative.org/publication/prison-legal-aid-clinics-in-west-bengal-bringing-justice-closer>.



2) The Functions of Paralegals:

- (i) To regularly visit new inmates admitted to prison and raise awareness among them on basic legal facts and processes.
- (ii) To enquire about the conditions of their confinement; explain their charges and apprise them of their right to free legal representation through Legal Service Institutions (LSI).
- (iii) To ensure legal representation for all prisoners.
 - a. If the inmate requests for assistance with the appointment of a legal aid lawyer for representation, file an application promptly and send it to the LSI for appointment of the lawyer.
 - b. If the inmate already has a lawyer representing him in court, record this information in another register. Review the case monthly and offer any assistance needed by the inmate.
 - c. After the receipt of information about the appointment of a lawyer, record all details in the register and inform the inmate.
- (iv) To regularly seek updates from lawyers about the progress of each case, and inform the inmates about it. If no updates have been received, write to the LSI on behalf of prisoners seeking updates.
- (v) To promptly intimate the LSI about any allegations by prisoners of non-production in courts,. See sample proforma.⁸
- (vi) To send an application to the LSI if the inmate claims that they were a minor (below 18 years of age) at the time of commission of the offence. See sample Proforma.⁹
- (vii) To assist the legal aid lawyer in collecting relevant documentation for defence in the ongoing case.
- (viii) To inform and educate the accused regarding his right to appeal, first in the High Court and then, the Supreme Court. Assist in processing documents for seeking the appointment of a legal aid lawyer to represent at the appellate stage.
- (ix) To assist the prison officer in-charge in preparing the lists of prisoners eligible for review by the Under Trial Review Committees (UTRCs).

⁸ Form I: Brief Case Record.

⁹ Form III: Suggested Form for Case record.

THE UNDER TRIAL REVIEW COMMITTEES



Constituted in every district of the country by the directive of the Supreme Court of India in April 2015



PURPOSE

An oversight mechanism mandated to:

ENSURE periodic review of the cases of unsentenced prisoners

CHECK prolonged detention and overcrowding in prisons

GUARANTEE fair trial rights

COMPOSITION



District Magistrate
(Senior most Administrative
Officer of the District)
MEMBER



Superintendent of Police
(Senior most Police Officer
of the District)
MEMBER



District & Sessions Judge
(Senior most Judicial Officer
of the District)
CHAIRPERSON



**Secretary, District
Legal Services Authority**
(Officer in-charge of providing
Legal Aid in the district)
MEMBER



Superintendent of Prison
(Officer in-charge of Prisons
situated in the district)
MEMBER

MANDATE

UTRC periodically reviews cases of unsentenced prisoners (termed as under trial prisoners in India) and is empowered to recommend to the concerned trial court, release or appropriate action in each case in order to prevent unnecessary detention of prisoners



Under trials who completed half or more than the maximum prescribed punishment for the offence charged, must be released on bail – S.436A Code of Criminal Procedure (CrPC)

Under trials in whose cases investigation is not completed in 60/90 days depending on the offence accused of, must be released on bail – S.167(2)(a)(i) & (ii) CrPC



Under trials who are accused of a bailable offence, must be released on personal bond – S.436 CrPC

Under trials who are unable to furnish bail and are still in custody for that reason, must be released on personal bond



Under trials accused of unsound mind, must be dealt under Chapter XXV of the CrPC

Under trials sick or infirm and requiring specialised medical treatment must be considered for bail under the special provision – S.437 CrPC



Under trials who are accused of compoundable offences, their cases must be compounded expeditiously – S.320 CrPC

Women under trials must be considered for bail under the special provision – S.437 CrPC



Under trials detained on apprehension of commission of offence, must be released on bail bond – S.107, 108, 109 and 151 CrPC

Under trials imprisoned for petty offences which carry a maximum punishment of 2 years, must be considered for release under the Probation of Offenders Act, 1958



First time offenders, between 19-21 ages, detained for offences punishable with less than 7 years and have served at least 1/4th of the maximum sentence possible, must be considered for release under the Probation of Offenders Act, 1958

Under trials whose cases are triable by magistrate, if the trial of a person accused of a non-bailable offence has not been concluded within a period of 60 days from the first date fixed for taking evidence, must be released on bail – S.437(6) CrPC



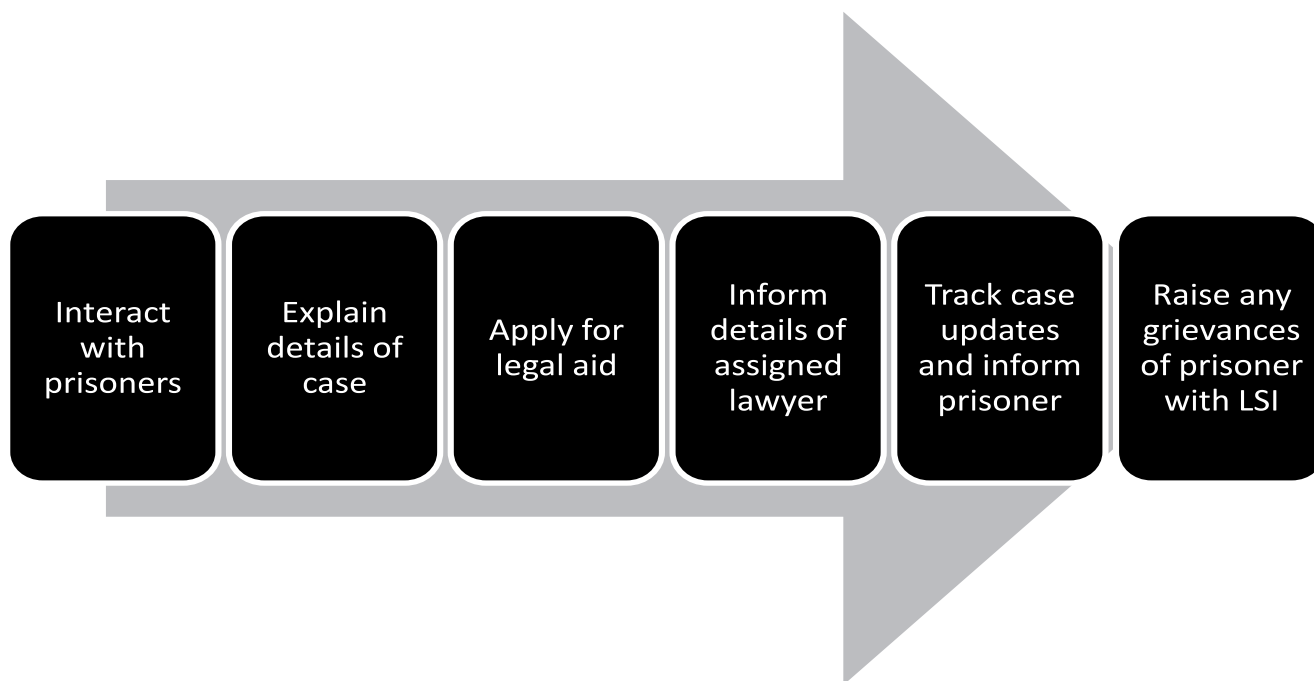


Fig 4: A step-by-step guide on the working of paralegals

3) Documentation and reporting

It is crucial for a paralegal to maintain proper documentation of their work in registers in the prescribed formats, which also enables them to track the progress or delay in cases. Thus, paralegals must maintain immaculate documentation and also regularly report to the LSI on functioning of the clinics.

Documentation: A paralegal may choose to keep various registers for documenting the functioning of the clinics. For instance, in one district in Bihar, paralegals maintain nine registers in the prison legal aid clinics:

- a. Attendance Register (*Upasthati Panji*),
- b. Defense Panel Advocate Register (*Sarkari Adhivakta Panji*),
- c. Benefit under Section 436A CrPC Register (*U/S 436A se Samandhit Panji*),
- d. Compoundable Offences Register (*Compoundable Apradh Panji*),
- e. Juveniles Register (*Kishor Bandi Panji*),
- f. Legal Compromise (*Vidhik Samjhauta Panji*),
- g. Absence of Bailor Registers (*Jamantdar Abhav Panji*)
- h. Ill Prisoners Register (*Bimar Bandi se Sambandhit Panji*), and
- i. Confession Register (*Apradh Svikarokti Panji*)

Additionally, where computers are available, documentation could be computerised. (See next section.)

In all forms of documentation, a paralegal should make the efforts to document and record all assistance rendered. In particular, the following details must be recorded in one register by paralegals working with prison legal aid clinics:

- a. Name, father's name, address, case details of the prisoner seeking legal services.
- b. Name of the paralegal conducting the clinic, and date.
- c. Nature of assistance sought by the prisoner.
- d. Nature of services provided to the prisoner, and date.
- e. Paralegals remarks, if any.
- f. Signature of the prisoner seeking legal services and the paralegal assigned to the clinic.

Reporting: Paralegals should maintain registers for monthly reporting to both the jail visiting lawyers as well as the concerned LSI. They should also make an effort to document the nature of services provided and any difficulties faced in performing their duties along with the daily activity register. Additionally, paralegals are also required to assist the prison administration and the LSI in collating the list of prisoners for review by UTRCs.

4) Digital tools

Paralegals may use digital tools to assist their work. For instance,

- a. They may use computers to record basic information about prisoners, such as case details, instructions for lawyers, the next date of hearing, etc. See sample form – Annexure 1. This can then be communicated via email to the concerned LSI and lawyer assigned.
- b. They can use CHRI's Evaluation of Prisoners Cases (EPIC) tool to identify prisoners eligible for consideration of review by UTRCs. EPIC is a simple analytical tool for computing the eligibility of under-trial prisoners under section 167, 436, 436A of the Code of Criminal Procedure 1973, evaluating whether their cases fall under petty offences, or whether they are eligible under plea bargaining or are compoundable/non compoundable cases.¹⁰
- c. They can also use computers for tracking cases and preparing monthly reports. See sample format for tracker in Annexure 2.

¹⁰ A copy of the tool can be obtained by sending an email to chriprisonsprog@gmail.com requesting for a copy.

5) Duties of paralegals

Paralegals are dutybound to:

- (i) Hold/conduct legal aid clinics inside jails at least twice weekly.
- (ii) Take steps towards the identification of inmates in need of legal assistance. This involves reaching out to all prisoners, especially new entrants.
- (iii) Seek permission from prison authorities to visit prisoners' wards to ensure no one goes unrepresented.
- (iv) Counsel inmates and explain legal provisions pertaining to their case. Where there are doubts, they may refer the case to a Jail Visiting Lawyer.
- (v) Inform the family members of inmates about their detention and, if needed, facilitate meetings, in the case of community paralegals.
- (vi) Fill out the legal aid application form and promptly send it to the concerned DLSA/SDLSC and ensure that the prisoners interact with their jail visiting lawyer on the next prison visit.
- (vii) Coordinate and assist jail-visiting lawyers in providing legal advice and also provide updates on the inmates' cases.
- (viii) Receive legal aid lawyer appointment letters and replies from legal service institution and other authorities, maintain a record and give copies of these to the concerned prisoner.
- (ix) Submit monthly reports to the DLSA and the UTRC on cases eligible under Section 436/436A of the Cr.P.C.
- (x) Draft an application to bring to the notice of the concerned Legal Services Authority, Juvenile Justice Board and the Child Welfare Committee if a prisoner claims to have been a juvenile at the time of commission of the offence or during arrest.
- (xi) Write to the concerned LSI with any queries, grievances or complaints of shortage of basic requirements for the smooth functioning of the clinic.
- (xii) Assist inmates in filing complaints or grievances relating to their stay in prison.
- (xiii) Keep a track of the non-production of any inmate in court and inform the Secretary, DLSA/TLSC about this.
- (xiv) Maintain registers in the clinics recording the name, father's name, age, date of admission, offences charged under, case reference and concerned court, the details of lawyer appointed, the status of case, and next production, etc.
- (xv) Regularly update the registers with each prison clinic, information on all cases, and assist in following up of cases with information such as case status, bail, lawyer appointment, next date of hearing, and communicating client instructions to the lawyers.

- (xvi) Keep a record of the letters, applications, and petitions written through jail and sent to relevant agencies, and documents received.
- (xvii) Send reminders/letters to the concerned Legal Services Authority seeking information on the status of case, and the name and contact details of the assigned legal aid lawyer.
- (xviii) Send reports of their work to the Secretary of the DLSA/TLSC by the 5th of every month.
- (xix) Submit a copy of the legal aid register for review to the Secretary of the DLSA/TLSC every month.
- (xx) Not seek any money or benefits for the work done for inmates or their families

IV. PARALEGALS AND POLICE STATIONS

Prompt access to legal advice and assistance is key to guaranteeing a fair trial and the rule of law.¹¹ For those arrested and/or detained, the first few hours of coming in contact with the criminal justice system are among the most crucial. Official statistics show that most of those arrested or detained are poor, ill-educated or disadvantaged. In addition to having limited financial resources, they also often lack the knowledge to understand and navigate the criminal justice system.¹²

Therefore, prompt access to lawyers in the pre-trial stages of arrest and interrogation can curtail the number of arbitrary arrests, thus reducing pre-trial population in prisons considerably. Paralegals should be assigned to all police stations as per the NALSA Paralegal Scheme (Revised). In 2018, NALSA had also written to all State Legal Services Authorities (SLSAs) to “*Explore the feasibility of setting up legal services clinics in police station to facilitate legal services to arrested persons under section 41D of CrPC.*”

While there are multiple models which may be considered while establishing legal aid clinics in police stations,¹³ the role of paralegals is absolutely vital. This section offers guidance to strengthen the functioning of paralegals in police station legal aid clinics. The role of paralegals here must not be limited to only providing assistance to the accused, but should also include offering assistance to the victim/complainant and their family. However, for the purpose of this handbook we have limited the discussion only to the functions of paralegals for providing assistance to accused persons.

¹¹ Ed Cape, *Improving Pretrial Justice: The Roles of Lawyers and Paralegals* (New York: Open Society Foundations, 2012), sect. 4.1-4.7.

¹² UNODC, *Early Access to Legal Aid in Criminal Justice Processes Handbook*, Criminal Justice Handbook Series.

¹³ For more information read CHRI's Recommendations on Legal Aid at Police Station available at <http://www.humanrightsinitiative.org/download/1536836409Recommendations%20on%20Legal%20Aid%20at%20Police%20Station.pdf> and CHRI's pamphlet on Legal Aid at Police Stations available at <http://www.humanrightsinitiative.org/download/1536155776CHRI%20Prisons%20Legal%20Aid%20Pamphlet%202018.pdf>.

1) Functioning of police station legal aid clinics:

Legal aid clinics in police stations can follow the steps given in Figure 5.

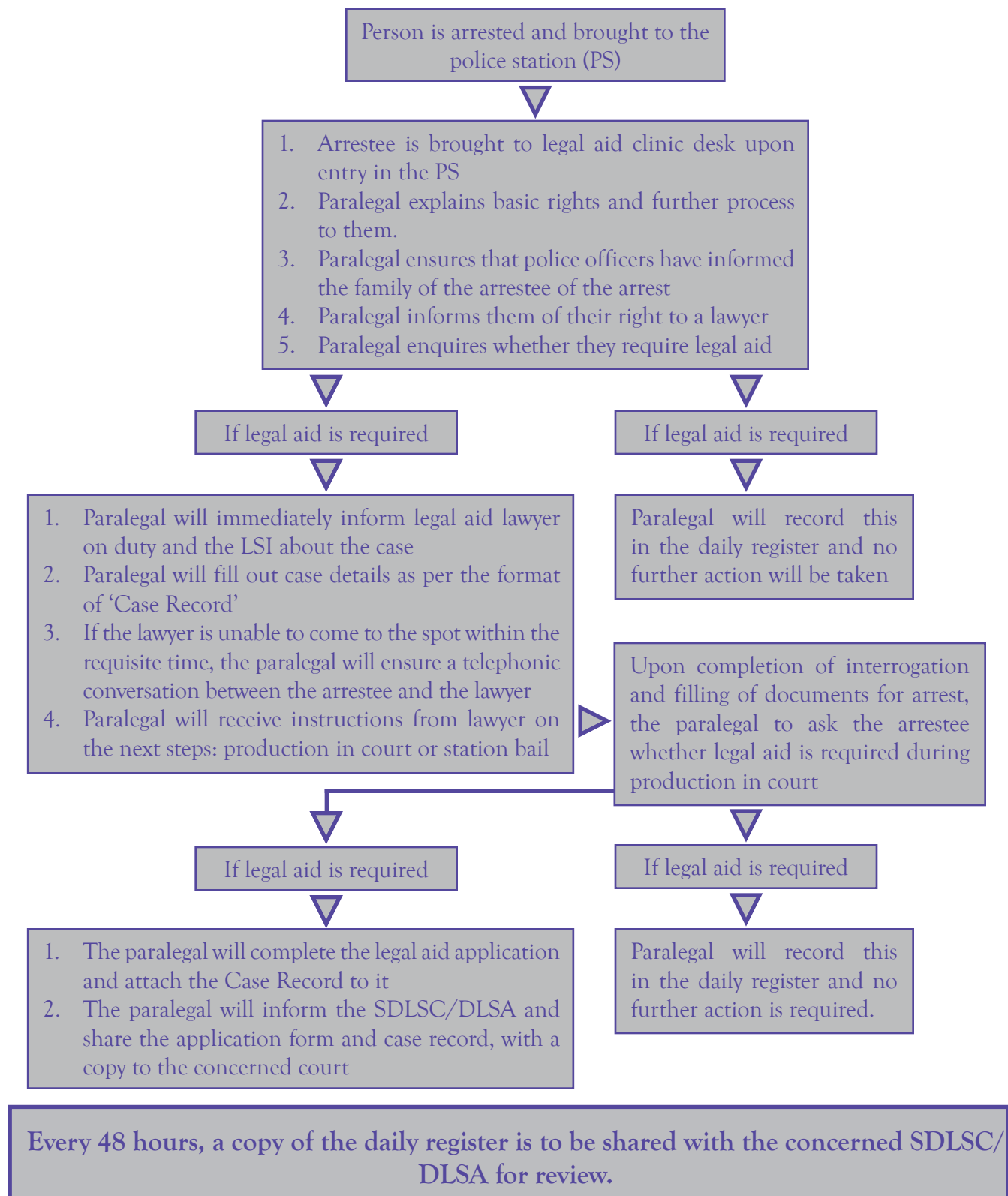


Fig 5: Step by Step Functioning of Legal Aid Clinics at Police Stations

2) Functions of paralegals

- (i) To ensure 24x7 presence on rotational basis at the assigned police station.
- (ii) To ensure that at least one legal aid lawyer is available on rotational basis on call 24x7 and can visit the police station as required.
- (iii) To explain the basic rights and legal processes to accused persons, including the right to legal representation and legal aid.
- (iv) To ensure that the family of the accused has been informed of the arrest. If they have not been informed by the police, then the paralegal must immediately contact them and help them communicate with the accused.
- (v) To inform the legal aid lawyer assigned to the police station and legal services authority about the details of the case.
- (vi) To complete all documentation and reporting for each case and prepare legal aid applications for the assignment of lawyers to the accused.
- (vii) To enquire about the conditions of detention, and ascertain the accused have not been ill-treated or abused.
- (viii) To ensure that all persons arrested at the police station are taken for production to the court within the stipulated 24-hour period.



Fig 6: A step-by-step guide to the working of paralegals at police stations

3) Documentation and reporting:

Paralegals may, in consultation with the DLSA/SDLSC, prepare formats for:

- a. Recording daily activities of legal aid clinic, such as the number of people arrested, counselling provided, details of any other assistance provided, including contacting family members, etc., in the 'Daily Register on Legal Aid'
- b. Recording case details for every case where a legal aid lawyer is assigned, including details of the case and client instructions in 'Case Record'
- c. Recording calls and visits by the legal aid lawyers to the police station.
- d. Legal aid applications required to be filed to assign a legal aid lawyer for production in court.
- e. A checklist to ensure all rights are explained to the accused persons, and obtain their signature for verification. This could also be part of a register where the accused may sign. These checklists can be submitted to the LSI every week.

4) Digital tools

To facilitate prompt response and documentation, paralegals may use computers and digital tools. For instance:

- a. A mobile application specifically created for this purpose, or online forms or email can be used by paralegals to feed in basic information about the detention or arrest of persons and request for legal aid lawyer. Such a system might inform the LSI or lawyer through SMS or email, speeding up the process.
- b. These tools can also be used to document information and share client instructions, etc., especially where the police station and magistrate courts are far away from each other.
- c. They can also be used to maintain and update daily records, and in the preparation of monthly reports. (See Annexure 3 for sample format)

5) Duties of paralegals

- i. To inform the person in custody their rights, in particular, their right to legal representation and legal aid.
- ii. To provide preliminary legal advice to persons in custody, and promptly contact the legal aid

lawyer for further counselling, as and when required.

- iii. To promptly prepare the legal aid application, along with case details and send to the concerned DLSA/SDLSC for ensuring appointment of lawyer at the time of production.
- iv. To assist the police in contacting the family or friend of the person in custody.
- v. To document the details of arrest and all interventions made. (See Annexure 6 for sample format)
- vi. To not seek any money or benefits for the work done for accused persons or their families.
- vii. To submit monthly reports to the DLSA/SDLSC and inform legal service institutions of legal services provided at the police station.
- viii. To take due precautions so as to not hinder the work of police, while performing their functions.
- ix. To report any illegalities or irregularities observed to the legal services institutions and other legal aid providers to take further action.
- x. To stay abreast of new orders and judgements related to arrests and production.
- xi. To write to the concerned DLSA/SDLSC about any queries, grievances or for shortage of any basic requirements for the smooth functioning of the clinic.
- xii. To assist persons in custody in filing complaints or grievances about their arrest.
- xiii. To maintain and regularly update the registers in the clinics.

V. AN OVERVIEW OF VARIOUS OTHER NALSA SCHEMES

Article 39A of the Constitution of India provides for free legal aid to vulnerable sections of society and ensures justice for all. Articles 14 and 22(1) of the Constitution also make it obligatory for the State to ensure equality before law and a legal system which promotes justice on the basis of equal opportunity to all. In 1987, the Legal Services Authorities Act was enacted by the Parliament, and came into force on 9th November, 1995 to establish a nationwide uniform network for providing free and competent legal services to weaker sections of society on the basis of equal opportunity. The act defines the National Legal Services Authority (NALSA) as the nodal authority mandated to frame, implement and monitor all policies and principles for ensuring legal services for all under the provisions of this Act.

NALSA's vision is to promote an inclusive legal system to ensure fair and meaningful justice to marginalised and disadvantaged sections. It furthers this through its mission to legally empower vulnerable and excluded groups by providing effective legal representation, and conducting legal literacy programmes to bridge the gap between the schemes and beneficiaries. It also seeks to strengthen the system of *lok adalats* and other alternate dispute-resolution mechanisms and provide for informal, quick and inexpensive solutions to indigent and underprivileged sections, thus minimising the burden of adjudication on an already overburdened judiciary.

NALSA SCHEMES¹⁴

1. A Scheme for Legal Services to Disaster Victims through Legal Service Authorities
2. NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015
3. NALSA (Legal Services to the Workers in the Unorganised Sector) Scheme, 2015
4. NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015
5. NALSA (Legal Services to the Mentally ill and Disabled Persons) Scheme, 2015
6. NALSA (Effective Implementation of Poverty Alleviation Schemes) Scheme, 2015
7. NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2015
8. NALSA (Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace) Scheme, 2015
9. NALSA (Legal Services to Senior Citizens) Scheme, 2016
10. NALSA (Legal Services to Victims of Acid Attacks) Scheme, 2016

¹⁴ To download schemes visit www.nalsa.nic.in.

Scheme 1: A Scheme for Legal Services to Disaster Victims through Legal Services Authorities

A disaster, whether natural or man-made, can subject communities to loss of life, home and property. Both the Central Government and the State Governments undertake disaster mitigation measures, but often, their benefits cannot be accessed by the victims for different reasons. Disaster victims are entitled to free legal services under Section 12(e) of the Legal Services Authorities Act.

Objectives: The main objective of the Scheme is to coordinate with governmental and non-governmental agencies to providing development measures to reduce the period of crises, and enable early recovery and development by providing free legal aid and assistance to them for availing the benefits of government schemes.

Plan of action: The Scheme calls for the establishment of a core group in all districts consisting of a senior judicial officer, a young lawyer, medical personnel and NGOs that will take prompt action after a disaster. This core group is to coordinate with different government departments and NGOs, including Disaster Management Authorities, to supervise the distribution of relief materials, construction of temporary shelters, healthcare of victims, ensure the availability of food and drinking water, and other restorative and rehabilitative measures. The Legal Services Authorities shall also aid victims in the reconstruction of lost documents, in availing insurance claims, and bank loans, etc.

Scheme 2: NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015

Trafficking of women and children for commercial sexual exploitation is an organised crime and is perhaps one of the most lucrative illicit trades after arms and narcotics. Every year, thousands of innocent women and children, some as young as nine years old, are pushed into this trade, often by people known to them, where they languish in an environment of violence, abuse and exploitation.

Objectives: The primary objective of this Scheme is to provide legal assistance against trafficking and sexual exploitation. Within its wide ambit, it covers children, adolescent girls and women of all ages, and seeks to provide an action plan to prevent their sexual exploitation while also ensuring the rescue and rehabilitation of victims of trafficking and sex work.

Plan of action: The Scheme is to coordinate with state, governmental and non-governmental agencies and organisations to ensure that the benefits of all legislations, policies and schemes of the government reach

such exploited persons, and that effective preventive and rehabilitative measures are initiated at the ground level. The Legal Services Authorities must create awareness about this among the vulnerable groups to empower them to demand and avail their entitlements. The Authorities shall work towards the capacity building of all stakeholders, including those in the law enforcement and justice delivery system, to help them effectively deal with issues of trafficked and sexually exploited women and children.

Role of Paralegals:

1. Paralegals can spread awareness in the community about the issues of trafficking particularly in vulnerable areas and among vulnerable groups.
2. Paralegals should be used to ensure that all the due diligence processes including eligibility documents and proofs are collected to enable the vulnerable communities to access the various schemes. Paralegals can interact with the Administrative heads such as the District Collector or Chief Secretary to ensure the final realisation of the scheme on behalf of the persons.
3. Paralegals attached to or assigned to a police station to handle cases of missing children should be given special training by the SLSAs /DLSAs to sensitise them on children's issues as well as trafficking issues, so that they are responsive.
4. Paralegals must inform the SLSAs/DLSAs whenever a case of trafficking is reported or arrest of a sex worker occurs at the police station.
5. Paralegals can be accredited by the DLSAs drawn from the community and training them as per the NALSA module. These paralegals can then act as the front line workers of the Authority as far as the community is concerned. The effort must be to ensure "saturation coverage" by having representation from all the blocks of the district and ultimately the entire State.
6. Paralegals drawn from the Village Level Child Protection Committees (VLCPCs) and Anganwadis as well as teachers should be trained with special emphasis on the issues of trafficking and sexual exploitation.
7. Paralegals must help the victims to get their FIRs registered and are present during remand proceedings to oppose bail etc.
8. Paralegals should also help the victim to apply to the DLSAs for release of compensation under the Victims Compensation Scheme and also to access other welfare schemes of the Govt. meant for the rehabilitation of such victims.

Scheme 3: National Legal Services Authority (Legal Services to the Workers in the Unorganised Sector) Scheme 2015.

The unorganised sector contributes to more than 50% of India's GDP, and employs almost 95% of India's workforce, according to the Economic Survey of India (2007-2008) and the National Sample Survey (2009-2010). The Unorganised Workers Social Security Act, 2008 was passed to provide social security measures for workers in the unorganised sector. NALSA's revised Scheme for Legal Services to Workers in the Unorganised Sector, 2015 makes it obligatory for the State Legal Services Authorities, District Legal Services Authorities and Taluk Legal Services Committees to create awareness amongst workers in the unorganised sector about their rights under the law and assist them in securing benefits under the schemes of the Act and also those put in place by state governments.

Objectives and action plan: The main objective of the Scheme is to enable workers in the unorganised sector to avail their entitlements under legislations and schemes framed for their benefit. To further this aim, the Scheme provides for the institutionalisation of essential legal services to workers in the unorganised sector through the establishment of a Special Cell. The Special Cell must disseminate information among workers in the unorganised sector about their entitlements under the existing legislations and schemes, and assist workers in registering under welfare legislations, and to avail benefit of schemes framed for their benefit. This Scheme is also to help improve access to justice for marginalised and vulnerable workers employed in the unorganised sector.

Role of Paralegals:

1. Paralegals to be the member of the Special Cell set up especially for providing effective legal services to the workers in this sector, apart from Panel lawyers, Counsellors and representatives from NGOs.
2. Paralegals shall be trained in specialised programmes conducted by State Legal Services Authorities focusing on the needs of the particular categories of Unorganised Workers as are operating in that area and the benefits which they can avail from the government schemes. Thereafter, they have to share the information with these workers and assist them in accessing these benefits.
3. Paralegals should be trained inter-alia to educate the workers, help them identify the benefits they should seek and to liaise with the authorities for making the said benefits available to the needy workers.
4. Paralegals be attached to the worker's facilitation centres to help them with understanding legal issues.

Scheme 4: NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015

Children constitute about 46% of the Indian population, and are probably the most vulnerable group in our society. The Legal Services Authorities Act, 1987 has thus enlisted children as persons entitled to free legal services. Children, even those in conflict with the law, have to be treated differently from adults. Since social evils such as child marriage, child labour and other atrocities against them are prevalent, unless justice providers reach out to children, their access to justice needs will go unnoticed and unredressed.

Objectives: Through the Child Friendly Services to Children and Their Protection Scheme, 2015, the National Legal Services Authority aims to improve access to justice for children. The main purpose of the Scheme is to facilitate proper implementation of the existing legislations and policies in favour of children, and to ensure effective legal assistance to children in conflict with the law or who require care and protection.

Action Plan: The State Legal Services Authorities and District Legal Services Authorities have been primarily made responsible for implementing this Scheme. Legal training and orientation is to be provided to all functionaries who come in contact with children under legislation enacted for their protection to secure child-friendly justice. Legal Services Clinics are also to be set up in all Juvenile Justice Boards and Child Welfare Committees. A separate panel of trained and committed advocates is to be maintained at SLSAs. Legal Literacy Clubs are to be set up in all schools, and efforts are to be made to generate awareness among the general public about the rights of children.

Role of Paralegals:

1. Paralegals to undertake responsibilities for providing child friendly legal services and for same to participate in programmes aimed at enhancing their capacities.
2. Paralegals to man legal services clinics to educate public at large on child rights and their protection on available child protection services, schemes and structures at all levels.
3. Paralegals to maintain records and registers documenting access of such clinics with respect to such issues and record responses and updates.
4. Paralegals may undertake an effective outreach campaign through the distribution of posters using child appropriate messaging.
5. Paralegals deputed at each police station, may conduct initial interviews and investigations, to provide counselling and to work as a link between the children and his or her family.

Scheme 5: NALSA (Legal Services to the Mentally Ill and Mentally Disabled Persons) Scheme, 2015

Objectives: The objective of the Scheme is to ensure that persons with mental health issues, or intellectual or cognitive disabilities are not stigmatised and are able to enforce all rights they are entitled to and as assured to them by law. Persons with mental health issues are to be treated as persons with disabilities under Section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (PWD Act). Under the Scheme, Legal Services Authorities are expected to ensure that benefits under this Act are accessed by persons with mental health issues as well, and to take any remedial action as required.

Role of Legal Services Authorities: The Legal Services Authorities under the Scheme have to promote, protect and ensure the full and equal enjoyment of human rights and fundamental freedoms of persons with mental health issues. The Legal Services Authorities shall promote respect for the inherent dignity and individual autonomy, including the independence of such individuals. The Legal Services Authorities are required to open legal services clinics in mental health facilities to render all assistance to persons with mental health issues regarding the enforcement of their rights within such facilities. Legal services clinics are also required to interact with persons undergoing in-house treatment in these facility to understand whether there are property and maintenance issues, and move the court for appropriate relief. The Legal Services Authorities are also required to regularly inspect mental health facilities in the state or district to ensure that living conditions for all patients are safe and that no patients remain in the facility beyond their period of treatment.

Plan of action: Under the Scheme, the Legal Services Authorities is to co-ordinate with NGOs and other voluntary social organisations to deal with issues relating to persons with mental health issues. They shall devise sensitisation programmes in coordination with mental health officials for doctors, police officials, lawyers and judicial officers. Legal Services Clinics shall be set up in all mental health facilities continuously interact with patients and doctors to ensure the dignified stay and treatment of patients, and to facilitate their production in court whenever required.

Role of Paralegals:

1. **At psychiatric hospitals, homes and facilities:**
 - a. Paralegals to man legal aid clinics who are sensitive to such issues and persons.
 - b. In addition to paralegals deputed by the authorities; doctors, nurses and other para medical staff can assist towards provisions of legal services.
 - c. Paralegals as well as medical staff to identify the relatives and homes of those patients in relation to

whom such facts are not available on record and take appropriate steps through the different legal services institutions to reach to the relatives of the patients to facilitate reunion of the patients with the near and dear ones.

2. **During Court Proceedings**

- a. Paralegals to help the cured voluntary patients for moving requests for discharge under Section 18 or by an involuntary patient under Section 19.
- b. Paralegals should keep track of discharge of patients and wherever necessary should aid and assist the patient to move the application for discharge to the medical officer in charge or to the court which had passed the reception orders.
- c. Paralegals should also render assistance to inpatients to obtain leave of absence as provided under Section 45 and Section 46 of the Act. They should also assist the filing of appeals as provided for under Section 49 of the Act.
- d. Paralegals in addition to Member of the Board of Visitors must regularly visit to be watchful that there are no transgression of the human rights of the inmates and whenever such transgressions are noticed, shall bring it to the notice of the High Court.
- e. Paralegals should come to the assistance of the mentally disabled and their families in the matter of appointment of guardians.
- f. Paralegals must assist the police to refer the mentally disabled persons, who are neglected, homeless or destitute to the Local Level Committee set up under Section 13 of the National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 so that orders such as the appointment of guardian, whether individual or institutional, for the care and rehabilitation of the mentally disabled person is ensured.

Scheme 6: NALSA (Effective Implementation of Poverty Alleviation Schemes) Scheme, 2015

Background: Poverty can be a multi-dimensional experience, including issues such as health, housing, nutrition, employment, maternal care, child mortality, access to water, education, sanitation and essential services. People living in poverty also often face social exclusion and discrimination. Such exclusion is not limited merely to a paucity of income; several vulnerable and marginalised communities also experience poverty in myriad unique ways.

The intended beneficiaries of various poverty alleviation and social security measures of the Central and state governments are often unable to access their benefits due to lack of education, social structures, economic marginalisation, exploitation, cultural norms and discrimination.

Objectives: The main objective of the Scheme is to ensure access to basic rights and benefits under the poverty alleviation schemes and programmes of the government to economically and socially vulnerable sections of the society by strengthening legal aid and support at all levels.

Plan of action: The Scheme lays down a mechanism for the identification of poverty alleviation and social security measures and facilitating access to them through the legal services clinics, awareness programmes, panel lawyers, paralegals and publicity through print and electronic media.

Role of Paralegals:

1. Paralegals to be constituted into teams under a Legal Services Officer to implement this Scheme and the Legal Services Officer will supervise and mentor the paralegals in his team to help the beneficiaries access the various schemes of the Govt.
2. Paralegals to participate and attend specialised training programs to assist in the implementation of the Scheme, to sensitise them regarding the needs of persons belonging to socially and economically weaker sections and the benefits that they can avail through Poverty Alleviation Schemes.
3. Paralegals to inform the Scheme Beneficiaries about each of the Poverty Alleviation Schemes to which they are entitled, and the benefits thereunder.
4. Paralegals to assist the Scheme Beneficiary in procuring the documents required for availing the benefits under any of the Poverty Alleviation Schemes.
5. Paralegals to inform the Scheme Beneficiary of the name and the address of the designated authority or the officer to be approached for registration under any of the Poverty Alleviation Schemes.
6. Paralegals to inform the Scheme Beneficiary of his/her option to register a complaint with the Legal Services Officer or para-legal volunteer, about any designated authority or officer under any of the Poverty Alleviation Schemes who refuses to cooperate with a Scheme Beneficiary in providing hi/her access to the benefits that he/she is entitled to under the Poverty Alleviation Scheme.
7. Paralegals to maintain a record of all the complaints received under sub clause.
8. Paralegals to provide Scheme Beneficiaries with the contact number, if available, of the Legal Services Officer, and availability of the Legal Services Officer on call during working hours for such Scheme Beneficiaries to whom contact number is provided.
9. Paralegals shall provide regular updates to the Complainant Beneficiary about the status of the complaint.

Scheme 7: NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2015

Scheduled Tribes constitute 8.2% of the population in India according to the 2011 census. The tribal population in India is governed by their traditional customs and practices. However, they are extremely vulnerable since they have not yet been assimilated into the mainstream culture and yet, have lost their habitats. Their rights have been circumscribed by the pressures of development. They have to be relocated every time a forest area that is their habitat is cleared for “developmental” activity, and it becomes difficult for them to adjust in other cultural environments. There also exists a huge chasm between various government schemes framed for tribals, which frequently do not reach them. Several members of the tribal community also have a brush with the law and are forced to suffer because the criminal justice system does not understand them; neither do they comprehend the judicial system.

Objectives: The Scheme is aimed at ensuring access to justice to the tribal population in India, including access to rights, benefits, legal aid and other legal services so that the assurance of the Constitution of justice, social, economic and political is meaningfully experienced by them.

Role of Legal Services Authorities and plan of action: Any member of a Scheduled Tribe is entitled to legal assistance under Section 12 of the Legal Services Authorities Act, 1987. The Legal Services Authorities is to reach out to communities so that they have equal opportunity to access justice. The Scheme also sets out the areas where Legal Services Authorities can be of help to tribal communities, such as providing education and vocational training to them. The Legal Service Authorities are to reach out to these communities proactively and engaging paralegals from the community who can speak in the local language which can help them understand the nature of remedies that the legal services can provide for their problems. Most importantly, Legal Services Authorities are to spread awareness amongst tribal communities about the various rights that the Constitution promises them, the rights available to them under various laws, remedies available to them in case of violation of their rights, the support that the Legal Services Authorities can provide them when there are such violations, government schemes designed for tribal communities them and ways to can access them.

Role of Paralegals:

1. Paralegals to assist Panel lawyers to facilitate the tribal people for getting compensation of their acquired land and assist them for rehabilitation.
2. The issues, requirements and legal needs as well as availability of educational and medical facilities in tribal areas must be identified with the assistance of paralegals and action for judicial redressal initiated in appropriate cases.
3. Paralegals to identify the areas of the districts where there are tribal population and reach out to them

with the help of statistical and other Government department.

4. Paralegals from communities to assist in articulating the problems, communicating effectively to facilitate innovating solutions.
5. Paralegals to proactively interact with the tribal communities and to establish themselves as the 'go to person'.
6. Paralegals should help the illiterate tribal people requiring legal assistance in filling up forms and filing applications for getting benefits of various schemes made by Government to do so for their getting such benefits.
7. Paralegals to play a vital role in providing medical help amongst the tribal community. Paralegals may identify the needy persons and with assistance of the local Legal Services Authority, such tribal people may be facilitated in getting suitable medical assistance and medicines as well as benefits of medical schemes.
8. Paralegals must be the voice of the tribal people to communicate to the concerned authorities when there are issues relating the schools, absence of teachers, and harassment of tribal children.
9. Paralegals may be useful in the matters of human trafficking for identifying the victims of trafficking and taking suitable action for obtaining victim compensation and accessing various rehabilitation schemes.
10. Paralegals must assist the trafficked children when they are rescued and produced before the Child Welfare Committees (CWCs). They should help the CWCs in tracking out the families of the victims.
11. Paralegals must hand hold the victims when they have to testify in the Court.
12. Paralegals must be the bridge between the tribal people and the panel lawyers and must assist both the tribal person as well as the lawyer so that the case of the tribal is effectively understood and heard by the court.
13. Paralegals must also be the connect between the government departments and the tribal people to ensure that the food and rations meant for the tribal people reach them even when they live in remote and sparsely populated areas in the State.
14. Paralegals should help the tribal people to collect all documents and other evidence so that displaced tribal people may be rehabilitated properly
15. Paralegals must visit jails and interact with inmates to find out about their cases and report to the DLSA so that immediate follow up can be taken for their release on bail or expeditious hearing of their cases.

Scheme 8: NALSA (Legal Services to the Victims of Drug Abuse and the Eradication of the Drug Menace) Scheme, 2015

Background: Drug trafficking is one of the most societally harmful organised crimes in the world today. Because of its location between the principle areas of opium production in Asia, the Golden Crescent (spanning Afghanistan, Iran, and Pakistan) and the Golden Triangle (at the borders of Thailand, Laos, and Myanmar), India is highly vulnerable to drug trafficking, with appalling effects. The age of children who have begun to try drugs has come down to nine years. All this results in frightening effects on the health and psychology of individuals, the robustness of society and the economy of the country.

Objectives: The main objectives of this Scheme are to spread awareness among all stakeholders about the ill-effects of drug abuse and the legislative provisions, government schemes, policies, etc., available for victims, to work with government and non-government agencies to prevent trafficking, and for putting in place effective de-addiction and rehabilitative facilities.

Plan of action: The State Legal Services Authorities have established special units in each district with the District Secretary as the Nodal Officer who will create a database of all existing policies, and schemes for the prevention of drug abuse and rehabilitation of victims, and shall disseminate this database to all stakeholders including local bodies, educational institutions, street children, jails, sex workers, chemists, cultivators, victims of drug abuse and their families, among others. They shall also coordinate with de-addiction and rehabilitation centres to ensure drug abuse victims are treated well and with dignity. The SLSAs shall create awareness among the general public ~ and especially among students ~ regarding the physical, mental, social and economic ill-effects of drug consumption.

Role of Paralegals:

1. Paralegals to be members of the Special Units having done substantial work for eradication of drug menace or rehabilitation and de-addiction, and accredited with SLSA. It would include other members such as Judicial Officers, Medical Officers, DLSA Chairman, Social Worker and NGO representative. Unit to be supervised by Chairman, DLSA.
2. Paralegals to visit different areas and make aware and sensitize people about the ill-effects of the Narcotic Drugs and Psychotropic Substances.

Scheme 9: NALSA (Legal Services to Senior Citizens) Scheme, 2016

As per the National Policy for Senior Citizens, 2011, nearly 8% of India's population (about 104 million people), is above the age of 60. This is also 1/8th of the total population of senior citizens in the world. This demographic face several challenges in life: social, physical, mental and economic. Their problems are often made worse with the break up of the joint family system. With the migration of productive members of the family to other cities or urban centres, the elderly are often left to fend for themselves. There is also evidence of systematic abuse of the elderly: the infliction of physical, emotional and psychological harm by family members and other members of the society.

Objectives: The main objective of the Scheme is to strengthen legal aid, advice, and counselling to senior citizens at the national, state, district and taluka level to enable them to avail benefits of various legal provisions, ensure access to governmental schemes and programmes, and devise ways to extend health-care facilities, and physical and social security measures in coordination with the police, health-care authorities and the district administration, etc.

Plan of action: The Scheme envisages reaching out to the senior citizens through Legal Services Clinics and Paralegals, who are to act as the interface between senior citizens in communities and the Legal Services Institutions as well as the police, district administration, health-care professionals and other authorities. The Legal Services Institutions are to create a database of all existing Central and state government schemes and policies concerning senior citizens, and disseminate such information through booklets, pamphlets, awareness programmes and print and electronic media. They should also visit old-age homes and ensure the availability of basic facilities and dignified treatment of senior citizens. They should promote and facilitate the setting up of self-help groups of senior citizens to encourage community support and to reduce dependency on their part.

Role of Paralegals:

1. Paralegals to man Legal Services Clinics to assist the senior citizens in making applications and carrying out other procedural requirements.
2. Paralegals shall act as the interface between the senior citizens in the community who are unable to access the Legal Services Institutions and the Legal Services Institutions. Where it is not possible for the senior citizens to reach the Legal Services Institutions on account of their conditions, the Legal Services Institutions shall reach out to them through panel lawyers and Paralegals.
3. Paralegals to distribute information booklets to senior citizens and used during awareness programmes in old age homes or other places frequented by senior citizens.

4. Paralegals to assist in the registration of senior citizens with the police stations, in getting servant and tenant verifications done and such other matters which concern the security of the senior citizens.
5. Paralegals to inform the beneficiaries about the different government schemes to which they are entitled and the benefits thereunder; assisting the beneficiaries to procure the documents required for availing the benefits under the schemes; informing the beneficiaries of the name and address of the designated authority or the officer who may be approached for availing the benefits under the schemes.

Scheme 10: NALSA (Legal Services to Victims of Acid Attacks) Scheme, 2016

Acid attacks are a particularly brutal and literally corrosive form of violence. It is usually aimed at women, as retribution for the rejection of romantic advances, or property related conflicts. In view of the nature of the problem and its increasing occurrence, various legislative and judicial initiatives have recently been taken. These include the introduction of Sections 326A and 326B in the Indian Penal Code providing for stringent punishment of attackers, a court-directed ban on over-the counter sale of acid and prescribing a minimum amount of compensation for victims under the State Victim Compensation Scheme.

Objectives: The main objectives of the Scheme are to create and spread awareness about the entitlements of victims, and to facilitate their access to medical facilities, rehabilitative services, adequate compensation and other benefits under various legal provisions and government schemes.

Plan of Action: Legal Services Clinics shall be set up at hospitals with facilities for treatment of burns. These clinics shall be in regular touch with the victims and their relatives to ensure all possible help in securing appropriate medical care. Paralegals are to arrange for and provide counselling, rehabilitative and active support and assistance to the victims and their family members. The Legal Services Institutions shall arrange for prompt and adequate compensation to be paid to the victims under the Victim Compensation Scheme. The victims shall be provided free legal representation to prosecute their criminal cases and it shall be ensured that they are treated fairly and with dignity during trial.

Role of Paralegals:

1. Paralegals to create and spread awareness about the entitlements of the victims of acid attacks.
2. Paralegals to attend and participate in specialised training programs to assist in the implementation of the Scheme and to sensitize them on how to deal with cases of victims of acid attacks and to build their capacity, knowledge and skill.

3. Paralegals shall act as the interface between the victims of acid attacks and the Legal Services Institutions. All endeavours shall be made to reach out to the acid attack victims.
4. Paralegals deputed to legal services clinic shall be in regular touch with the victims of acid attacks and their relatives and ensure all possible help to them in securing appropriate medical help and treatment.
5. Paralegals shall provide assistance and support to the families of victims of acid attacks and where possible counselling for them may be arranged so as to bring them out of trauma occasioned by the incident of acid attack.
6. Paralegals shall also assist the victims of acid attack in obtaining from the hospital where the victim was first treated a certificate that the individual is a victim of an acid attack which may be utilized by the victim for treatment and reconstructive surgeries or any other scheme that the victim may be entitled to with the State Government or the Union Territory, as directed by the Supreme Court in the order dated 10.4.2015.
7. Paralegals shall ensure that the victims of acid attacks are able to avail of various rehabilitative services that may be available for them.
8. Paralegals to inform the beneficiaries about the different government schemes to which they are entitled and the benefits thereunder; assisting the beneficiaries to procure the documents required for availing the benefits under the schemes; informing the beneficiaries of the name and address of the designated authority or the officer who may be approached for availing the benefits under the schemes.

The background is a solid black field. It is decorated with several small, solid blue circles of varying sizes scattered across the page. Additionally, there are two vertical white lines on the left side, each consisting of three parallel lines. One set of lines is located in the upper left quadrant, and the other is in the lower left quadrant.

ANNEXURES

ANNEXURE 1:

SAMPLE FORM FOR DOCUMENTING CASE DETAIL FOR PRISONERS

FORM I: BRIEF CASE RECORD

To be completed by paralegal volunteers

PRISON:

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 been physically produced during each hearing:

Any other cases ongoing against inmate:

Any other relevant detail:

.....

.....

.....

.....

DETAILS OF ASSISTANCE SOUGHT BY INMATE:
.....
.....
.....

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 2: SAMPLE FORM FOR TRACKING CASE PROGRESS FOR PRISONERS

Name of Prison:

Name of Para Legal Volunteer:

S. No	Date of interview	Name of the Inmate	Father's Name	Ward No.	Age	Basic Info					Production		Whether had private lawyer?
						Date of Admission	Case Ref No.	Concerned Court	Offence Charged with	Stage of case: Remand, Chargesheet, Evidence, Judgment	Production dates	Whether physcially produced or not - yes/no	

COLOR CODES THAT MAY BE USED FOR FOLLOWUP

Urgent Attention Required	No Action to be Taken	Follow up in Next Visit with Prison Officer	Call the Lawyer to get Update	Draft Legal Aid Application on	Legal Aid Application Sent
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Legal Representation							Case Update & Progress					
Whether requires legal aid lawyer?	Whether met Panel Lawyer appointed to visit prison?	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 prison?	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	Date on when inmate released on bail, acquittal, conviction etc.

ANNEXURE 3: SAMPLE FORM FOR PREPARING MONTHLY REPORT

MONTHLY REPORT ON LEGAL AID CLINIC

To be completed by paralegal volunteers/panel lawyer

Name of Police Station/Prison:

Concerned DLSA:

Name of panel lawyer assigned:

Name of paralegal:

Details	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec
No. of clinics held												
No. visits by paralegal												
No. of visits by panel lawyer												
No. of arrestees/prisoners approached clinic												
No. of legal aid applications filed												
No. of appointments of lawyers made												
No. of prisoners released after appointment of legal aid lawyer												
No. of inmates complained they are not produced in court												
Signature by paralegal												
Signature by panel lawyer												
Signature by officer in charge of Police Station/Prison												
Signature by DLSA												

ANNEXURE 4: SAMPLE FORM FOR APPOINTMENT LETTER FOR PARA LEGAL VOLUNTEERs

From,
Secretary
District Legal Services Authority

To
Ms. Lakshmi Dutta

(Address of the Para Legal Volunteer)

You are appointed as a paralegal volunteer of the Jodhpur Prison for the period 1st December 2018 to 1st December 2020. You are expected to follow the NALSA (Free and Competent Legal Services) 2010 Regulations. You are expected to conduct legal aid clinics, provide legal aid to inmates, assist the jail visiting lawyer and report to the legal aid authorities about the work undertaken

The relevant guidelines and a duty note based on the guidelines has been appended with this letter..

Sd/-
Secretary
District Legal Services Authority

ANNEXURE 5: SAMPLE DUTY NOTES

1. Para Legal Volunteer

The duties of the Community Paralegal Volunteer (CoPLV) includes:

- (i) You are expected to be present at the legal aid desk/clinic throughout your shift.
- (ii) You shall reiterate to the arrestee their rights in a language and manner that is easily understood by him/her.
- (iii) You shall inform the arrestee of their right to legal aid and procedure for application of the same.
- (iv) You shall immediately contact the duty counsel where arrestee/ detainee makes request for legal aid assistance.
- (v) You shall document all case details in prescribed formats and maintain record of case in daily register as prescribed.
- (vi) You shall compliment but take caution not to interfere in the work of the police.
- (vii) You shall promptly report any illegalities or irregularities observed with regard to the detention or arrest of any person to the duty counsel and legal services institution.
- (viii) You must send monthly report of your work to the Secretary of the DLSA/TLSC by 5th of every month.
- (ix) You must submit the daily register for intimation and information to the Secretary of the DLSA/TLSC every 48 hours.
- (x) You must not seek any money/ benefits for the work done from the arrestee/detainee or their families.

2. Duty Counsel At Police Station

- (i) You shall ensure you are available 24x7 on call and able to visit the police station atleast once every day and as and when required.
- (ii) You shall ensure that your name and contact details are displayed in the police station assigned.
- (iii) You shall visit the concerned police station upon receiving intimation from the paralegal or legal services institution to provide prompt legal assistance. In case you are unable to visit, you shall speak to the client on call and provide legal counselling and explain to the paralegal action to be taken.

- (iv) At the police station, you shall provide legal counselling to your client and ensure presence during interrogation.
- (v) You shall sign the daily register maintained by the paralegal in the police station.
- (vi) As far as practicable, you shall continue to represent the person during first production and subsequent remands, in case you are unable to, and another lawyer is assigned to the case, you will ensure client instructions are conveyed, as per format to the lawyer so assigned.
- (vii) You shall co-ordinate with the police station to ascertain the arrests conducted on a daily basis. You shall visit the police station at least twice a week to ensure that inmates are produced to the magistrate within 24 hours.
- (viii) You must not seek any money/ benefits for the work done from the arrestee/ detainee or their families.

3. Police Officer

- (i) You shall ensure that you will facilitate the functioning of the legal aid clinic in the police station.
- (ii) You will ensure that the paralegal volunteer and duty counsel are provided access to the lock up area and are permitted to speak to all persons brought into police station as arrestee/ detainees.
- (iii) Irrespective of the presence of the paralegal, you shall continue to carry forth duties enshrined to you under various constitutional and statutory provisions with respect to arrestee's rights.

ANNEXURE 6: SAMPLE FORM FOR DOCUMENTING CASE DETAIL FOR ARRESTEE

To be completed by paralegal/duty counsel assigned to the police station

Police Station: _____ Daily Register Case No.....
Date & Time of Call:
Date & Time of Visit:
Concerned TLSC/DLSA:

BASIC CASE DETAILS:

Name:
Father's Name:
Address & Family Contact Details:
.....
.....
.....

Informed the Arrestee about his/her:

- Right to be informed of the reasons of arrest
- Right to remain silent
- Right to legal aid
- Right to be produced in front of the magistrate within 24 hours
- Right to bail in case of a bailable offence
- Right to have the presence of a lawyer during interrogation
- Right against torture, inhumane and degrading treatment
- Right to inform family/ relative/ close friend about the arrest

CASE DETAILS NARRATED BY THE ARRESTEE AND THE ASSISTANCE SOUGHT:

.....
.....
.....
.....

.....
.....
.....
.....
.....
.....

- Whether explained the nature of the alleged offence/s to the arrestee
- Whether explained the basic legal procedural during remand stage and the law on bail to the arrestee

OTHER PARTICULARS OF THE CASE:

Age as per warrant:
Age claimed by accused:
FIR No. :
Concerned Court:
Offences Accused of:
Details of Co-Accused, if any:
Date & Time of Arrest:
Place of Arrest:
How was arrest made:
Whether family was informed about the arrest:
Whether taken directly from the place of arrest to the police station:
Details of the personal belongings at the time of arrest:
Whether slapped/ beaten up by police:
Name of Investigating Officer (IO):
Date & Time of First Production:
Any other case/s ongoing against accused or was previously convicted:
.....
Any other relevant detail/ Comments:
.....

Name & Signature of paralegal/duty counsel

This note has been handed over to advocate.....on(date).

[illegible]

[illegible]

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 for human rights, transparent democracies and Sustainable Development Goals (SDGs). CHRI specifically works on strategic initiatives and advocacy on human rights, Access to Justice and Access to Information. It focuses on research, publications, workshops, analysis, mobilisation, dissemination and advocacy and informs the following principal programmes:

1. Access to Justice (ATJ)

* 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 enforcers of a regime. CHRI's programme aims at mobilising public support for police reforms and works to strengthen civil society engagement on the issues. In East Africa and Ghana, CHRI examines police accountability and political interference.

* We are preparing to add a portfolio on anti-discrimination on the basis of colour, appearance and gender.

* Prison Reforms: CHRI's work in prisons looks at increasing transparency of a traditionally closed system and exposing malpractices. Apart from highlighting failures of the legal system that result in overcrowding and unacceptably long pre-trial detention and prison overstay, we engage in interventions and advocacy for legal aid and policy changes to revive prison oversight systems. Attention to these areas can bring improvements to the administration of prisons and conditions of justice.

2. Access to Information

CHRI is acknowledged as a key organisation working on the promotion of Access to Information. 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, Ghana, and more recently, Kenya. In Ghana, CHRI is the Secretariat for the RTI civil society coalition. We regularly critique new legislation and intervene 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. We have experience of working in hostile environments as well as culturally varied jurisdictions; these enable us to bring valuable insights into countries seeking to evolve new laws on right to information. In Ghana, for instance, it has been promoting knowledge about the value of Access to Information and to campaign for the introduction of an effective law.

* South Asia Media Defender's Network (SAMDEN)

CHRI has developed a regional network of media professionals to address the issue of increasing attacks on media workers and pressure on freedom of speech and expression in South Asia, especially in rural areas. This network, the South Asia Media Defenders Network (SAMDEN) recognises that such freedoms

are indivisible and know no political boundaries. Anchored by a core group of media professionals who have experienced discrimination and intimidation, SAMDEN is developing an interactive website platform to highlight pressures on media, issues of shrinking media space and press freedom. It is also working to mobilise media so that strength grows through collaboration and numbers. A key area of synergy lies in linking SAMDEN with the Right to Information movements and activists.

3. International Advocacy and Programming

CHRI monitors the compliance of Commonwealth member states 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 Secretariat, 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 reform, reviewing promised by Commonwealth members at the UN Human Rights Council, and the Universal Periodic Review. We advocate for the protection of human rights defenders and civil society spaces and monitor the performance of National Human Rights Institutions in the Commonwealth while pressing 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