



November 13, 2019

JAIL MAIL: LEGAL SERVICES DAY 2019
LOOKING BACK AT AN EVENTFUL YEAR

Dear Friends,

Greetings from CHRI!

This year we celebrated 25th Legal Services Day on 9th November 2019. Over the last 25 years, NALSA has taken a number of steps to extend the coverage and ambit of legal services. Additionally, to keep up with the changing times, NALSA as well as SLSAs across the country have been trying to make themselves visible and accessible to the populace with campaigns and awareness programmes. In 2018-19, legal services institutions across India held 3165 Legal Empowerment Camps and approximately 37 lakh people are said to have benefitted from such camps. Though it requires another edition to evaluate the work undertaken and quality of services provided, the past year merits great importance, on account of the increased efforts by legal services authorities across the country, and improved convening and monitoring efforts of NALSA.

Earlier this year in August, NALSA held its 17th All-India Meet of the State Legal Services Authorities at Nagpur, Maharashtra. Inaugurating the event, the Chief Justice of India stressed upon the requirement of legal education in schools to go beyond rudimentary awareness. He outlined that the legal services authorities must now move from awareness to engagement. He called for engagement of students and tapping their potential as ambassadors of the mission of access to justice. Furthermore, he suggested leveraging technology as a tool to realize right to legal aid which also includes right to quality legal aid.

As is customary, we bring to you updates on the latest developments in legal aid in India in the last year. The key highlight of this year has been the adoption of the '[Early Access to Justice at Pre-Arrest, Arrest and Remand Stage](#)' by NALSA which seeks to provide effective and prompt legal services to suspects and accused at police stations. The scheme aims

- i. To provide legal assistance to needy suspects and arrestees during interrogation and other early stages of investigation.
- ii. To decrease the vulnerabilities of suspects and arrestees.
- iii. To assist in avoiding unnecessary arrests.
- iv. To assist the arrestees in filing bail applications and furnishing bail bonds.

In addition, NALSA has also introduced the '[Legal Aid Defense Counsel System - A Pilot Project For Providing Legal Aid In Criminal Matters In Sessions Courts](#)' on the lines of the public defender system. The scheme envisages the engagement of lawyers exclusively, on a full-time basis, for providing court based legal services in Sessions Court. NALSA aims to implement this in 18 districts on a pilot basis for a time frame of 2 years.

CHRI believes that both these schemes, if implemented effectively, can be instrumental, the former in the realization of the constitutional right to have a lawyer at arrest; the latter in improving the quality of legal services provided.

Highlights of the Year:

- NALSA's [Standard Operating Procedures on Undertrial Review Committees](#) were approved by the Supreme Court. The Supreme Court had directed NALSA to prepare the SOP to ensure the smooth functioning of the Undertrial Review Committees (UTRCs).
- NALSA undertook a number of campaigns focused on [women prisoners](#), [convict prisoners](#) and [family members of prisoners](#). In the campaign on women prisoners teams interacted with 91% of all women prisoners (14788) to ascertain their legal, health and educational needs (Read [Report](#)). In the campaign for convicts, 88372 convicts were made aware of their right to appeal, of whom 20725 were apprised of the status of their appeals, and 2500 appeals were filed through legal services institutions. In the campaign for family members of prisoners, based on interaction with 157206 prisoners, 32783 prisoners' families were contacted. Of these 14866 family members were provided legal assistance and 4151 members were provided legal services (Read [Report](#)).
- NALSA issued [Guidelines for the functioning of Mentoring and Monitoring Committees](#) at the District Level as envisioned under the NALSA (Free and Competent Legal Services) Regulations, 2010 (Sec 10) which provides for these Committees to be established. The Guidelines have been framed to contextualise the working and the same may be broadened as per need.
- NALSA has prepared a number of [Training Modules](#) for training of panel lawyers, probation officers and legal services lawyers attached to Juvenile Justice Boards. In 2018-19 1193 training programmes are reported to have been conducted for panel lawyers.
- NALSA has ensured setup of 1335 prison legal aid clinics across the country. In 2018-2019 it is reported that 2.92 lakh inmates were provided legal assistance. Of the 1335 clinics 696 legal services clinics are computerised.
- NALSA has reported that in 2018-19, 100266 arrestees were provided legal representation at remand stage. There are 10742 remand lawyers across the country.
- NALSA participated at the [International Legal Aid Group Conference](#) in Ottawa, Canada and submitted a paper on [Legal empowerment of the marginalised: Strategic interventions by Legal Services Authorities in India](#).
- NALSA's [Witness Protection Scheme](#) was approved by the Supreme Court which is aimed at enabling a witness to depose fearlessly and truthfully. The scheme identifies three categories of witnesses as per threat perception, and also provides for Witness Protection Fund to ensure its functioning.

What CHRI Did This Year:

- In pursuant to the finding of our report – *Hope Behind Bars? National Report on Legal Aid for Persons in Custody in India* (click here to download [Vol I](#) & [Vol II](#)) and discussions during the launch and consultation of the report (Read [Report on Proceedings](#)), we initiated advocacy with all State Legal Services Authorities across India. We shared the state-wise reports and sought recent data on select parameters, to help assess improvements/gaps in provision of legal aid for persons in custody. We also engaged in various states/districts for conducting training of panel lawyers and paralegal volunteers.

- In furtherance of our mandate and objective to make prisons open spaces, and encourage sharing of prison data in the public domain, we launched the '[Indian Prison Data Map](#)' which provides state report cards on various issues including Legal Aid Services for Persons in Custody.
- Prepared a [booklet](#) on NALSA's Standard Operating Procedures on the functioning of Undertrial Review Committees. This booklet aims to simplify the process laid out in the NALSA's Standard Operating Procedure on the functioning of Undertrial Review Committees for each stakeholder, enabling them to coordinate well with each other and to ensure effective working of Undertrial Review Committee in their district.
- We published a guidebook, [Key to Transparency: Your Guide to Using the Right to Information Act 2005 to collect information on Prisons](#), to facilitate individuals and organisations to use the RTI Act to seek information on prisons as well as legal services institutions, which can be used by individuals and organisations to seek relevant information to monitor the provision of legal aid for persons in custody.
- We published a guidebook, ["University Based Legal Aid Clinics and Persons in Custody"](#) aimed at bringing together clinical legal education imparted in universities and access to justice for persons in custody. The guidebook lists out the essentials of a model legal aid clinic and further elaborates on the procedures to collaborate with various stakeholders of the criminal justice system like the police, prisons and legal aid institutions. A list of possible activities that can be undertaken by student run legal aid clinics have also been provided.
- On behalf of the Haryana State Legal Services Authority, we conducted an in-depth study, '[Inside Haryana Prisons](#)' which covers all 19 prisons in the state. The report provides an insight into not only realities of the prisons system in Haryana, but also the status of legal services in prisons (Chapter 6).
- We published a handbook, '[Connecting the Dots - A Handbook for Paralegals Assigned to Police Stations and Prisons](#)' to assist and facilitate the work of Paralegal Volunteers 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.
- We prepared '[Legal Aid for Prisoners: Second Watch Report on the Implementation of Three Schemes in Rajasthan 2019](#)'. The previous report, prepared under the aegis of the Rajasthan SLA, noted gaps in the legal aid machinery and looked at the implementation of legal aid schemes in prisons, police stations, courts and the legal services authority in Rajasthan. This report examines the improvements made on the ground between 2014 and 2016.
- We prepared '[Legal Aid Services in Correctional Homes of West Bengal: Second Watch Report](#)'. This study documents the status of legal aid services in West Bengal based on the evaluation of data received from correctional homes on the compliance and implementation of various schemes and directives of NALSA, State Legal Services Authority (SLA), and the WBSLA. The data covers the period between 1 January and 31 December 2017.
- We prepared a '[Micro Study on the payment of Legal Aid Lawyers](#)'. The report documents findings based on interviews with 22 lawyers from five districts in West Bengal. It tried to shed light on factors that influence provision of services by legal aid lawyers and document problems thereof.
- We participated in the [3rd International Conference on Access to Legal Aid in the Criminal Justice System](#) held in Tbilisi, and presented on [Legal Aid Measures in India to Reduce Pre-trial Detention](#). We were also a member of the working group who framed the [Tbilisi Declaration on the Implementation of the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems and Progress on 'Access to Justice for All' of the 2030 Agenda on Sustainable Development](#).
- We organised a side event at the 40th session of the UN Human Rights Council on 'Pretrial Detention and Effective Legal Aid Systems in the Commonwealth' in collaboration with the UN Office on Drugs and Crime and the Open Society Justice Initiative. The need and challenges in establishing and monitoring effective legal aid systems, particularly in Commonwealth countries in order to prevent and reduce unnecessary pre-trial detention was discussed at the side-event.
- We contributed to the [UNODC Handbook](#) on '[Ensuring Quality of Legal Aid Services in Criminal Justice Processes: Practical Guidance and Promising Practices](#)'.

- We participated in the [International Legal Aid Group](#) Conference in Ottawa, Canada and presented a paper on '[Leaving No One Behind: Access to Justice and Legal Aid Strategies in India](#)'.
- Partnered with Tata Trusts on the '[India Justice Report 2019](#)'. The report ranks 18 large and 7 small states according to their capacity to deliver justice to all. It uses government data to assess the budgets, infrastructure, human resources, workloads, diversity and 5-year trends of **legal aid**, police, prisons and judiciary in each state, against its own declared standards. This first of its kind initiative was supported and facilitated by Tata Trusts in partnership with Centre for Social Justice, Common Cause, Commonwealth Human Rights Initiative, Daksh, TISS-Prayas and Vidhi Centre for Legal Policy.

What you can do?

1. Raise awareness about various NALSA initiatives and schemes so it can reach intended beneficiaries.
2. Through Right to Information (RTI) applications and other modes, review the functioning of legal services institutions in your state/district/sub-division and engage with them to ensure their effective functioning.

Please feel free to write to us at chriprisonsprog@gmail.com with your comments and suggestions.

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