



LEGAL AID & CHILDREN

BASIC INFORMATION ON ACCESSING LEGAL SERVICES FOR CHILDREN



1

WHAT IS LEGAL AID?



Legal aid is providing free legal services to all those persons who are unable to afford a lawyer to represent them before any court, tribunal or authority.

2

ARE CHILDREN ENTITLED TO LEGAL AID?



Yes, every child u/s 12(c) and any person in custody u/s 12(g) of the Legal Services Authorities Act 1987, is entitled to free legal services. Therefore, a child in need of care and protection (CNCP) as well as children in conflict with law (CCL) are entitled to seek the appointment of a legal aid lawyer to represent him/ her at the Juvenile Justice Board, children's court or any other forum. The right to legal aid is available to all children, irrespective of their nationality.

3

WHOM CAN THE CHILD APPROACH TO GET FREE LEGAL AID?



The child can request:

- Legal services providers including paralegal volunteers or legal aid lawyers that operate the Legal Services Clinic established under the NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015;
- Any member of the concerned Juvenile Justice Board (JJB), which is mandated to ensure free legal aid to all juveniles [Rule 3.1 (d) (iii) r/w 14 (2) of JJ Rules];
- Superintendent/Head of the Home where the child is confined;
- Secretary, District Legal Services Authority (DLSA);
- Secretary, Taluk Legal Services Committee;
- Legal aid lawyers assigned by legal services authorities visiting homes where children are confined
- Child Welfare Committee (CWC);
- Child Welfare Police Officer (CWPO);
- District Child Protection Unit;
- Legal cum Probation Officer in the District Child Protection Unit.

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WHAT ARE THE SERVICES AVAILABLE FOR FREE UNDER LEGAL AID?



- Services of a lawyer who will represent your case (during board inquiry or appeal) at JJB or children's court or any other forum;
- Payment of court and other process fee;
- Charges for preparing, drafting and filing or any legal proceedings;
- Fee of a legal practitioner or legal advisor;
- Cost of obtaining decrees, judgements, orders or any other documents in a legal proceedings;
- Cost of paper work, including printing, translation etc.

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HOW TO APPLY FOR LEGAL AID?

- A child or their guardian can apply for legal aid by, Verbally communicating with any of the above mentioned authorities.
- Submitting a written application to any of the above mentioned authorities. Assistance can be sought from any social worker/organisation that visits the home where the child is confined to draft the application.

Where the guardian cannot read or write, the legal services authority can record his/her statement along with thumb impression. Such a statement is then treated as an application.



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WHO PROVIDES LEGAL AID?

- Taluka Legal Services Committee (TLSC)
- District Legal Services Authority (DLSA)
- State Legal Services Authority (SLSA)
- High Court Legal Services Committee (HCLSC)
- National Legal Services Authority (NALSA)
- Supreme Court Legal Services Committee (SCLSC)



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ARE THERE ANY DUTIES ON CHILDREN WHEN RECEIVING LEGAL AID SHOULD BE AWARE ABOUT?



- Yes, the child should,
- speak the complete truth to their lawyer.
 - not pay the lawyer any fees or expenses.
 - where possible, request a family member (mother, father, aunt, uncle, grandparents) or support person for the Protection Of Child from Sexual Offences (POCSO) Cases (appointed by CWC) to attend the hearings at the JJB and meet the lawyer regularly to seek updates regarding the case.

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WHAT ARE THE DUTIES OF THE POLICE AND JJB TO ENSURE THAT LEGAL AID IS PROVIDED?

- Police officer apprehending the child alleged to be in conflict with law shall inform DLSA for providing free legal aid to the child (Rule 8(3)(vii) of Juvenile Justice (Care and Protection of Children) Rules, 2016).
- The Special Juvenile Police unit should coordinate with District Legal Services Authority (DLSA) to provide legal aid to children. (Rule 86(13) of Juvenile Justice (Care and Protection of Children) Rules, 2016).
- It is the duty of the JJB to ensure availability of legal aid to the child during the time of preliminary inquiry at first production, (As per Section 8(3)(c) of the Juvenile Justice (Care and Protection of Children) Act, 2015).
- The JJB is required to call the legal aid lawyer to inform and introduce the child and his/her family with the lawyer and making them aware about their right to free legal aid lawyer (Sampurna Behrva v/s Union of India and Ors, 2018).



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