



November 10, 2020

JAIL MAIL – Legal Services Day 2020

The legal services institutions (LSIs) in India are completing their 25th year of existence this year, even as the world fights against a global public health crisis. The pandemic has made inequalities more visible – acute disparities in wealth, access to health, employment and livelihood, as well as the ability to adopt preventive and isolation measures. Yet, in the face of myriad challenges and restrictions, LSIs have continued to provide immediate legal assistance for those in need and in the process have helped in the formulation of policies in response to the crisis.

Since November last year, particularly since the break of this pandemic, the State and District LSIs across the country have taken innumerable steps to continue to be accessible to the populace. Their interventions, assistance and awareness initiatives, under the guidance and increased monitoring by the National Legal Services Authority (NALSA), have helped many in need across the country.

On Legal Services Day 2020, we bring to you updates on the latest developments in legal aid delivery in India in the last year. The key highlight this year has been the LSIs response to the pandemic. In the months of April to June 2020, LSIs have reportedly, as per data shared by NALSA, provided assistance to over 71 lakh beneficiaries. This figure is almost 6 times more than the total beneficiaries LSIs assisted in 2019. However, despite LSIs increasing service delivery, the budget allocation has been considerably reduced from 150 Cr for 2018-2019 to 100 Cr for 2020-2021. So far, there are no reports of additional funds being allocated to LSIs to bolster its COVID-19 response.

Highlights of the year

- **Legal awareness and empowerment:** In the backdrop of the outbreak of Covid-19 it became increasingly crucial for people to have awareness and knowledge about the virus: how it spread, the rationale behind measures like social distancing and legal queries that may emerge with the virus affecting every facet of life and its pace. Towards raising awareness, NALSA developed a resource [Legal Issues Arising during Pandemic: FAQs](#). With physical means of creating awareness rendered impossible, LSAs adopted different strategies to raise awareness including webinars, video conferencing, radio programmes, YouTube etc. In some states, LSIs also made use of more traditional forms of information dissemination such as the use of posters. Many LSAs developed

posters in local languages on COVID-prevention in addition to issues such as Consumer Rights, Domestic Violence, Rights of Children, Rights of a Person at Pre-Arrest, Arrest and Remand Stage, Drug Abuse and others. Some of them were widely shared for Legal Awareness on social media platforms. Between January and June 2020, LSIs organised 44995 Legal Empowerment Camps.

- **Assistance in domestic violence cases:** LSIs across the country provided legal assistance in 2878 domestic violence cases since January. NALSA established One Stop Centres (OSCs) bringing together lawyers and paralegal volunteers to aim at providing counselling, grievance redressal, mediation and litigation.
- **Assistance to migrants:** Due to the sudden closure of industries and loss of employment, many migrant workers preferred to return to their native communities. In the absence of any means of transit, scores of them walked for days. LSIs extended vital assistance to almost 60 lakh migrants in terms of transit, food, shelters and other aid in coordination with the District Administration. Another 3.37 lakh stranded persons are reported to have been assisted in arranging for travel to their home states and districts.
- **Assistance to senior citizens:** In a chaos, senior citizens can often be overlooked. LSIs prioritised assistance to them and responded to 104084 senior citizens with respect to legal and other queries to address difficulties due to the pandemic.
- **Assistance to persons in custody:** NALSA continued to promote the implementation of its protocol for legal aid to arrested persons and for undertrial prisoners. During this period, LSIs provided legal assistance to undertrials in 22046 cases and at remand stage in 19184 cases.
- **Handbook of Formats:** In June 2020, NALSA prepared a [Handbook of Formats](#) to strengthen its internal processes of documentation and reporting mechanisms, and enable provisions of effective, efficient and quality legal services. The Handbook consists of two sections. The first section contains formats for legal aid providers i.e. panel lawyers, retainer lawyers, remand lawyers, jail visiting lawyers and lawyers attached to police stations and for community and convict paralegal volunteers. The second section includes formats for LSIs including registers for the front office, attendance registers, clinics and for the monitoring and mentoring committees.

What CHRI did this Year:

- In March 2020, CHRI prepared a guidance document titled [COVID-19 and Prisons: Ensuring an Effective Response](#) to assist state governments, prison departments, judiciary, LSIs and other stakeholders to undertake effective measures to ensure protection of all prisoners, prison administrators and staff, prison visitors and all persons associated with prisons. This was circulated to prison departments, LSIs and other functionaries in the country. A similar note on '[COVID-19 and Prisons in the Commonwealth](#)' was also prepared.
- CHRI also prepared a note on '[COVID-19 and the Role of Under Trial Review Committees](#)' and shared it with all DLSAs across the country. Another [note](#) was prepared to assist the High Powered Committees set up in each state/UT by the Hon'ble Supreme Court. It emphasised on ensuring safe transit of prisoners post release, collaborating with LSIs for assistance and provision of subsistence and other issues.
- CHRI prepared a [Checklist for External Monitoring](#) to be used by independent oversight bodies such as Human Rights Institutions, LSIs etc. or ad-hoc bodies for

supervising COVID-19 response in prisons. The checklist seeks to assist in monitoring the minimum standards of administrative preparedness, the establishment of a precautionary framework and handling of suspected/confirmed cases of COVID-19 infection. The Checklist is based on the Ministry of Home Affairs' 'Standard Operating Procedures for Handling Arrested Persons, Detainees and Inmates during the Pandemic' advisory dated 2nd May 2020 which was issued to all states and UTs. A [Checklist for Internal Monitoring](#) was also prepared to assist prison departments in internal monitoring of the situation.

- CHRI collaborated with NALSA in the preparation and publication of its handbook, '[Handbook of Formats: Ensuring Effective Legal Services](#)'. We believe the handbook will assist legal service functionaries across India in standardising the documentation and reporting of legal services provided, thus strengthening and improving quality of legal aid services.
- Between September 14-18, CHRI participated in the [International Conference on Access to Legal Aid in Criminal Justice Systems](#), which convened virtually due to the pandemic. The conference serves to achieve progress on equal access to justice for all as envisaged in the 2030 Agenda and to strengthen access to quality legal aid services for the poor and vulnerable. Fully recognising the unprecedented impact of COVID-19 on criminal justice systems around the world and its disproportionate impact on vulnerable communities, the network affirmed a [roadmap](#) for increasing access to justice amidst the COVID-19 pandemic.
- CHRI adapted to the use of online platforms for imparting trainings to paralegal volunteers, panel lawyers, prison officers, police officers etc. on various topics including legal aid at arrest, remand and trial stages and on foreign national prisoners. Training workshops were organised with SLSAs in Arunachal Pradesh, Nagaland, Manipur, Mizoram, West Bengal, Meghalaya and Rajasthan.
- CHRI published a report – '[Hope Behind Bars? An Assessment of Changes in Provision of Legal Aid for Persons in Custody, 2018 – 2020](#)'. This report analyses the changes that have been brought in by NALSA and improvements in implementation undertaken by SLSAs to enhance access to legal services for persons in custody in India.
- CHRI prepared a resource titled *101 Questions on Prisons – that you didn't know whom to ask* in [English, Hindi, Kannada, Punjabi, Bengali, Telugu and Malayalam](#) and circulated these widely with prisons, LSIs and other stakeholders.
- CHRI prepared a resource titled '[Rights Behind Bars \(2020\) – Landmark Judicial Pronouncements 2010-2019](#)' which is a compilation of judicial pronouncements on themes of prison conditions and treatment of prisoners; arrest and detention; access to legal representation; custodial deaths and compensation; release of prisoners on bail, parole furlough & remission; wages & prison labour; vulnerable prisoners including death row prisoners, foreign nationals, women prisoners; and other rights of prisoners. The judgments have been arranged thematically with the Supreme Court pronouncements preceding judgments of the High Courts, for each theme. The resource aims to provide the reader, including prisoners, functionaries within the criminal justice system and members of the civil society, easily accessible information on pertinent case laws in a simplified form. It has been circulated widely to LSIs across the country for further dissemination to legal aid functionaries and service providers.
- CHRI will soon be releasing a report documenting the response of the LSIs during the initial months of the lockdown i.e. April to June 2020, in a bid to understand how LSIs functioned during this period. The report will provide state-wise information on services provided to various beneficiaries including victims of

domestic violence, senior citizens, migrants, stranded persons, arrested persons, prisoners etc.

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.

Please send us an email if you wish to unsubscribe from these updates.

With best regards,

Madhurima Dhanuka
Programme Head, Prison Reforms Programme
Commonwealth Human Rights Initiative
3rd floor, 55A, Siddhartha Chambers I, Kalu Sarai, New Delhi-110016
Tel: +91-11-4318 0200, 9331127001, 9748927001\

**This jail mail has been prepared by Amrita Paul, CHRI*