



**NALSA**  
**STANDARD OPERATING PROCEDURES**  
**ON**  
**ACCESS TO LEGAL AID SERVICES**  
**TO**  
**PRISONERS AND FUNCTIONING**  
**OF**  
**THE PRISON LEGAL AID CLINICS, 2022**

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## **Background**

Section 12 of the Legal Services Authorities Act, 1987, provides that all ‘**persons in custody**’ are entitled to free legal aid. In 2015, NALSA wrote a letter to all SLSAs to constitute a prison legal aid clinic (PLAC) in every prison under their jurisdiction. A year later, the NALSA Standard Operating Procedure for Representation of Persons in Custody came into force in 2016 (hereinafter called ‘the 2016 SOP’). The 2016 SOP observed a number of policy gaps and issues and the need to standardize and streamline the functioning of the PLACs.

Recently, Hon’ble Executive Chairman of National Legal Services Authority, has visited the prisons in different states including Central Prison, Cherlapally (Telangana); District Prison, Bhondsi/Gurgaon (Haryana); Central Prison, Mumbai (Arthur road) and District Prison Byculla (Maharashtra); and Central Prison Tihar (Delhi). Based on his visits to these prisons, a number of issues were noticed that needed urgent attention.

With the aim to further strengthen the functioning of Prison Legal Aid Clinics and to ensure effective legal services to persons behind bars, the SOP 2016 has been revised, and this present Standard Operating Procedure 2022 (SOP 2022) is formulated by NALSA. This SOP highlights the priority areas and aims to address the day-to-day socio-legal challenges faced by the prisoners. For effective implementation of this SOP, a coordinated approach is required among the various functionaries of the criminal justice system with the legal services institutions.

**Definitions:**

- a) **'Act'** means the Legal Services Authorities Act, 1987.
- b) **'Legal Aid Clinic'** means the facility established by the District Legal Services Authority to provide basic legal services to the people with the assistance of Para-Legal Volunteers or Lawyers or any other arrangement, as the point of first contact for help and advice and includes legal services clinics set up under Regulation 3 and 24 the NALSA (Legal Services Clinics) Regulations, 2011.
- c) **'Legal services institutions'** means a State Legal Services Authority, District Legal Services Authority or the Taluk Legal Services Committee or the High Court Legal Services Committee or the Supreme Court Legal Services Committee as the case may be;
- d) **'Jail Visiting lawyer(s)'** means the lawyer(s) assigned work of visit to Prisons either from the panel prepared under regulation 8 of the NALSA (Free and Competent Legal Services) Regulations 2010 or Legal Aid Defence Counsels appointed under the LADC scheme and also those who are offering services on pro-bono basis at the request of Legal services institution(s);
- e) **'Para-legal volunteer'** means a para-legal volunteer empaneled & trained as such by a legal services institution and includes any other individual(s) rendering his/her services at the request of any of the Legal services institution(s);
- f) **'Prison'** means Central Jail, District Jail, Sub Jail, Women Jail, Special Jail including High security Jail and Borstals.
- g) **'Prisoners'** means all categories of prisoners including undertrials, convicts, detenues, and civil prisoners.
- h) **'Prison Superintendent'** includes Deputy Superintendent and Officer Incharge of the jail.

**PART A: Set up and Functions of a Prison Legal Aid Clinic (PLAC)**

**1. Setting up of the Prison Legal Aid Clinic:** The District Legal Services Authority (DLSA) of every district shall establish a Prison Legal Aid Clinic (PLAC) within the premises of every prison under its jurisdiction. This is in furtherance of NALSA (Legal Services Clinics) Regulations 2011, which mandates the setting up of legal services clinic in prisons.

**1.1 Location of the PLAC:** The Secretary DLSA shall, along with the Prison Superintendent, ensure that the PLAC is located at such a

common area which has open and unfettered access for prisoners. Even in prisons, where there is paucity of space, in no circumstance the PLAC shall be located as part of the office building as this would hinder the access of prisoners to the PLAC.

**1.2 Infrastructure of PLAC:** As far as possible, a separate well-appointed room must be designated as a PLAC. DLSA shall ensure that every PLAC is equipped with adequate infrastructure including table, chairs, computer, internet, printer etc., as the need be. DLSA shall also provide atleast one set of basic law books preferably bilingual (English & language of state) including IPC, CrPC, etc. for use both by the functionaries of PLAC and prisoners.

**1.3 Display of information on clinic timings:** The DLSA should ensure that information regarding the PLAC timings and location are displayed in common areas inside the prison. The names of the Jail Visiting Lawyer(s) (JVL) and Para Legal Volunteer(s) (PLV) on duty, and the schedule of their visits, should be clearly displayed inside the PLAC. Information regarding the clinic and presence of JVL or PLV can also be communicated to prisoners either through notice board in each enclosure or use of public announcement systems, where available.

**1.4 Operationality of PLAC:** The suggested number of days for which every PLAC may be operational is as follows:

- i. For every Central Prison, 5 days per week;
- ii. For every District Prison, 4 days per week;
- iii. For every Sub-Jail and other prisons, 2 days per week;
- iv. For every Women Enclosure (as part of the main prison), 3 days per week.

**2. Purpose of the Prison Legal Aid Clinics (PLACs):** The objective of establishing and operationalizing the Prison Legal Aid Clinic in every prison in the country is to provide meaningful, efficient and effective legal services and assistance to prisoners. It must be noted that the role of PLAC is not limited to only cater to the needs of prisoners who have opted for legal aid services, rather much broader and includes:

- a) to ensure at all times that no person is without legal representation at any stage of the criminal proceeding and generate awareness about the same;

- b) to bridge the information gap between the Prisoner and the Court;
- c) to facilitate communication between the Prisoner and the Lawyer, whether legal aid or private;
- d) to ensure that no person is illegally or unnecessarily detained;
- e) to ensure special needs of vulnerable groups (women, young offenders, mentally-ill, foreign nationals, persons from other states, etc.); in prisons are addressed;
- f) to collaborate with local authorities, universities, academic institutions and civil society organisations to further strengthen legal aid services for prisoners;
- g) to act as a One Stop Centre (OSC) to raise the grievances by prisoners and direct the grievances to appropriate authorities through DLSA; and
- h) to undertake implementation of the NALSA and SLISA campaigns for prisoners or any other work assigned to fulfill its mandate of providing legal aid services and assistance to the prisoners.

**3. PLAC Functionaries and their functions:** The objectives and aims of the Prison Legal Aid Clinics will be carried out by the joint working of para-legal volunteers (be it from the community or from among the convicts in the prison) and Jail Visiting Lawyers.

### **3.1 Jail Visiting Lawyers (JVLs)**

**3.1.1 Appointment and Tenure of JVLs:** JVLs shall be appointed by the DLSA from the office of LADC, if functional in the district and if not then from pool of panel lawyers. The tenure of the JVL must be such as to ensure a semblance of continuity and smooth transition to another individual. The number of JVLs appointed would be directly proportional to the population of inmates in the respective prisons they would be appointed to. The suggested proportion is as follows:

- a. For every Central & District Prison, 2 to 3 Jail Visiting Lawyers be appointed.
- b. For every Sub-Jail, 1 Jail Visiting Lawyer be appointed.

**3.1.2 Appointment of women advocates for women enclosures-** To ensure access to legal representation and assistance to women prisoners, the DLSA would select and appoint women jail visiting lawyer(s) to provide services in women enclosures and women prisons. Visit of women lawyers will ensure regular interactions with women prisoners confined in women enclosures and in women prisons. Steps should be taken towards ensuring interaction and communication between beneficiaries i.e. women prisoners and lawyers (both panel lawyers and jail visiting lawyers). It would be imperative for the panel lawyer to meet, interact and update the beneficiaries regarding their cases and progress charted.

**3.1.3** Appointment of transgender advocate, if available for transgender enclosure– Where prisons have transgender enclosure, the DLSA should make endeavor to appoint a transgender jail visiting lawyer or a lawyer who has received specialized training to address concerns of transgender persons in detention.

**3.1.4 Periodicity of Visits to PLAC –** The JVLs must visit the clinics as many days as required and in accordance with the caseload. In instances of prisons with higher prisoner population, visits by JVLs must be made more frequently. The timings of visits must be fixed but not less than 3 hours per day and complied with to the maximum extent. The suggested periodicity of visits is as follows:

- a) For every Central Prison, at least 5 visits per week;
- b) For every District Prison, at least 4 visits per week;
- c) For every Sub-Jail, at least 2 visits per week for sub-jails and other jails.
- d) For every Women Prison/ Enclosure (as part of the main prison) - (i) with a women prison population of more than 100, at least two visits per week; (ii) with a prison population of less than 100, at least one visit per

week. Similar periodicity can be adopted for transgender enclosures as well.

**3.1.5 Payment of JVLs** - The payment of honorarium to JVL(s) should normally include the costs incurred in the conveyance to the prisons and back. Additional payment on account of conveyance shall not be made from NALSA fund. The payment to the JVLs must be cleared promptly upon the submission of the weekly report(s) and proof of visit(s), if any. (The rate of honorariums may be revised on a regular basis, subject to directions of NALSA).

**3.2 Paralegal Volunteers:** In addition to appointment of JVLs for each PLAC, the DLSA should assign each PLAC with adequate number of convict and community PLVs.

**3.2.1 Appointment of Convict PLVs:** Convict PLVs shall be appointed by the DLSA from among the convicts lodged in the relevant prison. Presence of convict PLVs would ensure regular interaction of prisoners with PLVs, and further effective management of the clinics. The selection of the convict PLV would take into account the candidate's position among the prison population as well as minimum criteria of basic education, orientation, character and behavior necessary to ensure proper functioning, documentation and reporting to authorities.

**3.2.2 Appointment of Community PLV(s):** The DLSA secretary, should appoint community para-legal volunteer(s) to each PLAC, to bridge the gap between the beneficiaries and Legal Services Institutions. They would discharge similar responsibilities of regular and detailed interaction with prisoners, as convict PLV, but their presence in the community and regular visits/interaction with DLSA would ensure effective communication between the DLSA and the prisoners.

**3.2.3 Proportion of PLVs:** The number of PLVs appointed would be proportional to the population of inmates in

the respective prisons they would be appointed to. The suggested proportion is as follows:

- a. For every Central Prison, 2 community & 2 to 3 convict PLVs be appointed.
- b. For every District Prison, 1 community & 1 to 2 convict PLVs be appointed.
- c. For every Sub-Jail, 1 community PLV be appointed.

**3.2.4 Tenure of PLVs:** The tenure would be for a minimum period as prescribed under any directions or policy either by NALSA or SLSA, subject to renewal post assessment of previous performance.

**3.2.5 Payment of PLVs:** The payment of honorariums will be made every month by the DLSA after due verification of necessary documents and bills but within 2 weeks after completion of month and submission of voucher/bill.

**3.2.6 Timely submission of reports & bills:** It shall be duty of the PLV to submit the reports, grievance or request of the prisoner to the DLSA at earliest. The claim/ voucher and duty report, if any have to be submitted without any delay but not later than one week.

**3.3 Orientation/Training of PLAC Functionaries:** The training/orientation of the Jail Visiting Lawyers and Paralegal Volunteers, whether convict or community, appointed to the PLAC, should be conducted, preferably, within the first month of their appointment. It must include the following:

- a) Overview of the prison administration and the role of prison personnel at different levels.
- b) Information about prison population - sanctioned strength vs actual prison population, categories of prisoners lodged in the concerned prison and the demography of the prison population.
- c) Legal aid system and grievance redressal portal,
- d) NALSA mobile app and e-courts services portal,



- e) General Dos and Don'ts during prison visits.
- f) Frequency of prison visits and areas to be covered during prison visits.
- g) Duties of PLAC Functionaries including identifying prisoners in need of legal aid or legal assistance with special needs of undertrials and convicts; assisting them by taking appropriate steps; legal awareness of prisoners; implementation of NALSA campaigns etc.
- h) Duties regarding documentation work of the PLAC - names and formats of the registers to be maintained, documentation of the grievances of prisoners, follow up and their redressal, etc.
- i) Functioning of the Under Trial Review Committees;
- j) E-prison portal and other digital facilitation portals etc.
- k) Information about any other task that may be assigned.

**3.4 General Functions of the PLAC Functionaries:** The duties for jail visiting lawyers and paralegal volunteers have been outlined in the NALSA's Handbook of Formats 2020. These are enumerated below:

**3.4.1 Jail Visiting Lawyers:**

- a) To visit the prison legal aid clinic as prescribed in most disciplined manner.
- b) To identify cases eligible for release under the mandate of the Undertrial Review Committee (UTRC).
- c) To interact with inmates identified by the paralegal volunteers and provide legal advice.
- d) To draft applications and petitions for parole/juvenility/bail etc. for the undertrials and convicts present in the clinic.
- e) To ensure filling of legal aid application form for those who need legal aid lawyers and submit the same to the legal services authority, without any delay.

- f) To conduct legal awareness camps inside prisons including apprising new entrants to prison about the free legal services provided by TSLC or SDLSC, DLSA, HCLSC and SCLSC.
- g) To train the paralegal volunteers and oversee the effective functioning of the PLAC.
- h) To regularly inform the inmates about the status of their cases.
- i) To communicate to the defense lawyer any pertinent information that an inmate has requested to be shared with his/her lawyer.
- j) To get acquainted with the prison manual and the other rules & regulations relating to prisons.
- k) To ensure that the registers are filled by the paralegals accurately.
- l) To record attendance and work in the registers available and also record in digital manner, if provided at the prison.
- m) To also represent the inmates in courts in some cases, if appointed by the LSI but not otherwise.
- n) To submit a weekly report of the work to the legal service institutions by 1<sup>st</sup> working day of preceding week.
- o) To also submit a copy of the register of beneficiaries maintained at the clinic.
- p) To ensure that a copy of the charge sheet or any document taken from any prisoner is returned.
- q) To not canvass or solicit for any case in your private capacity.
- r) To prioritise and focus on personal interactions with the inmates in the PLAC during the visit and then document and prepare the petitions.
- s) To send intimation to the DLSA in advance if he is unable to visit the PLAC on a particular day.

- t) To assist the UTRC by coordinating with the inmates and the courts on cases eligible for release.
- u) To follow the directions given under NALSA SOP for representing persons in custody.
- v) To bring into notice of DLSA about the concern of inmates in respect of conditions in jail.
- w) Updating information on digital platform of legal aid and legal aid e-prison.
- x) Working on NALSA mobile app and digital report mechanism.

#### **3.4.2 Paralegal Volunteers:**

- a) To manage/ organise legal aid clinics inside prisons, as prescribed.
- b) To take steps towards identification of inmates who are in need of legal assistance.
- c) This would involve reaching out to all prisoners whether beneficiary of legal aid or not, especially the new entrants.
- d) To seek permission from the prison authorities to visit the wards/ enclosures of prisoners to ascertain that no one remains unrepresented.
- e) To fill out the legal aid application form and promptly send it to the concerned DLSA/SDLSC & also ensure that the prisoners interact with the jail visiting lawyer on his next visit to prison.
- f) To coordinate and assist the jail-visiting lawyers in providing legal advice and aid.
- g) They would also give updates on the case of the inmates.
- h) To counsel inmates and explain any legal provision pertaining to their case. Where there are doubts, then refer the case to the Jail Visiting Lawyer.
- i) To receive legal aid lawyer appointment letters, replies from legal service institutions and other authorities,

maintain record and give copies to the concerned prisoner.

- j) If you come across a prisoner who claims to be a juvenile at the time of commission of offence or at arrest, to draft an application to bring the case to the attention of the concerned Legal Services Authority, Juvenile Justice Board and the Child Welfare Committee.
- k) To submit weekly reports to the DLSA.
- l) To submit reports to the DLSA about the Undertrial Review Committee on cases eligible under section 436/436A Cr.P.C.
- m) To write to the concerned LSI about any queries, grievances or for shortage of any basic requirements for the smooth functioning of the clinic.
- n) In case of community PLV to contact the family members of the inmates so as to intimate about his detention and if needed facilitate interviews with family members
- o) To keep track of non-production of any inmate in the court as per the date given and inform the Secretary, DLSA/SDLSC or TLCS.
- p) To assist the inmate in filing any complaint or grievances relating to their stay in prison.
- q) To maintain the registers in the clinic. The Paralegal Volunteers shall maintain registers recording name, fathers name, age, date of admission, offences charged under, case ref & concerned court, details of lawyer, status of case, next production.
- r) To regularly update the registers. In particular, document each prison clinic, record information on all cases, and assist in follow up of cases such as case status, bail, lawyer appointment, next date of hearing, communicating client instructions.

- s) To keep a record of the letters, applications, and petitions written through prison and sent to relevant agencies and similarly keep a record of the documents received.
- t) To send reminders/ letters to the corresponding Legal Services Authority to seek information regarding status of case, name and contact details of the assigned legal aid lawyer.
- u) To send a monthly report of their work to the Secretary of the DLSA/SDLSC or TLCS by 5th of every month.
- v) To submit a copy of the legal aid register for review to the Secretary of the DLSA/ SDLSC or TLCS every month.
- w) To not seek any money/ benefits for the work done from the inmates or their families.
- x) Updating information on digital platform of legal aid and legal aid e-prison.
- y) Working on NALSA mobile app and digital report mechanism.

### **3.5 Documentation and Reporting in PLAC**

**3.5.1 Formats used at different stages:** Kindly refer to the formats available in NALSA's Handbook of Formats 2020:

- a) Section 1 - Chapter IV (Pages 15 - 19) for Jail Visiting Lawyers appointed to Prison Legal Aid Clinics.
- b) Section 1 - Chapter V (Pages 20 - 25) for Community Para Legal Volunteers appointed to Prison Legal Aid Clinics.
- c) Section 1 - Chapter VI (Pages 26 - 32) for Convict Para Legal Volunteers appointed to Prison Legal Aid Clinics.

**3.6 Digitization of records:** All these records must be maintained on the computers available in Prison Legal Aid Clinics and regularly updated by JVL and PLV as per directions.

#### **4. Monitoring of functioning of PLAC by DLSA**

**4.1 Periodicity of visits by DLSA Secretary:** DLSA Secretary will visit and inspect the Prison Legal Aid Clinics at least once a month.

**4.2 Role of the DLSA Secretary during prison visits:** The following is the role:

- a) To ensure that legal aid lawyers have been appointed to represent all undertrials. In circumstances where any prisoner is found without legal representation during the visit by the DLSA, immediate steps to be taken towards ensuring appointment.
- b) To verify whether panel lawyers are meeting and interacting with prisoners including legal aid beneficiaries. In circumstances where panel lawyers are not interacting and communicating with the prisoners, the lawyer must be called to understand the concern and best respond to it. If need be, where deemed appropriate by the Secretary, DLSA, the concern lawyer may be removed from the panel, and a fresh appointment initiated.
- c) To check the prison conditions with respect to health, sanitation, food and hygiene in addition to access to legal representation. If any such concerns are raised, the same shall be shared with the Chairman of the DLSA, Member Secretary of SLSA as well as the Board of Visitors who have the authority to raise it to the appropriate authority.
- d) To track whether there are any instances of non-production at court hearings, be it physical or virtual. If such instances are reported, take immediate steps to rectify such misgivings.
- e) To ensure that concerns of vulnerable category of prisoners are heard and responded to.
- f) To ensure and check the documentation and reporting practices of the Clinic.
- g) To ensure that the PLVs and JVLs are able to perform their duties effectively, and have access to the prison at all times. They should ensure that no unnecessary hindrances are set forward from the prison officers, which may create hurdle in working of the PLAC.

**4.3 Periodicity of visits by the Chairman, DLSA (District & Sessions Judge):** The Chairman, DLSA (District & Sessions Judge) shall visit the Prison Legal Aid Clinics at least once in three months. He would also visit the premises of the prison to understand any concerns regarding prison conditions, and also enquire into the functioning of the PLAC. They may also interact with prisoners to received feedback for services provided.

**4.4 Role of the Chairman, DLSA during prison visits:** The Chairman DLSA would undertake to inspect the condition of the prisons, communicate with the inmates to understand their concerns with respect to their regimen, food, sanitation hygiene etc. in addition to access to legal representation. In circumstances where concerns are raised, the same may be raised in the meetings with the Secretary, DLSA to take measures to combat them. Specialized formats for documentation of prison visits by the Chairman may be prepared by the SLSA.

**5. Role of Law Colleges/Students in assisting DLSA in the functioning of PLAC:**

Law College through their legal aid clinics and law students can assist the Legal Services Institution to ensure minimum levels of legal awareness among persons in custody. Furthermore, students can support panel lawyers in providing legal research for their legal aid matters. Lastly, they can also be appointed as volunteers to assist the Legal Services Institutions in bridging gaps with geographically remote locations to ensure access to justice. Formal proposals for collaboration in assisting prison legal aid clinics by university/ college legal aid clinics, may be considered by the Chairman, DLSA and appropriate permission may be granted for collaborative work.

**PART B: Process of Application for legal aid and Role of PLAC in Facilitating Appointment of legal aid lawyer**

**6. Awareness about legal aid:** The JVLs, PLVs and Secretary, DLSA shall regularly inform prisoners about the following during their periodic visit to prisons:

- a) prisoners' right to legal aid and that a legal aid lawyer is provided free of charge to the prisoner, irrespective of their financial status.

b) prisoners' right to complain and seek redressal if a legal aid lawyer asks for any remuneration, monetary or otherwise, from the prisoner or prisoner's family or if s/he is dissatisfied by the services of a legal aid lawyer. In such cases, the legal aid lawyer should be immediately replaced and appropriate steps shall be taken by the DLSA Secretary and the Chairman, DLSA to verify the claims, and take appropriate action.

**7. Application for legal aid:** If any prisoner, at any stage of remand/trial/court proceeding, wishes to apply for legal aid, s/he may contact the JVL or PLV appointed to the PLAC. S/he may also approach the DLSA Secretary during their prison visit with the request to appoint a legal aid lawyer.

**7.1** As soon as the JVL/PLV receives the request, whether oral or written, by a prisoner to apply for legal aid, the application in the prescribed form shall be made by the PLV. The application shall urgently be sent/ handed over to the DLSA Secretary within 24 hours of the request so received.

**7.2** On receipt of the application for legal aid, the DLSA Secretary shall check with the trial court if the lawyer has already been appointed in that case, and in case it is not, s/he shall ensure that a legal aid lawyer is appointed within 48 hours of the request so received.

**7.3** The intimation regarding appointment of lawyer along with the contact details of the lawyer, as per prescribed format in NALSA's Handbook of Formats 2020, shall be immediately sent to the prison which in turn should be handed over to the concerned prisoner.

**7.4** Details of the date of application, date of appointment of lawyer and details of lawyer appointed should be updated by the PLV in the designated registers and online databases, where available.

### **PART C: PLAC's Role in providing Legal Aid Services and Legal Assistance to Vulnerable Groups in Prisons**

**8. Newly Admitted Prisoners and 'Case Table':** A person is most vulnerable as soon as s/he is admitted in the prison. S/he requires assistance to navigate through the initial procedures in prison and is in need of support and guidance. For this purpose, 'Case Table' shall be organised for all the newly admitted prisoners on the same day or the next day of the admission. During case table, following officials/persons shall be present:



- a) Prison Superintendent/officer-in-charge
- b) Para legal Volunteers appointed in the PLAC
- c) Full-time Medical Officer of the prison, if any
- d) Any other prison officer/staff that the Superintendent directs to be present

**8.1**The Prison Superintendent shall explain the offences under which the person has been sent to judicial custody; general rights and duties of prisoners and the day-to-day processes inside prison.

**8.2**During the case table, the Prison Superintendent shall enquire about the following from every newly admitted prisoner and a note of the same shall be made in a separate register maintained by the PLAC functionaries:

- a) **Whether an undertrial is represented by a legal counsel.** If not, s/he must be informed of their right to legal aid services. In case an undertrial is willing to apply for legal aid, such application must be submitted to the DLSA within 24 hours of the request so received. The same must also be documented in a register. In case the person needs time to consider, the paralegal/s shall do the follow-up once every two days till the person has either engaged a private lawyer or agrees to opt for a legal aid lawyer.
- b) **Whether a prisoner has informed his/her family member about his/her imprisonment.**
  - i. If any prisoner has not been able to inform his/her family, the paralegal/JVL shall immediately inform the Prison Superintendent and it has to be ensured that the undertrial is able to speak to his/her family at the earliest either virtually or telephonically.
  - ii. There may be the situation that the prisoner's mobile phone is confiscated by the police at the time of arrest and the person does not remember the contact number of the family member/relative/friend, in such circumstances, a coordinated effort is needed, on behalf of the Prison Superintendent and the concerned police station where the person's belongings may be placed, to procure the contact number/s of the family member/relative/friend.
  - iii. In case the person is unable to communicate with his/her family, and the prisoner belongs to another district or state, the DLSA Secretary in whose jurisdiction the prison is

located, shall contact the concerned DLSA or the SLSA of the state, where the relative of the prisoner resides to enable communication between them.

- iv. To enable prompt communication, postcards, specially developed for the purpose by the postal department and provided free of cost to the prisons, duly filled shall be sent by post to the home/ permanent address of the prisoner, duly signed by the Prison Superintendent and the DLSA Secretary. The PLVs shall conduct this task on a regular basis.
- c) **Where a prisoner needs any urgent medical attention.** In such a case, the paralegal/JVL shall immediately inform the Prison Superintendent and the Medical Officer, attached with the prison. If the prison does not have a full-time medical officer, such undertrial shall be immediately attended as per protocol and the concerned court shall be informed of the same.
- d) **Where a prisoner belongs to another state or country.** An undertrial belonging to any other state may need assistance in understanding the local language in case his/her mother tongue is different, contacting family/ relative/ friend, getting clothes and basic necessities, getting used to the local food, arranging for local surety in case bail is granted, etc. Special attention shall be given to such persons in coordination with the prison authorities. The Superintendent may request the DLSA to arrange for a translator to enable the prisoner to understand the legal proceedings in his/her case.
- e) **Where an undertrial appears to be a minor.** If the person appears to be a minor, the PLV shall enquire about the age proof of the person. In case, the person claims to be below 18 years of age, the PLV shall immediately inform the Prison Superintendent and the DLSA Secretary. An application shall be filed immediately to the concerned court on behalf of the person by the DLSA requesting:
  - i. to initiate the proceeding to determine the age of the person and;
  - ii. to immediately transfer the person to the Observation Home under S.9(4) of the Juvenile Justice (Care and Protection of Children) Act, 2015, while the age of the person is being determined by the court.

f) **The whereabouts of children of newly admitted prisoners.**

In case, there is a child or children who may be alone and without any family support outside, the same shall be immediately communicated by the Superintendent to the DLSA Secretary, who will intern communicate this to the district Child Welfare Committee to ensure safety and care of children.

**9. Legal Assistance to Other Vulnerable Groups in Prisons:** While everyone is vulnerable in prison, there are certain categories of prisoners who need more attention due to their special needs. In order to identify them, the PLV/JVL shall visit all the barracks/wards of the prison regularly. It is important for the PLAC functionaries to play a proactive role and reach out to them directly. The prison authorities shall grant permission to the JVL/PLVs to interact with prisoners. The PLV/JVLs shall frequently communicate with the prisoners falling under the following categories and inform the DLSA Secretary about their grievances, if any, during his/her visit to the prison -

- a) Women Prisoners
- b) Transgender Prisoners
- c) Prisoners belonging to other states
- d) Prisoners without family support
- e) Prisoners who are unable afford surety for bail
- f) Older Prisoners
- g) Young Offenders and Alleged Juveniles
- h) Prisoners Suffering from Mental Illnesses
- i) Prisoners suffering from Physical Disabilities
- j) Prisoners suffering from alcohol and drug dependency, terminal illnesses, HIV and other medical issues
- k) Foreign National Prisoners
- l) Asylum seekers and refugees
- m) Stateless prisoners
- n) Prisoners on Death Row
- o) Prisoners on Life Sentence

- p) Prisoners belonging to religious and caste-based minorities
- q) Prisoners given prison punishment

#### **PART D: PLAC's Role in Providing Legal Information to Prisoners and their families**

- 10. Case Status Information:** Undertrials shall be provided information about the status of their case/es by the PLAC once in two months. Special attention shall be given to apprise women prisoners about their case status and making them aware about the stages of hearings, etc. Lawyers may also be encouraged to send updates on the progress of cases to their clients in prison. For this purpose, NALSA portal or postcards can be specially developed by the postal department and provided free of cost to the legal aid lawyers from the DLSA Office.
- 11. E-court Kiosks:** PLAC shall ensure that the kiosks provided to all prisons under the e-courts project are operational at all times. In case they are not, the same shall be communicated to the Prison Superintendent and DLSA Secretary so that timely steps could be taken.
- 12. Access to information by Family members:** The PLAC and the prison shall publicize about NALSA's portal through which family members could access the information about the case/s of their relative detained in prison.

#### **PART E: PLAC's Role in providing Legal Awareness to Prisoners and Grievance Redressal**

- 13. Legal Awareness Programs in Prisons:** Apart from the information related to their case status, prisoners shall be regularly made aware, through legal awareness programmes by the DLSA about the following from time to time:
  - a) right to legal aid and the procedure for applying to legal aid;
  - b) stages of trial and rights of accused at different stages of the trial;
  - c) information about compoundable offences;
  - d) Eligibility and process of plea bargaining;
  - e) eligibilities under the Undertrial Review Committees;

- f) process of filing of appeals/petitions;
- g) process of filing for parole/furlough;
- h) eligibilities under the state prison rules on premature release of prisoners and the process regarding the same;
- i) information about legal procedures in special laws like NDPS Act, POCSO Act and state local laws;
- j) Any other subject that is peculiar to a particular district/state or that the DLSA Secretary thinks appropriate.

The DLSAs may display informative posters covering any or all of the above topics inside the common areas of the prison, in local languages for raising awareness among prisoners.

#### **14. Grievance Redressal of Prisoners:**

**14.1 A Complaint box** must be set up in the PLAC in every prison by the DLSA and prisoners must be informed about the same and must be encouraged to raise their grievances without any fear. It must be under the lock and the key must be with the Chairman, or Secretary, DLSA only.

**14.2** The DLSA must fix a day at least once in a month as the ‘**Grievance Redressal Day**’, for example the second or last Saturday of every month. The DLSA Secretary may visit the prison on the fixed day and open the complaint box and interact with the concerned prisoners in the absence of the prison staff. The PLV/JVLs shall assist them in the process. Appropriate steps shall be taken by the DLSA Secretary.

**14.3** As far as possible, the identities of the complainant shall be kept confidential and in case it is shared with the prison staff, the DLSA Secretary shall ensure that there should be no repercussions/backlash on the complainants by the prison staff.

#### **PART F: Legal Assistance in Filing of Petitions/Jail Appeals in the High Court/Supreme Court by Convict Prisoners**

**15.** The DLSA, in coordination with the prison and the PLAC shall ensure smooth filing of petitions of convicts in High Court and Supreme Court:

**15.1** As soon as the order rejecting bail or an order of conviction is pronounced by the court (District Court or High Court), a prisoner

shall be informed by the PLAC regarding the right to bail/appeal/review/revision in the High Court/Supreme Court and the process of filing the same.

- 15.2** Steps must be taken promptly through the PLAC to apply for appointment of lawyer by the High Court Legal Services Committee (HCLSC) or the Supreme Court Legal Services Committee (SCLSC), as the case may be. A record of such application must be made in the designated register/database.
- 15.3** Where copy of judgment is not available with the prisoner, the DLSA shall make available an extra copy of the judgment to the prisoner to enable filing of the petition/jail appeal.
- 15.4** The PLVs/JVLs shall prepare and collate the relevant documentation necessary for filing of the petition/jail appeal. The same shall be sent to the concerned HCLSC/SCLSC by the DLSA.
- 15.5** Upon receiving a request for legal assistance, the HCLSC/SCLSC must immediately appoint a lawyer to the case, and details of whom must be duly intimated to the prisoner via the prison superintendent, as per prescribed formats provided in the NALSA's Handbook of Formats 2020.
- 15.6** Details of the lawyer appointed by the HCLSC/SCLSC must be duly noted in the register/databased maintained at the PLAC.
- 15.7** Regular interaction and communication between the counsel and the client/ convict must be ensured by SCLSC, HCLSC, DLSA and SLSC in order to update the beneficiary as to the progress of the case. Where the prisoners complain of lack of interaction with the lawyer assigned by HCLSC/SCLSC – the DLSA shall intimate the same to the HCLSC concerned /SCLSC at the earliest.
- 15.8** The PLV shall provide updates to the prisoner on progress in his/her case. Information may be sourced directly from the HCLSC/SCLSC or through the relevant Court websites.
- 15.9** DLSA may undertake to jointly conduct camps with HCLSC/SCLSC to apprise prisoners of the various remedies in law for bail/appeal/review/revision as well as writ remedies.

**PART G: PLAC's Role in the Under Trial Review Committees (UTRC) process**

**16.**The PLAC functionaries can play an important role in identifying the eligible persons under the mandated categories of review of the UTRC and assisting the prison and the DLSA:

**16.1** The JVLs and PLVs shall be well informed about the eligible categories of cases that are reviewed by the district-level Under Trial Review Committee.

**16.2** In case they come across any eligible prisoner within these eligible categories of the UTRC, they shall inform the DLSA Secretary about the same so that a particular case can be shortlisted and reviewed by the UTRC in its next meeting.

**PART H: Strengthening Communication of Prisoners with their Lawyers**

**17.Role of Legal Services Institutions:**

**17.1** DLSA shall ensure that there is effective communication between the lawyer and the prisoner. In cases of physical meeting at Prison, the prison authorities will provide adequate space for lawyers to interact with their clients in a confidential manner. The rules for lawyers to seek visitation/interviews with their clients must be duly displayed outside the prison, in the court complex and made available to the Bar Association. Where lawyers are willing to communicate via video conferencing, DLSA can set up a video conferencing facility in the district courts complex for this purpose that would allow lawyers, whether private or legal aid, to communicate regularly with their clients in prisons. On the side of the prisons, DLSA shall ensure that the video conferencing facility set up in prisons is utilised for communication with lawyers and evening hours are fixed on daily-basis, in coordination with the Prison Superintendent. The information about such a facility shall be publicised by the DLSA at both ends, in the court complex and prison/s falling under their jurisdiction and lawyers and prisoners must be encouraged to use the facility.

**17.2** The High Court/Supreme Court Legal Services Committees and the State Legal Services Committee shall also coordinate with the Prison Superintendent to ensure that there is effective

communication between prisoners and lawyer appointed to represent cases in the High Court and Supreme Court via video conferencing.

## **PART I: Role of the Trial Court**

### **18. Role of the Trial Court:**

**18.1 Regarding conduct of Videoconferencing hearing:** The trial court will ensure effective communication between the lawyer, whether private or legal aid, and the client in prison, when the accused is produced through video-conferencing. The court shall give time for them to communicate before and after the virtual hearing.

**18.2 Regarding cases of prisoners belonging to other states or countries:** In case the accused belongs to another state or is a foreign national and his/her mother tongue is different from that of the state where he is being tried, if it is felt by the court or requested by the accused, the trial court shall request the District and Sessions Judge for an interpreter to be present in all the hearings and during communication with the lawyer to ensure that the right of self-defense is fully exercised by the accused. The payment for an interpreter in such cases may be made from the NALSA grant by the DLSA/SLSA.

## **PART II: Role of the Prison Superintendent**

### **19. Role of the prison superintendent in ensuring effective functioning of PLAC**

- a) The prison superintendent must ensure that PLVs/JVLs are provided necessary permissions to conduct the PLAC inside prison.
- b) Adequate space must be allocated for setting up the PLAC.
- c) The PLVs must be permitted to display information regarding the PLAC in common areas inside the prison.
- d) An attendance register for visits by the community PLV and JVL to the prison, as well as the number of times the PLAC has been conducted in prison, should be kept with the prison superintendent. This must be shared with the DLSA at the end of every month.



- e) The prison superintendent should seek feedback from prisoners regarding working of the PLAC and any grievances against the PLVs/JVLs so received must be duly communicated to the DLSA.
- f) The prison superintendent must ensure that PLVs/JVLs do not engage in any activity for soliciting clients for their own private practice, or any other lawyer.