



National Legal Services Authority

**NATIONAL PLAN OF ACTION
FOR 2010-2011
- a vision**

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INTRODUCTION :

Any Plan of Action for legal services activities to be undertaken at the national level shall have foundation in the mandates of section 4 of the Legal Services Authorities Act, 1987 and should have reference to the 'Quinquennial Vision and Strategy Document' published by National Legal Services Authority (NALSA) in the year 2009. A National Plan is meant for implementation throughout the Nation. In a country with variegated culture, geography and with unique socio-legal problems, a straight-jacket and inflexible plan can hardly work. It is for this reason the State Legal Services Authorities have been requested to frame their own policies and draw up plans of action. While formulating a National Plan of Action for the year 2010-2011 NALSA has drawn essence from the plans of action submitted by the various State Authorities.

OBJECTIVES :

- Providing free, competent, effective and comprehensive legal services.
- Widening the network of Lok Adalat.
- Evolving schemes and strategies for persons belonging to Scheduled Castes / Scheduled Tribes, women and children.
- Reaching out to the people.
- Broad based activities, in coordination with governmental and non-governmental agencies, universities and others promoting the cause of legal services to the poor.
- Institutionalising the ADR methods.
- Legal literacy and Awareness camps.
- Strengthening and training the legal aid lawyers
- Synergy with Judicial Academy.
- Creating base for para-legal volunteers.
- Special Programmes for North-Eastern States.
- Innovation and diversification.
- Use of Information Technology and the road ahead.

1. Providing free, competent, effective and comprehensive legal services.

NALSA is in the process of framing a comprehensive scheme for providing free, competent, effective and economical legal services to the persons mentioned in section 12

of the Legal Services Authorities Act, 1987. The present practice is that once an application for legal services is granted, neither the legal services institutions nor the lawyer entrusted with the work seldom pursue the matter with earnestness, often leaving the applicant in lurch. This situation has resulted in erosion of faith in the legal aid system. Therefore, it is proposed to put in place a comprehensive monitoring system for the free legal services provided.

2. Widening the network of Lok Adalat.

At present, Lok Adalat is mostly confined to the cases pending before the Courts. This inexpensive and alternative dispute resolution (ADR) system should be made available to all kinds of civil and compoundable criminal cases at all levels. Government departments, especially the Department of Revenue, receive a large number of petitions and complaints from citizens in relation to the matters dealt with by such departments. If such petitions are dealt with by Lok Adalats, the disputes can be resolved amicably, judiciously and with a binding nature. This type of dispute resolution relating to government departments can result in more transparency in administration and also would avoid a large number of writ petitions reaching the High Courts and the Supreme Court.

NALSA intends to take Lok Adalats to the village level, right up to the door steps of the people. '*Nayay Apke Dwar Par*' shall be the motto of all legal services institutions. With this objective in mind, NALSA has provided funds to all State Legal Services Authorities for purchase of a van to be suitably designed as a 'Mobile Lok Adalat Van' with the facilities of public address system and audio-visual display. A Van of this type is intended to reach into the deeper pockets of villages, the people of which are ordinarily prevented from access to justice owing to the multifarious barriers they face viz., distance, poverty, geographical location, mental inhibition for establishing one's own right and also the proclivity for silent suffering.

Yet another area NALSA aims at is to deploy the Lok Adalat machinery to jails for settlement of compoundable criminal cases. A large number of under-trial prisoners charged with compoundable offences can avail of the benefits of Lok Adalat in the jails itself leading to their early release.

Mega Lok Adalats shall be conducted every month or even more frequently in all Courts and Tribunals including Debt Recovery Tribunals, Labour Courts, Industrial Tribunals and Family Courts on the basis of a pre-scheduled calendar. Cases relating to motor accident claims pending in Tribunals and Courts and those cases which have not reached the Tribunals also should be encouraged for settlements through Lok Adalats.

Lok Adalats be resorted for land acquisition references, and the Government and the Government officials may be persuaded and convinced about the use of Lok Adalat in land acquisition references.

Efforts should be made by all State Legal Services Authorities for establishment of Permanent Lok Adalats and for Public Utility Services (PLAPUS) in all Districts and for giving training to the members of such Adalats on the skills of conciliation and settlement.

State Legal Services Authorities shall endeavour to get at least one village in their State declared as litigation free village. For this purpose, fervent efforts should be taken by the legal services institutions concerned to set up conciliation committees and encourage people to settle their disputes through ADR processes instead of such disputes being taken to Courts.

3. Evolving schemes and strategies for persons belonging to Scheduled Castes / Scheduled Tribes, Women and Children.

Tribal areas are often neglected places, where the tribals live a life deprived of their basic human rights. This malady leads the members of scheduled tribes to feel themselves alienated. Special focus should be given on the tribal areas for legal services and for establishment of their legal rights and thereby bringing them to the mainstream of the society. Legal awareness campaigns should be organized in such settlements. Educated tribal youths should be selected to act as tribal promoters and para-legal workers for interfacing with the legal services institutions. Similar measures should be taken for helping the members belonging to Scheduled Castes also.

Women in India, though have equality in status in the eye of law, are in reality deprived of the protection of law they are entitled to. The concept of equality is often seen compromised in the case of rural women when they seek their rights in the matter of employment, inheritance and even in marital life. In some places women, especially widows, are discriminated against for payment of wages and allotment of MGNREGA work cards. Women declared as 'witches' in some of the northern States, suffer untold miseries at the hands of their own relatives and neighbours. Traces of Devadasi system still exists, as per news paper reports. Domestic violence is yet another problem faced by women in the Indian homes. On account of their lack of physical prowess and on account of the social mores and ethos women are often persuaded to be subordinate to men. Constitutionally speaking, any form of domestic violence is violation of the women's fundamental rights of right to equality and right to life.

In order to make women strong enough to enjoy their constitutional rights, Legal Services Authorities are duty bound to design policies and programmes for empowerment of women through legal awareness. Legal awareness campaigns shall be organized for women of the households in a locality or for the members of Women Self-help Groups (SHG). Such programmes shall be designed with the objective of empowerment of women through legal literacy. A woman who is aware of her legal rights will be less gullible and least susceptible to exploitation and discrimination on the ground of sex.

NALSA has adopted a scheme prepared by the Delhi Legal Services Authority with the assistance of an NGO working in the field of child rights. The Scheme is known as 'All India Legal Aid Cell on Child Rights' (see Annexure-I). All Legal Services Authorities shall endeavour to implement the Scheme.

The National Legal Services Authority and State Legal Services Authorities will endeavour to prepare documentaries depicting the need for legal services activities and projects of legal services relating to Scheduled Castes / Scheduled Tribes, Women and Children.

4. Reaching out to the people.

No legal services institution is worth its name unless its intended beneficiaries are aware of the facilities provided by such legal services institutions. In other words, the legal services activities should be carried out in such a manner as to reach out to the common man and the name of such legal services institutions or its acronyms (e.g., NALSA, DLSA, JHALSA, etc) should become a household name when the need for legal services arises to any person. Activities of the Legal Services Authorities shall be inclusive in their form and contents.

Reaching out to masses involves the strategies of confidence-building and credibility. Beneficiaries of legal services should feel an attachment to the legal services institutions rather than treating it as yet another bureaucratic set up of the Government. People-friendly staff, pro-active officers and committed legal aid lawyers form the backbone of the legal services institutions. As stated earlier, 'Justice to the doorsteps' (*'Nayay Apke Dwar Par'*) shall be the motto of all legal services institutions.

The State Legal Services Authorities shall strengthen the Taluk Legal Services Committees / Sub-Divisional Legal Services Committees. Since Taluk Legal Services Committees / Sub-Divisional Legal Services Committees are the institutions more close to the common people living in villages, activities of such institutions have to be more perceivable and beneficial to the common people. The people living in villages shall be provided with legal services at the Taluk / Sub-Divisional Committee level. The Taluk Legal Services Institutions should be provided with adequate staff. A panel of lawyers shall be maintained at this level also. If necessary, the applications for legal services can be forwarded to district or higher institutions as the situation demands. In short, the focus of legal services activities shall be at the Taluk / Sub-Divisional level.

5. Broad based activities, in coordination with Governmental and Non-Governmental agencies, universities and others promoting the cause of legal services to the poor.

NGOs and social voluntary services institutions do yeomen's service in the socio-economic development and up-liftment of disadvantaged people. These organizations supplement the Governmental programmes by bringing such programmes down to the common people through the friendly and interactive service.

The Legal Services Authorities Act, 1987 does recognize the role of NGOs in the implementation of legal services programmes and calls upon the Legal Services Authorities to support them with grants-in-aid for specific schemes. The activities of legal services can be more people-friendly and reach out to people with the help of social activist groups and NGOs who take them down to the homes and huts. However, while granting accreditation to NGOs, preference should be given to law-based NGOs and institutions. Organizations of lawyers willing to undertake legal services activities, schemes and projects of the Legal Services Authorities shall be encouraged.

Co-operation with Government departments and the other autonomous bodies engaged in the welfare of women, children, socially economically disadvantaged people and marginalized people is highly necessary for successful implementation of the legal services activities. There should be close co-ordination with the Government departments like Social

Welfare Departments, Departments of Women and Child Development, Department of Education, Department of Tribal Welfare and Department of Welfare of Scheduled Castes, to name a few.

Universities, Colleges and organizations like National Service Scheme (NSS) are fertile areas where seeds of legal services activities can be sown and grown. Youths in the Universities and Colleges are potential agents for spreading legal awareness to the common people. The youth react quickly to injustice and hence the young students will take the projects aimed at bringing in social, economic and political justice to the common man close to their hearts and they will be ready to act as harbingers of justice.

6. Institutionalising the ADR methods

ADR has come to stay in our legal systems making the dispute resolution more people-friendly and parties oriented. With the amendment of section 89 of Code of Civil Procedure 1908, the ADR methods which were once confined to the Legal Services Authorities Act, 1987 and Arbitration & Conciliation Act, 1996 have widened to take in mediation and judicial settlement also. The modern adversarial system of adjudication encourages simplifying the procedural wrangles and making it more parties-oriented.

The Supreme Court of India has set up a Mediation and Conciliation Project Committee (MCPC) for the Court-annexed mediation and conciliation envisaged in section 89, CPC. The State Legal Services Authorities are entrusted with the establishment of mediation centers in all Districts. Since MCPC is a Committee constituted by the Hon'ble Supreme Court of India, policies laid down by it should be adopted and implemented by the State Legal Services Authorities.

MCPC gives training to lawyers in the skills of mediation and conciliation. ADR process being mandatory for all civil cases, Governmental assistance is required for establishing mediation and conciliation centers in all districts with the necessary infrastructure and staff.

The State Authorities shall make special efforts to insitutionalise the ADR Mechanism. Steps may be taken to suggest amendments to the Code of Civil Procedure for indicating the availability of ADR facilities like Lok Adalats, Arbitration, Conciliation and Judicial Settlements in the summons and notices sent from the Courts.

7. Legal literacy and Awareness camps.

Legal awareness camps and legal literacy classes have the twin objective of demystifying law and make people aware of the rights and duties enshrined in the laws. State Legal Services Authorities shall draw up a scheme for imparting legal literacy classes for at least four hours **in all high schools** in the State, touching upon the basic features of our legal system and explaining the basic laws and the principles of the rule of law. At the higher levels a one-day interactive class in three sessions may be organized for the 2nd year students **in all colleges including professional colleges** with the help of local lawyers having pedagogic skills. This programme can be organized with the co-operation of the NSS Units working in the colleges. Legal Literacy classes in all High Schools and Colleges shall be a regular annual exercise. Books and reading materials with appropriate contents can be prepared in the local language and for distribution to the students.

Legal literacy projects of the Legal Services Authorities shall include **legal literacy classes for women**. The objective of such classes for women shall be to empower women through legal awareness. Specially designed books containing laws relevant to women e.g., laws relating to inheritance, laws relating to marriage, labour laws conferring special rights to women, MTP Act, PNDT Act etc., shall be prepared for distributing in the class. These classes can be organized for small groups of women like neighbourhood groups (NHG) and Self-Help Groups (SHG) with the assistance of Social Welfare Departments and the Departments of Women and Child Development of the State Government, so that the expenses can be shared or brought to minimum.

Along with the legal awareness classes in schools and colleges, the District Legal Services Authorities / Taluk Legal Services Committees shall set up **legal literacy clubs** under the guidance of a teacher in all High Schools and Colleges. NALSA has already issued guidelines in this regard to all State Legal Services Authorities.

State Legal Services Authorities shall encourage the local self-government institutions to get their areas declared as '**100 percent legally literate village / panchayat / wards**'. A special legal literacy drive may be undertaken with the help of lawyers, students and NGOs to make this possible.

8. Strengthening and training the legal aid lawyers.

Legal Aid Lawyers are very important links in the legal services activities. Unless the lawyers associating with the legal services institutions have the mindset that free legal service is the constitutional right of the poor and marginalized, legal service rendered will never serve its real purpose. In other words, the lawyers who come forward to assist the legal services institutions should be pro-active and they must be persons with sensibility and empathy towards the seekers of legal aid.

Orientation classes and training classes shall be organized for the legal aid lawyers for instilling them with the right mindset and also for improving their professional skills.

9. Synergy with Judicial Academy.

The present generation of judges and judicial officers are trained only in an adversarial system. With the advent of ADR as a part of our judicial system, judicial officers not trained in the skills of ADR techniques find themselves in a dilemma. When they attempt to handle the ADR methods, the judicial officers untrained in the skills of ADR techniques fight shy of shedding the commanding position of judges and pass orders which are least suitable to the ADR system. Similarly, a judge not trained in the ADR systems cannot act as an efficient referral judge when he / she deals with section 89 of CPC. It is in this context, the judicial academies should intervene and give training to the judicial officers in the skills and techniques of ADR to serve as better referral judges under section 89, CPC.

Judicial officers need to be trained to be empathetic towards the weaker sections of the society mentioned in section 12 of the Legal Services Authorities Act, 1987. Judges need to understand the fact that free legal services to such categories of persons is not a

charity, but is their fundamental right guaranteed in Article 14 & Article 21 of the Constitution.

Therefore, there is a need for synergistic relationship to be maintained between Legal Services Authorities and the Judicial Academies. Regular and periodic training classes on ADR and legal services shall be organized by the Judicial Academy in association with the Legal Services Authorities.

10. Creating a base for para-legal volunteers.

NALSA has drawn up a scheme for para-legal volunteers. However, many States are lagging behind in implementation of the scheme and in utilizing the services of para-legal volunteers for reaching out to the people. To supplement the efforts of State Legal Services Authorities in setting up groups of para-legal volunteers, the Chief Justice of India has established a National Committee for Para-Legal Services under the Chairmanship of Hon'ble Mr. Justice P.Sathashivam, Judge, Supreme Court of India with the assistance of the Ministry of Youth Affairs, Government of India and Indira Gandhi National Open University (IGNOU). Under this project, the Department of Youth Affairs will pay honorarium to the Nehru Yuva Kendra volunteers trained by IGNOU as para-legal volunteers. These volunteers will interact with the legal services institutions at all levels, bridging the gap between the common man and the legal services institutions.

11. Special Programmes for North-Eastern States.

The Patron-in-Chief of the National Legal Services Authority has set up a Committee under the Chairmanship of Hon'ble Dr. Justice Mukundakam Sharma, Judge, Supreme Court of India for implementing the project of 'Access to Justice' in North-Eastern States. Hon'ble Executive Chairman NALSA, Hon'ble Executive Chairpersons of the SLSAs of all North-Eastern States, Hon'ble Union Law Minister and the Hon'ble Union Minister, Ministry of Development of North Eastern Region, Govt. of India are members in the Committee. NALSA proposes to draw up special programmes for North-Eastern States for bridging the gap between the seats of justice and common people. It is proposed to conduct time bound special legal awareness programmes in all villages under the Autonomous District Councils (ADC) and also in the other villages and municipal wards. It is proposed to select and train para-legal volunteers also to train the elected members of the local self-government institutions and members of the village councils on important laws like the Legal Services Authorities Act, 1987, Panchayati Raj Act, Personal Laws, Criminal Laws, MGNERGA and other relevant laws. It is also proposed to establish legal aid clinics in the tribal areas and in all revenue sub-divisions.

12. Innovation and diversification.

No institution can survive unless its activities are diversified to suit the changes occurring in the society. One such diversification of the activities of the Legal Services Authorities is mandated by the amendments occurred in the Code of Criminal Procedure, 1973. The newly introduced section 375A empowers the District and State Legal Services Authorities to act as bodies for determining the quantum of compensation to be paid to the victims of an offence irrespective of the fact whether the offender was brought to trial or not.

This new responsibility underscores the importance of the Legal Services Authorities in the administration of justice.

Yet another area in which the activities of legal services should focus on is the need for inclusiveness of the transgender people who often move as floating islets amidst the vast milieu of other citizens. Being ridiculed and humiliated by the other members of the society, the transgender people live in self-exile. Any modern society should be prepared to accept the realities and treat them as human beings entitled to the rights conferred by the Constitution of India.

Cyber Law and Cyber Crimes are the latest entrants in the legal scenario. Legal Services Authorities should take special interest in creating awareness of the cyber laws and cyber crimes amongst the students in the schools and colleges and also amongst the common people. Hon'ble Patron-in-Chief of NALSA has set up a National Committee of Cyber Law Enforcement under the Chairmanship of Hon'ble Mr. Justice Altamas Kabir, Judge, Supreme Court of India in which NALSA and State Legal Services Authorities have an important part to play.

Ragging is a menace found in many educational institutions and professional colleges. Hon'ble Supreme Court of India and some State Governments have taken steps to penalize the acts of ragging in educational institutions. The Legal Services Authorities should focus on special legal literacy campaigns in schools and colleges on anti-ragging laws.

13. Use of information Technology and the road ahead.

NALSA is in the process of developing a web-based monitoring system in association with the NICS- a subsidiary organization of National Informatics Centre (NIC). It is proposed to monitor the implementation of the National Plan of Action and Plans of Action of the State Legal Services Authorities through this monitoring system. The State Legal Services Authorities with the help of NALSA shall develop their own software for monitoring the implementation of State Plans of Action by the subordinate institutions like District Legal Services Authority and Taluk Legal Services Committees.

All efforts of the legal services institutions shall be directed towards **preventive and strategic legal aid**. Legal literacy and legal awareness do help people for avoiding conflicts with law. Persuading people to resort to ADR for resolution of their disputes, providing legal aid clinics at sub-divisional levels (like primary health centres) and deployment of para-legal volunteers to act intermediaries between common man and legal services institutions are steps in the direction of strategic legal aid. The activities of legal services institutions should be a judicious mixture of Court-annexed legal services, preventive legal services and strategic legal aid, aimed at fulfilling the constitutional objectives and the objects of the Legal Services Authorities Act, 1987.

ALL INDIA LEGAL AID CELL ON CHILD RIGHTS

(Established by Delhi Legal Services Authority and Bachpan Bachao Andolan under the Aegis of National Legal Services Authority)

(Accepted as a Scheme of NALSA in the meeting of the Central Authority held on 9.2.2010)

VISION :

On 14th November, 2008, Hon'ble Sh. K.G.Balakrishnan, Chief Justice of India and Patron-in-Chief, National Legal Services Authority (NALSA), Hon'ble Dr. Arijit Pasayat, Judge, Supreme Court of India and Hon'ble Executive Chairman, NALSA and other Hon'ble Judges of Supreme Court of India had interaction with the rescued and rehabilitated children of BBA at the lawns of the Supreme Court of India. The Hon'ble Chief Justice and other Hon'ble Judges ensured that prompt and appropriate legal aid will be given to them. The Hon'ble Chief Justice of India and Hon'ble Executive Chairman, NALSA have subsequently directed the NALSA to direct the Delhi Legal Services Authority (DLSA) to take necessary action for opening a Legal Aid Cell at the Bachpan Bachao Andolan Central Office, New Delhi and also at Mukti Ashram, Ibrahimpur, Delhi.

BACHPAN BACHAO ANDOLAN :

Bachpan Bachao Andolan (BBA) has been working tirelessly since 1981 to rescue, and rehabilitate child labourers and ensure prosecution and punishment of employers and traffickers. Since inception, BBA has rescued more than 76,500 bonded / child labourers and has emerged as the largest civil society grassroots movement on child rights supported by more than 70,000 individuals and 750 civil society organizations. The organization has also been working very closely with National Legal Services Authority (NALSA) in favour of child rights on several fronts.

OBJECTIVE :

National Legal Services Authority, Delhi Legal Services Authority and Bachpan Bachao Andolan have joined hands to realise the cherished constitutional ideal of equality and justice to child *sine qua non* of creation of a Child-friendly society where every child has access to physical, social, psychological, moral and spiritual development. Permanent Legal Aid Cell would be a PAN-INDIA activity to achieve the following objectives :

- To establish a Permanent Legal Aid Cell at the Bachpan Bachao Andolan Central Office, New Delhi and also at Mukti Ashram, Ibrahimpur, Delhi ;
- To provide legal representation to the children in need of care and protection across the country;
- To take, deal, pursue and / or coordinate and ensure prosecution against the persons indulging in child labour, traffic in human beings, *beggar*, forced labour, child abuse, or in any form of child exploitation;

- To build a network of various SLSAs for rescue and rehabilitation of children in need of care and protection.
- To instruct the concerned State Legal Services Authority to take, deal, pursue and coordinate to ensure appropriate legal action against the offenders.
- To provide access to legal aid & advice to all Govt. Departments and / or bodies including State Legal Services Authorities functioning across the country;
- To provide legal aid and advice to all civil societies, voluntary organizations and social spirited individuals working across the country espousing the cause of child rights;
- To coordinate with all Govt. Bodies, Institutions, Authorities and Organisations concerning or entrusted with the responsibilities relating to child rights,
- To reach out the benefits flowing from various social welfare schemes to the child / children
- To create awareness of child rights and schemes framed by Central and / or State Governments for the welfare and rights of children;
- To undertake sensitization programmes, for skill enhancement of lawyers and / or para-legals;
- To undertake research or survey based programmes to study the impact assessment and maximize benefits of child welfare legislations and schemes;

PROJECT OFFICE :

The Permanent Legal Aid Cell shall function from Bachpan Bachao Andolan's Central Office at L-6, Kalkaji, New Delhi and Mukti Ashram, Ibrahimpur Village, Delhi.

ROLE PERCEPTION:

National Legal Services Authority

01. National Legal Services Authority (NALSA) hereby appoints the Delhi Legal Services Authority (DLSA) as its Nodal Agency, authorized to network with other State Legal Services Authorities across the country.
02. NALSA may also ask the State Legal Services Authorities to update schemes framed by their State Governments with regard to rescue / rehabilitation or any other beneficial scheme for children.
03. NALSA may also convey that the standard set by the DLSA for drawing up a panel of lawyers, para-legal workers, etc., for the Legal Aid Cell is to be followed by other State Legal Services Authorities in their respective States for empanelment of lawyers, para-legal workers, etc.

04. National Legal Services Authority (NALSA) to communicate to all relevant bodies across the country regarding opening of the Cell to provide Legal Aid and Advice as well as to coordinate with Central and State Government to render all possible assistance in the smooth functioning and realization of the underlying objectives of the Cell.
05. NALSA may direct all State Legal Services Authorities (SLSAs) to act upon or to give effect to legal aid and advice rendered, and to coordinate with the Legal Aid Cell and provide all necessary assistance and support in the implementation of legal advice rendered or legal aid required.
06. All State Legal Services Authorities shall communicate the opening of the Legal Aid Cell to all concerned Governmental and Non-Governmental Organisations functioning in their State along with the relevant contact numbers and addresses of the Cell under intimation to NALSA, with complete details of the bodies intimated, within 15 days of the receipt of information of the opening of the Cell in Delhi.
07. All State Legal Services Authorities shall display the contact numbers and information of the Cell in all its offices at State, District and *Taluka* Legal Services Committees' levels.
08. DLSA and all SLSAs shall display the functions, role and concept paper of the Cell on their respective websites with a link at the Home Page.
09. NALSA may direct appropriate Govt. agencies like the Ministry of Information and Broadcasting to make suitable programmes on child rights with specific references to the objectives and functions of the Cell.
10. NALSA may coordinate with MTNL or any other telecom dept. for providing a toll free helpline number in Legal Aid Cell so as to make it accessible to everyone at no cost.
11. NALSA may issue directions to all SLSAs to organize sensitization programmes on child rights in coordination with the Legal Aid Cell.
12. NALSA may write to the various National Law Colleges, Universities and Schools of Social Work to nominate students for Internships, Research, etc., in the field of child rights under the supervision of the Cell.
13. NALSA will be at liberty to modify the Scheme and to have overall control and supervision of this project assigned to the DLSA.

Delhi Legal Services Authority :

Delhi Legal Services Authority is authorized by NALSA to perform the following functions :

01. Delhi Legal Services Authority shall be a nodal agency of NALSA for networking with other State Legal Services Authorities.

02. DLSA shall coordinate with the other State Legal Services Authorities and Government / Non-Government Agencies regarding the functioning of the Cell.
03. DLSA shall draw a panel of lawyers, social scientist, academicians and jurists having expertise on the laws and issues relating to child rights and can use them as resource persons, consultants, counsellors, etc.
04. After selection and empanelment of lawyers, training and orientation programmes will be conducted by DLSA.
05. DLSA will also provide counseling to the children or witness / victim support.
06. DLSA shall coordinate with all State Legal Services Authorities (SLSAs) under intimation to NALSA to act upon or to give effect to legal aid and advice rendered, and to coordinate with the Legal Aid Cell and provide all necessary assistance and support in the implementation of legal advice rendered or legal aid required.
07. DLSA will coordinate with the Govt. agencies like Ministry of Information and Broadcasting to make suitable programs on child rights with specific references to the objectives and functions of the Cell.
08. DLSA shall also organize and run sensitization programmes as well as trainings on child rights for all Govt. as well as Non-Govt. Agencies including Non-Govt. and civil society organizations, Bar Associations, etc., in coordination with the Legal Aid Cell so that the legal concepts are further clarified.
09. DLSA in coordination with BBA shall spread awareness on Child Rights.
10. DLSA may coordinate all the efforts of research and training, etc., in the field of child rights undertaken under the supervision of the Cell.

Bachpan Bachao Andolan (BBA) :

01. BBA shall provide the necessary space, required for the smooth functioning of the Legal Aid Cell.
02. BBA shall bear the expenses of electricity, internet / telephone calls, website, furniture, electrical appliances including air-conditioning, etc., to make the Cell functional.
03. BBA shall maintain and upkeep a separate website for the Legal Aid Cell consisting of information of all SLSAs, District Courts and above, SP.s, DM.s, Labour Dept., amongst others.
04. BBA shall be responsible for all records, confidentiality, database management, discipline and overall administration, coordination and smooth management of the Legal Aid Cell.

FUNCTIONS AND ACTIVITIES :

The Legal Aid Cell will perform the following functions and activities :

a. Legal Representation

Children in need of immediate assistance shall be provided with such care and protection as required by law. Any such action shall be in accordance with the procedures established by law and may be through complaints / representation before various authorities of law enforcement and / or other social justice and welfare mechanisms and Courts of Law. For e.g., the cell may receive a complaint of a trafficked child being abused and acting upon the case, the Cell may send a person with the legal opinion on the course of action to be taken by the Police / Magistrate / other relevant authority for appropriate action for rescue of child, prosecution of trafficker and rehabilitation of child.

The Cell will also coordinate with SLSAs to provide suitable legal aid to pursue cases. SLSAs shall provide suitable legal support in their respective cases.

b. Legal Counselling

Complainants in need of legal aid / assistance / advice in cases of violations of child rights may seek all aid / assistance from the Legal Aid Cell, even for pursuing cases filed for the prosecution of child traffickers, etc., by counseling the child / witnesses who are the victims, so that they are able to testify in Court without fear. Psychological support in such cases can also be extended.

c. Legal Advice

The Cell shall render such aid / assistance / advice to the complainant as well as send its legal opinion in such cases to the concerned Govt. Authorities for suitable action. Governmental and Non-Govt. Organisations, Civil Societies, Self Help Groups, Voluntary Organisations, Parents, Relatives, Concerned Friends and Members of the public may, on behalf of the children in need of care and protection, approach the Cell and receive legal advice regarding the legal rights of children and the means for accessing those rights. The Cell will provide requisite information and advice to the concerned regarding the legal options available for protecting the interest of the children. The Cell will also assist the concerned in making a decision regarding various options available to pursue the case and if required help in formulation of complaints, petitions, etc.

d. Legal Awareness

Steps will be taken for sensitization of Judicial Officers, Govt. Officers, Police Officers, etc., and conduct skill enhancement programmes for panel lawyers.

e. Coordination with all SLSAs and Govt. Departments

The Cell will operate a Network Referral System, whereby victims can be referred to the State Legal Services Authorities for legal services in resolving legal issues. If an information is received by the Cell about an offence committed or likely to be committed in

another State, the concerned SLSA would be informed and requested to render all assistance in the case and to further submit an action taken report, for effective coordination. Also a person in need of help, who is located in another State, can be directed by the Cell towards the nearest point of assistance in that State. The Cell will actively build this network and stimulate the free flow of information and constructive thinking concerning child rights in India.

f. Undertake research-based survey and make suitable suggestions

The Cell shall take up research-based surveys and make suitable suggestions to the Central or State Governments for effective implementation of laws on child rights especially dealing with prohibition of Child Labour and ensuring social re-integration and rehabilitation.

g. Publication of informative legal material for general awareness like handbills, pamphlets, etc., for general awareness.

h. Academic activities including development of Standard Operating Procedures, legal rules and guidelines on specific cases, publication of periodical newsletter, etc.

i. Periodical reporting of follow up actions about rescued / assisted children shall be undertaken by the Legal Aid Cell. State Legal Services Authorities and / or other Govt. Authorities will apprise and assist the Cell in cases of follow up.

j. Information Collection and Data Management : The Legal Aid Cell will collect complaints and other information regarding cases of the violation of child rights from various sources and *all data concerning cases will be recorded in a database system of BBA, for the sake of the correct and mutually comparable recording of relevant data.*

NETWORKING AND INTEGRATION WITH GOVERNMENT MECHANISMS OR SCHEMES

The Cell will adopt a cross-cutting approach in assistance by ensuring that the Cell works in close partnership with all other child rights actions and Government Mechanism and Schemes.

In seeking information regarding Government schemes and orders for the purposes of ensuring access to information and justice during its operation the Cell will collaborate with various Government departments, including the Ministry of Labour and Employment, the Ministry of Home Affairs, the Ministry of Women and Child Development, the Ministry of Social Justice and Empowerment, and the Ministry of Human Resource Development as well as other Committees and Commissions established under various statutory provisions. The Cell will work towards ensuring access to information and justice to children during the course of its operation. To this end, every Governmental agency associated on child rights will designate a nodal officer who shall provide such information to the Cell to ensure that accurate and updated information is provided in cases.

NALSA may also request the Central Government or State Governments to appoint one representative of the Legal Aid Cell as member of core groups formulated for implementation and monitoring of various schemes at Central and / or State level for child rehabilitation and reintegration into the society.

The opinions of the expert body of the Legal Aid Cell shall be considered in the drafting / preparation of any new law / policy for betterment of child rights.

REVIEW, ASSESSMENT, REPORTING, AUDIT AND EVALUATION :

A review Committee comprising of Executive Chairman, NALSA, Executive Chairman, DLSA, Member-Secretary, NALSA, Member-Secretary, DLSA, President / Chairperson, BBA shall be formed to review the work done by the Cell. Review meeting shall be held once a year at Mukti Ashram.

BBA shall make a Core Committee consisting of Member Secretary, NALSA, Member Secretary, DLSA, President, BBA which shall be responsible for all matters pertaining to the administration, empanelment of an Advocate for the Legal Aid Cell or any matter relating to the smooth and efficient functioning of the Legal Aid Cell, budget, auditing, maintenance of infrastructure, records, etc. Core Committee for regular matters shall meet at least quarterly and minutes of the meeting shall be forwarded for the perusal of Executive Chairpersons, NALSA and DLSA.

BBA would be responsible for maintaining all records, ledgers and case files of the Cell. Periodic reports will be submitted on the work of the Cell, to both the NALSA and the DLSA.

CONSEQUENCES OF FAILING TO ACT ON THE ADVICE OF THE LEGAL AID CELL :

In cases where the advice of the Legal Aid Cell is not adhered to, besides taking recourse to appropriate legal action including filing writ petition or any other proceeding in accordance with law in cases of rescue, rehabilitation of children and prosecution of the employers / traffickers / violators by the SLSAs or any Govt. Authority, NALSA shall take up the matter with the concerned Authorities or Central / State Govt. as the case may be.

MODE OF SELECTION OF LAWYER FOR LEGAL AID CELL :

DLSA shall draw a panel of experienced, enthusiastic and energetic Advocates. Panel shall initially comprise of 10 Advocates consisting of one or two designated Senior Advocates, 4 Advocates having practice experience of more than 3 yrs. and 5 junior Advocates.

Conviction, commitment and experience in the field of child rights shall be relevant consideration for empanelment.

Advocates will initially be empanelled for a period of one year which can be extended on the basis of performance.

The Legal Aid Counsel will be paid for their services by the DLSA as per approved schedule of fees.

All legal opinion shall be recorded in writing and in case of a difference of opinion amongst lawyers, the decision of majority shall be deemed as the opinion of the Legal Aid Cell. Lawyers working within the Cell will be required to maintain time sheets as well as strict confidentiality and anonymity of their clients' cases.

STAFF REQUIRED FROM DLSA TO OPERATE THE LEGAL AID CELL:

a. Lawyers

The Legal aid Cell will employ 10 full time lawyers. The lawyers will be responsible for providing legal counseling and Court representation on behalf of the Cell;

b. Office Assistant

An office assistant will be provided by DLSA for coordination with DLSA and management of the functioning of the Cell.

c. Para-legals or interns

5-8 para-legals will be employed, to support the work of the lawyers. While they are technically unable to provide direct legal advice due to their lack of accreditation as lawyers, they will conduct all research and support work on behalf of the lawyers. Law students or law graduates, who are not yet accredited as Advocates may be used as para-legals or interns.

Outlines of the Schemes for Training and Sensitization Programmes :

DLSA in coordination with NALSA and BBA shall organize the training and sensitization programmes, skill enhancement and orientation programmes from time to time for legal aid counsel of the Cell, Executive, Police and other Agencies responsible for enforcement of laws relating to child rights.

Methodology :

Trainings will be conducted by experts on child rights in various fields drawn from Judiciary, Eminent Jurists, Social scientists, Academicians, Educationists, who have worked on child right and made suitable contribution in the development and implementation of law focusing on child welfare.

Mode of Training would be theoretical as well as practical including paper presentations, power-point presentations, field assignments, case assignments, etc.

Training and sensitization programmes inter alia shall have the following subjects :

a. The on-going work on child rights

In order to ensure that the aims and objectives of the Legal Cell are achieved, it is imperative to ensure that all the lawyers working for the Cell, particularly any newly recruited legal professionals, quickly become cognisant of the mandate, work, activities, past successes and challenges on the issue of child rights. This session will aim to update and fully inform all the Cell lawyers of these issues;

b. Information regarding Child Labour and Child Trafficking Issues

The lawyers working in the Cell require an in-depth understanding of the scale and magnitude of the issues of child exploitation, child labour and child trafficking in order to be able to effectively assist their clients;

c. International Law, Focusing on Child Rights

The Legal framework surrounding child rights needs to be examined in-depth. The international human rights regime, including the Convention on the Rights of the Child and the Convention against Torture, including the Bill of Rights, are amongst some of the topics that necessitate discussion and examination in this particular module. The international law mechanisms for assisting children, upholding rights and effecting change vis-a-vis Governmental approaches will further be studied;

d. National Legal Framework, including Legislation and Judicial Cases

In order to be able to achieve legal success in the Courts, the lawyers require an in-depth knowledge pertaining to the relevant national legislation and judicial precedents. This will ensure that the lawyers are aware of the tools at their disposal in achieving legal success;

e. Interviewing Skills

One of the most important skills required by any lawyer relates to the ability to effectively listen, elicit relevant information, ask pertinent questions and communicate with the client. This module will further cover skills relating to working and interviewing clients who may have suffered physical and emotional abuse, or who are distressed in recounting their circumstances during the interview with the lawyer. Special techniques for interviewing and working with children will be discussed;

f. Network of Legal Aid and Assistance throughout India

The lawyers working in the Cell need to be made aware of the network which will be established, whereby cases may be referred to branches of the Legal Services Authority, located in different States of India. The module will examine the functioning of the network,

what information needs to be provided to the client in order to access the network, and how the lawyers themselves can work with LSA employees based in other States; and

g. Administrative Matters, e.g., BBA File Management System, Database System, etc.

Every legal office adopts its own standards towards administrative matters and case file management. This module will explain the elements of the office administrative system, including the database management system, which will operate within the Cell to ensure that comprehensive and accountable legal files are maintained by the office.

Financial Implication :

DLSA shall bear the entire expenses in relation to all training and sensitization programmes, skill enhancement and orientation programmes, etc. However, BBA shall provide all assistance regarding the smooth management and organization of all such training and programmes.

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