

# ABOUT MARG

## (MULTIPLE ACTION RESEARCH GROUP)



### VISION

A world where rule of law secures human rights and democracy

### MISSION

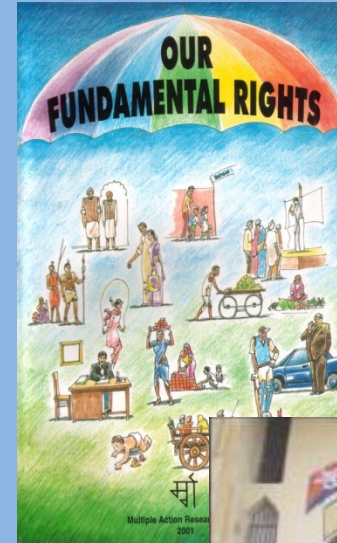
Securing rule of law through legal empowerment: respect for justice and rights, knowledge of law, and skills to use the law to secure justice

### MOTTO

Justice through legal empowerment

### WORK ON PRISONS

- Legal awareness on prisoners' rights
- Strengthening institutional support for prisoners in accessing justice



THE SCHEDULED CASTES AND SCHEDULED TRIBES (OF ATROCITIES) ACT, 1989



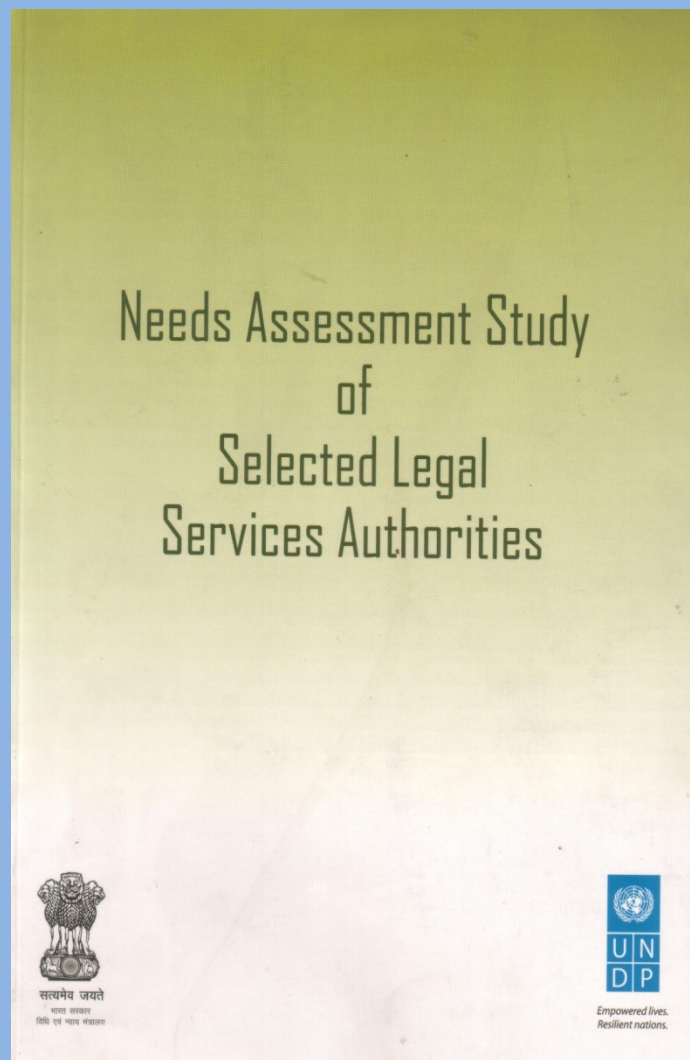
# SPREADING LEGAL AWARENESS AMONG PRISONERS OVER THE YEARS

- TRAININGS ON BASIC LEGAL AWARENESS (rights of prisoners, police processes, legal aid, etc) IN 25 JAILS ACROSS INDIA, PARTICULARLY MADHYA PRADESH AND DELHI
- VISITS WITH NCPCR TO MONITOR JUVENILES IN TIHAR JAIL



# STRENGTHENING INSTITUTIONAL ACCESS TO JUSTICE FOR PRISONERS

- **COLLABORATION WITH DEPARTMENT OF JUSTICE (GOVT OF INDIA), NATIONAL LEGAL SERVICES AUTHORITY (NALSA), UNDP**
- **NEEDS ASSESSMENT STUDY OF THE LEGAL SERVICES AUTHORITIES IN THE STATES OF MADHYA PRADESH, JHARKHAND, BIHAR, UTTAR PRADESH, ODISHA, RAJASTHAN AND CHHATTISGARH (2012)**



<b>Category of interviewees</b>	<b>Male</b>	<b>Female</b>
<b>lawyers (Lok Adalat and Panel Lawyers)</b>	<b>170</b>	<b>10</b>
<b>Lok Adalat judges/members</b>	<b>14</b>	<b>1</b>
<b>Beneficiaries/clients (Lok Adalat&amp; Legal Aid)</b>	<b>145</b>	<b>35</b>
<b>LSA Officials (SLSA, DLSA &amp; TLSC)</b>	<b>13</b>	<b>3</b>
<b>Officials of various State Human Rights Commissions, State Commissions for Women, State Commissions for Protection of Child Rights, Disability Commissioners, Commissions for Scheduled Castes/ Scheduled Tribes, jail authorities, and supervisors of women’s homes/ children’s homes</b>	<b>29</b>	<b>16</b>

# Snippets of interactions with Jail Authorities and Prisoners on Legal Aid provided by LSAs



# Madhya Pradesh

- Gopal Tambrakar, Superintendent, **(Central Jail, Ranjhi, Jabalpur)** :
  - LSA representatives visit on a weekly basis
  - they organize legal awareness programmes for prisoners which are of “good quality”
  - Legal assistance was received from the LSAs, generally in the form of advice. However the **level of assistance was reported to be poor**
  - Suggested that **better lawyers should be provided.**
  - Problems facing prisoners are poor economic conditions, lack of access to bail, and lack of family assistance
  - No Lok Adalats had been held in the jail.
- Legal awareness camp held in **Khandwa Jail** on January 28, 2012
  - The issue dealt with was ‘**prisoners rights and under trials**’; resource person was the District Legal Aid Officer, Rajendra Baghel
  - 39 prisoners (all men) attended the legal awareness camp
  - 33 % of them were SC or ST, 30% were OBC, and the rest were from the general category.
  - they rated the resource person as either ‘excellent’ or ‘good’.
  - All the participants unanimously said that the programme was beneficial to them because they got to know about their rights in jail, and that bail could be granted in a Sessions Court.
  - **All were satisfied with the legal awareness camp.**
  - **None of them got any legal literacy materials (pamphlets, posters, etc.) No feedback was taken from the participants by the LSA.**

# Jharkhand and Bihar

- **Narendra Prasad Singh, Jailor, Birsa Munda Central Jail, Ranchi:**
  - once in a week one Magistrate and one lawyer from DLSA visit the jail to conduct legal awareness programmes
  - **More legal awareness camps are required to be held.**
  - Distribution of pamphlets on legal awareness could be a good initiative.
- **Vinod K Singh (Jailor, Gaya Jail):**
  - said that **representatives of the LSA do not visit the jail**
  - **Prisoners are not aware about their rights.**
  - **They are not getting requisite cooperation from the LSA.**

# ODISHA

- Interviews with three jail authorities including **jailor and jailor-cum-superintendent of Anandpur and Champua sub jail in Kendujhar**
  - The representatives of **LSAs visit these jails every month and hold legal awareness programmes quarterly in a year**, except in Anandpur jail, where a programme is organized once a year.
  - **Good quality legal awareness programmes**
  - The LSA also provides legal assistance to the prisoners by giving legal advice, representation in Court, by contacting family members, etc.
  - **legal assistance should be increased by having more lawyers** so that legal assistance can be made available to most of the prisoners.
  - The main problems being faced by the prisoners are non-availability of witnesses and arrangement of securities for their bail.
  - Legal awareness camps are held every month for spreading legal awareness in interior villages, jails, schools, hospitals etc. Special programmes are also done as per Action Plan of NALSA



# CHHATTISGARH

- **S.K Mishra, Superintendent of Central Jail, Bilaspur**
  - representatives of Legal Services Authorities **visit their jail every month and conduct legal awareness programmes** for the prisoners which are of 'good' standard and beneficial for the prisoners.
  - **Some of the prisoners have received legal assistance** in terms of advice as well as representation in court.
  - Jail adalats (Lok Adalats held in jails) have also been held in this jail by the LSAs
  - **LSAs are doing a satisfactory job** in providing legal assistance to the prisoners.
- **S. L. Netam, Jailer in Kanker District Jail**
  - LSA are regularly contacted for legal aid
  - **LSAs organize legal awareness camps and jail adalats at frequent intervals.**
  - The only problem is that cases are not being disposed of on time.
  - They have formed a **Jail Legal Services Committee**, in which the jail authority and two panel lawyers of DLSA are members

# **(SOME) RECOMMENDATIONS OF THE NEEDS ASSESSMENT STUDY OF LSAs**

- **Development of a systematic empanelment process for lawyers:**
  - **Transparent system for receiving applications for empanelment**
  - **Lawyers with proven track record of commitment to social justice must be given preference**
  - **Preference to be given to lawyers from marginalised sections e.g. women, members of Scheduled Castes/ Scheduled Tribes SC/ST, minorities, people with disability, etc.**
- **Monitoring and evaluation of lawyers to be done through a combined process of case tracking and client feedback.**
- **Training of panel lawyers**
- **Lawyers to be paid fees regularly**
- **Grievance redress mechanism for legal aid clients**

# TRAINING OF DISTRICT LEGAL SERVICES PANEL LAWYERS

- **NALSA + DEPARTMENT OF JUSTICE (GOI) + ORISSA STATE LEGAL SERVICES AUTHORITY (OSLSA) + UNDP**
- **TRAINING OF LSA LAWYERS ON LEGAL AID FOR ACCUSED (PERSONS IN CUSTODY)**
  - **ATTITUDES, SOCIAL REALITIES OF RECIPIENTS OF LEGAL AID**
  - **LEGAL PROVISIONS**
- **TRAININGS CONDUCTED for CUTTACK, KORAPUT, BALASORE, SAMBALPUR, KALAHANDI DISTRICT LAWYERS OF OSLSA**
- **SOME CONCERNS ABOUT LEGAL AID LAWYERS (especially male lawyers):**
  - **Prejudice against poor (“most criminals are from poorer sections”, “the poor don’t mind being in jail because they get free food”)**
  - **Reluctance to defend accused in ‘heinous offences’ e.g. rape and murder, terrorism**



**THANK YOU!**