

ATEST DIRECTIONS OF COMMUNICATION TO SLSAs

NATIONAL LEGAL SERVICES AUTHORITY

12/11, JAM NAGAR HOUSE, SHAHJAHAN ROAD

NEW DELHI

F.No.L/13/2011/NALSA

Dated: 12th September, 2011

FOR IMMEDIATE ACTION

To

All the Member-Secretaries,
State Legal Services Authorities.

Sir / Madam,

In the order dated 19.08.2011, Hon'ble Supreme Court of India in *Sampurna Bebrua v. Union of India & Ors.* W.P.(C) No.473/2005 has directed the National Legal Services Authority to put in place Legal Aid Centres attached to the Juvenile Justice Board (s) in the State capitals where there is a high pendency. The case now stands posted for hearing on 16.09.2011 before the Hon'ble Supreme Court of India.

In the circumstance, the State Legal Services Authority is requested to establish Legal Aid Centre (s) attached to the Juvenile Justice Board (s) in the State/Union Territory Capitals immediately. For this purpose, the following steps may be taken immediately:

- (i) The State Legal Services Authority may direct the District Legal Services Authority of the Capital District to establish Legal Aid Centre (s) in the Juvenile Justice Board (s) working the capital city.
- (ii) The aforesaid DLSA may be directed to prepare a list of young panel lawyers for such Legal Aid Centre. The panel lawyers may be selected from young and competent lawyers, preferably women lawyers, who are willing to work the entire day in a child-friendly manner in compliance with the spirit and object of the Juvenile Justice (Care and Protection of Children) Act, 2000 and Juvenile Justice Rules, 2007. The same set of lawyers may be made available for legal aid in the CWCs and in the different Homes established under the Act, whenever necessary.
- (iii) Arrangements may be made by the DLSA concerned to organise a training camp for the aforesaid panel lawyers on the juvenile jurisprudence, focusing on the philosophy behind the UN Convention on the Rights of the Child 1989 and the provisions in Juvenile Justice (Care and Protection of Children) Act, 2000 with a special emphasis on the Principles enunciated in Chapter-II, Rule-3 of the Juvenile Justice (Care and Protection of Children) Rules, 2007 (Central Rules).
- (iv) Even if there is no infrastructural facility available in the JJB premises, the panel lawyers may be directed to attend the JJB proceedings throughout the day on the days when the JJBs sit, depending on the volume of work. The number of panel lawyers to

be deputed on a particular day may be regulated by the DLSA and they may be sent to the JJB on turn basis. However, a lawyer entrusted with a case may be directed to handle it till its disposal.

- (v) The list of panel lawyers containing their names, addresses and contact numbers may be communicated to the Principal Magistrates and the Members of the JJBs and such a list may be exhibited at a prominent place in the JJB (painted on a board or on a flex board) premises.
- (vi) A special request may be made to the Principal Magistrates and the Members of the JJBs to avail of the services of the panel lawyers and not to leave the children in conflict with law to the mercy and exploitation by others.
- (vii) The Principal Magistrates and the Members of the JJB may be requested to inform all children in conflict with law about the availability of free legal aid and about the list of panel lawyers displayed as above.
- (viii) Honorarium at a special rate may be fixed by the State Legal Services Authority for those panel lawyers who attend the JJBs for the entire day.
- (ix) The panel lawyers may, for the time being, be permitted to use the existing infrastructural facilities available in the District Legal Services Authority.
- (x) A monthly statistical report on the Legal Aid given to children shall be submitted to the State Legal Services Authority who shall include the same in the statistics sent to NALSA.

- (xi) The guidelines to be supplied to the panel lawyers are annexed to this communication. Copies of the same may be arranged to be given to each panel lawyer and acknowledgement of receipt of the same may be obtained from them.

The above matters except the training part of lawyers, may be implemented immediately and a report of compliance may be faxed to this Central Authority by 5.00 PM on **15.09.2011**. Kindly avoid formal function and other ceremonies. It may kindly be noted that the case stands posted to 16.09.2011.

Sincerely yours,

Sd/-

(U.Sarathchandran)

Encl: As above.

Guidelines for Legal Services in Juvenile Justice Institutions.

1. When a child is produced before Board by Police, Board should call the legal aid lawyer in front of it, should introduce juvenile / parents to the lawyer , juvenile and his/her family/parents should be made to understand that it is their right to have legal aid lawyer and that they need not pay any fees to anyone for this.
2. JJB should give time to legal aid lawyer to interact with juvenile and his/her parents before conducting hearing.
3. Juvenile Justice Board should mention in its order that legal aid lawyer has been assigned and name and presence of legal aid lawyers should be mentioned in the order.
4. Board should make sure that a child and his parents are given sufficient time to be familiar with legal aid counsel and get time to discuss about the case before hearing is done.
5. Juvenile Justice Board should make sure that not a single juvenile's case goes without having a legal aid counsel.
6. Juvenile Justice Board should issue a certificate of attendance to legal aid lawyers at the end of month and should also verify their work done reports.
7. In case of any lapse or misdeed on the part of legal aid lawyers, Board should intimate the State Legal Services Authority and should take corrective step.

8. Juvenile Justice Board and the legal Aid lawyers should work in a spirit of understanding, solidarity and coordination. It can bring a sea-change.
9. Legal Aid Lawyer should develop good understanding of Juvenile Justice Law and of juvenile delinquency by reading and participating in workshops/ trainings on Juvenile Justice.
10. Legal Aid Lawyer should maintain a diary at center in which dates of cases are regularly entered.
11. If a legal aid lawyer goes on leave or is not able to attend Board on any given day, he/she should ensure that cases are attended by fellow legal aid lawyer in his/her absence and that case is not neglected.
12. Legal Aid lawyer should not take legal aid work as a matter of charity and should deliver the best.
13. Legal Aid Lawyer should raise issues/ concerns/ problems in monthly meeting with State Legal Services Authority.
14. Legal Aid Lawyer should maintain file of each case and should make daily entry of proceeding.
15. Legal Aid lawyer should not wait for JJB to call him/her for taking up a case. There should be effort to take up cases on his/her own by way of approaching families who come to JJB.
16. Legal Aid Lawyer should inspire faith and confidence in children/ their families who cases they take up and should make all possible efforts to get them all possible help.

17. Legal Aid lawyer should abide by the terms and conditions of empanelment on legal Aid Panel.
18. Legal Aid lawyer should tender his/her monthly work done report to JJB within one week of each month for verification and should submit it to concerned authority with attendance certificate for processing payments.
19. Legal Aid Lawyer must inform the client about the next date of hearing and should give his/her phone number to the client so that they could make call at the time of any need.
