

Post of the Day

CHRI has recently proposed that a Committee on Legal Aid for Prisoners (CLAP) be constituted in the Correctional Homes of West Bengal to monitor the legal assistance provided by the state's duty counsels and retainer lawyers to prisoners. The proposal to integrate this monitoring mechanisms into the legal aid activities in other states has been backed by Justice Prabha Sridevan who has sent the proposal to several high courts.

CHRI advocates for early access to effective representation for arrestees and prisoners, and hopes that legal services to that effect are made practically realizable at a pan India level through the effective functioning of Legal Aid bodies.

Article 39A of the Constitution of India provides that State shall secure that the operation of the legal system promotes justice on a basis of equal opportunity, and shall in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disability.

Justice A.S. Anand in the capacity of Chief Justice of India and the Executive Chairman of NALSA has stressed on the need for duty counsels to be appointed by state legal aid bodies to play an effective role in preventing undue detention. As per NALSA guidelines, State Legal Services Authorities should also set up legal aid cells in jails so that the prisoners lodged therein are provided prompt and efficient legal aid to which they are entitled by virtue of section 12 of Legal Services Authorities Act, 1987.

Recently Justice Madan B. Lokur, Chief Justice of Andhra Pradesh high court has suggested the opening of Legal Advice Clinics in the jail so that inmates can get legal aid whenever required. At present, officers of the Legal Services Authority (Andhra Pradesh) visit jails and talk to prisoners to find out if anyone needs legal aid. However, what has been suggested by Justice Lokur is along the lines of the clinic already existing in Tihar where officers are available at a particular room and accessible to the prisoners anytime.

Similar Legal Aid clinics have also been proposed to be set up in all the prisons in Orissa where under the concerned District Legal Services Authority and it would be opened once a fortnight in district jails and once a month in sub-jails. Legal Aid clinics have also been set up in prisons of Assam and in some prisons of Rajasthan, but regular monitoring by bodies like the Committee on Legal Aid for Prisoners (CLAP) proposed by CHRI are absolutely necessary.