

Paralegal Training Manual

For North East States



Supported by

Department of Justice,
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Prepared by

Committee for Legal Aid to Poor (CLAP)

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The Committee for Legal Aid to Poor (CLAP) on being entrusted with the assignment to conduct training of paralegals in the 8-States of North East by the esteemed Department of Justice (DoJ), Ministry of Law and Justice, Government of India, has undertaken the responsibility to organise the training for 400-paralegals in batches consisting of 50 numbers in each of the 8-North Eastern States covering Assam, Arunachal Pradesh, Meghalaya, Mizoram, Nagaland, Manipur, Tripura and Sikkim. The training for paralegal volunteers was held broadly with the goal to promote access of marginalised to justice system.

The trainings in each state were conducted broadly in two phases consisting of 3-days duration training in the first phase and 2-days duration refresher training in the second phase for all the identified paralegal volunteers. The refresher training of 2-days duration was mostly conducted with a time gap of at least 3-months during which the paralegal volunteers were supposed to apply the knowledge gained from the first phase training in the field to have firsthand knowledge and experience. The second phase training was conducted mostly for the purpose of clearing doubts among the paralegal volunteers about various lessons which they learnt in the first phase training after its field testing. It was also an occasion to review the practical issues and challenges that the paralegal volunteers face in the field. Therefore, adequate space was given in the refresher training to clear doubts and share experiences as well as lessons learnt.

It is pertinent mention here that the above stated training for paralegal volunteers of north-east states were conducted based on a specially designed training manual which was developed in a consultative process and obtaining technical expertise of lawyers, social activists, law faculties of universities and Legal Services Authorities at various levels. Inputs were also solicited directly from paralegal volunteers in course of conducting the training to improve upon the training manual with practical knowledge. Thus the training manual developed for the purpose of conducting the training in a systematic order served the purpose of a tool and directive in holding the training programmes. In this process the training manual is pilot tested in all 8-nos of north-east states successfully and got enriched with field experiment of the manual.

In course of pilot testing of the training manual, it emerged as a model training programme manual which can now be largely replicated all across the north-east states for holding similar training programmes for paralegal volunteers engaged by the State Legal Services Authorities. The training manual can well serve as a tool for giving direction and guidance

for holding training for paralegal volunteers as it has already proved through pilot testing and impact assessment that it is a successful model training manual.

We hope this training manual will be used by training institutions and other organisation having a plan to organise training for paralegal volunteers for holding this suggestive model training for paralegal volunteers. It is also going to help the State Legal Services Authorities to holding training programme in similar line in their respective states to build the capacity of paralegal volunteers to serve the marginalised communities with adequate skill and knowledge. It is believed beyond doubt that through trained paralegal volunteers the goal of access to justice can be accomplished and the legal services offered by the state will have positive bearing on the marginalised.

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Executive President,
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Acknowledgment

In our effort to prepare a model training manual for training of paralegal volunteers of north-east states of India, we have come across a wide range of experts and professionals in the field of training and law who really deserve to be acknowledged for guiding us to conceptualise the structure of the training manual, contemplate the learning objectives of different thematic sessions, identify appropriate methodologies and lay down the topics to be covered in the training. It is our humble attempt to offer our sincere gratitude to all such persons and institutions who have significantly contributed in the process of finalising the model training manual for paralegal volunteers of north-east states which has a distinct status for its geographical situation and cultural identity.

Although we understand that it is almost impossible to name all who have made some or other form of contribution and enriched our knowledge with their acumen, even so, at the beginning we wish to reiterate our deep gratitude to the Department of Justice, Ministry of Law and Justice, Government of India not only for its financial support to undertake the training programme to pilot test the training manual but also for encouraging us to build courage to venture into the area. In fact we feel proud to have been associated with the DOJ to undertake the training vis-a-vis develop the model training manual.

This model training manual has been possible for the persistence of Ms. Kusumjit Sidhu, Secretary and Shri Praveen Garg, Joint Secretary, Department of Justice. Similarly Shri V.K. Tripathy, Director thoroughly persuaded us to conduct the programme in a planned manner and shared his acumen in designing the content of the training manual. The timely inputs and suggestions have enabled us to complete the work with pilot testing of the training manual. We appreciate their contribution and extend our sincerest gratitude.

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We would like to extend our sincere thanks to all the resource persons who have attended the pilot training based on this model training manual. They have not only followed the modules for undertaking sessions but also provided feedbacks to make the training manual effective and easy to be used in practical sense.

Finally, CLAP is also grateful to Namrata Chadha, the Team Leader of the Project and the other team members for their dedication to make sure that the programme reaches a logical conclusion and ends with adequate impact.

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Chapter: - I

Introduction to the Training Manual

1. The Purpose of Training Manual:

With a view to conduct tailor made training programme of Paralegal Volunteers of North East States consisting of Assam, Arunachal Pradesh, Meghalaya, Mizoram, Nagaland, Manipur, Tripura and Sikkim, this Training Manual has been designed and prepared. It is conceptualised on the broader premise that if the capacity of a cadre of Paralegal Volunteers can be suitably built they can render effective legal services to strengthen Access to Justice. It is in this regard pertinent to mention that due to helplessness and inadequate information many people living in remote areas and invisible pockets do not have access to legal information and also access to justice. As a result many people do not know the rights and entitlements conferred on them under various social welfare legislations. They are also not aware about the justice systems and institutional arrangements made for their benefit by the state. As a result of it in spite of the endeavour of the state many people remain away from the purview of legal frameworks developed for the benefit of common man. Even in some cases people are not aware about the benefits conferred under the Legal Services Authorities Act 1987. Even though a well structured institutional arrangement has been set up from bottom to top of the judiciary in accordance with the provision of Legal Services Authorities Act, 1987, it has been demonstratively clear from the ground realities that many people who are eligible for legal services remain uncovered by the law because of inaccessibility. Thus Access to Justice remains far away from a segment of society who is due to their vulnerability and socio-economic conditions unable to exercise their right. In this regard the Paralegal Volunteers can perform a pivotal role by bridging the gap between people and the justice system in operation through use of Legal Services Authorities Act, 1987. In this broad context the present training manual has been conceptualised and formulated. It will be used exclusively for training of Paralegal Volunteers through a specified structure and methodology. The training manual can serve as a guide to organise and conduct training programmes for Paralegal Volunteers.

For this purpose, this training manual has been prepared based on requirement of training set out by NALSA and inputs from key stakeholders in the North East States. For pilot testing of this training manual, the training manual was used in all the programmes to conduct the training. Similarly, 50-paralegal volunteers were selected in each state in consultation with the State Legal Services Authorities and the Department of Justice who were given the opportunity to undergo the training.

2. Role of Paralegal Volunteer:

The training for paralegal volunteers was organised in the broader premise that paralegals play a pivotal role in assisting the marginalised communities in accessing justice. Adequate training is a must for paralegals so that, they are able to keep themselves updated with the recent laws and procedures. In the recent years, expectations from paralegals have increased manifold. They are expected to act as a resource within the community who can assist the community in accessing justice. The primary function of these paralegals is to bring the people needing legal aid and advice to the Legal Services Authorities constituted at different level as per requirement. A paralegal does not merely focuses on providing basic legal information but also facilitate the community in accessing justice system for securing their legal rights. In this regard training for Paralegal Volunteer in a systematic manner is very much required to improve upon the existing skill and capacity of Paralegal Volunteers to deliver services to promote access to justice.

3. Paralegal Training in North-East and JK:

Department of Justice (DOJ), Ministry of Law and Justice, Government of India is implementing a project “Access to Justice-NE&JK” with the objective to address the legal needs of the marginalised and vulnerable sections of the society, particularly women, children, Scheduled Castes, Tribal communities etc, who do not have strong lobbies to ensure that their rights are guaranteed. The project supports justice delivery systems in improving their capacities to serve the people and in empowering the ordinary people to demand improved services and to access their rights and entitlements. The project will also support innovative activities to enhance legal awareness of the vulnerable populations and their ability to seek redress. The project is being implemented in the nine states of Assam, Arunachal Pradesh, Meghalaya, Mizoram, Nagaland, Manipur, Tripura, Sikkim and Jammu & Kashmir.

4. Objectives:

Adequate training is a must for paralegals so that they are able to keep themselves updated with the recent laws and procedures. In the recent years, expectations from paralegals have increased manifold. They are expected to act as a resource within the community who can assist the community in accessing justice. The National Legal Services Authority has launched a paralegal volunteer programme under which paralegals will be trained/provided an orientation for about 2-3 days at the district and taluka levels. The primary function of these paralegals is to bring the people needing legal aid and advice to the Legal Services Authorities.

Considering the importance and need for training of paralegals, the Department of Justice plans to train 50 paralegals each in the eight States of North East including Sikkim in the first phase.

The key objectives are as follows:

- a. To review the existing curricula, manuals, modules on paralegal trainings as developed by Legal Services Authorities (LSAs) and other paralegal training institutions/agencies with a view to identify training curriculum specifically suitable for the eight States of North East.
- b. To prepare a draft paralegal training manual in accordance with the requirement of training set out by NALSA and with additional inputs from key stakeholders in the North Eastern States.
- c. To identify 50 paralegal volunteers in each State in consultation with the State Legal Services Authority and the Department of Justice.
- d. To demonstrate replicable models of paralegal training.
- e. To discuss and validate the paralegal trainings manual with key stakeholders.

5. Model Training Programme:

The CLAP with generous support of Department of Justice, Government of India and the State Legal Services Authorities in 8-nos of north-east states conducted a series of training programme for paralegal volunteers identified by State Legal Services Authorities to develop a replicable model of paralegal training in all 8-north east states. As per the plan the training was conducted in two phases. The first phase consisting of 3-Days Duration Training was held to provide an insight to the paralegal volunteers a broader understanding about their role and functions to strengthen Access to Justice. The 3-Days Training may be termed as Orientation Training. Followed by the 3-Days training a two days duration Refresher Training has been organised as a follow up to the previous training especially to clear doubts and bring about clarity among paralegal volunteers. The Refresher Training has been organised with a gap of 3-months from the 3-Days Training to provide the participants an opportunity to understand the training in field context and gain practical knowledge. Various training modules have been developed to conduct different sessions of the training. In this process a training model for paralegal volunteers of 8-north east states has evolved which can be replicated in different areas. The model training programme for paralegal volunteer of north-east states has been reflected in this training manual for replication in a user friendly and easy to organise method. Thus, this training manual is a tool for all such training institutions or organisers who are interested or has a plan to follow the model training to conduct a programme in their locality.

6. How to use the Training Manual:

This training manual has been especially designed to help training institutions and other organisations interested in imparting training to paralegal volunteers to organise training for paralegal volunteers of north-east states of India in a systematic order. It is pertinent to mention here that this training manual has been developed after pilot testing of the suggested training in all 8-nos of north-east states. Thus, the present training manual provides a replicable model of training to enhance the capacity of

paralegal volunteers of north-east states to create legal awareness and enhance access to justice for the marginalised. The training manual provides stepwise guidelines to organise training and conduct sessions. The training manual in Chapter-2 provides inputs for pre-training arrangements and preparedness that is essential for holding this model of training. This chapter suggests how to mobilise paralegal volunteers, identify resource persons, session plans, selection of venue and building a conducive training environment. Chapter 3 and 4 of this training manual contains modules for holding different sessions of the training. There is a special chapter which contains the curriculum to be followed in different session of the training. Overall this training manual is designed for facilitators of training institutions and other organisations interested in imparting training to paralegal volunteers in the prescribed model.

7. Contents of the Training Manual:

The training manual broadly lays the fundamentals of the paralegal training along with procedure and processes to be followed while designing and conducting a training on the present model. It is a tool for the organiser and the facilitator in the sense that it provides basic steps and guidelines for conducting a training for paralegal volunteer on the present model. The training manual contains 5-Chapters. Chapter-3 and 4 comprises modules suggesting session plans. In this training manual there are as many as 22 modules suggested. These modules are divided into two different phases of training. While there are 12 modules for the 3-days orientation training programme which is to be used in the first phase, there are 10 modules for the 2-days duration refresher training programme. Each module starts with a general statement which is the key for facilitator for planning and designing the session. Followed by it the objectives of the session have been formulated. It is essential for the facilitator to articulate the programme taking into consideration the overall objectives of the session. Immediately after the objectives the module goes onto different methodologies to be followed in the session. The module also contains themes to be covered in each session. In addition to it in each module there is also a kind of notes for the facilitator which suggests step wise activities to be conducted as a part of the session. At the end of the module there is a mention of key learning outcomes of the session which is visualised before conducting the training.

8. Training Methodology:

For the purpose of conducting the training various methodologies have been identified, pilot tested and incorporated in the training manual so that the training methodologies can be followed in similar kind of training. Broadly, the following training methodologies may be applied in course of imparting training:

- a) Screening of documentary films.
- b) Presentation and Lecture.
- c) Question-answer Session with the Participants.
- d) Group Discussion and Presentation.

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- e) Plenary Deliberation.
 - f) Power Point Presentation and Discussion.
 - g) Role Play, Experience Sharing, Case Study Analysis and Problem Analysis.
 - h) Participatory Group Work.
 - i) Exposure Visit.

The above methodologies are only illustrative and not exhaustive. There can be similar other appropriate methodologies that can be relied on for the purpose of holding the training. For effective application of methodologies there shall be a facilitator in each training programme. The facilitator shall supervise and conduct the training. In addition to the facilitator it is suggested that in each session there shall be a resource person who is a subject expert to conduct the training. Generally, the resource persons invited for the session make formal presentation in a lecture method to begin with. The resource person consequentially asks the participants to form themselves into small groups to discuss various themes relating to the subject among themselves in appropriate subjects. After the group discussion the participants meet in a plenary for presentation of the issues identified, possible legal intervention and recommendations. Wherever possible, the participants are also asked to engage in role play, group exercise, experience sharing on certain matters, case study analysis and problem review in a participatory method. As a part of the course, on the third day of the training the participants may be given a chance to visit various institutions to have first-hand information and on-the-spot understanding of the institutional arrangements. Such exposure trip can be made to institutions created under law for rehabilitation and social re-integration. This will provide the paralegal volunteers an occasion to understand the structure and function of different institutions created for special categories of persons and segments of the society to address their problem. In this regard it is suggested that training can be arranged to visit two sets of institutions. The first sets of institution can be concerning children whereas the second set of institutions may be with regard to women. The facilitator may discuss with the participants during the exposure visit to make them understand and provide a broad understanding about the institutions that they are created under different laws like Juvenile Justice (Care and Protection of Children) Act and Protection of Women from Domestic Violence Act. The need, functions, target groups and purpose of these institutions were shared with the participants for their understanding about rights of women and children.

9. Drafting Process of the Training Manual:

At the beginning of the programme an attempt had been made to draft a training manual which is to be used to conduct the training programme in a systematic manner. In this regard a two member drafting committee was constituted who in a consultative manner developed the training manual. The team reviewed the existing curricula, manuals, modules and other relevant guides on paralegal training developed by NALSA and Legal Services Authorities as well as other institutions imparting training for paralegals to develop training curriculum specifically suitable for the 8-States of

North East. The drafting committee examined several training manuals from across the globe to give a shape to the training manual. The draft training manual was circulated among a group of 4-academicians of law discipline for their observation and inputs for further improvement. Finally, the expert group drafted the training manual which consisted of 22-modules. In each module an introduction, learning objectives of the session, methodology and activities to be carried out and themes to be covered have been thoroughly discussed. In each module a detailed guideline for the facilitator has also been described to guide the facilitator to hold the session in a systematic manner to achieve the learning objectives. The curriculum for each session has been dealt with in detail under the head 'themes to be covered'.

The above mentioned training manual has been pilot tested and used for conducting all the 8 numbers of paralegal volunteer training. After completion of the training, suggestions have been invited for incorporation in the training manual for its improvement based on practical learning and experience.

10. Pilot Testing.

The training manual is developed after pilot testing of modules in all 8-states of north east. In this regard the manual has been used to conduct training in two different phases for paralegal volunteers identified by State Legal Services Authorities in north east states. The training comprised of a 3-Days Orientation Training and 2-Days Refresher Training. The Refresher Training has been conducted after a period of 3-months from holding the 3-days training. The training covered as many as 50-paralegal volunteers in each state. Thus, the present training manual is based on field experimentation and testing of modules in different training. Necessary changes have been incorporated in the original training manual based on learning and experience in course of pilot testing of the manual. Thus, it is a final field tested training manual for conducting training for paralegal volunteer using the same model.



Chapter-II

Pre-Training Preparation

In this chapter a detailed discussion has been made regarding necessary preparation before actually organising the training programme for paralegal volunteers. The tips given in this chapter are accumulated in course of pilot testing of the training manual in north-east states. In a way, this chapter comprises all such processes followed during pre-testing of the manual with a view to help the training institutions and organisations who have a plan to impart training to paralegal volunteers based on this model of training. Overall the following steps are necessary starting from the stage of planning to conduct the training:

1. Planning for a Paralegal Training:

The process of holding training for paralegal volunteer starts with a planning for it. It must be done at least one month ahead of actual schedule for holding training. At the stage of planning several important factors must be taken into consideration. Firstly, it is necessary to follow the present model of training for paralegal volunteers. It means the training must be imparted for a total duration of 5-days. It will be divided into 3-Days Orientation Training and 2-Days Refresher Training. There must be a gap of at least 3-months in between the Orientation Training and Refresher Training to allow the participants to apply the knowledge in practice and gain knowledge from field exercises. During the intervening period of 3-months the trainees may be asked to write the activities conducted by them every day in a specially designed diary to make the training institution understand the nature and scope of application of knowledge in the field. This Work Diary can provide information and indicators of practical knowledge gained by paralegal volunteers. This model of training suggests that approximately 50-participants can be taken as a group for training.

2. Mobilising PLVs:

Just after the completion of planning to hold training for paralegal volunteer in north-east states, it is important to take appropriate measure for mobilising PLVs to attend the training. It is in this regard essential to understand that in each state the State Legal Services Authorities have identified paralegal volunteers. This training model is especially designed to impart training to paralegal volunteers identified by State Legal Services Authorities. The paralegal volunteers spread over different geographical areas of the state. Hence, it is important for the training institution to decide the areas which are going to be covered under the training. It is suggested that the training can pick up paralegal volunteers either from one district or a group of districts having same cultural and language background. Once, the area is decided which is going to be covered the attention must be shifted to number of participants. Since, the average size of trainees is 50, it is suggested to invite approximately 60-participants to attend the training as all the contacted paralegal volunteers are not going to attend the

training due to their personal preoccupations or for health reasons. So the number of persons who are going to be invited must be at least 20% higher than the average size of the trainees.

The other important aspect of mobilisation of paralegal volunteer to attend the training is the manner in which they are going to be contacted. Generally, the State Legal Services Authorities possess the name, address and contact details of the paralegal volunteers. The list can be obtained from the State Legal Services Authorities. The paralegal volunteers can be reached through postal communication and in most of the cases through mobile telephone. Wherever the postal address is available a letter of invitation with details about the training and programme schedule may be sent to them. It is better to follow up the process by giving a call to them over their mobile phones. Text can also be sent in a simple language to keep the paralegal volunteers informed about the programme. Sometimes it is really helpful to ask those paralegal volunteers who are easily approachable to pass on the information to their fellow paralegal volunteers. In this process the paralegal volunteers can be mobilised for the training programme.

3. Preparation of Training Agenda:

A programme schedule must be in place at the early stage of organising the training. It helps the training institution or the organiser to visualise the time, space, subject and resource persons. A well articulated programme schedule helps in identifying a proper location for the training and resource persons. This training model has already prepared programme schedule for both 3-Days Orientation Training and 2-Days Refresher Training. The model programme schedules of both the training programmes are given here below:

a. Programme Schedule - 3-Days Orientation Training

Module	Subject/Theme	Session Length.
Day One		
Module-1	Inaugural Session	10 am to 11 am (1.00 hour)
Module-2	Introductory Session	11.15 am - 12.15 pm(1.00 hour)
Module-3	Course Material Appreciation, Pre-Training Evaluation and Expectation of Participants.	12.30pm - 1.30 pm (1.00 hour)
Module-4	Understanding the Concept of Paralegal Volunteer	2.30 pm – 4.00 pm(1.30hour)
Module-5	Strengthening Access to Justice and Legal Services	4.30 pm – 6.00 pm (1.30 hour)
Day Two		
Module-6	Glimpses of Constitution of India	10.00 am – 11.30 am (1.30 hours)
Module-7	Understanding Indian Legal System and Institutional Mechanisms	12.00 noon – 1.30 pm (1.30 hours)
Module-8	Fundamentals of Crime and Law	2.30 pm – 4.00 pm (1.30 hours)
Module-9	Issues relating to Civil Law.	4.30 pm – 6.00 pm (1.30 hours)

Day Three		
Module-10	Exposure Visit	9.30 am – 1.30 pm (4.00 hours)
Module-11	Sharing of Experience of Exposure Visit	2.30 pm – 3.30 pm (1.00 hour)
Module-12	Valedictory Session	3.45 m – 5.15 pm (1.30 hours)

b. Programme Schedule - 2-Days Refresher Training

Module	Subject/Theme	Session Length.
Day One		
Module-13	Introductory Session	10.00 am to 10.30 am (0.30 hour)
Module-14	Experience Sharing	10.30 am to 11.45 am (1.15 hour)
Module-15	Case Study Analysis and Problem Solving	12.00 noon to 1.15 pm (1.15 hour)
Module-16	Skill Building and Hands on Experience	2.15 pm to 3.30 pm (1.15 hour)
Module-17	Communication, Drafting and Record Keeping	3.45 pm to 5.00 pm (1.15 hour)
Day Two		
Module-18	Gathering Evidence to build a case – The Use of Right to Information Act.	10.00 am to 11.00 am (1.00 hour)
Module-19	Women, Child and Law	11.15 am to 12.15 pm (1.00 hour)
Module-20	Welfare Legislations and Social Security Schemes	12.15 pm to 1.15 pm (1.00 hour)
Module-21	Preparation of Action Plan	2.15 pm to 3.15 pm (1.00 hour)
Module-22	Consolidation and Valediction	3.30 pm to 5.00 pm (1.30 hour)

The above programme schedules provide a proper direction to the organisers in terms of coverage of subjects, need for resource person and type of training venue. Besides the agenda also suggests guests to be invited from State Legal Services Authority and Judiciary to inaugurate and address in the valedictory function. Adequate steps are required to be taken to comply with the programme schedule. It is emphatically recommended that the training modules given in this manual must be referred while pursuing the programme schedule for better understanding of the learning objectives, methodologies and topics that are going to be covered in each session.

4. Getting Resource Persons:

In order to make the technical sessions most effective and to ensure long term impact of the lessons taught, skilled and qualified resource persons must be identified from academic institutions, bar associations and judiciary in consultation with State Legal Services Authorities. Various parameters must be taken into consideration in the process of selection of resource persons. Persons having thorough knowledge of

substantive and procedural law must be invited to address the sessions. As far as possible a balance must be made while inviting resource persons to cover the subjects or themes to address both theoretical and practical aspects. By and large, the following essential qualifications must be taken into consideration to invite the right kind of resource person for the sessions:

- Adequate knowledge about rule of law, access to justice and human rights.
- Sound understanding of gender.
- Understanding of rights and entitlements of marginalised communities.
- Clarity about functioning of judicial institutions as well as major institutional mechanisms for the promotion and protection of human rights.
- Thorough knowledge of substantive and procedural aspects of law.
- Proven ability for imparting training.
- Effective communication in local Language.
- Good listener.
- Ability to teach through participatory learning methods.

Resource Persons must be identified as per the above guidelines to cover various topics which are discussed below:

Topics for 3-Days Training:

- Understanding the Concept of Paralegal Volunteer,
- Strengthening Access to Justice and Legal Services,
- Glimpses of Constitution of India,
- Understanding Indian Legal System and Institutional Mechanisms,
- Fundamentals of Crime and Law,
- Issues relating to Civil Law.

Topics for 2-Days Refresher Training:

- Case Study Analysis and Problem Solving,
- Communication, Drafting and Record Keeping,
- The Right to Information Act,
- Women, Child and Law,
- Welfare Legislations and Social Security Schemes.

5. Sharing of Training Module with Resource Person:

This training model has a definite learning objectives, methodologies and topics to be covered. In order to make the training progress in accordance with the overall design of training modules, the training must follow the modules in letter and spirit. Hence, it is necessary to share copies of training module to relevant resource persons topic wise to keep them informed about the session plan. It is better to share the training module much before the actual training.

6. **Role of a Facilitator:**

As a part of pre-training preparation the training institution is required to appoint a reliable person with skill as the facilitator of the training. The facilitator is expected to conduct the training all through the sessions with the help of resource persons. The facilitator in a way is the prime mover. In fact a facilitator is someone who helps a group of people that is the trainees understand their common objective and assist them to accomplish the objectives. In doing so the facilitator remains neutral which means the facilitator does not take a particular position or stand on any matter in the discussion. The facilitator is supposed to assist the group in achieving a consensus on any disagreement that pre-exist or emerge in the meeting. As a session facilitator he/she is responsible for the process of the training and not necessarily the content. The overall objective is to accomplish the learning objectives for the session.

The training modules given in this training manual contains a note for facilitator. The facilitator who is appointed to coordinate the training programme is required to thoroughly grasp the notes given in the modules for each session. As per the notes for the facilitator in the module, the facilitator is desired to move the training forward. While doing so the facilitator is also expected to bear in mind the learning objectives of the session. It is always advisable that the facilitator makes a contact with the resource persons much prior to the actual session and inform them about the learning objectives, methodologies and topics to be covered, so that, the resource person is well prepared to deliver quality lecture. Since, the training follows a model therefore the modules must be followed in letter and spirit. The facilitator has a significant role in this regard.

7. **Preparation of Resource Material:**

Supply of relevant resource material in the demystified language to the paralegal volunteers who are undergoing training is an essential component of the training. There must be adequate arrangement for supply of resource material. Resource materials must be relevant to the sessions, contextual and appropriate for the paralegal volunteer or easy to understand. As the part of the training a resource kit can be provided to each participant. The resource kit usually a good quality bag which may contain a writing pad, pen, programme schedule, copy of NALSA Scheme on Paralegal Volunteers, a copy of Legal Services Authority Act and reading materials for all technical sessions. In course of training the paralegal volunteers may also be provided with a copy of the Constitution of India for their reference. Together these materials may constitute the Legal Resource Kit for paralegal volunteers. In addition to the above materials various publications brought out by the respective Legal Services Authorities of different state in the local language can be provided for the use of paralegal volunteers. Besides, in course of progress of the sessions reading materials developed by resource persons may also be provided to the participants on each of the themes covered under different sessions.

8. Selection of Venue:

The venue for the training has a direct impact on the success of any training. If there is right venue selected it is easy for the organiser and facilitator to conduct the training as per the training module. Hence, while selecting the venue the modules must be referred as it contains many specific requirements like space for group discussion, group exercise and plenary sessions. In view of this the following points should be taken into consideration while selecting the venue for the training:

- a) Accessibility:
- b) Peace and tranquillity:
- c) The right size venue & break-away rooms:
- d) Catering:
- e) Professional staff:
- f) Equipment:
- g) Good accommodation and facilities:

9. Food, Lodging and Boarding:

Adequate attention is required to be given towards arrangement for food, lodging and boarding. As the training is a residential programme arrangement for accommodation in a modest and safe environment is necessary. While making arrangement for accommodation it must be considered that there is a need for separate lodging facility for male and female paralegal volunteers. In some cases dormitory type accommodation or double occupancy rooms are available. In such cases accommodation facility can be arranged with proper facility for male and female paralegal volunteers. As far as practicable the venue for lodging must be situated close to the venue for training to avoid unnecessary delay and arrangement for transport of participants.

It is necessary to make adequate measures for supply of food in time. Food supply is necessary at least 4-times a day comprising of breakfast, lunch, evening snacks and dinner. While breakfast and dinner can be provided close to the place of lodging, lunch and evening snacks can be supplied in the training venue, so that, the trainees need not go far away for lunch and snacks. Since, there are tea breaks between the sessions of the training arrangement must be made for making available tea in the training venue.

10. Conducive Training Environment:

While selecting training venue a number of points must be taken into consideration for a conducive training environment. The training venue may have significant impact on trainees and training sessions. The training room should be such that it supports the learning objectives and accommodates the number of participants invited. Broadly, there is a need to consider the following attributes that will create the best learning environment for the participants:

- **Size:** Arrange for a room to accommodate the number of participants. Remember that a room that is too large can be as bad as one that may be too small.
- **Training requirements:** The training session entails many small group activities therefore, determine if there is enough space in the room for group work.
- **Accessible:** The room should be accessible to all, including those who have limited mobility.
- **Location:** If participants need to travel (either by foot or vehicle) to the session, the location should not pose a hardship, for example, walking in rain, or parking difficulty.
- **Convenience:** Readily accessible snacks, lunch, accommodations and so on help ensure that participants return on time following breaks or lunch.
- **Obstructions:** The training room must be free of structures such as posts or pillars that may obstruct participants' views.
- **Seating:** Select a location that provides comfortable, moveable chairs.
- **Lighting:** Lighting should be adequate. Dimly lit ballroom ambiance will not promote energy in a training session.
- **Microphone:** There is a need for a microphone. Check the room to ensure it is wired for a microphone.

11. **Stipend and Travelling Expenses:**

The paralegal volunteers who are attending the residential training both 3-Days Orientation Training and 2-Days Refresher Training may be provided with a modest stipend towards attendance. The stipend is given because in most of the cases the paralegal volunteers have their own profession or occupation. They attend the training losing their profession or business during the training period. In order to compensate their loss of income they may be provided with a stipend. In fact, paralegal volunteers are not full time workers rather they spend some time from their regular schedule for promotion of access to justice.

Apart from the stipend, there must be a provision for reimbursement of travel expenses of paralegal volunteers from their place of work to the training venue and back. It is always better to inform the participants well in advance the mode of journey for which travelling expenses can be reimbursed.

12. **Pre-Training Assessment and Post Training Evaluation:**

Pre-training preparation includes arrangement for pre-training assessment at the beginning of the 3-days orientation programme and post training evaluation both at the end of 3-days orientation training and 2-days refresher training. As a matter of pre-training preparation tools for assessment and evaluation must be made available. This training model provides the tools for pre-training assessment and post training evaluation. It is to be remembered that looking at the different level of understanding among paralegal volunteers, simple and oral feedback can be solicited which is easy to

comprehend. The next important point is the right time for conducting pre-training assessment and post training evaluation. This training model offers the idea that the pre-training assessment should be made immediately after inauguration of 3-days orientation training in the first phase. There is no pre-training assessment before the 2-days refresher training. However, post training evaluation is going to be conducted both at the end of 3-days orientation training and 2-days refresher training.

13. Logistics:

The success of the training also widely depends on a number of factors including proper arrangement for logistics. It is necessary to take steps for arrangement of logistics in the following components:

- a) **Banner:** At least two numbers of banners need to be displayed one in the main training hall and one in the visible location outside the training hall.
- b) **Photographs:** Arrangement for high resolution photographs may be made for record.
- c) **Reporting:** A system must be in place to document the process of the training and report in time.
- d) **Media:** Wherever convenient media-briefing or press releases may be issued for coverage. Electronic media may be invited to cover the event. However, the time for coverage by electronic media must be planned so that, no training session is affected due to presence of media person, camera and light.
- e) **Arrangement for Exposure Visit:** Since there is an inbuilt provision for exposure visit as a major component of training necessary logistic arrangement like travelling and food must be arranged beforehand including selection of places to visit.



Chapter-III

Development of Programme Schedule

Chapter-III

Development of Programme Schedule

3-Days Orientation Training of Paralegal Volunteer

Supported by

Organised by

Programme Schedule

Day –One (Date:			
Session	Time	Subject	Resource Person /Facilitator/Guest
	09.00 am – 10.00 am	Registration	
1	10.00 am – 11.00 am	Inaugural Session: <ul style="list-style-type: none">• Welcome Address• Lighting of Lamp• Keynote Address• Address by Guest• Address by Chief Guest:• Vote of Thanks.	
	11.00 am – 11.15 am	Tea Break	
2.	11.15 am – 12.15 pm	Introductory Session: <ul style="list-style-type: none">• Exercise for introduction of participants and ice-breaking (40-minutes).• PowerPoint presentation by the facilitator and review of programme schedule by the participants (10-minutes).• Group participation and discussion for finalisation of ground rules (10-minutes).	
	12.15 pm – 12.30 pm	Break	
3.	12.30 pm – 1.30 pm	Course Material Appreciation, Pre-Training Evaluation and Expectation of Participants	
	1.30 pm – 2.30 pm	Lunch Break	
4.	2.30 pm – 4.00 pm	Understanding the Concept of Paralegal Volunteer: <ul style="list-style-type: none">• Screening of a documentary film on paralegal volunteers (30 minutes).• Question – Answer session with the participants (15-minutes).• Group discussion and presentation	

		<p>(30-minutes).</p> <ul style="list-style-type: none"> • Plenary – PowerPoint Presentation and discussion (15-minutes). 	
	4.00pm – 4.30 pm	Tea Break and Sharing of Learning.	
5.	4.30 pm – 6.00 pm	<p>Strengthening Access to Justice and Legal Service:</p> <ul style="list-style-type: none"> • Screening of a documentary film on access to justice (20 minutes). • Role of paralegal in access to justice – experience sharing by participants. (20 minutes) • Power point presentation on structural and functional aspects of legal service institutions. (20 minutes). 	
Day –Two (Date:			
Session	Time	Subject	Resource Person /Facilitator/Guest
	9.30 am – 10.00 am	Recap	
6.	10.00 am – 11.30 am	<p>Glimpses of Constitution of India:</p> <ul style="list-style-type: none"> • Power point presentation on important features of the Constitution (30 minutes). • Group work on important aspects of the Constitution using PLA (Participatory Learning Appraisal) method (30 minutes). • Question-Answer session with the participants on different aspects of the Constitution (30 minutes). 	
	11.30 am – 12.00 noon	Tea Break and Sharing of Learning	
7.	12.00 noon – 1.30 pm	<p>Understanding Indian Legal System and Institutional Mechanism:</p> <ul style="list-style-type: none"> • Group Work to identify the courts or commissions they know. (20-minutes). • Experience sharing by participants (30-minutes) • Plenary discussion on function and jurisdiction of courts. (40-minutes) 	
	1.30 pm – 2.30 pm	Lunch Break	
8.	2.30 pm – 4.00 pm	<p>Fundamentals of Crime and Law:</p> <ul style="list-style-type: none"> • PowerPoint presentation with lecture. (45-minutes) • Case Study Presentation. (15-minutes) • Problem Analysis. (30-minutes). 	

	4.00 pm – 4.30 pm	Tea Break and Sharing of Learning.	
9.	4.30 pm – 6.00 pm	Issues relating to Civil Law: <ul style="list-style-type: none"> • Participatory group work. (30-minutes) • Case study analysis. (30-minutes) • Role play. (30-minutes) 	
Session	Time	Subject	Resource Person /Facilitator/Guest
Day Three			
	9.00 – 9.30 am	Recap and Sharing of objective of Exposure Visit	
10.	9.30 am – 1.30 pm	Exposure Visit: <ul style="list-style-type: none"> • Visit to Women related Institution. • Visit to Children related Institution. 	
	1.30 pm – 2.30 pm	Lunch Break	
11.	2.30 pm – 3.30 pm	Sharing of experience of Exposure visit.	
	3.30 pm – 3.45 pm	Tea Break	
12.	3.45 pm – 5.15 pm	Valediction: <ul style="list-style-type: none"> • Feedback Session (30-minutes). • Post Training Evaluation (30 minutes). • Valediction with Concluding Remarks (30 minutes). 	



2-Days Refresher Training of Paralegal Volunteer

Supported by

Organised by

Programme Schedule

Day one			
Session	Time	Subject	Resource Person/ Facilitator / Guest
	09.00 am – 10.00 am	Registration	
1.	10.00 am – 10.30 am	Introductory Session: <ul style="list-style-type: none"> • Welcome, Keynote and Sharing Training Design. 	
2.	10.30 am – 11.45 am (Group Discussion)	Experience Sharing: <ul style="list-style-type: none"> • What did you do after 3-days training - How the Lessons Learnt were used in Practice (15-minutes). • What Success was noticed (15-minutes). • How many cases were identified and submitted for Legal Aid (15-minutes). • What other steps were taken – Lodged FIR, undertaken counselling, approached Lok Adalat etc? (15-minutes). • Problem and Challenges faced (15-minutes). 	
	11.45 am – 12.00 noon	Tea Break	
3.	12.00 noon am – 1.15 pm (Question Answer Session)	Case Study Analysis and Problem Solving: <ul style="list-style-type: none"> • Case Study Presentation (30-minutes). • Problem Solving Advice (45-minutes). 	
	1.15pm – 2.15 pm	Lunch Break	
4.	2.15 pm – 3.30 pm (Role Play)	Skill Building and Hands on Experience: A Practical Guide to organise Legal Aid Clinic, Legal Awareness Camp, Client Counselling, record keeping and Mediation, Lok Adalat and Plea Bargaining.	
	3.30pm – 3.45 pm	Tea Break.	
5.	3.45pm – 5.00 pm	Communication, Draft and Record Keeping: <ul style="list-style-type: none"> • Demonstration by Participants on Communication (20 minutes). • Exercise on writing Petition and Representation. (20-Minutes). • Demonstration on Filing, Record Keeping and maintenance of Work Diary. (20-minutes). • Power Point Presentation on 	

		Communication, Drafting and Record Keeping. (Total 15 minutes @ 5-minutes each after every exercise mentioned above).	
Day Two			
Session	Time	Subject	Resource Person/ Facilitator / Guest
	09.30 am – 10.00 am	Recap	
6.	10.00 am – 11.00 am	Gathering Evidence to build a case - The use of Right to Information Act: <ul style="list-style-type: none"> • PowerPoint Presentation (30 minutes). • Question-Answer session with the participants on procedural aspects of the Law (30minutes). 	
	11.00 am – 11.15 am	Tea Break	
7.	11.15 am – 12.15 pm	Women, Child and the Law: <ul style="list-style-type: none"> • PowerPoint Presentation (30 minutes). • Question-Answer session with the participants on different aspects of the Law (30 minutes). 	
8.	12.15 pm – 1.15 pm	Welfare Legislations and Social Security Schemes: <ul style="list-style-type: none"> • PowerPoint Presentation (30-minutes). • Plenary discussion and question answer session on the scheme implemented in North East States (30-minutes). 	
	1.15 pm – 2.15 pm	Lunch Break	
9.	2.15 pm – 3.15 pm	Preparation of Action Plan: <ul style="list-style-type: none"> • Group Discussion. (30 minutes). • Group Presentation. (30 minutes). 	
	3.15pm – 3.30 pm	Tea Break.	
10.	3.30 pm – 4.30 pm	Consolidation: <ul style="list-style-type: none"> • Feedback Session (30-minutes). • Post Training Evaluation (30 minutes). 	
	4.30 – 5.00 pm	Valediction: Valediction with Concluding Remarks and Distribution of Certificates to PLVs (30 minutes).	



Chapter-IV

3-Days Training Modules

Chapter-IV

3-Days Training Modules.

Day-1

Module-1

Inaugural Session

Session Length: 10 am to 11 am (1-hour)

Just after the registration of participants, the inaugural session begins with a formal ceremony. There will be a welcome address by the organisers with detailed description about the programme design and the goal. If possible the inauguration ceremony shall have a formal beginning with lighting of lamp. There shall be invited guests especially from the discipline of Law and Justice to address the participants to build understanding and to encourage the participants. As far as possible the representatives of State Legal Services Authorities shall be invited to attend the programme and collaborate in the training programme.

Learning Objectives: This session shall have the following objectives:

1. Introduction of the basic purpose of the training by the organisers.
2. Introduce the programme and the facilitators.
3. Familiarise the participants with the overall goal of the programme.

Methodology cum activities:

1. Welcome to the programme.
2. Opening remark by the organiser about the training course.
3. Formal beginning of the programme by lighting the lamp.
4. Inaugural address by the guests and chief guests.

Themes to be covered:

Since this session is exclusively devoted for inauguration of the training course, a warm welcome to the participants shall be offered by the organiser in an eloquent manner. The facilitator of the training shall clearly explain at this stage about the organisers, collaborative agencies and the overall goal of the training course. This will be the occasion when the facilitator shall also throw adequate light on the overall situation of marginalised in the process of seeking justice and ensuring realisation of rights and entitlements. The facilitator shall refer to the provision of the Constitution of India under Art-39-A about Free Legal Aid and Social Justice and also mention about the provisions provided under the Legal Services Authorities Act 1987. The role of paralegal in the process of accomplishment of social justice and free legal aid shall be explained to the participants. With this background note, the facilitator shall invite the guests to light the lamp and inaugurate the training programme. Followed by it the facilitator shall ask the guests to address the participants and share their views. The guests would be requested to share their experiences relating to effective implementation of legal aid and advice programme for the marginalised. After the address by the guests, the facilitator shall offer vote of thanks and briefly discuss how the training programme is going to be conducted for the knowledge of the guests.

Day-1

Module-2

Introductory Session

Session Length: 11.15 am - 12.15 pm(1.00 hour)

There shall be an introductory session immediately after the inauguration of the programme to acquaint the participants with the training module and finalise the ground rules for the training followed by introduction of participants and ice-breaking. It is well accepted that participants of the programme have often carried with themselves some unspecified thought about the event and other participants which is called “ice”. The icebreaking is an activity or game that is used to warm up and to motivate participants for meaningful conversation among them. It will break silence and personal prejudices among the participants. It will help to reinforce session plan and ensure interactive participation. Ice-breaking before main proceedings of training will help participants not only to know each other but to internalize the purpose of training. By knowing each other and getting first hand information about training programme, participants can become more engaged in the proceedings and so to contribute more effectively towards a successful outcome.

Learning Objectives:

1. Introduce the programme design, content and methods to the participants.
2. Ice-breaking among participants and introduce the participants to one another in a non-conventional manner.
3. Creating a level of informality among participants for exchange of views and group cohesion.
4. Setting up few ground rules for training with approval from all participants.
5. Establish a comfortable, conducive and friendly learning environment.

Methodology cum activities:

1. Exercise for introduction of participants and ice-breaking.
2. PowerPoint presentation by the facilitator and review of programme schedule by the participants.
3. Group participation and discussion for finalisation of ground rules.

4. Sharing of copy of the Programme Schedule with the participants.

(A) Exercise for Ice-Breaking (40-minutes).

Since the objective of the ice-breaking exercise is to remove inhibitions of the participants and make them understand their expectation from the training, the following exercises may be useful:

Exercise 1: Half the participants will get cards with names of important personalities/reformers who were instrumental in changing the status of women in India and the other half will get cards mentioning events/incidents they are associated with. Each participant will find her/his partner. After identifying their partners the participants will then be given some time to know a little about each other. After this each participant will introduce her/his partner to the group.

Examples of cards for Exercise 1:

Personalities/Reformers/Places	Events/Incidents.
Raja Ram Mohan Roy	Prevention of Sati Act, 1829
Ishwar Chandra Vidyasagar	Widow Remarriage Act, 1856
Swami Dayanand Saraswati	Female Infanticide Prevention Act, 1870
Moje Riba	A prominent martyr of India's Freedom struggle.
Harbilas Sharda	Child Marriage Restraint Act, 1929
Tarun Ram Phukan	Deshbhakta (Prominent Leader of Assam)
Shahbano	Muslim Women's Act, 1986
Ropopkanwar, Deorla, Rajasthan	Sati Prevention Bill, 1987
Women protect their environment	Chipko Movement.
Pandita Ramabal	Women's Education
Annie Beasant	Women's Empowerment and Education

Exercise 2: Cards having printed on it different rights shall be distributed to half of the participants and other half of the participants will receive cards printed on it titles of different Acts. The participants will be asked to link the rights to the appropriate Acts and find their partners. The partners then introduce themselves and speak about the right or about the Act whatever they know about it. If the participants have already worked on the themes or the law they can share that in a brief manner. This exercise will help participants to acquaint themselves with the topics which are going to be covered in the training programme.

Examples of cards for Exercise 2:

Themes	Laws
Legal Aid Protection Order	Legal Services Authorities Act, 1987 Protection of Women from Domestic Violence Act 2005.
Public Information Access to Education	Right to Information Act 2005 Right of Children to Free and Compulsory Education Act 2009.
Right to Work	Mahatma Gandhi National Rural Employment Guarantee Act, 2005.
Maintenance of Parents	Maintenance and Welfare of Parents and Senior Citizen's Act 2007
Protection at Workplace	Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
Protection of Children from Sexual Offences.	Protection of Children from Sexual Offences Act, 2012
Prevention of Prostitution. Atrocity on SC and ST	The Immoral Traffic (Prevention) Act, 1956 SC and ST (Prevention of Atrocities) Act, 1989
Prohibition of Child Marriage Care and Protection of Children.	Prohibition of Child Marriage Act 2006 Juvenile Justice (Care and Protection of Children), Act 2000

Expected Outcome from the Exercise:

The above suggested exercises provides opportunity to the participants to relax and easy into a learning situation. It will also help participants to learn each other's name, personal and professional information and think on a definite topic or personality with the partner. On the other hand the exercises help the organiser to understand the level of knowledge among the participants. Overall the suggested activity creates a conducive environment and helps lowering the inhibitions of participants by sharing their personal attributes.

(B) Presentation on Programme Schedule (10-minutes):

Immediately after the ice-breaking session with a brief introduction of the participants, the facilitator with the help of a PowerPoint presentation vividly discuss the overall agenda, resource persons and themes to be covered. Approximately 10-minutes will be devoted to explain about the programme design, contents and methods to be applied. The facilitator will ask the participants to take out the programme schedule from their training kit provided at the time of Registration for reference during the presentation, so that, it is easier for the participants to understand the programme planning. A few minutes can be devoted to solicit views from the participants about the programme design. If there is some common

views to improve upon the training programme it can be appropriately incorporated without disturbing the overall design.

(C) Ground Rules for the Training (10-minutes):

The facilitator rounds up the session by mentioning ground rules for the training. In this regard the facilitator may invite participants to suggest ground rules for the training. The following ground rules may be discussed and finalise:

1. Switching off Mobile Phones.
2. Respect time – start on time and end on time.
3. Participating actively.
4. Listening while others are speaking.
5. Not making personal remarks.
6. Respect other's opinion.

Day-1

Module-3

Course Material Appreciation, Pre-Training Evaluation and Expectation of Participants.

Session Length: 12.30pm - 1.30 pm (1.00 hour)

At the beginning of the programme an attempt will be made to assess the level of understanding among the participants about various laws, rights conferred, institutional arrangement made and nature of benefit provided for under different laws. This will help in enhancing the knowledge of participants and build their capacity in using law as a tool for social change. In this regard a pre-training evaluation is required to be undertaken through a questionnaire survey. It will be helpful at the end of the programme to measure the level of knowledge generated and impact of the training. Similarly, it is always recommended to solicit opinion from the participants at the beginning of the programme about their expectation from the training. Efforts are required to be made to address the expectation of the participants in course of training programme.

Learning Objectives:

1. To familiarise the participants with resource materials provided to them to ensure that they are fully involved in appreciating its benefit, thereby promoting active and responsive learning.
2. To assess the level of understanding and knowledge available among participants on the practical and legal aspects of different themes which are being covered under the training programme especially the practical and legal aspect of issues of marginalised.
3. To compare pre-training knowledge with post-training understanding about different aspects of legal aid and advice as well as rights provided under different laws.
4. To enable participants to express their expectation from the training programme.

Methodology cum activities:

1. The facilitator may hold up resource materials like books, document, video films and photographs for observation by the participants and discuss about special characteristics of course material.
2. The facilitator will arrange exhibition of posters, leaflets, law books and pictures for appreciation by participants.
3. The facilitator shall distribute quickly a pre-training questionnaire among the participants to be filled up within 10-minutes by the participants. It will be collected and subsequently reviewed for assessment of pre-training and post-training differences.
4. The participants will be divided into 5-groups through a roll call and each group will be given a flip chart to list out the hopes and expectations. For more focused input, certain specific questions may be included in this exercise, so that, this becomes the basis for a “spot need assessment”.

Materials to be used:

1. Law Books, Reports, Poster, Booklet, Leaflet, CD and Video Films.
2. Pre-Evaluation Questionnaire. **(See Annex-I)**
3. A flip chart for soliciting expectation of participants from the training.

Day-1

Module-4

Technical Session-1

Understanding the Concept of Paralegal Volunteer

Session Length: 2.30 pm – 4.00 pm(1 ½ hour)

The first technical session shall be devoted to build common understanding among paralegal volunteers about the concept of paralegal volunteer as envisaged by NALSA. The technical session will be conducted in an interactive manner to elicit response of paralegal volunteers who are attending the training on the basis of their practical experience and engagement at the level of communities. The broad purpose of this technical session is to make the participant understand beyond any doubt the role and responsibility of paralegal volunteers. It is to be understood that very often there is lack of role clarity and variety of perception about the role of paralegal volunteers among the volunteers who are engaged as paralegal volunteers. Bearing this in mind the session must have adequate space to elicit the views of paralegal volunteers about their role and modulate the answers in such a way that conveniently fit into the role envisaged under the Scheme contemplated by NALSA for paralegal volunteers. It is necessary to send a clear single message to the paralegal volunteers about their role to bridge the gap between the eligible persons for legal aid and the legal aid system in operation.

Learning Objectives:

1. To make the participants understand the concept of paralegal volunteers.
2. To develop and promote knowledge about role clarity, scope of work, limitations and obligations of paralegal volunteers among the participants.
3. To enable the participants to envisage the required qualities and skills of paralegal volunteers.
4. To inform the participants about the code of ethics for paralegal volunteers.

Methodology cum activities:

1. Screening of a documentary film on paralegal workers (30 minutes).

2. Question – Answer session with the participants (15-minutes).
3. Group discussion and presentation (30-minutes).
4. Plenary – PowerPoint Presentation and discussion (15-minutes).

Themes to be covered:

- a) What is Paralegal Volunteer?
- b) Who can be a Paralegal Volunteer?
- c) Role and Responsibilities of the Paralegal Volunteer.
- d) Do's and Do not' for the Paralegal Volunteer.

Notes to Facilitator: The session starts with a brief presentation for maximum 5-minutes by the facilitator regarding the concept of paralegal volunteers and the need for it. The facilitator then asks the participant to watch a documentary film with English sub-title on paralegal volunteers for about 25 minutes. After screening of the film the facilitator indulges with the participants in a brief discussion about the core message of the film. The discussion is followed by a question answer session for 10-15 minutes about the role of paralegal workers according to their perception. The following can guide the effective running of the question-answer session:

1. Ask the participants to describe the role of a paralegal volunteer and who they think a paralegal is?
2. Discuss the difference between a paralegal and a lawyer.
3. Ask them to give examples of their work as a paralegal.

One of the participants is asked to write on a flipchart the views of the participants on the above points. The facilitator after the question-answer session asks the participants to divide into 5-groups of 10-nos in each group to discuss about the following points over 15-minutes:

Group One: What do paralegals do?

Group Two: Qualities of a good paralegal volunteer.

Group Three: Essential skills of paralegal volunteers.

Group Four: Difference between a lawyer and a paralegal volunteer.

Group Five: What is a paralegal volunteer?

The group is united for a plenary discussion on the above points for 15-minutes. Each group presents their views on the basis of the group discussion for 3-minutes each using a flipchart.

The facilitator consolidates the entire deliberation over next 15-minutes in a plenary discussion. It is the responsibility of the facilitator to inform what are the negotiable and non-negotiable, correct and irrelevant points, dos and don'ts for paralegals. At this stage the facilitator is also required to send a very clear message about the role of paralegals as envisaged under the scheme of paralegal volunteers contemplated by NALSA. If possible a brief handout about the scheme is to be circulated among the participants.

Day-1

Technical Session-2

Module-5

Strengthening Access to Justice and Legal Services

Session Length: 4.30 pm – 6.00 pm (1 ½ hour)

There shall be a technical session to discuss about Access to Justice and Legal Services. In this session a broad picture will given to the participants about the socio-economic condition of poor and marginalised for which it is often impossible for them to assert their right and gain access to justice even in cases of deprivation of entitlements or denial of rights. Many a time people are subjected to injustice and violence. They remain silent in all such matters because thinking of gaining access to justice is also beyond their reach. In fact there is hardly any awareness concerning legal rights exists in the communities and among people. To overcome this challenge that Indian society faces today legal aid services has been strategically put in place. Therefore there is a need for the paralegal volunteers to understand the structure and function of legal aid institutions as envisaged under the Legal Services Authorities Act, 1987 with a detail understanding of the processual and procedural aspect of getting legal aid. Further the intersect between legal service and access to justice is required to be explained to the paralegal volunteers from the perspective of poor and marginalised to enable them to offer their services to the legal aid eligible persons in the communities to gain access to justice.

Learning Objectives:

1. To develop a clear understanding about the meaning, concept and scope of access to justice among the participants.
2. To help paralegal volunteers to articulate the need for access to justice in the society and also to understand the consequences of denial of access to justice.
3. To build thorough knowledge about the structural and functional aspects of legal service institutions at various levels and the procedural aspect to be followed for free legal aid and advice.
4. To develop a broad understanding about access to justice and free legal aid.

Methodology cum activities:

1. Screening of a documentary film on access to justice (20 minutes).
2. Role of paralegal in access to justice – experience sharing by participants. (20 minutes)

3. Power point presentation on structural and functional aspects of legal service institutions. (20 minutes).
4. Role play by participants on access to justice (30 minutes).

Themes to be covered:

- a) The meaning of Access to Justice.
- b) Relevance of Access to Justice for marginalised.
- c) Method of Securing Access to Justice.
- d) Legal Services – Structural and Functional aspects.
- e) Role of Paralegal Volunteers in Access to Justice.

Notes to Facilitator: The facilitator of the session begins with a suggestion to watch a documentary film about access to justice as this particular session is devoted for the purpose of building strong knowledge about access to justice and legal services in operation. After giving some background information about the documentary film that it is in English language and about the Producer of the film the facilitator takes step to screening of the film.

Once the screening of the film is over the facilitator seeks views of the viewers about the film for a while taking 2-3 opinions. The central message of the film is shared with the participants in a participatory manner. Then the facilitator devotes 20 minutes to provide space to participants to share their experiences in helping people and community to gain access to justice. At this stage the facilitator makes an attempt to explore both success and failure stories to enable the participants why the paralegal volunteer were successful in their effort and reason for which in some cases the attempt of paralegal volunteers did not work. The facilitator must be ready with 3-5 case studies to share in case the paralegals don't have prior experience of helping people and community to gain access to justice. It is contingent upon the facilitator to have good examples of case studies which provides insight into both administrative and judicial access for the purpose of justice.

After the sharing of experiences of participants in a participatory method the facilitator goes for a plenary discussion on structural and functional aspect of legal services as provided under Legal Services Authorities Act, 1987. The facilitator with the help of a power point presentation conducts the discussion in a very elaborative manner. The plenary discussion continues over a period of 20 minutes.

The last part of the session is devoted to engage participants in a brainstorming. For this purpose the facilitator asks the participants to engaged in a role play. The participant divides the group into several units. In each unit there are 2-persons participate. While one participant performs the role of a paralegal the other presents himself / herself as a justice seeker. Time will be given to the units to discuss the case of the justice seeker. Each justice seeker has to conceptualise a case which he/she has come across. The paralegal after hearing the case prepares an application for legal aid in appropriate format. The format is given to the facilitator who acts in this role play as the Member Secretary of Legal Service Committee. The facilitator reviews the application and tells the participants the shortcomings or further requirements.

Glimpses of Constitution of India

Session Length: 10.00 am – 11.30 am (1½ hour)

As Constitution of a country lays down the basic structure of the political system under which its people are to be governed, there is a need for the paralegal volunteer to have fundamental knowledge about the Constitution. Hence a session will be devoted to acquaint the participants with the overall framework and provisions of the Constitution of India. Further there is a need to bear in mind that any discussion about the provisions of Constitution often leads to theoretical analysis which is really difficult for paralegal volunteers to understand in one session. In view of that attempt must be made to provide basic information about the Constitution particularly the important features of it. The purpose of the present training for paralegal volunteers is not to teach all details of the Constitution but to pass on basic knowledge about the Constitution of India to the paralegal volunteers so that they cherish the spirit of the Constitution in course of rendering legal services and delivering legal knowledge.

Learning Objectives:

1. To familiarise the paralegal volunteers with the overall framework and basic features of the Constitution of India.
2. To make the participants understand the role of the Constitution in the life of a person or citizen.
3. To build knowledge about the political system of the country and the agencies of the state with special focus on panchayat institutions.

Methodology cum activities:

1. Power point presentation on important features of the Constitution (30 minutes).
2. Group work on important aspects of the Constitution using PLA (Participatory Learning Appraisal) method (30 minutes).
3. Question-Answer session with the participants on different aspects of the Constitution (30 minutes).

Themes to be covered:

- a) Background and History of Constitution of India.
- b) Preamble of the Constitution.
- c) Fundamental Rights.
- d) Fundamental Duties.
- e) Parliament, Union Executive and Judiciary.
- f) State Legislature, Executive and Judiciary.
- g) Panchayat and Municipality.

Notes for Facilitator:

At the beginning of the session the facilitator begins with holding a photograph of Dr. B R Ambedkar and asks the participants to recognize him and explain why he is famous. After soliciting the views of participants for 2-3 minutes the facilitator briefly describes the history of the constitution and the role of Dr. B R Ambedkar as the architect of the Constitution of India. Thereafter the facilitator shall hold a copy of the Constitution of India in his/her hand and tell the participant that this is the document which enables our country to run. It carves out our governance system. The facilitator shall draw the attention of the participants by saying that this session requires serious engagement to understand our political system and governance. Followed by it the facilitator will ask two volunteers to distribute a copy of the Constitution to all the participants.

With the above activity the facilitator starts a power point presentation about the important features of the constitution in a demystified language like the Preamble, our Fundamental Rights, Fundamental Duties, Directive Principle of State Policy and the structure of our political system like the President, Parliament, Supreme Court of India and Executive Agencies at the Union level. Similar structure at the State level is also reflected in the presentation.

On completion of the presentation, the facilitator divides the participant in to 05- groups and asks them to engage themselves in a Participatory Learning Appraisal (PLA). Each group is provided with a flip chart and marker. The following groups will be constituted:

1. Political System at the Union level.
2. Political System at the State level.
3. Panchayat and Municipality.
4. Our Fundamental Rights.
5. Basic framework and important Chapters of the Constitution.

Each group will present their topic using the flip chart by drawing pictures and writing important provisions. The flip chart will be displayed by the participants in a conspicuous place for clear visibility.

The facilitator on the basis of above mentioned themes starts question-answer session to engage the participants in a brainstorming and to internalise the provisions and values of the Constitution.

Day-2
Technical Session-4

Module-7

Understanding Indian Legal System and Institutional Mechanisms

Session Length: 12.00 noon – 1.30 pm (1 ½ hour)

In this session an attempt will be made to acquaint the participants with the overall judicial institutions functioning in India from grassroots to apex level which are relevant for persons who are legal aid eligible as per the Legal Services Authorities Act 1987. While discussing about legal system various special courts and quasi-judicial institutions will also be covered in the presentation to make the analysis more comprehensive. Apart from it from the perspective of marginalised communities various institutions which are in place to uphold their human rights may also be reflected. In India a wide range of human right institutions for women, children, minorities, tribal, dalits etc have been functioning. The paralegal volunteers need to build understanding about the judicial system and institutional mechanisms, so that, they can help people in the community to know about institutions functioning for their protection and also can use such institutions when there is a need. Access to a variety of judicial systems and human right institutions can be effective only when there is societal awareness exists.

Learning Objectives:

1. To build knowledge among the paralegal volunteers in a demystified manner the legal system especially judicial institution and the institutional mechanisms functioning in India for the benefit of general public.
2. To acquaint the participant with various special courts like family court, consumer forum and human right courts.

Methodology cum activities:

1. Group Work to identify the courts or commissions they know. (20-minutes).

2. Experience sharing by participants about nature of case and action thereof which were referred by the participants as paralegal volunteers. (30-minutes)
3. Plenary discussion on function and jurisdiction of courts. (40-minutes)

Themes to be covered:

- a) Understanding Judicial System in India.
- b) Supreme Court of India.
- c) High Courts in the State.
- d) Subordinate Courts.
- e) Institutional Mechanism for Protection of Rights.

Expected outcome from the Session:

As a result of this session the participants shall have knowledge about role and function of judicial institutions at different level along with availability of commissions which can help people to resolve their disputes or grievances. The participants will have an occasion to understand how the courts and commissions are relevant in different context and situation.

Notes for Facilitator: The facilitator will hold a ball in his/her hand and tell the participants that the ball will be thrown to different participants randomly. Whoever receives the ball will have to tell about a court or a commission which he/she knows. The facilitator will throw the ball to at least 10 participants who will in return tell the name of a court or commission. Two volunteers will be identified from the beginning by the facilitator, of which one will write on a flip chart name of the court and other name of the commission mentioned by the participants. After identification of different courts and commissions by the participants the facilitator will also add on few more courts or commissions which are important but not covered by the participants. This exercise will be completed by 20-minutes time.

Once the list is prepared the facilitator will ask the participants to raise their hand when the facilitator names a court or commission where the participants have already visited or where they have initiated a case. Then the facilitator goes on telling the name of courts and commission one by one and asks the participants who have raised their hands to share their experience especially the reason for approaching it, procedures followed and results occurred due to intervention by the court or commission. Approximately 30-minutes will be devoted for this purpose.

Based on the findings of the above exercises the facilitator has to map the level of awareness available among the participants. Accordingly, to give an overall picture about the legal system and the institutional mechanism, the facilitator shall engage himself/herself in a plenary discussion through use of a PowerPoint presentation about the courts and institutions in India. In the presentation different themes like writ jurisdiction, family court, consumer forum at all level, human right courts and various institutions like Women Commission, Commission for Children and Human Right Commission at the state and central level is required to be covered over a period of 40-minutes.

Day-2
Technical Session-5

Module-8

Fundamentals of Crime and Law

Session Length: 2.30 pm – 4.00 pm (1 ½ hour)

In course of delivering legal services as paralegal volunteer, they often come across issues relating to crime. Sometimes the paralegal volunteers are approached by victims of crime or offences while in some occasion they may also come in contact with accused of an offence or even an under-trial or convicted person. Therefore, it is essential on the part of paralegal volunteers to have basic understanding of law relating to crime and the nature and kind of offences provided under criminal laws. Criminal law is a huge subject. It requires through understanding of the scope, applicability, ingredients, circumstances and also what is called as means *rea* or *intension*. However, looking at the role of a paralegal volunteer such a detailed study must be avoided. There is a need to understand that the paralegal volunteer is supposed to provide first-aid legal aid to victims of offences or crime, so that they get justice from the criminal justice system and also provide assistance to accused, under-trials and convicted person so that, they are also not denied the rights conferred on them. Bearing in mind the role of paralegal volunteer in this technical session an attempt shall be made to provide basic points relating to law and crime both from the perspective of victims in one hand and the perspective of accused, under-trial and convicted prisoners.

Learning Objectives:

1. To build knowledge among paralegal volunteers as how to activate the criminal justice system and the processes thereof to set into motion, so that, the victim or the suffered party or the survivor is not forced to face the perils of injustice.
2. To make the participants to acquaint with the mechanisms for the enforcement of criminal law.
3. To develop understanding among paralegal volunteers about the rights of victim, suffered party or survivor in one hand and the rights of accused, under-trials and the convicted prisoners.

4. To provide hands on experience to the paralegal volunteers regarding client counselling in a criminal case, so that rights of both the parties in an adversarial justice system is known to parties and they appreciate each others' rights.

Methodology cum activities:

1. PowerPoint presentation with lecture. (45-minutes)
2. Case Study Presentation. (15-minutes)
3. Problem Analysis. (30-minutes).

Themes to be covered:

- a) What is an Offence?
- b) Understanding Indian Penal Code and Criminal Procedure Code.
- c) Protection to the Accused.
- d) FIR.
- e) Arrest and Bail.
- f) Compensation to Victim.

Notes for Facilitator: The technical session on crime and law begins with the following questions raised by the facilitator to prepare the participants for the session:

1. What is an offence?
2. Who are the main actors or players in the criminal justice system?
3. What are major legislations that govern criminal justice system?

After collecting the views of the participants the facilitator shall start PowerPoint presentation. It is essential for the facilitator to clearly divide the PowerPoint presentation into two separate parts to inform the participants to understand the crime and law both from the perspective of the victim, survivor or the suffered party in one hand and the perspective of accused, under-trial and convicted prisoners. The presentation must cover the role of paralegal volunteers in every case. The facilitator must also tell the participant not to take any position or side with any party or even be judgemental. The paralegal has to perform a simple role in the criminal justice system by rendering first-aid legal services. Followed by the discussion the facilitator is supposed to present some case studies to make the participant understand various aspects of criminal justice.

In the last part of the session for about 30-minutes the facilitator shall engage the participant in a brainstorming. As a method of brainstorming participants will be asked to raise problems they faced or which they visualised and those who can answer the problems or those who have experiences may be asked by the facilitator to respond to the problems. It is open for the facilitator to prepare a set up problems from his or her side to be discussed in the question answer session as there is a possibility that no relevant problems are raised. To avoid such a situation important and relevant problems may be readily available.

Day-2

Technical Session-6

Module-9

Issues relating to Civil Law

Session Length: 4.30 pm – 6.00 pm (1 ½ hour)

A paralegal volunteer is supposed to know the fundamentals of civil laws as quite often they come across legal issues pertaining to marriage, divorce, separation, maintenance of wives, custody of children, guardianship, adoption and also property. These issues are mostly governed by personal laws of different religion. In many cases custom in the locality regulates the subject as per the sanction of law. Hence, the paralegals should not only know about the civil laws but also a basic understanding about customs which are in practice for different communities. Therefore, in this technical session both law and custom will be discussed and the facilitator of the session will also refer to harmonious co-existence of law and custom in a demystified version. It is necessary to bear in mind that civil law is a complex subject and it has huge coverage. The purpose of this particular technical session is not to explore the principles of civil law as it will be a time consuming process and also may not be helpful for paralegal to know for first-aid legal service. Rather the purpose of this session is to identify and locate issues which are civil in nature and governed by civil laws or customs, so that the issues within the subject are identified and strategies are decided for strategic application of law from the perspective of legal services by the paralegal volunteers.

Learning Objectives:

1. To provide an insight to the participant about the issues which are governed by civil laws and the extent to which customary laws are in operation or being practiced?
2. To identify and locate issues pertaining to civil law and also explore the customary laws relating to those issues.
3. To acquaint participants with legal knowledge for strategic application of law relating to civil laws.
4. To provide hands on experience for client counselling, amicable settlement of disputes through alternative dispute resolution mechanism and lok adalat.

Methodology cum Activities:

1. Participatory group work. (30-minutes)

2. Case study analysis. (30-minutes)
3. Role play. (30-minutes)

Themes to be covered: The following broad themes will be covered in this session with emphasis on existing laws and also the customs, practices and usages that govern issues within the civil law:

1. What is Civil Law
2. Role of Custom and Usage in Civil Law
3. Property Law: Inheritance, succession, transfer of property, Right of Power of Attorney holder, Will, Registration, Possession and Ownership.
4. Family Laws – Marriage, Dowry, Restitution of Conjugal Life, Divorce, Judicial separation, Maintenance, Custody and Guardianship.

The curriculum must cover the custom and practices on the above themes applicable to different states of North East and appropriate laws that are relevant may also be touched upon. The judicial institution like the Family Court and other civil courts may be referred if these are in operation in the concerned states.

Notes for Facilitator: In order to make the participants understand the horizon of civil laws, customs and practices it is essential that a serious engagement on the topic is required. The participants must articulate issues that are appropriate and relevant to the context. Hence, the facilitator must ensure that participants are engaged in a group work in a participatory manner to identify and locate issues like marriage, dowry, divorce, separation, desertion, maintenance, custody of children, guardianship, adoption and property rights including inheritance, succession, transfer and ownership etc. Once the issues of civil nature are identified and located the participants must have strategy to address the issues through first-aid legal services. Therefore, the facilitator allots 30-minutes to engage the participants to identify and locate issues as well as law, custom and practice. The issues identified are written on a flipchart and exhibited in a conspicuous place. These subjects are then taken for review in the remaining period.

The facilitator shall randomly identify 5-different case studies on the identified issues from the participants. The facilitator devotes 30-minutes for case study analysis. The purpose of case study analysis is to examine a case, develop strategy to address it and build consensus about possible role of paralegal volunteer. Therefore, the following points must be taken into consideration:

1. What are the laws, custom and practices prevalent in the area on the identified issues?
2. What institutions are there both formal and informal to address the issues?
3. The limitation of paralegal volunteers in addressing the issues.

After the analysis of the case studies the facilitator shall ask the participants to devote 30-minutes for role play in the matter of client counselling and amicable settlement of dispute. In this regard the facilitator shall constitute two groups for role play on the above two themes. The facilitator will give them case studies for role play. The groups will handle the matter. All other participants are required to observe the process of client counselling and amicable settlement of dispute and offer their opinion after the role play. The facilitator closes the session with announcement of do's and don'ts for paralegal volunteers.

Day-3

Module-10

Exposure Visit

Session Length: 9.30 am – 1.30 pm (4- hours)

As an inbuilt programme an exposure visit shall be arranged as a part of the 3-day training programme for paralegal volunteers. The exposure visit shall be focused on women and children. The purpose of the exposure visit is to provide the paralegal volunteers to have first-hand experience and practical knowledge about the structure and functions of institutions working for women and children. Through the exposure visit the paralegal volunteers will also learn the procedure and personnel of the relevant institutions so that, they can make use of such institution and contact the right persons whenever there is a need. It will be an occasion to provide onsite training to the paralegal volunteers on laws relating to women and children and giving them the opportunity to observe how the laws are being translated into action by the institutions created under law. Keeping this in mind it is important for the facilitator to give the participants adequate information and inputs at the time of exposure visit. The facilitator will also ensure that the participants during the exposure visit get the opportunity to interact with the stakeholders of the concerned institutions and also come to learn specific case studies.

Learning Objectives:

1. To build practical knowledge among participants on issues relating to women and children.
2. To provide opportunity to the participants to have first-hand experience and practical knowledge about structure and function of institutions working for women and children.
3. To create opportunity to interact with the stakeholders of institutions working for women and children and also learn directly from case studies.
4. To enable participants to oversee how laws relating to women and children are translated into action through institutional arrangement.

Methodology cum Activities:

- Visit to Women related Institution like Women Commission/Office of the Protection Officer created under PWDV Act. (2-hours)
- Visit to Children related Institution like Commission for Children/Child Welfare Committee or Juvenile Justice Board constituted under Juvenile Justice Act. (2-hours)

Topics to be covered:

1. Relevant laws relating to women like National Commission for Women Act, 1990 (Act No. 20 of 1990) and relevant regional law or Protection of Women from Domestic Violence Act, 2005.
2. Relevant laws relating to children like *Commission for Protection of Child Rights Act*, 2005 or the Juvenile Justice (Care and Protection of Children) Act, 2000.

Expected Learning Outcome:

1. Knowledge about structure and function of statutory bodies working for women and children.
2. Practical understanding about rights of women and children.
3. Information relating to institutions and their procedures as well as the functionaries which will be followed for creating access to justice.
4. To overcome fear factor/apprehensions/misunderstanding about institutional arrangement for its proper use.

Notes for Facilitator: The following steps are required to be undertaken much before the actual exposure visit:

1. Decide which institution the participants are going to visit.
2. The transport method and the time required for travel to the site.
3. Fixation of appointment with the institution particularly the availability of the stakeholders for interaction and communication with case studies.
4. Logistic aspect especially the space available for 50-trainees to visit the institution at a time.
5. Briefing material to share with the participants about the nature of institution, the law under which it is constituted and manner in which it functions.

Day-3

Module-11

Sharing of experience of Exposure visit

Session Length: 2.30 pm – 3.30 pm (1- hour)

For the purpose of revision of knowledge gained through exposure visit and also to build consensus among the participants about the role and function of the institution visited, a sharing of experience session will be held after the exposure visit. The facilitator must ensure before the exposure visit to ask the participants to carry their notebooks with them and prepare brief notes at the time of visit to institutions. At the time of sharing of experience the participants will be given the liberty to make use of their notes for reference. Approximately one hour will be devoted for sharing of experience and to bring about clarity about the knowledge.

Learning Objectives:

1. To revise the knowledge gained through exposure visit with a view to improve the level of understanding.
2. To revisit the learning theoretically to reinforce the broader knowledge.
3. To provide opportunity to participants to clear doubts that they have developed during exposure visit.

Methodology cum Activities:

1. Written notes on exposure visit. (30-minutes)
2. Interaction by Participants. (15-minutes)
3. Plenary discussion for clarifications. (15-minutes)

Notes for Facilitator: In the experience sharing session the facilitator will distribute cards to the participants to write bullet point notes about the institutions they visited. Each participant will be asked to write their names in the note sheet. In this regard the following questions will be answered on the cards by the participants in bullet point:

1. The name of the institutions visited and what is its purpose?
2. The law under which it is constituted?
3. What are the functions of the institution?
4. How these institutions can be approached to ensure access?

Apart from giving the response to the above specific questions by the participants, everyone will be asked by the facilitator to write a short note about their overall impression and feeling about the institution. The participants will also be asked to write the nature of cases that can be referred and example thereof preferably with a case-study.

The facilitator will collect the note sheets from the participants and ask someone having knowledge to review the statements given. The note sheets will be given back at the end of the programme with necessary correction to the participants for their reference.

After collection of note sheets, the facilitator will engage the participants in a plenary to have an interaction among themselves for 15-minutes on the following points:

1. The relevance of the institutions to legal aid eligible.
2. The matters which cannot be referred to such institutions?

The last 15-minutes of the session will be devoted for clarifications and analysis of exact position of law. The facilitator must clarify the points discussed by the participants on the above two points. The facilitator must also tell the participants which is right and which one is wrong to remember along with Do's and Do not's. By this time the facilitator will also have the findings of the review of note-sheets. Before, giving the note-sheets back to the participants the facilitator using a technique of quick appraisal send correct answers to the participants.

Day-3

Module-12

Valedictory Session

Session Length: 3.45 pm – 5.15 pm (1 ½ hours)

There shall be a formal valedictory session at the end of the 3-days training programme for paralegal volunteers. The purpose of this session is to give the participants an occasion to revisit their learning and consolidate the overall knowledge that they have learnt over a period of 3-days. An attempt will also be made to collect views from the participants about the programme and make an attempt to review the kind of improvement occurred to the knowledge of paralegal volunteers. To motivate the participants at the end of the programme, there shall be a formal valedictory address by an eminent person from the field of law and justice. The presence of representatives of Legal Services Authorities will be an added advantage to engage the paralegal volunteers in the right direction.

Learning Objectives:

1. To collect the views and opinions of participants about the programme.
2. To make an evaluation of the improvement of knowledge occurred to the participants as a result of attending the 3-days training programme.
3. To close the programme in a formal manner with concluding remarks to motivate and engage the participants in promotion of access to justice.

Methodology cum Activities:

1. Feedback of participants collected in questionnaire format (**Annex-3**). (30-minutes)
2. Post Evaluation in a questionnaire format (**Annex-2**). (30-minutes)
3. Formal Valedictory address in a plenary session. (30-minutes)



Chapter-V

2-Days Refresher Training Modules

Chapter-V

2-Days Refresher Training Modules.

Day-1

Module-13

Introductory Session

Session Length: 10.00 am to 10.30 am (0.30-hour)

At the beginning of the 2-Days Refresher Training, after the registration of participants, an introductory session will be held to welcome the PLVs. The introductory session will be an occasion to inaugurate in a very informal way the refresher training by the Member Secretary or representative of State Legal Services Authorities. In this session the organiser shall deliver a keynote address containing messages like the purpose and design of Refresher Training. In this occasion a special mention will also be made about the overall structure of the previous training, the lessons learnt from that training, the relevance of the previous training and how it must have been put to use in practical field. Effort will be made to make the participants revisit the previous training and contextualise the significance of refresher training. In the introductory session there shall be a presentation about the purpose, method, content and goal of the refresher training by the organiser.

Learning Objectives: This session shall have the following objectives:

1. Introduction of the basic purpose of the training by the organisers.
2. Introduce the programme design, content and methods to the participants.
3. Introduce the facilitators and the resource persons.
4. Familiarise the participants with the overall goal of the programme.

Methodology cum activities:

1. Welcome to the programme.
2. Opening remark by the organiser about the refresher training.
3. Inaugural address by the Member Secretary or the representative of SLSA.

Themes to be covered:

At the beginning of the 2-days refresher training a warm welcome to the participants will be offered. The participants of the training are attending the refresher training which is a second occasion for them to attend such training and meet each other as they previously attended the 3-days training before 3-months. Hence, in the welcome address a reference will be made about the previous training and informing the participants that the present training is a follow up to the previous programme to refresh them about the subjects dealt in the previous training and to clear doubts of participants which they might have faced in course of their involvement in the community.

Soon after the welcome address a keynote address shall be delivered by the organisers or the facilitators. The keynote address will firstly, remind the participants about the previous training by dealing with the following points:

- What topics were covered in the 3-days training?
- What we learnt from the 3-days training?
- How relevant the 3-days training was?

Secondly, the keynote address shall cover the structure and programme design of the 2-Days Refresher Training by highlighting the following points:

- Programme design.
- Programme contents.
- Methodologies to be applied.

Followed by the keynote address, a formal inaugural address shall be made by the Member Secretary or the representative of SLSA. In the inaugural address emphasis will be given on the practical engagement of paralegal volunteers in the field to help legal aid eligible or the marginalised to gain access to justice. It will be more lively if successful case studies about the role of paralegal volunteer is shared from the experience in the inaugural address. Few examples will also be shared about possible challenges or difficulties a paralegal volunteer might face in the community while rendering legal services with a view to share the concerns of SLSA on common feelings of paralegal volunteers. Such sharing of practical difficulties will convey a message to the paralegal volunteers that the SLSA is alive to their problem. It is also necessary at this stage to suggest few strategies to overcome the challenges which will inculcate confidence to live up to the expectations from the paralegal volunteers.

Notes to Facilitator: The Facilitator must bear in mind that the trainees are not new and attending the training for the second time. They may not have the initial inhibitions or unspecified thoughts. Considering this, it is suggested to ask the participants just after the registration but before the introductory session to write their experiences during the last 3-months after the 3-days training briefly on a cardboard and display in a conspicuous place. Similarly, flip-charts with marker must be displayed in appropriate place where the participant can easily write their expectation from the training. The facilitator must have a glance on the expectations of the participants and make an attempt to quickly integrate in the overall training schedule. The facilitator must carry a programme schedule in hand while introducing the content, method and design of the training to emphasise that the sessions are meant for clearing of doubt and all sessions have a link with previous training.

Day-1

Module-14

Experience Sharing

Session Length: 10.30 am – 11.45 am (1.15 hour)

The refresher training is being held 3-months after the previous training of 3-days duration. In the previous training each paralegal volunteer was provided with a work-diary to note the activities done by the paralegal volunteers in respect of access to justice. Therefore, in the refresher programme there shall be a session to share experiences by the paralegal volunteers based on their work-diary. It will be an open session when the paralegal volunteers will be given an opportunity to share the issues they dealt with. The paralegal volunteers are expected to share specific steps taken by them to ensure access to justice. Since, in the previous training legal service in various context like fundamental rights, criminal justice, civil matters and rights of women and children were discussed in various session and an exposure visit was also arranged, the paralegal volunteers would be encouraged to share the nature of legal services given in such contexts by them while working with the community. The paralegal volunteer will be at liberty to share both success stories and also challenges faced by them. This session will be especially devoted to invite views and experiences of paralegal volunteers.

Learning Objectives: The following objectives are expected to be accomplished:

- To assess the extent of understanding gained by paralegal volunteers from the 3-days training.
- To measure the level of involvement in promoting access to justice and the intensity of work at the community level.
- To understand the nature and scope of work of paralegal volunteers to strengthen access to justice.

Methodology cum activities:

- Group Discussion. (30-Minutes)
- Presentation by Groups in a plenary. (30-Minutes)
- Consensus building on Best Practices. (15-Minutes)

Themes to be covered:

- What did you do after 3-days training - How the Lessons Learnt were used in Practice.
- What Success was noticed?
- How many cases were identified and submitted for Legal Aid.
- What other steps have been taken – Lodged FIR, undertaken counselling, approached Lok Adalat etc?
- Problem and Challenges faced.

Notes to Facilitator: Since this is an open session to engage the participants to share their experiences unhesitatingly and without any reluctance, the facilitator will ask the participants to divide them into groups (for 50-participants 5 groups will be constituted with 10-participants in each group) on the basis of a role call. The participants will be given the following tasks for discussion in the group:

- How the Lessons Learnt were used in Practice?
- What Success was noticed?
- How many cases were identified and submitted for Legal Aid and other steps taken?
- Problem and Challenges faced.

Approximately 30-minutes will be devoted for group discussion. Each group is required to write down specific steps taken by the members in their respective groups in a flip-chart highlighting the following aspects:

- Number of cases referred for legal service,
- Issues addressed,
- Results occurred.

The findings from the group discussion will be presented in a plenary for approximately 30-minutes. Each group will be given equal time to present their group report.

After group discussion 5-10 minutes shall be devoted to identify “**Best Practices**” by the PLVs from their presentation. The facilitator shall write the **Best Practices** on a flip chart which is visible to all.

At the end of the presentation the facilitator with the help of the representative of SLSA present in that session shall offer tips to the paralegal volunteers. The do’s and do not’s which were discussed in the 3-days training will again be shared with the participants on small card boards which participants can keep for long duration. Similarly, solution to problems encountered and challenges faced shall be extensively discussed to make the PLVs develop strategies at their level to overcome such problems and challenges.

Day-1

Module-15

Case Study Analysis and Problem Solving

Session Length: 12.00 noon to 1.15 pm (1.15 hour)

As this is a refresher course for paralegal volunteers adequate scope must be made available to share the case studies that the paralegal volunteers have taken up or have come across during the intervening period of 3-months after attending the 3-days training. Supposedly the case studies would be of different nature and subjects. Attempt is therefore required to be made to categorise the case studies under the broad themes covered in different sessions in the 3-days training programme like constitutional matters covering different fundamental rights cases, criminal matters and civil laws. As far as criminal law is concerned there must be cases of victims of crime, accused and under-trial as well as convicted prisoners. Similarly in case of civil laws cases of different nature like marriage covering issues such as maintenance, restitution of conjugal life, custody, judicial separation, divorce, compensation and dowry as provided under different personal law, property covering issues like succession, transfer, inheritance and possession etc will be dealt with. It may also be required to identify appropriate courts under whose jurisdiction the cases to be filled. In this broad context a session will be devoted where there shall be an opportunity for paralegal volunteers to directly interact with lawyers to resolve the issues and for the purpose of problem solving. This session will be an interactive session to address cases where the paralegal volunteers do not find answers to settle it.

Learning Objectives:

1. To provide a platform for the paralegal volunteers to highlight cases of different nature which they have identified or addressed in the process of promoting access to justice before a panel of lawyers for practical guidance.
2. To help paralegal volunteers to directly interact with lawyers to resolve doubts concerning different cases that they have come across.

3. To enhance understanding and knowledge of paralegal volunteers with practical reference to cases which they face in course of their engagement in the field.

Methodology cum activities:

- Constitution of a Panel of Lawyer.
- Case Study Presentation **(30-minutes)**.
- Problem Solving Advice **(45-minutes)**.

Themes to be covered:

- Constitutional matters especially the fundamental rights conferred on citizens and persons under Chapter III of the Constitution of India.
- Criminal justice and law: protection of victim or survivor of offences, right of accused, right of under-trial and rights of convicted prisoners.
- Civil Laws: Family laws, marriage laws and property laws.
- Judicial system and jurisdiction of courts: Supreme Court, High Court, District and Sessions Court, Chief Judicial Magistrate, Judicial Magistrate, Taluk level courts, Tribunals, Commissions and Ombudsman.

Notes to Facilitator: The Facilitator has a very important role to play in this session as this session provides opportunity for interface between the paralegal volunteers and a panel of lawyers to make an analysis of cases identified by paralegal volunteers. The purpose is to clear the doubts among the paralegal volunteers about different cases and offer solutions to resolve the matters. In view of the overall goal of the session, the facilitator will constitute a panel of lawyers. The panel of lawyers will consist of experts from different discipline like constitutional matters (writ), criminal laws and civil laws including personal laws. The panel of lawyers will be seated in a semi-circle arrangement. The participants will sit facing the lawyers. The session will be started with an introduction of lawyers. The facilitator will make it clear from the very beginning of the session that the purpose of the session is to clear doubts that prevails among paralegal volunteers. The lawyers will be requested to answer the question of PLVs in a simple easy to understand language.

To make the interaction effective initially theme wise cases will be identified covering themes like constitutional matter, civil matter and criminal matter. The issues identified will be reflected on a flipchart to be hanged in different strategic locations in the room where the flipcharts are clearly visible.

The facilitator will carry forward the interaction by asking PLVs to present their cases one by one. Once a presentation by a PLV is over the facilitator will ask the PLVs to raise their hand if they have also similar issues or doubts. The facilitator will ask the panel of lawyers to suggest or clarify doubts. Wherever feasible, immediate steps will be decided to resolve the matter in reality.

Skill Building and Hands on Experience

Session Length: 2.15 pm to 3.30 pm (1.15 hour)

As a part of refresher programme, there shall be a session to be devoted especially for offering hands on experience and building skills to the paralegal volunteers for promotion of access to justice. So far in the 3-Days training and previous sessions of 2-Days Training the participants come to know about their role as paralegal volunteers, the horizon of access to justice and various context in which legal services can be rendered. In this session the paralegal volunteers will learn through practical guide to deliver services which they are supposed to do. In this regard the paralegal volunteers will be given tips to organise Legal Aid Clinic, Legal Awareness Camp and facilitate the process of Client Counselling, Mediation, Lok Adalat, Plea Bargaining etc. It is expected that through learning various methods to deliver services as paralegal volunteers the process of access to justice can be clearly understood for practical application. The refresher training intends to orient the paralegal volunteers with average required skills so that they can perform in their respective area of work.

Learning Objectives:

1. To build basic skills among paralegal volunteers to effectively render legal services at the community level and also while dealing with clients.
2. To provide practical guide to the paralegal volunteers to organise various programmes for effective delivery of legal services and promotion of access to justice.
3. To enable participants to understand strategies that may be applied in various context for securing access to justice.
4. To make the paralegal volunteers to have clarity about their role and responsibilities in various spheres of legal services.

Methodology cum activities:

- Analysis of processes and strategies of organising different programme and sharing important steps in organising programmes. **(30-minutes)**
- Role Play by Participants. **(30-minutes)**

- Screening of Documentary Film. (15-minutes)

Themes to be covered:

The session on Skill Building and Hands on Experience shall revolve round various types of programmes which are already in use for delivery of legal services and promotion of access to justice like the following:

1. Legal Service Clinics to identify legal issues which requires legal services in court proceedings. It includes legal advice and legal aid.
2. Legal Awareness Camps to generate awareness among general public especially the legal aid eligible in the communities.
3. Client Counselling.
4. Mediation.
5. Lok Adalat
6. Plea Bargaining.

Notes to Facilitator: The facilitator must bear in mind in this session that the purpose of this session is to expand the horizon of access to justice by giving practical tips to paralegal volunteers to make them understand how they can reach out to the legal aid eligible and the community at large. In this regard the facilitator shall discuss various strategies with the paralegal volunteers. These strategies include the following:

1. Legal Service Clinics.
2. Legal Awareness Camps.
3. Client Counselling.
4. Mediation.
5. Lok Adalat
6. Plea Bargaining.

After briefing the above strategies, the facilitator is required to ascertain from the participants other means of delivering services by the paralegal volunteers. At this stage a consensus is to be built in a consultative process with the trainees about possible legal intervention strategies which can be really effective to render legal services in the practical field. Once the possible interventions are identified the facilitator goes on giving practical guides and examples with important steps required to be taken in conducting the above programmes.

The best method to engage the participants is to conduct a **Role Play** by the participants. So, the facilitator may ask the participants to demonstrate in the training how they plan to conduct the above programme. The facilitator may only suggest the **Do's and Do Not** to the participants on observing the role play by participants.

Day-1

Module-17

Communication, Drafting and Record Keeping

Session Length: 3.45 pm to 5.00 pm (1.15 hour)

Basic skills in effective communication, drafting and record keeping are essential elements to render legal services in its various dimensions by paralegal volunteers. In fact there is a felt need to train paralegal volunteers in building their basic skills in the above areas. The purpose of the session is not to take a special lessons on communication, drafting and record keeping as separate subjects rather the purpose of the session is to convey that these are essential elements which are integral part of the overall role of paralegal volunteers for rendering legal services and promotion of access to justice. Hence, this session has a direct link with the 3-Days training which the paralegal volunteers have undergone earlier. Here in this session an attempt will be made to give an insight to the paralegal volunteers to understand and design various approaches for effective communication, minimum skills for drafting petitions and representations as well as build a mechanism at their level for record keeping which is well organised, systematic and easy to handle. In this session the facilitator must come prepared to convey the message that unless paralegal volunteers learn effective skills in communication, drafting and record keeping, their work will not be goal oriented.

Learning Objectives:

1. To develop basic skills of paralegal volunteers concerning communication, drafting and record keeping with practical lesson and examples.
2. To make the paralegal volunteers understand that effective communication, proper drafting and systematic record keeping as essential elements in the process of rendering legal services.

Methodology cum activities:

- Demonstration by Participants on Communication **(20 minutes)**.
- Exercise on writing Petition and Representation. **(20-Minutes)**.
- Demonstration on Filing, Record Keeping and maintenance of Work Diary. **(20-minutes)**.

- Power Point Presentation on Communication, Drafting and Record Keeping. **(Total 15 minutes @ 5-minutes each after every exercise mentioned above).**

Themes to be covered:

1. Communication: Basic skills and techniques of effective listening, conversation, feedback, verbal communication, written communication and channels of communication.
2. Drafting: Basic elements of a good drafting - petitions, representations and seeking relief as well as skills in question formulation, writing applications and filling of forms etc.
3. Record Keeping: Maintenance of Register, Daily work Diary, Filling and arrangement of inward and outgoing communications, case record management and indexing.

Notes to Facilitator: The focus of the session will be on enhancing practical knowledge on communication, drafting and record keeping. What is important for the facilitator is to bear in mind that everyone in one or other manner does these things in different way. That means these are natural qualities. This session would therefore draw the existing the knowledge among the participants concerning communication, drafting and record keeping with the intension to help participants to improve these qualities with an amount of professionalism, ethics and efficiency. With this broad understanding, the facilitator will arrange the session where practical skills with regard to communication, drafting and record keeping are imparted.

The facilitator, therefore, is required to start the session with a brief description about the themes to be covered. Followed by it the following 3-methods will be made:

1. Arrange a demonstration of communication by the participants on any legal issue. Approximately 20-minutes will be utilised followed by 5-minutes power point presentation on various aspects of communication.
2. Arrange a demonstration of drafting with giving a theme. Participants will be asked write a petition to any authority and representation to any commission with seeking relief. 20-minutes will be devoted for drafting by participants followed by 5-minutes power point presentation on major elements in effective drafting.
3. Exhibit various registers, filling system and method of indexing with maintenance of work diary to make participant understand systematic approaches to record keeping. 20-minutes will be devoted for practical guide and 5-minutes power point presentation highlighting major steps for systematic record keeping.

Day-2

Technical Session

Module-18

Gathering Evidence to build a case - The use of Right to Information Act

Session Length: 10.00 am to 11.00 am (1.00 hour)

The purpose of this session is to acquaint the paralegal volunteers with the Right to Information Act, 2005 with a view to enhance their knowledge and capacity in using public information as a tool for advancing rights and entitlements of legal aid eligible especially the marginalised. It is well understood that due to marginalisation and helplessness situation many a time the legal aid eligible or the applicants for legal service do not have adequate information and evidences in support of their claims. Turning back the legal aid eligible or the applicant for legal services merely because they do not possess required document would be inappropriate and there is a possibility that only because of non-availability of information or documentary proof the rights and entitlements will be denied. Hence, the paralegal volunteers are expected to play a proactive role in gathering public information in the interest of justice. Hence, in this session required skills and information will be supplied to paralegal volunteers to use Right to Information Act as a tool to gather evidence for building a case of marginalised or the applicant for legal services to secure their right.

Learning Objectives:

1. To acquaint the paralegal volunteers with the provision of Right to Information Act, 2005 and procedures for obtaining public information in accordance with the law.
2. To impart knowledge to use Right to Information Act as a tool for empowerment.
3. To build capacity of paralegal volunteers in using the Right to Information Act to build a case to secure justice.

Methodology cum activities:

- Case Study Presentation. **(10-Minutes)**
- PowerPoint Presentation on provisions of RTI Act **(15- minutes)**.
- Demonstration of Procedure for obtaining Public Information **(10-minutes)**

- Question-Answer session with the participants on procedural aspects of the Law **(10minutes)**.
- Practical exercise by the Participants. **(15-minutes)**.

Themes to be covered:

1. Right to Information Act, 2005.
2. Right to Information Rules of Central and State Government.
3. Central Guidelines on Right to Information.

Notes to Facilitator: The session begins with the facilitator asking the following questions to the participants:

1. What is Public Information?
2. What is Right to Information Act?
3. Did any participant ever use RTI Act for collecting public information? If yes the participants are asked to share what was the purpose of collecting public information.

After asking these questions the facilitator starts sharing a successful case study where as a result of using Right to Information Act the rights of individual or a group of individuals could be accomplished.

Consequently, the facilitator makes a power point presentation about the provisions of Right to Information Act, 2005 along with Central and State Rules.

Followed by it the facilitator demonstrates the procedures for obtaining public information from Public Information Officer (PIO) using the prescribed proforma and manner through which application fee is to be paid. Here emphasis is given on formulation on effective questions on which public information is being sought.

A question-answer session begins after demonstration of procedure for clearing doubts among participants. Finally, the participants are given an opportunity to learn by practising the use of RTI. For this purpose the facilitator supplies the prescribed proforma to all participants and asks them to fill it up. One or two sample application so developed by participants is taken up by the facilitator for review and further clarification. The session ends with the facilitator giving addresses of State Information Commission and Central Information Commission along with information about Helpline and Website of State and Central Government. A copy of Guideline concerning Right to Information is also circulated.

Day-2

Technical Session

Module-19

Women, Child and Law

Session Length: 11.15 am to 12.15 (1.00 hour)

Women and children are legal aid eligible without a means test as per the Legal Services Authorities Act, 1987. In the recent years there have been a plethora of legislations enacted for the welfare, protection and development of women and children. These legislations confer various forms of rights and entitlements on women and children. Besides, the family laws also provide protection of various natures to women and children. In fact, the legal framework for women and children is now broad based and covers various aspects of life. It is in this regard essential that the paralegal volunteer must know the overall legal framework that exists for protection and welfare of women and children, so that, appropriate strategy can be adopted for promotion of access to justice for women and children. This session bears significance especially because in the first phase training of 3-days duration the participants had been given an opportunity for an exposure trip to institutions created under different law for women and children. Thus, the participants have already learnt the need and provision for women and children. This session will therefore focus on the overall legal framework for women and children in the context of access to justice.

Learning Objectives:

1. To acquaint the paralegal volunteers with laws and legal provisions relating to women and children.
2. To develop understanding of paralegal volunteers regarding access to justice for women and children in the broader premise of the existing legal framework.
3. To build the skill of paralegal volunteers for appropriate client counselling while working with women and children.

Methodology cum activities:

- Engagement of participant for identification of issues **(20-Minutes)**.
- PowerPoint Present on Laws **(20 minutes)**.

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- Case Study Presentation and Question-Answer **(20 minutes)**.

Themes to be covered:

1. Laws relating to Women.
 - a) The Protection of Women from Domestic Violence Act, 2005.
 - b) The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
 - c) The Criminal Law (Amendment) Act, 2013.
 - d) The Dowry Prohibition Act, 1961.
 - e) The Maternity Benefit Act, 1961.
 - f) The Equal Remuneration Act, 1976.
 - g) Victim Compensation Scheme.

2. Laws relating to Children.
 - a) The Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Amendment Act, 2002.
 - b) Infant Milk Substitute, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1994 with Amendment Act, 2003.
 - c) The Registration of Birth and Death Act, 1969.
 - d) The National Food Security Act, 2013
 - e) The Right of Children to Free and Compulsory Education Act, 2009.
 - f) The Juvenile Justice (Care and Protection of Children) Act, 2000.
 - g) The Child Labour (Prohibition and Regulation) Act, 1986.
 - h) The Prohibition of Child Marriage Act, 2006
 - i) The Protection of Children from Sexual Offences Act, 2012.
 - j) The Young Person (Harmful Publications) Act, 1956.

Notes to Facilitator: In this session the facilitator would make an attempt to develop various approaches to strengthen access to justice for women and children. Bearing this in mind the facilitator will start the session to ascertain the issues pertaining to women and children from the paralegal volunteers which they consider important or they feel that women and children have such kind of legal issues. It will be identified through asking the participants the following questions:

1. What are the legal issues that women and children face?
2. What legal recourse is available for women and children?
3. How access to justice can be realised for women and children?

The issues so identified in consultation with the participants shall be highlighted on a flip-chart or if available on a power point presentation.

After identification of issues of access to justice for women and children with the involvement of participants, the facilitator will make a presentation of a pre-developed power point presentation on various laws relating to women and children which are mentioned under themes to be covered.

Followed by it there will be a space for analysis of case studies on specific subject of law which were discussed. The participants would be asked to share case studies so that the level of understanding of different laws for women and children among the participants can be measured. However, the facilitator must have few case studies in hand on different laws to send the right message to the participants. Immediately after sharing of case studies a couple of minutes would be spared to respond to the questions of the participants.

Note: As addressing the legal issues of women and children require different approach and understanding, the participants would be given to understand what are the right approaches to reach, ascertain and conduct cases relating to women and children? The basic minimum protection policies to be followed to uphold the dignity of women and children throughout the process of a case should also be discussed with the participants.

Day-2

Technical Session

Module-20

Welfare Legislations and Social Security Schemes

Session Length: 12.15 am to 1.15 pm (1.00 hour)

Various welfare legislations have been enacted and social security schemes are in operation for the benefit of legal aid eligible especially the marginalised communities. These laws have a direct positive bearing to improve quality of life of people in various contexts. The benefit of such laws can reach the target beneficiary only when there is ground level effort to bridge the gap between the provisions of welfare legislation and the beneficiaries. In this regard the paralegal volunteers can play a pivotal role as social engineers. This necessitates appropriate skill transfer to the paralegal volunteers to engage them for creation of awareness about the welfare legislation and also for its proper implementation. The entitlements provided under different laws can be availed and realised through proper recourse to the laws. Hence, there shall be a special session to share with the paralegal volunteers about their role in the implementation of welfare legislation and social security schemes along with strengthening access to justice for realisation of entitlements provided under welfare legislations and social security schemes.

Learning Objectives:

1. To acquaint the paralegal volunteers with provisions of various welfare legislations and social security schemes with a view to enhance easy access to such welfare measures by legal aid eligible and marginalised.
2. To sensitise the paralegal volunteers about their role as social engineers in the spear of welfare legislation and social security schemes.
3. To help paralegal volunteers acquire skill and strategies to assert rights and entitlements conferred under welfare legislation and social security schemes for marginalised.

Methodology cum activities:

- Screening of documentary film clippings **(20-minutes)**.
- PowerPoint Presentation **(20-minutes)**.
- Question answer for clearing doubts **(20-minutes)**.

Themes to be covered:

1. Welfare Legislations:

- a) Mahatma Gandhi National Rural Employment Guarantee Act, 2005.
- b) Maternity Benefit Act and legislations on Crèche Facility for Children of Working mother.
- c) Labour Welfare Legislations like Minimum Wages Act, 1948, Workmen's Compensation Act, 1923, Unorganised Workers Welfare and Social Security Act, 2008, The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, The Industrial Disputes Act, 1947, The Bonded Labour System (Abolition) Act, 1976, Equal Remuneration Act, 1976, Child Labour (Prohibition and Regulation) Act, 1986, The Building and other Construction Worker's Welfare Cess Act, 1996.
- d) Maintenance and Welfare of Parents and Senior Citizen's Act, 2007.
- e) The National Food Security Act, 2013.
- f) Mental Health Act, 1987.
- g) The Persons with Disability (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

2. Social Security Schemes:

- a) Old Age Pension.
- b) Widow Pension.
- c) Disability Pension.
- d) Relief and other Public Assistance.
- e) Compensation and Insurance.
- f) Scholarships and Stipends for Minorities, Scheduled Castes and Scheduled Tribes.

Notes to Facilitator: The session starts with a screening of documentary film clippings on welfare legislations like MGNREGA and social security schemes such as Pension for Physically Challenged and Old Age Pension. After screening of the film the facilitator briefly holds an interaction with the participants about the welfare legislations and social security schemes to understand the level of information already available with the participants. In course of discussion with participants the facilitator gradually shifts to a power point presentation already prepared covering important social welfare legislations and social security schemes being run by central and state government. The themes mentioned above must be reflected in the power point presentation.

It is to be remembered that due to paucity of time within which a large number of subjects to be covered, the facilitator shall not go into details of the legal provision. In fact, the purpose is not to train the paralegal volunteers about the details of the law but to highlight the entitlement and approach to assert it. Hence, major points and highlights covering the following aspects would be mostly covered:

- a) Brief objective of the law.
- b) Nature of entitlement provided.
- c) Eligibility criteria for beneficiaries.
- d) Application procedure and methods.
- e) Institutional arrangement to seek entitlement.
- f) Grievance Redress Mechanism.

Soon after the power point presentation, a question answer session would follow to clear doubts and also to ascertain practical experiences. Some amount of problems concerning legal issues may also arise in course of question-answer. The facilitator may offer legal solution to such identified problems. The session will end with distribution of resource materials if available on different welfare legislations and social security schemes.

Preparation of Action Plan

Session Length: 2 .15 am to 3.15 pm (1.00 hour)

At the end of the sessions on different subjects, there shall be an exercise by the paralegal volunteers to draw a plan of action for themselves to promote access to justice. In fact, a training becomes meaningful only when it ends with growth of knowledge and a commitment to translate the knowledge into actual practice. Some sort of planning to use the skills for realisation of goal as a matter of commitment would result in engagement of paralegal volunteers in the process of promotion of access to justice and it also strengthen their knowledge with practical experiences. Hence, as an integral part of the refresher training some space will also be offered for future planning as envisaged by the paralegal volunteers as a result of attending the training in two phases.

Learning Objectives:

1. To engage the paralegal volunteers in the process of planning to give expression to their knowledge and skill.
2. To enable paralegal volunteers to articulate and design a strategy which can advance their knowledge towards logical end and result oriented goal.
3. To offer opportunity to explore innovations and the potentiality of paralegal volunteer.

Methodology cum activities:

- Group Work. **(30 minutes).**
- Group Presentation. **(30 minutes).**

Themes to be covered:

1. Planning for One year with Milestones and Indicators.
2. Maintenance of Work Diary.
3. Network Building and Exchange of Experiences.

Notes to Facilitator: The facilitator has a significant role to play in this session for planning for future intervention. What is important to bear in mind that there is always a stereo-type feeling that in a particular way and specific activities can only be undertaken by the paralegal volunteers. However, there is a possibility that the paralegal volunteers have the potentiality to explore new ideas and workout innovations to make the programme most effective. In view of this the exercise to plan for future must be free from biases and inhibitions. The paralegal volunteers must be given freehand to plan their role in future. Such freedom to plan is necessary to measure the success of the training. In this regard the facilitator will provide the following broad framework to the paralegal volunteers to develop work plan for one year:

Framework for Planning			
Activities	Timeline	Milestone	Indicator

Apart from the exercise for planning, a small note comprising of the following activities shall be handed over to paralegal volunteers for the possible day-to-day work as paralegal volunteer:

1. Legal Awareness.
2. Client counselling.
3. Legal aid clinic.
4. Mediation.
5. Legal service for access to justice.
6. Record keeping.
7. Legal assistance for benefit under social security schemes.

Valediction

Session Length: 3.30 pm to 5.00 pm (1.30 hour)

There shall be a formal valediction of the Refresher Training at the end of the second day. The valedictory session would be the occasion for collection of feedback from the participants about the training and also undertake a post-evaluation to measure the impact of the training. There shall be a valedictory address by a guest to be invited from judiciary along with speech by the Member Secretary of State Legal Services Authority. On this occasion Certificate of attending the 2-phases training shall be given away to the participants by the Chief Guest.

Learning Objectives:

1. To collect the views and opinions of participants about the refresher programme.
2. To make an evaluation of the improvement of knowledge occurred to the participants as a result of attending the 2-days refresher training programme.
3. To close the programme in a formal manner with concluding remarks to motivate and engage the participants in promotion of access to justice.
4. To distribute certificate of participation in the training.

Methodology cum activities:

- Feedback Session (**30-minutes**).
- Post Training Evaluation (**30 minutes**).
- Valediction with Concluding Remarks and Distribution of Certificates to PLVs (**30 minutes**).



Chapter-VI
Curriculum for Training

Day one, Time: 2.30 to 4.00 pm

Understanding the Concept of Paralegal Volunteer

Themes to be covered:

1. *What is Para Legal Volunteer:*

Paralegal volunteers are engaged to ensure legal aid reaching all sections of people. The Para-Legal Volunteers (PLVs) are expected to act as intermediaries bridging the gap between the common people and the Legal Services Institutions to remove impediments in access to justice. Ultimately, the process aims at Legal Services Institutions reaching out to the people at their doorsteps rather than people approaching such Legal Services Institutions.

With the basic knowledge in the laws and other available welfare measures and legislation, they would be able to assist their immediate neighbourhood; Those who are in need of such assistance, so that a person, who is not aware of such right is not only made to understand his rights, but also will be able to have access to measures involving implementation of such rights.

PLVs are not only expected to impart awareness on laws and the legal system, but they must also be trained to counsel and amicably settle simple disputes between the parties at the source itself; which could save the trouble of the affected travelling all the way to the Legal Services Authority/ADR Centres. If the dispute is of such a nature, which cannot be resolved at the source with the assistance of PLVs, they could bring such parties to the ADR Centres, where, with the assistance of the Secretary in charge either it could be referred to Lok Adalat or Mediation Centre or Legal assistance could be provided for adjudication in a court of law; depending upon the nature of problem.

2. Why PLV:

Equality before law and equal protection of law are guaranteed to every person in India. However, a major challenge is access to justice. Many people are deprived of their entitlements and denied their rights due to the social and economic condition. It is the poor and marginalised who are often subjected to deprivation. The greatest barrier to the access to justice is lack of legal awareness and inaccessibility to justice system. Absence of support services at the community level is the major cause for it. The need for paralegal emerges in this context. The paralegals are the harbinger of justice. They have a very crucial role to fill up the void created in the society. The paralegal volunteers act as intermediaries to bridge the gap between the people at the community level and legal service institutions to remove the impediments in access to justice. The paralegal volunteers render first-aid legal services at the community level to ensure access to justice. Therefore, concept of paralegal volunteers has evolved as a response to the challenges in a democracy based on rule of law. The need of the paralegals is emerged from the fact that key stakeholders such as lawyers and legal service institutions are not adequate enough to cater legal aid to people in writ large as they do not have grassroots network for community outreaching.

3. What are roles & responsibilities of PLV:

Para-Legal Volunteer shall educate people, especially those belonging to weaker sections of the society, to enable them to be aware of their right to live with human dignity, to enjoy all the constitutionally and statutorily guaranteed rights as also the duties and discharge of obligations as per law.

Para-Legal Volunteers shall make people aware of the nature of their disputes/issues/problems and inform them that they can approach the TLSC/ DLSA/ HCLSC/ SLSA/ SCLSC so as to resolve the dispute /issue/ problems through these institutions.

Para-Legal Volunteers shall constantly keep a watch on transgressions of law or acts of injustice in their area of operation and bring them immediately to the notice of the TLSC through telephonic message or a written communication or in person to enable effective remedial action by the Committee.

When the PLV receives information about the arrest of a person in the locality, the PLV shall visit the Police Station and ensure that the arrested person gets legal assistance, if necessary, through the nearest legal services institutions.

The PLVs shall also ensure that the victims of crime also get proper care and attention. Efforts shall be made by the PLVs to secure compensation for the victims of crime under the provisions of Section 357-A Cr.P.C.

PLVs shall, with proper authorization from the DLSA/TLSC visit jails, lock-ups, psychiatric hospitals, children's homes/observation homes and shall ascertain the legal service needs of the inmates and intimate the authorities concerned about any absence noticed of basic essential necessities with special emphasis on hygiene.

PLVs shall report violations of child rights, child labour, missing children and trafficking of girl children to the nearest legal services institutions or to the child welfare committee.

Para-Legal Volunteers shall assist the DLSA/TLSC for organizing legal awareness camps in their area of operation.

Para-Legal Volunteers shall give information to the people of their locality about the legal services activities of SLSA/DLSA/TLSC/HCLSC/SCLSC and shall provide their addresses to the people so as to enable them to utilize the free services rendered by the above organizations to the eligible persons.

Para-Legal Volunteers shall generate awareness amongst people about the benefits of settlement of disputes including pre-litigation stage through Lok Adalats, Conciliation, Mediation and Arbitration.

Para-Legal Volunteers shall make people aware of the benefits of inexpensive settlement of disputes relating to Public Utility Services like P&T, Telephones, Electricity, Water Supply, Insurance and hospital services through Permanent Lok Adalat (PLA).

Para-Legal Volunteers shall submit monthly reports of their activities to the DLSA/TLSC under whom they are working in the prescribed format.

A diary to record the daily activities shall be maintained by each PLVs. The diary shall be printed and given to PLVs by the District Legal Services Authority. Such diary shall be verified and endorsed by the Secretary, DLSA or the Chairman, TLSC as the case may be.

Para-Legal Volunteers shall see that publicity materials on legal services activities are exhibited at prominent places in their area of activity.

Envisaged Roles of Paralegal Volunteers

Para-Legal Volunteers to work in the 'Front Offices' of the DLSA/TLSCs.

The Secretary, DLSA or TLSC may depute one or more PLVs to operate the 'front offices' of the legal services institutions.

Para-Legal Volunteers to work in the 'Legal Aid Clinics' of the DLSA/TLSCs.

The Secretary, DLSA or TLSC may depute PLVs in the Legal Aid Clinics set up under the National Legal Services Authority (Legal Aid Clinics) Regulations, 2011. The PLVs engaged in the Legal Aid Clinics shall function in such clinics in accordance with the provisions of the aforesaid regulations.

Para-Legal Volunteers to assist in the legal literacy classes and camps.

The PLVs in consultation with the nearest legal services institutions shall organise micro-legal literacy camps in the area of their operation by organising legal literacy classes for small groups of persons including labourers, women, children members of SC/ST etc. It shall be the duty of the PLVs to distribute information booklets and other publications of the Legal Services Authorities during the legal literacy classes.

Resolving local disputes through ADR mechanism.

The PLVs shall take efforts to bring the parties of the locality involved in disputes, to settlement, by using the machinery of Lok Adalat, Mediation or Conciliation at the District ADR Centers. If no District ADR Center has been set up in the District, the legal services institutions shall take steps for organising a suitable ADR mechanism like Lok Adalat, mediation, conciliation etc. in the village itself in coordination with the PLVs. The PLVs who bring such cases to the ADR process shall be entitled to receive the prescribed honorarium on the day when such proceedings are held.

Para-Legal Volunteers in Jails.

A few educated well-behaved prisoners serving long term sentences in the Central Prison and District Prisons may be identified for being trained as Para Legal Volunteers. Their services shall be available to the other prisoners in the jail including the under trial prisoners. The training of such PLVs may be conducted along with the other PLVs.

4. Who can be Paralegal Volunteers:

Any community based person who is ready to serve the society to ensure access to justice can become a paralegal volunteers. The NALSA Scheme on Paralegal Volunteers has identified the following categories of persons who can be paralegal volunteers:

- Teachers (including retired teachers)
- Retired Government servants and senior citizens.
- M.S.W students and teachers.
- Anganwadi Workers.
- Doctors/Physicians.
- Students & Law Students (till they enroll as lawyers).
- Members of non-political, service oriented NGOs and Clubs.
- Members of Women Neighbourhood Groups, Maithri Sanghams and other Self Help Groups including of marginalized/vulnerable groups.
- Educated prisoners with good behaviour, serving long term sentences in prisons.
- Any other person whom the District Legal Services Authority or Taluk Legal Services Committee deems fit to be identified as PLVs.

5. What are the minimum qualities of PLV:

There are some basic requirements which must be complied with by any person who wishes to work as a paralegal. They are the following:

- b) PLVs shall be literate, preferably matriculate, with a capacity for overall comprehension.
- c) Preferably PLVs shall be selected from persons, who do not look up to the income they derive from their services as PLVs, but they should have a mind-set to assist the needy in the society coupled with the compassion, empathy and concern for the upliftment of marginalised and weaker sections of the society. They must have unflinching commitment towards the cause which should be translated into the work they undertake.

Apart from the above basic requirements envisaged under the NALSA Scheme, a general perception about qualities of a good paralegal is discussed below:

- Patient
- Disciplined
- Open
- Dedicated
- Strong commitment
- Integrity
- Familiar with local custom

- Tactful
- Good character
- Humble
- Trustworthy
- Courageous
- Sociable
- Good listener
- Leadership ability
- Confidentiality
- Politeness
- Promptness
- Impartiality
- Passion for learning
- Good understanding of the problems of the local people and their environment
- Knowledge on laws and their enforcement procedures.
- Good communication skills
- Respect for human rights
- Compassion, empathy for the upliftment of marginalized people.

It is to be noted that some of these qualities mentioned above are inherent but others could be acquired through training and experience.

Qualities of Good Paralegals

- a) A good paralegal must have a good knowledge of laws and their enforcement procedures.
- b) A good paralegal must be a person of good character that is respected within her/his community.
- c) A good paralegal must be committed to providing support to persons seeking justice.
- d) A good paralegal must have excellent communication skills.
- e) A good paralegal must be compassionate.
- f) A good paralegal must be a good listener.
- g) A good paralegal must be a person of integrity, who is able to keep issues divulged to her/him confidential.

6. *PLV as harbinger of Justice:*

In spite of constitutional mandate and legal protection very often poor and marginalised are deprived from their entitlement and their rights are violated due to their social and economic status. A large segment of the society does not have easy access to justice system. There is a need always felt to engage persons who can bridge the gap between the law and the society. The main duty of the paralegal volunteer is to bridge the gap between the legal system in operation and the people or households in communities. These paralegal volunteer are the harbinger of justice. They do not decide or become judgemental in a case but render first-aid legal aid to help people to gain access to justice. The paralegal volunteer assists the people and the communities to understand their right, demand for it and access the entitlement conferred. They help people resolve their disputes either through amicable settlement or through litigation whichever is appropriate.

7. *Difference between Lawyers and Paralegals:*

There is a misconception among many that paralegals and lawyers are same. Many people also believe that difference between a paralegal and lawyer is not in kind but only in degree of their legal work. To put in affirmatively, a paralegal is not a lawyer. A paralegal neither assumes the status of a lawyer nor eligible for practice in court of law in representative capacity. Paralegal can provide legal first aid to enable any person in need of justice to get access to the justice system.

Paralegals need not be lawyer but they must know rudiments of basic law, legal process and legal system of the State. Therefore, paralegals are required to undergo with training in order to develop their legal knowledge and to understand methods for strategic application of law which may be in turn help them in dealing with disputes and legal matters to assist people to assert their rights and facilitating access of the marginalized communities to justice system. As paralegals are expected to impart awareness on laws and legal system, they must also have strong orientation on Alternative Dispute Resolution System so that they shall counsel the conflicting parties for amicable dispute settlement without resorting to litigation which may be time consuming and expensive. Considering the fact that paralegals are potentially engaged as a resource within the community to assist communities in accessing justice for the realization of their rights, hence paralegals should have a good understanding of the human rights and its protection mechanisms.

A Paralegal is a community-based person who volunteers to work in empowering people to assert and realize their rights and to provide legal assistance for the access of marginalized communities to the justice system.

Difference between Lawyer and Paralegal

Lawyer is a person who is essentially graduated from Law School.

A paralegal is someone who may have minimum educational qualification, but not necessarily a graduated from Law School.

Legal education for lawyer is formal.

Legal education for paralegal can be either formal or informal.

Lawyer need to be registered under Bar Council for court practice.

Paralegal does not require registration under any statutory body to carry out his/her legal works.

Lawyer must have prior knowledge on law before entering into the legal profession.

Paralegal can gain legal knowledge thorough education, training or work experience which qualifies them to perform legal work

Lawyer can practice on his own in the Court of Law.

Paralegal can only work under the supervision of a registered lawyer for the purpose of the court work

Lawyer can not only prepare legal documents like petition, contract, will etc and make interaction with clients, but also appear in court of law for its execution or legal action.

Paralegal may write up legal document only

Lawyer conducts depositions in court of law

Paralegal can sit for deposition

Lawyer can give legal advice, sign pleading, and appear as counsel in court in a representative capacity on payment.

Any such attempt by paralegal is unethical and violation of law statues.

8. Skills required of a Paralegal:

The following skills are essential for efficiency and effectiveness in paralegal work:

- a) Communication Skills.
- b) Writing and Drafting Skills.
- c) Counselling Skills.
- d) Conducting Interviews.
- e) Record Keeping Skills.
- f) Netow3kring and Advocacy Skills.
- g) Negotiating Skills.
- h) Researching Skills.
- i) Administrative Skills.

Things a Paralegal must never do:

- a. **Never** claim to be a lawyer. You could be charged with impersonation.
- b. **Never** charge fees for your service. Do not accept any kind of payment from your client including presents. If you do, you may make the paralegal scheme to fail.
- c. **Never** ask for or receive any form of gratification for services or counselling rendered by you. The services of a paralegal are free.
- d. **Never** meddle in complex legal problems or issues. Always refer cases that you are not able to handle.
- e. **Never** take the position of a judge in any matter.
- f. **Never** lose your temper even when people are rude to you.
- g. **Never** discuss a clients case with friends or relations,. Confidentiality should be your watchword.

Day one, Time: 4.30 to 6.00 pm

Strengthening Access to Justice and Legal Services

1. What is Access to Justice:

Access to Justice is not a very clearly defined phrase. It covers a wide variety of matters including accessibility to court, adequate legal representation, availability of legal aid, legal advice and legal education. All the approaches are however merely facilitative in nature. It should refer to a system which is not only equally accessible to all but also leads to results that are individually and socially just. Access to justice is now recognised as essential to the process of human development, for establishing democratic governance, in reducing poverty and for the purpose of conflict prevention. Access to justice thus includes accessing the judicial system but has a broader scope than that. Access to justice is seen to have two main concerns they are (1) guaranteeing human right and ensuring capacity development. It is the ability of the people to seek and obtain a remedy through the formal or informal institutions of justice which are in conformity with human rights standards. Access to justice as a process passes through two main stages (1) it begins when a grievance occurs giving rise to a dispute and (2) redress provided.

It is to be noted that poverty and lack of access to justice are intrinsically connected. Poverty is not merely an indicator of economic deprivation but also an indicator of legal deprivation of people. Poverty disables people to approach the formal legal system for assertion of their rights and for seeking remedial action in cases of violation of legal rights. Poverty compounds obstacles to access to justice – ignorance of legal provisions and the rights conferred, procedural technicalities, lacking information about the complexities of legal system and very little or no access to legal services of any kind along with lack of resources to manage the high cost of litigation are some of the consequences of poverty.

In the above backdrop it is essential to understand the importance of access to justice especially for poor and marginalised. The paralegal volunteers have a role to enable people and communities to gain access to justice as available under different laws. The

paralegal renders first aid legal aid to ensure access to justice. Hence access to justice is the goal of any legal services of any kind rendered by paralegal volunteers.

2. The Concept of Judicial & Administrative Justice:

When access to justice is discussed it encompasses both access to administrative justice and judicial justice. Generally Administrative Justice is delivered through executive agencies of the state like various authorities, commissions, offices and institutions of government which deals with administration. On the other hand judicial justice refers to court proceedings mostly occurs through a formal manner. The purpose of legal service which rendered through paralegal volunteers is to help people to gain access to both administrative and judicial justice institutions to secure entitlements or realise their right conferred under different laws. It is the primary duty of paralegal volunteers to build knowledge about various justice institutions and refer cases to appropriate agencies of the state.

Example of Administrative Justice:

A jobless person approaches a paralegal volunteer for some kind of work. The paralegal volunteer informs the person that he is eligible to get hundred days work guarantee as per MGNREGA. Accordingly the paralegal volunteer helps the person to obtain a job card and seek employment. Subsequently the person gets back to paralegal volunteer with a grievance that he is underpaid. The paralegal volunteer referring the legal provision as provided under MGNREGA presents a petition before the Ombudsmen appointed for this purpose under the authority of law for redress of grievance.

Example of Judicial Justice:

A woman seeks the help of paralegal volunteer as she is deserted by her husband. She requires maintenance for her livelihood. Although the matter was refereed to local panchayat for amicable settlement of dispute it could not be successful. The paralegal volunteer refers her case to legal aid for appointment of a lawyer to conduct a case in the Family Court for maintenance in accordance with the provision of 125 Cr P C.

3. Constitutional Provisions – Article – 39(A) for free legal aid:

The provision of legal aid has been incorporated in the Constitution of India by 44th Constitutional Amendment Act, 1976. The provision has been made in Article-39 - A under Directive Principle of State Policy chapter. It provides that the 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 to ensure that opportunities for securing

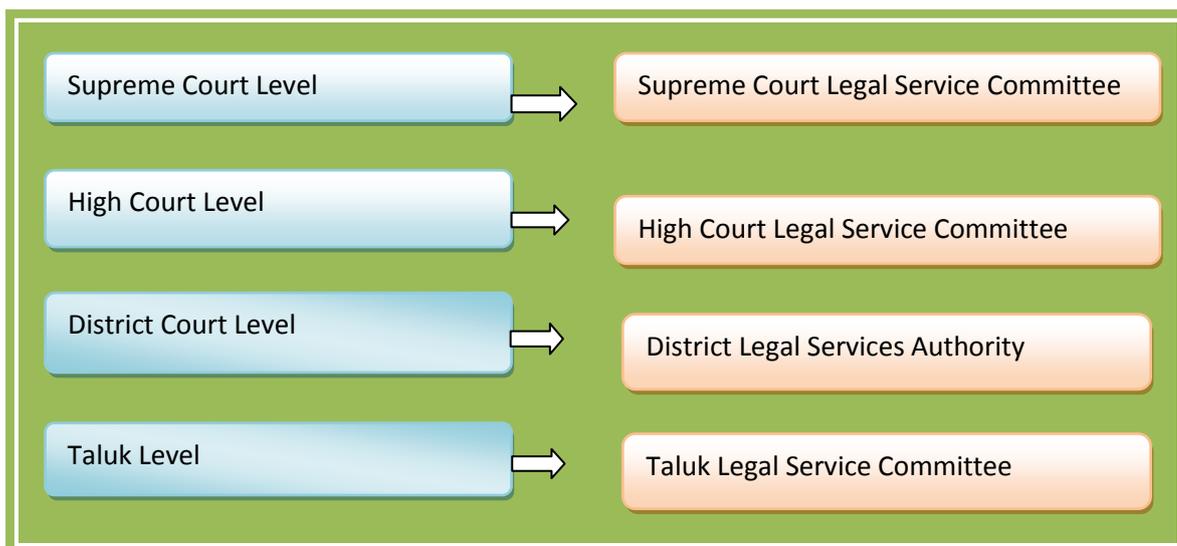
justice are not denied to any citizen by reason of economic and other disabilities. Some of the major judicial decisions in this regard are given below:

- (i) Hussainara v. State of Bihar, A.I.R 1979 S.C. 1369.
- (ii) Hoskot v. State of Maharashtra, A.I.R 1978 S.C. 1548.
- (iii) State of Haryana v. Darshana, A.I.R 1979 S.C. 885
- (iv) Khetri v. State of Bihar, A.I.R 1981 S.C. 928
- (v) Suk Das v. Union Territory, A.I.R 1986 S.C. 991

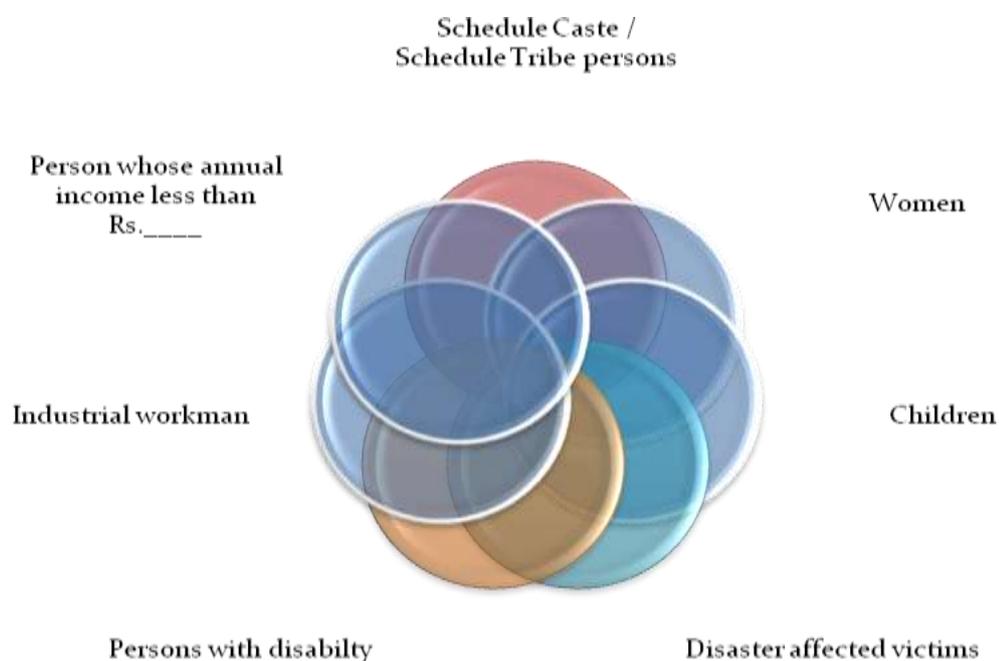
4. Glimpses of Legal Services Authorities Act:

For proper translation of constitutional mandate under Article 39 –A, the Parliament of India has enacted the Legal Services Authorities Act, 1987. This is an Act to constitute legal services authorities to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities, and to organise Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity. The Act makes arrangement for Constitution of National Legal Services Authority at the Union level and State Legal Services Authority at the State level. There exists District Legal Services Authorities in each districts all across the country. For the purpose of rendering legal aid and advice, Legal Service Committees have been constituted at the following level:

Legal Service Structure:



Who are eligible for Legal Services:



Steps for Legal Aid:



Where Legal Aid can't be given:

The following matters are not eligible to be considered for legal aid:

- Proceeding in defamation
- Proceeding in malicious prosecution
- Proceeding in election matter
- Offence punishable with fine only
- Proceeding in respect of economic offences and offences against social laws.
- Proceeding in a representative or official capacity
- Proceeding where interest of the person is not likely to be prejudiced on account of proper representation.

Glimpses of Constitution of India

Themes to be covered:

1. What is Constitution:

Constitution of a country lays down the basic structure of the Political System under which its people are to be governed like the Parliament, the President, the Prime Minister and the Council of Ministers, Supreme Court and other Executive Agencies that operate at the Union level and State Assembly, the Governor, the Chief Minister and the Council of Ministers, High Court and other Executive Agencies at the State level. Broadly the Constitution establishes the main organs of the state-the legislature, executive and the judiciary. It defines their roles, functions and powers along with their relationship with each other and the people. The Constitution provides the Fundamental Rights of the citizen and persons which cannot be taken away by the State easily. Any violation of the Fundamental Rights is subjected to judicial review.

2. History of the Constitution of India:

The Constitution of India was adopted by the Constituent Assembly on 26th Nov 1949. The Constitution came into full operation on 26th Jan 1950. A Constituent Assembly was constituted for the purpose of preparation of the Constitution. The Constituent Assembly on 29th Aug 1947 appointed a drafting committee with Dr. B R Ambedkar to scrutinise the draft of the text of the Constitution of India.

3. Preamble of the Constitution:

In the beginning of the Constitution there is a preamble. It sets out the main objective of the Constitution. It embodies in a solemn form all the ideals and aspiration of the people. It indicates that the Constitution comes from the people of India. It is the people of India who have adopted, enacted and given to themselves the Constitution. It carves out a detailed list of Fundamental Rights conferred on the people and citizen. The Preamble of the Constitution declares India to be a Sovereign, Socialist, Secular, Democratic, Republic. The following are the objectives which the Preamble secures to every citizen:

Justice – Social, economic and political;

Liberty – of thought, expression, belief, faith and worship;

Equality – of status and opportunity and to promote among them all;

Fraternity – assuring the dignity of the individual and the unity and the integrity of the Nation.

4. Fundamental Rights:

Part –III of the Constitution of India contents a detailed description of Fundamental Rights. Fundamental Rights are provided to protect the right and liberty of the people against the State. Fundamental Rights represent the basic values cherished by the people of India. These rights are regarded as fundamental because they are most essential for the attainment by the individual for his / her full intellectual, spiritual and moral status. These are essential to lead a life with dignity. The Fundamental Right as incorporated in the Constitution of India can be classified under the following six groups:

- (i) Right to Equality (Article 14 – 18)
- (ii) Right to Freedom (Article 19 – 22)
- (iii) Right against exploitation (Article 23 – 24)
- (iv) Right to Freedom of Religion (Article 25 – 28)
- (v) Cultural and Educational Rights (Article 29 – 30)
- (vi) Right to Constitutional Remedies (Article 32 – 35)

Personal Liberty is the most important of all Fundamental Rights mentioned above. It is mentioned in Article 19 – 22 under the head of Right to Freedom. Article 19 of the Constitution guarantees to the citizen of India the following six Fundamental Freedoms:

- (i) Freedom of Speech and Expression.
- (ii) Freedom of Assemble
- (iii) Freedom to form Association.
- (iv) Freedom of Movement.
- (v) Freedom to Reside and Settle.
- (vi) Freedom of Profession, Occupation, Trade or Business.

5. Directive Principles of State Policy:

The Directive Principles of State Policy is contained in Part-IV of the Constitution of India. These are the Directives for the governance of the Country. The Directive Principles are the ideals which the Union and State government must keep in mind while they formulate policy or enact laws. The Directives may be classified into the following groups:

- (i) Social and Economic Charter like Economic Justice, Equal pay for equal work etc.

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- (ii) Social Security Charter such as participation of worker in management, Right to Work, Education and Public Assistance, Just and Human condition of work, living wage for workers, equal justice and free legal aid and duty of the state to raise the standard of living and improvement of health
 - (iii) Community Welfare Charter like Uniform civil code, organisation of agriculture and animal husbandry, protection and improvement of forest and wild life and organisation of village panchayat.

6. **Fundamental Duties:**

Right and Duties are correlative. The Fundamental Duties are intended to serve as a constant reminder to every citizen that while the Constitution specifically conferred on them fundamental rights, it also requires the citizen to observe certain basic duties. The Fundamental Duties is given in Part-IV A of the Constitution in Article 51 (A). There are 11-numbers of Fundamental Duties given to the citizens.

7. **Union Executive, Parliament and Judiciary:**

Union Executive: In India, the Constitution establishes a Parliamentary form of Government as distinguished from the American Presidential type of Government. The essence of the Parliamentary type of government is that the head of the State is the constitutional head and the real executive powers are vested in the Council of Ministers. The Prime Minister is the head of the Council of Ministers. The Council of Ministers are responsible to the House of People. Though the executive power is vested in the President but he exercise this power with the aid and advice of the Council of Ministers. The Member of the Council of Ministers are all elected by the people and they are members of the Legislature.

Article 52 of the Constitution says that there shall be a President of India. He is the head of the State. The executive power of the Union, as per Article 53 is, vested in the President and it shall be exercised by him in accordance with the Constitution either directly or through officers subordinate to him.

Parliament: Parliament of India consists of three organs. The President, the Council of States (the Rajya Sabha) and the House of the People (the Lok Sabha). Though the President is not a member of either House of Parliament yet, he is an integral part of the Parliament and performs certain functions relating to its proceedings. In India, the President summons the two Houses of Parliament, dissolves the House of People and gives assent of Bills.

Judiciary: At the apex level there exists the Supreme Court. The Supreme Court is the guardian of the Constitution and also protects the Fundamental Right conferred on people.

8. State Executive, Legislature and Judiciary:

State Executive: The pattern of the Government in the State is the same as that for the Union, that is, a parliamentary system. The Executive Head is Constitutional Head who is to act according to the advice of the Council of Ministers. The Constitution of India, by Article 153 creates the office of the Governor. Thus each State shall have a Governor. However, one person can be appointed Governor for two or more States (Art 153 Proviso). The executive power of the State is vested in the Governor. He shall exercise the executive power either directly or through office subordinate to his. (Art 154). The Governor of a State is appointed by the President of India (Art. 155). Article 163(1) says that there shall be a Council of Ministers with the Chief Minister as the head to “aid and advice” the Governor in exercise of his functions. The Council of Ministers in the States is constituted and functions in the same way as the Union Cabinet.

State Legislature: The Constitution provides for a Legislature for every State in the Union. The Legislature of every State consists of the Governor and House of Houses. The Legislatures in the State are either bicameral (consisting of two Houses) or unicameral (consisting of one House). The Legislature in Bihar, Tamil Nadu, Maharashtra, Karnataka and Uttar Pradesh, is bicameral. In the remaining States the Legislature is unicameral consisting of only one House, i.e., the Legislative Assembly [Art. 168]. The Legislative Assembly in a State is popular House. The members of Legislative Assembly are chosen directly by the people on the basis of adult franchise from territorial constituencies in the State [Art. 170 (1)].

State Judiciary: The Judiciary in States consists of a High Court and a system of Courts subordinate to the High Court. Article 214 says that there shall be a High Court in each State. However, under Art. 231(1) Parliament can establish by law a common High Court for two or more States. The High Court stands at the head of the Judiciary in the State.

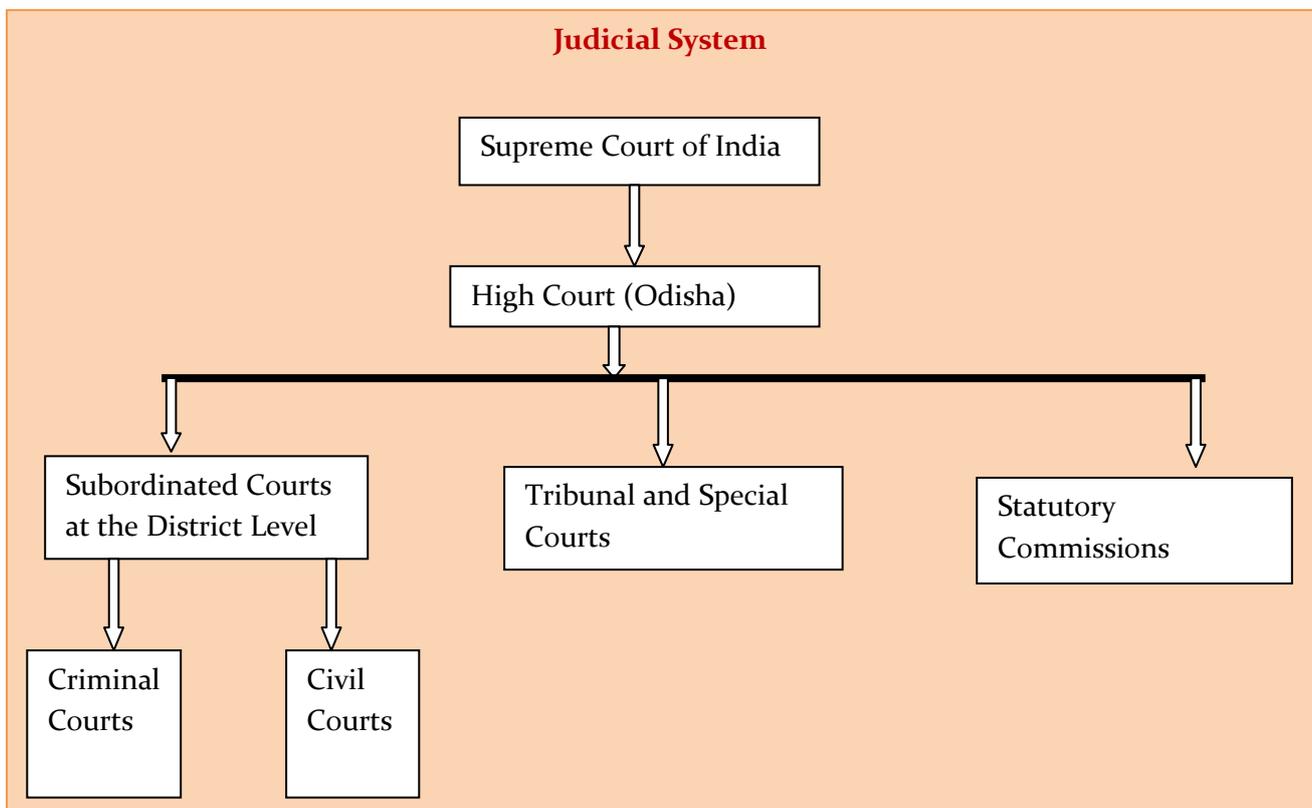
9. Panchayat and Municipality.

The provisions of Panchayat and Municipality have been incorporated in Part – IX and Part-IX A in the Constitution through 73rd and 74th Constitutional Amendment Act in 1992 respectively. As per the provision there shall be constituted in every state

Panchayats at the village, intermediate and district level. Panchayat at the intermediate level may not be constituted in a state having a population not exceeding 20-lakhs. Overall the Constitution envisages a three tier system of Panchayat in India. The provision of Panchayat can be extended to scheduled areas in accordance with the provision of Panchayat (Extension to Scheduled Areas) Act. The Constitution in Art 243(M) provides that nothing in this part shall apply to states of Nagaland, Meghalaya and Mizoram as well as the Hill Areas in state of Manipur for which District Council exists. Similarly, as per Art-243(Q) the Constitution provides for constitution of Municipalities. It says there shall be constituted in every State a Nagar Panchayat for a transitional area e.i. to say an area in transition from a rural area to urban area, Municipal Council for a smaller urban area and Municipal Corporation for larger urban area. Both the Panchayat and Municipality shall be constituted for a period of 5-years. These institutions shall function as institutions of self government for preparation of plans for economic development and social justice as well as implementation of schemes in relation to matters listed in 11th Schedule for Panchayats and matters listed in 12th Schedule for Municipalities.

Understanding Indian Legal System and Institutional Mechanisms

The Judiciary in India is an independent body and is distinct from the Legislative and Executive branch of the government. Indian Judiciary is hierarchical and integrated. At the top, the Supreme Court is the apex court of Indian Legal System which is situated at the National Capital of India, New Delhi. Below it there is High Court for each State or group of States. There are subordinated courts under High Court. There are also several tribunals and other judicial forum being created under special statutes including Administrative Tribunal, Motor Accident Claim Tribunal, Consumer Protection Forum, Industrial Tribunal, Electricity Tribunal, Ombudsman etc. Besides, there are administrative courts like Tahasildar Court, Board of Revenue Court. There are also statutory commissions at the National and State level such as Human Rights Commission, Women Commission, Commission for Protection of Child Rights, Information Commission, Lokpal etc.



Statutory Commission of India

1. National Human Rights Commission
2. National Commission for Women
3. National Consumer Disputes Redressal Commission
4. National Commission for Minorities
5. Law Commission
6. National Commission for Protection of Child Rights
7. Commission for Backward Classes

Reading Material

Indian Judicial System

The Indian Judicial System is one of the oldest legal systems in the world today. It is part of the inheritance India received from the British after more than 200 years of their Colonial rule, and the same is obvious from the many similarities the Indian legal system shares with the English Legal System. The frame work of the current legal system has been laid down by the Indian Constitution and the judicial system derives its powers from it.

The Constitution has provided for the setting up of a single integrated system of courts to administer both Union and State laws. The Supreme Court is the apex court of India, followed by the various High Courts at the state level which cater to one or more number of states. Below the High Courts exist the subordinate courts comprising of the District Courts at the district level and other lower courts.

An important feature of the Indian Judicial System, is that it's a 'common law system'. In a common law system, law is developed by the judges through their decisions, orders, or judgments. These are also referred to as precedents. Unlike the British legal system which is entirely based on the common law system, where it had originated from, the Indian system incorporates the common law system along with the statutory law and the regulatory law.

Another important feature of the Indian Judicial system is that our system has been designed on the pattern of the adversarial system. This is to be expected since courts based on the common law system tend to follow the adversarial system of conducting proceedings instead of the inquisitorial system. In an adversarial system, there are two sides in every case and each side presents its arguments to a neutral judge who would then give an order or a judgment based upon the merits of the case.

Indian judicial system has adopted features of other legal systems in such a way that they do not conflict with each other while benefitting the nation and the people. For example, the Supreme Court and the High Courts have the power of judicial review. This is a concept prevalent in the American legal system. According to the concept of judicial review, the legislative and executive actions are subject to the scrutiny of the judiciary and the judiciary can invalidate such actions if they are ultra vires of the Constitutional provisions. In other words, the laws made by the legislative and the rules made by the executive need to be in conformity with the Constitution of India.

Supreme Court of India

One of the most important powers of the Supreme Court of India is that any law declared or order/judgment passed by it is binding on all the courts within the territory of India.

The jurisdiction and powers of the Supreme Court (SC) are defined under Articles 131 to 142 of the Indian Constitution. The jurisdiction includes original, writ, and appellate jurisdiction.

Original Jurisdiction refers to the power of the court to hear disputes when they arise for the first time. By exercising its power of Original jurisdiction the Supreme Court can hear disputes between,

- Government of India (GoI) and one or more States, or
- GoI & any State or States on one side and one or more States on the other, or
- Two or more States, if it involves a question - of law or fact - on which depends the existence or extent of a legal right.

The Supreme Court has also been conferred the power to issue directions or order or writs under Article 32 of the Constitution for the enforcement of any of the rights provided under Part III of the Constitution, including the Fundamental Rights. This is referred to as the Writ jurisdiction of the Supreme Court. The writ jurisdiction of the Apex court under Article 32 is part of its original jurisdiction.

[For more details on Original jurisdiction kindly refer to Articles 32&131 of the Indian Constitution.]

Appellate jurisdiction refers to the power of the Apex court to hear appeals against any judgment, decree or final order (or sentence) of a High Court in a constitutional, civil or criminal case, where exists a substantial question of interpretation of

- the constitution, or
- a law of general importance in case of a death sentence awarded in criminal matters.

However, an additional requirement is that the concerned High Court (HC) under Article 134A has to certify that the case in question is fit for an appeal to the SC.

The jurisdiction of SC also encompasses matters which fell within the jurisdiction of the Federal Court under any law just before the commencement of the Indian Constitution.

The Supreme Court can also grant special leave to appeal against any judgment, decree, determination, sentence or order passed by any court or tribunal in the territory of India in

any matter. The exception to this rule is the orders, judgments etc passed by any court or tribunal constituted by or under any law relating to the Armed Forces.

[The Appellate jurisdiction of SC can be read in more detail under Articles 132 – 136.]

Apart from the original, appellate and writ jurisdiction, the Supreme Court also has special advisory jurisdiction regarding matters referred to it by the President of India under Article 143 of the Constitution.

The Apex court also has the power and authority to review any order or judgment passed by it as well as transfer cases from one High Court to another or from the District Court of one state to the District Court of another State.

High Courts of India

The High Courts of India are the supreme judicial authority at the State level. The oldest High Court of India is the Kolkata High Court, which was established in the year 1862.

Their powers and jurisdiction are similar to that of the Apex court, but with a few differences –

- Any law declared or orders/judgments passed by them are not binding on the other High Courts (HCs) of the country or the subordinate courts which fall under the purview of the other HCs unless the other High Courts choose to follow such law or order or judgment.
- Their territorial jurisdiction is varied.

The High Courts are the appellate authority for a State or group of States and get a lot of matters in appeal from the subordinate courts.

They have the power to issue writs, just like the Apex court, under Article 226 of the Constitution, but with one difference. While the Supreme Court has the power to issue writs to enforce only the rights provided under Part III of the Constitution, the High Courts can issue writs for enforcement of the rights under Part III as well as “for any other purpose”.

Just like in the case of the Supreme Court, the writ jurisdiction of the High Court is also part of their Original jurisdiction, since all writ petitions are filed directly before the High Court. Apart from writ petitions, any civil or criminal case which does not fall within the purview or ambit of the subordinate courts of a State, due to lack of pecuniary or territorial jurisdiction, can be heard by the High Court of that State. Also certain other matters or issues may be heard by the High Court as part of its original jurisdiction, if the law laid down by the legislature provides for it. For example, the company law cases fall within the original jurisdiction of the High Court.

Therefore, the High Courts’ work primarily consists of appeals from the lower courts as well as the writ petitions filed before it under Article 226.

The territorial jurisdiction of a High Court, as mentioned earlier, is varied.

Both the Supreme Court and the High Courts are courts of record and have all the powers associated with such a court including the power to punish for contempt of itself.

The Subordinate Courts

The District Courts are at the top of all the subordinate or lower courts. They are however under the administrative control of the High Court of the State to which the district court belongs to.

Their jurisdiction is confined to the districts they are responsible for, which could be just one or more than one. The original jurisdiction of the District Courts in civil matters is confined by not just the territorial limitations, but by pecuniary limitations as well. The pecuniary limitations are laid down by the legislature and if the amount in dispute in a matter is way above the pecuniary jurisdiction of the District Court, then the matter will be heard by the concerned High Court of that State. In case of criminal matters, the jurisdiction of the courts is laid down by the legislature.

The decisions of the District Courts are of course subject to the appellate jurisdiction of the High Courts.

Apart from these judicial bodies who enforce the laws and rules laid down by the legislature and executive and also interpret them (the Supreme Court & High Courts), there are numerous quasi judicial bodies who are involved in dispute resolutions. These quasi judicial bodies are the Tribunals and Regulators.

Tribunals are constituted as per relevant statutory provisions and are seen as an alternative forum for redressal of grievances and adjudication of disputes other than the Courts.

Some of the important tribunals are, Central Administrative Tribunal (CAT), Telecom Disputes Settlement Appellate Tribunal (TDSAT), Competition Appellate Tribunal (COMPAT), Armed Forces Tribunal (AFT), Debt Recovery Tribunal (DRT), etc.

The kind of cases the tribunals hear are limited to their specific area. That is TDSAT can hear only matters related to telecom disputes and not matters of armed forces personnel. So the area of operation of these tribunals are marked out at the beginning itself by the statute under which it's constituted.

Day two, Time: 2.30 to 4.00 pm

Fundamentals of Crime and Law

1. **What is an Offence:** As per the Indian Penal Code whatever is made punishable is considered as an offence. Offences are broadly classified into two types- Cognizable and Non-cognizable offence. Cognizable offence means an offence in which a police officer may arrest the accused without warrant. On the other hand, non-cognizable offence means an offence in which police has no authority to arrest without warrant. Generally speaking, non cognizable offences are more or less considered as private criminal wrongs. Therefore the investigation into such cases is not the responsibility of the police, unless otherwise directed by a magistrate. The aggrieved private individual can however; approach a magistrate with a complaint and magistrate may take necessary steps for trial of the offender.

Initiation of a criminal proceeding against non cognizable offence is through a complaint not FIR. However, according to S. 155 of CrPC, if a person gives information regarding occurrence of a non cognizable offence to the officer in charge of a police station, he would reduce the complaint in writing (about commission of IN on cognizable offence) and give a copy thereof to the complainant free of cost. The officer shall then refer such informant to the appropriate magistrate having jurisdiction. No police officer can investigate a non-cognizable case unless he obtains prior permission of a Magistrate having power to try such case.

The facilitator shall provide illustrative example of cognizable and non-cognizable offences.

2. **Protection to the Accused:** The Constitution of India and Criminal Procedure Code has provided protection for the person (s) alleged with the criminal offences.

- a) **Doctrine of double jeopardy:** It means no person can be punished more than once for the same offence. This protection is given to the accused by Article 20 (2) of the Constitution of India and u/s 300 (1) of Code of Criminal Procedure of 1973. Article-20 (2) speaks that no person shall be prosecuted and punished for the same offence more than once. As per section 300 (1) of Cr.Pc, a person once convicted or acquitted cannot be tried for the same offence. In order to get benefit of double jeopardy, it is necessary for the accused person to establish three things¹, viz;

1. He had been tried by a court of competent jurisdiction;

¹ AIR, 1970 S.C, 962

2. He is convicted or acquitted of that offence; and
3. Conviction or acquittal is in force

However, the dismissal of a complaint or the discharge of the accused is not an acquittal for the purpose of this Section.

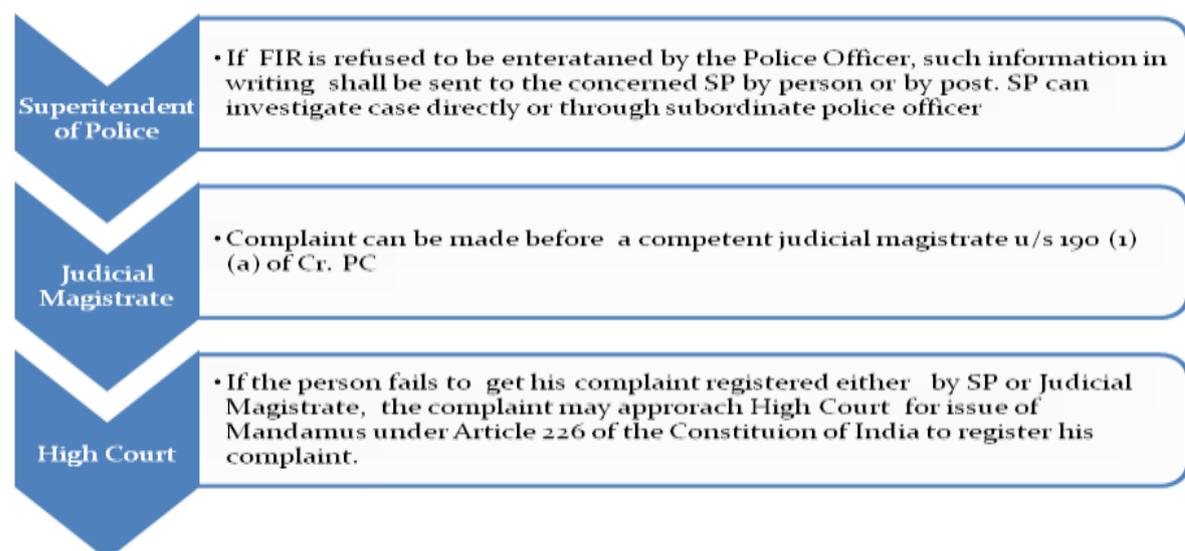
- b) **Presumption of innocence:** The legal maxim '*a man is presumed innocent until he is proved guilty*' has been well accepted by the criminal law in India. The burden of proving the guilt of the accused lies on the prosecution.
 - c) **Doctrine of self-incrimination:** The accused enjoys the immunity from giving self-incriminating evidence. This guarantee is provided by Article-20(3) of the Constitution of India which says '*no person accused of an offence be compelled to be a witness against himself*'. A number of protections *against self-incrimination is provided to the accused u/s 313 of Cr.PC. The accused shall not render himself liable to punishment by refusing to answer questions or by false answers to them at the time of inquiry or trial.*
 - d) **Right to legal aid:** Article 22 (1) of the Constitution guarantees to every accused right to consult and be defended by a legal practitioner of his choice. This right is further expanded in Section 303 & 304 of Cr. PC which recognizes that accused has a right to be defended by lawyer of his choice but also right to legal aid where the accused is not a person with sufficient means.
 - e) **Protection against illegal arrest, detention and custodial death:** The Supreme Court of India prescribes guidelines for such protection. The police must do 3-things at the time of arrest of any accused person;
 - 1) Inform to the family/relatives of the arrestee about his arrest.
 - 2) Inform the arrested person of his right
 - 3) Make an entry in the diary as to who was informed of his arrest.
3. **FIR, Arrest, Detention, Bail and Jail:** FIR stands for 'First Information Report'. It is a common understanding that 'complaint' and FIR is same. However in terms of statutory interpretation, there is difference between complaint and FIR. The term 'complaint' is defined in CrPC as any allegation made orally or in writing to a Magistrate that some person known or unknown has committed an offence with a view to taking action under this code. A person report to the Magistrate u/s 2(d) of Cr.PC for commission of cognizable or non-cognizable offence is treated as 'Complaint'. The FIR can be made only of cognizable offence to the police. FIR is a pre-requisite for the police to begin investigation of a cognizable offence.

Who can lodge FIR: An aggrieved person or on his behalf someone else who has information about occurrence of crime may lodge complaint including FIR of a cognizable offence.

- a) **Where can FIR be lodged:** There are FIR can be lodged at local police station where cause of action is made.

- b) **How can FIR be lodged:** Information to cognizable offence may be given to officer-in-charge of the Police Station either in writing or orally. The information given in writing must also be signed by the informant. Oral information must be reduced to writing and read over to the informant and shall be signed by the informant.
- c) **How is FIR written:** It is to be noted that FIR is not an encyclopedia to encapsulate all the information. But ideally an FIR must contain the following information.
- *Name, address and signature of the informant*
 - *Name, numbers address and identity of the perpetrators. The body structure of the perpetrators may be given where the perpetrator (s) is unknown or could not be visible due to darkness or other circumstances.*
 - *Date and time of the offence.*
 - *Nature of the assault, injuries, any weapons used, modes of the crime*
 - *Name (s) of witness if any person has witnessed that incidence*
 - *Specification to the loss incurred to the victims/informant such as physical injury, mental loss, loss of property and assist. In theft case, FIR must contain type and value of property stolen and list thereof.*
- d) **What next to FIR:** A person who has lodged FIR must ensure that crime number and case laws are noted in the FIR by the Police Station. Informant must obtain the copy of the FIR.
- e) **What next if FIR is not entertained by the Police Station:** There are other ways whereby a complaint can be lodged if FIR is not registered. Complaint can be filed before other authorities as follows:

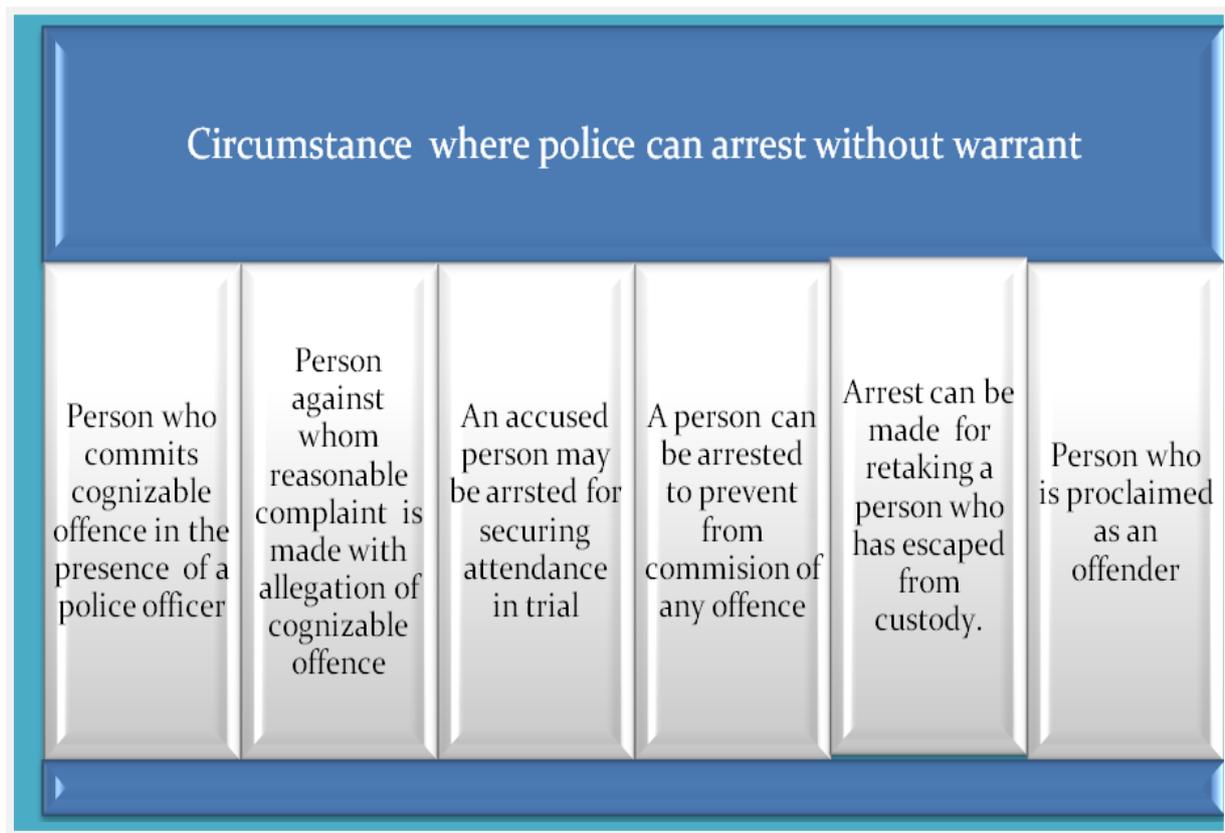
It is to be remembered that when information is given orally, the police must read out the FIR to the person. The person whose FIR is recorded must sign on the FIR or put his thumb mark. **Never put a signature or thumb mark on a blank paper or document** even if the police, lawyer or anyone else asks you to, because later anything can be written on that paper and it will be treated as written by you. The person signing it must take care that the FIR is recorded according to what he has told the police.



Arrest and Detention: Arrest and Detention is an important stage in investigation of crimes. Arrest means a curtailment of personal liberty, for legal purposes. It is also for preventing a person from having free movement by applying the authority under law. The police are empowered to arrest a person in both cognizable and non-cognizable case as per the procedure established by Cr. PC. Other than Police, Cr.Pc also authorizes following person to arrest under certain circumstances.

- A magistrate u/s 44 Cr. P.C.
- A military officer u/s 130 and 131 Cr. P.C.
- A private person without warrant u/s 43 Cr. P.C., with warrant u/s 72 and 73, under order of a Police officer u/s 37 and under order of a magistrate u/s 37 and 44 Cr. P.C. and also 60 (1) Cr. P.C.

The facilitator must explain under what circumstances a person can be arrested by the police. This is to be noted that a police officer can arrest without warrant in following circumstances.





Police can arrest a person without a warrant. But they must strictly follow the procedure of arrest. The procedure for arrest must be according to **Sections 41 – 60 CrPC**. The Supreme Court has also laid down certain rules from time to time, which are part of the law and must be followed.

- Whenever a person is accused of or suspected to be involved in a cognizable offence, the police can arrest him, that is, take him in their custody.
- A person who is being arrested must be told of the grounds of arrest at the time of being arrested.
- The police can make an arrest only in full uniform, nameplate, etc.
- If a person is accompanying the police willingly, then no restraint can be used. Even otherwise, minimum restraint can be used for taking an arrested person who is resisting arrest.
- The police must prepare an Arrest Memo at the time of arrest or as soon as they enter the police station. In this arrest memo they must mention the name of the accused, the offence for which he is arrested, the date and time of arrest and the place from where he has been arrested.
- The arrest memo must be signed by two independent witnesses such as family members, neighbors or other persons from the locality. Accompanying policemen are not independent witnesses.
- If the arrested person wants, the police must record his physical condition.

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- The family has a right to accompany the arrested person to the police station. **Remember: the police station is a public place and no-one can be stopped from entering it.**
 - The arrest must be recorded at the police station in a special register and the District Control Room must be informed about it.
 - An arrested person must be produced before a Magistrate within 24 hours of the arrest. This is compulsory and no excuse can be made for not producing. Serious action will be taken against the police if an arrested person is not produced within 24 hours. This is why, recording the date and time of arrest correctly is absolutely essential.
 - The time taken for travel to court is not included in the twenty four hours, but there are no holidays for producing a person.

Beating or torture in police custody is a serious offence. Policemen can be removed from service and can also go to jail for doing this.

- If someone is taken by the police but is neither released before twenty four hours nor produced before a Magistrate, you must immediately inform the Magistrate who will order the police station or other place to be searched.
- If someone disappears from police custody or is kept in custody without recording the arrest, you can also make a petition straight to the High Court, who will order the local police to produce the person before them.
- If you are arrested but not taken to a Magistrate within 24 hours, you must inform the Magistrate about the correct date of your arrest when you are produced before him. Sometimes the Police enter the wrong date and time on the Arrest papers which they show to the Magistrate. Sometimes there are lots of cases and the Magistrate is not able to question each produced person separately. So you must yourself speak up and let the Magistrate know the truth.
- After Magistrate may either remand you to police custody for further investigation or send you to judicial custody (jail).
- An arrested person may be searched by the police but in a decent manner

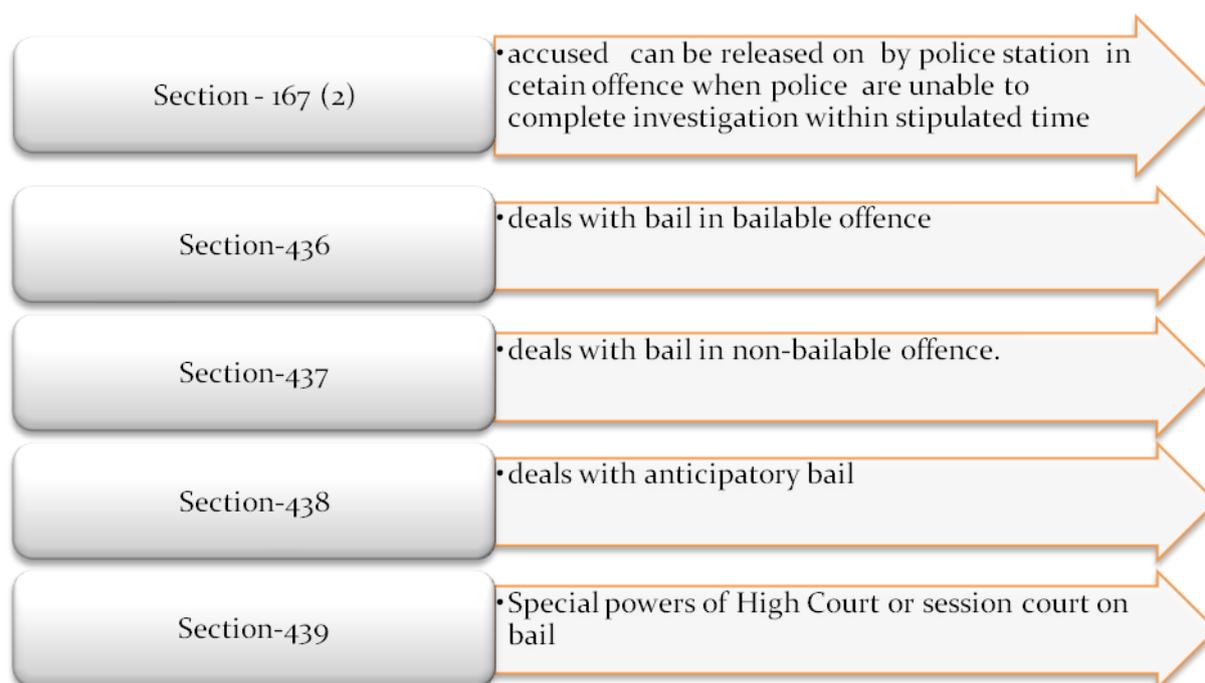
Remember police is responsible for the wellbeing and safety of an arrested person. If you suspect torture of any person in police custody, report it to the Magistrate or write a letter to the Legal Services Authority or directly to the High Court/Supreme Court.

Search of an arrested person: (Section 51, Cr P C)

- The police officer making the arrest can search the arrested person.
- The police officer can take and keep in safe custody any articles from the arrested person. The police officer cannot make the arrested person give up the clothes worn by him.

- The police officer must make a list of the things taken from the person and give a receipt for them to that person.
- A female person arrested can be searched only by a female police officer or by another female, and with strict regard to decency.

Bail: Bail has not been defined under the Criminal Procedure Code, 1973. It has been defined in the Law Lexicon as 'security for the appearance of the accused person, on giving, he is released pending trial or investigation'. For the purpose of the bail, offences are classified into 2-categories – bailable and non-bailable offence. The Code of Criminal Procedure deals with bail under different conditions. Let us make a brief discussion hereby to the provisions of Cr PC in the matters of bail.



- **Bail in Bailable Offences:** Bail is the right for the accused. Police can grant bail if the accused is prepared to give bail bond. At the investigation stage, Magistrate can grant bail on bail bond.
- **Bails in Non-bailable offence:** Here bail is a matter of judicial discretion. In granting or refusing bail, courts generally takes into consideration the following points.
 - a) Nature of the accusation;
 - b) Nature of the evidence in support of the accusation
 - c) Severity of the punishment if conviction will entail;
 - d) Previous criminal antecedents of the accused
 - e) Danger of offence being repeated;

- f) Danger of tampering evidence or witness
- g) Larger interest of the public

Illustration: Zahir was arrested for hiding a person in his house who had committed a murder. The police took him to the police station, where his uncle went along and took bail for Zahir. Zahir came home. This means:

- The offence which Zahir is accused of is 'bailable'. That means, Zahir was asked to sign a Bail Bond, his uncle gave a surety of Rs.1000/- and also signed the bond. Then Zahir was free to go home.
- Giving a surety of a certain amount does not mean paying money in cash. It only means taking the responsibility for a person to appear for the proceedings. If Zahir doesn't appear, his uncle will have to pay Rs.1000/- to the government.

Illustration: Suresh is arrested in a case of rioting and murder. Suresh did not get bail from the police station. He applied to the district judge for bail, but was refused. This is because:

- Although rioting is a bailable offence, murder is not. Suresh cannot get bail at the police station even by promising a high sum of money.
- The judge will see several things like: the seriousness of the offence, the chances that the accused will interfere with the investigation-such as threaten witnesses, etc.
- The judge can give bail in non-bailable offences and can put down certain conditions such as that the accused cannot leave the town, or will not enter certain areas of the village, etc.
- If the police do not complete their investigation within 60 days for offences not punishable with death or life imprisonment, then a person gets a right to get bail. For offences punishable with death or life imprisonment, this period is 90 days.
- If a person is refused bail, he can appeal to a higher court.

4. Compensation to Victims.

Section 357 (A) inserted in Cr. PC by virtue of Criminal Procedure (Amendment) Act of 2009 provides compensation of the victims. It is necessitated under the law that every State Government in co-ordination with the Central Government shall prepare a Scheme for providing funds for the purpose of the compensation of the victims or his dependents who have suffered loss or injury as a result of the crime and who require rehabilitation. Compensation can be made under 2- circumstances.

- 1) One is on the order of the trial court. If the trial court at the conclusion of the trial is satisfied that compensation granted to the victim u/s 357 is not for rehabilitation of the victim, court may make recommendation. On the recommendation of the court,

the State Legal Services Authority shall decide the quantum of compensation to be awarded from the scheme.

- 2) Second is when offender is not traced or identified, but victim is identified. The victim or his dependents make an application to the State or District Legal Service Authority for award of compensation.

It is important that PLVs must be sensitized about the scheme for Relief and Rehabilitation of the Victims of Rape, 2005. The facilitator shall keep the PLVs abreast the following points.

1. **Who can make application:** Application for the relief and rehabilitation can be made by a victim or her legal heir or any preens/voluntary organization.
 2. **Whom to make application:** Application shall be made to District Board for Financial Relief and Rehabilitation.
 3. **Documents to be submitted with application:** (i) medical certificate where application is made by the victim or any person on behalf of the victim (ii) death certificate of the victim where application is made by her legal heir; and (iii) copy of FIR/ complaint.
- 4. Compensation:** Interim relief of Rs.20,000/- within period of 3 weeks from the date of the receipt of the application, or /and lump sum compensation amount of maximum Rs.2,00000/-.

5. Parameters for determination of relief and rehabilitation	
<p>A. where death results as a consequence of rape</p> <p>-Rs.1,00000/- in case victim was non-earning member or Rs.2,00,000/- to earning member if post mortem establishes a prima-facie case.</p>	<p>B. in other case</p> <ul style="list-style-type: none"> -type and severity of bodily injury -expenditure incurred for medical treatment -expenditure consequential on pregnancy -expenditure incurred for vocational training towards self-employment -expenses incurred for alternative accomodation - expenses necessary for court trial -special consideration if victim is a child or mentally challanged person

5. **Plea Bargaining:** Plea bargaining means pre-trial negotiations between the accused and prosecution during which the accused agrees to plead guilty in exchange for certain concessions by the prosecution. Let us provide brief narration to important features of plea bargaining.

- Plea bargaining introduced in India by Cr.P.C Amendment Act of 2005 by inserting Chapter XXI A , Section 265 A to 265 L.
- Plea bargaining is applicable only in respect of those offences for which punishment of imprisonment is upto a period of seven years.
- Plea bargaining does not apply where such offence affects socio-economic condition of the country or has been committed against woman or child below the age of 14 years.
- The application for Plea Bargaining should be filed by the accused voluntarily.
- A person accused of an offence may file application for plea bargaining in the court in which such offence is pending for trial.
- Court shall dispose of the case by sentencing accused to one-fourth of the punishment prescribed for such offence under the law.
- The statement or facts stated by the accused in an application for plea bargaining shall not be used for any other purpose other than for plea bargaining.
- The judgment delivered by the court in the case of plea bargaining shall be final and no appeal shall lie in any court against such judgment.

6. **Rights of Accused and Prisoners:** The Constitution of India and Criminal Procedure Code has provided protection for the person (s) alleged with the criminal offences.

f) **Doctrine of double jeopardy:** It means no person can be punished more than once for the same offence. This protection is given to the accused by Article 20 (2) of the Constitution of India and u/s 300 (1) of Code of Criminal Procedure of 1973. Article-20 (2) speaks that no person shall be prosecuted and punished for the same offence more than once. As per section 300 (1) of Cr.Pc, a person once convicted or acquitted cannot be tried for the same offence. In order to get benefit of double jeopardy, it is necessary for the accused person to establish three things², viz;

g)

1. He had been tried by a court of competent jurisdiction;
2. He is convicted or acquitted of that offence; and
3. Conviction or acquittal is in force

However, the dismissal of a complaint or the discharge of the accused is not an acquittal for the purpose of this Section.

² AIR, 1970 S.C, 962

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- h) **Presumption of innocence:** The legal maxim '*a man is presumed innocent until he is proved guilty*' has been well accepted by the criminal law in India. The burden of proving the guilt of the accused lies on the prosecution.
- i) **Doctrine of self-incrimination:** The accused enjoys the immunity from giving self-incriminating evidence. This guarantee is provided by Article-20(3) of the Constitution of India which says '*no person accused of an offence be compelled to be a witness against himself*'. A number of protections *against self-incrimination is provided to the accused u/s 313 of Cr.PC. The accused shall not render himself liable to punishment by refusing to answer questions or by false answers to them at the time of inquiry or trial.*
- j) **Right to legal aid:** Article 22 (1) of the Constitution guarantees to every accused right to consult and be defended by a legal practitioner of his choice. This right is further expanded in Section 303 & 304 of Cr. PC which recognizes that accused has a right to be defended by lawyer of his choice but also right to legal aid where the accused is not a person with sufficient means.
- k) **Protection against illegal arrest, detention and custodial death:** The Supreme Court of India prescribes guidelines for such protection. The police must do 3-things at the time of arrest of any accused person;
- 1) Inform to the family/relatives of the arrestee about his arrest.
 - 2) Inform the arrested person of his right
 - 3) Make an entry in the diary as to who was informed of his arrest.

Understanding the doctrine of double jeopardy

The facilitator may make the following illustrations to explain the application of doctrine of double jeopardy.

1. X is accused with offence of rape and grievous hurt of a minor girl. He is convicted by the First Track Court and preferred an appeal in Session court. The girl was mentally sick, traumatized and subsequently died.
2. A was acquitted by the Court on the ground of "complaint recorded as a mistake of law" as police investigation report did not substantiate the crime. The police on reinvestigation filed a charge sheet against the accused for the same offence on the same facts.
3. X and his wife Y was tried by the SDJM with an offence u/s 342, 323 and 34 of IPC causing wrongful confinement and grievous hurt to a child. Subsequently, on investigation by a NGO it was found that such child was engaged as domestic servant by the accused. Accordingly a case was filed against X and Y U/S 14 of the Child Labour (Prohibition and Regulation) Act, 1986. The accused persons in the said complaint faced their trial before the SDJM for the offence U/S 14 of the Child Labour (P & R) Act, 1986. Upon conclusion of the trial the learned SDJM held that the accused had engaged a child as domestic servant and accordingly convicted them U/S 14 of the Child Labour (P & R) Act, 1986. The accused filed an appeal against the order of the SDJM. And accused also moved High Court for quashing other case charged against them u/s 342, 323 and 34 of IPC citing Article 20 (2) of the Constitution of India which says that 'No person shall be prosecuted and punished for the same offence more than once'..

Day two, Time: 4.30 to 6.00 pm

Issues relating to Civil Law

The following broad themes will be covered in this session with emphasis on existing laws and also the customs, practices and usages that govern issues within the civil law:

1. What is Civil Law
2. Role of Custom and Usage in Civil Law
3. Property Law: Inheritance, succession, transfer of property, Right of Power of Attorney holder, Will, Registration, Possession and Ownership.
4. Family Laws – Marriage, Dowry, Restitution of Conjugal Life, Divorce, Judicial separation, Maintenance, Custody and Guardianship.

The curriculum must cover the custom and practices on the above themes applicable to different states of North East and appropriate laws that are relevant may also be touched upon. The judicial institution like the Family Court and other civil courts may be referred if these are in operation in the concerned states.

Exercise for Client Counselling

A group of villagers approach the paralegal volunteer with an issue of property related disturbance in their community. The brief fact of the case is that the father/mother of Hari and Soma (who is married) died leaving land and building. The father/mother before death expressed his/her intension to distribute the property equally between the son and daughter before the village headman. Accordingly, after the death the community decided to distribute the property among Hari and Soma equally. However, the son Hari does not want to share the property on the ground that he has spent all expenses when father/mother was ill and also ground that he had been taking care of the father/mother during the old age. The daughter approached the villagers for her share. Since Hari threatened them with dire consequences and legal action the villagers decided to take the help of the paralegal volunteer they know.

Exercise for Amicable Settlement of Dispute

A lady namely Shelly approaches a paralegal volunteer with alleged atrocities and desertion on her by her husband and the in-laws. On enquiry it was revealed that the marriage was solemnised 3-years ago as per custom prevalent in her society. After marriage she led a happy conjugal life with her husband and a daughter born out of the wedlock. However, subsequently the in-laws asked for more dowry/the husband developed illicit relationship/her character was suspected by the husband for which the husband subjected her to atrocity regularly. When Shelly protested her husband deserted her without any means for livelihood. Shelly started living in her parental home with her daughter. Since, it is now more than two years the husband asks for divorce as they are staying separately. The future of the child becomes bleak. The reason for separation is no more important for parties. Since they are not in talking terms and developed ego they are not ready to overcome the differences.

APPENDIX

Training of Para Legal Volunteers in 8 N-E States including Sikkim

Pre-Training Evaluation Form

(Please write answers to all questions below in brief)

1. Have you ever received any Training as Paralegal Volunteer on Access to Justice?

Yes/No (Please ✓)

If yes, specify the following:

- a) Name of the organizer:
- b) Duration of the training:
- c) Dates of the Training:
- d) Venue:
- e) Subjects covered:

2. Who is a PLV?

3. What role a PLV is expected to play?

4. Is there any Scheme on PLV?

5. What according to you is the Access to Justice?

6. Is there any prescribed format for making application for legal services?

7. What does NALSA stand for?

8. Who are legal aid eligible?

-
- 9. Can legal services be given in a Defamation case?**
- 10. Name the Committee that considers application for legal services in High Court?**
- 11. When did the Constitution of India come in to operation?**
- 12. Write two fundamental rights given in the Constitution of India?**
- 13. Does Directive Principles of State Policy a part of the Constitution of India?**
Write Yes or No.
- 14. Is there any Fundamental Duty of Citizen of India?**
Write Yes or No.
- 15. Who is the head of the Executive of the Union of India?**
- 16. Which one is the apex court of India.**
- 17. Is there any Commission for protection of human rights in India?**
If yes, mention the name.
- 18. Is there any Commission for Women in India?**
Write Yes or No.
- 19. What is an Offence?**
- 20. Where can an FIR be lodged?**
- 21. In which case police can arrest without warrant?**

22. Is availing bail a right of an accused?

23. Can a police detain a person for more than 24-hours in the Police Station?

24. Which law governs the marriages among Hindus?

25. Can a married woman who is unable to maintain herself entitled for maintenance?

26. Write names of two laws meant for Women?

27. Is there any Commission exists for protection of rights of children?

28. Is a child without parents entitled for care and protection under Juvenile Justice Act?

29. Write names of two laws meant for children?

30. Is a child eligible for legal services?

(Date)

(Name and Signature)

Training of Para Legal Volunteers in 8 N-E States including Sikkim

Post-Training Evaluation Form

(Please write answers to all questions below in brief)

1. **What are the qualities of a PLV?**

2. **Who is a PLV?**

3. **What role a PLV is expected to play?**

4. **Is there any Scheme on PLV? If yes please write the name of the Scheme.**

5. **What according to you is the Access to Justice?**

6. **Is there any prescribed format for making application for legal services?**

7. **What does NALSA stand for?**

8. **Who is legal aid eligible?**

9. **Can legal services be given in a Defamation case?**

10. Name the Committee that considers application for legal services in High Court?

11. When did the Constitution of India come in to operation?

12. Write two fundamental rights given in the Constitution of India?

13. Does Directive Principles of State Policy a part of the Constitution of India?

Write Yes or No.

14. Is there any Fundamental Duty of Citizen of India?

Write Yes or No.

15. Who is the head of the Executive of the Union of India?

16. Which one is the apex court of India.

17. Is there any Commission for protection of human rights in India?

If yes, mention the name.

18. Is there any Commission for Women in India?

Write Yes or No.

19. What is an Offence?

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26. Write names of two laws meant for Women?

27. Is there any Commission exists for protection of rights of children?

28. Is a child without parents entitled for care and protection under Juvenile Justice Act?

29. Write names of two laws meant for children?

30. Is a child eligible for legal services?

(Date)

(Name and Signature)

Training of Para Legal Volunteers in N-E States including Sikkim

2014

Participant Feedback Questionnaire

As we come to the end of the training course, we would like you to give your feedback using the questions or points mentioned below. Please ✓ mark the most appropriate answer to each of the questions given below:

1. Before Commencement of the Training:			
a)	Information relating to the programme was shared with me:	Yes	No
b)	Prior intimation about the programme was given on time:	Yes	No
c)	The objective and purpose of the programme was shared with me prior to the event:	Yes	No
2. On Arrival at the Training Venue:			
a)	The information about the training venue was enough:	Yes	No
b)	Finding the venue was easy:	Yes	No
c)	Upon arrival reception was adequate:	Yes	No
d)	Accommodation was given in time:	Yes	No
3. Registration:			
a)	The process of Registration was easy:	Yes	No
b)	Information was given at the time of registration:	Yes	No
c)	I was provided with a legal resource kit and programme schedule:	Yes	No
4. Training Hall arrangement:			
a)	The training hall was properly arranged:	Yes	No
b)	There was enough space in the training hall:	Yes	No
c)	The equipments for the training were available:	Yes	No

d)	Training atmosphere was attractive:	Yes	No
5. Training Materials:			
a)	Training was conducted as per Training Modules:	Yes	No
b)	Training materials were given:	Yes	No
c)	Programme Schedule was provided:	Yes	No
d)	Handouts, write ups and notes were given:	Yes	No
6) Quality of the Training:			
a)	Subjects for the Training were well chosen:	Agree	Disagree
b)	Themes covered were new to me:	Agree	Disagree
c)	The resource persons have effectively conducted the sessions:	Agree	Disagree
d)	I received enough scope for sharing my views:	Agree	Disagree
e)	Doubts about the subjects were attended and well answered:	Agree	Disagree
f)	The methods used were impressive:	Agree	Disagree
7. Session Planning:			
a)	Which session did you like the most in order of preference?		
b)	The themes covered in the session were adequate:	Yes	No
c)	Which presentation style was most appreciated: Film / PPT/ Lecture/ Group Work/ Role Play?		
8. Exposure Visit:			
a)	Have you ever visited the institutions which you visited in the Exposure Trip?	Yes	No
b)	Do you think the exposure visit a good opportunity?	Yes	No

c)	Did you learn and gain practical knowledge from your exposure trip?	Yes	No
d)	Was the exposure trip comfortable?	Yes	No
9. Food Arrangement:			
a)	How did you find food arrangement in the training programme? Average / Good / Extremely Satisfactory.		
b)	Was food served on time? Sometimes / Regularly / Very often.		
c)	How was the food arrangement hygienic?	Yes	No
10. Participant Opinion:			
a)	Which subject did you like the most and why?		
b)	Which resource person / Facilitator was most effective and why?		
c)	Is there any session which you did not like?		

d)	Which subject should have been covered in the training ?		
e)	Is the duration of training of 3-days was sufficient?	Yes	No
f)	Which method of training was most effective?		
g)	Did the organiser friendly and responsive?	Yes	No
h)	How do you rate the Training Programme with remark? Average/Good/Extremely Good		
i)	Would you like to participate in a training programme of similar nature in future? Yes / No.	Yes	No

Date

