



NALSA (Child-Friendly Legal Services for Children) Scheme, 2024

**NATIONAL LEGAL SERVICES AUTHORITY
JAISALMER HOUSE, NEW DELHI**

NALSA (Child-Friendly Legal Services for Children) Scheme, 2024

“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”

- Article 3, United Nations Convention on Rights of the Child

“States should take appropriate measures to establish child-friendly and child-sensitive legal aid systems taking into account the children’s evolving capacities and the need to strike an appropriate balance between the best interests of the child and children’s right to be heard in judicial proceedings.”

- Guideline 11, United Nations Principles & Guidelines on Access to Legal Aid in Criminal Justice Systems, 2012

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LIST OF ABBREVIATIONS

AHTU	Anti Human Trafficking Unit
CALPRA	The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986
CWC	Child Welfare Committee
CCI	Child Care Institution
CNCP	Children in Need of Care and Protection
CCL	Children in Conflict with the Law
CISS	Children in Street Situations
DCPU	District Child Protection Unit
DCPO	District Child Protection Officer
DLSA	District Legal Services Authority
DM	District Magistrate
HCLSC	High Court Legal Services Committee
IEC material	Information, Education and Communication material
JJ Act	Juvenile Justice (Care and Protection of Children) Act, 2015
JJ Model Rules	Juvenile Justice (Care and Protection of Children) Model Rules, 2016
LSA Act	Legal Services Authorities Act, 1987
LSI	Legal Services Institutions
NALSA	National Legal Services Authority, India
NGO	Non-Governmental Organisation
PCMA	The Prohibition of Child Marriage Act, 2006
POCSO Act	Protection of Children from Sexual Offences Act, 2012
RPwD	Rights of Persons with Disabilities Act, 2016
SCLSC	Supreme Court Legal Services Committee
SDG	Sustainable Development Goals
SLSA	State Legal Services Authority
TLSC	<i>Taluka</i> Legal Services Committee

1. INTRODUCTION

The special vulnerability of children is recognised by the United Nations Convention on the Rights of the Child, 1989 (UNCRC), which underlines the need to extend special care and protection to children on grounds of physical and mental immaturity. Children in need of care and protection or children in conflict with law are particularly vulnerable and need special protection and support. For most children, the actual experience of legal proceedings may be confusing and may result in fear, distress and secondary victimization. Due to a lack of knowledge and understanding about legal processes, procedures and implications, children often find it difficult in these circumstances to communicate with adults and navigate through legal proceedings. Thus, it is important for children to have access to child-friendly legal services to help them navigate the judicial processes.

Children may require legal services for various reasons – as defendants or witnesses in criminal proceedings; as parties in matrimonial or family proceedings; or, as victims of physical or psychological violence, sexual abuse or other crimes or rights violations such as data theft or unauthorised use of data; or for accessing services for medical termination of pregnancy; or as parties in civil or administrative proceedings on issues including health care, social security, and disability. The outcomes of these cases can impact children's lives in different manners, often with irreversible consequences. It can determine whether they are successfully reintegrated and rehabilitated with their families and communities or institutionalised in Child Care Institutions (CCI). It can also shape children's perspectives towards judicial proceedings and their confidence in the justice system.

The National Legal Services Authority (NALSA) has been constituted under the Legal Services Authorities Act, 1987 (LSA Act) to provide free and competent

legal services to people, especially those who are socio-economically disadvantaged, and to other vulnerable groups. A key mandate for NALSA is to lay down policies and principles for making legal services available under the LSA Act. Section 12 (c) of the LSA Act provides that any child shall have the right to free legal aid to file or defend a case. Provision of free legal aid, advice, counselling, and representation etc. for children is provided under other legislation as well, including the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act) and the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

Legal Services Institutions (LSIs) working under the aegis of NALSA, viz. the State Legal Services Authorities (SLSA), Supreme Court Legal Services Committees (SCLSC), High Court Legal Services Committees (HCLSC), District Legal Service Authorities (DLSA) and *Taluka* Legal Services Committees (TLSC), thus, have an obligation to provide free and competent legal services to children whenever a need arises or legal assistance is specifically sought by or on behalf of a child.

The NALSA (Child-Friendly Legal Services for Children) Scheme, 2024, updates, revises and consolidates the two previous schemes, viz. *NALSA (Child-Friendly Legal Services to Children and their Protection) Scheme, 2015*, and *Legal Services for Differently-Abled Children Scheme, 2021*, into one comprehensive scheme. The present Scheme seeks to contemporise the roles and responsibilities of LSIs, based on legislative changes and judicial pronouncements which have contributed to the evolution of juvenile justice jurisprudence in India. It focuses on the provision of free legal aid and outreach services for children, to promote access to justice for all. The Scheme actualizes the constitutional and statutory mandate of providing free and competent legal services for children, including children with disabilities and their parents/

lawful guardians and supporting agencies, on behalf of such children under their care.

The Scheme envisions an implementation of preventive, strategic and gender-responsive legal services programs for vulnerable children with specific focus on children with disabilities, to realize equity and equal opportunities for all. This is in pursuance of India's vision of fostering an inclusive society where no child is left behind. This Scheme aspires to achieve the Preambular goal of securing social, economic and political justice and successfully achieving the Sustainable Development Goals (SDGs).

Children with disabilities require different and special kind of education, skill training, healthcare including sexual and reproductive health, and other basic facilities for their welfare and rehabilitation. Community support is essential for their integration into the society. Children may have one or more of the disabilities recognized under the Rights of Persons with Disabilities Act, 2016 (RPwD Act), and these could broadly fall within physical or intellectual disabilities, or disabilities caused due to neurological conditions. On account of their disability, they may face discrimination or other difficulties in accessing their rights, in particular their right to inclusive education. Access to free and competent legal services can ensure that such children and their guardians can avail their rights, benefits and entitlements. Use of appropriate language, visual aids, inclusive and accessible infrastructure and services, etc. are key strategies to be adopted while providing legal services to children with disabilities.

The Scheme as its mission supports the fulfilment of the rights of children including children with disabilities and seeks to secure their full participation and inclusion. Legal Services Institutions (LSIs) can promote an inclusive environment for all children by providing holistic and effective legal services. Further, under this Scheme, NALSA along with the other LSIs will strive to

forge institutional partnerships with other departments, institutions and agencies and seek to harmonize the efforts of various stakeholders towards protecting and promoting child rights.

2. OBJECTIVES

This Scheme strives to strengthen and ensure the provision of child-friendly legal services by LSIs in India. The Scheme will ensure that children, including children with disabilities, have access to expert, specialized and competent legal practitioners and are empowered to understand their legal rights, entitlements, court processes and procedures. Additionally, LSIs are mandated to conduct community outreach programmes to identify and assist children most vulnerable to falling out of the social safety net. The following are the key objectives of this Scheme:

- 2.1** To ensure that legal services are accessible for children, including children with disabilities, at all stages of legal proceedings, including in civil, criminal and/or administrative matters.
- 2.2** To ensure that legal services are age-appropriate, multi-disciplinary, effective and responsive to the specific legal, psychological, social and other needs of children.
- 2.3** To facilitate and foster a child-friendly and child-sensitive environment within the justice system, so that the children feel valued and are encouraged to voice their opinion in judicial proceedings, thereby protecting their best interests in all matters affecting their lives.
- 2.4** To create a specialised workforce of panel lawyers and para legal volunteers who are trained to provide child-centric, gender-responsive, disability- centric and trauma-informed legal services to children.
- 2.5** To conduct community outreach programmes to spread awareness about the rights, entitlements, legal remedies and duties for/ of children, and

also ensuring that children, are provided such information in a manner appropriate for their age and maturity, catering to the gender/ culture sensibilities and sensitivities.

- 2.6** To collaborate with communities, schools, colleges, universities, government institutions and departments, non-governmental organisations including organisations working in the field of disability rights etc., to strengthen the ecosystem for the implementation of legislations, schemes and policies that safeguard the rights of children, in their letter and spirit.

3. DEFINITIONS

- 3.1** “Anti-Human Trafficking Unit” shall mean a special unit setup by State Police Departments, to deal with the crimes of human trafficking in a holistic manner;
- 3.2** “Best interest of child” shall mean that the basis for any decision taken regarding the child, would be to ensure fulfilment of their basic rights and needs, identity, social well- being and physical, emotional and intellectual development;
- 3.3** “Case” shall mean and include a suit or any proceeding before a court or judicial forum including a Juvenile Justice Board (JJB), a Child Welfare Committee (CWC) or a tribunal;
- 3.4** “Child” shall mean a person of any nationality, who has not completed eighteen years of age;
- 3.5** “Child in Conflict with Law” shall mean a child who is alleged or found to have committed an offence and who has not completed eighteen years of age on the date of commission of such offence;
- 3.6** “Child in Need of Care and Protection” shall mean and include a child—

- (i) who is found without any home or settled place of abode and without any ostensible means of subsistence; or
- (ii) who is found working in contravention of the provisions of the JJ Act or labour laws for the time being in force or is found begging, or living on the street; or
- (iii) who resides with a person (whether a guardian of the child or not) and such person—
 - a. has injured, exploited, abused, or neglected the child or has violated any other law for the time being in force meant for the protection of child; or
 - b. has threatened to kill, injure, exploit or abuse the child and there is a reasonable likelihood of the threat being carried out; or
 - c. has killed, abused, neglected or exploited some other child or children and there is a reasonable likelihood of the child in question being killed, abused, exploited or neglected by that person; or
- (iv) who has mental illness or a disability, or is suffering from terminal or incurable disease, or is diagnosed with a rare disease, or has no one to support or look after or whose parents or guardians are unfit to take care, if found so by the JJB or the CWC; or
- (v) who has a parent or guardian and such parent or guardian is found to be unfit or incapacitated, by the JJB or the CWC, to care for and protect the safety and well-being of the child; or

- (vi) who does not have parents and no one is willing to take care of and protect or who is abandoned or surrendered;
- (vii) who is missing or run-away, or whose parents cannot be found after making reasonable inquiry in such manner as may be prescribed; or
- (viii) who has been or is being or is likely to be abused, tortured or exploited for the purpose of sexual abuse or illegal acts; or
- (ix) who is found vulnerable and has been or is being or is likely to be inducted into drug abuse or trafficking; or
- (x) who is being or is likely to be abused for unconscionable gains; or
- (xi) who is a victim of or affected by any armed conflict, civil unrest or natural calamity; or
- (xii) who is at imminent risk of marriage before attaining the age of marriage and whose parents, family members, guardian and any other persons are likely to be responsible for solemnisation of such marriage;

3.7 “Child-Friendly” shall mean any behaviour, conduct, practice, process, attitude, environment or treatment that is humane, considerate and in the best interest of the child;

3.8 “Child-Friendly Legal Services” shall mean provision of legal assistance to children in criminal, civil and administrative proceedings that is accessible, age-appropriate, multi-disciplinary, effective, and that is responsive to the range of legal, psychological, and social needs faced by children;

- 3.9** “Children’s Court” shall mean a Court established under the Commissions for Protection of Child Rights Act, 2005 or a Special Court under the POCSO Act, wherever existing and where such courts have not been designated, the Court of Sessions having jurisdiction to try offences under the Act;
- 3.10** “Child Care Institution” shall mean children home, open shelter, observation home, special home, place of safety, specialised adoption agency and a fit facility¹ recognised under the extant JJ Act for providing care and protection to children, who are in need of such services;
- 3.11** “Childline Services” shall mean a twenty-four hour emergency outreach service for children in crisis which links them to emergency or long-term care and rehabilitation service, and in current context refers to the Child Helpline;
- 3.12** “Child Welfare Committee” shall mean a Committee constituted under Section 27 of the JJ Act;
- 3.13** “Children with Disabilities” shall mean and include any child who has long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers, hinders his/her full and effective participation in society on an equal basis;
- 3.14** “Court” shall mean a civil, criminal or revenue Court and includes any tribunal or any other authority constituted under any law for the time being in force, to exercise judicial or quasi-judicial functions;
- 3.15** “District Child Protection Unit” shall mean a Child Protection Unit for a District, established by the State Government under Section 106 of the JJ Act, which shall function under the supervision of the District

¹ The definitions of Children’s Homes, Open Shelter, Observation Home, Special Home, Place of Safety, Specialized Adoption Agency, and Fit Facility as per JJ Act 2 (19); 2 (41); 2 (40); 2 (56); 2 (46); 2 (57); 2 (27).

Magistrate, to ensure the implementation of the JJ Act and other child protection measures in the District;

- 3.16** “District Legal Services Authority” shall mean an Authority as defined in Section 2 (c) of the LSA Act and constituted under Section 9 of the LSA Act;
- 3.17** “High Court Legal Services Committee” shall mean a High Court Legal Services Committee constituted under Section 8A of the LSA Act;
- 3.18** “Juvenile Justice Board” shall mean a Board constituted under Section 4 of the JJ Act;
- 3.19** “Legal Services” shall mean and include the rendering of any free service in the conduct of any case or other legal proceeding before any Court or other authority or tribunal (including in appellate proceedings) and the giving of advice on any legal matter;
- 3.20** “Legal Services Clinics” shall mean and include the facility established by the District Legal Services Authority to provide basic legal services to the people with the assistance of para legal volunteers or panel lawyers, as the point of first contact for help and advice and includes Legal Services Clinics set up under Regulation 3 and Regulation 4 of the NALSA (Legal Services Clinics) Regulations, 2011;
- 3.21** “Legal Services Institutions” shall include *Taluka* Legal Services Committees (TLSC), District Legal Services Authorities (DLSA), State Legal Services Authorities (SLSA), High Court Legal Services Committees (HCLSC) and the Supreme Court Legal Services Committee (SCLSC), as the case may be;
- 3.22** “Observation Home” shall mean an observation home established and maintained in every district or group of districts by a State Government, either by itself, or through a voluntary or non-governmental organisation, and is registered as such, for the purposes specified in subsection (1) of Section 47 of the JJ Act;

- 3.23** “One Stop Centre” shall mean a Centre established under the National Mission for Empowerment of Women (now ‘Mission Shakti’) of Ministry of Women and Child Development, Government of India, to provide integrated support and assistance under one roof to women affected by violence, both in private and public spaces. Integrated support and assistance would include facilitation of linkages to services provided by police, legal services authorities, counsellors, medical practitioners etc.;
- 3.24** “Panel Lawyer” shall mean a lawyer selected under Regulation 8 of the NALSA (Free and Competent Legal Services) Regulations, 2010;
- 3.25** “Place of Safety” shall mean any place or institution, not being a police lockup or jail, established separately or attached to an observation home or a special home, as the case may be, to receive and take care of the children alleged or found to be in conflict with law, by an order of the JJB or the Children’s Court, both during inquiry and ongoing rehabilitation after having been found guilty for a period and purpose as specified;
- 3.26** “National Legal Services Authority” shall mean Central Authority constituted under Section 3 of the LSA Act;
- 3.27** “Para Legal Volunteer” shall mean a Para Legal Volunteer defined and trained under the revised NALSA Scheme for Para Legal Volunteers and the Module of Orientation, Induction and Refresher Course for Para Legal Volunteers training and engaged as such by the LSI;
- 3.28** “Scheme” shall mean any scheme framed by the Central Authority, a State Authority or a District Authority for the purpose of giving effect to any of the provisions of the LSA Act;
- 3.29** “Special Educator” shall mean a person trained in communication with children with disabilities in a way that addresses the child’s individual abilities and needs, which include challenges with learning and

communication, emotional and behavioural issues, physical disabilities and developmental issues;

- 3.30** “Special Juvenile Police Unit” shall mean a unit of the police force of a district or city or, as the case may be, any other police unit like railway police, dealing with children and designated as such for handling children under Section 107 of the JJ Act;
- 3.31** “Special Home” shall mean an institution established by a State Government or by a voluntary or non-governmental organisation, registered under Section 48 of the JJ Act, for housing and providing rehabilitative services to Children in Conflict with Law (CCL), who are found, through inquiry, to have committed an offence and are sent to such institution by an order of the JJB;
- 3.32** “State Legal Services Authority” shall mean a State Legal Services Authority constituted under Section 6 of the LSA Act;
- 3.33** “Supreme Court Legal Services Committee” shall mean the Supreme Court Legal Services Committee constituted under Section 3A of the LSA Act;
- 3.34** “Support Person” shall mean a person assigned by the CWC to render assistance to a child during the process of investigation and trial, or any other person assisting a child pre-trial or during the process of trial pertaining to the offences under the POCSO Act;
- 3.35** “*Taluka* Legal Services Committee” means a *Taluka* Legal Services Committee constituted under Section 11A of the LSA Act, and also means the Sub Divisional Legal Services Committee, where so named.

All words and expressions used but not defined in this Scheme and defined in other Acts, Rules and Regulations shall have the meanings respectively assigned to them in those Acts, Rules and Regulations, as the case may be.

4. LEGAL AND POLICY FRAMEWORKS

The right to legal services for children is articulated in several constitutional and statutory provisions in India, as well as in numerous international instruments. Some relevant legislations, policies and instruments within which legal services for children are to be provided are given below:

4.1 Constitutional Provisions

- 4.1.1** Article 14 provides that the State shall not deny to any person equality before the law or the equal protection of laws within the territory of India.
- 4.1.2** Article 22 guarantees the right of every citizen to be defended by a legal practitioner of one's choice.
- 4.1.3** Article 39A provides that the State shall secure that the operation of the legal system promotes justice on basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.
- 4.1.4** Article 39 (f) provides that the State shall in particular direct its policies towards, ensuring that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.
- 4.1.5** Through judicial interpretation, the scope of Article 21 has also been widened to include within its ambit the right to free legal aid and representation to entitled persons.

4.2 Statutory Provisions

- 4.2.1 The Guardian and Wards Act, 1890:** This Act deals with the qualifications, appointment & removal of guardians of children by the courts & is applicable to all children irrespective of their religion.
- 4.2.2 The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986:** This Act prohibits the engagement of children below the age of 14 years in certain specified occupations and to improve the conditions of work of children in certain other employments.
- 4.2.3 Legal Services Authorities Act, 1987:** The Act constitutes legal services institutions at the National, State, District and *Taluka* levels 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. As per Section 12 (c), any child who wants to file or defend a case shall be entitled to legal services.
- 4.2.4 The Commissions for Protection of Child Rights Act, 2005:** This Act provides for the constitution of a National Commission and State Commissions for Protection of Child Rights and Children's Courts for providing speedy trial of offences against children or of violation of child rights and for matters connected therewith or incidental thereto.
- 4.2.5 The Prohibition of Child Marriage Act, 2006:** This Act restrains the solemnization of child marriages by laying down the minimum age for marriage of both boys & girls. According to Section 2(a) of the Prohibition of Child Marriage Act, 2006, a "child" means a

person who if a male, has not completed twenty-one years of age, and if female, has not completed eighteen years of age.

4.2.6 The Right of Children to Free and Compulsory Education Act,

2009: This Act provides for free and compulsory education to all children of the age of six to fourteen years. It was enacted in furtherance of Article 21A of the Constitution of India, 1950, which provides that the State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.

4.2.7 Protection of Children from Sexual Offences Act, 2012:

This Act lays down specific legal provisions to deal with sexual crimes against children, mandating provisioning of legal assistance, medical help, psycho-social support, and social rehabilitation and compensation to the child victims, thereby safeguarding the best interest of the child, including children with disabilities. Section 40 of the Act states that the family or the guardian of child victims shall be entitled to the assistance of a legal counsel of their choice for any offence under the POCSO Act. It further provides that if the family is unable to afford legal counsel, they shall be provided legal aid counsel by the LSIs.

4.2.8 Juvenile Justice (Care and Protection of Children) Act, 2015:

The JJ Act caters to the basic needs of Children in Need of Care and Protection (CNCP) and Children in Conflict with the law (CCL) through proper care, protection, development, treatment, social reintegration, by adopting a child-friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation through processes provided, and

institutions and bodies established. Some important provisions with respect to access to legal services for children are mentioned below:

- Section 8 (3)(c) of the JJ Act states that the JJBs must ensure availability of legal aid for the CCL through the LSIs.
- Section 30 (xvii) of the JJ Act casts a duty on the CWC to take appropriate steps for accessing appropriate legal services for children.
- Section 53 (1)(viii) of the JJ Act casts a duty on the Persons in Charge of the Observation Home, Special Home or Place of Safety to ensure the availability of legal aid for children in conflict with the law.
- Rule 8 (3)(vii) of the JJ Model Rules casts a duty on the Police Officer who deals with a child alleged to be in conflict with law to inform the DLSA for providing free legal aid to the child.
- Rule 61 (3)(xxxi) of the JJ Model Rules also requires the Person in charge of a Child Care Institution to coordinate with the Legal cum Probation Officer in the DCPU or the DLSA to ensure that every child is legally represented and provided free legal aid and other necessary support.
- Rule 74 (15) of the JJ Model Rules provides that every child shall be entitled to communicate with his legal counsel provided that: (i) the rules of search and seizure shall apply to all legal counsels also; (ii) every such interview shall take place within the sight of a home official, though at a safe distance so as to be out of hearing; (iii) the

person wishing to have an interview with the child in the capacity of his advocate shall apply in writing, giving his name, address and enrolment number with a copy of a *vakalatnama*, duly attested by the JJB or the CWC or the Children's Court; (iv) any child who claims to have no counsel shall be permitted to meet the legal aid counsels who visit the Child Care Institution in the normal course.

- Rule 86 (13) of the JJ Model Rules provides that the Special Juvenile Police Unit (SJPU) may coordinate with the DLSA to provide legal aid to children.

4.2.9 Rights of Persons with Disabilities Act, 2016: This Act acknowledges the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities. Section 4 of the RPwD Act states that the appropriate government and local authorities shall take measures to ensure that children with disabilities enjoy their rights equally with others; and that children with disabilities shall have right on an equal basis to freely express their views on all matters affecting them, and the State shall provide them appropriate support, keeping in view their age and disability. Section 7 of the RPwD Act further outlines the duty of any Police Officer who receives a complaint of abuse, violence, or exploitation towards any person with disability, to inform the aggrieved person of the right to legal aid. Section 12 (3) of the RPwD Act further imposes upon NALSA and SLSAs a duty to make provisions, including reasonable accommodation, to ensure that persons with disabilities have access to any scheme, programme, facility, or service offered by them, equally with others.

4.3 Policy Frameworks

- 4.3.1 The National Policy for Children, 2013:** This Policy was adopted by the Government of India to reiterate the commitments to the rights-based approach for children. The policy reaffirms the Government's commitments to the rights-based approach in addressing the continuing and emerging challenges in the situation of children.
- 4.3.2 The Mission Vatsalya Scheme, 2022:** This Scheme is implemented by the Ministry of Women & Child Development, Government of India, and lays an emphasis on child rights, advocacy and awareness along with strengthening of the juvenile justice care and protection system with the motto 'leave no child behind'. It is a roadmap to achieve child development and protection priorities aligned with the SDGs. The Scheme guidelines outline a number of responsibilities for the LSIs (NALSA/SLSA/DLSA) including capacity development of child protection functionaries, provisioning of legal services and coordination with statutory and quasi-statutory bodies to ensure the realisation of legal rights of children.
- 4.3.3 Model Foster Care Guidelines, 2024:** These Guidelines have been framed by the Ministry of Women and Child Development, Government of India, for ensuring clarity, efficiency, and compliance amongst stakeholders about Foster Care with an objective to facilitate de-institutionalisation of children care. These guidelines are based on the provisions of the JJ Act (as amended in 2021), JJ Model Rules (as amended in 2022), Adoption

Regulations, 2022 and the Mission Vatsalya Scheme of the Government of India.

4.3.4 Scheme for Care and Support to Victims under Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012:

This Scheme was implemented by the Ministry of Women & Child Development, Government of India. It aims to provide integrated support and assistance to minor pregnant girl child victims under one roof. It seeks to facilitate immediate, emergency and non-emergency access to a range of services, for their long-term rehabilitation in terms of access to education, police assistance, medical, psychological, mental health counselling, legal support, non-institutional care support, place of stay in CCI/Aftercare facilities and health insurance cover for the girl child victim and her new-born under one roof. The Scheme envisages access to legal aid and assistance for the girl child victim and states that the DLSA should provide them legal aid.

4.3.5 NALSA's Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes, 2018:²

The Scheme makes available a Women Victims' Compensation Fund for women victims or sufferer of sexual assault or other crimes including minors. This can also be extended to dependents of the women who have suffered loss or injury as a result of an offence. In case the victim is an orphaned minor without any parent or legal guardian, the immediate relief or the interim compensation shall be disbursed to the bank account of the child at the decision of the

² In *Nipun Saxena and Anr. v. Union of India and ors.* [WP (C) NO. 565 of 2012], the Supreme Court had held that the NALSA's Compensation Scheme should function as a guideline for the Special Court to award compensation to victims of child sexual abuse under Rule 7 until the Rules are finalized by the Central Government.

SLSA/DLSA, opened under the guardianship of the Superintendent, CCI where the child is lodged or in absence thereof, the District Development Officer/Sub-Divisional Magistrate, as the case may be. While no claim shall be entertained after a period of 3 years from the date of occurrence of the offence or conclusion of the trial, in deserving cases, on an application made in this regard, for reasons to be recorded, the delay beyond three years can be condoned by the SLSAs/DLSAs.

4.4 International Instruments

- 4.4.1 **The Declaration of the Rights of the Child, 1959:** It announced ten principles designed to enable children to develop in a healthy and normal manner with freedom and dignity.
- 4.4.2 **The International Covenant on Civil and Political Rights, 1966:** Article 14 (3) of the Covenant provides, that in the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: to be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it.
- 4.4.3 **The United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (The Beijing Rules):** It seeks to ensure that basic human rights (including free legal aid and representation) are provided to children.
- 4.4.4 **The United Nations Convention of the Rights of the Child, 1989:** It guarantees certain rights to children. Article 2 provides for

the right to non- discrimination; Article 3 provides for the best interest of the child; Article 6 provides for the right to life, survival and development of the child; Article 12 provides for the right to be heard; Article 40 (2)(b)(ii) provides that a child be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence; Article 40 (2)(vi) provides that the child must have free assistance from an interpreter at every stage of the justice process if he does not speak the local language/language of the Court; and Article 37 (d) provides that every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.”

4.4.5 The United Nations Convention on the Rights of Persons with Disabilities, 2006: It directs State parties to ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.

4.4.6 The United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, 2012: It defines the term “legal aid” to include: legal advice, assistance and representation for persons detained, arrested or imprisoned, suspected or accused of, or charged with a criminal offence and for victims and

witnesses in the criminal justice process that is provided at no cost for those without sufficient means or when the interests of justice so require. Furthermore, “legal aid” is intended to include the concepts of legal education, access to legal information and other services provided for persons through alternative dispute resolution mechanisms and restorative justice processes. It provides that children are entitled to additional protections when involved with the criminal justice system. Principle 10 acknowledges that special measures, which are age-appropriate and gender-sensitive, should be taken to ensure meaningful access to legal aid for children. Principle 11 further affirms that all legal aid decisions affecting children should take into consideration the best interests of the child. Guideline 10 outlines eight special measures for children.

- 4.4.7 ECOSOC Resolution 2004/27 Guidelines on Justice for Child Victims and Witnesses of Crime:** It provides a practical framework to guide professionals and volunteers working with child victims and witnesses of crime in their day-to-day practice in the adult and juvenile justice process. It also provides guidelines for review of national and domestic laws, procedures and practices so that these ensure full respect for the rights of child victims and witnesses of crime and fully implement the Convention on the Rights of the Child. It also provides guidance to Governments, international organizations, public agencies, non-governmental and community- based organizations and other interested parties in designing and implementing legislation, policy, programmes and practices that address key issues related to child victims and witnesses of crime.

- 4.4.8 New Delhi Roadmap for Strengthening Access to Justice in the Global South by Improving Access to Legal Aid Services, 2023:**

The Roadmap makes a number of recommendations for the provision of legal services to children. Recommendation 1 (b) states that children should be exempted from any income-based eligibility criteria and be automatically eligible for legal aid. Further, Recommendation 2 (b) states that countries should extend legal aid services to children in need of care and protection and safeguard their land, housing and property rights. Recommendation 6 states that countries should ensure that all CCL have access to specialised and child-friendly legal aid at all stages of the criminal justice process. This can be done by:

- Ensuring that legal aid services are prioritized for children at all stages of the criminal justice process, in the best interests of the child, and are accessible, age-appropriate, multidisciplinary, effective, and responsive to the specific legal and social needs of children;
- Equipping and preparing Legal aid administrators and providers to effectively represent and support children. This includes providing lawyers specialized in juvenile representation who have the resources and opportunity to implement approaches such as diversion that aim to keep children out of the criminal justice system;
- Adopting a holistic representation approach that integrates social work and psycho-social counselling with legal services. This is an effective way to ensure focus on the best interests of the child to support children's positive development, while also addressing intersecting needs beyond the criminal case.

Figure 1: Overview of the Child Protection Framework in India

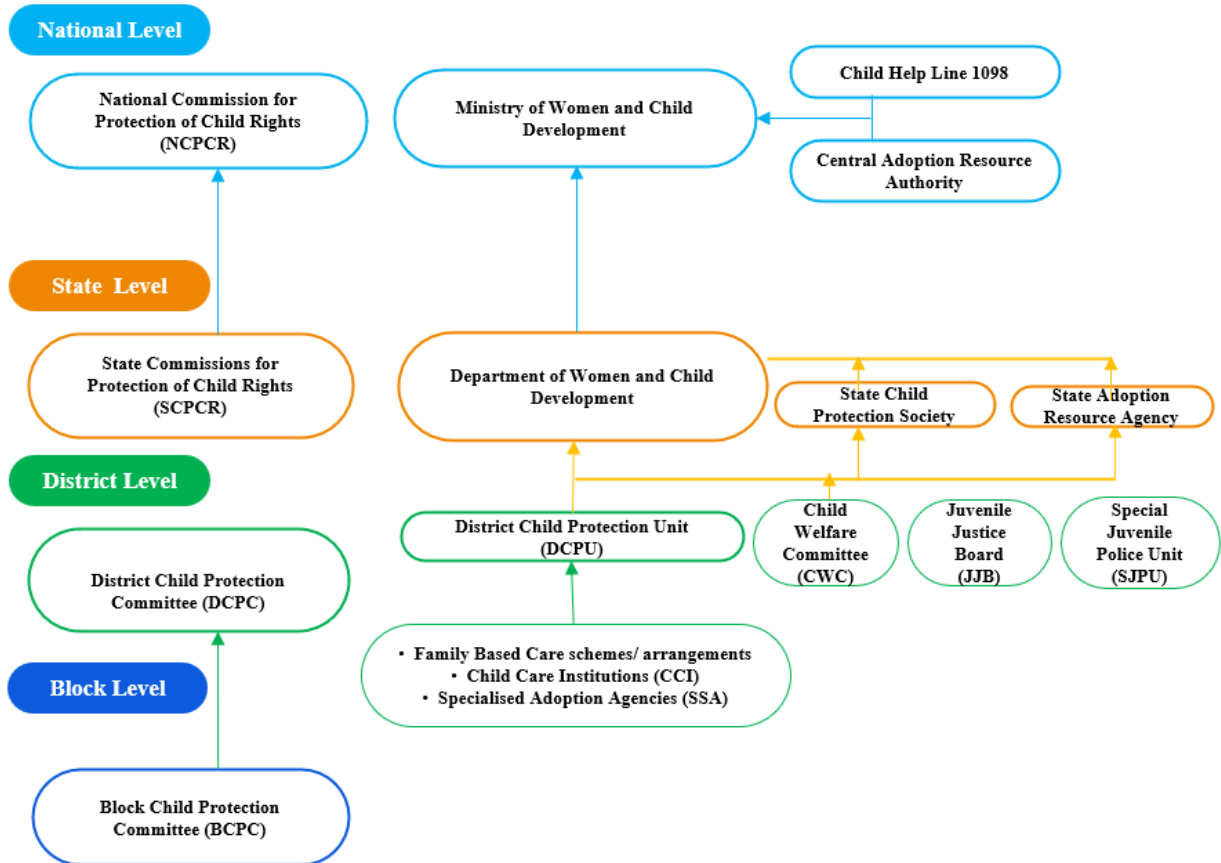
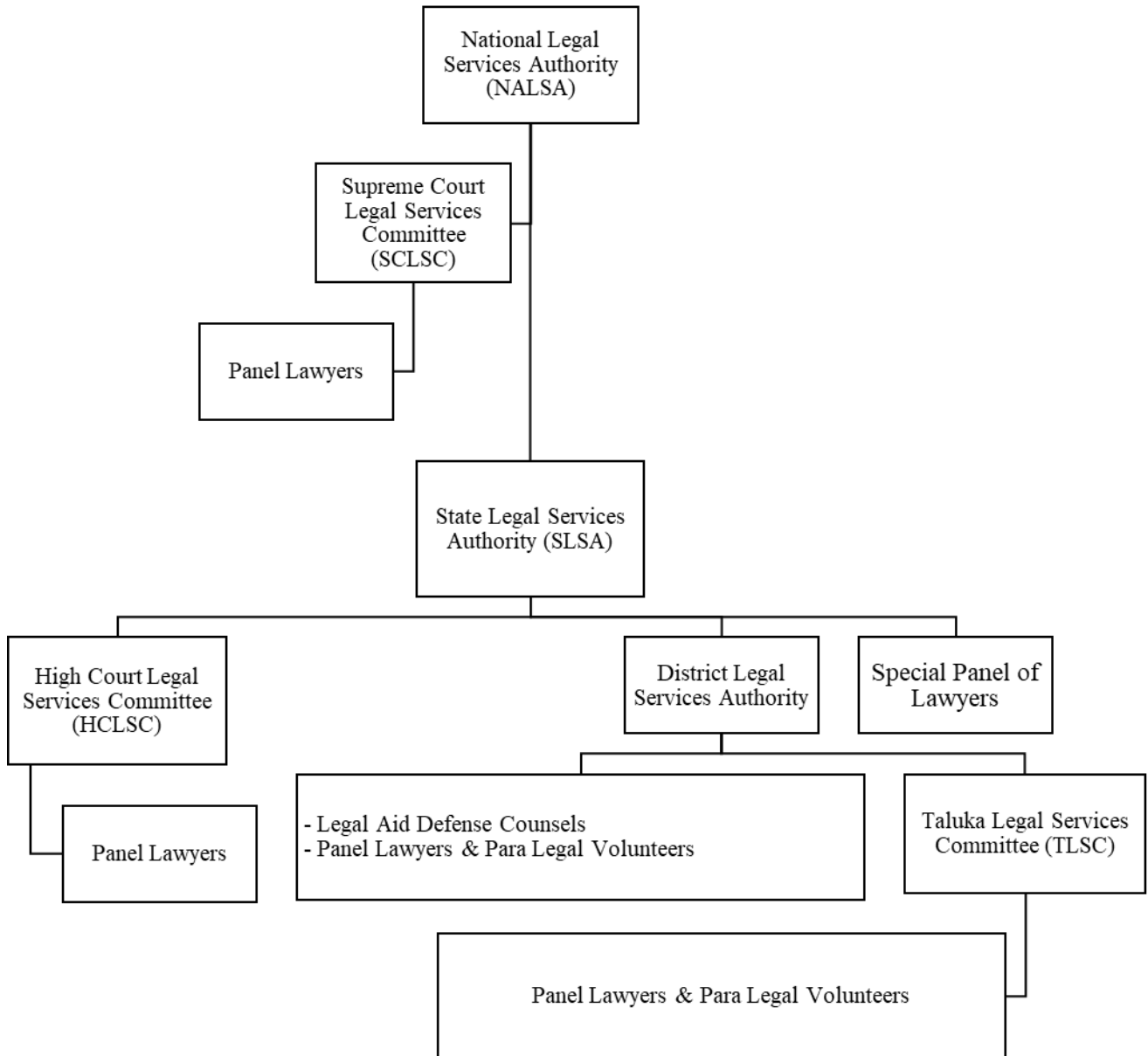


Figure 2: Overview of Legal Services Institutions Framework in India



5. ACTIONS AND INTERVENTIONS UNDER THE SCHEME

This section outlines the actions to be undertaken and interventions to be made by LSIs to ensure that need-based, specialized and timely legal services are made available for children.

5.1 Specialised Legal Services Unit for Children in every District

5.1.1 Legal Services Unit for Children:

5.1.1.1 The SLSA will set up a **Legal Services Unit for Children (LSUC)** in each district, to be headed by the Secretary, DLSA.

5.1.1.2 The Secretary, DLSA with the approval of the Chairman, DLSA shall depute at least/preferably eight Panel Lawyers and ten Para Legal Volunteers, from the existing panels, at the LSUC.

5.1.1.3 The Chairman, DLSA shall also nominate one retired judicial officer to be a part of LSUC.

5.1.1.4 The senior most Deputy Legal Aid Defence Counsel in the district shall be a member of the LSUC.³ Where a Deputy LADC has not yet been appointed, the Chief or Assistant LADC shall be a member of the LSUC, as per the discretion of the Secretary, DLSA.

5.1.1.5 The Secretary, DLSA with the approval of the Chairman, DLSA shall depute one Panel Lawyer and two Para Legal Volunteers, from the existing panels at the TLSC, who will be a part of the LSUC.

5.1.2 Criteria for Deputation: Previous experience of or having specialised training for, working with children or children with

³ This is in the context of children between 16-18 years being tried under heinous offences in children courts; and children above 6 years found to be in prisons.

disabilities, shall be given preference while selecting Panel Lawyers and Para Legal Volunteers for the LSUC.

5.1.3 Training & Capacity Building:

5.1.3.1 An Orientation Training for the LSUC shall be organised by the Secretary, DLSA within a week of constitution of the LSUC.

5.1.3.2 An Orientation Training shall be organised by the Secretary, DLSA for every subsequent induction of a legal service provider into the LSUC, within a week of the selection.

5.1.3.3 The Secretary, DLSA shall organise one Refresher Training for the LSUC every quarter. These may be organised in coordination with relevant government departments, agencies, universities or non-governmental organisations, having expertise in the field of child rights and disability rights.

5.1.3.4 The Secretary, DLSA shall follow the Training Module and Curriculum developed by NALSA.

5.1.4 Availability of list of experts, specialised institutions etc. with the LSUC: The DLSA shall liaise with the DCPU, JJB, CWC, District Health Officer, District Education Officers, District-level Committee on Disability and Social Welfare Officers to procure and make available with the LSUC, the list of certified experts and specialised agencies⁴, government and non-governmental organizations, and certifiable fit facilities in the district or otherwise. Availability of such a list will ensure that LSUC members are aware of the specialised service providers for children including for children with disabilities.

⁴ The list of experts could include members of the SJPU, AHTU, Support Persons, Translators, Psychologists, Interpreters and Special Educators.

5.1.5 Collaboration with other institutions and agencies: The LSUC under the guidance of their respective DLSA shall collaborate with counsellors, medical service providers, social workers, special educators, support persons, disabled people's organisations, legal-cum-probation officers, person-in-charge of legal literacy clubs and the One Stop Crisis Centres, DCPUs and CCIs, as required.

5.1.6 Outreach and Awareness: The SLSA shall prepare an annual calendar of outreach and awareness activities, to be circulated to each LSUC by the DLSA. These activities may be conducted in collaboration with CCIs (including special homes for children with disabilities), community-based organisations, government departments, schools (including special schools), colleges, universities, non-governmental organisations etc. These may include:

5.1.6.1 Dissemination of Information, Education and Communication material (IEC material): The LSUC shall disseminate IEC material, as prepared by the SLSA, among students, teachers, public, government officials and other relevant stakeholders. These should be used in all outreach and awareness programmes conducted by the LSUC and be made available in the front offices, legal services clinics, legal literacy clubs, *panchayat ghars*, hospitals, office of the DM/sub-divisional magistrate etc. in the District. The IEC material may also be disseminated widely through various social media platforms.

5.1.6.2 Community Awareness, Outreach and Sensitization Programmes:

- a) The LSUC shall organize legal awareness programmes on topics pertaining to the legal rights, duties, entitlements, and remedies for children, including for children with disabilities; transgender children;

children who are rescued from trafficking, child labour, child marriage and other forms of abuse; children who are denied educational opportunities etc. Such programmes may be organised in coordination with the District Social Welfare Officer, District Legal-cum-Probation Officer, CWC, Child Protection Committees at the State, District, Block and Village levels, etc. LSUCs shall ensure that such programmes are organised in a manner which is accessible and easily comprehensible by children with disabilities.

- b) The LSUC shall initiate dialogues at the community level to remove the stigmas that impede social reintegration of CCL; child victims of sexual offences, trafficking, child marriage; children living with or affected by HIV/AIDS; Transgender children etc. and to foster a supportive environment for children suffering from neglect, abuse, exploitation, and/or violence.
- c) The LSUC may organise awareness programmes for children to facilitate their admission/re-admission in schools through various State and Central programmes like the National Institute of Open Schooling, State Open Schools, Indira Gandhi National Open University etc.
- d) The LSUC shall undertake extensive community outreach activities in collaboration with ASHA workers, Child Welfare and Protection Committees, *Anganwadi* workers, teachers, *Panchayat* members and community-based organisations, including Self Help Groups. The LSUC will support the children and their guardians in availing the benefits under the various schemes.
- e) The LSUC shall make efforts to publicise the NALSA Helpline 15100; Child Helpline 1098; *Divyangjan* Helpline 14456; relevant

State helpline numbers etc. during community awareness and outreach programmes.

- f) The LSUC shall liaise with the district administration, to provide legal services in camps organised by the latter, with special emphasis on providing legal services to children who require assistance in obtaining disability certificates, caste certificates, orphan certificates, and other identification documents etc.
- g) The LSUC may collaborate with media and radio channels including with *Doordarshan*, All India Radio and Community Radio, to raise awareness.
- h) The LSUC may collaborate with outreach workers and social workers of the DCPU and the Child Helpline, to strengthen community capacities in early detection of disabilities in children; in availing necessary benefits under the various schemes; providing medical and other support services; and assisting in opening bank accounts to avail the monetary benefits of schemes.
- i) The LSUC may organise legal awareness programmes, seminars and other campaigns, including essay writing competitions, street plays, poster making competitions, painting competitions and debates.

5.2 Legal Services to Children

5.2.1 Legal Services to Children in Conflict with Law:

5.2.1.1 Legal Services at the Police Station

- a) The Secretary, DLSA shall ascertain that intimation regarding the apprehension of any child by the police are mandatorily given to the

DLSA office. Where non-compliance is noticed, he/she shall write to the Special Juvenile Police Unit (SJPU) in the respective District, seeking compliance of the mandate.⁵

- b) Upon receipt of intimation regarding the apprehension of a child by the police, the DLSA shall immediately assign a panel lawyer from the LSUC to visit the police station and provide necessary legal assistance. Nothing in this Scheme shall prevent children, their parents, or guardians from engaging a lawyer of their choice.
- c) The Secretary, DLSA shall ensure that details of the LSUC, including names of the panel lawyers and para legal volunteers along with their contact details, are made available with the DCPU and are displayed in local languages in every police station at prominent places, and in a manner that is accessible to persons with disabilities.
- d) In cases where panel lawyers come across probable minors, at the time of interrogation, arrest or remand, they shall coordinate with the members of the LSUC to take appropriate steps to ascertain whether or not such a person is a minor and proceed accordingly.
- e) The Secretary, DLSA may conduct surprise visits at the police stations within the District, to ascertain whether children who are brought to the police station have access to legal services.

5.2.1.2 **Legal services at the JJB**

- a) The Secretary, DLSA shall ascertain that a legal services clinic is established in every JJB in compliance with the NALSA (Legal Services Clinics) Regulations, 2011.

⁵ This is in compliance with Rule 8 (3)(vii) of the JJ Model Rules that casts a duty on the police officer, who deals with a child alleged to be in conflict with law, to inform the DLSA for providing free legal aid to the child.

- b) The Secretary, DLSA shall depute para legal volunteers and/or panel lawyers from the LSUC at the legal services clinic.
- c) The Secretary, DLSA shall ensure that the legal services clinic at the JJB is functioning as per the NALSA (Legal Services Clinics) Regulations, 2011.
- d) The DLSA shall liaise with the JJB to ensure timely legal services to a CCL, when requested for.⁶ This shall include provisioning of video conferencing facilities etc.
- e) The DLSA shall share the list of panel lawyers and para legal volunteers, who are deputed to the Legal Services Clinic at the JJB, with the members of the JJB; display their names and contact details at appropriate places inside the JJB premises, to ensure compliance with Section 8 (3)(a) of the JJ Act.

5.2.1.3 Legal Services at Child-Care Institutions (Place of Safety, Observation Homes and Special Homes)

- a) The Secretary, DLSA shall conduct awareness camps in the CCIs once every quarter to ensure that all children in CCIs, including observation homes, special homes and places of safety, are made aware of their legal rights, entitlements, duties and ensuing legal processes. Further, the contact details of the LSUC members could also be publicised at the premises.
- b) The Secretary, DLSA along with other members of the LSUC shall organize legal services camps for providing legal advice on all matters related to conditions of stay, access to education, rehabilitation and other social measures, in all CCIs within the District, at least once every quarter.

⁶ In compliance with Section 8.3 (c) of the JJ Act which states that the functions and responsibilities of the Board shall include ensuring availability of legal aid for the child through the LSIs.

- c) The Secretary, DLSA shall provide IEC material to all CCIs, regarding the right to free legal aid for children, which can then be provided by the Superintendent of the CCI, to children at the time of admission.⁷
- d) The Secretary, DLSA shall conduct an inspection of CCIs including Observation Homes, Special Homes and Places of Safety, as per Part-H of the NALSA Manual for DLSAs, 2023.
- e) The Secretary, DLSA should formulate an annual calendar of visits to each CCI situated in the District to ensure at least one inspection in each CCI every month.

5.2.1.4 Legal Services at Children's Courts

- a) The Secretary, DLSA shall ensure that the details of the LSUC are made available to and displayed at each Children's Courts in the District. In districts where the LADC office is functional, their details shall also be made available to and displayed at the Children's Court.

5.2.1.5 Legal Services at Prisons

- a) If any prisoner appears to be a minor, the PLVs attached with the Prison Legal Aid Clinic shall, as per NALSA's Standard Operating Procedures on Access to Legal Aid Services to Prisoners and Functioning of the Prison Legal Aid Clinics, 2022, enquire about the age proof of such a person. In case, the person claims to be below 18 years of age, the PLV shall immediately inform the Superintendent of the Prison and the Secretary, DLSA.
- b) Upon receipt of such information, the Secretary, DLSA shall assign a panel lawyer from the LSUC, who shall then file an application on behalf of such a person before the concerned Court, requesting the Court:

⁷ Rule 61 (xxxix) of the JJ Model Rules - The Person in Charge to co-ordinate with the legal-cum-probation officer in the District Child Protection Unit or the District or State Legal Services Authority to ensure that every child is legally represented and provided free legal aid and other necessary support.

- i. to initiate the proceedings to determine the age of the person; and
- ii. to immediately transfer the person to the appropriate CCI under Section 9 (4) of the JJ Act, while the age of the person is being determined by the Court.

5.2.2 Legal Services to Children in Need of Care and Protection

5.2.2.1 Legal Services at the CWC

- a) The Secretary, DLSA shall make available the list (names and contact numbers) of the LSUC members with the respective CWC.
- b) The Secretary, DLSA shall display a poster at the CWC Office and the CCI containing information on the right to legal services.
- c) The Chairperson, CWC may, on a case-by-case basis, request the Secretary, DLSA to depute a para legal volunteer from the LSUC, for providing legal assistance to a child brought before the CWC.
- d) Upon request by a parent or a guardian of a child appointed by the CWC under Section 2 (31) of the JJ Act, the Chairperson, CWC may contact the Secretary, DLSA, to assign a panel lawyer or a para legal volunteer, as required, to provide legal services.

5.2.2.2 Legal Services for CNCs in Family-Based Care

- a) The Secretary, DLSA, on receiving a request/application from a child's guardian or any community member, shall assign a member of the LSUC, to make a visit to the child's residence and provide necessary legal services.
- b) The Secretary, DLSA, on receiving a request from the CWC, DCPU, Child Helpline/*Divyangjan* Helpline workers, outreach workers, social workers and NGOs etc., shall provide legal services to any child assessed by them to be in need of legal assistance.

5.2.2.3 Legal Services for CNCs in CCIs (Children's Home, Fit Facility etc.)

- a) The Secretary, DLSA shall provide legal services to a child upon request received from the child, parent, guardian, CWC, Superintendent or Management Committee of the CCI.
- b) The Secretary, DLSA shall display at prominent places inside the CCI, posters with information on legal services, including the national helpline numbers.
- c) The Secretary, DLSA may conduct inspection of the CCIs, as per Part- H of the NALSA Manual for DLSAs, 2023.

5.2.2.4 Legal Services for CNCs who are Victims of Crime:

- a) The Secretary, DLSA shall assign a Panel Lawyer from the LSUC to a child victim, as per Section 40 of the POCSO Act. They shall provide legal services including legal advice, representation, and assistance in filing applications for compensation under the Victims' Compensation Schemes etc.
- b) The Secretary, DLSA, being the Remote Point Coordinator for recording of the testimony of child victims through video conferencing, shall make necessary arrangements for the same.
- c) The Secretary, DLSA shall coordinate with the in-charge of the Vulnerable Witness Deposition Centre for recording of evidence of child victims.
- d) The Secretary, DLSA shall assign a Panel Lawyer for filing appropriate applications under the Medical Termination of Pregnancy Act, 1971, when the victim so requests.

- e) The Secretary, DLSA shall as per the directions of the Special POCSO Court, prepare a compensation award in favour of the child victim and forward the same to the SLSA for disbursement of the compensation amount.
- f) The SLSA shall disburse the compensation to the child victim as per timelines prescribed, and on production of relevant documents.
- g) The DLSA or the SLSA, as the case may be, shall assign para legal volunteers to assist the victims in obtaining the necessary documents, by coordinating with concerned authorities, for disbursement of the compensation amount.

5.2.2.5 Legal Services at the police station for missing/trafficked children and children rescued from child labour

- a) DLSA shall display the contact details of the LSUC prominently at the police stations along with the legal services provided for the benefit of missing /rescued children.
- b) DLSA shall depute para legal volunteers from the LSUC at the police station to provide assistance to parents of the missing children.⁸
- c) DLSA will coordinate with DCPU and work closely with the service providers such as translators, interpreters, and special educators etc as envisaged in the different/relevant laws and policies.
- d) DLSA to facilitate the provision of counselling to rescued/traced missing children and to support their effective rehabilitation and related issues through counsellors at the One Stop Centre or through NGOs working in the field of child rights.

⁸ In compliance with Bachpan Bachao Andolan v. Union of India, AIR 2011 SC 3361.

5.2.3 Legal Services to Children who are otherwise in Contact with the Law

5.2.3.1 Legal Services for children upon request to DLSA

- a) The Secretary, DLSA shall assign a panel lawyer from the LSUC for assisting any child, upon receipt of a legal aid application/request in that regard. Such applications/requests can be made at the Front Office of the DLSA, or via email or online through the NALSA Legal Services Management System Portal.
- b) The Secretary, DLSA shall provide details of the LSUC to the panel lawyers and para legal volunteers deputed at all the Legal Services Clinics in the District.
- c) The Secretary, DLSA shall assign a lawyer from the LSUC to assist Transgender children in moving appropriate applications to avail their rights, benefits and entitlements under the Transgender Persons (Protection of Rights) Act, 2019, and other relevant legislations and schemes.

5.2.3.2 Legal Services to a Child Witness

- a) In case a child witness receives a threat and seeks protection, a request can be made to the Secretary, DLSA for assigning a panel lawyer to assist the child/guardian in moving an application before the concerned Court or the Witness Protection Committee of the District concerned.
- b) The Secretary, DLSA being the Remote Point Coordinator for recording of the testimony of child witnesses through video conferencing shall make necessary arrangements in this regard.

- c) The Secretary, DLSA shall coordinate with the in-charge of the Vulnerable Witness Deposition Centre for recording of evidence of child witnesses.

5.2.3.3 Legal Services for Children for Adoption

- a) Secretary, DLSA, shall provide legal services, on a case-by-case basis, to children who are in the process of being made legally free for adoption, or who require guardianship or to prospective adoptive parents, if so, requested by the DM.

5.2.3.4 Legal Services for Child Victims of Crime:

- a) The Secretary, DLSA shall assign a panel lawyer from the LSUC for assisting any child victim of crime, upon receipt of a legal aid application/request in that regard. Such applications/requests can be made at the Front Office of the DLSA, or via email or online through the NALSA Legal Services Management System Portal.
- b) The Secretary, DLSA shall coordinate with the Superintendent of Police in the concerned District, to ensure that any police officer, who receives information about a child with disabilities who has been subjected to abuse, violence or exploitation, informs such a child about the right to legal aid.⁹ The police officer may also inform the Secretary, DLSA regarding such cases, so that a member of the LSUC may be assigned to assist the child.
- c) The Secretary, DLSA shall, upon receipt of an application for award of compensation from any child victim, decide the same and thereafter, where deemed fit, prepare a compensation award in favour

⁹ As per Section 7 (4) of the RPwD Act.

of the child victim. He/She shall also forward the same to the SLSA for disbursement of the compensation amount.

- d) The SLSA shall disburse the compensation to the child victim as per timelines prescribed, and on production of relevant documents.
- e) The DLSA or the SLSA, as the case maybe, shall assign para legal volunteers to assist the victims in obtaining the necessary documents, by coordinating with concerned authorities, for disbursement of the compensation amount.

5.2.3.5 Legal Services to children involved in custody and guardianship cases

- a) Upon receipt of direction from the concerned Court for provision of legal assistance to a child involved in a custody battle, DLSA shall assign a panel lawyer to the child, who shall in turn ensure that the child's views are heard and duly considered.

5.2.3.6 Legal Services to Children of Prisoners

- a) Upon receipt of a request from the concerned Court, CWC, DCPU, or the prison authorities, for provision of legal assistance to a child whose parent(s) or guardian is imprisoned, the DLSA shall assign a panel lawyer from the LSUC for the child.

5.2.3.7 Legal Services to Child Seeking Annulment of Marriage or other reliefs under the Prohibition of Child Marriage Act, 2006

- a) Upon receipt of a request from a child or his/her parent(s) or guardian, the Secretary, DLSA, shall assign a panel lawyer from the LSUC, to file an annulment petition before the concerned Court.

6. RESPONSIBILITIES OF LEGAL SERVICES PROVIDERS AND INSTITUTIONS

6.1 Legal Services Providers deputed to the LSUC

6.1.1 Para Legal Volunteers

- a) They shall perform all the tasks and activities as outlined in Part 5, under the guidance and supervision of the Secretary, DLSA.
- b) They shall make regular visits to the CCIs.
- c) They shall extend necessary support to CWCs, JJBs and DCPUs to ensure that the rights, entitlements and benefits under the extant child-centric schemes are made available to children.
- d) They shall, when communicating with children with disabilities, use appropriate formats of communication, languages, display of text, Braille, tactile communication, signs, large print, accessible multi-media, written, audio, video, visual displays, sign language, plain language etc.
- e) They shall bear in mind the following principles which are to inform all aspects of their interaction with children:
 - *Principle of presumption of innocence;*
 - *Principle of dignity and worth;*
 - *Principle of participation;*
 - *Principle of best interest;*
 - *Principle of safety;*
 - *Positive measures;*
 - *Principle of non-stigmatising semantics;*

- *Principle of non-waiver of rights;*
- *Principle of equality and non-discrimination;*
- *Principle of right to privacy and confidentiality;*
- *Principles of natural justice;*
- *Principle of accessibility;*
- *Principle of giving respect to the evolving capacities of children with disabilities.*

6.2.2 Panel Lawyers

- a) They shall provide legal services to children as outlined in Part 5 and bear in mind their duties as outlined in Part E of the NALSA Manual for DLSAs, 2023.
- b) They shall bear in mind the following principles which are to inform all aspects of their interaction with children:
 - *Principle of presumption of innocence;*
 - *Principle of dignity and worth;*
 - *Principle of participation;*
 - *Principle of best interest;*
 - *Principle of safety;*
 - *Positive measures;*
 - *Principle of non-stigmatising semantics;*
 - *Principle of non-waiver of rights;*
 - *Principle of equality and non-discrimination;*
 - *Principle of right to privacy and confidentiality;*
 - *Principle of institutionalisation as a measure of last resort;*
 - *Principle of repatriation and restoration;*
 - *Principle of fresh start;*
 - *Principle of diversion;*
 - *Principles of natural justice;*

- *Principle of accessibility;*
 - *Principle of giving respect to the evolving capacities of children with disabilities.*
- c) While providing legal services to a child, panel lawyers should especially bear in mind the following:
- They shall commit time and resources to build a relationship of trust with a child, to understand what is in the child's best interest.
 - They shall make special efforts while interacting with children with disabilities to understand their unique vulnerabilities and requirements. For this purpose, they may use appropriate formats of communication, languages, display of text, Braille, tactile communication, signs, large print, accessible multi-media, written, audio, video, visual displays, sign language, plain language etc. They may also take the assistance of special educators and sign language interpreters, as required, by making such a request to the Secretary, DLSA.
 - They shall develop and adapt case strategies to achieve the optimal legal outcome in the best interest of the child, and involve the child and parents/guardian in this process, respecting their right to be heard.
 - They shall inform the child about his/her right to express an opinion and the right to participate in legal proceedings.
 - They shall inform the child about the upcoming hearings, including particulars of the proceedings, possible outcomes and whether the child would be required to attend it or not.

- They shall also give an estimation of how long the whole process could take and inform the child/ parents/ guardians accordingly.
- They shall provide regular updates by post, telephone, text, social media or email to the child/parents/guardian.
- They shall also explain to the child the meaning and implications of any court order made; the avenues of appeal or revision following a decision pronounced by the Court/JJB/CWC etc.
- They shall make endeavours for providing a child-friendly environment in the Court/JJB/CWC.
- They shall, while assessing the child's best interests, take into account the following things: the child's general well-being; the child's physical, mental, spiritual, moral, psychological and social status; and the child's need for education and a healthy and safe environment.
- They shall make cogent arguments before the Court/JJB/CWC regarding the child's best interests. While doing so, they shall take into account the child's views and give them due weightage.
- They may consult social workers, parents, teachers, special educators, community members, doctors and psychologists, as deemed fit, to form a holistic view of the child's best interests.
- They shall also inform the child witnesses or victims and their parents/guardian about the Witness Protection Scheme and shall also assist them in moving appropriate applications seeking witness protection before the concerned forum.

- If the child/parents/guardian requests for a change of lawyer, then the lawyer should respect the child's right to engage a different lawyer.

6.2 Legal Services Institutions

6.2.1 District Legal Services Authority

- a) DLSA shall be responsible for the implementation of the activities outlined in this Scheme.
- b) The Secretary, DLSA shall provide a 'Charter of Duties', as outlined in Part E of NALSA's Manual for DLSAs, 2023, to the panel lawyers deputed at the LSUC.¹⁰
- c) The Secretary, DLSA shall, in the provision of legal services to children, collaborate with counsellors, medical service providers, social workers and translators etc. available through One Stop Crisis Centres, DCPUs, CCIs etc.
- d) The Secretary, DLSA shall seek necessary permissions from concerned authorities to facilitate visits of the LSUC to CCIs.
- e) The Secretary, DLSA shall, while interacting with children with disabilities, use appropriate language and communication systems, and for this, he/she may seek the assistance of sign language interpreters, special educators etc.
- f) The Secretary, DLSA shall regularly collect, collate and review the data regarding legal services provided to children as per the Scheme.

¹⁰ Part E, 2.2 (vi) outlines duties for panel lawyers for providing legal services in the JJB and Part E, 2.4 (v) outlines duties for the panel lawyers deployed at the CWC.

- g) The Secretary DLSA shall undertake a monthly assessment as per Format A – ‘DLSA Checklist for Assessing Legal Services Provided to Children in the District’
- h) The Secretary, DLSA shall share reports on the LSUC as per Format B – ‘Details of the Legal Services Unit for Children’ and Format C – ‘Reporting from DLSA to SLSA’, with the SLSA as per timelines prescribed.
- i) The Secretary, DLSA shall take necessary action whenever a complaint or grievance is received against the functioning of other members of the LSUC.
- j) The Chairman, DLSA may convene a quarterly meeting with stakeholders such as members of the JJB, CWC, DCPU officers, person-in-charge of One Stop Centres, CCIs etc. to discuss and resolve issues that may arise while providing legal services to children.

6.2.2 State Legal Services Authority

- a) SLSA shall be responsible for supervision over the DLSAs for ensuring the implementation of this scheme.
- b) SLSA shall establish the LSUC in every district, for a fixed term, preferably for two years.
- c) SLSA shall prepare training modules/curriculum for Orientation and Refresher Training of LSUC. The Modules prepared by NALSA be considered while preparing the same.
- d) SLSA shall prepare IEC material in local languages on child rights and the provisions of laws pertaining to children, disability rights, bail procedures, gender-based violence, cyber safety, child marriage,

immoral trafficking, child labour, relevant judicial pronouncements etc. The IEC material should be made in formats also suitable for dissemination through electronic, print media etc. The said IEC material shall also be in formats accessible by children with disabilities.

- e) SLSA shall keep an updated district-wise record of the CCIs, run both by the State Governments or voluntary organizations in the State, and shall share the same with the DLSA periodically.
- f) SLSA may coordinate with the head of the State Police Department, to ensure that Standing Orders outlining the roles, responsibilities and functions of the SJPU and Child Welfare Police Officers, are issued for compliance by police officers in the State.
- g) SLSA may liaise with the nodal and allied departments including Education, Health and Family Welfare, Panchayati Raj, Labour and Employment, and Law Enforcement at the State level, to facilitate linkages and corresponding services for children at the District, *Taluka* and *Gram Panchayat* level. It may similarly liaise with the State Commission for Protection of Child Rights, Commissioners for Persons with Disabilities, etc. to discuss and resolve issues pertaining to provisioning of legal services to children.
- h) SLSA may establish mentorship and supportive supervisory programs for panel lawyers and para legal volunteers to enhance the quality of legal services provided by the LSUC.
- i) SLSA shall seek a report on the functioning of the LSUCs, from each DLSA, as per Format B and Format C, according to the timelines prescribed therein.

- j) SLSA shall send a bi-annual report to NALSA regarding the functioning of the LSUCs in the State, as per Format D – ‘Reporting from SLSA to NALSA’.

6.2.3 National Legal Services Authority (NALSA)

- a) NALSA shall be responsible for overall guidance, monitoring, assessment and evaluation of the implementation of this Scheme.
- b) NALSA shall develop a comprehensive training module/curriculum for Orientation and Refresher Trainings of members of the LSUC.
- c) NALSA shall seek a report on legal services provided to children, from the SLSAs, as per Format D, according to timelines prescribed therein.

7. REPORTING AND MONITORING

7.1 Checklist For Assessment by DLSA (Format A)

FORMAT A:
DLSA CHECKLIST FOR ASSESSING LEGAL SERVICES
PROVIDED TO CHILDREN IN THE DISTRICT
[To be reviewed by the Secretary, DLSA at the end of each month]

Tick [√] as Applicable

- Legal Services Unit for Children (LSUC) has been constituted in the District.
- Orientation Training has been received by every member of the LSUC.
- List of certified experts, specialised agencies etc. is available with the DLSA office.
- The afore- mentioned list has been made available to the members of the LSUC.

- A yearly calendar of outreach and awareness activities has been prepared by the LSUC.
- IEC material for children in local languages is available with the DLSA office.
- Details of LSUC including contact details have been shared with each police station.
- Intimations regarding apprehension of any child by the police is being received by the DLSA.
- Legal Services Clinics have been established in the JJB.
- IEC material has been made available in the Legal Service Clinics.
- Details of LSUC, including contact details, have been displayed at the Legal Service Clinics in the JJB.
- Legal Services Camps are being organised in each CCI once every quarter.
- IEC material has been supplied to the CCIs and posters on right to legal services for children have been displayed inside the CCI.
- Inspections of CCIs are being conducted every month.
- Details of the LSUC/LADC including contact details has been made available at the Children's Court.
- Details of the LSUC including contact details has been made at the CWC.
- Posters on right to legal services have been displayed at the CWC office and inside the CCIs.
- Formats of deputation letters, duty notes and reporting as provided in NALSA Handbook of Formats is being followed.

7.2 Report regarding Functioning of the LSUC (Format B and C)

FORMAT B:

DETAILS OF THE LEGAL SERVICES UNIT FOR CHILDREN

[To be submitted by the DLSA to the SLSA within one month of the constitution of the LSUC, and upon every subsequent deputation or removal of any person from the unit]

01	02	03	04	05	06
S. No.	Name of the legal services provider	Designation [Retd Judge/LADC/Panel Lawyer/PLV]	Date of deputation/inclusion in the LSUC	Summary of educational qualifications and relevant work experience	Date of orientation training

FORMAT C:

REPORTING FROM DLSA TO SLSA

[To be submitted by the DLSA to the SLSA every two months]

(1) LEGAL SERVICES TO CCLs:

01	02	03	04	05	06
	Police Station	JJB	CCI	Children's Court	Prison
1. No. of children, who were provided legal services					
2. No. of children with disabilities, who were provided legal services*					
Details of assistance provided: <i>Add details for each case in which assistance given:</i>					
1. Name of child:					
2. Brief details about the case:					
3. Request for legal services received at:					
4. Nature of legal intervention provided:					
5. Current status of the case:					
<i>*Figures reported under this point, also to be included in calculating the figures in point 1</i>					

(2) LEGAL SERVICES TO CNCPS:

	CWC	Family-based care	CCI	Child victims of crime	Missing/Trafficked children	Other Cases #
No. of children, who were provided legal services						
No. of children with disabilities, who were provided legal services*						
Details of assistance provided: Add details for each case in which assistance given						
1. Name of child: 2. Brief of case details: 3. Request for legal services received at: 4. Nature of legal intervention provided: 5. Current status of case:						
*Figures reported under this point, also to be included in calculating the figures in point 1 # Any assistance provided to a CNCP, which is not covered under any other column, to be mentioned here.						

(3) LEGAL SERVICES TO CHILDREN OTHERWISE IN CONTACT WITH LAW:

	Upon request to the DLSA	Child Witness	Adoption Cases	Child victims of crime	Custody and Guardianship Cases	Children of Prisoners	Cases for Annulment of Marriage	Other Cases #
No. of children, who were provided legal services								
No. of children with disabilities, who were provided legal services*								
Details of assistance provided: Add details for each case in which assistance given								
1. Name of child: 2. Brief of case details:								

3. Request for legal services received at:
4. Nature of legal intervention provided:
5. Current status of case:

**Figures reported under this point, also to be included in calculating the figures in point 1*
Any assistance provided to children which is not covered under any other column, to be mentioned here.

(4) AWARENESS AND OUTREACH ACTIVITIES:

01	02	03	04	05	06
	No. of awareness and outreach programmes conducted	No. of persons who attended the programmes	No. of awareness and outreach programmes for children with disabilities*	No. of persons who attended the programmes	Brief summary of topics covered in the programmes
Schools					
Colleges					
Villages					
Jails					
CCIs					
Other places					

**Figures reported under this column, also to be included in calculating the figures in column 02*

7.3 Reporting from SLSA to NALSA (Format D):

FORMAT D:

LEGAL SERVICES PROVIDED TO CHILDREN

[To be submitted by the SLSA to NALSA every six months]

S. No.	Details of legal services provided to children by the LSUC		
(1)	No. of DLSAs		
(2)	No. of LSUCs constituted		
(3)	Legal services provided to CCLs:	Legal services provided to all children	Legal services provided to children with disabilities
(3)(a)	At the Police Station		
(3)(b)	At the JJB		
(3)(c)	At the CCI		
(3)(d)	At the Children's Court		
(3)(e)	At the prison		
(4)	Legal services provided to CNCPs	Legal services provided to all children	Legal services provided to children with disabilities
(4)(a)	At the CWC		

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(4)(b)	In family-based care				
(4)(c)	At the CCI				
(4)(d)	For child victims of crime				
(4)(e)	Missing/Trafficked children				
(4)(f)	Other Cases				
(5)	Legal services provided to Children Otherwise in Contact with Law	Legal services provided to all children		Legal services provided to children with disabilities	
(5)(a)	Upon Request to the DLSA Office				
(5)(b)	Child Witnesses				
(5)(c)	In adoption cases				
(5)(d)	For child victims of crime				
(5)(e)	Custody & Guardianship Cases				
(5)(f)	Children of Prisoners				
(5)(g)	Cases for Annulment of Marriage				
(6)	Awareness & Outreach Activities	No. of awareness and outreach programmes conducted	No. of persons that attended the programmes	No. of awareness and outreach programmes for children with disabilities	No. of persons that attended the programmes
(6)(a)	In Schools				
(6)(b)	In Colleges				
(6)(c)	In Villages				
(6)(d)	In Jails				
(6)(e)	In CCIs				
(6)(f)	In other places				