



Terms of Reference (TOR) for National Consultancy Firm

Survey, Research and Consultancy under S01, S02 S03 and S04 service procurement packages
(Support to the improvisation of Government Legal Aid services)

TERMS OF REFERENCE (TOR)

OBEJCTIVES:

In Bangladesh a significant number of people are still deprived of their constitutional right of access to justice and fair judicial processes caused mainly by poverty, ignorance, illiteracy, oppression and exploitation. Notwithstanding there exists a government operated legal aid system in Bangladesh, the support mechanism is rarely used. The State legal aid scheme was originally established in 1994, but the result is not satisfactory as expected. However, the government scheme was revived in 1997 through constitute of central and district committees with specific mandates and responsibilities.

The Government Legal Aid scheme is currently administered within the legal framework of the Legal Aid Services Act 2000 (LASA 2000) establishing a National Legal Aid Services Organization (NLASO), and operates through a National Board chaired by the Minister of Law, Justice and Parliamentary Affairs (MLJPA) and District Legal Aid Committees (DLAC), each chaired by the District & Session Judge concerned. Government resources including technical assistance from its national and international development partners provide the allocated funding for the scheme.

Bangladesh has enacted the Legal Aid Services Act 2000 (Act VI of 2000). Funds under this Act is allocated in 64 districts under the custody of District and Session Judge for helping to the victim, who have no financial ability to institute a suit or file a case in the Court. Poor and marginalized people who meet any of the criteria set out by the Government Legal Aid Services Principles 2001, like people who are availing old age benefit, women and children who are victim of trafficking, poor widow and women, deserted women helpless disable, acid victim, who are unable to earn, may be awarded grant from Government Legal Aid fund. Moreover, Government Legal Aid system now works in legal framework. So for ensuring best services of Government Legal Aid, NLASO wants to:

OBJECTIVES and FUNCTIONS of the Survey and Consultancy :

- I. Conduct a performance appraisal of government legal aid services so far and the scope for improvement if any. The study would address the following issues:
 - The bottlenecks which hamper performance of National Legal Aid Services Organization
 - Expectations of existing clients from National Legal Aid Services Organization.
 - Estimating the number of people who require legal aid but still have not received assistance from government legal aid programme.

- II. Promote Alternative Dispute Resolution & Mediation model of District Legal Aid Office with a view to reduce of case backlogs as well as earlier but fruitful and amicable disposal of disputes and cases.
 - Develop Alternative Dispute Resolution/Mediation module for District Legal Aid Officers together with staffs and provide extensive training to them.
 - Provide all sorts of technical supports including ICT equipments and other resources as required, from time to time, in District Legal Aid office for implementation of Alternative Dispute Resolution/Mediation.
 - Develop, print and disseminate the publications such as books, booklet, manual, guideline, poster, pamphlet, etc. that promote Alternative Dispute Resolution/Mediation

- III. Develop an ‘Awareness Strategies’ to make the common people aware of legal aid as well as legal rights conferred by various statutes and execute the same putting into operation.
 - Develop an ‘Awareness Strategies’ focusing the poor and disadvantaged specially the grass-root people, print and disseminate the same among the stakeholders.
 - Implement the ‘Awareness Strategies’ as well as organize seminar, workshop and advertisement at both national and local level through print & electronic media.

1. BACKGROUND:

The idea of legal aid represents the very spirit of equality and equity enshrined in the modern notions of constitutional law, as so in the Constitution of the Peoples' Republic of Bangladesh. The doctrines of equal treatment of law and fair judicial trial have found expression as one of the foundations of the modern legal understanding of fundamental human rights, both national and international arena. The concept of legal aid is thus neither a charitable feeling nor an idealistic vision of a utopian venture. It is rather a vital and essential part of the principles of Rule of Law and administration of justice.

The National Legal Aid Services Organization

The Legal Aid Services Act (Act VI of 2000) was passed¹ in January 2000 by the Parliament (LASA 2000) with a view to establishing a formal legal framework for providing legal aid to litigants who are incapable of seeking justice due to financial insolvency, destitution, helplessness and for various socioeconomic conditions. The Act defines the meaning and scope of legal aid, and establishes a National Legal Aid Services Organization (NLASO) and a Board of Management for the management and administration of NLASO.² In 2006 the Act been amended. LASA 2000 categorically enumerates the composition, functions and responsibilities of the Organization. Accordingly, District Legal Aid Committees (DLAC)³ is established under the NLASO and provisions have been made for formation of Upazila and Union Committees. Sources of funds for the Organization have been identified and provisions have been made for enlistment of panel lawyers to provide legal services within the framework of the Act.

¹ The Act came into force on 28 April 2000, SRO No. I 19-Law/2000, Bangladesh Gazette, Registered No.D A-1.

² The Act thus repealed the 1997 Resolution along with the earlier National and District Legal Aid Services Committees having dissolved (Clause 26 of the 2000 Act).

³ A total of 61 District Committees have been formed by the NLASO, with all the three Chittagong Hill Tracts districts being under the Chittagong District Committee.

The expected outputs from the survey and consultancy are :

- (i) Empower National Legal Aid Organization with sufficient information and strength so that they can provide better service to their client to ensure equality in Justice.
- (ii) Performance evaluation of the organization to help them understand their strength and weakness which will allow them to give better service.
- (iii) An estimation of the number of people who require legal aid but are still not clients of National legal Aid Organization which will help them identify the reason what could be done to extend support to those who have not received support.
- (iv) Strengthened Government Legal Aid System and make a guide line for GO - NGO Collaboration.
- (v) Promote Alternative Dispute Resolution & Mediation model of District Legal Aid Office with a view to reduce of case backlogs as well as earlier but fruitful and amicable disposal of disputes and cases.
- (vi) Develop an ‘Awareness Strategies’ to make the common people aware of legal aid as well as legal rights conferred by various statutes and execute the same putting into operation.
- (vii) Develop a “Strategic Plan” for upcoming five years to strengthen legal aid system as well as ADR method implemented by Legal Aid Office with a vision, mission and mandate.
- (viii) Strengthen the fund disbursement system to ensure best utilization of Government Fund for legal aid.

2. SCOPE OF WORK AND EXPECTED OUTPUTS/ DELIVERABLES:

**** (S01, S02, S03's Work area has been mentioned in EOI published in Newspaper)**

Scope of Work:

The experienced consulting firm with a sound office environment, within the timeline, will:

1. Deploy adequate number of educated and experienced surveyors, junior researchers, research associates, senior researchers having strong academic background in Social Science/ Economics/Development Studies/statistics/Law/Public Administration other related fields. Primary Data collectors/Surveyors have to have minimum HSC passed.
2. Survey 64 Districts (as mentioned EOI). Surveyors will conduct interview and fill up questionnaire. This people will ensure accuracy of the data collected from the field. Total estimated 700 man month will be needed to conduct survey in 64 districts' Sadar Upazila (to be included in financial bid);
3. For shake of better interpretation Research Associates will monitor and coordinate the whole survey. These are researchers under S01, S02 and S03 packages will be in the field and will monitor the quality of the data being collected by the team conducting surveyors. Time to time they will share the data and other information through project authority. There will be total 64 researchers for 64 districts. To cover a district on an average 7 surveyors/researchers shall be needed. Parallel work will be accomplished.
4. Prepare a draft action plan and agree key milestones with the Facility;
5. Prepare documentation to familiarize themselves with the purpose, objectives, outputs and results framework of the Facility;

6. Design agency specific questionnaires based primarily on the demand of NLASO and secondarily focused on building up the capacity of government legal aid system;
7. Gather information against specific indicators of the result framework and M&E indicator framework of NLASO Stakeholders.
8. Consult closely with NLASO Team and service providers;
9. Input the quantitative and Qualitative data gathered from 64 districts ;
10. Attend a planning meeting with NLASO to discuss the draft action plan and questionnaires;
11. Refine approach based on feedback;
12. Agreed methodology;
13. Undertake field research with the support of the Monitoring and Evaluation Team;
14. Prepare and analyze information gathered;
15. Present framework of report: structure etc;
16. Present draft report and incorporate feedback;
17. Present final report to NLASO;
18. Present final report to wider justice community
19. The Researcher will also make a basic assessment of the capacity and module of government legal aid system and ADR system to deliver services effectively and efficiently.

Deliverables:

- Detailed action plan and the methodology over the whole implementation period to be agreed to by the NLASO, within three days of signing the contract ;
- Detailed methodology for the survey and agreed NLASO before proceeding ;
- Preliminary Findings Report for the Survey;
- Present findings in an internal findings sharing session.
- Present findings in a wider findings dissemination session.
- Final document; Final documents must be in two languages - Bangla and English.
- While submitting EOI the prospective firms under S01, S02 and S03 Packages will give an undertake that they will hand over the raw data collected from the field to the selected firm under S04 service procurement through the project authority and at any stage they will cooperate that firm. And All firms work under S01, S02, SO3 and So4 shall hand over all raw data and documents to NLASO.

Impact and Results:

The survey will establish the baseline parameters and strengthening the government legal aid system depending on the evidence base for future interventions in the justice sector. It will give a proper guideline for establish ADR corner in District Legal Aid Office and an improved legal aid system to provide best quality legal aid services .

Payment Modality

The Firm/consultant will be paid in installments. Invoices shall indicate the milestones achieved and corresponding amount payable. In this case Public Procurement 2008 Guideline will be followed.

Timeframe and deadlines

The duration of the assignment is up to 3 months from the date contract signing. During the contract period at mutually convenient times the consultant will participate in high-level stakeholder meetings/ workshops targeting the objective of the assignment. (To be included in financial part)

Reports:

The key results have an impact on the overall success of the government legal aid program including ADR. In particular, the key results have an impact on the design, operation and programming of activities, under NLASO as well as reaching overall project targets.

3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

For S01, S02 and S03 packages the general experience, research & delivery capacity requirements are as follows:

- *The firm has to have a minimum of 2 years of experience in data collection, survey and/or other root level work experience.*
- *Adequate numbers of personnel with proper knowledge and experience will be engaged by the firm to survey and research.*
- Smooth office environment will be used to perform the task
- Up to date trade license, tin certificate, VAT registration, Financial Solvency is required.

For S04 package the experience, research & delivery capacity requirements are as follows:

- *The firm has to have a minimum of 2 years of experience in data collection, survey, research analysis, interpretation to collected data etc. National Consultants under the firm must have experience in legal field and justice sector.*
- *Adequate numbers of personnel with proper inline knowledge and experience in related field will be engaged by the firm to survey and research.*
- Smooth office environment will be used to perform the task
- The firm and the personnel have to enough knowledge and experience to conduct data interpretation.
- *Instruction of the Public Procurement Regulations and Public Procurement Act will be strictly followed.*
- Up to date trade license, tin certificate, VAT registration, Financial Solvency is required.

Academic Qualifications: (*Researcher and Consultant individual)

Advanced degree in Social Science (preferably in Law, Public Administration or Human Rights). In lieu of an advanced degree in Social Science an Advanced degree in any relevant field with a very high level of demonstrated technical experience in social and legal research will be considered.

II. Years of experience:

- Minimum of 05 years professional experience in research and presentation of reports and studies. Experience related to access to justice will be preferred (a copy of CV to be submitted)
- Demonstrated experience in policy level research for development partners and/or government is preferred. The consultant must have been part of at least 1 similar pieces of research;
- Junior researcher having minimum 1 years of working experience in access to Justice and/or survey research method with excellent academic background in Law/social science/ economics/development studies/statistics (a copy of CV to be submitted)

IV. Competencies:

- Excellent written and oral communication skills in English and Bangla,
- Strong analytical and time management skills ;
- Independent and flexible;
- Ability to work under pressure in a challenging and complex environment;
- Excellent communication skills;
- Proven leadership skills for diverse multi-cultural teams;
- Creative and result-oriented; and
- Client-oriented

Additional competencies:

- Previous experience with GOB, UN/UNDP, WB, ADB, DFID, GIZ and other international development partner organization.
- Extensive computer literacy with spreadsheet and database packages
- Knowledge and practical working on SPSS is as asset.

4. All details of the cost palnninge has to be given to fill up the target of the Survey and Consultancy as mentioned in whole of TOR (to be included in financial part after primary selection).

5. Firms are requested to follow instruction both EOI Notice published in the daily news papers & websites and TOR