



## **GUIDELINES FOR ENGAGEMENT AS FULL TIME LEGAL AID LAWYERS IN LEGAL AID DEFENCE COUNSELS IN DLSAs**

### **1. Scope of Work:**

Legal Aid Defence Counsel Office shall be dealing exclusively with legal aided matters in criminal matters of the District or HQ, wherein it is established. It shall be providing legal services from the early stages of criminal justice till appellate stage, and the same shall include visits to jails from catering to the legal needs of unrepresented inmates. Initially it shall not be dealing with all type of civil matters and cases of complainant, wherein present counsel assignment system (Panel Lawyers) will continue to be operational. The following end to end legal services shall be provided through the Legal Aid Defence Counsel Office:

- Legal Advice and Assistance to all individuals visiting the office,
- Representation/Conducting trial and appeals including all miscellaneous work in all criminal courts such as Sessions, Special and Magistrate Courts including executive courts,
- Handling Remand and Bail work,
- Providing legal assistance at pre-arrest stage as per need and also in accordance with NALSA's scheme for providing such assistance,
- Any other legal aided work related to District Courts or as assigned by the Secretary DLSA,
- Periodic visit of Prisons of the district under the guidance of the Secretary, DLSA.

### **2. Selection Procedure:**

After due publicity including public notice, applications will be invited and a fair, transparent and competitive selection process shall be adopted by DLSA under guidance of SLISA. Legal Aid Defence Counsels shall be engaged on contract basis in each place/district initially for a period of two years with a stipulation of extension on yearly basis on satisfactory performance. The performance of each human resource shall be assessed in every six months by SLISA in consultation with DLSA concerned. Selection of Chief Legal Aid Defence Counsel, Deputy Chief Legal Aid



Defence Counsels, Assistant Legal Aid Defence Counsels will be purely based on merit, taking into account the knowledge, skills, practice and experience of candidates. The selection shall be carried out by Selection committee under the Chairmanship of the Principal District & Sessions Judge (Chairman, DLSA) as envisaged in NALSA (Free and Competent Legal Services) Regulations 2010, subject to final approval by the Executive Chairman, SLSA. In the selection committee at least three senior most judicial officers posted at HQ, dealing mainly criminal cases, preferably sessions cases, will also be included. No person with conflict of interest shall be part of selection process. After approval by the Executive Chairman, SLSA, engagement contract will be executed between the Secretary DLSA and the person so engaged. The eligibility criteria are as follows:-

**a) Qualifications for Chief Legal Aid Defence Counsel:**

- Practice in Criminal law for at least 08 years
- Excellent oral and written communication skills
- Excellent understanding of criminal law
- Thorough understanding of ethical duties of a defence counsel
- Ability to work effectively and efficiently with others with capability to lead,
- **Must have handled at least 15 criminal trials in Sessions Courts,**
- Knowledge of computer system, preferable.
- Quality to lead the team with capacity to manage the office.

**b) Qualifications for Deputy Chief Legal Aid Defence Counsel:**

- Practice in Criminal law for at least 05 years
- Excellent oral and written communication skills
- Excellent understanding of criminal law
- Thorough understanding of ethical duties of a defence counsel
- Ability to work effectively and efficiently with others,
- **Must have handled at least 10 criminal trials in Sessions Courts,**
- IT Knowledge with proficiency in work.



### 3. Work Profiles :

#### a) Chief Legal Aid Defence Counsel

- Conducting trials and appeals and bail matters in courts along with deputy chief & assistant legal Aid Defence Counsels,
- Assigning duties to deputy legal Aid Defence Counsels in the office,
- Assigning duties of Assistant legal Aid Defence Counsel for assisting him and Deputy Chief legal Aid Defence Counsel and for other work including legal research,
- Ensure proper legal research, planning effective defence strategy and thorough preparation in each and every legal aided case,
- Ensure maintenance of complete files of legal aid seekers,
  
- Ensure proper documentation with regard to legal aid assistance provided, ensure maintaining of up to date record of legal aided cases,
- Will be overall incharge of administration the office of Legal Aid Defence Counsel Office.
- Ensure quality of legal aid,
- Consultation and ensuring updation of the case progress to the client and his/her relative(s),
- Any work/duty assigned by Legal Services Authority.

#### b) Deputy Chief Legal Aid Defence Counsel.

- Conducting trials/ appeals/ Remand work /Bail applications/visits to prisons etc., as assigned by Chief Legal Aid Defence Counsel.
- Filing and arguing appeals and bail applications in Courts.
- Maintaining complete case files.
- Doing legal research in legal aided cases and guiding assistant legal Aid Defence Counsel and law students attached with the office in legal research.
- Proper client interviews at various stages for quality research work and representation at remand, trial and appellate stage.
- All or any of the work of the Chief defence Counsel as per assignment,
- Any work/duty assigned by Legal Services Authority.



#### **4. Termination of Services:**

Services of any legal aid Defence counsel engaged in the office of Legal Aid Defence Counsel can be terminated at any time without any prior notice in the following cases by the Chairman, DLSA on recommendation of the Secretary DLSA or on directions by SLSA in writing:

- i. He/she substantially breaches any duty or service required in the office, or
- ii. Seeks or accepts any pecuniary gains or gratification in cash or kind from the legal aid seekers or beneficiary or his friend or relative, or
- iii. Charged or Convicted for any offence by any court of law, or
- iv. Indulges in any type of political activities, or
- v. Found incapable of rendering professional services of the required standards, or
- vi. Failure to attend training programmes without any sufficient cause, or
- vii. Indulges in activities prejudicial to the working of legal aid Defence counsel office, or
- viii. Using his/her position in legal aid Defence counsel office to secure unwarranted privileges or advantages for him/herself or others, or
- ix. Acts in breach of code of ethics, or
- x. Remains absent without leave for more than two weeks, or
- xi. If services are found unsatisfactory during the six monthly performance review by the SLSA or DLSA.

#### **5. Code of Ethics:**

Personnel engaged in the office of Legal Aid Defence Counsel shall observe the following code of ethics:

- i. No personnel shall act in any matter in which he/she has a direct or indirect personal or financial interest.
- ii. No personnel shall wilfully disclose or use, whether or not for the purpose of pecuniary gain, any information that he/she obtained, received or acquired during the fulfilment of his/her official duties and which is not available to members of the general public.



- iii. No personnel within the office of Legal Aid Defence Counsel shall make use of his/her office or employment for the purpose of promoting or advertising any outside activity.
- iv. No personnel within the office of Legal Aid Defence Counsel shall engage in any outside activity or act as an independent practitioner.
- v. No personnel within the office of Legal Aid Defence Counsel shall solicit, agree to accept or accept, whether directly or indirectly, any gift, favour, service, or other thing of value under circumstances from which it might be reasonably inferred that such gift, service, or other thing of value was given or offered for the purpose of influencing him/her in, or rewarding him/her for, the discharge of his/her official duties.
- vi. Legal Aid Defence Counsel shall devote his/her full time to his/her duties for the office of Legal Aid Defence Counsel and shall not engage in private practice of law during the term of employment.
- vii. Every Personnel of the office of Legal Aid Defence Counsel shall strive to preserve the public's confidence in the office's fair and impartial execution of its duties and responsibilities.
- viii. Legal Aid Defence Counsel shall also follow the code of ethics prescribed by Bar Council of India for lawyers.

## **6. Entitlement to Leave:**

- Chief Legal Aid Defence Counsel and Deputy Legal Aid Defence Counsel shall be eligible for 15 days' leave in a calendar year on pro-rata basis.
- No remuneration for the period of absence in excess of the admissible leave will be paid to the human resource of Legal Aid Defence Counsel Office.
- Un-availed leave shall neither be carried forward to next year nor encashed.

## **7. Role of State Legal Services Authority and District Legal Services Authority:**

- Office space planning, and providing infrastructure for office preferably inside or in proximity to court complex.



- Providing Office furniture, Office equipment including computers, printer, internet connectivity and other equipment.
- Purchasing office supplies on need basis.
- Engaging human resource requirement for Legal aid Counsel System Office.
- Ensuring proper functioning of Legal aid Counsel System Office.
- Ensuring effective monitoring and mentoring.
- Periodical evaluation of legal services delivered through Legal aid Counsel System Office.
- Regular trainings and refresher courses for legal aid counsel engaged in Legal aid Counsel System Office.
- Renovation of office space when necessary.
- Providing Books such as Bare Acts and Commentaries for Legal Aid Defence Counsel Office
- Providing Legal Research Software.
- Timely payment of monthly honorarium to legal aid counsel and all staff engaged for Legal aid Defence counsel office.
- Payment with regard to expert witnesses, if their services are taken.
- Payment for expenses incidental such as travelling expenses etc.
- Information/promotional campaigns/programmes with regard to Legal aid Defence counsel office.

## **8. Engagement with law schools:**

Law schools often send their students to legal Services Institutions for internship. Moreover, Clinics of Law Colleges also collaborate with Legal Services Institutions. Law students can be engaged with the Legal Aid Defence Counsel office as to give them meaningful exposure to practical aspects of criminal law including preparing a Defence strategy and doing legal research in various factual scenarios. Law students may be so engaged in the following areas in Legal aid Defence counsel office:

- Legal research in criminal cases,
- Visiting scenes of crimes,
- Interviewing accused and their family members and other relevant persons,
- Visits of Prisons and Legal Aid clinics,
- Associating in campaign undertaken,



- Assist in sifting through all of the evidence collected by the prosecution and providing effective input for preparing Defence strategy.

The internship to law students can be offered for a period up to 3 months. The law students so engaged shall not be paid any stipend by the Legal Services Authorities but the certificate of work and period of work will be issued jointly by the Chief Defence Counsel & Secretary, DLSA.

## **9. Monitoring and Evaluation:**

- The work and performance shall be closely monitored by the Secretary DLSA and a monthly review meeting will be organised under the chairmanship of the Chairman, DLSA. The Minutes of the meeting shall be send to SLSA. A quarterly review meeting with every LADCS office and the Secretary, DLSA will also be organised by the Member Secretary, SLSA and minutes shall be send to NALSA. On half yearly basis review meeting shall be organised by NALSA. The formats for such data sharing will be shared at the time of launch. Monitoring shall be continuous process and at the end of six months the performance of every human resource shall be evaluated by the SLSA under the guidance of Hon'ble Executive Chairman, SLSA.
- Monitoring and Mentoring Committee shall monitor legal aid work of Legal Aid Defence Counsel Office.
- The Chief Legal Aid Defence Counsel shall be involved in monitoring & mentoring of Legal Aid cases of the district.

## **10. Honorarium (Retainership fee):**

1.	Chief Legal Aid Defence Counsel	₹ 1,00,000/-
2.	Deputy Chief Legal Aid Defence Counsel	₹ 75,000/- each

Note: In case of any case of any discrepancy, please refer to approved scheme by NALSA.



### 11. Vacancy Position:

<b>Legal Aid Defence Counsel System Requirement of Human Resources</b>			
<b>S. No.</b>	<b>Name of District Legal Services Authority</b>	<b>Chief Legal Aid Defence Counsel</b>	<b>Deputy Chief Legal Aid Defence Counsel</b>
1	Central DLSA	-	1
2	West DLSA	1	3
3	New Delhi DLSA	1	3
4	East DLSA	-	3
5	North East DLSA	1	3
6	Rouse Avenue DLSA	1	1
7	North West DLSA	1	2