

ROLE & RESPONSIBILITY OF LEGAL AID PANEL LAWYERS

**PRESENTATION
BY**

**RAJASTHAN STATE LEGAL
SERVICES AUTHORITY**



BACKGROUND

- The poor, marginalized, downtrodden and weaker sections form large part of our society.
- Despite being numerous legislations to protect their rights, they suffer because of ignorance of the Laws, procedure to enforce them and the right forum to approach.

ROLE OF LEGAL SERVICES AUTHORITIES CONSTITUTED UNDER THE LEGAL SERVICES AUTHORITIES ACT,1987

- . Provide legal services to poor, marginalized, downtrodden and weaker sections of the society.**
- . Spread legal awareness amongst them about their legal rights and remedies available to them under the law.**
- . Help them to reap the fruits of the various schemes meant for their welfare.**

PANEL LAWYERS

- Lawyers empanelled by the legal services authorities**
- Render competent and quality legal services**
- Spread legal literacy effectively**
- Important pillar upon which rest the entire edifice of the Legal Services Authorities**

ROLE OF THE PANEL LAWYER

- Provide court based legal services
- Act as retainer in front office
- Attend legal services clinic, support centres in jails, protection homes, observation homes,
- Attend legal services camp
- Act as mentor to para-legal volunteers



RESPONSIBILITY OF PANEL LAWYERS

- General responsibility
- Special responsibility



Responsibility

GENERAL RESPONSIBILITIES

- Competently perform all tasks entrusted to him**
- Render all legal services expected of him**
- Provide quality service**
- Provide courteous, thorough and prompt service to the client**
- Provide service with civility, competence, conscientiously, diligently**
- Work fearlessly for upholding the interest of his client**
- Employing fair and honorable means remembering that his loyalty is to the law**

GENERAL RESPONSIBILITIES

- Have relevant, knowledge, skills and attributes**
- Keep himself abreast of the latest amendments in Law, latest rulings of the apex courts and the High courts**
- Know the general legal principles and procedures and substantive Law and procedure for the areas of Law in which the lawyer specializes**

GENERAL RESPONSIBILITIES

- Apply his mind
- investigating facts
- identifying issues
- considering possible options
- developing and advising client as to appropriate action
- Undergo continuous training
- Attend all the training programmes organized by the legal services authority

GENERAL RESPONSIBILITIES

- Maintain and enhance legal knowledge and skills including:
 - legal research
 - analysis
 - application of the law to the relevant facts
 - writing and drafting
 - advocacy
 - problem solving
 - adapting to changing professional requirements, standards, techniques and practices

GENERAL RESPONSIBILITIES

- To communicate effectively with the client/beneficiaries in a timely manner.
- To ensure that matters are attended to within a reasonable time frame.
- If can reasonable foresee undue delay in providing advice or services. He has a duty to inform the client and the legal services authority, so that alternative arrangements can be made.

GENERAL RESPONSIBILITIES

- To inform the litigant about positive as well as negative aspects of the case likely to be considered in a court of law.
- Cannot withdraw from service except where the litigant's conduct is such that it calls for reclusion for the panel lawyer and that too only with the approval of the legal services authority.
- Once empanelled, not to refuse to appear in a case assigned to him on the plea that he has other commitments arising out of personal briefs.

GENERAL RESPONSIBILITIES

- Not to give priority to his personal briefs and assignments: and to treat legal aid cases with the same seriousness and concern as in cases of his private clients.
- Not to disclose directly or indirectly contents of communication made by the litigants to him. He is also not to disclose the advice given by him during the proceedings.
- To keep the secretary of the legal services authority concerned informed about the progress of the case.
- To maintain highest ethical and moral standards at all times, being conscious of his unique status of a legal services lawyer.

SPECIFIC RESPONSIBILITIES CRIMINAL MATTERS

Responsibility
Leads to
Great
Success!

- . To resist remand to police or judicial custody.**
- . To apply for grant of bail.**
- . To clearly explain to him the legal consequences in case he intends to make a confessional statement in terms of section Cr.P.C. or to enter a plea bargain.**
- . To represent him when the court examines the charge sheet submitted by the police and decides upon the future course of proceedings and at the stage of the framing of charges.**
- . To defend, during trial proceedings.**

- **To remain present during remand hours and effectively participate in the remand proceedings.**
- **If during remand or trial, it comes to the notice of the panel lawyer that the accused is a juvenile in conflict with law then he must take steps to get the matter transferred to the juvenile justice board**
- **He must ensure that the accused understands the consequences of confession clearly.**
- **To remain vigilant that the legal and human rights of the accused are not violated**
- **To apprise himself about the allegations against the accused.**

- To apply for bail and in case the bail is granted, to follow up and help the accused to furnish the bail/surety bonds and fulfill the requisite formalities.
- At the stage of considering the case for charge in warrant cases, to go through the report filed by the police under section 173 Cr. P.C.
- During trial, to come fully prepared and conduct the cross examination effectively. The defense of the accused must be put effectively and convincingly before the court of law.
- At the stage of arguments. To have a grip over the factual matrix of the case as reflected from the evidence and all aspects must be analyzed the context of the relevant law. Including the case law.

REPRESENTING THE VICTIM

- The role of the victim's advocate would be to prepare victim for the case and her testimony and to assist her in the police station and in court to pursue the case.
- To provide her with guidance as to how she might obtain help of a different nature from other agencies, E.G. Mind counseling or medical assistance or access rehabilitation schemes.
- Keeping in mind the provisions of section 357 & 357 A Cr. P. C. and the victim compensation scheme, the panel lawyer must help the victim to seek compensation for rehabilitation.

CIVIL MATTERS

- To make efforts to settle disputes between the parties by using alternative disputes resolution mechanism within the legal frame work.
- To act as counselor to help and advise the parties chose the right mode of dispute resolution and to then support the party in finally and fairly resolving it, be it through mediation, conciliation, arbitration, lok adalats or out of courts settlement.

JAIL VISIT

- As a jail visiting counsel, to be aware of the jail manual and the various judgments of the Hon'ble supreme court relating to jail inmates.**
- To listen the grievances of the prisoners with patience and to bring the same and any infringement of their rights to the notice of the DLSA.**
- To advice and guide the prisoners properly on the legal aspects of their case and on any other civil or legal issues they may have.**

RETAINER

- Some of the panel lawyers will also work as the retainer lawyers for the front offices.
- Here the role of the lawyer is more advisory, dealing with persons who come to the front office and forwarding their applications for legal assistance to the secretary or requesting the secretary to refer the case for conciliation/counselling ETC for even pre-litigation settlement.
- To also render services like drafting notices, sending replies to lawyers' notices and drafting small and minor applications, petitions ETC. also to attend to urgent matters as a retainer lawyer.



Thanks