Maharashtra State Legal Services Authority, Mumbai

O.No.MSLSA/2024/ 381 Date : 15th February, 2023

NOTICE INVITING APPLICATIONS FOR ENGAGEMENT AS FULL-TIME LEGAL AID LAWYERS IN LEGAL AID DEFENSE COUNSEL OFFICE IN 6 DISTRICTS OF THE STATE UNDER MAHARASHTRA STATE LEGAL SERVICES AUTHORITY, MUMBAI.

The State Legal Services Authority, established under the Legal Services Authorities Act, 1987 with a mandate to provide free and competent legal services to the underprivileged and disadvantaged sections of society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities and to secure that the operation of the legal system promotes justice on a basis of equal opportunity to all.

Realizing the need to ponder over the reforms required in the Legal Aid Movement of India a new model of Legal Services Delivery, the 'Legal Aid Defense Counsel System' (LADCS), in line with public defender system, is introduced by NALSA. As envisaged, LADCS involves full-time engagement of lawyers with support system, dealing exclusively with legal aid work in criminal matters at every stage starting from the pre-arrest, arrest & remand stage to the conclusion of trials and appeals etc. It will enhance the availability and accessibility of Legal Aid in a timely manner and help in creating a mechanism to provide qualitative and competent legal services in a professional manner to underprivileged and disadvantaged section of the society.

This system will have the effect of enhancing the responsiveness of the Legal Aid Mechanism in the country and will ensure accountability on the part of the Legal Aid providers.

Applications are invited from eligible lawyers having requisite qualifications for Contractual full-time engagement for the posts of Chief Legal Aid Defense Counsels, Deputy Chief Legal Aid Defense Counsels, Assistant Legal Aid Defense Counsels as per the Scheme in 06 districts. The number of present engagement positions and their respective honorarium are shown in para 10 and 11 of the Advertisement. **The Lawyers so engaged will not be allowed to take any other private cases or any other retainership.** The Scheme of

engagement along with the application form may be downloaded from the official website of Maharashtra SLSA (www.legalservices.maharashtra.gov.in) and also from Notice board of DLSA concerned. The duly filled application form along with self-attested copies of documents may be submitted to DLSA, wherein the candidate desires to apply through speed post or in an envelope personally **in the office of the Secretary, DLSA on or before 06th March, 2024 by 17.00 hrs**. Any application received after the due date and in any office other than concerned DLSAs shall not be considered.

Note:

1. Applying for engagement does not create any right/ assurance whatsoever.
2. DLSAs may prepare wait list of candidates for the vacant posts.

15/2/24

(Sameer S. Adkar)
Member Secretary
Maharashtra SLSA, Mumbai

GUIDELINES FOR ENGAGEMENT AS FULL TIME LEGAL AID LAWYERS IN LEGAL AID DEFENSE COUNSELS IN DLSAs

1. Scope of Work:

Legal Aid Defense Counsel Office shall be dealing exclusively with legal aidedmatters 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 types of civil matters and cases of the 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 Defense Counsel Office:

- Legal Advice and Assistance to all individuals visiting the office,
- Representation/Conducting trials and appeals including all miscellaneous work in all criminal courts such as Sessions, Specialand Magistrate Courts including executive courts,
- Handling Remand and Bail work,
- Providing legal assistance at the pre-arrest stage as per need and alsoin accordance with NALSA's scheme for providing such assistance,
- Any other legal aided work related to District Courts or as assignedby the Secretary DLSA,
- Periodic visit of Prisons of the district under the guidance of theSecretary, 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 the guidance of SLSA. Legal Aid Defence Counsels shall be engaged oncontract 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 SLSA in consultation with DLSA concerned. Selection of Chief Legal Aid Defense Counsel, Deputy Chief Legal Aid Defense Counsels, and Assistant Legal Aid Defense Counsels will be purely based on merit, taking into accountthe 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 bythe Executive Chairman, SLSA. In the selection committee at least three seniormost 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 criterions are as follows:-

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

- Practice in Criminal law for at least 10 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 30 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 Defense Counsel:**

- Practice in Criminal law for at least 7 years,
- Excellent understanding of criminal law,
- Excellent oral and written communication skills,
- Skill in legal research,
- Thorough understanding of ethical duties of defence counsel,
- Ability to work effectively and efficiently with others,
- Must have handled at least 20 criminal trials in Sessions Courts.
- IT Knowledge with proficiency in work.

c) **Qualification for Assistant Legal Aid Defense Counsel:**.

- Practice in criminal law from 0 to 3 years.
- Good oral and written communication skills.
- Thorough understanding of ethical duties of defense counsel.

- Ability to work effectively and efficiently with others.
- Excellent writing and research skills.
- IT Knowledge with high proficiency in work.

Note: Qualifications may be reasonably relaxed in case of exceptional candidates or circumstances with the approval of the Executive Chairman SLSA.

3. **Work Profiles :**

a) **Chief Legal Aid Defense Counsel**

- Conducting trials and appeals and bail matters in courts along with Deputy Chief & Assistant Legal Aid Defense Counsels,
- Assigning duties to Deputy Legal Aid Defense Counsels in the office,
- Assigning duties of Assistant Legal Aid Defense Counsel for assistinghim and Deputy Chief Legal Aid Defense 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 assistanceprovided, ensure maintaining of up to date record of legal aided cases,
- Will be overall in charge of the administration of the office of LegalAid Defense Counsel Office.
- Ensure quality of legal aid,
- Consultation and ensuring updation of the case progress to the clientand his/her relative(s),
- Any work/duty assigned by Legal Services Authority.

b) **Deputy Chief Legal Aid Defense Counsel.**

- Conducting trials/ appeals/ Remand work /Bail applications/visits toprisons etc., as assigned by Chief Legal Aid Defense 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 Defense Counsel and Law Students attached with the office in legalresearch.
- Proper client interviews at various stages for quality research work andrepresentation at remand, trial and appellate stage.

- All or any of the work of the Chief Legal Aid Defense Counsel as perassignment,
- Any work/duty assigned by Legal Services Authority.

c) **Assistant Legal Aid Defense Counsel.**

- Filing of cases, conducting trials in Magistrate trial cases,
- Remand/bail and other miscellaneous work,
- legal research in legal aided cases,
- Visits to Prison and Legal Aid Clinics as per directions,
- Providing assistance at pre-arrest stage to suspects,
- Assisting Chief Legal Aid Defense Counsel and Deputy Legal Aid Defense Counsel in conduct of legal aided cases,
- Assisting in developing a defence strategy after sifting through all of the evidence collected by the prosecution and after hearing the accused's version of what happened during the alleged crime in question,
- Visiting location/area of alleged crime, having discussions with family members etc, for effective and meaningful input for defense strategy,
- Handling queries of legal aid seekers,
- Updating legal aid seekers about the progress of their cases,
- Assisting in maintaining complete files of legal aided cases,
- Handling legal queries relating to criminal matters on telephone,
- Any other work related to legal aid assigned by Chief Legal AidDefense Counsel,
- Any work/duty assigned by Legal Services Authority,

4. **Termination of Services:**

Services of any Legal Aid Defense Counsel engaged in the office of Legal Aid Defense Counsel can be terminated at any time without any prior notice in the following cases by the Chairman, DLSA on the recommendation of theSecretary 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 kindfrom 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 requiredstandards, or

vi. Failure to attend training programmes without any sufficient cause, or

vii. Indulges in activities prejudicial to the working of Legal Aid DefenseCounsel Office, or

viii. Using his/her position in Legal Aid Defense Counsel Office to secureunwarranted 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 performancereview by the SLSA or DLSA.

5. Code of Ethics:

Personnel engaged in the office of Legal Aid Defense Counsel shall observethe following code of ethics:

i. No person 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 purposeof pecuniary gain, any information that he/she obtained, received oracquired during the fulfillment 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 Defense 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 Defense Counsel shall engage in any outside activity or act as an independent practitioner.

v. No personnel within the office of Legal Aid Defense Counsel shall solicit,agree to accept or accept, whether directly or indirectly, any gift, favour, service, or other things of value under circumstances from which it mightbe reasonably inferred that such gift, service, or other things of value wasgiven 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 Defense Counsel shall devote his/her full time to his/her dutiesfor the office of Legal Aid Defense Counsel and shall not engage in the private practice of law during the term of employment.

vii. Every Personnel of the office of Legal Aid Defense 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 Defense Counsel shall also follow the code of ethics prescribed by Bar Council of India for lawyers.

6. **Entitlement to Leave**:

- Chief Legal Aid Defense Counsel and Deputy Legal Aid Defense Counsel shall be eligible for 15 days' leave in a calendar year on pro-rata basis.
- Assistant Counsel Legal Aid Defense Counsel shall be eligible for 12 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 Defense 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 Defense Counsel Office
- Providing Legal Research Software.
- Timely payment of monthly honorarium to Legal Aid Counsel and all staff engaged for Legal Aid Defense 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 Defense 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 Defense Counsel Office as to give them meaningful exposure to practical aspects of criminal law including preparing a defense strategy and doing legalresearch in various factual scenarios. Law students may be so engaged in thefollowing areas in Legal Aid Defense Counsel Office:

- Legal research in criminal cases,
- Visiting scenes of crimes,
- Interviewing accused and their family members and other relevantpersons,
- Visits of Prisons and Legal Aid Clinics,
- Associating in campaign undertaken,
- Assist in sifting through all of the evidence collected by the prosecutionand providing effective input for preparing defense strategy.

The internship to law students can be offered for a period upto 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 jointlyby the Chief Defense 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, DLSAwill 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 Defense Counsel Office.
- The Chief Legal Aid Defense Counsel shall be involved in monitoring & mentoring of Legal Aid cases of the district.

10. Honorarium (Retainership fee):

Sr. No.	Districts	Category	Chief Legal Aid Defense Counsel	Deputy Legal Aid Defense Counsel	Assistant Legal Aid Defense Counsel
			Monthly amount	Monthly amount	Monthly amount
1	Beed	**C**	70,000	50,000	30,000
2	Chandrapur	**B**	80,000	60,000	35,000
3	Nanded	**B**	80,000	60,000	35,000
4	Osmanabad	**B**	70,000	50,000	30,000
5	Parbhani	**B**	80,000	60,000	35,000
6	Raigad	**C**	70,000	50,000	30,000

11. Vacancy position

Sr. No.	District	Chief Legal Aid Defense Counsel	Deputy Legal Aid Defense Counsel	Assistant Legal Aid Defense Counsel
		Vacancy	**Vacancy**	**Vacancy**
1	Beed	----	1	----
2	Chandrapur	----	1	----
3	Nanded	----	1	1
4	Osmanabad	----	----	1
5	Parbhani	1	----	----
6	Raigad	----	1	----
Total		1	4	2

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

APPLICATION FOR ENGAGEMENT AS FULL TIME LEGAL AID LAWYER IN LEGAL AID DEFENSE COUNSEL SYSTEM

PHOTO
(Passport size)

STATE : MAHARASHTRA

DISTRICT : _____

Application No. _____
(For Office use)

APPLICATION FOR CHIEF/DEPUTY/ASSISTANT LEGAL AID DEFENSE COUNSEL

1. Applicant's Name :
2. Father/Husband's Name :
3. Date of Birth :
4. Age (as on 01-02-2024) :
5. Gender :
6. Residential Address :
7. Office Address :
8. Chamber Address (if any) :
9. Telephone no. (O) :
10. Telephone No. (R) :
11. Mobile No. :
12. Fax No. :
13. E-mail ID :
14. PAN No. :
15. AADHAR No. :
16. Educational Qualification (Please enclose self-attested copies of documents):

Course	Name of Board/ University	Year of Passing	Obtained Percentage (aggregate)
Graduation			
Professional Degree LL.B.			
LL.M.			
Any other (if any)			

17. Date of Enrollment as Lawyer:
18. Enrollment No. :
(Attach self-attested copy of enrollment certificate issued by Bar Council)
19. Experience in Bar :(Duration of actual practice)
(Attach an experience certificate issued by the Bar Association/Council)
(a) Total no. of cases handled:
(b) Nature of cases handled :
(Attach extra sheet, if required)
(c) Specialization, if any :(The details of a few important cases, the Applicants have dealt with/handled and reported Judgement if any.)
20. Whether empanelled as Central/State Government or Government undertaking counsel/pleader :
(Indicate period & attach documents)

21. The Courts where the Applicant is regularly practising :
(Enclose Bar Association Membership Certificate)

22. Specify whether earlier remained on the panel of HCLSC/DLSA or TLSC :
(Indicate period, number of legal aid cases handled & result) (attach documents)
23. Whether any disciplinary case/Complaint is/was against the Applicant with any Bar Council : YES NO
(If yes, specify details of both disposed & pending with documents)

24. Was any Court case filed against the Applicant or have ever been convicted/ arrested/ detained/ prosecuted/ acquitted/ facing any criminal prosecution by/ in a Court of Law/ Court for any offence? If yes, give details.

25. List of the documents to be attached.

1. Self-Attested copy of Certificates in support of educational qualifications.
2. Self-Attested copy of Certificate in Enrollment issued by the Bar Councilunder the Advocates Act, 1961.
3. Self-Attested copy of Photo Identity Card, Address Proof.
4. Self-Attested copy of ITR for last 3 years (if available).
5. Photocopies of judgments in 5 Sessions cases, represented as Defense lawyer, (for the post of Chief/Deputy Legal Aid Defense Counsel).
6. Photocopies of at least 5 cross-examinations in Sessions cases (forChief/Deputy Legal Aid Defense Counsel).

(Signature)

DECLARATION

I hereby declare that all the statements made in this application are true, complete and correct to the best of my knowledge and belief. In the event of any information being found false/incorrect at any stage, my candidature is liable to be cancelled. I have read and understood the instructions and terms of the engagement and agree to abide by those. I declare that I fulfill the eligibility conditions for the category to which I am seeking engagement. I declare that I have never been penalised by any Bar Council in any Disciplinary Proceedings. I also undertake to maintain absolute integrity and discipline as required thereunder. I agree with the remuneration structure and all the terms and conditions notified by SLSA/DLSA concerned.

(Name & Signature)

Place:_____

Date:_____