

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

Scope of Work:

Legal Aid Defense 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 Defense 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.

Selection Procedure:

After due publicity including public notice, applications will be invited and a fair, transparent and competitive selection process shall be adopted by District Legal Services Authority under guidance of SLA. 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 SLA in consultation with DLSA concerned. Selection of Chief Legal Aid Defense Counsel, Deputy Chief Legal Aid Defense Counsels, Assistant Legal Aid Defense 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.

WORK PROFILE:

1. Deputy Chief Legal Aid Defense Counsel:

- Conducting trials/ appeals/ Remand work/ Bail applications/ Visit to Prison etc. as assigned by Chief Legal Aid Defense Counsel.
- Filling 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 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 Legal Aid Defense Counsel as per assignment
- Any work/duty assigned by Legal Services Authority.

TERMINATION OF SERVICES

Services of any Human Resource/Staff including 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:

- He/she substantially breaches any duty or service required in the office.

- Seeks or accepts any pecuniary gains from the legal aid seekers or beneficiary or his friend or relative.
- Charged or Convicted for any offence.
- Indulges in any type of political activities.
- Found incapable of rendering professional services of the required standards.
- Failure to attend training programs without any sufficient cause.
- Indulges in activities prejudicial to the working of legal aid defense counsel office.
- Using his/her position in legal aid defense counsel office to secure unwarranted privileges or advantages for him/herself or others.
- Acts in breach of code of ethics.
- Remains absent without leave for more than two weeks.

CODE OF ETHICS

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

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

- No personnel within the office of Legal Aid Defense Counsel shall engage in any outside activity or act as an independent practitioner.
- 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 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.
- Legal Aid Defense Counsel shall devote his/her full time to his/her duties for the office of Legal Aid Defense Counsel and shall not engage in private practice of law during the term of employment.
- 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.
- Legal Aid Defense Counsel shall also follow the code of ethics prescribed by Bar Council of India for lawyers.

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.
- 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.