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'ನ್ಯಾಯ ದೇಗುಲ', ಮೊದಲನೇ ಮಹಡಿ, ಹೆಚ್. ಸಿದ್ದಯ್ಯ ರಸ್ತೆ, ಬೆಂಗಳೂರು-560 027

KARNATAKA STATE LEGAL SERVICES AUTHORITY

'Nyaya Degula', 1st Floor, H. Siddaiah Road, Bengaluru-560 027

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ಸಂಖ್ಯೆ : ಕರಾಕಾಸೇಪ್ರಾ :
No. KSLSA :

31/LADCS-HumanResources-2024 1384/24 20.09.2024

To,
The Chairpersons and Members Secretaries of all
District Legal Services Authority.
Respected Sir/Madam,

Sub: Sending the detailed instructions, notice, application Guidelines for establishment of full-time Deputy and Assistance Legal Aid Defense Counsels & Staff –reg.

Ref: Letter of NALSA dated:16.07.2024.

Adverting to the above subject and reference, KSLSA has prepared "Guidelines for engagement as full time legal aid lawyers in legal aid defense counsels in DLSAs" and "Detailed instructions for selection of Human resources for the office of legal aid defense counsel (LADC)", which include the vacancy of posts to be filled at each LADCs for each District, procedure for selection and monthly honorarium payable to Legal Aid Defense Counsels & Human Resources.

As per the direction of Hon'ble Executive Chairman, KSLSA, I am sharing herewith Guidelines for engagement as full time legal aid lawyers in legal aid defense counsels in DLSAs and Detailed instructions for selection of Human resources for the office of legal aid defense counsel (LADC).

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NYAYA SAMYOGA


Legal Assistance Establishment (Multiple services-single point establishment)

Helpline No.1800-425-90900, Telephone: 080-22111730, E-mail: nyayasamyoga.kslsa@gmail.com

You are directed to go through the above said Instructions, Guidelines, Modified Scheme 2022 and to take suitable action for engagement of Legal Aid Defense Counsels and Human Resources and submit the action taken report along with selection list as per the new timeline provided to the DLSAs.

Thanking You,

With regards,



(M.L. Raghunath)

Member Secretary.
K.S.L.S.A, Bengaluru

Encl:

1. Notice inviting applications.
2. Guidelines for engagement & detailed instructions on full time Legal Aid Defense Counsels in the Legal Defense Counsels office with application.
3. SOP for Selection of Legal Practitioners as Panel Lawyers at DLSA and TLSCs.
4. Detailed instruction for selection of Human Resources with application.



**KARNATAKA STATE LEGAL SERVICES AUTHORITY
BENGALURU**

No. (LADCS)/2024

Date: 24th September 2024

**NOTICE INVITING APPLICATIONS FOR ENGAGEMENT AS FULL
TIME LEGAL AID LAWYERS IN LEGAL AID DEFENSE COUNSEL
OFFICE IN 30 DISTRICTS IN THE STATE**

The State Legal Services Authority, established under the Legal Services Authorities Act, 1987 with mandate to provide free and competent legal services to the underprivileged and disadvantaged sections of the 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. Please visit website www.kslsa.kar.nic.in for full details.

Realising 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 involve 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.

Each Legal Aid Defense Counsel Office may have 01 Chief Legal Aid Counsel, 1 to 3 Deputy Chief Legal Aid Defense Counsels, 2 to 10 Assistant Legal Aid Defense Counsels. This system will have the effect of enhancing the responsiveness of the Legal Aid Mechanism in country and will ensure accountability on the part of the Legal Aid providers.

The Legal Aid Defense Counsel System will also provide a unique opportunity for Law Students to learn from the best. The Chief Legal Aid Defense Counsel will be given the liberty to engage law students as interns, to give them



exposure to practical aspects of criminal law including preparation of defense strategy and doing legal research in various factual scenarios.

SLSA under the aegis of NALSA (www.nalsa.gov.in) has implemented Legal Aid Defense Counsel System in all the Districts in the State. The response from the public at large is also very good. There is a increase of cases for the Legal Aid Defence Counsels. Therefore, there is a need to engagement of additional defence counsels to balance the work and to comply the directions issued by NALSA.

Applications are invited from eligible lawyers having requisite qualifications for Contractual full time engagement for the posts of Deputy Chief Legal Aid Defense Counsels, Assistant Legal Aid Defense Counsels as per scheme in each district proposed herein. The number of engagement positions may vary from district to district, depending upon actual need as projected by the DLSA concerned. **The Lawyers so engaged therein will not be allowed to take any other private cases or any other retainership.**

The Scheme of engagement along with application form may be downloaded from the official website of SLSA (<http://www.kslsa.kar.nic.in>) and also from office of DLSA/Notice board of DLSA concerned. The duly filled application form along with self-attested copies of documents shall be submitted to concerned DLSA. Wherein the candidate desires to apply through speed post or in an envelope personally in the office of the Member Secretary, DLSA on or before **28th September 2024 by 17.00 Hrs.** Any application received after due date shall not be considered.

Note: Applying for engagement does not create any right/assurance whatsoever.

Sd/-
(M.L. Raghunath)
Member Secretary
KSLSA, Bengaluru



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 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.

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 SLSA. 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 SLSA 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. The eligibility criteria 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, aforesaid condition of handling of 30 criminal cases can be relaxed in appropriate circumstances,
- 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, may be relaxed in exceptional circumstances, by Hon'ble executive Chairman, SLISA,
- 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 defence 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 SLISA.

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 Defence Counsel for assisting him 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 assistance provided, ensure maintaining of up to date record of legal aided cases,
- Will be overall incharge of administration the office of Legal Aid Defense 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 Defense Counsel.

- Conducting trials/ appeals/ Remand work /Bail applications/visits to prisons 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 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. .

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 Aid Defense 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 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 defense counsel office, or
- viii. Using his/her position in legal aid defense 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.
- xii. If found taking any other private cases or any other retainerhip during the contractual period.

5. Code of Ethics:

Personnel engaged in the office of Legal Aid Defense 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 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 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 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.
- 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 legal research in various factual scenarios. Law students may be so engaged in the following areas in Legal aid defense 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 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 jointly by 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, 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 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):

For Class-A towns (Population more than 10 lacs)

1.	Chief Legal Aid Defense Counsel	₹ 70,000 to 1,00,000/-
2.	Deputy Chief Legal Aid Defense Counsel	₹ 50,000 to 75,000/- each
3.	Assistant Legal Aid Defense Counsel	₹ 25,000 to 45,000/- each



For Class-B towns (Population more than 2 lacs but below 10 lacs)

1	Chief Legal Aid Defense Counsel	₹ 65,000 to 80,000/-
2	Deputy Chief Legal Aid Defense Counsel	₹ 40,000 to 60,000/- each
3	Assistant Legal Aid Defense Counsel	₹ 20,000 to 35,000/- each

For class-C (Population below 2 lacs) or Rest of the towns

1	Chief Legal Aid Defense Counsel	₹ 60,000 to 70,000/-
2	Deputy Chief Legal Aid Defense Counsel	₹ 30,000 to 50,000/- each
3	Assistant Legal Aid Defense Counsel	₹ 20,000 to 30,000/- each

Note:

1. Determining the number of posts of Legal Aid Lawyers in LADCS in each of the Districts will be the sole discretion of Hon'ble Executive Chairman, KSLSA. Necessary instructions in this regard will be issued to the concerned DLSAs.
2. The honorarium payable to the Legal Aid Lawyers in LADCS of different districts will be fixed by Hon'ble Executive Chairman, KSLSA and necessary communications will follow.
3. In case of any discrepancy, please refer to approved scheme by NALSA.



KARNATAKA STATE LEGAL SERVICES AUTHORITY BENGALURU

DETAILED INSTRUCTIONS ON FULL TIME LEGAL AID LAWYERS IN LEGAL AID DEFENSE COUNSEL OFFICE (LADC)

As per the Legal Aid Defense Counsel System – Modified Scheme 2022 formulated by National Legal Services Authority, for providing legal aid, assistance and representation in criminal matters in line with “Public Defender System”, the Karnataka State Legal Services Authority has established 30 LADCS offices in a phase wise manner. As per the directions of NALSA, optimum human resources have to be maintained at each LADCS offices in the State.

1. THE SCOPE OF WORK :

Legal Aid Defense Counsel Office shall be dealing exclusively with legal aided matter in criminal matters of the District Head Quarters, wherein it is established. The Counsel appointed shall involve fulltime with the system and they are not allowed to take any private cases or any other retainership. The Legal Aid Defense Counsels are required to scrupulously perform the work profiles and follow the code of ethics as enumerated in the “Legal Aid Defense Counsel System-Modified Scheme-2022”.

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 Sessions, Special and Magistrate Courts including executive courts.

- Handling Remand and Bail Work
- Providing Legal Assistance at pre-arrest stage as per NALSA's scheme for providing such assistance
- Periodic visit of Prisons of the district under the guidance of the Member Secretary, DLSA.
- Any other legal aided work as assigned by the Member Secretary, DLSA.

2. VACANCY OF POSTS AND HONORARIUM :

As per the directions of Hon'ble Executive Chairman, KSLSA, on the basis of pendency of criminal cases and legal aid cases, the following posts in respective DLSAs needs to be filled up on contract basis for a period of two years on monthly salary, with a stipulation of extension on yearly basis upon satisfactory performance.

Vacancy Position :

Sl. No.	Districts	Deputy Legal Aid Defense Counsels	Assistant Legal Aid Counsels
1	Bengaluru Urban	1	4
2	Bengaluru Rural	1	5
3	Bagalkote	2	5
4	Ballari	2	5
5	Belagavi	2	5
6	Bidar	2	5
7	Chamarajnagar	2	5
8	Chikkaballapur	2	5
9	Chikkamagaluru	2	5
10	Chitradurga	2	5
11	Dakshina Kannada-Managaluru	2	5
12	Davangere	2	5
13	Dharwad	2	4

14	Gadag	2	5
15	Hassan	2	5
16	Haveri	2	5
17	Kalaburagi	2	5
18	Kodagu-Madikeri	2	5
19	Kolar	2	5
20	Koppal	2	5
21	Mandya	2	4
22	Mysuru	1	4
23	Raichuru	2	5
24	Ramanagar	2	5
25	Shivamogga	2	4
26	Tumakuru	2	5
27	Udupi	2	5
28	Uttara Kannada-Karwar	2	5
29	Vijayapura	2	5
30	Yadgir	2	5
	Total	57	145

Note : Number of Deputy and Assistant Legal Aid Defense Counsel may be increased or decreased as per the requirement in individual districts. Number of Legal Aid Defense Counsel shall be proportionate to the actual requirement.

Honorarium (Retainership Fee):

Sl. No.	DLSA/Town	Deputy Legal Aid Counsel	Assistant Legal Aid Counsel
		Class-A Towns	
1	Bengaluru Urban	60,000	35,000
2	Bengaluru Rural	60,000	35,000
3	Mysuru	60,000	35,000
		Class-B Towns	
1	Bagalkote	45,000	30,000
2	Ballari	45,000	30,000
3	Belagavi	45,000	30,000
4	Bidar	45,000	30,000
5	Chamarajnagara	45,000	30,000
6	Chikkaballapura	45,000	30,000
7	Chikkamagaluru	45,000	30,000
8	Chitradurga	45,000	30,000
9	Dakshina Kannada	45,000	30,000
10	Dharwad	45,000	30,000
11	Davangere	45,000	30,000
12	Gadag	45,000	30,000
13	Hassan	45,000	30,000
14	Haveri	45,000	30,000
15	Kalaburagi	45,000	30,000
16	Kolar	45,000	30,000
17	Kodagu-Madikeri	45,000	30,000
18	Koppal	45,000	30,000
19	Mandya	45,000	30,000
20	Raichur	45,000	30,000
21	Shivamogga	45,000	30,000
22	Tumakuru	45,000	30,000
23	Vijayapura	45,000	30,000
24	Uttar Kannada-Karwar	45,000	30,000
25	Udupi	45,000	30,000
26	Yadgir	45,000	30,000
		Class-C Towns	
1	Ramanagara	45,000	25,000

Note :

1. **The Honorarium payable is fixed on the basis of yardstick provided by NALSA with due reference to population of the town.**
2. **The number of posts and the honorarium payable is liable to be enhanced or reduced based upon the performance of Legal Aid Lawyers in LADCS office.**

3. QUALIFICATIONS :**a) Qualifications for Deputy 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, may be relaxed in exceptional circumstances, by Hon'ble executive Chairman, SLISA,
- IT Knowledge with proficiency in work.

b) 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 defence 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 SLISA.

5. WORK PROFILE:

a) Deputy Legal Aid Defense Counsel.

- Conducting trials/ appeals/ Remand work /Bail applications/visits to prisons 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 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.

b) 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 Aid Defense Counsel,
- Any work/duty assigned by Legal Services Authority,

6. TERMINATION OF SERVICE :

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 cases as mentioned in the guidelines for engagement of LADCS, by the Chairman, DLSA on recommendation of the Secretary, DLSA or on directions by SLSA in writing.

7. SELECTION PROCESS :

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 KSLSA. As per the guidelines issued by NALSA, the selection procedure would involve formation of the Selection Committee under the Chairmanship of Prl. District and Sessions Judge (Chairman of 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 Head Quarter, dealing mainly criminal cases, preferably sessions cases will also be included. No person with conflict of interest shall be part of selection process. Hence, you are requested to **form a Selection Committee and submit the list to KSLSA** for obtaining approval of Hon'ble Executive Chairman, KSLSA on or before **24.09.2024**.

The steps involved/timeline in the selection process is as follows:-

Steps	Date
Publication of notification/inviting application	25.09.2024
Last date for receipt of applications for engagement as Legal Aid Lawyers for LADCS	03.10.2024
Scrutiny of applications by Member Secretary, DLSA	on or before 05.10.2024
Submission of list of candidates before Chairperson of Selection Committee	07.10.2024
Interview of the candidates	On or before 19.10.2024
Submission of list of successful candidates in the order of merit along with the marks sheets and waiting list of two candidates to each post who are immediately next to the selected candidate/s in the order of merit to KSLSA.	24.10.2024

Note :

- a) The selection procedure as contemplated in **STANDARD OPERATING PROCEDURES FOR SELECTION AND WORKING OF PANEL LAWYERS /RETAINER LAWYERS/ REMAND ADVOCATES /DUTY LAWYERS /STIPEND ADVOCATES /MONITORING AND MENTORING COMMITTEES IN THE DLSAs AND THE TLSCs** shall be followed (Copy of the SOP is herewith attached for kind reference).
- b) The selection of candidates is finalized by Hon'ble Executive Chairman, KSLSA. Hence only after obtaining approval of Hon'ble Executive Chairman, KSLSA necessary engagement contract will be executed between the Member Secretary, DLSA and the person so engaged.
- c) This detailed instructions is supplementary to the approved scheme of NALSA, detailed guidelines issued on 24.09.2024 and any further directions to be issued by NALSA/KSLSA.
- d) The minutes of the entire proceedings for selection of Deputy /Assistant Legal Aid Defence Counsels shall be maintained and submit to KSLSA.

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

STATE _____

DISTRICT _____

Application No. _____
(For Office use)

PHOTO WITH
SIGNATURE

APPLICATION FOR DEPUTY/ASSISTANT LEGAL AID DEFENSE COUNSEL

1	Applicant's Name	:	
2	Father/Husband's Name	:	
3	Date of Birth	:	
4	Age (as on 01.09.2024)	:	
5	Gender Male/Female/Transgender	:	
6	Nationality	:	
7	Caste /Category/Community (Attach documents)	:	
8	Religion	:	
9	Mother Tongue	:	
10	Languages Known	:	
11	Residential Address	:	
12	Office / Chamber (if any)Address	:	
13	Contact Details :	:	
	a. Telephone No. (O)	:	
	b. Telephone No. (R)	:	
	c. Mobile No.	:	
	d. Fax No.	:	
	e. E-mail ID	:	
14	PAN No.	:	
15	AADHAR No.	:	

16	Marital Status	:	Married <input type="checkbox"/> Unmarried <input type="checkbox"/>
17	Educational Qualification (Please enclose self-attested copies of documents):	:	

Course	Name of Board/ University	Year of Passing	Obtained Percentage (aggregate)
Graduation			
Professional Degree LLB			
LLM			
Any other Extra qualifications/activities (if any)			
Computer knowledge			

18	Date of Enrolment as Advocate & Enrolment No. (Attach self-attested copy of Enrolment certificate issued by Karnataka State Bar Council)	:	
19	Actual Standing at the Bar as on the date of notification. (Duration of actual practice) (Attach an experience certificate issued by the concerned Bar Association) (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 Applicant has dealt with/handled and reported judgement, if any)	:	
20	Whether empanelled as Central/State Government or : Government undertaking Counsel/pleader (Indicate period & attach relevant 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 relevant documents)	:	

23	Whether the applicant ever debarred/disqualified or found ineligible for candidature in any examination process of any public services conducted by any Public Authority? If so, furnish details.	:	
24	Whether he/she is compulsorily retired, removed or dismissed from any services in Government/Statuary Body/Local Authority? If so, furnish details.	:	
25	Whether any disciplinary/professional misconduct proceedings/ Complaint is/was initiated against the Applicant by any Bar Council : (If yes, specify details of both disposed & pending cases with documents)	:	
26	Whether the applicant is ever prosecuted or convicted and sentenced in any criminal cases or whether appearing before any criminal court in respect of any criminal cases/FIR pending against? If so, furnish particulars regarding the same.	:	
27	Whether the applicant is an Income Tax Assessee, if so, give details.	:	

28. List of documents to be attached.

1. Self-Attested copy of Certificates/Marks Cards in support of educational qualifications & experiences. (Production of copy of SSLC Marks Card is mandatory)
2. Self-Attested copy of Certificate of Enrolment issued by the Karnataka State Bar Council under the Advocates Act, 1961.
3. Self-Attested copy of Caste Certificate
4. Self-Attested copy of Photo Identity Card,/Aadhaar Card and any other Address Proof.
5. Self-Attested copy of ITR for the last 3 years (if available).
6. Photo copies of judgments in 5 Sessions cases, represented as Defense lawyer, (for the post of Chief/Deputy Legal Aid Defense Counsel).
7. Photocopies of at least 5 cross-examinations in Sessions cases (for Chief/Deputy Legal Aid Defense Counsel).

Signature of the applicant

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 fulfil 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 KSLSA/DLSA concerned.

Place: _____

Date: _____

Signature of the applicant



**KARNATAKA STATE LEGAL SERVICES AUTHORITY
BENGALURU**

**DETAILED INSTRUCTIONS FOR SELECTION OF HUMAN
RESOURCES FOR THE OFFICE OF LEGAL AID DEFENSE
COUNSEL (LADC)**

As per the direction of National Legal Services Authority, Legal Aid Defense Counsel (LADCs) offices have been established in all 30 districts in a phase wise manner and also human resources provided for assistance of LADCs.

In view of the direction by NALSA, the further human resources i.e., Office Assistant and Office Peon are to be selected for assistance in all the 30 LADCs in the State.

1. THE SCOPE OF WORK :

The Human Resources have to discharge their work as per the guidelines issued by the Karnataka State Legal Services Authority.

2. THE QUALIFICATIONS FOR THE AFORESAID HUMAN RESOURCES AS PER THE LEGAL AID DEFENSE COUNSEL MODIFIED SCHEME - 2022 ARE AS UNDER:

Sl. No	Name of the Post	Minimum qualification	Salary
01	Office Assistants/ Clerks	<ul style="list-style-type: none"> • Graduation from any recognized University under UGC. • Basic word processing skills and the ability to operate computer and skills to feed data. 	As per Legal Aid Defense Counsel Modified Scheme-2022

		<ul style="list-style-type: none"> • Good typing skill with proper page settings. • Ability to take dictation and prepare files for presentation in the Courts. • File maintenance and processing knowledge. 	
02	Office Peon	SSLC passed from recognized Institution	As per Legal Aid Defense Counsel Modified Scheme-2022

Note : Provisions of the Minimum Wages Act and orders issued therein by the State Government shall be complied and monthly salary of office assistant and office peon shall not be less than minimum wages payable to such category at the place of LADCs.

3. WORK PROFILES OF THE AFORESAID HUMAN RESOURCES ARE AS UNDER:

01	Office Assistant	<ul style="list-style-type: none"> • Keeping updated record of legal aided cases. • Uploading the updated record/progress of the legal aided cases on NALSA portal and digital platforms as per directions. • Maintaining complete files of legal aided cases and keeping files with proper index in a systematic manner. • Typing applications, petitions, appeals etc. • Doing ministerial work related to cases such as filing applications for copies of orders, judgment etc. • Any other task assigned by the Chief Legal Aid Defense Counsel. • Any work/duty assigned by Legal Services Authority. • All duties assigned to Receptionist cum Data Entry Operator.
02	Office Peon	<ul style="list-style-type: none"> • General work of peon. • Cleaning the office before the commencement of office hours. • Ensuring that all places in the office are kept clean. • Bringing and serving water, beverages to the visitors in the office. • Carrying dak, miscellaneous work etc. • Any other work assigned by Legal Services Authority.

4. TERMINATION OF SERVICES :

Services of any Human Resources engaged in the office of Legal Aid Defense Counsel can be terminated at any time without any prior notice in the cases as mentioned in the guidelines, by the Chairman, DLSA on recommendation of the Secretary, DLSA or on directions by SLSA in writing.

5. VACANCY OF POSTS :

As per the directions of Hon'ble Executive Chairman, KSLSA, on the basis of pendency of criminal cases and legal aid cases, the following posts in respective DLSAs needs to be filled up **purely on temporary basis initially for a period of 06 months** with a stipulation of extension subject to satisfactory performance.

Vacancy Position :

Sl. No.	District	Office Assistant/Clerk	Office peon
1	Bengaluru Urban	2	2
2	Bengaluru Rural	2	2
3	Bagalkote	2	2
4	Ballari	2	2
5	Belagavi	2	2
6	Bidar	2	2
7	Chamarajnagar	2	2
8	Chikkaballapur	2	2
9	Chikkamagaluru	2	2
10	Chitradurga	2	2
11	Dakshina Kannada- Managaluru	2	2

12	Davangere	2	2
13	Dharwad	2	2
14	Gadag	2	2
15	Hassan	2	2
16	Haveri	2	2
17	Kalaburagi	2	2
18	Kodagu-Madikeri	2	2
19	Kolar	2	2
20	Koppal	2	2
21	Mandya	2	2
22	Mysuru	2	2
23	Raichuru	2	2
24	Ramanagar	2	2
25	Shivamogga	2	2
26	Tumakuru	2	2
27	Udupi	2	2
28	Uttara Kannada-Karwar	2	2
29	Vijayapura	2	2
30	Yadgir	2	2
	Total	60	60

6. SELECTION PROCESS :

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 KSLSA. The Selection Committee has to conduct typing test for the candidates applied for the post of Office Assistant/Clerk followed by interview. The Selection

Committee has to conduct writing test for the candidates applied for the post of peon followed by interview.

As per the guidelines issued by NALSA, the selection procedure would involve formation of the Selection Committee under the Chairmanship of Prl. District and Sessions Judge (Chairman of 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 Head Quarters dealing mainly criminal cases, preferably sessions cases, will also be included. No person with conflict of interest shall be part of selection process. Hence, you are requested to **form a Selection Committee and submit the list to KSLSA** for obtaining approval of Hon'ble Executive Chairman, KSLSA on or before **24.09.2024**.

The steps involved/timeline in the selection process is as follows:-

Steps	Date
Publication of notification/inviting application	25.09.2024
Last date for receipt of applications	03.10.2024
Scrutiny of applications by Member Secretary, DLSA	on or before 05.10.2024
Submission of list of candidates before Chairperson of Selection Committee	07.10.2024
Interview of the candidates	On or before 19.10.2024
Submission of list of successful candidates in the order of merit along with the marks sheets and waiting list of two candidates to each post who are immediately next to the selected candidate/s in the order of merit to KSLSA.	24.10.2024

Note :

- a) The selection of candidates will be finalized by Hon'ble Executive Chairman, KSLSA. Hence only after obtaining approval of Hon'ble Executive Chairman, KSLSA necessary engagement contract will be executed between the Member Secretary, DLSA and the person so engaged.
- b) This detailed instructions is supplementary to the approved scheme of NALSA, detailed guidelines issued on 20.09.2024 and any further directions to be issued by NALSA/KSLSA.
- c) The minutes of the entire proceedings for selection of Deputy /Assistant Legal Aid Defence Counsels shall be maintained and submit to KSLSA.

APPLICATION FOR THE POST OF **OFFICE ASSISTANT/CLERK,**
OFFICE PEON IN LEGAL AID DEFENSE COUNSEL OFFICE.

Name of the District:

Post applied :

**PHOTO WITH
SIGNATURE**

1	Applicant's Name	:	
2	Father/Husband's Name	:	
3	Date of Birth	:	
4	Age (as on 01.09.2024)	:	
5	Gender Male/Female/Transgender	:	
6	Nationality	:	
7	Caste /Category/Community (Attach documents)	:	
8	Religion	:	
9	Mother Tongue	:	
10	Languages Known	:	
1	Residential Address	:	
12	Contact Details :	:	
	a. Mobile No.	:	
	b. Telephone No.	:	
	c. E-mail ID	:	
13	PAN No.	:	
14	AADHAR No.	:	
15	Marital Status	:	Married <input type="checkbox"/> Unmarried <input type="checkbox"/>
16	Other Work Experience if any	:	

17	Educational Qualification (Please enclose self-attested copies of documents):	:	
	Educational Qualification	Name of Board/ University	Year of Passing Obtained Percentage (aggregate)
	SSLC		
	PUC		
	Degree		
	Any other Extra qualifications/activities (if any)		
	Typing Education		
	Computer Education		
18	Whether the applicant ever debarred/disqualified or found ineligible for candidature in any examination process of any public services conducted by any Public Authority? If so, furnish details.	:	
19	Whether he/she is compulsorily retired, removed or dismissed from any services in Government/Statuary Body/Local Authority? If so, furnish details.	:	
20	Whether the applicant is ever prosecuted or convicted and sentenced in any criminal cases or whether appearing before any criminal court in respect of any criminal cases/FIR pending against? If so, furnish particulars regarding the same.	:	
21	Whether the candidate is employed with State/Central/Public Sector/Private Sector or any other Job or assignment etc., if ever employed as such, to furnish particulars as to whether his/her services is terminated while in service. If yes, furnish the details	:	

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 penalized by any Court/Authority in any case/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 KSLSA/DLSA concerned.

Place: _____

Date: _____

Signature of the applicant

Modified Scheme 2022

Legal Aid Defense Counsel Scheme 2022

FOR PROVIDING LEGAL AID, ASSISTANCE & REPRESENTATION IN
CRIMINAL MATTERS IN LINE WITH "PUBLIC DEFENDER SYSTEM"



National Legal Services Authority

B- BLOCK, ADDITIONAL BUILDING, SUPREME COURT OF INDIA, NEW DELHI |

Email: nalsa_dia@nic.in, na_nalsa@gov.in Website: www.nalsa.gov.in

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1. Introduction

Legal Services Authorities provide legal services to accused/convicts, who are in custody or otherwise coming within the eligibility criteria spelt out in Section 12 of the Legal Services Authorities Act, 1987. Legal Services are being provided at pre-arrest, remand, trial and appellate stages in criminal matters. Legal representation is being provided by the Legal Services Authorities in approximately 2 lac criminal cases (trials) at the district level.

During Consideration of the Demands for Grants (2022-23) of the Department of Justice by the Department Related Parliamentary Standing Committee (DPRSC) on Personal, Public Grievances, Law and Justice observed in its 116th report that:

“NALSA has recently completed 25 years of its establishment; accordingly, it is also the right time to ponder over reforms which are required in NALSA and legal aid movement in India. Majority of Indians are eligible to receive legal aid, but the number of people actually receiving legal aid is a miniscule percentage of those entitled. In the previous chapter, the Committee has already recommended a significant increase in NALSA's budget and expects NALSA to make best use of it in performing its assigned mandate.”

At present, Assigned Counsel System of dispensation of Legal Aid is being followed in India. Under the said system, cases are assigned to panel lawyers by Legal Services Institutions. Such Panel lawyers to whom cases are assigned, also have private practices, and hence, they do not exclusively devote their time to the legal aid matters. Many times, their accessibility and availability remain an issue for timely client consultation and updating the legal aid seekers about the progress of their cases. There are few instances, wherein the lawyers were found harassing beneficiaries or demanding fee from them.

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The system of Court based legal services needs to be strengthened for providing effective and efficient legal services to weaker and marginalised sections of the society. To achieve the same, several steps have been taken such as capacity building of lawyers, enhancing the structure and effective functioning of monitoring & mentoring committees, upgradation of Front Offices etc.

In the said process of strengthening and making legal services more professional, NALSA thought of adopting another legal aid delivery-based model i.e. '*Legal aid Defense Counsel System*' for providing legal aid in criminal matters on the lines of public defender system on pilot basis for a period of two years in some districts to see how effective and successful such changes in approach will be.

It is pertinent to mention that in most countries, Legal Aid Delivery Models are combination of the Public Defender System, Assigned Counsel System and Contract Services System. Examples of diverse legal aid delivery systems can be found, among other countries, in Israel, the Republic of Moldova, Sierra Leone, South Africa and the United States of America. A number of jurisdictions have adopted a public defender scheme with offices throughout the country, including Argentina, Chile, Georgia, Mexico, Paraguay, Peru, the Philippines, the Republic of Moldova and South Africa¹.

NALSA, decided to implement LADCS as pilot project in 17 states/UTs but the same was made functional in 13 states namely Andhra Pradesh, Chhattisgarh, Delhi, Gujarat, Jharkhand, Karnataka, Kerala, Maharashtra, Odisha, Rajasthan, Tamil Nadu, Uttarakhand, Uttar Pradesh.

As envisaged, Legal Aid Defense Counsel System involve full time engagement of lawyers with support system. The said unit deals exclusively with legal aid work in criminal matters at the district HQ, where it is established.

¹ Model Law on Legal Aid in Criminal Justice Systems with Commentaries(www.unodc.org)

Subject to feasibility, the services may be extended to Talukas or outline Courts. Initially, it was confined to cases before the Sessions, and now it will be expanded to all type of criminal courts with Lawyers engaged therein not allowed to take any private cases or any other retainership. This will create institutional capacity to effectively provide legal aid to poor and needy in criminal justice system. Some of the perceived advantages of the Legal aid Defense Counsel System vis-à-vis assigned counsel system may be mentioned as follows:

- Increase in Availability and accessibility of Legal Aid Defense counsels,
- Effective and efficient representation by experienced lawyers,
- Timely and lively Client Consultations,
- Effective monitoring and mentoring of legal aided cases,
- Professional management of legal aid work in criminal matters,
- Enhanced responsiveness leading to updating of legal aid seekers about the progress of their cases,
- Ensuring accountability on the part of the legal aid providers.

At the first instance, the Legal Aid Defense Counsel System was conceived to be implemented on a pilot project basis for providing legal aid in criminal matters in Sessions Courts in a few districts. After its success as a pilot project, it is being extended to other districts and to all criminal courts including Courts of executive Magistrates.

Objectives:

- To provide qualitative and competent legal services in criminal matters to all eligible persons.
- To manage and implement legal aid system in professional manner in criminal matters.

2. 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

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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, matters pending before Juvenile Justice Boards/CWCs, wherein present counsel assignment system (Panel Lawyers) will continue to be operational for the purpose but panels shall be resized according to work based model. 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, 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 aid 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.

3. Infrastructure and Human Resource required in each Project district

• Infrastructure:

- Well-appointed office for Legal Aid Defense Counsels with separate cabin for Chief Legal Aid Defense Counsel and space for consultation.
- Space for ministerial staff, reception with waiting area.
- Total space requirement (suggestive):
 - Class A Cities 800 to 1000 sq. ft.
 - Class B Cities 700 to 800 sq. ft.
 - Class C Cities 500 to 600 sq. ft.
- Computers and printers with scanner, internet connection, telephone.

- o Furniture consisting of tables, chairs, bookshelf and almirahs etc.

• **Human Resource:**

Human Resources for a Legal Aid Defense Counsel Office		
S. No.		No. required
1.	Chief Legal Aid Defense Counsel	01
2.	Deputy Chief Legal Aid Defense Counsel	01-03
3.	Assistant Legal Aid Defense Counsel	02-10
4.	Office Assistants/ Clerks	01-03
5.	Receptionist-cum-Data Entry Operator (Typist)	01 (optional)
6.	Office peon (Munshi/Attendant)	01 (optional)

Note: Number of Deputy and Assistant Legal aid Defense Counsel may be increased or decreased as per the requirement in individual districts, subject to prior approval of Hon'ble Executive Chairman, SLSA. Number of Legal Aid Defense Counsels shall be proportionate to the actual work and also requirement.

4. **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 SLSA. 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 subject to satisfactory performance. The performance of every human resource shall be assessed every six months by SLSA in consultation with DLSA concerned. The 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 with criminal cases preferably sessions cases shall be included. No person with conflict of interest shall be part of selection process. After approval by the Executive Chairman, SLSA, engagement contract shall be executed between the Secretary DLSA and the person so engaged.

The format of contract for engagement, as provided by NALSA to be used with required modifications.

The suggested eligibility criteria 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 defense counsel,
- Ability to work effectively and efficiently with others with capability to lead,
- Must have handled at least 30 criminal trials in Sessions Courts, aforesaid condition of handling 30 criminal cases can be relaxed in appropriate circumstances,
- Knowledge of computer system is 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 defense counsel,

- Ability to work effectively and efficiently with others,
- Must have handled at least 20 criminal trials in Sessions Courts, may be relaxed in exceptional circumstances, by Hon'ble executive Chairman, SLSA,
- 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.

d) Qualification for Office Assistant/ Clerks:

- Educational Qualification: Graduation,
- Basic word processing skills and the ability to operate computer and skills to feed data,
- Good Typing speed with proper setting of petition,
- Ability to take dictation and prepare files for presentation in the Courts,
- File maintenance and processing knowledge.

e) Qualification for Receptionist-cum-Data Entry Operator

- Educational Qualification: Graduation,
- Excellent verbal and written communication skills,
- Word and data processing abilities,
- The ability to work telecommunication systems (telephones, fax machines, switchboards etc),
- Proficiency with good typing speed.

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Note: Qualifications may be reasonably relaxed in case of exceptional candidate or circumstances after the approval of the Executive Chairman, SLSA.

5. 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 Defence Counsel for assisting him 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 assistance provided, ensure maintenance of up-to-date record of legal aided cases,
- Will be overall in charge of administration of the office of Legal Aid Defense Counsel Office.
- Ensure quality 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 Defense Counsel.

- Conducting trials/ appeals/ Remand work /Bail applications/visits to prisons 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 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.

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(s) in conduct of legal aid 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 of 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 Aid Defense Counsel,
- Any work/duty assigned by Legal Services Authority,

d) Office Assistant

- Keeping updated record of legal aided cases,
- Uploading the updated record/progress of the legal aided cases on NALSA portal and digital platforms as per directions,
- Maintaining complete files of legal aided cases and keeping files with proper index in a systematic manner,
- Typing applications, petitions, appeals etc.,

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- Doing ministerial work related to cases such as filing applications for copies of orders, judgement etc.,
 - Any other task assigned by the Chief Legal Aid Defense Counsel,
 - Any work/duty assigned by Legal Services Authority,
 - All duties assigned to Receptionist cum data entry operator.

e) Receptionist-cum-Data Entry Operator

- Greeting clients and visitors and answering visitor inquiries,
- Answering and routing incoming calls on a multi-line telephone system,
- Scheduling and routing legal aid seekers,
- Maintaining the waiting area, lobby or other office areas,
- Scanning, photocopying, faxing,
- Collecting and routing mail and hand-delivered packages,
- Answering face-to-face enquiries and providing information when required,
- Uploading, at the initial point, legal aided cases on NALSA portal & other platforms and updating the information from time to time,
- Any work/duty assigned by Legal Services Authority.

f) Office peon (Munshi/Attendant)

- General work of MTS, Munshi or Peon,
- Cleaning the office before the commencement of office hours,
- Ensuring that all places in the office are kept clean,
- Bringing and serving water, beverages to the visitors in the office,
- Carrying dak, misc. work etc.
- Any other work assigned by Legal Services Authority.

6. Termination of Services:

Services of any human resource 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 by the Chairman, DLSA on recommendation of the Secretary DLSA or on the 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 defense counsel office, or
- viii. Uses his/her position in legal aid defense 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.

7. 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 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.
- 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.

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- 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.

8. Entitlement to Leave:

- Chief Legal Aid Defense Counsel and Deputy Legal Aid Defense shall be eligible for 15 days' leave in a calendar year on pro-rata basis.
- Assistant Counsel Legal Aid Defense Counsel and other staff persons 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.

9. 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 incidental expenses such as travelling expenses etc.
- Information/promotional campaigns/programmes with regard to Legal aid Defense counsel office.

10. 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 legal research in various factual scenarios. Law students may be so engaged in the following areas in Legal aid defense 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,

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- Assist in sifting through all of the evidence collected by the prosecution and 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 by the Chief Defense Counsel & Secretary, DLSA.

11. 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 sent 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 sent 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 Legal Aid cases.

12. Financial Outlay

Primarily, finances are required for engaging Legal aid defense counsels, purchase of office furniture and equipment, monthly salaries, expenses incidental to litigation and other administrative expenses such as postal, stationary etc. Estimated outlay is given below:

A. Honorarium (Retainership fee) and salaries:

For Class-A towns (Population more than 10 lacs)

1.	Chief Legal Aid Defense Counsel	₹ 70,000 to 1,00,000/-
2.	Deputy Chief Legal Aid Defense Counsel	₹ 50,000 to 75,000/- each
3.	Assistant Legal Aid Defense Counsel	₹ 25,000 to 45,000/- each
4.	Monthly salary of Office Assistants	₹ 18,000 to 25,000/- each
5.	Monthly salary of Receptionist-cum-Data Entry Operator (Optional)	₹ 18,000 to 20,000/-
6.	Monthly salary of Office peon	₹ 12,500 to 15,000/-

For Class-B towns (Population more than 2 lacs but below 10 lacs)

1	Chief Legal Aid Defense Counsel	₹ 65,000 to 80,000/-
2	Deputy Chief Legal Aid Defense Counsel	₹ 40,000 to 60,000/- each
3	Assistant Legal Aid Defense Counsel	₹ 20,000 to 35,000/- each
4	Monthly salary of Office Assistants	₹ 15,000 to 20,000/- each
5	Monthly salary of Receptionist-cum-Data Entry Operator (Optional)	₹ 15,000 to 17,000/-
6	Monthly salary of Office peon	₹ 10,000 to 12,000/-

For class-C (Population below 2 lacs) or Remaining places

1	Chief Legal Aid Defense Counsel	₹ 60,000 to 70,000/-
2	Deputy Chief Legal Aid Defense Counsel	₹ 30,000 to 50,000/- each
3	Assistant Legal Aid Defense Counsel	₹ 20,000 to 30,000/- each
4	Monthly salary of Office Assistants	₹ 12,500 to 15,000/- each

5	Monthly salary of Receptionist-cum-Data Entry Operator (Optional)	₹ 12,000 to 15,000/-
6	Monthly salary of Office peon	₹ 10,000 to 12,000/-

Note: Provisions of the Minimum wages Act and orders issued therein by the State/UT Government will be complied and monthly salary of Office Assistant, Receptionist-cum-Data Entry Operator and Office peon shall not be less than minimum wages payable to such category at the place of LADCS. Retired Court or DLSA employees including experienced outsourced/ contractual personnel, if otherwise suitable may be preferred for the posts of Office Assistant, Receptionist-cum-Data Entry Operator and Office peon.

B. Infrastructure expenditure (If already not available)

1.	Four to six Computers (50% all in one system)	2,50,000/-
2.	Three Printers (one of them would be photocopier & scanner)	1,00,000/-
3.	Furniture (as per need)	Upto 2,00,000/-
4.	Books	Upto 50,000/-
5.	Law software	Provided by NALSA
6.	Facilities/utility items	25,000/-

Note: Online and offline law software will be provided under directions of NALSA.

C. Miscellaneous expenses per month as per the requirement subject to the following cap

1.	Office supplies/stationery	10,000/-
2.	Postal, internet, phone and other misc. expenses	5,000/-



**KARNATAKA STATE LEGAL SERVICES AUTHORITY
BENGALURU**

**STANDARD OPERATING PROCEDURES FOR
SELECTION AND WORKING OF PANEL LAWYERS
/RETAINER LAWYERS/ REMAND ADVOCATES /DUTY
LAWYERS /STIPEND ADVOCATES /MONITORING AND
MENTORING COMMITTEES IN THE DLSAs AND THE
TLSCs.**

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:INTRODUCTION:

In exercise of the powers conferred by Section 29 of the Legal Services Authorities Act, 1987 and in pursuance of the provisions in Section 4 of the Act to make available free and competent legal services to the persons entitled thereto under Section 12 of the said Act, the Central Authority formulated the **National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.**

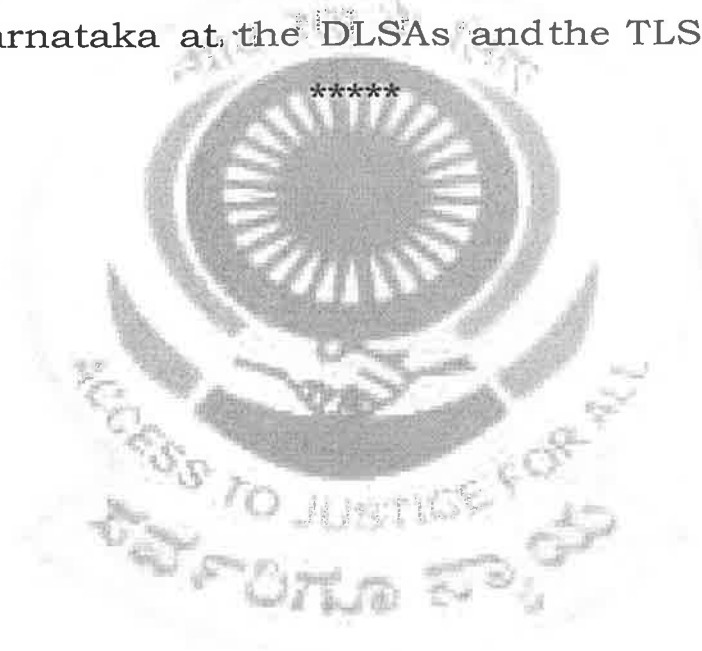
The Panel Lawyers/ Retainer Lawyers / Remand advocates/Duty Lawyers/Monitoring and Mentoring Committees are the strength of every Legal Service Institution.

Though the selection and working of Panel Lawyers/ Retainer lawyers/ Monitoring and Mentoring Committee is governed by NALSA (Free and Competent Legal Services) Regulations, 2010, the KLSA has observed lack of uniformity in the process of their selections and working at the DLSAs and TLSCs.

Further the Government of Karnataka vide Notification No LAW-LAD/183/2020 dated 17/11/2020 has authorized the KLSA/DLSA/TLSC to utilize the services of the advocates who are receiving stipend from various government departments for poverty alleviation schemes. The legal services rendered at legal services clinics of KLSA/DLSA/TLSC fall within the criteria of poverty alleviation schemes. Hence the

. KSLSA/DLSA/TLSC can also depute stipend advocates for legal services clinics and other activities conducted by them. But the DLSA/TLSCs required additional clarification on deputing stipend advocates.

This has necessitated KSLSA to formulate Standard Operating Procedures for selection and working Panel Lawyers/ Retainer lawyers/ Remand advocates/ Stipend advocates / Monitoring and Mentoring Committee in the state of Karnataka at the DLSAs and the TLSCs.



CHAPTER-I

SELECTION OF LEGAL PRACTITIONERS AS PANEL LAWYERS FOR DLSA AND TLSCs.

I. Definitions:

1. **“Panel Lawyer”** means a legal practitioner empaneled as a Panel lawyer under Regulation 8.¹

2. **“Legal Practitioner”** shall have the meaning assigned to it in clause (i) of section 2 of the Advocates Act, 1961 (25 of 1961).²

3. **“Case”** includes a suit or any proceeding before a court.³

4. **“Court”** means a civil, criminal or revenue court and includes any tribunal or any other authority constituted under any law for the time being in force, to exercise judicial or quasi-judicial functions.⁴

5. **“Retainer Lawyer”** means a Panel Lawyer designated as the Retainer Lawyer under sub-regulation (9) of regulation 8.⁵

6. **“Legal Services Clinic”** means the facility established by the District Legal Services Authority to provide basic legal services to the villagers with the assistance of Para-Legal Volunteers or Lawyers, on the lines of a primary health centre providing basic health

1.Regulation 2 (eb) of NALSA (Free and Competent Legal Services) Regulations, 2010.

2.Regulation 2 (d) of NALSA (Free and Competent Legal Services) Regulations, 2010.

3.Section 2(a) of The Legal services Authorities Act 1987.

4.Section 2 (aaa) of The Legal Services Authorities Act 1987

5.Regulation 2(fa) of NALSA(Free and Competent Legal Services) Regulations, 2010

services to the people in the locality and includes the legal aid clinic run by the law colleges and law universities.⁶

7. **“Legal Service”** includes the rendering of any service in the conduct of any case or other legal proceeding before any court or other authority or tribunal and the giving of advice on any legal matter.⁷

II. General requirements

1. No legal practitioner having less than three years' experience at the Bar shall ordinarily be empanelled⁸. It means, even an advocate having less than 3 years experience can be empanelled, if he is extraordinarily good to work in the Legal Services Institutions.

2. There may be representation of the Scheduled Castes, the Scheduled Tribes, women and differently abled lawyers in the panel⁹ while calling for applications.

3. Every DLSA/TLSCs after due consultation with Chairperson of DLSA shall invite applications in the annexed format **SCHEDULE-I** from the interested legal practitioners for their empanelment as panel lawyers by proper advertisement on the DLSA/TLSC/Bar Association notice board and district court website at least 15 days prior to the last date for receipt of application.

6.Regulation 2 (c) of NALSA (Legal Services clinics) Regulations, 2011

7. Section 2 (c) of The Legal Services Authorities Act 1987

8. Regulation 8(3) of NALSA (Free and Competent Legal Services) Regulations, 2010

9. Regulation 8(6) of NALSA (Free and Competent Legal Services) Regulations, 2010.

4. Such applications in the prescribed format **(SCHEDULE I)** shall be accompanied with proof of the professional experience with special reference to the type of cases which the applicant/legal practitioners may prefer to be entrusted with.¹⁰

5. The Chairperson of DLSA/TLSC shall also address the members of the Bar calling upon them to be empanelled as Panel Lawyers.

6. *Pro-bono* Lawyers list: The Member Secretary of DLSA/TLSC may send a request to Senior Advocates of the Bar to volunteer their pro bono professional services for rendering advice as and when required¹¹.

III. Selection process for panel lawyers.

1. At District level :

For selection of Panel Lawyers, there shall be a selection committee in every DLSA comprising of all the following members;

- a) Principal District and Sessions Judge/ Chairman, DLSA
- b) District Attorney or Government Pleader and
- c) Monitoring and Mentoring Committee set up under Regulation 10 (4)

¹⁰ Regulation 8(1) of NALSA (Free and Competent Legal Services) Regulations, 2010.

¹¹ Regulation 9 (3) of NALSA (Free and Competent Legal Services) Regulations, 2010

2. At Taluka level :

For selection of Panel Lawyers, there shall be a selection committee in every TLSC comprising of all the following members;

- a) Senior Civil Judge /Chairman,TLSC
- b) Government Pleader and
- c) Monitoring and Mentoring Committee set up under Regulation 10 (5)

3. The above said selection committee shall scrutinize the applications received for being empanelled as panel lawyers and short list the names of eligible legal practitioners for interview.

4. Provided that the Chairman of the Legal Services Institution may also *suo-motu* empanel any legal practitioner¹².

5. The selection committee shall conduct interview of the candidates. The criteria and marks for selection of Panel Lawyers shall be as follows;

Criteria	Max Marks
Legal Aptitude/ Service Motto	10
Advocacy skills	10
Mannerism and conduct both inside and outside court	10
Total	30

12. First proviso to Regulation 8(2) of NALSA (Free and Competent Legal Services) Regulations, 2010.

6. As far as possible those legal practitioners with service motto shall be preferred. The competency, integrity, suitability, and experience of lawyers for the empanelment shall also be considered. Provided that the size of panel should be optimized so that each lawyer can be allotted sufficient cases¹³.

7. The panel lawyers shall be grouped based on their expertise in the field of law. The list of selected candidates shall be informed in writing to the Chairman, DLSA at the earliest. Entire process of selection of Panel Advocates both in District and Taluka place shall be monitored by Chairman of DLSA.

8. After finalizing the list of Panel Advocates both at DLSA and TLSC, it shall be sent only by Chairman, DLSA to KSLSA in the annexed **SCHEDULE-II** for obtaining the panel approved by Hon'ble Executive Chairman, KSLSA as per Regulation 8(2) of NALSA (Free and Competent Legal Services) Regulations, 2010. Only after obtaining the Panel of Advocates approved, the final list of Panel Lawyers must be displayed in the official website and notice board. The selected Panel Advocates must be issued Empanelment Letter as per **SCHEDULE-III**.

9. The approved Panel of Advocate shall be in existence for a period of three years and shall be reviewed and updated periodically by the Chairman of the Legal

13. Second proviso to Regulation 8(2) of NALSA (Free and Competent Legal Services) Regulations, 2010.

Services Institutions, keeping in view the performance of the panel lawyers.¹⁴

IV. Terms and conditions for panel lawyers

1. The Panel Advocate should be acquainted with the objectives and purposes of the Legal Services Authorities Act, 1987, NALSA/KSLSA Rules and Regulations made therein.

2. The duties of Panel Lawyers as mentioned in the Hand Book of Formats: Ensuring Effective Legal Services shall be scrupulously followed. The soft copy of said Hand Book is attached to this SOP for due compliance.

3. The Panel Lawyers shall not ask for or receive any fee, remuneration or any valuable consideration in any manner, from the person to whom he has rendered legal services under these regulations.¹⁵

4. The DLSA/TLSC shall be at liberty to withdraw any case or assignment from a Retainer lawyer/Panel Lawyer during any stage of the proceedings.¹⁶ If the Panel Lawyer engaged is not performing satisfactorily or has acted contrary to the object and spirit of the Act and these regulations, the Legal Services Institution shall take appropriate steps including withdrawal of the case from such lawyer and his removal from the panel.¹⁷

14. Regulation 8(13) of NALSA (Free and Competent Legal Services) Regulations, 2010

15. Regulation 8(16) of NALSA (Free and Competent Legal Services) Regulations, 2010

16. Regulation 8(14) of NALSA (Free and Competent Legal Services) Regulations, 2010

17. Regulation 8(17) of NALSA (Free and Competent Legal Services) Regulations, 2010

5. If a Panel Lawyer is desirous of withdrawing from a case he shall state the reasons thereof to the Member-Secretary or the Secretary, as the case may be, and the Panel Lawyer may be permitted to do so by an order.¹⁸ If the reasons are not convincing the Panel Lawyer will be not entitled to claim his/her honorarium for the said case.

6. The Panel Lawyers shall undergo training periodically as per modules prepared by the National Legal Services Authority and the State Legal Services Authority.¹⁹ The DLSAs shall organize training programmes for panel lawyers.

7. The participation in the training programme shall be a relevant consideration for the retention or continuation of Panel Lawyers.²⁰

8. The Member-Secretary may assign a case to a panel lawyer of a subject matter other than for which he has been empanelled.²¹

V. How to Categorise the Legal Aid Application (General Instructions to DLSAs and TLSCs)

1. Legal Aid seeker may approach concerned TLSC/DLSA seeking assistance in filing a criminal case, civil case or any applications etc., It is desirable to direct the legal aid seeker to file an application as per Form-I appended to *National Legal Services Authority (Free and Competent*

18. Regulation 8(15) of NALSA (Free and Competent Legal Services) Regulations, 2010

19. Regulation 8(18) of NALSA (Free and Competent Legal Services) Regulations, 2010

20. Regulation 8(19) of NALSA (Free and Competent Legal Services) Regulations, 2010

21. Regulation 8(8) of NALSA (Free and Competent Legal Services) Regulations, 2010.

Legal Services) Regulations, 2010. For the sake of convenience the said Form No. 1 is attached herewith as **SCHEDULE-IV.**

2. For filling up Form No.1 necessary assistance may be provided to the applicant at the Legal Aid Clinics or by the Front Office constituted as per Regulation 4 of the *National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.*
3. Upon receipt of the application, the office shall assign it a Registration number and immediately enter it in a register as per the enclosed format **SCHEDULE-V** and also enter it in LSMS portal.
4. If any Court of Law directs TLSC/DLSA to provide free legal aid in a pending case before it, office of concerned Legal Services Institution shall make effort to collect information with regard to the party seeking legal aid as far as possible in Form No.1.
5. Upon receipt of application under Form No.1 it shall be ascertained if the applicant falls under Section 12 of Legal Services Authorities Act 1987 to avail free legal service. Only if the applicant falls under any of the categories enlisted under Section 12 of the Legal Services Authorities Act 1987, the applicant shall be provided with free legal service from TLSCs or DLSAs.
6. Upon perusal of application under Form No.1, if the legal services required is not court based, then the applicant may be referred to “Legal Aid Clinics” for necessary assistance.

7. If the applicant is seeking legal aid to coordinate with the Police or to file anticipatory bail application if any, then he/she may be referred to a “duty lawyer”. If the applicant is subsequently arrested then the said duty lawyer himself shall act as a remand advocate of the applicant.
8. If the applicant is under Police or Judicial custody, then “Remand Advocate” may be assigned to the case. Until the filing of charge sheet it shall be the duty of the Remand Advocate to represent the accused applicant. After the filing of charge sheet, the role and duty of Remand Advocate ceases. If after the filing of charge sheet, the accused applicant still falls under the category mentioned in Section 12 of Legal Services Authorities Act, 1987 then concerned DLSA or TLSC shall appoint Panel Advocate to conduct trial. It is within the discretion of concerned DLSA or TLSC to continue the Remand Advocate of the applicant as his Panel Advocate. In such case the Remand Advocate is entitled for additional remuneration as entitled by the Panel Advocate. Free legal services shall also be provided to the Complainants or Victims of the Crime if they are entitled to it under any law for the time being in force.
9. If the applicant is seeking assistance to either file a civil case or a criminal case before the Court of law, the concerned TLSC/DLSA shall appoint Panel Lawyer to conduct the case.

CHAPTER-II

ASSIGNMENT OF CASES TO PANEL LAWYERS IN COURT BASED LEGAL AID/SERVICES

1. The application seeking Court Based Legal Aid shall be scrutinized by the Member-Secretary of DLSA/TLSC or by any officer, deputed by him²²:
2. In case, there is difficulty to determine the prima facie case to prosecute, the Member-Secretary may for this purpose, seek opinion from a panel lawyer having more than seven years standing at the Bar²³:
3. A defendant in a civil case and an accused or a convict in a criminal case shall be deemed to have prima facie case to defend or to file an appeal against his conviction and sentence.²⁴
4. The Court based legal aid can be extended in all courts of law including proceedings before any other authority/tribunal exercising judicial or quasi-judicial functions.
5. If there exists a prima-facie case, the Member Secretary of DLSA/TLSC by an office order, assign the matter to a Panel Lawyer considering the field of specialization and make entries of such assignment in the **SCHEDULE-V** register.
6. After assignment of a case to the panel lawyer, the DLSA/TLSC shall inform the concerned applicant/party.

22. Regulation 7 of NALSA (Free and Competent Legal Services) Regulations, 2010

23. Second proviso to Regulation 7 of NALSA (Free and Competent Legal Services) Regulations, 2010

24. First proviso to Regulation 7 of NALSA (Free and Competent Legal Services) Regulations, 2010

The panel lawyer shall be issued Assignment Letter for the individual case as per annexed **SCHEDULE-VI** alongwith Duty Notes.

7. While filing/defending the case of the applicant, the applicant shall sign the DLSA/TLSC memo of appearance to be furnished by the panel lawyer before the court. The format of memo of appearance is annexed to **SCHEDULE-VII.**

8. It shall be the duty of legal service advocate to sincerely provide legal aid to the applicant by following all the professional ethics as per the Advocates Act, 1961 and not to receive any fees or remuneration whether in cash or in kind from the aided person or from any other person on his behalf.

9. The deputed legal service advocate shall enter the stage of the proceeding in the register maintained in Front Office and he/she shall keep the legal aid beneficiary well informed regarding the stage of the proceeding.

10. After the completion of his assignment, legal service advocate shall submit a statement showing the work done report to the Member Secretary of TLSC/DLSA who shall after due scrutiny sanction the fee and expenses payable to him.

11. The legal service advocate is at liberty to waive the honorarium payable wholly or partially.

12. If work done report is not submitted within 30 days of completion of assignment then honorarium is deemed to be waived. Provided if work done report along with reason for delay is submitted within 90 days of completion of assignment, Chairman of the legal service institution may order for disbursal of honorarium payable.

13. In case of any dispute on the quantum of honorarium payable to the legal service advocate, the matter shall be placed before the Chairman for decision.

14. For some reasons, if another panel lawyer is assigned with the matter, then it shall be entered under the same application number by an office order. Necessary entry must be made in Remarks column in **SCHEDULE-V**.

15. During trial/ proceedings if the applicant desires to engage private advocate, he/she is at liberty to do so. In that situation, the concerned panel lawyer to whom case is assigned shall endorse no objection and shall report the same to the DLSA. Such matter shall be closed by making necessary remarks.

16. Whenever court based legal aid is provided to the beneficiary applicant by assigning a panel lawyer, concerned TLSC/DLSA shall submit Form No.2 to the Monitoring and Mentoring Committee. For the sake of convenience Form No.2 is attached herewith as **SCHEDULE-VIII**.

CHAPTER-III

DEPUTATION AS REMAND ADVOCATES/DUTY LAWYERS

1. **Remand Advocates:** From amongst the panel lawyers, those having expertise in Criminal Law may be deputed as Remand Advocates to represent the accused produced before the Court who has no advocate of his choice and one who is entitled for free legal services under section 12 of the Legal Services Act. In the District places, the remand advocates shall be paid honorarium of Rs. 5000/- per month and in Taluka Places they shall be paid honorarium of Rs. 3000/- per month²⁵.

TLSC shall have maximum two remand advocates on rotation basis as notified under the authority of the Chairperson TLSC. Further, the DLSA shall have maximum 4 remand advocates on rotation basis as notified under the authority of the Chairperson DLSA.

2. **Duty Lawyers:** As per KSLSA letter No.09/Prison/2018 Dated: 23.06.2020, Remand Advocates shall be deputed as Duty Lawyers for a prescribed period not more than 6 months. The Stipend advocates, having expertise in Criminal Law may be deputed as Duty lawyers at each legal service clinic in police stations. Where stipend Advocates are deputed, they shall not be paid any remuneration or sitting fees etc. The DLSA/TLSC shall ensure that the contact address and phone numbers of the duty lawyers are displayed in a conspicuous place in the police stations.

²⁵ Letter No. 20/ADM/2014 of KSLSA dated 18.05.2017

CHAPTER-IV

DEPUTATION AS “RETAINER LAWYER” IN FRONT OFFICES OF DLSA/TLSCs.

I. Selection process of Retainer Lawyers

1. The person deputed as retainer lawyer shall have professional appearance and attitude. The person deputed as retainer lawyer shall have basic computer knowledge with typing skills and should be comfortable in using phone system, copier, scanner and printer. Basic technical knowledge of using e-mail, etc. should be possessed by the candidate.

2. The Chairman of the DLSA, shall prepare a list of legal practitioners from amongst the panel lawyers to be designated as Retainers in the Front Office of DLSA and TLSCs in the Annexed format **SCHEDULE-IX** and get the approval of the Executive Chairman of the State Legal Services Authority.²⁶

3. The tenure of retainer advocates shall be one year initially and may be renewed depending on their performance till the expiry of period as a Panel Lawyer.

4. The Chairman of DLSA shall send proposal for renewal of such retainer lawyers every year to the Executive Chairman State Legal Services Authority for approval.

26. Regulation 8(4) of NALSA(Free and Competent Legal Services) Regulations, 2010

5. Two Retainer Lawyers at DLSA/TLSC shall be deputed to Front Office in two shifts i.e. from 10.00am to 02.00pm & 02.00pm to 06.00pm on all the working days of Front Offices for a period of Six Months on rotation basis.

6. Each Retainer Lawyer at DLSA shall be paid with a honorarium of Rs.8,000/- per month and each Retainer Lawyer at TLSC shall be paid with a honorarium of Rs.5,000/- per month.

7. The retainer lawyer deputed to front office shall carry out the functions of the front office which include.²⁷

- a) Providing Legal advice
- b) Drafting applications, petitions, replies etc.
- c) Attending legal aid helpline number
- d) Receiving and maintaining record with regard to legal aid applications
- e) Uploading legal aid applications on Web Portal of NALSA
- f) Maintaining up- to- date data of court based matters and maintaining data in prescribed formats.
- g) Updating Legal Aid Beneficiary about particulars of a Panel Lawyer marked for his matter and also updating him regularly about the status of his case.
- h) Retainer Lawyers shall update
- i) The legal aid beneficiaries regarding court based matters through SMS and Emails. System of updating legal aid beneficiary through SMSs may be adopted.

²⁷ Guideline no 2 of the NALSA guideline for the front offices.

- j) Legal aid beneficiary about the decision taken on his/her legal aid application, name & phone number of legal aid counsel marked to the applicant in case legal aid is decided to be given.

8. The following registers/records shall be maintained in soft version either in Computer Excel Sheets or any other software as deemed fit, at the front office by deputed retainer lawyer.

- Front Office Register for visitors (**SCHEDULE-X**)
- Legal Aid Monitoring Register (**SCHEDULE-XI**)
- Legal Services Helpline Register (**SCHEDULE-XII**)

9. The retainer lawyer deputed at the front office shall coordinate the work of front office as One stop centre for legal aid seekers/beneficiaries.

10. In the Front office, the retainer shall keep updated data of court based matters so that legal aid beneficiaries can be apprised about the same. Feed-back forms regarding the court based matters be also kept at the Front Office. Feedback pro-forma is attached herewith as **SCHEDULE-XIII**

CHAPTER-V

DEPUTATION OF PANEL LAWYERS/STIPEND ADVOCATES/RETAINER LAWYERS TO LEGAL SERVICES CLINICS.

1. The legal services institution having territorial jurisdiction over the legal services clinic established, may depute its panel lawyers or retainer lawyers to the legal services clinic. The stipend Advocates who are getting stipend from the State Government/Any other Authority may also be deputed for providing services in the Legal Service Clinics. When such stipend Advocates are deputed, they shall not be paid any remuneration/payment as they are already paid stipend by the Government.

2. The panel lawyers or stipend advocates shall be deputed to legal services clinics on rotation basis of not more than 3 months. The DLSA/TLSC shall depute panel lawyers or stipend advocates to the clinics by notification under the authority of the Chairperson DLSA/TLSC.

3. The Panel lawyers or retainer lawyers or stipend advocates with skills for amicable settlement of disputes, shall alone be considered for being deputed to the legal services clinic: Provided that preference shall be given to women lawyers having practice of at least three years.

4. The performance of panel lawyers in legal services clinics/ court based cases shall be monitored by the Member Secretary DLSA/TLSC and same shall be reported to the Chairperson DLSA/TLSC.

5. Wherever daily sittings are arising in the Legal Services Clinics preferably Retainer Advocates may be deputed to such Legal Services Clinics as per Regulation 8 of NALSA (Legal Services Clinics) Regulations, 2011.

6. Jail Legal Services Clinic: As per requirement, Jail visiting Lawyers must be deputed by DLSA/TLSC as the case may be by issuing appointment letter along with duty notes as per **SCHEDULE-XIV**. At the same time intimation letter must be sent to the Superintendent of the Prison as per **SCHEDULE-XV**. It is the duty of Jail visiting Lawyer to identify cases eligible for release under the mandate of the UTRC, to interact with the inmates, to draft applications and petitions for parole, juvenility, bail or filing legal aid application etc., The Jail visiting Lawyer shall visit Jail Legal Services Clinic atleast twice a week and submit monthly report as per **SCHEDULE-XVI**.

CHAPTER-VI

MONITORING AND MENTORING COMMITTEE

I. Composition of Monitoring and Mentoring Committee:

1. Regulation 10 of the NALSA (Free and Competent Legal Services) Regulations, 2010 mandates the Legal Services Authorities to establish Monitoring and Mentoring Committees at each level. The primary functions of these committee is to guide the panel lawyers in conducting their cases on behalf of the legal services institutions and also to monitor their performance.

2. Constitution of Monitoring and Mentoring Committee (hereinafter referred to as MMC) :

i) As per the Regulation 10 of *National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010* amended on 28.08.2019, it is necessary for the Legal Services Institution to set-up a MMC for close monitoring of the court based Legal Aid. It is observed that MMCs are not properly constituted both at Taluka and District level in many places as per the amended Regulation. It is impressed upon all the Chairmen of DLSAs to constitute MMCs both at Taluka and District level as per the amended Regulation.

ii) As per Regulation 10(4) of *National Legal Services Authority (Free and Competent Legal*

Services) Regulations, 2010 in the District level
MMC shall consists of following Members:

- a) Member Secretary
 - b) One serving Judicial Officer
 - c) One Retired Judicial Officer or one Advocate having atleast fifteen years standing in the bar.
- iii) As per Regulation 10(5) of *National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010* in the Taluka level
MMC shall consists of following Members:

- a) Chairman of TLSC
 - b) One retired Judicial Officer or one Advocate having atleast 10 years standing in the bar.
- iv) Since Chairman of DLSA heads the Legal Services Institution, it is necessary that he should appoint MMCs both at Taluka and District level for a period not exceeding two years. In order to constitute MMCs necessary recommendations may be received by the Chairman from the respective Member Secretaries of TLSCs and DLSA. After the appointment of Members of MMCs both at Taluka and District level, it shall be duly intimated to KSLSA. If there is any change in the constitution of the MMCs then it is desirable to intimate the same to KSLSA without undue delay.

3. Upon receipt of Form No.2, concerned Monitoring and Mentoring Committee constituted as per Regulation 10 of the *National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010* with assistance of legal aid staff shall enter the Court based legal aid particulars in the enclosed format as per **SCHEDULE-XVII** herein.

4. MMC shall meet once in fifteen days and shall make entry in column No. 6 of Annexure-III format by referring to each legal aid case and the progress made therein. If the progress of any particular case is not satisfactory then after interaction with the concerned Panel Advocate who has been assigned with the said legal aid case, may recommend for necessary action. In such an event, Chairman of concerned DLSA/HCLSC shall take appropriate action thereon. If any action is taken in respect of a legal aid case with unsatisfactory progress, then separate case wise report shall be attached to the bi-monthly report.

5. MMC shall submit bi-monthly report in the enclosed format as per **SCHEDULE-XVIII** herein. January-February, March-April, May-June, July-August, September-October and November-December is considered as bi-months for the purpose of submission of the report to KSLSA.

CHAPTER-VII

PAYMENT OF FEE TO THE PANEL LAWYERS FOR VARIOUS LEGAL SERVICES

1. Panel Lawyers shall be paid fee in accordance with the Schedule of fee, as approved under the State regulations. The present fee structure is at **SCHEDULE-XIX**, which shall vary from time to time as and when modified, approved and notified under the State Regulation.

2. The Karnataka State Legal Services Authority shall effect periodic revision of the honorarium to be paid to panel lawyers for the different types of services rendered by them in legal aid cases.

Note: The soft copy of NALSA's *Hand Book of Formats: Ensuring Effective Legal Services*, is attached to this SOP for due compliance. The said Hand book apart from standardizing the documentation process also encompasses the Duty Notes of Panel Lawyers, Retainer Lawyers, Remand Advocates, Jail visiting Lawyers, Duty Counsels etc. It is necessary to read and understand the Duty Notes by the concerned Panel Lawyers of DLSA/TLSC. The said Hand Book shall be treated as part and parcel of this SOP.

Schedule-I

**APPLICATION BY THE ADVOCATES FOR
EMPANELLMENT**

RECENT
PASSPORT
SIZE PHOTO

1	Name of the applicant	
2	Father/mother/spouse name	
3	Age	
4	Address permanent/current	
5	Land line number	
6	Mobile number	
7	Email address	
8	Educational qualification	
9	Enrollment number (enclose copy of certificate issued by Karnataka State Bar Council)	
10	Experience as advocate in years Details of specialization/ field of law	
11	Caste If belongs to SC/ST/OBC or category, General etc., please specify	
12	Languages knows to read and write	

I hereby declare that having understood the objectives and purposes of The Legal Services Authorities Act I have filed this application

Place :

Date :

Signature of the applicant