

**LEGAL ASSISTANCE
TO
PERSON
IN CUSTODY
SCHEME, 2003**

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[Sl No. 2482/S.L.S.A./03, dated 27-12-2003, Pub. in C.G. Rajpatra, Pt. 1, dated 13-2-2004, P. 626.-In exercise of the powers conferred by clause (g) of Section 2 read with clause (a) of sub-section (2) of Section 7 and Section 12 (g) of the Legal Services Authorities Act, 1987, the State Authority hereby makes the following Scheme, namely :-

- (1) The Scheme may be called the Legal Assistance to Person in Custody Scheme, 2003.
- (2) (a) Act means Legal Services Authority Act, 1987 (No. 39 of 1987).
(b) District Authority means District Legal Services Authority constituted under Section 9 of the Act.
(c) Person in custody shall have the same meaning as defined in Section 12 (g) of the Act.
- (3) The District Authority shall appoint one panel lawyer for each Court of Magistrate or more, depending upon the quantum of remand cases received each day, for defending persons in Custody.
- (4) Such panel lawyer should have put in at least 5 years of practice at the bar.
- (5) It would be duty of the lawyer so appointed to oppose remand, apply for bail and move miscellaneous applications as may be required.
- (6) It shall be duty of lawyer so appointed to remain present during remand hours and such hour as may be directed by Court concerned.
- (7) The District Legal Services Authority shall insist upon certificate from the Courts concerned about the regular attendance of the penal lawyer concerned.
- (8) A lawyer so appointed shall be paid a fixed remuneration of Rs. 1000/- per month for discharging his functions, in addition to incidental charges.
- (9) The District Authority shall give wide publicity to this scheme and display boards out side the Court room. The boards should also disclose the names of panel lawyer and his address and that no payment is required to be made by the persons in custody for availing of the services of the lawyer.
- (10) Any Legal Aid lawyer demanding remuneration from the aided persons shall be liable to be removed from panel.
- (11) After filing of charge sheet, if the accused is entitled to legal Aid, the case shall be made over to panel lawyer as per rotation.