

No. 175/SPL/Rules/XIII.D.3-9R.

From

Registrar General,
Punjab & Haryana High Court,
Chandigarh.

To

1. All the District & Sessions Judges,
State of Punjab.
2. All the District & Sessions Judges,
State of Haryana.
3. The District & Sessions Judge,
Chandigarh.

Dated, Chandigarh the 27th Day of July, 2026.

Subject: Recommendations to ensure better transparency and effective enforcement of the Legal Aid Defense Counsel System.

I have been directed to inform you that in order to ensure better transparency and effective enforcement of the Legal Aid Defense Counsel System, the recommendations mentioned hereinafter below, duly approved by Hon'ble the Acting Chief Justice, Punjab and Haryana High Court, are required to be circulated among Judicial Officers/Secretaries, District Legal Services Authorities:-

- (i) Secretary, District Legal Services Authority shall prepare a jail visit roster of Legal Aid Defense Counsel. Ordinarily Judicial Officer should refrain from accompanying Legal Aid Defense Counsel at the time of their jail visit.
- (ii) Assignment of Legal Aid Defense Counsel for representing accused be done only by Secretary, District Legal Services Authority. No Legal Aid Defense Counsel be permitted to obtain power of attorney from inmates directly.
- (iii) If defence counsel fails to appear and Presiding Officer is of opinion that such absence is willful or mischievous, instead of, directly appointing Legal Aid Defense Counsel to defend an accused, he shall first pass order highlighting absence of defence counsel and take steps to communicate the order to the accused or to the advocate representing the accused. If the accused or his lawyer still fail to appear on the next date, the

Presiding Officer may forward the case to Secretary, District Legal Services Authority for appointment of Legal Aid Defense Counsel.

- (iv) While directing release of an accused on furnishing bail bonds/surety bonds or on personal bonds the court shall adopt a uniform approach and extend parity.
- (v) When accused is produced before a Ilaqa Magistrate for remand, Court shall ascertain whether accused, is represented by counsel, if so, the Court shall wait for the appearance of the defence counsel. When an accused does not have defence counsel, he shall be provided assistance of Legal Aid Defense Counsel. No power of attorney of Legal Aid Defense Counsel shall however, be filed at that stage. If such accused thereafter, desires to pursue matter through Legal Aid Defense Counsel, the assignment of case(s) shall only be done through Secretary, District Legal Services Authority.
- (vi) Secretary, District Legal Services Authority shall satisfy themselves with regard to the eligibility of applicant for Legal Aid Defense Counsel in terms of Section 12 of Legal Services Authorities Act, 1987 and any other direction(s)/guideline(s) issued by competent authority.
- (vii) Legal Aid Defense Counsel to strictly adhere to professional ethics and terms of their engagements and should not solicit work for themselves or any other practicing member of their family or chamber.

You are, therefore, requested to circulate this letter among all the Judicial Officers and Secretary, District Legal Services Authority of your District.


27.7.2016
(Chandra Shekhar)