

**The Jharkhand State Legal Services Authority
(Amendment) Regulation, 2013
Notification No. 12 dated 21/02/13**

In exercise of the powers conferred under the provisions of Section 29A of the Legal Services Authorities Act, 1987 (Act No. 39 of 1987) as amended by Legal Services Authorities (Amendment Act No. 59 of 1994) and in consultation with Hon'ble the Chief Justice, Jharkhand High Court, wherever necessary to give effect to the provisions of the Act, Jharkhand State Legal Services Authority is pleased to make the following amendments in the Jharkhand State Legal Services Authority Regulation, 2002.

1. **Short Title and Commencement-** These Regulations may be called the Jharkhand State Legal Services Authority(Amendment)Regulation 2013 and they shall come into force at once.

2. **Insertion of new Sub- Regulation 13** - After Sub Regulation 12 of **Regulation 18**, the following shall be inserted namely-

13. The expenditure incurred on any single Legal Awareness Camp/Legal Literacy Camp/Programmes etc. organized by District Legal Services Authority shall not exceed Rs. 5,000/-.

3. **Amendment of Regulation 25** –

(1) In Regulation 25 (a), for the words and figures “Rs. 600/- (Rupees Six Hundred only)” the words and figures “ Rs. 5000 (Rupees Five thousand only)” shall be substituted.

and

for the words and figures “Rs. 200/- (Rupees Two Hundred only)”
the words and figures “ Rs. 2000 (Rupees Two thousand only)”
shall be substituted;

(2) In Regulation 25 (b), for the words and figures “Rs. 400/- (Rupees Four Hundred only)” the words and figures “ Rs. 3000 (Rupees Three thousand only)” shall be substituted.

(3) In Regulation 25 (c), for the words and figures “Rs. 250/- (Rupees Two Fifty only)” the words and figures “ Rs. 2000 (Rupees Two thousand only)” shall be substituted.

(4) In Regulation 25 (d), for the words and figures “Rs. 150/- (Rupees One hundred and Fifty only)” the words and figures “ Rs. 1000 (Rupees One thousand only)” shall be substituted.

4. **Omission of Regulation 29** -Regulation 29 shall be omitted.
5. **Amendment of Regulation 35 (a) Regulation 35- Composition of the Lok Adalat;** Existing Sub Regulation 1, 2 and 3 shall be substituted as follows:

(1) **At State Authority Level.-** The Member-Secretary organizing the Lok Adalat shall constitute benches of the Lok Adalats, each bench comprising of a sitting or retired Judge of the High Court or a serving or retired judicial officer and anyone or both of the following:

- (i) a member from the legal profession; and

(ii) a social worker of repute who is engaged in the upliftment of the weaker sections of the people, including the Scheduled Castes, the Scheduled Tribes, women, children, rural and urban labour and interested in the implementation of legal services schemes or programmes.

(2) **At High Court Level.-** The Secretary of the High Court Legal Services Committee organising the Lok Adalats shall constitute benches of the Lok Adalats, each bench comprising of a sitting or retired Judge of the High Court or a serving or retired judicial officer and anyone or both of the following:

- (i) a member from the legal profession;
- (ii) a social worker belonging to the category as mentioned in item (ii) of sub-para (i) above.

(3) **At District Level.-** The Secretary of the District Authority organising the Lok Adalats shall constitute benches of the Lok Adalats, each bench comprising of a sitting or retired judicial officer and anyone or both of the following:

- (i) a member from the legal profession;
- (ii) a social worker belonging to the category as mentioned in item (ii) of sub-para (i) above or a person engaged in para-legal activities of the area, preferably a woman.

(4) **At Subdivision Level.-** The Chairman of the Subdivisional Legal Services Committee organising the Lok Adalats shall constitute benches of the Lok Adalat, each bench comprising of a sitting or retired judicial officer and anyone or both of the following:

- (i) a member from the legal profession; and
- (ii) a social worker belonging to the category as mentioned in item (ii) of sub-para (i) above or a person engaged in para- legal activities of the area, preferably a woman.

(b) **Existing Sub-Regulation '4' shall be renumbered as '5'.**

6. Amendment to Regulation 37

(1) In Regulation 37 para (1) for the words and figures "Rs. 500/- (Rupees Five Hundred only)", the words and figures "Rs.5000/- (Rupees Five Thousand Only)" shall be substituted.

(2) **Insertion of New Para:** The following new para shall be inserted after Para I of

Regulation 37.

However, DLSA shall be competent to spend an amount not exceeding Rs.25000/- (twenty five thousand only) for Mega Lok Adalat to be organized under guidelines of **13th Finance Commission**. However, this shall be operational only till the **13th Finance Commission** guidelines remain in force.(co-terminus with the period of 13th Finance Commission)

7. Omission of Regulation 45. Regulation 45 shall be omitted.

8. Amendment of schedule after Regulation No.49.

Existing Schedule I, II, and III upto para (a) and (b) shall be omitted and substituted by new schedule A,B,C,D and E as follows:-

Schedule A

(1) Consolidated fee for Legal Aid Counsel for High Court cases

(a)	Writ petition contempt, LPA, First Appeal, Second Appeal, Cr. Revision, Civil Revision	Up to admission stage Rs. 3000/- Drafting fee Rs. 1000/-	For final hearing Rs. 3000/-
(b)	B.A., A.B.A. Quashing matter, CMP, Transfer Petition, Misc. Appeal IA and any other similar application	Rs. 1500/- (One Time)	

Consolidated fee for Legal Aid Counsel for cases before State or Central Level Tribunal or Commission, Board of Revenue, Divisional Commissioner or other like Forum

(a)	For matters like original application, appeal etc.	Up to admission stage Rs. 2500/- Drafting Fee Rs. 1000/- shall be admissible	For final hearing Rs. 2500/-
(b)	For interlocutory application, restoration, misc. or other like matter	Rs. 1000/- (one time)	

Schedule B

Fee for Legal Aid Counsels in Subordinate Court

Civil Cases			
(1)	Before District Judges including MACT, Family Court, Labour Court		
(a)	For civil appeal	Up to admission stage Rs. 1000/-	After final disposal Rs. 2000/-

(b)	For original Civil, Labour, Matrimonial, , Probate, Succession, Letter of Administration, Arbitration, Land Acquisition, Insolvency or any other original proceeding	Rs. 4000/- Drafting fee Rs. 500/- for (a) & (b)	Rs. 1000/- on framing of issues or points, Rs. 1500 on closure of evidence and Rs. 1500 on final disposal
(c)	For Misc. appeal, restoration application, Transfer application, misc. application etc.	Rs. 500/-	Rs. 1000
(2)	Before Civil Judge (Senior or Junior Divisions)		
(a)	For original suit	Rs. 4000/- (Rs. 1000/- at the stage of framing of issues or point, Rs. 1500/- after the closure of evidence and Rs. 1500/- on final disposal)	
		Drafting fee Rs. 500/-	
(b)	For Execution application	Rs. 2500/- (one time payment)	
(c)	For any other application or proceeding	Rs. 1500/- (one time payment)	
Criminal Cases			
(1)	Before Sessions Court		
(a)	For cases involving sentence of death or life imprisonment or imprisonment exceeding 7 yrs.	Rs. 6000/- (1/3 on framing of charge, 1/3 on conclusion of evidence and 1/3 on final disposal)	
(b)	For all other Sessions Cases including cases under Spl. Acts	Rs. 5000/- (1/3 on framing of charge, 1/3 on conclusion of evidence and 1/3 on final disposal)	
(c)	Criminal Appeal or Criminal Revision	Rs. 2500/- (one time)	
		Drafting fee Rs. 500/-	
(d)	Bail or ABP	Rs. 1500/- (one time)	
(e)	Any other application, IA etc requiring hearing in the case.	Rs. 500/- per case	

(2)	Before CJM/ ACJM, JM 1st Class or any Judicial Magistrates under Special Act (Be it GR, Public or Private Complaint or the like)	Rs. 3000/- (1/3 payment at the stage of framing of charge, 1/3 at conclusion of evidence, 1/3 on final disposal)
	Bail application or any other application requiring hearing in the case	Rs. 500/- (one time)

Schedule-C

For cases before District Level Revenue Court or Executive Court i.e. Deputy Commissioner, Addl. Commissioner, DCLR, SDO/SDM, City Magistrates			
1.	Appeal or original proceeding	Up to admission stage Rs. 1000/-	For final hearing Rs. 2000/-
2.	Misc. appeal, restoration proceeding or other misc. proceeding	Rs. 800/-	Rs. 1700/-

Expl.

1. In batch matter with substantially similar pleading or nature or arising out of same FIR, order or common judgement one extra fee of Rs. 500/- for a set of three persons/cases shall be admissible subject to a maximum of 3 times of original fee
2. The court fee, clerkage (10% of the fee), Tying charges, photo copy and other misc. expenses shall be admissible on actual on production of genuine bill
3. Court fee through Legal Aid shall be payable by way of judicial stamp.
4. The Executive Chairman, JHALSA, Chairman, (HCLSC) or Chairman (DLSA or SDLSC) may in appropriate cases approve for availing the services of any Legal Practitioner other than those on the panel of JHALSA/HCLSC/DLSA or SDLSC.
5. Likewise, he may in appropriate cases approve for any Special Fee different from the above prescribed fee or remuneration in any special case to be paid to any legal Practitioner or Legal Aid Counsel.

SCHEDULE-D **Fee for Mediation**

A. Honorarium/fee payable at the Level of High Court, JHALSA or HCLSC	
1. For successful Mediation/ Conciliation	Rs. 2000 per case
2. For unsuccessful Mediation/Conciliation	Rs. 500 per case
B. Honorarium/ fee at the District or Sub Division Level.	
1. For successful Mediation/Conciliation	Rs. 1400 per case
2. For unsuccessful Mediation/Conciliation	Rs. 350 per case
As the idea of enhancement of Mediation Fee was under consideration from Jan., 2010, we hereby fix the Mediation Fee for the Period from Jan., 2010 till Notification of the above, which is as follows:	

A. Honorarium/Fee payable at the level of JHALSA/HCLSC	
1. For Successful Mediation or Conciliation, per case	Rs. 600
2. For un Successful Mediation or Conciliation, per case	Rs. 200
B. Honorarium/Fee payable at the District level or Sub Division Legal Services Authority Level	
1. For Successful Mediation or Conciliation, per case	Rs. 500
2. For un Successful Mediation or Conciliation, per case	Rs. 200
<p>Note:1. Any Mediation or Conciliation proceedings in pre-litigation matters at any level of the Legal Services Authority or Committee shall be treated as taking place at the level of District Legal Services Authority.</p> <p>1. The newly amended fee structure as above shall be made effective after the Notifications of the Resolution of this General Body Meeting</p>	

Amended title Schedule –‘B’ to be substituted by Schedule – ‘E’

SCHEDULE E

Honorarium/Fee Payable

1	Honorarium/Fee Payable a. to Presiding Officer (Retd.) of the Lok Adalat held U/s 19 of Legal Services Authorities Act, 1987 at the High Court Level .	Rs.2000/- per sitting of Lok Adalat
	b. Payable to other Members	Rs.1000/- per sitting of Lok Adalat.
2	Honorarium/Fee Payable a. to Presiding Officer (Retd.) of the Lok Adalat held U/s 19 of Legal Services Authorities Act, 1987 at the District or Sub Divisional Level.	Rs. 100 per case subject to maximum of Rs.500 per sitting of Lok Adalat
	b. Payable to other Members	Rs.75 per case subject to Rs.375 per sitting of Lok Adalat.

3.	Honorarium/Fee payable to Retd Judicial Officers, Legal Aid Counsels or Panel lawyers attached to Legal Aid Clinics, to jails, Juvenile Justice Board, Remand Home, Observation Home, Probation Home, Shelter Home, if deputed by JHALSA, DLSA, HCLSC, SDLSC	Rs. 500/- per visit with detailed report of minimum of 5 cases or 5 inmates + expenses. *
4.	Honorarium/Fee payable to Legal Aid Counsels/ Panel lawyers other advocates, legal experts, social workers, law students, attending the Legal Aid Clinics, Literacy awareness, or mobile awareness camps in colleges, universities and other places if deputed specially by JHALSA, DLSA, HCLSC, DLSA.	Rs. 350/- per visit+ expenses *
5.	Honorarium/ Fee payable for utilization of specific services of the trained Para Legal Volunteers	Rs.250/- per visit + expenses *
6.	a. Honorarium /Fee payable to outstation lawyers, other legal experts as Resource Person approved by JHALSA/ HCLSC/ DLSA/ SDLSC for imparting training of legal services.	Rs.1000/- per day + expenses *
	b. Honorarium /Fee payable to local lawyers and other legal experts as Resource Person approved by JHALSA/ HCLSC/ DLSA/ SDLSC for imparting training of legal services. Provided also that in appropriate cases with prior approval of the Hon'ble Executive Chairman of JHALSA, special honorarium/ remuneration/ fee and other expenses may be sanctioned in favour of any person being invited as Resource Person for any National, State or district Level Conference, Seminar, Workshop, Symposium etc.	Rs.500/- per day+expenses *

***Expenses:** 1. On actuals on production of Tickets by rail or by bus or on production of vouchers or Rs. 5/- per Km, whichever is less.

2. Rs.150/- would be paid for Local traveling within the jurisdiction of DLSA

3. With the prior approval of Executive Chairman, JHALSA; Chairman, HCLSC; Chairman, DLSA and SDLSC respectively; above expenses including bills for any other expenses may be sanctioned and passed by the Member Secretary or Secretary as the case may be.

4. For organizing Awareness camps, Seminars, literacy programmes etc, or supervising any other activity, DLSA can arrange transport by hiring vehicle on need base locally with ceiling of 60 ltrs. Fuel per month. The Chairman of the DLSA/SDLSC may approve extra fuel not exceeding 20 ltrs. in special case for such purposes the expenses to be met out of State Legal Aid fund of the DLSA/SDLSC as the case may be. The DLSA or SDLSC shall maintain proper Log Book for the same. Actual incidental expenditure including typing misc. charges incurred by the legal aid advocate will be reimbursed provided it is supported by the vouchers and a certificate is given to that effect by such Legal Aid advocates. Single set of honorarium shall be payable in cases in which more than one person is involved.

This has concurrence of the Finance Department, Govt. of Jharkhand.

**By order and in the name of
Jharkhand State Legal Services Authority**

Sd/-
(B.K Goswami)
Member Secretary
(Principal District Judge)