

Legal Aid

Legal Aid

1. Bringing in more competent, well-known and senior lawyers for rendering Legal Services and Legal Aid.

There are panels of lawyers for the High Court Legal Services Committee as well as for the State Authority on seniority basis for rendering legal services and legal aid to the persons entitled for legal services which are as follows:

Advocates empanelled in the Panel of Jharkhand State Legal Services Authority , Ranchi

1. Mr. Aparesh Kumar
2. Mrs. Yasodhara Tripathy

Both the Advocates have above 15 years standing at Bar

Advocates empanelled in the Panel of the High Court Legal Services Committee, Ranchi

Advocates whose standing at Bar is above 15 years

1. Mr. Pranay Kr. Jaiswal
2. Mr. Ram Kishore Prasad
3. Mr. Uday Kant Thakur
4. Mr. Mahesh Kr. Sinha
5. Mr. H. Waris

Advocates whose standing at Bar is in between 5 to 15 years

1. Mr. Praveen Kumar
2. Mr. Suresh Kumar
3. Mr. Akhil Kumar Sinha
4. Mr. Amarendra Kumar
5. Mr. Syed Akbar Hussain
6. Mr. Binod Singh
7. Mr. Pradeep Kr. Deomani
8. Mr. Rajesh Kumar
9. Mr. Yogendra Prasad
10. Mr. Deepak Kumar Bharti
11. Mr. Satish Kumar Deo
12. Mr. Jalisur Rahman

Advocates whose standing at Bar is below 5 years

1. Mrs. Rashmi Kumar
2. Mr. Ashutosh Kumar Dubey
3. Mr. Rahul Kumar
4. Mr. Bhanu Kumar
5. Mr. Rajesh Kumar
6. Mr. Nitin Banerjee Sagarmay
7. Mr. P.A.S. Pati

2. Payment of better honorarium to the lawyers who provide Legal Aid

Jharkhand State Legal Services Authority has taken steps for payment of better honorarium to the lawyers who provide Legal aid. JHALSA has resolved a proposed amendment in Jharkhand Legal Services Authority Regulation, 2002 to improve the honorarium to the lawyers on the basis of Vision Document of Legal Services Authorities as circulated by National Legal Services Authority, New Delhi which is as under:

Pursuant to the Resolution approved in the Meeting of JHALSA held on 18.06.07 and 14.02.08, a Committee was constituted comprising 1) Sri S.B. Gadodia, Advocate General, Jharkhand High Court, 2) Sri D.N. Upadhyay, Judicial Commissioner-cum-Chairman, DLSA, Ranchi, 3) Smt. Ritu Kumar, Advocate, Jharkhand High Court, 4) Mr. Aparesh Kr. Singh, Advocate, Jharkhand High Court, 5) Mr. Navneet Kumar, Member Secretary, JHALSA to propose suitable amendment in the light of the Vision Document circulated by National Legal Services Authority, New Delhi in the Regulation of Jharkhand State Legal Services Authority. A Meeting of the Committee was held in the Chamber of Advocate General, Ranchi on 13.08.08 and the matter was discussed in detail.

The Committee observed in the Vision Document circulated by the National Legal Services Authority, New Delhi that there should be uniformity and rationalisation in the fee structure of the legal aid counsel.

Rationalizing of fee structure of legal aid counsel is imperative. As far as possible uniform rates of fee structure of legal aid counsel should be implemented across all the States in the country.

Revising the payment schedule for legal aid panel advocates is essential to reflect market realities in a better manner. The fee structure of legal aid counsel has to be financially attractive apart from covering the legal expenses. Market realities ought to be balanced by the financial budget available in final determination of the fee structure of legal aid counsel.

The fee structure may also be rationalized by selecting criteria such as level of experience (number of years, knowledge, number of cases handled) of the legal aid counsel or any other criteria which as far as possible objectively reflect the competence or capability of the legal aid counsel.

These can be effectively used to supplement monetary fees and incentives as a reward.

On the basis of suggestions set out in the Vision Document, the Committee unanimously proposes the amendments in fee structure of Panel of Advocates in the form of comparative chart in Schedule-I, Schedule-II & Schedule-III in Regulation 15 and further in the fee structure of remuneration to the Judges and Members of Lok Adalat in Regulation 45 of the Jharkhand Legal Services Authority Regulation, 2002 as under:

I. Fee Structure of the Legal Aid Counsels (Panel of Advocates) (Regulation 15 of Jharkhand Legal Services Authority Regulation, 2002)

SCHEDULE-I

Consolidated Fee for the High Court Cases

	Existing	Proposed
Writ Petition	Rs. 500/-	Rs. 1000/-
L.P.A.	Rs. 750/-	Rs. 1500/-
Second Appeal	Rs. 750/-	Rs. 1500/-
First Appeal	Rs. 1000/-	Rs. 1500/-
Civil Misc. Appeal	Rs. 500/-	Rs. 1500/-
Criminal Revision	Rs. 500/-	Rs. 1000/-
Criminal Appeal involving death sentence	Rs. 500/-	Rs. 2500/-
Criminal Appeal involving imprisonment for life	Rs. 500/-	Rs. 2000/-
Criminal Appeal involving other than death sentence and life imprisonment	Rs. 500/-	Rs. 1000/-
Civil Revision	Rs. 500/-	Rs. 1000/-
Any Other Legal Proceeding	Rs. 500/-	Rs. 750/-

SCHEDULE-II

Consolidated Fee for District Court Cases

	Existing	Proposed
Suit before Sub-Judge	Rs. 500/-	Rs. 1500/-
Suit before Munsif	Rs. 500/-	Rs. 750/-
Suit and Appeals or any other proceeding before District Judge	Rs. 500/-	Rs. 1500/-
Criminal Cases before Asstt. Sessions Judge or Sessions Judge (including Revision & Appeal)	Rs. 500/-	Rs. 2000/-. And in exceptional cases Rs. 4000/- with the approval of the State Legal Services Authority.
In Uncontested Case	Rs. 200/-	Rs. 500/-

SCHEDULE-III

Consolidated Fee for the Other Cases

	Existing	Proposed
Criminal Case including Maintenance Case	Rs. 500/-	Rs. 1000/-
Bail Petition if Counsel not paid Fee in Main Case	Rs. 100/-	Rs. 400/-
Cases before Member Board of Revenue, Commissioner, Collector, Addl. Collector, other courts of the same rank including courts of settlement officers hearing cases relating to survey cases	Rs. 700/-	Rs. 1000/-
Cases before SDM, Executive Magistrate, LRDC & other Courts of the same nature and rank in Subdivisions	Rs. 500/-	Rs. 1000/-
All cases relating to Tribal Lands (for the Members of S.C. & S.T.)	Rs. 700/-	Rs. 1200/-

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. If the incidental expenditure is not supported by the vouchers, the Chairman, DLSA may fix and reimburse a reasonable sum considering the approximate expenditure which might have occurred looking to the nature of the case. Single set of honorarium shall be payable in cases in which more than one aided person is involved.

II Remuneration to the Judges and Members of the Lok Adalat

(Regulation 45 of the Jharkhand Legal Services Authority Regulation, 2002)

The Committee constituted in pursuance of the Meeting of JHALSA held on 18.06.07 and 14.02.08 also considered the urgent need for enhancing the remuneration to the Judges and Members of the Lok Adalat in the light of the Vision Document circulated by the National Legal Services Authority. There is no need to reiterate the popularity, efficiency and effectiveness of the Lok Adalat where a number of cases have been disposed of and are being disposed of. Therefore, Lok Adalat over a period of time has become most effective alternative dispute resolution mechanism and it has been very successful to contain the load of the Courts by resolving the disputes through compromise or settlement as a win-win situation for both the parties against which there is no off shoots of any kind of litigations such as appeal, revision, review etc. The proposed amendment in the fee structure of the Presiding Officer and the Members of the Lok Adalat is as under:

Lok Adalat

	Existing	Proposed
Presiding Officer of Lok Adalats at District or Sub-Divisional level	Not exceeding Rs. 20/ - per case decided and subject to a maximum of Rs. 100/- per day	Rs. 300/ - per sitting and the conveyance charges on actual basis
Members of Lok Adalats at District or Sub-Divisional level	Not exceeding Rs. 15/ - per case decided and subject to a maximum of Rs. 75/- per day	Rs. 300/ - per sitting and the conveyance charges on actual basis
Presiding Officers of Lok Adalat at High Court level	Not exceeding Rs. 40/ - per case decided and subject to a maximum of Rs. 200/- per day	Rs. 500/ - per sitting and the conveyance charges on actual basis
Other Members of Lok Adalat at High Court level	Not exceeding Rs. 25/ - per case decided and subject to a maximum of Rs. 125/- per day	Rs. 500/ - per sitting and the conveyance charges on actual basis

The Committee unanimously approved the aforesaid proposals and forwarded to Department of Law (Justice), Government of Jharkhand for further action and needful.

3. Inclusion of all designated senior lawyers in the Legal Aid Schemes and requesting them to undertake at least two cases free of charge every year.

JHALSA is on the job to secure best services of the Senior Lawyers and their services are also being taken in different Legal Services programme. In this regard, necessary guidelines have also been communicated to all District Legal Services Authorities spread over 22 Districts of State.

4. Annual evaluation of the progress of cases in which Legal Aid was given.

JHALSA has evaluated the progress of cases pending in the regular Court of Law in which Legal aid was given to the entitled persons under Legal services Authorities Act by different DLSAs for the year 2008-09. The following table showing the District wise Data with respect to result of cases in which Legal Aid was provided and the number of cases in which the Legal Aid Counsel succeeded:

DLSA	Total No. of Casers in which Legal Aid was provided	Total No. of Cases in which Legal Aid Counsel succeeded	Remarks
Bokaro	8	0	All Cases are Pending
Chaibasa	2	1	Other Cases are Pending
Chatra	12	3	Other Cases are Pending
Deoghar	14	4	Other Cases are Pending
Dhanbad	104	28	Other Cases are Pending
Dumka	28	0	All Cases are Pending
Garhwa	17	1	Other Cases are Pending
Giridih	25	6	Other Cases are Pending
Godda	2	2	---
Gumla	8	6	Other Cases are Pending
Hazaribag	15	0	All Cases are Pending
Jamshedpur	63	17	Other Cases are Pending
Jamtara	14	2	Other Cases are Pending
Koderma	3	2	Other Case is Pending
Latehar	7	0	All Cases are Pending
Lohardaga	22	12	Other Cases are Pending
Pakur	13	0	All Cases are Pending
Palamau	35	2	Other Case is Pending
Ranchi	153	138	Other Cases are Pending
Seraikella	11	0	All Cases are Pending
Simdega	32	11	Other Cases are Pending
HCLSC,	19	2	Other Cases are Pending
Total	572	291	

Evaluation of Projects and Schemes

Evaluation of Projects and Schemes

1. Setting up of Committees for evaluation of the actual benefit received by the beneficiaries under Section 12 of the Act in respect of ,each project and programme

Jharkhand State Legal Services Authority in its regular meeting evaluate the actual benefit received by the beneficiaries . The State Legal Services Authority consist of following members:-

A. Ex-officio Member:

- i. Advocate-General, Jharkhand,
- ii. President, State Bar Council, as and when constituted,
- iii. Secretary to Government of Jharkhand, Department of Home Affairs
- iv. Secretary, Finance Department,
- v. Secretary, Law Department
- vi. Director-General of Police, Jharkhand
- vii. Director, Tribal Research Institute, Ranchi

B. Nominated Members

- i. Sri Aparesh Kumar Singh, Advocate, Jharkhand High Court
- ii. Smt. Ritu Kumar, Advocate, Jharkhand High Court
- iii. Sri D. N. Upadhyay, Judicial Commissioner, Ranchi
- iv. Sri S. H. Kazmi, Dist. & Sessions Judge, Jamshedpur
- v. Sri Lalit Maheswari
- vi. Sri R. K. Walia, Principle, Chotanagpur Law College, Ranchi
- vii. Sri Deshraj Jee, Ranchi
- viii. Sri Birendra Singh, Ranchi

As per the directives of NALSA, the committees for evaluation of the actual benefit received by the beneficiaries under Section 12 of the Act in respect of each project and programme is under progress and it will be finalize very soon

2. If such Committees have been set up, report of the Committees may be sent to NALSA.

The report submitted by committee under process of constitution shall be forwarded to NALSA.

*** **