

KeLSA - Kerala Regulations 1998

Chapter - I PRELIMINARY

1. *Short title and commencement :-*

1. These Regulations may be called the Kerala State Legal Services Authority Regulation, 1998.
2. They shall come into force at once.

2. *Definitions :-*

1. In these Regulations, unless the context otherwise requires, :-
 - a. "Act" means the Legal Services Authorities Act, 1987 (Central Act, 39 of 1987);
 - b. "Rules" means the Kerala State Legal Services Authorities Rules, 1998;
 - c. "Schedule" means the Schedule appended to these Regulations;
 - d. "Form" means a form appended to these Regulations.
2. All other words and expressions used in these Regulations, but not defined herein and defined in the Act and Rules shall have the same meanings, respectively assigned to them in the Act and Rules.

CHAPTER II

MEETINGS OF THE AUTHORITIES AND COMMITTEES

3. *Meetings of the State Legal Services Authority :-*

1. The State Authority shall meet at least once in three months or at such shorter intervals as the business may warrant, at such place, date and time as may be specified by the Executive Chairman of the Authority with the approval of Patron-in-Chief.
2. The meeting of the State Authority shall be presided over by the Patron-in-Chief and in his absence the Executive Chairman and in the absence of both by a member chosen by the members present from among themselves.

3. The quorum for a meeting shall be seven and no quorum shall be necessary for the adjourned meeting.
4. All the subject matters in the agenda at a meeting shall be decided by the majority of the votes of the members present and in case of equality of votes, the person presiding shall have a second or a casting vote.
5. Notice of every meeting of the State Authority shall be given in writing by the Member Secretary to the members at least 10 days prior to the date of meeting. However, in urgent matters only 5 days notice is required.
6. The Member Secretary shall draw up the minutes of the meeting of the State Authority and after its approval by the Executive Chairman send copies of the same to the Members as soon as possible, but not later than the date of despatch of the notice of the next meeting.
7. The Member Secretary shall at the commencement of the next meeting of the State Authority inform the Members, the action taken on the decisions in the previous meeting.

4. Meetings of the High Court Legal Services Committee :-

1. The Chairman of the High Court Legal Services Committee, may as frequently as the business may warrant or shall at least once in three months call a meeting of the High Court Legal Services Committee.
2. The Meeting of the High Court Legal Services Committee shall be presided over by the Chairman and in his absence a member chosen by the members present from among themselves.
3. The quorum for a meeting shall be four and no quorum is required for the adjourned meeting.
4. All the subject matters in the agenda at a meeting shall be decided by the majority of the votes of the members present and in case of equality of votes, the person presiding shall have a second or a casting vote.
5. Minutes of the meeting shall be prepared by the Secretary of the High Court Legal Services Committee and get it approved by the Chairman.
6. A copy of the minutes shall be sent to the State Authority.

7. No act or proceedings of the High Court Legal Services Committee shall be invalid merely by reason of any vacancy in the Committee or defect in the constitution of the High Court Legal Services Committee as the case may be.

5. Meeting of the District Legal Services Authority :-

1. The Chairman of the District Legal Services Authority shall, at least once in two months or as frequently as the business may warrant or as per the directions of the State Authority convene the meetings of the District Authority.
2. The meeting of the District Legal Services Authority shall be presided over by the Chairman and in his absence a member chosen by the members present from among themselves.
3. The Secretary shall draw up the minutes of the meeting and after its approval by the Chairman send copies of it to the members as soon as possible, but not later than the date of despatch of the notice of the next meeting.
4. The quorum for the meeting shall be five, but for the adjourned meeting no quorum is required.
5. All the subject matters in the agenda of a meeting shall be decided by majority of votes of the members present and in case of equality of votes, the person presiding shall have a second or a casting vote.
6. Minutes of the meeting shall contain the name of the members present, the resolutions adopted and the decisions taken at each meeting which shall be signed at the next meeting by the person presiding at such meeting and shall be open to inspection by any member.
7. A copy of the minutes of each meeting shall be sent to the State Authority.
8. The non-official members of the District Authority shall be entitled to Travelling Allowance and Daily Allowance as admissible to Class I Officer in State Government Service.

6. Provision Meeting of the Taluk Legal Services Committee :-

1. The Taluk Committee shall ordinarily meet once in two months on such date, time and place as the Ex-officio Chairman may decide.
2. The Taluk Committee shall appoint a person from among the officers appointed by the Committee, under sub-section (3) of section 11A of the Act as its Secretary.
3. The meeting of the Committee shall be presided over by the Chairman and in his absence, a member chosen by the members present from among themselves: Provided that the Secretary may also call the meeting in urgent cases, if the Chairman is not available to call a meeting.
4. Quorum for the meeting of the Taluk Committee shall be four and no quorum shall be necessary for the adjourned meeting.
5. All the subject matters in the agenda at a meeting of the Taluk Committee shall be decided by the majority of the votes of Members present and in case of equality of votes, the person presiding shall have a second or a casting vote.
6. The minutes shall contain the record of the decisions taken and resolutions passed. The minutes shall be recorded in a separate registrar maintained for the purpose in the office of the Taluk Committee.
7. The Secretary shall draw up minutes of the meeting and after its approval by the Chairman send copies of it to the members as soon as possible, not later than the date of despatch of the notice of the next meeting.
8. The Secretary of the Committee shall at the commencement of the next meeting inform the Members, the action taken on the decisions in the previous meeting.
9. The Taluk Committee shall send the copy of the minutes of each meeting to the District Authority with copy to the State Authority.
10. No act or proceedings of the Taluk Legal Services Committee shall be invalid merely by reason of any vacancy in the Committee or defect in the constitution of the Taluk Legal Services Committee as the case may be.

CHAPTER III

7. Powers and Functions of the Secretary of the High Court Legal Services Committee :-

The powers and functions of the Secretary of the High Court Legal Services Committee are :-

1. To organise and conduct Lok Adalats,
2. To arrange for giving free legal service to persons eligible in proceedings before the High Court;
3. To exercise the powers in respect of administration, finance and budget matters;
4. To manage the properties, records and funds of the High Court Legal Services Committee;
5. To maintain true and proper accounts including checking and auditing in respect thereof, periodically;
6. To prepare annual income and expenditure accounts and balance sheet of the High Court Legal Services Committee;
7. To maintain up-to-date and complete statistical information including progress made in the implementation of various Legal Services programmes, from time to time.
8. To process proposals for financial assistance and issue utilisation certificate thereon;
9. To perform such other functions as may be expedient for the efficient functioning of the High Court Legal Services Committee as directed by the Chairman.

8. Functions of the District Legal Services Authority :-

Subject to the general control and superintendence of the State Authority, the District Authority shall discharge the following functions, namely :-

1. Organise and conduct Lok Adalats in accordance with the provisions in Section 10 and Section 19 of the Act;

2. Supervise the working of the Taluk Committees in the District and coordinate the activities of the Taluk Legal Services Committee and other legal services organisations in the District;
3. Call for from the Taluk Committees in the District such periodical reports, returns or other statistics or information as it may think necessary or as are required by the State Authority;
4. Submit suggestions and recommendations for the working of the scheme;
5. Collect, prepare, consolidate and submit such reports, returns and other statistics or information as the State Authority may call for.

9. Powers and Functions of the Secretary of the District Legal Services Authority :-

The powers and functions of the Secretary of the District Legal Services Authority are :-

- a. To implement the scheme, to arrange for giving free legal service to the eligible and weaker section;
- b. To work out modalities of the legal services schemes and programmes;
- c. To exercise the powers in respect of administration, finance and budget matters;
- d. To manage the properties, records and funds of the District Authority;
- e. To maintain true and proper accounts of the District Authority including checking and auditing in respect thereof periodically;
- f. To prepare Annual Income and Expenditure Account and Balance Sheet of the District Authority;
- g. To liaison with social action groups and Taluk Legal Service Committees;
- h. To maintain up-to-date and complete statistical information including progress made in the implementation of various legal services programme from time to time;
- i. To process proposals for financial assistance and issue Utilisation Certificate thereon;
- j. To organise various legal service programmes and convene Meeting / Seminars and Workshops connected with legal service programmes and preparation of reports and follow-up action thereon;
- k. To lay stress on the resolution of disputes and to take extra measures to draw schemes for effective and meaningful legal services for settling disputes.
- l. To perform such of the functions as are assigned to him under the scheme, formulated under the Act;
- m. To perform such other functions as may be expedient for the efficient functioning of the District Authority as directed by the Chairman.

10. *Functions of the Taluk Legal Services Committee :-*

The functions of the Taluk Committee are :-

1. Receive applications for legal services, process the same and consider the nature and extent of the legal services to be given;
2. Give publicity to legal services programmes;
3. Organise and conduct Lok Adalats;
4. Hold Legal Camps, seminars etc. with the approval of the State Authority;
5. Perform such other functions and discharge such other duties as the District Authority or State Authority may assign to it, from time to time.

CHAPTER IV

11. *Term of office of nominated members of District Authority and Taluk Committee :-*

The term of office of the nominated members of District Authority and Taluk Committee shall be three years.

12. *Disqualification :-*

A nominated member of the High Court Committee, District Authority and Taluk Committee who fails to attend three consecutive meetings of the Committee or Authority concerned shall cease to be a member:

Provided that the Chairman of the Committee or Authority, as the case may be; may restore his membership on the recommendation of the Committee or Authority concerned on showing sufficient reasons.

13. *Travelling Allowance and Daily Allowance to the non-official members of the District Authority and sitting fee to the non-official members of the Taluk Legal Services Committee :-*

1. Travelling Allowance and Daily Allowance shall be paid to the non-official members of the District Authority who have attended the meeting or participated in the programmes, by the Secretary with the approval of the Chairman.
2. A sitting fee of Rs. 400/- per day shall be paid to the non-official members of the Taluk Legal Services committee for attending the meeting or any programme.
3. Non-official members of the District Legal Services Authority, who are not entitled to Travelling Allowance and Daily Allowance shall be paid a sitting fee of Rs. 400/- for attending the meeting of any other programme.

CHAPTER V

FINANCE, ACCOUNTS AND AUDIT

14. *Funds of the State Authority :-*

1. The State Authority shall establish a Fund as provided in Section 16 of the Act and operate it in the Treasury Public Account.
2. Notwithstanding anything contained in sub-regulation (1) the State Authority may deposit all sums of money received from the Central Authority under clause (a) of sub section (1) of section 16 of the Act in a Public Sector Bank as decided by the State Authority which shall be jointly operated by the Member Secretary and the Accounts Officer”.

15. *Finance Committee of the State Authority :-*

1. The Executive Chairman of the State Authority shall constitute a Finance Committee consisting of 5 members from amongst the members of the Authority inclusive of the Executive Chairman and the Member Secretary and the Committee shall hold meetings at least once in 2 months or as frequently as business may warrant.
2. The Executive Chairman and in his absence one of the members chosen by the Members present from among themselves shall preside over the meeting.
3. The Member Secretary shall prepare the agenda with the approval of the Executive Chairman and send it along with the notice of meeting to the members.
4. The quorum for a meeting shall be three and no quorum is necessary for adjourned meeting.

16. *Functions of the Finance Committee :-*

1. The functions of the Finance Committee are to :-
 - a. review the receipt and expenditure of funds of the State Legal Services Authority;
 - b. suggest ways and means to augment resources to the State Authority; and
 - c. consider the budget and the annual statement of accounts of the State Authority;
2. The report of recommendations of the Finance Committee shall be placed before the State Authority.

17. *Funds and Accounts of the High Court Legal Services Committee :-*

1. The Funds of the High Court Legal Services Committee shall consist of such sums as may be allocated to it by the State Authority and also such amount as may be received by the Committee by way of donations or otherwise.
2. The funds of the Committee shall be deposited in a Nationalised Bank in Savings Bank Account, in the name of the Committee and the Secretary of the Committee shall operate the bank accounts as per the directions of the Chairman.
3. For the purpose of meeting office contingency the Secretary shall be competent to incur expenditure up to Rs.1000 per month but not exceeding Rs. 12000 per year, subject to ratification by the Committee.
4. The High Court Legal Services Committee may authorise the Secretary to keep with him, a sum up to Rs.2000 as imprest to meet urgent expenses, if any, and recoup the amount from the funds of the Committee from time to time.

18. *Funds and Accounts of the District Legal Services Authority :-*

1. The funds of the District Authority shall consist of such sums as may be allocated to it by the State Authority and also such amounts as may be received by it by way of donations or under orders of any court or from any other source.
2. The funds of the Authority shall be kept in a Nationalised Bank in Savings Bank account, in the name of the Authority and the Secretary shall operate the bank account as per the direction of the Chairman.
3. For the purpose of meeting office contingency the Secretary shall be competent to incur expenditure up to Rs.1000 per mensem but not exceeding Rs. 12000 per annum, subject to ratification by the District Authority.
4. The District Authority may authorise the Secretary to keep with him a sum of Rs.1000 as imprest to meet urgent expenses, if any, and to recoup the amount from the funds of the District Authority from time to time.
5. The District Authority shall maintain proper accounts and other relevant records and prepare an annual Statement of accounts including the income and expenditure account and the balance sheet in the form prescribed by the Central Government.

19. Funds and Accounts of the Taluk Legal Services Committee :-

1. The funds of the Taluk Legal Services Committee shall consist of such amounts as may be allocated and granted to it by the District Authority.
2. The funds of the Taluk Legal Services Committee shall be deposited in a Nationalised Bank operated by the Secretary in accordance with the direction of the Chairman.
3. For the purpose of meeting the incidental expenses a permanent advance of Rs.200 shall be placed at the disposal of the Secretary of the Taluk Committee.
4. All expenses, on legal aid and advice, provisions for other legal services and expenditure necessary for carrying out the various functions of Taluk Legal Services Committee shall be met out for the funds for the Taluk Legal Services Committee.
5. The Taluk Legal Services Committee, shall maintain or cause to be maintained true and correct accounts of all receipts and expenditure and furnish monthly returns with reports to the District Authority with copy to the State Authority.

20. Maintenance and submission of Accounts :-

1. The Chairman of the High Court Legal Services Committee or the District Authority or the Taluk Legal Services Committee, as the case may be, shall exercise complete and full control over the expenditure to be incurred on the Lok Adalats.
2. The Secretary of the High Court Legal Services Committee and the District Authority shall render true and proper accounts to the State Authority in every quarter.
3. The Chairman of the Taluk Legal Services Committee shall render true and proper accounts to the District Authority in every quarter.

21. Audit of Accounts :-

The accounts of the High Court Legal Services Committee, District Authority and the Taluk Legal Services Committee shall be audited at the end of every financial year and any expenditure incurred in connection with such audit shall be paid by them respectively.

22. Budget :-

1. The High Court Legal Services Committee and the District Authority shall submit the Budget proposals of every financial year including the expenditure in respect of the Lok Adalat Scheme to the State Authority on or before 10th September of every year.

2. The Taluk Legal Services Committee shall submit the Budget proposals of every financial year including the expenditure in respect of Lok Adalat Scheme to the District Authority on or before 10th August of every year.

23. Funding :-

On a request received from the High Court Legal Services Committee or the District Authority or the Taluk Legal Services Committee, as the case may be, the State Legal Services Authority may release special grants for convening and holding of Lok Adalats, if considered necessary.

24. Power to call for Returns :-

For the purpose of regulation, supervision and control, the State Authority may call for such periodical returns as it may consider necessary from the High Court Committee, District Authorities and Taluk Committees.

25. Maintenance of Registers :-

All the Authorities and Committees shall maintain the registers prescribed by Government for official transactions and shall also maintain the following Registers, namely:-

1. Register of Bank Cheque (Cheques supplied by Bank or Treasury);
2. Register of Funds received;
3. Register of allotment of Funds;
4. Receipt Book; and
5. Register of causes received and returned under Section 20 of the Act.

CHAPTER VI

CONSTITUTION OF LOK ADALAT

26. Procedure for organising Lok Adalat :-

1. The Member Secretary of the State Authority, the Secretary of the High Court Legal Services Committee or the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, shall convene and organise Lok Adalats at regular intervals.
2. The Secretary of the High Court Legal Services Committee or the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, may associate the members of the legal professions, college students, social organisations, charitable and philanthropic institutions and other similar organisations with the Lok Adalats.

27. Intimation to the State Authority:-

The Secretary of the High Court Legal Services Committee or the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, shall inform the State Authority about the proposal to organise the Lok Adalat well before the date on which the Lok Adalat is proposed to be organised and furnish the following information to the State Authority, namely:-

1. The place and the date on which the Lok Adalat is proposed to be organised;
2. Whether any of the organisations as referred to in clause 26 (2) have agreed to associate themselves with Lok Adalat;
3. Categories and nature of cases, viz. pending cases or pre-litigation disputes, or both, proposed to be placed before the Lok Adalat.
4. Number of cases proposed to be brought before the Lok Adalat in each category;
5. Any other information relevant to the convening and organising of the Lok Adalat.

28. Notice to the parties concerned :-

1. The Secretary of the High Court Legal Services Committee or the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, convening and organising the Lok Adalat shall inform every party concerned whose case is referred to the Lok Adalat, well in time so as to afford him an opportunity to prepare himself for the Lok Adalat.

29. Composition of the Lok Adalat :-

1. At High Court Level - The Secretary of the High Court Legal Services Committee organising the Lok Adalat shall constitute Benches of the Lok Adalats, each Bench comprising two or three of the following:-

- i. A sitting or retired Judge of the High Court.
- ii. A serving or retired Judicial Officer;
- iii. A member of the Legal Profession; and
- iv. A Social Worker.

2. At District Level - The Secretary of the District Authority organising the Lok Adalats, shall constitute Benches of the Lok Adalats, each Bench comprising two or three of the following:-

- i. A sitting or retired Judicial Officer;
- ii. A Member of the Legal Profession; and
- iii. A Social Worker or a person engaged in para legal activities of the area preferably a woman.

3. At Taluk Level - The Chairman of the Taluk Legal Services Committee organising the Lok Adalat shall constitute Benches of the Lok Adalat, each Bench comprising two or three of the following:-

- i. A sitting or retired Judicial Officer;
- ii. A Member of the Legal Profession; and
- iii. A Social Worker or a person engaged in para legal activities of the area preferably a woman.

30. *Summoning of Records and the Responsibility for its safe custody :-*

1. The Secretary of the High Court Legal Services Committee or the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, may call for the judicial records of those pending cases which are referred to the Lok Adalat under Section 20 of the Act from the courts concerned.
2. If any case is referred to the Lok Adalat at the pre-litigation stage, the version of each party shall be obtained by the Secretary of the High Court Legal Services Committee or the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, to be placed before the Lok Adalat.
3. The Secretary of the High Court Legal Services Committee or the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, shall be responsible for the safe custody of the records from the time he receives the same from the court till they are returned.
4. The Judicial records shall be returned within ten days of the Lok Adalat irrespective of whether or not the case is settled by the Lok Adalat with an endorsement about the result of the proceedings.

31. *Functioning of the Lok Adalat :-*

1. The Secretary of the High Court Legal Services Committee or the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, shall assign specific cases to each Bench of the Lok Adalat.
2. The Secretary of the High Court Legal Services Committee or the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be may prepare a 'cause list' for each Bench of the Lok Adalat and intimate the same to all concerned at least two days before the date of the Lok Adalat.
3. Every Bench of the Lok Adalat shall make sincere efforts to bring about a conciliatory settlement in every case put before it without bringing about any kind of coercion, threat or undue influence, allurement or misrepresentation.

32. *Holding of Lok Adalat :-*

A Lok Adalat may be organised at such time and place and on such days, including holidays as the State Authority, High Court Legal Services Committee, District Authority, Taluk Legal Services Committee, as the case may be, organising the Lok Adalat deems appropriate.

33. *Procedure for effecting compromise or settlement at Lok Adalat :-*

1. Every Award of the Lok Adalat shall be signed by the parties to the dispute and the panel constituting the Lok Adalat.
2. The original Award shall form part of the judicial records and a copy of the Award shall be given to each of the parties free of cost duly certified to be true by the panel constituting the Lok Adalat.

34. *Award to be categorical and Lucid :-*

1. Every Award of the Lok Adalat shall be categorical and lucid and shall be written in the regional language used in the local courts or in English.

35. *Compilation of results :-*

At the conclusion of session of the Lok Adalat, the Secretary of the High Court Legal Services Committee or the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, shall compile the results for submission to the State Authority.

36. *Maintenance of Panel of names of Lok Adalat Judges :-*

The Secretary of the High Court Legal Services Committee or the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, shall maintain a panel of names of the retired Judicial Officers, Advocates and of Social Workers etc. possessing qualification and experience prescribed under Rule 13 of the Kerala State Legal Services Authority Rules, 1998, to work in Lok Adalats.

37. *Honorarium to Presiding Officers and members of the Lok Adalats, etc:-*(

1)

- (a) The presiding Officers other than sitting Judicial Officers shall be entitled to honorarium at the rate of Rs.3,000/- per day till the revision of pay and allowances of sitting Judicial Officers. Thereafter, they shall be paid an amount equivalent to one day's revised basic pay of Judicial Officers at

the entry level of the cadre from which they retired from service, or Rs.3, 000/- whichever is higher.

(b) The members of the Lok Adalat shall be entitled to honorarium at the rate of Rs.2, 400/- per day.

(2) Sitting Judicial Officers attending or associating with Lok Adalats on public holidays shall be paid honorarium at the rate of Rs.3, 000/- per day till revision of their salary. Thereafter, they shall be paid honorarium equivalent to one day's basic pay or Rs.3, 000/- per day, whichever is higher.

(3) When the services of Retired Judicial Officers are obtained from outside the district, due to non availability of such persons in the district concerned, they shall be paid honorarium as fixed by the Chairman of the District Legal Services Authority concerned in consultation with the Member Secretary, not exceeding Rs.3, 000/- per day till revision of the salary of sitting Judicial Officers. Thereafter, they shall be paid honorarium equivalent to one day's basic pay of the Judicial Officers at the entry level of the cadre from which they retired from service or Rs.3, 000/- per day, whichever is higher, and actual travelling allowance.

38. Procedure for maintaining record of cases referred under Section 20 of the Act or otherwise :-

1. The Secretary of the High Court Legal Services Committee or the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, shall maintain a Register wherein all the cases received by him by way of reference to the Lok Adalat shall be entered giving particulars of the –

- i. date of receipt;
- ii. nature of the case;
- iii. such other particulars as may be deemed necessary; and
- iv. date of settlement and return of the case file.

2. When the case is finally disposed of by the Lok Adalat, an appropriate entry will be made in the Register.

39. Appearance of Lawyers and the Procedure to be followed in the cases before Lok Adalats :-

1. The appearance of lawyers on behalf of the parties at the Lok Adalat is not barred.
2. No fee shall be levied from the parties for settlement of disputes in the Lok Adalat.

40. Procedure for applying for Legal Services :-

1. Any person desirous of receiving legal services may make an application in Form No.1 to the High Court Legal Services Committee, District Authority or the Taluk Legal Services Committee, as the case may be.

2. The Chairman or the Secretary of the High Court Legal Service Committee or the District Legal Services Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, on receipt of such application consider the eligibility under Section 12 of the Act and thereafter place the matter before the Authority or Committee as the case may be, for appropriate orders regarding entitlement to Legal Services:

Provided any such application received by the State Authority shall be forwarded to Legal Authorities or Committees concerned for appropriate action

CHAPTER VII

LEGAL PRACTITIONERS TO CONDUCT CASES

41. Panel of names of Legal Practitioners :-

1. The High Court Legal Services Committee, District Legal Services Authority and the Taluk Legal Services Committee each shall prepare and maintain the following three panels of names of legal practitioners to conduct cases of persons eligible for free legal services -

- a. Panel of Honorary Legal Practitioners;
- b. Panel of Senior Legal Practitioners; and
- c. Panel of Junior Legal Practitioners.

Each panel shall consist of three parts namely:-

Part I for Civil Courts;

Part II for Criminal Courts; and

Part III for Tribunals and other authorities.

The Junior panel shall consist of lawyers who have put in not less than 2 years practice but not more than 10 years.

Senior panel shall consist of lawyers who have put in practice for a period of over 10 years.

The panel of Honorary Legal Practitioners shall consist of Lawyers who have put in at least 3 years experience at the Bar.

2. Copies of panels so prepared by the High Court Legal Services Committee, District Legal Services Authority and Taluk Legal Services Committee shall be sent to the State Legal Services Authority

3. The remuneration payable to the Legal Practitioners shall be such as is specified in the Schedule.
4. The panels shall remain in force for 3 years.
5. Work shall be entrusted to the lawyers in the panel, by rotation.
6. If the Authority or Committee is satisfied that the continuance of a lawyer is against the interest of the party, the Authority or the Committee, as the case may be, remove his name from the panel and withdraw the case from him.
7. If it appears to the State Authority, High Court Committee, District Authority or Taluk Committee that a lawyer in the panel has committed any professional misconduct in respect of any legal services matter so entrusted to him the issue shall be referred to the Bar Council of Kerala for appropriate action.
8. The lawyers shall be paid clerk age at the rate of Rs.750/- per case for legal representation.

42. *Entrustment of case to a Legal Practitioner :-*

1. The High Court Legal Services Committee, the District Legal Services Authority or the Taluk Legal Services Committee, as the case may be, shall entrust the case of a person to whom legal services have been extended to a legal practitioner in the panel by issue of an authorisation in Form No.2 under the signature of the Secretary.
“ provided that if a Judicial Officer before whom the case comes is satisfied that there would be delay in getting the authorisation aforesaid, he may entrust the case to a legal practitioner included in the panel, subject to ratification by the Authority / Committee concerned”.
2. If it is considered necessary to pay special fee to a legal practitioner other than legal practitioners mentioned in the panel the Secretary in the case of the High Court Legal Services Committee and District Legal Services Authority and the Chairman in the case of Taluk Services Committee may sanction the same with the prior approval of the Executive Chairman with the ratification of the State Authority.

43. *Duties of the Legal Practitioner :-*

1. The Legal practitioner conducting a case on behalf of a person to whom legal services have been extended, shall, as soon as the case is decided apply for copies of judgements and decrees, if any, and immediately on receipt of the copies submit them to the Authority or Committee as the case may be, together with detailed comments thereon. The Authority or the Committee, as the case may be, shall take steps to recover costs, if any, awarded by the Court to the person to whom legal services are extended and consider the feasibility of filing an appeal or revision, if

a. the case has been decided against the person to whom legal services were extended and the case is prima facie fit for appeal, revision or review; and

b. if that person has applied for legal services for filing appeal, revision or review petition as the case may be, and if it is a fit case for appeal, revision or review such Authority or Committee shall take necessary further steps.

2. It shall be the duty of a legal practitioner to whom a case has been entrusted to give the acknowledgement for all the papers received in the case from the Authority or Committee concerned and to retain them safely till the disposal of the case and to return all those papers to the Secretary of the Authority or Committee concerned under acknowledgement before receiving his fees in the case.

3. As far as possible the Authorities, the Committees and the legal practitioners should take only photo copies or typed copies of the original duly attested by the party or counsel and originals shall be returned to the party.

44. *Prohibition against Acceptance of Remuneration :-*

1. No Legal Practitioner entrusted with a legal service matter shall charge or collect any remuneration or any expense from any person to whom legal services have been rendered directly or indirectly, in any form whatsoever.

2. The name of the Legal Practitioner who contravenes the provisions of clause (1) shall be removed from the panel and the case be reported to the Bar Council for necessary action.

45. *Withdrawal of Legal Services :-*

It shall be competent for the High Court Legal Services Committee, District Legal Services Authorities and Taluk Legal Services Committees, as the case may be, which granted legal

services to withdraw or withhold it at any time for reason to be recorded in writing and after intimating the person to whom legal services were rendered.

CHAPTER VIII MISCELLANEOUS

46. *Advice Centres :-*

1. The District Authority or a Taluk Committee as the case may be, shall, subject to special or general orders of State Authority open one or more Advice Centres in the Committee office or in a convenient place. These Centres will be open for not less than five hours a day as may be prescribed by the respective committees on all days except on public holidays.

47. *Literacy Programme :-*

1. The State / District Authorities and Committees shall hold such literacy programmes in rural areas and educational institutions in co-ordination with other Governmental, non-Governmental Organisations, Social Action Groups, Universities and other bodies engaged in the work of promoting the cause of legal service to the poor.

2. The State Authority may produce video/documentary films publicity materials, literature and publications to inform general public about the various aspects of the legal services programmes.

3. The State Authority shall lay stress on the resolution of disputes and to take extra measures to draw schemes for effective and meaningful implementation of the scheme under the Act.

48. *Savings :-*

The operation of the Schemes already undertaken under the Kerala State Legal Aid and Advice Board (High Court, District and Taluk Committees) Regulations, 1991 but not completed shall continue as scheme undertaken under the provisions of these Regulations.

FORM I
KERALA STATE LEGAL SERVICES AUTHORITY
(Regulation 40)

Form of Application to be made for Legal Services

To

..... Authority/Committee

.....

.....

1. Name in Full :
2. Age and Sex :
3. Father's / Husband's Name :
4. Occupation :
5. Address :

6. Caste :
7. Annual Income :
8. Whether eligible for legal aid, if so how :
9. Name of Court or Authority and nature of proceedings :
10. Particulars of the legal service sought for :
11. Whether an affidavit regarding income is enclosed :
12. Any other particulars which the applicant desired to furnish :

Date:

Place:

Signature/Thumb impression of the applicant

DECLARATION

I.....the applicant hereby solemnly affirm and declare that what is stated above is true to the best of my information, knowledge and belief.

Signature / Thumb impression
of the applicant

FORM II
KERALA STATE LEGAL SERVICES AUTHORITY
(Regulation 42)

PROCEEDINGS OF THE

(AUTHORITY / COMMITTEE)

Sub:- Authorisation to an Advocate to file / appear and defend on behalf of
Shri./Smt.....

Ref:- Application of Shri./Smt.....

Dated..... for legal aid

ORDER NO.....DATED

Shri. / Smt. Advocate is
authorised to appear on behalf of the
applicant Shri. / Smt.

Shri. / Smt. is directed to contact the above
legal practitioner and to furnish necessary information and documents, if any, required by the
legal practitioner. This authorisation is subject to the provision of the Regulations.

The expenditure towards legal services incurred in the proceedings of the case will be
met by the Authority / Committee.

Secretary

Authority / Committee

To

1. Shri. / Smt. Advocate.
2. The applicant Shri. / Smt.
3. Proceedings file
4. Office Copy

SCHEDULE
THE REMUNERATION PAYABLE TO LEGAL PRACTITIONERS
w.e.f. 16.2.2017

[See Regulation 41 (3)]

SUBORDINATE COURTS

A. CIVIL

1. ORIGINAL SUITS

In original suits advocates fees shall be calculated on the value of the Subject matter of the suit for determining the jurisdiction of the court according to the following scales.

(a) on the first sum of ₹ 5,000/- at 10%

(b) on the next sum of ₹ 5,000/- at 8%

(c) on the next sum of ₹ 40,000/- at 5%

(d) on the sum above ₹ 50,000/up to 1,00,000- at 3%

Above ₹ 1, 00,000/- 2%, above ₹ 5, 00,000/- 1%, subject to a minimum of ₹ 2,500/- and maximum of 12,000/-. In cases where fixed Court fee is paid, the minimum fee shall be Rs.4000/-

2. EXECUTION PETITION

In execution cases, the advocate's fee shall be calculated at the rate of 50% of the fee calculated, at the rates specified in Original Suits as above, subject to a minimum of ₹ 1250/-.

3. REGULAR APPEALS

In regular appeal, the advocate's fee shall be paid at the rate specified for original suits above, subject to a minimum of Rs.3000/and maximum 12,000/- In case where fixed Court fee is paid the minimum shall be Rs.4, 000/-.

4. EXECUTION APPEAL

In execution appeal, the fee shall be paid at the rate of 50% of the fee specified, for regular appeals, subject to a minimum of Rs.1500/-

(2) OTHER PROCEEDINGS

In other proceedings advocate's fee shall be fixed by the court, having regard to the time occupied in the hearing of the case and nature of the questions raised, with the minimum and the maximum specified hereunder:-

SI No	Nature of proceedings	Minimum (Rs.)	Maximum (Rs.)
(3)	Land Acquisition cases	2000	7500
(4)	Matrimonial cases	2500	12000
(5)	Guardian and Wards cases	1750	7500
(6)	Probate and petitions for Letters of Administration	1750	7500
(7)	<i>Petitions for Succession Certificate</i>	1500	7500
(8)	Insolvency cases	4000	12000
(9)	Arbitration cases	1500	7500
(10)	Copy right cases	2000	7500
(11)	Trade marks and passing off	2000	7500
(12)	Any other original proceedings	4000	12000
(13)	Other miscellaneous case	1750	7500
(14)	Miscellaneous Appeal	2500	7500
(15)	Petitions and appeal under Buildings (Lease and Rent Control Act 1965	4000	12000

- Note :
1. If the court fails to fix the advocate's fee the court shall be deemed to have awarded the minimum specified above.
 2. Only half of the fee prescribed shall be payable in uncontested cases and cases settled out of court without any enquiry.
 3. The fee for drafting plaints, appeals, written statements, original applications or petitions under different enactments, objections to petitions stated above shall be *Rs.1500* per case. It shall be in addition to the fee for conducting such cases. No fee shall be paid for drafting interlocutory applications/ objections thereof.

B. CRIMINAL

Category	Fee payable
Sessions Case	Rs.1000 per day for effective appearance. Rs.500/- per day for non-effective appearance Minimum – 3000. Maximum – 12500 per case
Other criminal cases	Rs.750/- per day for effective appearance. Minimum – 2000. Maximum – 7500 per case
Bail Application	Rs.750/-
Revision Petition	Rs.2500/-
Private Complaints	Rs.750/- per day for effective appearance. Minimum – 2000 Maximum- 7500 per case
Private Complaint – not registered as a case by Court	Rs.1000/-
Drafting	i. Substantive pleadings such as complaint, application u/s. 12 of PWDV Act, S.125 Cr.P.C. etc – Rs.1500/- ii. Miscellaneous applications such as Bail, direction etc. Rs.600/-

HIGH COURT

Category	Filing expenses	Legal Fee[to be fixed by the High Court]	
		Min	Max
WP/WA/MFA	1500	4000	10,000
CMA/FAO	1500	3500	10,000
Crl.RP /Crl.Appeal	1500	3500	10,000
RFAs/AS	1500	3500	10,000
Appeals in other instances	1500	3500	10,000
Contempt of Court cases	1500	3500	10,000
Sales Tax/Tax revision cases	1500	4000	10,000
Crl. Petitions including Crl.M.C.for bail	1500	2500	10000
Company cases	1500	3500	10000
Civil Revision	1500	3500	10,000
Review petition	1500/-	2500/-	10,000
LAA	1500/-	3500/-	10,000

Note: Transfer petitions are being treated at par with Writ petitions for fee and expenses

TRIBUNALS

Category	Filing expenses	Legal fee	Total
Central Administrative Tribunal	1500	2500	7500
Kerala Administrative Tribunal	1500	2500	7500

6 Motor Vehicles Accident cases In Motor Vehicles Compensation cases the advocate's fee shall be payable as per the following rates namely:

Advocate's Fee

Compensation awarded is Rs.15000 or less	2500
Compensation awarded exceeds 15000, but below 50000	2500+3% on the amount in excess of 15000
Compensation exceeds 50000	3550+ 2% of the amount in excess of 50000, subject to a maximum of 15000

Labour Courts, Industrial Tribunals and W.C. Commissioners Courts	750 per day for effective appearance non-effective appearance-500 Minimum – 3000 Maximum –7500
Other cases: :- In cases before all other Tribunals and other Authorities	750 per day for effective appearance non-effective appearance-500 Minimum – 2500 Maximum –7500
Note : For drafting applications or counters in items 1 to 5 – Rs.800	

Clerkage – Rs.750/-

6. General

Appearance for seeking adjournments shall not be treated as “effective appearance” under these rules.

Niyama Sahaya Bhavan
High Court Compound, Kochi – 31

By order

K.Sathyan
Member Secretary
Kerala State Legal Services Authority

AMENDMENT OF THE REGULATIONS

(1) Amendment of the Regulations:- In the Kerala State Legal Services Authority Regulations, 1998,--

- I. In regulations 13, after clause (2), the following clause shall be inserted, namely:-

“(3) Non-official members of the District Legal Services Authority, who are not entitled to Travelling allowance and Daily Allowance shall be paid a sitting fee of Rs.50/- for attending the meeting or any other programme”.

- II. Regulation 14 shall be numbered as sub-regulation (1) of Regulation 14 and after sub-regulation (1) as so numbered the following shall be added as sub-regulation (2) thereof, namely:-

“(2) Notwithstanding anything contained in sub-regulation (1) the State Authority may deposit all sums of money received from the Central Authority under clause (a) of sub section (1) of section 16 of the Act in a Public Sector Bank as decided by the State Authority which shall be jointly operated by the Member Secretary and the Accounts Officer”.

for regulation 37, the following regulation shall be substituted, namely:-

“37. Honorarium to Presiding Officers and Members of the Lok Adalats, etc:-

- 1) The Presiding Officers other than sitting Judicial Officers and members of Lok Adalats shall be entitled to honorarium at the rate of Rs.250/- and Rs.150/- each per day, respectively.
- 2) The sitting Judicial Officers attending or associating with Lok Adalats on public holidays shall be given honorarium at the rate of Rs.350/- per day.
- 3) When the services of retired Judicial Officers are obtained from outside the District, due to non-availability of such persons in the district concerned, they shall be paid honorarium as fixed by the Chairman of the District Legal Services Authority concerned in consultation with the Member Secretary, not exceeding Rs.400/- per day”.

- III. To sub-regulation (1) of regulation 42, the following proviso shall be added namely:-

“provided that if a Judicial Officer before whom the case comes is satisfied that there would be delay in getting the authorisation aforesaid, he may entrust the case to a legal practitioner included in the panel, subject to ratification by the Authority/Committee concerned”.

By Order of Authority
Kerala State Legal Services Authority

Explanatory Note

(This does not form part of the notification but is intended to indicate its general purport).

At present there is no provision in the Kerala State Legal Services Authority Regulations to pay sitting fee to non-official members of the District Legal Services Authority who are not entitled to Travelling Allowance and Daily allowance. The Authority in its 13th meeting held on the 21st June, 2002 has decided to pay a sitting fee of Rs.50/- to non-official members who are not entitled to Travelling Allowance and Daily allowance for attending meeting or any other programme of the District Authority. Besides, the honorarium payable to the Presiding Officers and Members of the Lok Adalats at District, Taluk and High Court level is only nominal and it is being paid at different rates for different levels. The Authority has, therefore, decided to enhance the present rates and to introduce uniform rates at all levels. It has also been decided that since Mega Adalats are conducted on every second Saturdays, the Judicial Officers attending or associating with such Lok Adalats shall have to be paid compensation for the holidays. The District Authorities and Taluk Committees are undertaking daily, weekly and monthly Adalats and Literacy camps in various parts of the State. Due to the financial restrictions treasury is not releasing the funds as and when required. In the circumstances the Authority has also decided to amend regulation 14 for depositing the funds received from National Legal Services Authority in Public Sector Banks.

Further, there also occurs delay in the appointment of free Legal Aid Counsels as it is for the Authority/Committee concerned to provide legal practitioners to conduct a case. In order to avoid such delay, the Authority has decided to amend regulation so as to enable the Judicial Officers to entrust the case to a legal practitioner subject to ratification of the Authority/Committee concerned.

This notification is intended to achieve the above object.