

**GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
DEPARTMENT OF JUSTICE**

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LOK SABHA

UNSTARRED QUESTION NO. 1817

TO BE ANSWERED ON MONDAY, THE 21<sup>st</sup> SEPTEMBER, 2020

Legal Services

1817. DR. AMOL RAMSING KOLHE:  
DR. DNV SENTHILKUMAR S.:  
DR. SUBHASH RAMRAO BHAMRE:  
SHRI KULDEEP RAI SHARMA:  
SHRIMATI SUPRIYA SULE:  
SHRI MANICKAM TAGORE B.:

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) the criteria and procedure for appointment of panel of lawyers by legal services authorities at the district and sub-divisional levels;
- (b) whether there is a standard remuneration given to legal aid lawyers per case for magistrate and sessions courts and if so, the details thereof, State/UT-wise;
- (c) whether National Legal Services Authority (NALSA) appointed committee has recommended minimum fees for panel lawyers and if so, whether the Government has accepted the recommendations and implementing the same;
- (d) whether many of the lawyers who are required to provide free legal services are also charging fees from their clients; and
- (e) if so, the details thereof and the action taken by the Government in this regard?

**ANSWER**

**MINISTER OF LAW & JUSTICE, COMMUNICATIONS AND  
ELECTRONICS & INFORMATION TECHNOLOGY  
(SHRI RAVI SHANKAR PRASAD)**

- (a) 'The National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010' provides for criteria and procedure for selection of legal practitioners as panel lawyers. The selection of the panel lawyers is made by the Executive Chairman or Chairman of the Legal Services Institution in

consultation with the Attorney General [for the Supreme Court], Advocate General [for the High Court], District Attorney or Government Pleader [for District and Taluka level] and the Monitoring and Mentoring Committee set up under regulation 10. The Executive Chairman or Chairman of the Legal Services Institution may also suo moto empanel any legal practitioner as panel lawyer. The regulations provides for a minimum of three years' experience at the Bar for a legal practitioner to be empanelled.

(b) and (c) The fee payable to the lawyers is fixed by each State Legal Services Authority (SLSA). The fee varies from State to State depending upon the fee charged by the lawyers in that State and also, the fee payable to Government Advocates, Special Prosecutor, Amicus Curiae, etc. However, a Committee appointed by NALSA made its recommendations for a minimum fee to be paid to panel lawyers which was adopted by Central Authority of NALSA in its meeting dated 9<sup>th</sup> April, 2016. All the SLSAs were asked to adopt the same. The schedule of the minimum fee as approved by the Central Authority is as under:

**Subordinate Courts at all levels including Tribunals**

- i. Drafting of substantive pleading such as Suit, Matrimonial Proceedings such as Divorce, Maintenance, Custody, Restitution etc., Succession, Probate, Memo of Appeal, Revision, Written Statement, Reply, Rejoinder, Replication etc. – Rs.1,200/-.
- ii. Drafting of Miscellaneous applications such as stay, bail, direction, exemption etc. – Rs.400/- per application subject to maximum of Rs.800/- for all applications.
- iii. Appearance – Rs.750/- per effective hearing and Rs.500/- for non-effective hearing subject to a maximum of Rs.7,500/- (per case).

## **High Court**

- i. Drafting of substantive pleading such as Writ Petition, Counter Affidavit, Memo of Appeal, Revision, Reply, Rejoinder, Replication- Rs.1,500/-.
- ii. Drafting of Miscellaneous applications such as stay, bail, direction, exemption etc. – Rs.500/- per application subject to maximum of Rs.1,000/- for all applications.
- iii. Appearance – Rs.1,000/- per effective hearing and Rs.750/- for non-effective hearing subject to maximum of Rs.10,000/- (per case).

A statement containing the information regarding the fee of Panel Lawyers is equal to/more than/less than the fee prescribed by NALSA is at Annexure-A.

- (d) and (e) The panel lawyers shall not ask for or receive any fee, remuneration or any valuable consideration in any manner, from the person to whom he has rendered legal services, as per Section 8 (16) of the National Legal Services Authority (Free And Competent Legal Services) Regulations, 2010. Under Section 8 (17) of these regulations, if the panel lawyer engaged is not performing satisfactorily or has acted contrary to the object and spirit of the Act and these regulations, the Legal Services Institution shall take appropriate steps including withdrawal of the case from such lawyer and his removal from the panel.

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**Statement as referred to in reply to Lok Sabha Unstarred Question No. 1817 for answering on 21.09.2020 raised by Dr. Amol Ramsing Kolhe, Dr. DNV Senthilkumar S., Dr. Subhash Ramrao Bhamre, Shri Kuldeep Rai Sharma, Shrimati Supriya Sule and Shri Manickam Tagore B., MPs - Legal Services.**

<b>S.No.</b>	<b>State Legal Services Authority</b>	<b>Whether the fee of Panel Lawyers is equal to/more than/less than the fee prescribed by NALSA in 2016.</b>
1	Andhra Pradesh	Equal
2	Arunachal Pradesh	Equal
3	Assam	Equal
4	Bihar	Equal
5	Chhattisgarh	Equal
6	Goa	Equal
7	Gujarat	More
8	Haryana	Equal
9	Himachal Pradesh	Equal
10	Jammu and Kashmir	Equal
11	Jharkhand	Equal
12	Karnataka	Equal
13	Kerala	More
14	Madhya Pradesh	Equal
15	Maharashtra	Equal
16	Manipur	Equal
17	Meghalaya	Equal
18	Mizoram	Equal
19	Nagaland	Equal
20	Odisha	Equal
21	Punjab	More
22	Rajasthan	More
23	Sikkim	Equal
24	Tamil Nadu	Equal
25	Telangana	Equal
26	Tripura	Equal
27	Uttar Pradesh	Equal
28	Uttarakhand	More
29	West Bengal	Equal
30	Andaman and Nicobar Islands	Equal

31	Chandigarh	Equal
32	Dadra and Nagar Haveli	Less
33	Daman and Diu	Equal
34	Delhi	More
35	Lakshadweep	Less
36	Puducherry	Equal