



NAGALAND STATE LEGAL SERVICES AUTHORITY

SCHEDULE OF FEE & HONORARIUM -2019

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Kohima – 797001**

FEE SCHEDULE-2019

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FEE SCHEDULE-HIGH COURT-2019

(LEGAL AID WING)

A) HIGH COURT/SESSIONS COURT/DISTRICT COURT/MAGISTRATE COURT/ CIVIL JUDGES & QUASI JUDICIAL BODIES

(FOR EMPANNELED LEGAL SERVICES ADVOCATE)

Sl.No.	Description of work	Fee Schedule		
		Non Effective Hearing	Effective Hearing	Maximum Limit of Fee (Per Case)
HIGH COURT				
1.	Criminal/Criminal appeal and Writ etc	Rs.750/-	Rs.1,000/-	Rs.10,000/-
2.	Revisions	Rs.750/-	Rs.1,000/-	Rs.8000/-
	Minimum fee is Rs.3,000/- However, if there are more numbers of effective or non effective hearings, raising the bill to more than the minimum prescribed fee, then the payment will be made as per the above rates.			
3.	Misc. Applications/I.A, such as Stay , Directions, Exemption, etc.	Rs.1,000/- Fixed.		
4.	Drafting of Writ, Appeal, Petition, Counter affidavit, Reply, Rejoinder, Replication.	Rs.1,500/-Fixed.		
5.	Drafting and Hearing of Bail Application.	Rs.1,500/- Fixed.		

SESSIONS COURT

1.	Criminal Case punishable with death or life imprisonment or imprisonment of more than 10 years.	Rs.500/-	Rs.750/-	Rs.8,500/-
2.	Other Criminal Session Trial cases	Rs.500/-	Rs.750/-	Rs.7,500/-

Minimum fee is Rs.2,500/- However, if there are more numbers of effective or non effective hearings, raising the bill to more than the minimum prescribed fee, then the payment will be made as per the above rates.

3.	Appeal	Rs.500/-	Rs.750/-	Rs.5,000/-
4.	Revision	Rs.500/-	Rs.750/-	Rs.5,000/-

Minimum fee is Rs. 2000/- However, if there are more numbers of effective or non effective hearings, the bill to more than the minimum prescribed fee, then payment will be made as per the above rates.

5.	Drafting and Hearing of Bail Application.	Rs.1,000/- Fixed.		
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MAGISTRATE COURT

1.	Summons Trial/Warrant Trial	Rs.500/-	Rs.750/-	Rs.7,500/-
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Minimum fee is Rs. 2,500/- However, if there are more numbers of effective or non effective hearings, raising the bill to more than the minimum prescribed fee, then payment will be made as per the above rates.

2.	Drafting and Hearing of Bail Application.	Rs.1,000/- Fixed.		
3.	Application under DV Act/ Maintenance Petition/Complaint	Rs. 750/-		

DISTRICT COURT				
1.	Suits	Rs.500/-	Rs.750/-	Rs.9,000/-
2.	Appeals/ Revision	Rs.500/-	Rs.750/-	Rs.5,000/-
	Minimum fee is Rs. 2,000/- However, if there are more numbers of effective or non effective hearings, raising the bill to more than the minimum prescribed fee, then payment will be made as per the above rates.			
3.	Drafting of Suits, Written Statement, Rejoinder, Replication, Appeal.	Rs.1,000/-		
4.	Drafting of Misc Applications/ Applications under DV Act/IA/ Revision Petition and any other petitions for Maintenance/ Succession, Probate, etc.	Rs.750/-		
CIVIL JUDGES COURT				
1.	Suits	Rs.500/-	Rs.750-	Rs.8,000/-
2.	Execution	Rs.400/-	Rs.600/-	Rs.5,000/-
	Minimum fee is Rs. 2,000/- However, if there are more numbers of effective or non effective hearings, raising the bill to more than the minimum prescribed fee, then payment will be made as per the above rates.			
3.	Drafting of Suits, Written Statement, Rejoinder, Replication.	Rs.1,000/-		
4.	Drafting of Misc Application/IA/Reply.	Rs.750/-		


QUASI JUDICIAL BODIES: FORUMS/ TRIBUNALS/ LABOUR COURT/COMMISSION/JJB, ETC.

1.	Appearance	Rs. 500/-	Rs.750/-	Rs.5,000/-
2.	Cases taken up before the JJB per day.	Rs.500/-	Rs.750/-	Rs.5,000/-
	Minimum fee is Rs.2,000/- However, if there are more numbers of effective or non effective hearings, raising the bill to more than the minimum prescribed fee, then payment will be made as per the above rates.			
3.	Drafting of Petition/Reply/ Written Statement.	Rs. 800/- Fixed		

- **Any other legal aid services assigned to PLs and PLVs by the Secretary, before any authority and for which no specific fee is provided :**

	Minimum	Maximum
Panel Lawyer	Rs.1000/-	Rs.5,000/-
Para Legal Volunteers	Rs.500/-	Rs. 2000/-

- *Actual expenditure incurred by panel lawyers for postage, photocopy, paper books, publication of notice etc supported by vouchers will be reimbursed. In the absence of vouchers, the Secretary of the concerned LSA may fix and reimburse a reasonable sum.*
- *In the event of case assigned to Legal Services Advocate only for legal opinion or where the Legal Services opines that no case is made out, he/she shall be paid a consolidated fee of **Rs.1,200/-** and in such case, any advance paid for case preparation, same shall be adjusted.*

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- *Fee payable in any case not specifically covered in the Schedule shall be determined by the Member Secretary, whose decision shall be final.*

NOTE: Effective and Non-Effective Hearing:

Effective Hearing:

- A hearing in criminal case where charge or notice, as the case may be is framed against the accused.
- It is a hearing which results in recording of testimonies of witnesses in a criminal case including cross examination, recording of statement of the accused U/S 281 or 313, examination of defense witnesses if any, argument on important Misc. application or final arguments.
- Similarly, in civil cases, it would be the date on which plaint/ petition/written statement is filed or the issues are framed, witnesses are examined by way of filing affidavit, or otherwise, cross examination or a stage on which any important Misc. application is argued or final arguments.
- Either both parties in case are heard by the court resulting in passing of an order that decides substantial legal right of the parties which may be challenged in Appeal or Revision, as the case may be.
- Effective hearing also means hearing on merits of the case.

Non –effective Hearing:

- That if any case is adjourned or only interlocutory directions are given or only judgment is delivered by the court, it would not constitute an effective hearing.
- While evaluating any hearing as effective or non-effective, lenient view shall be taken in favor of effective hearings.
- Non effective hearing includes adjournments on genuine grounds or at the instance of the court but not mere listing/posting of the case without being taken up for hearing by the court.
- *The fee schedule is devised in a way that provides financial incentives for attending to more “effective hearing” than “non-effective hearing” but the empanelled advocates shall be duty bound to appear on all “non-effective hearings”.*

- In case of Criminal or Civil Trials, revision or appeal, the billing for “non effective hearing” shall not be more than 07 occasions in the lifetime of the matter.

LEGAL LITERACY WING:

B) MISC. LEGAL SERVICES WORK

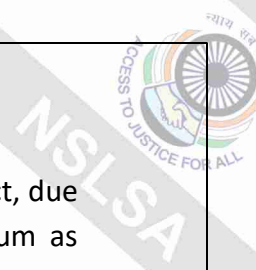
Sl.No.	Description of Work	Honorarium
1.	PLVS engagement in any legal services work:	
	Such as awareness campaign, street plays, surveys, etc. per PLV.	Rs.500/-
2.	Resource Persons in Legal Literacy/Awareness Programmes:	
	Senior Advocates/Judicial Officers	Rs.2,000/-
	Associate Professors/ Assistant Professor/ Subject expert or specialist (per program)	Rs.1,500/-
	Legal Services Advocate (per program)	Rs.1,000/-
	PLVs , as resource person (per program)	Rs.800/-
3.	Any other activity other than a Resource Person: (Panel Lawyers)	
	Such as duty at legal services camp/ any legal services to be provided to any beneficiary where assistance of legal aid advocate is required for the purpose, etc.	Rs.800/-
4.	Visits to Centers/P.s/JJBs/Jails/CWCs/Observation Homes/LSCs/LLCs, etc:	
	a) Inspection of Children Homes/ Observation Homes by legal aid counsels. (Honorarium shall be payable for not more	Rs.800/-

	than four visits in a month to each Observation Homes and there must be at least one visit in a month to each Children Homes assigned to them).	
	b) Per visit to legal services clinics in jails by PLs subject to 2 times in a month.	Rs.800/-
	c) Per visit to other legal services clinics by PLs subject to 1 time in a month.	Rs.800/-
	d) Per visit to Jail by PLs or PLVs for meeting Legal aid beneficiary/inmate, with the prior approval of the concerned Member Secretary /DLSA Secretary.	Rs.800/-
	e) Per visit to Legal Literacy Clubs by PLs.	Rs.800/-

LOK ADALAT WING:

B) LOK ADALATS

Sl.No.	Members of Lok Adalat:	Honorarium
1.	Chairman/Member Secretary /Secretary, Officers, members of High Court Legal Services Committee.	Rs.5,000/-
2.	Secretary, DLSA, /Judicial Magistrates and Civil Judges/Executive Magistrate.	Rs.4,000/-
3.	Public Prosecutor/Police officers above Rank of Sub Inspector/ Conciliators	Rs. 2,000/-
4.	Panel Lawyers	Rs.1,000/-
5.	Para legal volunteers	Rs.800/-

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- When the service of Retired Judicial Officers are obtained from outside the District, due to non availability of such concerned persons, they shall be paid an honorarium as specified in Sl. No.2.
 - Any other staff assigned for duty during Lok Adalat shall be paid honorarium as given in Sl.No.5.

General Provisions for Conveyance and Lodging:

Conveyance and lodging charges shall be payable as per the following:

- i) Conveyance within the District Headquarter (Within 2 km radius- Rs.200/-; or beyond 2km radius-Rs.15/km; or actual fare).
- ii) Conveyance outside the District Headquarter or to other Districts- Rs.500/-
- iii) Lodging and food charges per day during any duty viz. assigned to areas where return is not feasible- Rs.800/-(Rs.500/- Lodging & Rs.300/-Food).

Applicability of conveyance and lodging charges with respect to:

LEGAL AID WING

- A) High Court/ Sessions Court/ District Court, Civil Judges & Quasi Judicial Bodies, only **Sl.No. ii) & iii)** shall apply (when Legal Aid Counsels are deputed outside the District Headquarter or to other Districts).

LEGAL LITERACY WING

- B) Misc. Legal Services Work, Sl.No i), ii) & iii) shall apply only with respect to Sl.No. 3 & 4.

LOK ADALAT WING

- C) Lok Adalat, only Sl.No. i) shall apply.

GENERAL CONDITIONS

1) Preparation of Bills:

In all the Legal Aided cases, Legal Services Advocates (LSAs) shall submit fee bill only on the basis of number of hearings as per Schedule I-A. In case a matter gets decided or disposed of at an interim stage or otherwise and prior to a case touching the maximum upper fee limit of the case category, the payment shall be made commensurate with the attended effective/non-effective hearings as per Schedule. Likewise, in case a matter requires additional hearings beyond the maximum upper limit, the only maximum fixed fee shall be payable. Provided that in case a LSA, LSC or PLV is found to have furnished false bill mala fide, it would be treated as sufficient ground for immediate disempanelment.

2) Limitation period for filing of Professional Bills:

Professional bill shall be submitted by a LSA within three months of final disposal of case by the concerned Court/Tribunal or of discharge of advocate in the respective case, as the case may be. The Secretary DLSA/Member Secretary, DSLSA may, for the reasons to be recorded in writing, extend the time limit not exceeding one month, if he/she is satisfied that the circumstances were such which prevented the counsel from submitting the bill within the limitation period.

In respect of other activities mentioned in the fee schedule, bill shall be submitted by the LSA/Resource Person within three months of carrying out or completion (in case the same is of continuing nature) of the respective activity, as the case may be. The Member Secretary /Secretary, DLSA, may, for the reasons to be recorded in writing, extend the time limit not exceeding one month, if he/she is satisfied that the circumstances were such which prevented the counsel from submitting the bill within the limitation period.

This limitation aspect shall be applicable for all bills to be raised against duties/work performed under previous fee schedules as well. It is clarified where the case has already been disposed of, LSA has already been discharged or any other activity (as

mentioned above) has been performed by LSA prior to coming into force of revised schedule, then he shall file the respective bill within aforesaid limitation period commencing from coming into force of this Fee-Schedule.

3) **Cost:**

In case cost is awarded by any Court to a Legal Aid Beneficiary, the cost shall be deposited by Legal Aid Beneficiary or by LSA with the concerned District Legal Services Authority only. In case of deliberate non-compliance of this provision within two months of receipt of the cost, Legal Aid may be withdrawn from Legal Aid Beneficiary or LSA would be liable for disempanelment, as the case may be.

4) **Court Fee:**

Court fee will be realized, if the Court so directs on disposal of a petition filed for an indigent person.

The Secretary of District Legal Services Authority shall be empowered to decide applications pertaining to payment of court fee upto Rs. 15,000/- **in a given case. In case where Court Fee exceeds more than Rs. 15,000/-**, approval of Chairperson of concerned District Legal Services Authority shall be obtained.

5) **Clubbed Cases:**

Appeals/Revisions or Petitions arising from one common judgment/order will be considered as one case, if issues are same.

6) **Misc. Work:**

When misc. Applications are filed in a pending case, including transfer petition only drafting and typing charges will be payable and no separate fee will be payable.

7) **Fee payable when beneficiary does not turn up:**

In cases where the legal aid beneficiary does not turn up after legal aid counsel has drafted the pleadings but the case was not filed before the Court/Authority, then fees of Rs.1,200/- and other miscellaneous charges shall be paid on production of draft pleadings.

8) Supporting documents:

In respect of the payment of the fees, the LSA will be required to submit soft copy scan of the work done form of the Trial Court apart from sharing the Web link of the Judgment/order if any. The advocate may also produce certified copies of the proceedings of the respective case.

9) Publication Charges:

In a case where an order is passed by any Court for Summoning of party through publication of summons/notice in any local newspaper or more, the Legal Services Counsel shall file the prescribed Process Fee within 07 days of the issuance of the order, obtain copy of the order and after self attestation by the Legal Aid Beneficiary, submit the same with the concerned DLSA and the charges of the Publication shall be payable by the concerned DLSA by means of RTGS after obtaining the IFSC Code of the Publisher/Newspaper concerned, by Cheque or Pay Order or as the case may be.

10) Final decision on Bills:

In the event of any doubt or difference of opinion regarding the honorarium payable, the decision of the Member Secretary shall be final and binding. However, while processing the professional bills of legal aid counsel, DLSAs would follow the procedure mentioned in circular of Ld. Member Secretary, NSLSA dated.....

11) Applicability:

The revised rates of the Fee/Honorarium shall be applicable for work done w.e.f.....Fee bills already settled will not be re-opened, (unless notified by the Authority).
