

XVII

Observation of Hon'ble Mr. Justice S.P. Bharucha, Executive Chairman of the National Legal Services Authority and Judge of the Hon'ble Supreme Court of India made in his Keynote Address at Second Annual Meet of the State Legal Services Authorities held at Hyderabad on October, 9, 1999.

“An impression has long gained ground that the principal purpose of a Lok Adalat is not to facilitate the settlement of disputes but the glorification of the invitees and the hosts. I, and, I am sure, many of you, have personal experience of Lok Adalats that commence with interminable speeches and tea, and half the working day is lost. Latterly, fortunately, there has been a far greater tendency to get down to the business on hand with despatch, but it cannot honestly be said that the ceremonial element in Lok Adalats, legal literacy and legal awareness camps and so on has completely disappeared. I must urge the Executive Chairmen of the State Authorities to insist that Lok Adalats should commence with only the lighting of an inaugural lamp by the senior member of the panel of Judges thereof. Much ill-fame, and other adverse consequences to the legal services movement, will thus be avoided.”

GIST OF FINANCIAL POWERS OF INSURANCE OFFICERS AND GENERAL MANAGERS OF HARYANA ROADWAYS QUA SETTLEMENT OF ACCIDENT CLAIM CASES IN LOK ADALATS

1. The New India Assurance Company Ltd.	Rs.50 lacs*
2. United India Insurance Company Ltd.	Rs.7.5 lacs to Rs.20 lacs**
3. National Insurance Company Ltd.	Rs.7.5 lacs***
4. The Oriental Insurance Company Ltd.	Rs.50 lacs****
5. Haryana Roadways	Rs.1.5 lacs*****

* The aforesaid amount is indicated in letter No. MID:2000, dated 29.11.2000 of the New India Assurance Company Ltd. which was duly communicated to all the Motor Accident Claims Tribunals in the State of Haryana vide letter No. 3091-3109/MS/HLSA, dated 1.5.2001.

** The aforesaid amount is indicated in letter No. HO:MOT:TP:52, dated 9.5.2001 of the United India Insurance Company Ltd. which was duly communicated to all the Motor Accident Claims Tribunals in the State of Haryana vide letter No. 3389-3407/MS/HLSA, dated 15.5.2001.

*** The aforesaid amount is indicated in letter No. HO:TECH;LEGAL, dated 22.5.2001 of the National Insurance Company Ltd. which was duly communicated to all the Motor Accident Claims Tribunals in the State of Haryana vide letter No. 4112-4130(38)MS/HLSA, dated 18.6.2001.

**** The aforesaid amount is indicated in letter dated 19.6.2001 of the Oriental Insurance Company Ltd. which was duly communicated to all the Motor Accident Claims Tribunals in the State of Haryana vide letter No. 4258-76/MS/HLSA, dated 26.6.2001.

***** The aforesaid amount is indicated in the guidelines framed by the Transport Commissioner, Haryana vide memo No. 5492-5541/A5/DA/2000, dated 5.10.2000 which was duly communicated to all the Motor Accident Claims Tribunals in the State of Haryana vide letter No. 4293-4311(38)MS/HLSA, dated 27.6.2001.

D.O. Letter No. 7069-87(51)(19)/MS/HLSA
Dated 19.10.2000

To

All the Chief Judicial Magistrates-cum-Secretaries
of District Legal Services Authorities in Haryana State.

Subject: Endeavour of get pending compoundable criminal cases settled through Lok Adalats on old pattern or Permanent Lok Adalats.

I wish to bring to your pointed notice the observations of Hon'ble Dr. Justice A.S. Anand, Chief Justice of India and Patron-in-Chief, National Legal Services Authority (NALSA) contained in the latest issue of Nyaya Deep, which are as hereunder :-

“The Judges as well as legal services functionaries need to appreciate the distinction between hardened criminals and petty offenders. I call upon all Legal Services functionaries to fully support the Special Courts being held in jails in their respective areas by deputing Legal Aid Advocates for identifying such under-trials who seek early disposal of their matters through these Courts. These Legal Aid Advocates can then make appropriate applications on their behalf so that their matters may be taken up and decided without any delay. Special attention is required to be given to women under-trials and child offenders so that their matters can be disposed off with due despatch.

I take this opportunity to also emphasize that all Legal Services Authorities should endeavour to get pending compoundable criminal cases settled through Lok Adalats on old Pattern or Permanent Lok Adalats established in the Districts so that heavy pendency in the Subordinate Courts is reduced to the extent possible and the Presiding Officers have more time to attend to old and comparatively more serious criminals matters.”

2. In the light of the aforesaid observations, you are requested to pay special attention to petty offenders such as persons detained under sections 107/151, 109 Cr.P.C. and also to cases of women undertrials and child offenders so that their matters can be disposed off with due despatch.

3. You are also requested to periodically shift the pending compoundable criminal cases and forward them to the respective Lok Adalats for settlement. In this context, your kind attention is drawn to earlier letter No. 2851-2897/MS/HLSA

dated 17.4.2000 of this Authority whereby while conveying the decision of the Hon'ble Chief Justice of Punjab and Haryana High Court in the meeting held by him with the Executive Chairmen of the State Legal Services Authorities of Punjab, Haryana and U.T. Chandigarh, it was directed that all categories of cases except those specifically prohibited under the statutory provisions may be taken up in the Lok Adalats and every effort be made by the Lok Adalat Bench to secure settlement in those cases.

4. I had the occasion of visiting some jails in the recent past. During such inspections, it has transpired that Advocates on the Legal Aid Panels are not being sent for two hours daily as so requested vide letters sent vide endst. No. 769-787(51)MS/HLSA dated 24.2.2000 read with endst. No. 6429-47(51)(90)2000/MS/HLSA dated 30.8.2000 of this Authority nor their arrival/departure time in to and from the jail is recorded to verify as to how much time was actually spent by the Advocates in jail. You are accordingly requested to ensure that the above defaults are not repeated by the panel Advocates. In case of habitual default on the part of any panel Advocate, his name be removed from the panel.

Copy to all the District & Sessions Judges-cum-Chairmen, District Legal Services Authorities of Haryana State w.r.t. this Authority letter Nos. 757-768(51) dated 24.2.2000 and 6417-28(51)(90)MS/HLSA dated 30.8.2000 for information please.

(R.S. Virk)

Written note of Hon'ble Executive Chairman, Mr. Justice V.K. Bali Qua Sensitization of Judicial Officers towards Legal Services Schemes

Hon'ble Mr. Justice S.P. Bharucha, Judge, Supreme Court of India and Executive Chairman of the National Legal Services Authority (NALSA) in his forward contained in the January, 1999 Issue of Nyayadeep has inter-alia observed that NALSA has found that not all judicial officers in the country are duly sensitized to legal services schemes and programmes. I expect each and every judicial officer in the State of Haryana to make conscious and concerted effort to remove this impression, which is not without substance. It has been noticed by me during my inspection tours that many a times, persons accused of petty offences are packed off to jails because they are unable to furnish surety bonds. Sometimes, the amount of surety bond is unduly excessive. For example, accused in cases which are punishable with fine only or with fine and punishment not exceeding two years are being called upon to furnish surety bond upto an amount of Rs.20,000/- or more. I fail to understand any logic in such insensitive action on the part of the concerned officers. Such like conduct rather gives an impression that such like cases were not dealt with by the concerned judicial officers themselves and were in fact dealt with in routine by their subordinates, which practice apart from being illegal, invites ridicule for the judicial system and also puts the concerned accused to avoidable harassment. If the accused even at the stage of remand is given a patient hearing, the Magistrate may feel inclined, and justifiably so, in taking a pragmatic view of things instead of remanding a person to custody in a mechanical manner. I am constrained to say that

many of the officers are blissfully ignorant of the provisions in the first proviso of section 436 Cr.P.C. which empowers the court to release the accused on his personal bond in bailable offences. Yet in majority of cases, the Magistrates mechanically insist upon releasing the accused in such like bailable offences also on furnishing of surety bonds, which I stated above are sometimes unduly excessive. Sometimes the accused are sent to custody even in bailable cases on the ground that the surety bond is insufficient or that the identifier has not brought sufficient proof or identification. Such like attitude is indeed shocking more so when accused may be ordinarily residing within the territorial jurisdiction of the concerned court or is a woman or is a sick or infirm person, which categories of persons are entitled to special treatment even in respect of non-bailable offences as so provided in first proviso to section 437 Cr.P.C. I would like to remind all the Magistrates that for each bailable offence, bail is a right and further that the amount of bail bond should not be excessive but should be fixed bearing in mind the social status of the accused and the nature of the offence as so provided in chapter 10, volume III of the Punjab and Haryana High Court Rules and Orders. It is a hardship to detain a particular undertrial in detention an hour longer than necessary in as much as they are prejudiced in their defence, if respectable and innocent, they are exposed to the indignity of imprisonment for which no subsequent order of discharge or acquittal can at one.

I may add here that even the factum of an accused having jumped bail in a bailable does not justify his prolonged detention in jail. In such cases, his file should be summoned from the record room within a day or so and his case should be disposed of expeditiously because abscondance alone does not aggravate the nature of the offence and nor does it in itself create any offence.

There are even reports of some judicial officers compulsorily sending some undertrial accused to jail if they happen to come late even by half an hour or so to court. This attitude is regrettable. Imprisonment is not to be readily resorted to for such minor defaults nor so when imposition of penalty under section 446 Cr.P.C. would suffice to serve the purpose and that too in those cases which are at evidence stage and where the officer feels that the late appearance was motivated to prolong the trial. But many a time, an accused residing in a remote area may not have been in a position to travel in time because of non-availability of public transport at an early hour of the day.

In civil matters too dismissal of suit/appeals in the early hours of the day due to non-appearance of parties/counsel should not be resorted to as it does not serve any useful purpose and only increases the work of all concerned in typing out restoration applications and passing of orders by the judicial authorities including sometimes the High Court thereon.

II. Some of the officers also seem to be obsessed with the erroneous presumption that an accused once convicted must be sentenced to some period of imprisonment. Such attitude runs counter to the provisions of section 360(1) Cr.P.C. which provides for release on probation, or good conduct, or after admonition in certain cases such as first offenders, women offenders of youthful offenders below 21 years of age convicted for a term of seven years or less. What is more, section 361 Cr.P.C. requires the concerned courts to record special reasons for not extending the beneficial provisions of section 360 Cr.P.C. to the persons covered under the said section or under the Probation of Offenders Act. Such conduct exhibits insensitivity on the part of the concerned judicial officer to humane feelings.

Instances are not lacking when young children have been hardened alongwith hardened criminals in jails merely because the concerned judicial officer did not spare himself the time of looking at young offenders being brought before him and who by virtue of provisions of ¹Juvenile Justice Act, 1986 were entitled to special treatment such as being entitled to be released on bail even in non-bail able offences. ²Section 8 of the said Act requires that even the Magistrate not empowered to try such a juvenile should forward such an accused to the competent authority after recording his opinion qua the age of the accused. This is not to say that in each and every case a juvenile has to be released on bail in heinous offences also because if his release would defeat the ends of justice or bring him into association with any known criminal or expose him to moral danger, such an accused can be kept in an observation home or in Juvenile Home or a place of safety for such period as may be considered necessary by the authority but certainly more humane approach should be adopted in ordinary run-of-the-mil cases.

III. I have also frequently noticed that in many courts more matters than can be dealt with by the presiding officer are fixed. Instead of this practice doing any good, it only creates avoidable harassment for many litigants in as much as several witnesses are then sent back unexamined for paucity of time. Such conduct inevitably invites adverse criticism from affected parties who are put to undue hardship and harassment in bringing their witnesses time and again, with no benefit whatsoever occurring to anyone. Frequent adjournments are another reason of inviting ridicule. Such adjournment may be due to extra-ordinary heavy cause-lists or plain lethargy on the part of the concerned officers. In either event, it is unjustified in as much as every officer must effectively deal with every case posted before him for a particular date. I am sure that if the Presiding Officer himself fixes his cause-list instead of entrusted this delicate task to his subordinate officials such as Reader or Steno, the cause-list can never be unmanageable. I expect you to place yourself in the shoes of the ordinary litigant and consider whether in a given case you would like to be meted out with similar treatment which is being handed out by you to such a litigant, either in being insensitive while considering the question of his bail or remand or adjourning his case in a mechanical manner, or for reasons which in the totality of the circumstances cannot be considered to be justified.

IV. I would request all the Addl. District & Sessions Judges to be friends, philosophers and guides for the Judicial Magistrates working in the district and share the benefit of their knowledge and experiences with their junior colleagues so that the judicial process achieves perfection. The officers of H.C.S. (Judicial) must on their part reciprocate the guiding spirit of their senior colleagues. Everybody learns from each other and the pursuit of learning is endless. I would also take this opportunity to remind the judicial officers belonging to the Superior Judicial Service of the observations of the Hon'ble Supreme Court in the case titled State of Punjab Vs. Gurmeet Singh & Others reported in 1996 (1) Crimes 37 (SC) whereby in the light of provisions contained in section 327(2) Cr.P.C. the Apex Court has specifically directed the holding of trial of rape cases "in camera". It is specifically laid down in the said case that all trials of rape cases in camera should be the rule and open trial in such cases an exception. Yet in some courts, the above quoted provision is not followed scrupulously. The Apex Court in the said case has also expressed its

¹ The said Act now stands repealed and replaced by the Juvenile Justice (Care and Protection of Children) Act, 2000

² The said section corresponds to section 7 of the new Act mentioned above.

anguish at harassment and humiliation caused to the victims of crime during cross examination. I would like you all to exercise firm control during the examination of the rape victim and while extending due opportunity to the accused to test the veracity of the prosecutrix and the creditability of her version, yet, she should not be permitted to be browbeaten by the defence counsel. I would request you all gentlemen to read this judgment in detail.

Another aspect which in my opinion should be specifically taken note of by the officers of the Superior Judicial Services is to the judgment of the Hon'ble Supreme Court in the case titled Lilaben Ude Singh Gohal Vs. Oriental Insurance Co. Ltd. reported in 1996 the ACJ 673 wherein the Apex Court laid down elaborate guidelines qua the disbursement of compensation awarded to claimants under the provisions of Motor Vehicle Act. Each and everyone of the various directions given therein qua different categories of claimants such as illiterate, semi-literate and literate persons as also widows, minors etc. have to be followed carefully. The said judgment does not prohibit absolutely the release of compensation amount for any specific period. It only provides safeguard to be adopted in case of premature withdrawals in order to ensure that the claimants do not become victims of unscrupulous persons and un-ethical agreements or arrangements. The said judgment clearly provides that the Tribunal should grant to the claimants liberty to apply for withdrawal in case of any genuine emergency. The Tribunal should exercise its judicial description while evaluating the need of the claimant in a stated emergency.

V. I would, in the end, expect each of you to go through the provision of the Legal Services Authorities Act, 1987 and the Rules and Regulations framed thereunder by the Haryana Government and the Haryana State Legal Services Authority respectively. I am sure that each of you will contribute your bit in removing the impression harboured by NALSA that many of the judicial officers are not duly sensitized to legal services schemes and programmes.

(V.K. BALI)

D.O. Letter No. 1209-46(29)MS/HSLSA
Dated 28.2.2001.

To

1. All the District & Sessions Judges-cum-Chairmen, District Legal Services Authorities in the State of Haryana.
2. All the Chief Judicial Magistrates-cum-Secretaries, District Legal Services Authorities in the State of Haryana.

Subject: **Correspondence with NALSA.**

Sir,

I have been directed by the Hon'ble Member Secretary, National Legal Services Authority to inform you that no officer of the District Legal Services Authority will correspond directly with the National Legal Services Authority and that all communication should be routed through the State Legal Services Authority.

Kindly acknowledge receipt of this letter.

Yours sincerely,

(R.S. Virk)

Letter No. 5910-28/GA
Dated : 26.4.2001.

From

The Director General of Police, Haryana.

To

All District SPs in Haryana.

Subject: Lok Adalats.

In the Annual General Meeting of Haryana State Legal Services Authority held on 20.4.2001 at Chandigarh, the Chairman of Haryana State Legal Services Authority observed that a large number of persons daily throng the police stations not only for reporting commission of criminal offences but also in connection with disputes which are primarily civil in nature. In many such cases, the contesting parties compromise the complaints on matter coming up before the police. During the course of compromise, statements of parties are also recorded which however, do not have any legal authenticity and in the event of such compromise breaks down, it cannot be legally enforced in court of law. The chairman further suggested that in such like situations wherein a compromise between the parties is reached, then instead of recording the statements at its own level, it should direct the parties to appear before the nearest Lok Adalat for recording of their statements which can be in fact lawfully recorded by the Lok Adalats even in respect of matters which have not yet been instituted in the court of law and such statements are binding on the parties making them.

2. In view of above, it has been decided that whenever any complaint is received which discloses commission of cognizable offence, then case should be registered under the appropriate sections of law and investigated. However, in non-cognizable cases, if the complainant arrives at a compromise with other party then instead of writing the compromise in the police station itself, the parties should be sent to nearest Lok Adalat which are functioning at the district headquarter level. A note to this effect that parties have been directed to contact the nearest Lok Adalat for

recording of their statements and compromise be recorded in the 'Roznamcha' and compromise memo submitted by the parties in the police station, if any.

3. Please ensure the meticulous compliance of these directions.

Letter No. 3110-28/MS/HLSA
Dated : 1.5.2001.

To

All the District & Sessions Judges/
Senior Most Additional District & Sessions Judges-cum-Chairmen,
District Legal Services Authorities in the State of Haryana.

Subject: **Lok Adalats.**

Please find enclosed herewith a copy of the letter No. 5910-28/GA-1, dated 26.4.2001 addressed to all District SPs in Haryana by the Director General of Police, Haryana in which he has mentioned that in non-cognizable cases, if the complainant arrives at a compromise with other party then instead of writing the compromise in the police station itself, the parties should be sent to nearest Lok Adalat which are functioning at the district headquarter level and a note to this effect that parties have been directed to contact the nearest Lok Adalat for recording of their statements and compromise be recorded in the 'Roznamcha' and compromise memo submitted by the parties in the police station, if any.

Yours sincerely,

(R.S. Virk)

Copies to:- All the Chief Judicial Magistrates-cum-Secretaries/Senior Most Additional Civil Judges-cum-Chairmen, District Legal Services Authorities/Sub-Divisional Legal Services Committees in the State of Haryana.

(R.S. Virk)

D.O. Letter No. 3616-34/MS/HSLSA
Dated : 22.5.2001

To

All the District & Sessions Judges/
Senior Most Additional District & Sessions Judges-cum-Chairmen,
District Legal Services Authorities in the State of Haryana.

Subject: **Solatum Fund Scheme in respect of “Hit and Run” Accidents.**

Solatum Scheme 1989 as framed by the Central Government in exercise of powers conferred by sub-section 1 of section 163 of the Motor Vehicle Act, 1988 provides for payment of compensation in respect of “Hit and Run” cases. As per section 2(b) of the said scheme, a Claims Enquiry Officer” who may be the Sub-Divisional Officer or the Tehsildars of a particular district is entitled to entertain receipt of claim applications in respect of such Hit and Run Accidents and on the basis of the his report, the “Claims Settlement Commissioner” who as per clauses 2(c) of the above quoted scheme shall be the Deputy Commissioner/District Magistrate/District Collector is to award the compensation which extends to Rs.25,000/- in respect of death cases and Rs.12,500/- in respect of grievous injuries. This amount of compensation is effective from November, 1994. Copy of intimation to this effect by the Oriental Insurance Company vide its letter, dated 26.1.1995 is enclosed herewith for ready reference.

Rule 23(3) of the solatum scheme 1989 referred to above further provides that an officer of the Insurance Company nominated as such under rule 19 thereof, is to disburse the payment as awarded by the “Claims Settlement Commissioner” or the collector of the district concerned.

It is requested that the contents of this letter may kindly be brought to the notice of all the officer presiding over Motor Accident Claims Tribunal in your respective district as enquiries from certain officers qua this aspect have been received in this Authority. Further-more copy of this communication may also please be circulated to the respective Bar Association through the President/Secretary thereof for information of the Members of the Bar. Acknowledgement of receipt of this letter would be appreciated.

Yours sincerely,

(R.S. Virk)

THE ORIENTAL INS. CO. LTD.

88, Janpath, H.O., New Delhi.

Ref. : **RID(LA3S/Hut/Solatium)/CR-/dated 26.6.95.**

CIRCULAR

Re. : **Revision in compensation under
Solatium Fund Scheme Amendment**

(1994) of MV Act, 1988.

You are aware that compensation under the Solatium fund Scheme was under revision and amendment in Motor Vehicle Act-1933 to this effect, was awaited for quite some time.

Now, we have received a communication in this regard from our Head Office that the limits under the Hit and Run cases stands revised following Gazette Notification (1994) amending the Motor Vehicle Act, 1983, Section 161.

We are pleased to inform you that limits of compensation as amended w.e.f. 14th Nov. 1994, shall be as under :-

	Existing Limits	Revised Limits
For Death	Rs.8,500/-	Rs.25,000/-
For Grievous Injuries	Rs.2,000/-	Rs.12,500/-

As regards procedure/authority of settlement of claims and procedure of payments etc. shall remain unchanged.

We hope with the revised limits of compensation under this scheme, we shall be in a position to implement the schemes more effectively.

Kindly confirm having noted the above.

Manager.

From

The Financial Commissioner & Secy. to Government, Haryana,
Administration of Justice Department.

To

1. All the Commissioners, Ambala/Hisar/Rohtak and Gurgaon Divisions.
2. All the Deputy Commissioners in the State.
3. All the District Revenue Officers in the State.

Letter No.20/4/2000-4JJ(I)
Dated Chandigarh, the 5th December, 2001.

Subject:- Regarding Non-Refund of Court Fees Despite Orders Passed by Lok Adalats as per provisions of Haryana State Legal Services Authority, Rules, 1996.

I am directed to refer to the subject noted above and to say that it has been brought to the notice of the Government that under Rule 28-A of the Haryana State Legal Services Authority, 1996 as issued by the Haryana Government vide Notification of even Number dated 10.1.2001 clearly provides that in respect of cases settled through the medium of Lok Adalat, the court fee affixed at the time of institution of the suits should be refunded in the manner provided for the Court Fees Act, 1870. However the complaints are pouring in from all the districts regarding Revenue Authorities not acting upon the orders of Lok Adalats directing refund of Court Fee.

2. You are, therefore, requested to impress upon the Revenue Authorities to order refund of Court Fee as soon as orders of Lok Adalats are received.

Under Secretary Jails & Judicial,
For Financial Commissioner & Secy. to Government.
Haryana, Admn. of Justice Department.

D.O. Letter No.7304-59/MS/HSLSA
Dated 13-12-2001

To

1. All the District & Sessions Judges/
Senior Most Additional District & Sessions Judges-cum-Chairmen
2. Chief Judicial Magistrate-cum-Secretaries,
District Legal Services Authorities and
3. Additional Senior most Civil Judges-cum-Chairmen,
Sub-Divisional Legal Services Committees
in the State of Haryana.

Subject: Regarding Refund of Court Fee Despite Orders Passed by Lok Adalats as per provisions of Haryana State Legal Services Authority Rules, 1996.

Please find enclosed herewith a copy of letter No.20/4/2000-4JJ(I), dated 5.12.2001 receive from the Financial Commissioner & Secretary to Government of Haryana, Administration of Justice of Department addressed to Commissioners, Deputy Commissioners and Revenue Officers in the Haryana State regarding refund of Court Fee in respect of cases settled through the medium of Lok Adalat.

2. This is for your information necessary action.

Your sincerely,

(R.S. Virk)

Note: Also see section 16 of Court Fees Act, 1870 as inserted vide CPC (Amendment) Act, 1999 which also deals with refund of Court Fees and is reproduced at page No.138 of this Compendium.

D.O. Letter No.2384-2402/MS/HSLSA
Dated 16.4.2002

To

All the District & Sessions Judges/
Senior Most Additional District & Sessions Judges-cum-Chairmen/
District Legal Services Authorities in Haryana State.

Subject: Regarding supply of material for “Nyaya Deep” published by the National Legal Services Authority, New Delhi.

The National Legal Services Authority constituted as such under the provisions of Legal Services Authorities Act, 1987 is publishing, every quarter, an official news letter titled “Nyaya Deep”. The said magazine covers a variety of articles concerning legal aspects. Copies of the issue of ‘Nyaya Deep’ (April-June, 2001) were sent to you vide this Authority letter No.6272-90, dated 31-10-2001. A perusal of the said magazine would indicate the scope and contents of the aforesaid magazine. It is requested that the Judicial Officers posted in your Sessions Division may be asked to contribute well-drafted articles for inclusion in ‘Nyaya Deep’. Such articles should however be forwarded to ‘Haryana State Legal Services Authority’ for onward transmission to National Legal Services Authority.

Yours sincerely,

(R.S.Virk)

To

1. All the Chief Judicial Magistrate-cum-Secretaries,
District Legal Services Authorities in the State of Haryana.
2. All the Additional Senior Most Civil Judges (Senior Division)-cum-Chairman, Sub Divisional Legal Services Committees in the State of Haryana.

No.2542-2577/2002/MS/HSLSA
Dated Chandigarh, the 22.4.2002.

Subject: Lok Adalats Reports.

Vide Para No.7 of letter No.1414-1478/2001/MS/HSLSA, dated 7-3-2001, it was requested that reports qua disposal of cases of various categories of cases through the medium of Lok Adalat should be sent by fax immediately to this Authority after conclusion of the Lok Adalat proceedings so as to ensure press coverage of such Lok Adalats. You are hereby informed that on every

Saturday/holiday whenever a Lok Adalat on old pattern is held in any district/sub-division of Haryana, an official of this Authority will henceforth remain present in the office of this Authority from 10.00 A.M. to 5.30 P.M. for attending to telephone/fax No.0172-2604055 of this Authority.

2. It is again requested that reports qua disposal of cases of various categories of cases through the medium of Lok Adalat should be sent by fax on Tel./Fax No.0172-2604055 & 2605655, on the prescribed proforma, immediately to this Authority after conclusion of the Lok Adalat proceedings so that the data thus received may be transmitted, on the same date, to the Director, Public Relations Department, Haryana for coverage in the news papers for the following day.

Member Secretary,
Haryana State Legal Services Authority,
Chandigarh.

D.O. Letter No.2828-46/MS/HSLSA
Dated 24-4-2002

To

All the District & Sessions Judges-cum-Chairmen,
District Legal Services Authorities in the state of Haryana.

Subject: Deposit of costs in the District Legal Aid Fund.

I have been desired by the Hon'ble Executive Chairman Mr. Justice V.K. Bali to request you to bring to the pointed attention of all the Judicial Officers posted in your respective Sessions Division, the provisions of Section 17(1)(c) of the Legal Services Authorities Act, 1987 which reads as hereunder: -

“Section 17(1). Every District Authority shall establish a fund to be called the District Legal aid Fund and there shall be credited thereto –

- (a) ...
- (b) ...
- (c) any other amount received by the District Authority under the orders of any court or from any other source.”

2. In the light of above quoted provision, costs may, in appropriate cases, be ordered by the Judicial Officers to be deposited with the District Legal Services Authorities which are already maintaining District Legal aid Funds in accordance with the provision of Section 17 of the above quoted Act.

Yours sincerely,

(R.S.Virk)

D.O. Letter No. 5140-58/MS/HSLSA
Dated 15-7-2002

To

All the District & Sessions Judges/
Senior Most Additional District & Sessions Judges-cum-Chairmen,
District Legal Services Authorities in the State of Haryana.

Subject: **Sending the details of notable cases.**

It is requested that while sending the monthly statistical report the details of notable cases such as those which had remained pending in the court for a decade or so, or cases involving reunion of estranged husband and wife, or disputing brothers etc., or any such case which in your opinion deserves attention in view of such case(s) being settled by way of compromise through the medium of Lok Adalat should be specifically brought to the notice of this Authority for being highlighted in the press and details whereof could also be forwarded by this Authority for being published in the "Nyaya Deep" an official news letter of National Legal Services Authority for highlighting the importance of Lok Adalats.

Yours sincerely,

(R.S.Virk)

Endst. No. 5159-77(83)2002/MS/HSLSA, dated 15.7.2002.

A copy of the above is forwarded to all the Chief Judicial Magistrates-cum-Secretaries of District Legal Services Authorities in the State of Haryana for information and necessary action.

(R.S.Virk)

D.O. Letter No.5015-34/MS/HSLSA
Dated 8-7-2002

To

1. The Registrar,
Punjab and Haryana High Court, Chandigarh.
2. All the District & Sessions Judges/
Senior Most Addl. District & Sessions Judges-cum-Chairmen,
District Legal Services Authorities in the State of Haryana.

Subject: **Revised scale of 'Legal Fee' payable to the advocates empanelled with this Authority and with the District Legal Services Authorities of Haryana or Sub-Divisional Legal Services Committees of Haryana.**

With a view to attract better talent and more commitment on the part of empanelled advocates qua cases assigned to them by the State and District Legal Services Authorities/Sub-Divisional Legal Services Committees, the Hon'ble Executive Chairman after due consultation with the other members of this Authority in accordance with the procedure prescribed in the proviso to Regulation 5(10) of the Haryana State Legal Services Authority (Transaction of Business and Other Provisions) Regulations, 1998 has been pleased to revise the schedule of fee under Rule 26 of the Haryana State Legal Services Authority Rules, 1996 for different categories of cases in different courts as detailed below. This scale of 'Legal Fee' shall be effective from 1-7-2002.

(A) Counsel Fee (High Court Cases) :

	<u>Revised Rates</u>
(i) Civil Criminal Writ Petitions, RSAs and Criminal Appeals	Rs.2500/-
(ii) FAOs/RFAs	Rs.1500/-
(iii) Revision (Civil/Criminal)	Rs.1250/-
(iv) Parole Matters	Rs.1100/-
(v) Bail Applications and other Civil/Criminal cases not covered at Sr. No.(i) to (iv)	Rs.1000/-
(vi) Legal Advice	Rs.500/-

(B) Counsel Fee (Tribunal Cases at Central/State Level) :

(i) Original Jurisdiction	Rs.1500/- (Contested) Rs.750/- (Uncontested)
(ii) Appellate Jurisdiction	Rs.1300/- (Contested) Rs.650/-(Uncontested)
(iii) Legal Advice	Rs.400/-

(C) Counsel Fee (Tribunal Cases at District Level) :

(i) Original Jurisdiction	Rs.1000/- (Contested) Rs.500/- (Uncontested)
(ii) Legal Advice	Rs.300/-

(D) Counsel Fee (District and Sub-Divisions Cases) :

(i) Sessions Trials	Rs.2200/-
(ii) Magisterial Trials (Except under Sections 325/326 IPC)	Rs.850/-
(iii) Magisterial Trials (Under Sections	Rs.1100/-

325/326 IPC)

(iv)	Civil Suits	Rs.1200/- (Contested) Rs.550/- (Uncontested)
(v)	Bail Applications in Sessions Trials	Rs.750/-
(vi)	Bail Applications in Magisterial Trials	Rs.350/-
(vii)	Cases before the Revenue, Executive and other authorities	Rs.500/-
(viii)	Civil/Criminal appeals against the orders of the Judicial Courts	Rs.1100/- (Contested) Rs.750/- (Uncontested)
(ix)	Appeals against Interim Orders/Misc. applications before the District Judge	Rs.850/-
(x)	Execution Petitions	Rs.750/- (Contested) Rs. 500/- (Uncontested)
(xi)	Appeals against Orders in Bail matters before the Sessions Court	Rs.500/- (Contested)
(xii)	Appeals against Orders of Executive/Revenue/ Other Authorities	Rs.750/- (Contested) Rs.375/-(Uncontested)
(xiii)	Legal Advice	Rs.350/-

(E) Expenses at High Court, Districts and Sub-Divisions Level, as also before Tribunals, Authorities etc.

In all matters

Actual.

This clause stands revised.

2. It is specifically pointed out here that 30% of the fee shall be paid after the first appearance and filing of the petition or suit and written reply in the Court (as the case may be) and balance fee may be paid after final decision of the case, whereas expenses shall be paid, in full, alongwith 30% of the fee. In connected matters, lawyers shall be paid only half of the fee. If any case is finally disposed off at preliminary stage, only half of the prescribed fee shall be paid and if the counsel does not appear at the final stage of hearing only half of the fee shall be payable. Expenses for bail applications in Sessions Trials/Criminal Appeals at the High Court level assigned to any empanelled advocate would not be charged separately.

3. It is further intimated that if any advocate engaged by the State Authority/District Authority/Sub-Divisional Legal Services Committee leaves the practice and returns the brief after getting 30% of the fee and full expenses, the other advocate engaged in his place should be entitled to get remaining 70% of the fees.

4. Keeping in view the fact that the fee for sessions case has been considerably enhanced from Rs.750/- per case to Rs. 2200/- per case it is requested that assignment of sessions cases involving imposition of death penalty should be made to the empanelled advocates only after the personal approval of District & Sessions Judges/Senior Most Additional District & Sessions Judges-cum-Chairmen of the District Legal Services Authorities. This request is being made in the light of Rue 5(2) contained in Part C of Chapter 24 of Vol. III of the High Court Rules and Orders. It may also be added here that despite earlier letter No.6417-28(51)(90)MS/HLSA, dated 30.8.2000 the equal allocation of work to the empanelled advocates was not assured at some stations and therefore the Sessions Judges-cum-Chairmen of the District Legal Services Authorities should keep a check on the allocation of work to empanelled Advocates.

5. It is requested that the above schedule of fees may further be communicated by the respective District and Sessions Judges/Senior Most Additional District & Sessions Judges-cum-Chairmen of the District Legal Services Authorities to all the Chief Judicial Magistrates-cum-Secretaries of District Legal Services Authorities and Senior Most Civil Judges-cum-Chairmen of Sub-Divisional Legal Services Committees under their administrative control for necessary action.

(R.S.Virk)

OFFICE OF THE MEMBER SECRETARY, HARYANA STATE LEGAL SERVICES AUTHORITY, S.C.O. NO. 142-143, SECTOR 34-A, CHANDIGARH-160022.

No.4529/ (LA-II) (6)2006/MS/HLSA,
Dated, Chandigarh, the 4.4.2006

OFFICE ORDER

In exercise of powers conferred under Rule 26 of Haryana State Legal Services Authority Rules, 1996, Haryana State Legal Services Authority hereby revise the expenses payable to the advocate in cases assigned to them by the State and District Legal Services Authorities/Sub-Divisional Legal Services Committees as detailed below. The scale of legal expenses shall be effective from 1.4.2006.

LEGAL EXPENSES FOR HIGH COURT CASES:

(i)	If legal aid is given as appellant/petitioner	Rs. 800-00
(ii)	If legal aid given as respondent	Rs. 300-00
(iii)	For bail applications & revisions and other cases	Rs. 300-00

LEGAL EXPENSES FOR TRIBUNAL CASES:

(i)	If legal aid given as petitioner	Rs. 400-00
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(ii)	If legal aid is given as respondent	Rs. 300-00
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LEGAL EXPENSES FOR DISTRICTS AND SUB-DIVISIONS:

(i)	Expenses before the Civil Court in Civil Suits, rent applications and HMA petitions	Rs. 500-00
(ii)	Expenses in the Criminal cases, in Civil Cases before the executive and revenue authorities and in other uncontested applications and petition and appeals	Rs. 300-00
(iii)	Bail applications	Rs. 100-00

2. Presently this Authority is paying 30% of the fee after the first appearance and filing of the petition or suit and written reply in the Court (as the case may be) and balance fee is being paid after final decision of the case. As the matters like writ petitions, RSAs etc., takes about 10 to 15 years to decide, it is, therefore decided that 50% of the fee shall be paid after the first appearance and filing of the petition or suit and written reply in the Court (as the case may be) and balance fee shall be paid after final decision of the case, whereas expenses shall be paid, in full, alongwith 50% of the fee. In connected matters, lawyers shall be paid only half of the fee. If any case is finally disposed off at preliminary stage, only half of the prescribed fee shall be paid and if the counsel does not appear at the final stage of hearing, only half of the fee shall be payable. Fee and expenses for bail applications in Sessions Trials/Criminal Appeals at the High Court level assigned to any empanelled advocate shall not be paid separately.

3. It is further intimated that if any advocate engaged by the State Authority/District Authority/Sub-Divisional Legal Services Committee leaves the practice and returns the brief after getting 50% of the fee and full expenses, the other advocate engaged in his/her place shall be entitled to get remaining 50% of the fees.

4. It is also intimated that the schedule of legal fee already fixed by this Authority on 8.7.2002 at the High Court Level, District and Sub-ordinate Courts Level will remain same and needs no change.

Sd/-

(Shekher Dhawan)
Member Secretary,
Haryana State Legal
Services Authority.

Endst. No.4530-98 (LA-II) (6)2006/MS/HLSA, dated, Chandigarh, the 4.4.2006

A copy of the above is forwarded to the following for information and necessary action:

1. The Registrar General, Punjab and Haryana High Court, Chandigarh.
2. All the District & Sessions Judges/Additional Senior Most District & Sessions Judges-cum-Chairmen, District Legal Services Authorities in the State of Haryana.
3. All the Chief Judicial Magistrates-cum-Secretaries, District Legal Services Authorities in the State of Haryana.
4. All the Advocates by name on the panel of Haryana State Legal Services Authority.

Sd/-
(Shekher Dhawan)
Member Secretary,
Haryana State Legal
Services Authority.

From NO.12066-84/2006/MS/HSLSA,

The Member Secretary,
Haryana State Legal Services Authority,
SCO No. 142-143, Sector 34-A,
Chandigarh.

To

All the District & Sessions Judges/
Senior Most Addl. District & Sessions Judges-cum-Chairmen,
District Legal Services Authorities in the State of Haryana.

Dated, Chandigarh, the 22.11.06

Subject: Revised scale of 'Legal Fee' payable to the advocates empanelled with the District Legal Services Authorities of Haryana.

Sir/Madam,

In continuation of this Authority letter No. 5015-34/MS/HSLSA, dated 8.7.2002 and office order Endst. No. 4530-98(LA-II)(6)2006/MS/HSLSA, dated 4.4.2006 on the subject noted above. I have been desired by Hon'ble Executive Chairman of this Authority to bring to your kind notice that the counsel fee of Rs. 2200/- (Rs. Twenty two hundred only) mentioned at Sr. No. III(1) being paid to the lawyers of Sessions trials is on lower side and in those cases in which trial is very lengthy and the cases are of serious nature, the fees may be raised upto Rs. 5500/- in a particular case where you deem fit otherwise the fees will remain same i.e. Rs. 2200/- as earlier fixed by this Authority.

The other terms and conditions fixed by this Authority vide letters under reference will remain same as earlier fixed by this Authority.

Yours sincerely,
Sd/-
(Shekher Dhawan)

From

The Director General of Prisons, Haryana,
Manimajra, Chandigarh.

To

All the Superintendent of Jails (in Haryana),

No.15797-814 GI/GI &
Dated 16-5-2002.

Subject: **Regarding duty roaster of empanelled advocates of District Legal Services Authorities.**

Reference on the subjected cited above.

2. The Member Secretary, Haryana State Legal Services Authority has circulated a proforma of duty roaster for empanelled advocate to all the Chief Judicial Magistrates-cum-Secretaries, District Legal Services Authorities in the State on the subject cited as above.

3. You are directed that the empanelled advocates be provided full facilities for interviews with the prisoners and permit the advocates to use office chair and table for the purpose. It may also be ensured that the panelist advocates are permitted to go beyond second gate of the jail into the barracks portion in order to enable him/them to have direct excess to the inmates of the jails.

4. Acknowledgement of this letter may be send.

Endst. No.15815/GI/G-3, dated 16-5-2002.

A copy is forwarded to the Member Secretary, Haryana State Legal Services Authorities for information.

To

The Chief Judicial Magistrates-cum-Secretaries,
District Legal Services Authorities in the State of Haryana.

No.4135-53/2002/MS/HSLSA,
Dated, Chandigarh, the 28-5-2002.

Subject: Direct interaction between the empanelled Advocates and inmates of jails in Haryana.

Please find enclosed herewith, a Photostat copy of letter No.15797-814 GI/G-3, dated 16-5-2002 of Director General of Prisons whereby he has, in the light of this Authorities letter No.8379-97/MS/HSLSA, dated 27-12-2000, directed all the Superintendents of jails in the State of Haryana to ensure that the empanelled advocates visiting the jail have direct access with the inmates beyond the second gate of the jail into the barracks portions and that such Advocates will also be provided the facility of office Chair and table while interviewing the inmates.

2. A copy of D.G.P.'s letter referred to above be forwarded by you, at your own level, to each of the five empanelled Advocates under due acknowledgement for their own information an necessary action. The acknowledgements of the said letter be forwarded to this Authority for record.

Member Secretary
Haryana State Legal Services Authority,
Chandigarh.

D.O. Letter No.4598/MS/HSLSA
Dated 12-6-2002

To

The District & Sessions Judges-cum-
Chairmen,
District Legal Services Authorities
in the State of Haryana.

Subject: Attendance to matters of District Legal Services Authorities in the absence of the Secretary thereof.

I have been desired by the Hon'ble Executive Chairman, Mr. Justice V.K.Bali to inform you that in the absence of the Chief Judicial Magistrate from duty due to any reason, the work of the Secretary, District Legal Services Authority shall be looked after by the Additional Chief Judicial Magistrate. It is requested that the Chief Judicial Magistrate and Additional Chief Judicial Magistrate of your Sessions division may be informed accordingly.

(R.S.Virk)

To

All the Chief Judicial Magistrates-cum-Secretaries,
District Legal Services Authorities in the Haryana State.

Memo No.1382-1400/2002/MS/HSLSA

Dated, Chandigarh, the 25.2.2002.

Subject: Regarding correspondence in Hindi with the applicants.

It has been noticed by this Authority that correspondence with the applicants seeking legal assistance is being made by the District Legal Services Authorities in English though it is difficult for them to understand the said language. In any case, as per Haryana Government notification existing on the subject, correspondence has to be in Hindi.

2. It is accordingly directed that all the correspondence in future with the applicants seeking legal service be made in Hindi.

Please acknowledge the receipt of this letter.

Member Secretary
Haryana State Legal Services Authority,
Chandigarh.

To

All the District & Sessions Judges-cum-Chairmen,
District Legal Services Authorities in the State of Haryana.

Subject: Compliance with Regulation 20.

Composition of Lok Adalat at the District Level/Sub-Divisional Level contemplates participation of two or three of the following: -

- (i) A sitting or retired Judicial Officer ;
- (ii) A member of the legal profession ; and
- (iii) Any other eminent person in the field of law, medicine or a social worker.

2. The above quoted Regulation nowhere required permanent appointment of any particular individual for every Lok Adalat, for years altogether. It has been noticed that in some of the districts, certain individuals have been participating as Members of Lok-Adalat at District Level for the last several years. This practice narrows down the scheme of the Act which encourages participation of as many people as possible on different occasions. I have accordingly been asked by the Hon'ble Executive Chairman to request you that as far as possible, different persons should be asked to participate in District/Sub-Divisional Lok-Adalats on different occasions so that the participation of the people in the Lok-Adalat Benches becomes broad-based.

(R.S.Virk)

To

1. All the District & Sessions Judges/Senior Most Additional District & Sessions Judges-cum-Chairmen of District Legal Services Authorities in the State of Haryana.
2. All the Chief Judicial Magistrates-cum-Secretaries, District Legal Services Authorities in the State of Haryana.
3. All the Senior Most Additional Civil Judges-cum-Chairmen of Sub-Divisional Legal Services Committees in the State of Haryana.

Letter No.5275-5530(32)2002/MS/HSLSA
Dated 19-7-2002

Subject: Redesignated of “Permanent and Continuous Lok Adalat” of every district as “SAMJHAUTA SADAN”.

Legal Services Authorities Act, 1987 has been amended with effect from 12-6-2002 whereby Chapter VI-A has been introduced where under the “Permanent Lok Adalats” as defined in Section 22A(a) of the said Act have been ordered to be set up for specifically dealing with matters pertaining to “public utility services” defined as such in section 22A (b) thereof.

2. In the light of the said amendment, and in order to avoid confusion qua the nomenclature of the “Permanent and Continuous Lok Adalat” constituted and established in each district of the State of Haryana vide letter No.2510-21/MS/HSLSA dated 7-8-1998 of this Authority in the light of letter, dated 8-12-1997 of the Hon'ble Chief Justice of India; and “Permanent Lok Adalat” as now required to be constituted specifically for dealing with matters pertaining to public utility services, the Hon'ble Executive Chairman of this Authority has been pleased to direct that the “Permanent and Continuous Lok Adalat” as existing and headed by retired judicial officers at Ambala, Panchkula, Jagadhari, Bhiwnai and Gurgaon, and by serving judicial officers, by rotation, in the remaining districts and sub-divisions of Haryana, be all redesignated as “SAMAJHAAUTA SADAN”.

(R.S.Virk)
Member Secretary.

**OFFICE OF THE HARYANA STATE LEGAL SERVICES AUTHORITY,
SCO NO. 142-143, SECTOR 34-A, CHANDIGARH-160022.**

Office Order No.5336/MS/HSLSA
Dated, Chandigarh, the 19-7-2002

Keeping in view of the fact that the Haryana State Legal Services Authority and District Legal Services Authorities of Haryana are not included as a “vacation department” in Appendix 18 as referred to in Annexure-I, clause 2(i) (b) of Volume-1, Part-I, of Punjab Civil Service Rules as applicable to Haryana, the Hon'ble Executive Chairman of this Authority, in exercise of powers vested in him under Regulation 6(1) of the Haryana State Legal Services Authority (Transaction of Business and Other Provisions) Regulations, 1998, has directed that no Legal Aid Clerk posted in any District Legal Services Authority is entitled to avail either the “summer vacation” or the “winter break” being observed by the judicial courts and the employees attached thereto on account of their belonging to a “vacation department”.

2. Furthermore, keeping in view the fact that as against the office hours being from 9.00 A.M. to 5.00 P.M. in Haryana Government offices throughout the year whereas Legal Aid Clerks of District Legal Services Authorities are attending to duty from 10.00 A.M. to 5.00 P.M., i.e. one hour less per day during the months of

August to April and from 7.30 A.M. to 2.00 P.M., i.e. one and half hour less during the months of May, June and July every year, as compared to Haryana Government employees, it has further been decided that the said Legal Aid Clerks should remain present on duty from 10.00 A.M. to 5.00 P.M. during the months of August to April and from 7.30 A.M. to 2.00 P.M. during the months of May to July on all such days on which judicial courts are functioning.

(R.S.Virk)

Member Secretary,

Haryana State Legal Services Authority.

Endst. No.5337-93/2002/MS/HLSA, dated 19-7-2002.

A copy is forwarded for information and necessary action to: -

1. All the District & Sessions Judges/Senior Most Additional District & Sessions Judges-cum-Chairmen of District Legal Services Authorities in the State of Haryana.
2. All the Chief Judicial Magistrates-cum-Secretaries of District Legal Services Authorities in the State of Haryana.
3. All the Legal Aid Clerks (by name) of the District Legal Services Authorities in the State of Haryana with the direction that the receipt of this letter be acknowledged.

(R.S.Virk)

Member Secretary.

IN THE SUPREME COURT OF INDIA

CRIMINAL ORIGINAL JURISDICTION
WRIT PETITION (CRL.) 312 OF 1994

Supreme Court Legal Services Committee Petitioner

Versus

Union of India & Ors..... Respondents

(With W.P.(C) No.637/97 and Contempt P.(Crl.)
Nos.1-31 in Writ Petition (Crl.) No.312/94)

ORDER

Writ Petition (Crl.)312/94

In this matter, after passing numerous interim orders and after adjourning the case from time to time to enable the concerned Authorities to implement the provisions of the Legal Services Authorities Act, 1987, it is now reported that almost all the States have substantially complied with the

implementation of the Act. In view of that, no further action is necessary, except to consider the directions as prayed for in the Writ Petition, which reads as follows: -

“Issue appropriate writs, orders or directions in the nature of mandamus to each of the Respondents directing—

- (i) that they will be issuing administrative orders/instructions ensure that every prisoner/convict is provided with free copy of the judgment of the Sessions Court or the High Court in her/his case or matter within 30 days of the pronouncement of such judgment and that the Registry of the Court concerned will personally endorse such copy to the Superintendent of the Jail for forwarding the same to the petitioner;
- (ii) the Superintendent of the Jail concerned to ensure that the judgment of the Sessions Court or the High Court, as the case may be, is read out to the prisoner and explained to him in the language as understood by him.
- (iii) That the prisoner will be informed by the Superintendent of every Jail about the availability of legal aid in the High Courts and the Supreme Court and be asked whether he is desirous of exercising his constitutional right to avail of legal aid.
- (iv) That every Jail will have to provide at the cost of the State Exchequer copy of Vakalatanama, proforma Affidavit in the form as required by the respective High Courts and the Supreme Court for being signed by the prisoner immediately upon expressing his intention to avail of legal aid.
- (v) That the Superintendent of the Jail will ensure that complete papers/records of the case are sent to the Supreme Court Legal Aid Committee or the High Court Legal Aid Committee along with the signed Vakalatanama and Affidavit of the prisoner forthwith by registered post at the cost of State Exchequer and that if there is any delay in forwarding the papers, the reasons for forwarding the papers belatedly will accompany such papers.
- (vi) That where the judgment of the Sessions Court and the High Court is in a language other than English, the Superintendent of the Jail will at State’s cost arrange to have the same translated before sending the papers to the Supreme Court Legal aid Committee or the High Court Legal aid Committee, as the case may be”.

The learned counsel appearing the various States submitted that no express direction is necessary as these directions are implied in the implementation of the Legal Services Authorities Act, 1987. None the less, the counsel appearing for various States have no objection to order the above prayer for directions.

Accordingly, we allow the prayer for directions as sought in the Writ Petition. The respondents shall take immediate steps to carry out the above directions. The

reference in the prayer for direction to “Legal Aid Committee” must be taken to mean and refer to the corresponding body now functioning.

In view of the above, this petition will stand disposed of accordingly.

We place on record our tanks to all the learned counsel, who ably assisted the Court in this matter for achieving the desired results.

New Delhi,
August 18, 1998.

(K.Venkataswmi)-J
(A.P.Misra)-J

No.916-952(85)/MS/HSLSA
Dated 1-3-2000

To

1. All the Chief Judicial Magistrates-cum-Secretaries of District Legal Services Authorities of Haryana State.
2. All the Superintendents of Jails in Haryana State.

Subject: Regarding providing of copy of Vakalatnama, proforma Affidavit etc. at the cost of the Stat Exchequer to the aided persons/indigent accused.

Please find enclosed herewith a Photostat copy of the order, dated 18-8-1998 passed by the Hon'ble Supreme Court in Criminal Writ Petition No.312 of 1994 titled Supreme Court Legal Services Committee vs. Union of India & other whereby the prayer inter alia for directing the jail authorities to provide, at the cost of state exchequer, copy of the Vakalaatnama and proforma Affidavit in the form as required by the respective High Courts and the Supreme Court for being signed by the prisoner immediately upon expressing his intention to avail of legal aid was allowed. You are accordingly directed to ensure that the respective Vakalatnama and proforma Affidavits are available in jail at any time to be singed by a prisoner desiring legal aid. Complete report in this behalf be submitted to this Authority within 15 days of the receipt of this letter.

(R.S.Virk)

MODALITIES FOR FUNCTIONING OF “COUNSELING AND CONCILIATION CENTRES”

On the occasion of the 2nd annual meet of the State Legal Service Authorities, held at Hyderabad on 9th October, 1999, it was resolved that “Counselling and Conciliation Centres” should be established in all the districts of the country, as they would go a long way in providing timely and proper legal advice to litigants as

also to would-be-litigants, and motivate them all to settle their disputes amicably, especially in the filed of matrimonial and family disputes. It may be noticed here that Family Disputes are essentially of three kinds viz.,

- (i) **Matrimonial Disputes**, i.e., disputes between husband and wife.
- (ii) **Custodial Disputes**, i.e., disputes between husband and wife involving the question of custody of minor child/children.
- (iii) **Parent-Adolescent Disputes**, i.e. disputes between parent and children qua maintenance etc.

2. It was also resolved, in the aforesaid meeting that free legal service, especially in civil cases, should, so far as is possible, not be sanctioned without first exploring the possibility of amicable settlement between the parties with the intervention of Counseling and Conciliation Centres which could be run by the Authorities at the offices of District Legal Service Authorities and that such centres could be manned by social workers drawn from retired judicial/civil service officers, educated housewives and other entitled segments of the society (such as Doctors, Professors, Non-practicing Advocates as the like) as they would be in a position to mediate and suggest solutions acceptable to the rival parties.

3. A word of caution was however sounded at the aforesaid meeting to the effect that the proceedings of Counseling and Conciliation Centres must of course remain informal and that no record should be made of the statements by the parties or of the discussions until a settlement is reached where-after matter which are amicably settled should be placed before the Permanent Lok Adalat which are now empowered under the Act to record the settlements, even at the pre-litigation stage, and pass awards in terms thereof.

4. It will be worthwhile to highlight at this stage that in our traditional society, the concept of joint and extended family was the rule and deviation there from was an exception. Consequently, the head of the family commanded influences over all the family members and difference/disputes occurring amongst them were readily sorted out by the head of the family. In recent times however, the concept of joint family has undergone a drastic change and the focus has now shifted to nucleus family with the result that differences/disputes occurring amongst family members such as brothers/sisters, or even amongst couples cannot be effectively tackled by the elderly persons of the family as the concept of "head of joint family" no longer remains valid and nor is there any undue concern qua social disapproval of hitherto objectionable conduct and in this view of the matter, such family disputes are increasingly being filed in courts which however, in view of constraints of man-power and other such like factors are not able to move with the expected speed. Resultantly, "Golden Years" of the lives of litigating couples, or families are wasted in the corridors of the Courts. Experience has shown that "adjudicatory" disposal of a family dispute in the formal and technical, procedural strait Jacket is not adequately suited to take note of emotive, sensitive and personalized nature of litigation which, more often than not stunts the proper growth of children of the feuding couples which leads to their feeling insecure and sometimes their careers also get jeopardized. It is for this reason that family counselling as a co-operative problem solving process helps the disputing parties involved in family disputes to find constructive solutions to the problems which may or may not involve enforcement of legal rights of the parties.

5. In order to ensure good results, counselling should, (subject to such adjustments as the circumstances of an individual cases may warrant) be held in

camera, in a calm and cool atmosphere, so as to ensure that the feuding parties are able to place confidence in the process of counselling. In this context, it would be appropriate to bear in mind that martial disputes sometimes involve disclosure of every sensitive information/situations and it is therefore desirable that husband and the wife should, in the first instance, be interviewed separately from each other by the counsellors. Any act requiring individual action on the part of either of the litigating couples should be deliberated with him or her. After hearing the disputing couple individually, such of their relatives who may be able to throw genuine light on the authenticity or otherwise of the rival claims of the parties may be heard in the presence of the concerned parties and it is only thereafter that the feuding couple, alongwith their parents/relatives may be made to sit face to face with the counsellors, away from public glare to sort-out such issues as require joint decision. At the time of the final settlement by the counsellors, individual undertaking should be made know to each of the parties and got recorded before the Court competent to take cognizance of the matter so as to ensure that the time spent in counselling and conciliation does not go waste at any later stage of time. Counsellors should not hurry through such like disputes because these have obviously not surfaced all of a sudden but are invariably the result of a long, simmering discontent. Necessarily therefore, repeated sitting may have to be given in the matter but where such conciliation attempt is successful, the psychological reward thereof in the shape of self-satisfaction in uniting a disintegrating family is the best achievement any conciliator can hope for and thus contribute his mite in the development of a healthy society. All judicial officers and many counsellors must have come across matters which have no merit at all and deserve outright dismissal. Yet, such matters have been filed or defences raised which are no more than frivolous. Counsellors and Conciliators can play a very important role in guiding the poor, backward and weaker section of the society to avoid such litigation which has no merit, and in this manner spirit of goodwill and mutual trust can be fostered by motivating them to settle their disputes through negotiation and mediation which process should invariably be actively encouraged in all types of cases except those of serious nature in which conciliation would be against public policy, for example, cases involving murder, rape, dacoity and attempts of the above referred categories of offences.

(R.S.Virk)

Letter No. 5155-5209(23)MS/HLSA,
dated 30-8-2001

To

1. The District & Sessions Judges/Senior Most Additional District & Sessions Judges-cum-Chairmen of the District Legal Services Authorities in the State of Haryana.
2. All the Chief Judicial Magistrate-cum-Secretaries Of the District Legal Services Authorities in the State of Haryana.
3. All the Senior Most Addl. Civil Judges-cum-Chairmen of Sub-Divisional Legal Services Committee in the State of Haryana.

Subject: Organisation of regular legal literacy camps in remote rural areas at least once a month on Sundays or holidays.

Hon'ble Mr. Justice V.K. Bali, Executive Chairman of Haryana State Legal Services Authority has desired me to request you to regularly organize legal literacy camps, in remote rural areas, and urban slums to apprise the people about the legal aid schemes and create mass awareness about their basic legal rights wherein retired judicial/executive officers, lawyers, law teachers and social workers may be involved. It has further been directed that these camps be held at least once a month, without fail, on Sundays or holidays by addressing groups of people, such as women, students, poor/backward and weaker sections of the society on the topics annexed hereto and such other topics as you may deem proper and pamphlets/folders containing eligibility criteria for grant of legal services as well as broad outlines of legal service facilities and programmes may also be distributed. It has been decided that a fixed amount of Rs. 100/- (rupees one hundred only) as allowance be paid in respect of journeys to be performed in connection with Legal Literacy and Awareness Camps by retired judicial/executive officers, lawyers, law teachers, social workers, besides conveyance allowance/traveling allowance out of the District Legal Aid Fund. The team deputed for any particular day should not however exceed five out of whom at least two should be out of the category of persons specified above whereas the remaining three could be students. Monthly report of the Legal Literacy Camps held by you, be forwarded to this Authority regularly before the 7th of next month so that the same may be placed before the Hon'ble Executive Chairman.

Encl. List of topics to be addressed
in legal Literacy and Awareness Camps.

(R.S. Virk)

Topics to be addressed in Legal Literacy & Awareness Camps

1. Rights of women under the following Acts and Topics:
 - (i) Hindu Marriage Act, Christian Marriage Act, Muslim Women's Protection Act & Special Marriage Act.
 - (ii) Child Marriage Restraint Act, 1929
 - (iii) Family Court Act, 1994
 - (iv) Guardian and Wards Act, 1890
 - (v) Hindu Minority and Guardianship Act.
 - (vi) Maternity Benefit Act.
 - (vii) Medical Termination of Pregnancy Act.
 - (viii) Dowry Prohibition Act, dowry Death (Amendments of IPC, Cr. P.C., Evidence Act in this regard)
 - (ix) Outraging modesty, obscenity, Prevention of Immoral Traffic in women.
 - (x) Section 125 Cr. P.C.
 - (xi) Harassment of working women.
2. Rights of Scheduled Caste and Scheduled Tribes/Backward Classes under the various Acts such as Prevention of Atrocities on Scheduled Castes and Scheduled Tribes Act, 1989 etc.
3. Labour Laws, Factories Act, Industrial Disputes Acts etc.
4. Rights of arrested persons.

5. Civil Rights under various Acts, including Disputes Act etc.
6. Procedure for claiming compensation under Motor Vehicles Act, Workmen's compensation Act, and compensation from Railway Accident Claims Tribunals as also in respect of Land Acquisition Cases.
7. Bonded Labour (Abolition) Act, 1976.
8. Lok Adalats and free legal services under Legal Services Authorities Act, 1987.
9. Entitlements conferred on special groups by Government under various orders and legislations.
10. Haryana Panchayati Raj Act, 1994.
11. Food Adulteration Act, 1954.

From

The Member Secretary,
Haryana State Legal Services Authority,
SCO No. 142-143, Sector 34-A,
Chandigarh.

To

1. All the Chief Judicial Magistrates-cum-Secretaries,
District Legal Services Authorities in the State of Haryana,
2. All the Additional Senior Most Civil Judges-cum-Chairmen,
Sub-Divisional Legal services Committees
In the State of Haryana.

No.3846-3881/2002/MS/HSLSA
Dated, Chandigarh, the 20.5.2002

Subject: Organization of regular legal literacy camps in remote rural areas at least once a month on Sundays or holidays.

In continuation of letter No. 5155-5209(23)MS/HSLSA, dated 30.8.2001 of this Authority, it is intimated that Hon'ble Executive Chairman of this Authority has ordered that retired judicial/executive officers, law teachers, social workers attending legal literacy campaigns, besides being paid Rs. 100/- per day as daily allowance be also paid traveling allowance as are applicable to class-I Officers of the Haryana Government(as amended from time to time) whereas actual bus fare be paid to the team of law students(not exceeding three) who visit the Legal Literacy and Awareness Camps.

Sd/-

Member Secretary,
Haryana State Legal
Services Authority,
Chandigarh

No. 3508-26/2005/MS/HSLSA

From

The Member Secretary,
Haryana State Legal Services Authority,
SCO No. 142-143, Sector 34-A,
Chandigarh.

To

All the District & Sessions Judges/
Additional District & Sessions Judges(I)-cum-Chairmen,
District Legal Services Authorities
in the State of Haryana,

Dated, Chandigarh, the 25.5.2002

Subject: Organization of regular legal literacy camps in remote rural areas at least once a week on Sundays or holidays.

Sir,

Vide letter No.5155-5209(23)MS/HSLSA dated 30.8.2001 this Authority requested to hold Legal Literacy/Legal Awareness Camps/ Seminars at least once a month without fail, but most of the districts/sub-divisions were holding only one camp in a month, therefore, this Authority vide letter dated 17.5.2005 again requested to hold at least one Camp in a week.

A list of the topics to be addressed in the Legal Literacy/Legal Awareness Camps/Seminars was also sent along with letter dated 30.8.2001. In addition to the said topics sent to you along with letter dated 30.8.2001, you may also take the topic on HIV-AIDS.

This Authority vide letter no. 5664-5712 dated 28.7.2004 requested you to direct the chief judicial Magistrate-cum-Secretary/Addl. Civil Judge(Sr.Div.)-cum Chairman of your District/Sub-Division to fix the quarterly roaster in future one month advance and to send the same to this Authority regularly but the said roaster has not been received from most of the districts and sub-divisions.

In view of the above, you are requested to hold weekly legal literacy/legal awareness camps/seminars in future on Sundays or holidays in remote rural and urban slums to apprise the people about legal Aid Schemes and create mass awareness about their basic legal rights and prepare a quarterly roaster regularly of proposed programme and sent the same to this Authority in the following prescribed Performa:-

Sr.No.	Date	Topic	Place	Name of Speakers/ Resource Persons

You are requested to direct the Chief Judicial Magistrate-cum-Secretary/Addl. Civil Judge (Sr.Div.)-cum-Chairman of your district/sub-division to prepare a quarterly roaster for the month of June, July and August 2005 and send the report to this authority in the prescribed Performa immediately.

Yours sincerely,
Sd/-
(Shekhar Dhawan)

No. 4283-4340/23(LA-II)2007/MS/HSLSA

From

The Member Secretary,
Haryana State Legal Services Authority,
SCO No. 142-143, Sector 34-A,
Chandigarh.

To

1. All the District & Sessions Judges-cum-Chairmen,
District Legal Services Authorities
in the State of Haryana.
2. All the Chief Judicial Magistrates-cum-Secretaries,
District Legal Services Authorities
In the State of Haryana.
3. All the Senior Most additional Civil Judges-cum-chairmen,
Sub-Divisional Legal services Committees
In the State of Haryana.

Dated, Chandigarh, the 14.5.2007

Subject: Organization of regular legal literacy camps in remote rural areas at least once a week on Sundays or holidays.

Reference: Letter No. 5155-5209(23)MS/HSLSA, dated 30.8.2001 and letter No. 3846-3881/2002/MS/HSLSA, dated 20.5.2002 issued by this Authority.

Sir/Madam,

Hon'ble Mr. Justice Adarsh Kumar Goel, Judge, Punjab and Haryana High Court and Executive Chairman of this Authority has revised the daily allowance of Rs. 100/- payable to the retired judicial/executive officers, Advocates, law teachers, social workers to Rs. 200/- per day besides the actual conveyance charges incurred by them so that they may take more interests for holding the Legal Literacy/Legal Awareness Camps/Seminars in the remote rural and urban slums areas in the State of

Haryana and the target of Legal Literacy Mission 2005-2010 may be achieved in the State of Haryana.

Please bring the facts in the notice of all concerned.

Sd/-

Member Secretary,
Haryana State Legal
Services Authority,
Chandigarh.

No. 10132-50 (LA-I)2006/MS/HSLSA

From

The Member Secretary,
Haryana State Legal Services Authority,
SCO No. 142-143, Sector 34-A,
Chandigarh.

To

All the Chief Judicial Magistrates-cum-Secretaries,
District Legal Services Authorities
In the State of Haryana.

Dated, Chandigarh, the 5.10.2006

Subject: Appointment as Counsellor-cum-Conciliator of the Counselling and Conciliation Centre.

Sir,

As you are aware that Counselling and Conciliation Centres have been established by appointing Counsellors-cum-Conciliators in all the districts of Haryana.

The policy has been reviewed by the Hon'ble Mr. Justice Adarsh Kumar Goel, Judge, Punjab and Haryana High Court and Executive Chairman of this Authority and it has been decided that District Legal Services Authority shall appoint Counsellors-cum-Conciliators at its own level in future subject to seeking approval of the State Authority.

It may also be mentioned that the Counsellors-cum-Conciliators who are already working in your district and their tenure has not been expired as yet, you may consider whether their services may be continued till the period of their expiry and if you are not satisfied with their work and conduct, you may terminate the services of present Counsellors and appoint some new Counsellor in consultation with the Chairman of your District Authority and send the same to this Authority for approval.

Sd/-

Member Secretary,
Haryana State Legal
Services Authority,
Chandigarh

No. 5966-84/2006/MS/HLSA

From

The Member Secretary,
Haryana State Legal Services Authority,
SCO No. 142-143, Sector 34-A,
Chandigarh.

To

All the District & Sessions Judges-cum-Chairmen,
District Legal Services Authorities
in the State of Haryana.

Dated, Chandigarh, the 23-5-2006

Subject: Fresh Empanelment as Counsel on the panel of Legal Aid.

Sir,

During the visit of his Lordship at Karnal Jail on 2-10-2006, some of the undertrial prisoners as well as convicts bring it to the notice of his Lordship that the Advocates who have been directed to visit the jail are not visiting the jail regularly.

In view of the above, Hon'ble Mr. Justice Adarsh Kumar Goel, Judge, Punjab and Haryana High Court and Executive Chairman of this Authority has desired me to request you that all the Advocates of your district be removed and fresh panel be prepared by appointing competent Advocates having a practice of not less than 5 years on the criminal side. The appointment should be made purely on merit basis. It is also requested that while preparing the panel of Advocates, the following points be kept in mind:

1. The panel of advocates in each district should be 15 and there should be two lady advocates where ever possible.
2. There should be panel of 6 advocates in the Sub-Division and preferably there should be one lady advocate if possible.
3. Existing panel of advocates be reviewed so as to ensure that the same advocates not remain on the panel forever and some new advocates are given chance to do the work of legal assistance. This is the requirement of the law as envisaged under Rule 24(2) of the Haryana State Legal Services Authority Rules, 1996.

4. The payment should be made to 5 advocates at the district level and two advocates of sub-division level per month. The duty for remand hours should be assigned in such a way that all the empanelled advocates are given remuneration equally on quarterly basis and at the same time they remain on the panel of Legal Services Authority. The remaining instructions already issued vide letter No. 3761-79 and 5966-5984 dated 16.5.2002 and 23.5.2006 to remain operative.

In the light of the forgoing instructions, new panel may be prepared and sent to this Authority.

Yours sincerely,

(Shekher Dhawan)

From No. 10880-98 (LA-I)2006/MS/HSLSA,
The Member Secretary,
Haryana State Legal Services Authority,
SCO No. 142-143, Sector 34-A,
Chandigarh.

To All the District & Sessions Judges-cum-Chairmen,
District Legal Services Authorities
in the State of Haryana.

Dated, Chandigarh, the 19.10.2006

Subject: Holding of Scheduled Lok Adalat/Rural Lok Adalat.

Reference: This Authority letter No. 3610-73 dated 28-2-2006 and letter No. 6572-6605 dated 8-6-2006.

Sir/Madam,

Previously a schedule was being prepared by this Authority for holding Lok Adalat on old pattern i.e. once in a period of two months and the said schedule was being sent to all the District Legal Services Authorities vide letter under reference.

The matter regarding fixing the dates for holding of Scheduled Lok Adalats as well as Rural Lok Adalats was discussed in the regional meetings held with Chairmen and Secretaries of District Legal Services Authorities at Gurgaon on 3-9-2006, at Ambala on 8-9-2006 and at Hissar and Rohtak on 4-10-2006 and it was decided that the dates of Scheduled Lok Adalats as well as Rural Lok Adalats be fixed by respective District Legal Services Authority with the approval of Chairman, District Legal Services Authority.

In view of the above decision, the matter was placed before the Hon'ble Executive Chairman and the Hon'ble Executive Chairman has desired me to convey you that the frequency of holding Rural Lok Adalats once in a period of two months shall not be a rigid condition and its frequency can be changed by District Legal Services Authority keeping in view the utility and local requirements. The dates for scheduled Lok Adalats be also fixed by District Legal Services Authorities with the approval of Chairman, District Legal Services Authority.

Sd/-
Member Secretary,
Haryana State Legal
Services Authority,
Chandigarh

Endst. No. 10899-10917/MS/HLSA, dated 19.10.08

A copy is forwarded to all the Chief Judicial Magistrates-cum-Secretaries, District Legal Services Authorities in the State of Haryana for information and necessary action.

Sd/-
Member Secretary,
Haryana State Legal
Services Authority,
Chandigarh.

OFFICE OF THE MEMBER SECRETARY, HARYANA STATE LEGAL SERVICES AUTHORITY, SCO NO. 142-143, FIRST FLOOR, SECTOR 34-A, CHANDIGARH.

Office order No. 13743/2008/MS/HSLSA
Dated, Chandigarh, the 22.8.2008

ORDER

In exercise of the powers conferred under Regulation 11(1) of the Haryana Legal Services Authority (Transaction of Business and Other Provisions) Regulations, 1998 the Hon'ble Executive Chairman of this Authority has been pleased to revise the rates of honorarium payable to the Secretary, District Legal Services Authority appointed under sub section 3 of Section 9 of the Legal Services Authorities Act, 1987 from Rs.500/- to Rs.1500/- per month with effect from 1.9.2008.

Sd/-

(Arun Kumar Tyagi)
Member Secretary,
Haryana State Legal
Services Authority.

Endst. No.13744-13783(5)/2008/MS/HSLSA dated, Chandigarh, the

A copy of the above is forwarded to the following for information and necessary action:-

1. All the District & Sessions Judges/Additional District & Sessions Judge(I)-cum-Chairmen, District Legal Services Authorities in the State of Haryana.
- 2.. All the Chief Judicial Magistrates-cum-Secretaries, District Legal Services Authorities in the State of Haryana.
3. The Superintendent, Haryana State Legal Services Authority, Chandigarh.
4. The Accounts Assistant, Haryana State Legal services Authority, Chandigarh.

Sd/-

(Arun Kumar Tyagi)
Member Secretary.
Haryana State Legal
Services Authority.

From

The Member Secretary,
Haryana State Legal Services Authority,
SCO No. 142-143, Sector 34-A,
Chandigarh.

To

Sh./Smt. _____,
Counsellor and Conciliator,
Counselling and Conciliation Centre,
_____.

Memo No. _____ /MS/HSLSA,
Dated, Chandigarh, the

Subject: Honorarium to the Counsellor and Conciliator.

Hon'ble Mr Justice V.K. Bali, Executive Chairman, of Haryana State Legal Services Authority has fixed honorarium @ Rs. 50/- (Rupees fifty only) per decided case but subject to a maximum of Rs. 1,500/- (Rupees one thousand five hundred only) per month which will be payable w.e.f. 1-11-2004 to you as Counsellor-cum-Conciliator of the Counselling and Conciliation Centre,
_____.

You are requested to submit your claim to the Chief Judicial Magistrate-cum-Secretary, District Legal Services Authority, _____ for payment.

-Sd-

Member Secretary,
Haryana State Legal
Services Authority,
Chandigarh.

Endst No. _____/2004/MS/HSLSA, dated, Chandigarh, the

A copy is forwarded to the Chief Judicial Magistrate-cum-Secretary, District Legal Services Authority, _____ to make the payment of honorarium to the Counsellors out of the District Legal Aid Fund.

-Sd-

Member Secretary,
Haryana State Legal
Services Authority,
Chandigarh.

From

The Member Secretary,
Haryana State Legal Services Authority,
SCO No. 142-143, Sector 34-A,
Chandigarh.

To

1. All the Chief Judicial Magistrates-cum-Secretaries
District Legal Services Authorities
in the State of Haryana.
2. All the Additional Civil Judges (Senior Division)/
Senior Most Civil Judge (Junior Division)-cum-Chairmen,
Sub-Divisional Legal Services Committees
in the State of Haryana

No. _____/2008/MS/HSLSA,
Dated, Chandigarh, the

Subject: Legal Aid Cell in jails, Observation Homes and Nari Niketan.

Reference: This Authority letter No. 1362-77(LA-I)2007/MS/HSLSA dated 1.2.2007 addressed to all the Chief Judicial Magistrates-cum-Secretaries, District Legal Services Authorities in the State of Haryana except Fatehabad, Jhajjar and Panchkula.

I have been desired by Hon'ble Mr. Justice Adarsh Kumar Goel, Judge, Punjab and Haryana High Court and Executive Chairman of this Authority to request you to depute Legal Aid Counsel to visit respective Central or District Jails and Sub-Jails in the State of Haryana, as the case may be, twice a week and out station jails, Observation Homes and Nari Niketan in the State of Haryana, as the case may be, once a week and honorarium may be paid to such Legal Aid Counsel visiting Central/District Jails, Sub-Jails, Observation Homes and Nari Niketan in the State of Haryana from the District/Sub-Division of location thereof at the rate of Rs.250/- (inclusive of conveyance charges) per visit and in view of distant location of Central Jail, Ambala, Central Jail and Borstal Institute and Juvenile Jail, Hissar, District Jail Gurgaon at Bhondsi and District Jail, Rohtak from respective District Faridabad, Fatehabad, Gurgaon, Jhajjar and Panchkula and of Central or District Jail from respective Sub-Division in the respective District, honorarium may be paid to Legal Aid Counsel visiting the same from these Districts and respective Sub-Divisions in the respective Districts at the rate of Rs.500/- (inclusive of conveyance charges) per visit.

In this regard, you are also informed that the above noted instructions shall take effect from 1.10.2008 and the remaining instructions already issued vide letter No. 3761-79 dated 16.5.2002 and letter No. 5966-84 dated 23.5.2006 shall remain operative to the extent that the same are not inconsistent with these instructions.

Sd/-
Member Secretary,
Haryana State Legal
Services Authority,
Chandigarh.

Endst. No. _____/2008/MS/HLSA, dated, Chandigarh, the

A copy of the above is forwarded to all the District & Sessions Judges/Addl. District & Sessions Judge(I)-cum-Chairmen, District Legal Services Authorities in the State of Haryana for information and necessary action.

Sd/-
Member Secretary,
Haryana State Legal
Services Authority,
Chandigarh.

From

The Member Secretary,
Haryana State Legal Services Authority,
SCO No. 142-143, Sector 34-A,
Chandigarh.

To

All the District & Sessions Judges-cum-Chairmen,
District Legal Services Authorities
In state of Haryana.

No. 6049-67/2006/MS/HSLSA,
Dated, Chandigarh, the 24-5-2006

Subject: Honorarium/Sitting fee for attending the Lok Adalats on Sundays and holidays.

Sir/Madam,

Haryana State Legal Services Authority has decided to pay honorarium/sitting fee to Hon'ble High Court Judges (Retd.) and Judicial Officers for attending the Rural Lok Adalats/Lok Adalats on Sundays or holidays at the following rates :-

1. Hon'ble High Court Judges (Retd.) Rs. 1,500/- per sitting
2. District & Sessions Judges/ Addl. District & Sessions Judges Rs. 1,000/- per sitting
3. Civil Judges (SD), CJM and Civil Judges Rs. 750/- per sitting

The said orders shall come into force with immediate effect. The said orders may kindly be brought into the notice of judicial officers posted at your Sessions Division.

It is also brought to your notice that the number of Benches for such Rural Lok Adalats/Lok Adalats shall be constituted by District Legal Services Authority with the approval of State Legal Services Authority. The payment on account of honorarium/sitting fee shall be drawn from District Legal Aid Fund.

Yours sincerely,
Sd-
(Shekher Dhawan)

Endst. No. 6067-A & B/2006/MS/HSLSA, dated 24-5-2006

A copy is forwarded to the Secretary to Hon'ble the Chief Justice, Punjab and Haryana High Court, Chandigarh for information .

A copy is forwarded to the Registrar, Punjab and Haryana High Court, Chandigarh for information.

-Sd-
(Shekher Dhawan)

From

The Member Secretary,
Haryana State Legal Services Authority,
SCO No. 142-143, Sector 34-A,
Chandigarh.

To

All the District & Sessions Judges-cum-Chairmen,
District Legal Services Authorities,
in the State of Haryana.

No.9037-55/2006/MS/HSLSA,
Dated, Chandigarh, the 29-8-2006

**Subject: Honorarium/Sitting fee for attending the Rural Lok Adalat
Sundays and Holidays.**

Sir/Madam,

In continuation of this Authority letter No. 6049-67 dated 24-5-2006, the Haryana State Legal Services Authority has decided to pay honorarium/sitting fee to the Class 3 and 4 employees for attending the Rural Lok Adalats/Lok Adalats on Sundays or holidays at the rate of Rs.125/- and Rs.100/- per day respectively. The said orders shall come into force with immediate effect.

The payment on account of honorarium/sitting fee shall be drawn from District Legal Aid Fund.

Yours sincerely,

-Sd-
(Shekher Dhawan)

Endst. No. 9056-74/2006/MS/HSLSA, dated 29-8-2006

A copy is forwarded to all the Chief Judicial Magistrates-cum-Secretaries, District Legal Services Authorities of Haryana.

Sd-
(Shekher Dhawan)

From

The Member Secretary,
Haryana State Legal Services Authority,
SCO No. 142-143, Sector 34-A,
Chandigarh.

To

1. All the District & Sessions Judges-cum-Chairmen,
District Legal Services Authorities
in the State of Haryana.
2. The Additional District & Sessions Judges(I)-cum-Chairmen,
District Legal Services Authority,
Jhajjar and Panipat.

Memo No.10993-11011/2007/MS/HSLSA
Dated, Chandigarh, the 23.11.2007.

Subject: Sending of Schedules for the quarter 1st January, 2008 to 31st March, 2008 to Haryana State Legal Services Authority.

Sir/Madam,

As your goodself are already aware as per instructions/letters issued by this Authority, District Legal Services Authorities/Sub-Divisional Legal Services Committees have to send the following schedules pertaining to the District/Sub-Division as the case may be to Haryana State Legal Services Authority:

1. Schedule of sitting and timing of Legal Aid Clinics in Courts and elsewhere.
2. Schedule of Legal Literacy Camps in Rural Areas and Urban Slums.
3. Schedule of Legal Aid Counsel Scheme for Remand hours.
4. Schedule of Legal Aid Panel Advocates visits to jails.
5. Schedule of Lok Adalats (Old Pattern).
6. Schedule of sittings of Rural/Camp Lok Adalats.
7. Schedule of sittings of Permanent Lok Adalats(Samjhauta Sadan).
8. Schedule of sittings of Permanent Lok Adalats (Public Utility Services).
9. Schedule of sittings of Counsellors and Conciliators.

You are requested to direct the Chief Judicial Magistrate-cum-Secretary of your District Legal Services Authority/Additional Civil Judge (Senior Division)/Senior Most Civil Judge(Junior Division)-cum-Chairman of your Sub-Divisional Legal Services Committees as the case may be to send the requisite schedules for the period from 1st July, 2008 to 30th September, 2008 to this Authority latest by 31.5.2008 so that the schedules in consolidated forms may be put up before Hon'ble Mr. Justice Vijender Jain, Chief Justice, Punjab and Haryana High Court and Patron-in-Chief and Hon'ble Mr. Justice Adarsh Kumar Goel, Judge, Punjab and Haryana High Court and Executive Chairman of Haryana State Legal Services Authority for kind perusal and requisite approval and can be communicated to all concerned.

Yours sincerely,
Sd/-
(Arun Kumar Tyagi)

1

Quarterly schedule of sittings and timings of Legal Aid Clinics in Courts and elsewhere for the period from _____ to _____ of District Legal Services Authority _____/Sub-Divisional Legal Services Committee _____.

Sr. No.	Date	Place where Legal Aid Clinic has been set up	Names of the Legal Aid Panel Advocates/ Resource Persons	Timings

2

Quarterly schedule of Legal Literacy Camps in Rural Areas and Urban Slums for the period from _____ to _____ of District Legal Services Authority _____/Sub-Divisional Legal Services Committee _____.

Sr. No.	Date	Place	Names of the Legal Aid Panel Advocates/Resource Person	Topics

3

Quarterly schedule of Legal Aid Counsel Scheme for Remand Hours for the period from _____ to _____ of District Legal Services Authority _____/Sub-Divisional Legal Services Committee _____.

Sr. No.	Name of the Court	Period	Name of Legal Aid Panel Advocate

4

Quarterly schedule of Legal Aid Panel Advocates visits to jails for the period from _____ to _____ of District Legal Services Authority _____/Sub-Divisional Legal Services Committee _____.

Sr. No.	Particulars of Jails to be visited	Name of the Legal Aid Panel Advocates	Date and time of jail visits.

5

Quarterly Schedule of Lok Adalats (Old Pattern) for the period from _____ to _____ of District Legal Services Authority _____/Sub-Divisional Legal Services Committee _____.

Sr. No.	District	Date(s) of Lok Adalat	No. of benches	Name(s) of Presiding Judge(s)/Members

6

Quarterly Schedule of sittings of Rural/Camp Lok Adalats for the period from _____ to _____ of District Legal Services Authority _____/Sub-Divisional Legal Services Committee _____.

Sr. No.	District	Dates of Rural Lok Adalats	Venue	Names of villages of which cases are to be taken up	No. of benches	Name(s) of Presiding Judge(s)/Members

Quarterly schedule of sittings of Permanent Lok Adalat (Samjhauta Sadan), _____ for the period from _____ to _____ of District Legal Services Authority _____.

1. Name of the Presiding Judge Sh. _____
2. Names of the Members Sh. _____
Sh. _____

Sr. No.	Date	Time of sitting

Quarterly schedule of sittings of Permanent Lok Adalat for (Public Utility Services) at _____ for the period from _____ to _____ of District Legal Services Authority _____.

1. Name of the Chairman Sh. _____
2. Names of the Members Sh. _____
Sh. _____

Sr. No.	Date	Time of sitting

Quarterly schedule of sittings of Counsellor-cum-Conciliator of Counseling and Conciliation Centre, _____ for the period from _____ to _____ of District Legal Services Authority _____.

Sr. No.	Names of the Counsellor(s)-cum-Conciliator(s)	Place	Date and time of sitting

OFFICE OF THE MEMBER SECRETARY, HARYANA STATE LEGAL SERVICES AUTHORITY, SCO NO. 142-143, FIRST FLOOR, SECTOR 34-A, CHANDIGARH.

Office order No. 13784(5)MS/HLSA
Dated, Chandigarh, the 22.8.2008

ORDER

In exercise of the powers conferred under Sub-Regulations (4) and (5) of Regulation 27 of the Haryana Legal Services Authority (Transaction of Business and Other Provisions) Regulations, 1998 the Hon'ble Executive Chairman of this Authority has been pleased to revise the rates of honorarium payable to the Presiding Judge and Members of the Permanent and Continuous Lok Adalat (Samjhauta Sadan) at the District and Sub-Divisional Level in the State of Haryana as below :-

Presiding Judge of Permanent and Continuous Lok Adalat (Samjhauta Sadan)	Rs.5,000/- per month which shall remain valid upto 20 decided cases (excluding summary cases) and exceeding 20 cases, he shall be entitled for an additional sum of Rs.45/- per decided case.
Member of Permanent and Continuous Lok Adalat (Samjhauta Sadan)	Rs.3,000/- per month which shall remain valid upto 20 decided cases (excluding summary cases) and exceeding 20 cases, he shall be entitled for an additional sum of Rs.30/- per decided case.

However, the conveyance allowance payable to the Presiding Judge and Members of the Permanent and Continuous Lok Adalat (Samjhauta Sadan) shall remain the same. No payment shall be made for deciding summary cases.

The above revised rate of honorarium will be effective from 1-9-2008.

Sd/-
(Arun Kumar Tyagi)
Member Secretary,
Haryana State Legal
Services Authority.

Endst. No.13785-13819(5)/2008/MS/HLSA dated, Chandigarh, the 22.8.2008

A copy of the above is forwarded to the following for information and necessary action:-

1. The District & Sessions Judges-cum-Chairmen, Ambala, Faridabad, Fatehabad, Gurgaon, Hissar, Karnal, Panchkula, Rewari and Rohtak.
2. The Chief Judicial Magistrates-cum-Secretaries, District Legal Services Authorities, Ambala, Faridabad, Fatehabad, Gurgaon, Hissar, Karnal, Panchkula, Rewari and Rohtak.

3. The Presiding Judges (By Name) of Permanent and Continuous Lok Adalat (Samjhauta Sadan), District Court Complex, Ambala, Faridabad, Gurgaon, Hissar, Karnal, Panchkula, Rewari and Rohtak.
4. The Members, Permanent and Continuous Lok Adalat (Samjhauta Sadan), District Courts Complex, Ambala, Faridabad, Fatehabad, Gurgaon, Hissar, Karnal, Panchkula, Rewari and Rohtak.
5. The Superintendent, Haryana State Legal Services Authority, Chandigarh.
6. The Accounts Assistant, Haryana State Legal services Authority, Chandigarh.

Sd/-
(Arun Kumar Tyagi)
Member Secretary,
Haryana State Legal
Services Authority.

No. 13385-88/LA-I/2008/MS/HSLSA

From

The Member Secretary,
Haryana State Legal Services Authority,
SCO No. 142-143, Sector 34-A,
Chandigarh.

To

The District & Sessions Judges-cum-Chairmen,
District Legal Services Authorities,
Ambala, Gurgaon, Hissar and Rohtak.

Dated, Chandigarh, the 22.9.2008.

Subject: Schedule of the sittings of Permanent Lok Adalat for Public Utility Services.

Sir,

Please refer to the schedule of the sittings of Permanent Lok Adalat for Public Utility Services for the quarter 1st October, 2008 to 31st December, 2008 sent to this Authority.

In this regard I have been desired by Hon'ble Mr. Justice Adarsh Kumar Goel, Judge, Punjab and Haryana High Court and Executive Chairman, Haryana State Legal Services Authority to convey to you that the working hours of the Permanent Lok Adalat for Public Utility Services may be fixed from 10 AM to 5 PM from 1st August to 30th April and 7.30 AM to 2 PM from 1st May to 31st July on all the

working days notified by Hon'ble Punjab and Haryana High Court at Chandigarh and all concerned may be informed accordingly.

Yours sincerely,

Sd-

(Arun Kumar Tyagi)

Endst. No. 13389-96/LA-I/2008/MS/HLSA, Chandigarh, dated the 22.9.2008.

A Copy of the same is forwarded to the following for information and necessary action:

1. The Chief Judicial Magistrates-cum-Secretaries, District Legal Services Authorities, Ambala, Gurgaon, Hissar and Rohtak.
2. The Chairmen, Permanent Lok Adalat for Public Utility Services at Ambala, Gurgaon, Hissar and Rohtak.

Sd/-

(Arun Kumar Tyagi)