



കേരള സർക്കാർ
Government of Kerala
2017



Regn. No. KERBIL/2012/45073
dated 5-9-2012 with RNI

Reg. No. KL/TV(N)/634/2015-17

കേരള ഗസറ്റ് KERALA GAZETTE

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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PART IV

Private Advertisements and Miscellaneous Notifications

KERALA STATE LEGAL SERVICES AUTHORITY

NOTIFICATION

No. 373/D/17/KELSA.

6th March 2017.

In exercise of powers conferred by Section 29 A of the Legal Services Authorities Act, 1987 (Central Act 39 of 1987) the Kerala State Legal Services Authority hereby makes the following Regulations to amend the schedule with reference to Regulation 41(3) and Regulation 41 (8) of the Kerala State Legal Services Authorities Regulations, 1998 issued as per Notification No.300/D/14/KELSA dated 25-3-2014 published in Kerala Gazette No. 22 dated 3-6-2014 and as per Kerala State Legal Services Authority (Amendment) Regulations 2006, 2011 and 2014.

REGULATIONS

1. *Short title and commencement.*—(i) These Regulations may be called Kerala State Legal Services Authority (Amendment) Regulations 2017.

(ii) They shall come into force w.e.f. 16-2-2017, the date on which the State Authority resolved to make the amendment.

2. *Amendment of schedule as per Regulation 41(3).*—The existing schedule of fees payable to the legal practitioners on the panel as shown in the amended Regulations 2014 shall be deleted and in its place the following schedule shall be inserted.

SCHEDULE
THE REMUNERATION PAYABLE TO LEGAL PRACTITIONERS

[See Regulation 41 (3)]
SUBORDINATE COURTS

A. Civil

1. Original SUITS

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

- (a) on the first sum of ₹ 5,000 at 10%
- (b) on the next sum of ₹ 5,000 at 8%
- (c) on the next sum of ₹ 40,000 at 5%
- (d) on the sum above ₹ 50,000 upto 1,00,000 at 3%

Above ₹ 1,00,000 2%, above ₹ 5,00,000 1%, subject to a minimum of ₹ 2,500 and maximum of ₹ 12,000. In cases where fixed Court fee is paid, the minimum fee shall be ₹ 4,000.

2. Execution Petition

In execution cases, the advocate's fee shall be calculated at the rate of 50% of the fee calculated, at the rates specified in original Suits as above, subject to a minimum of ₹ 1,250.

3. Regular Appeals

In regular appeal, the advocate's fee shall be paid at the rate specified for original suits above, subject to a minimum of ₹ 3,000 and maximum ₹ 12,000. In case where fixed Court fee is paid the minimum shall be ₹ 4,000.

4. Execution Appeal

In execution appeal, the fee shall be paid at the rate of 50% of the fee specified, for regular appeals, subject to a minimum of ₹ 1,500.

5. Other Proceedings

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

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

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

B. Criminal

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

HIGH COURT

<i>Category</i>	<i>Filing expenses</i>	<i>Legal Fee (to be fixed by the High Court)</i>	
		<i>Min. (₹)</i>	<i>Max.(₹)</i>
WP/WA/MFA	1500	4000	10,000
CMA/FAO	1500	3500	10,000
CrI.RP/CrI. Appeal	1500	3500	10,000
RFAs/AS	1500	3500	10,000
Appeals in other instances	1500	3500	10,000
Contempt of Court cases	1500	3500	10,000
Sales Tax/Tax revision cases	1500	4000	10,000
CrI. Petitions including CrI. M.C. for bail	1500	2500	10,000
Company cases	1500	3500	10,000
Civil Revision	1500	3500	10,000
Review Petition	1500	2500	10,000
LAA	1500	3500	10,000

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

TRIBUNALS

<i>Category</i>	<i>Filing expenses</i>	<i>Legal Fee (`)</i>	<i>Total (`)</i>
Central Administrative Tribunal	1500	2500	7500
Kerala Administrative Tribunal	1500	2500	7500

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

Advocate’s Fee

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

Labour Courts, Industrial Tribunals and W. C. Commissioners Courts

` 750 per day for effective appearance non-effective appearance- ` 500 Minimum— ` 3000 Maximum— ` 7500

Other cases:—In cases before all other Tribunals and other Authorities

` 750 per day for effective appearance non-effective appearance- ` 500
Minimum — ` 2500
Maximum — ` 7500

Note: For drafting applications or counters in items 1 to 5— ` 800

Clerkage— ` 750.

6. General

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

3. *Amendment of Regulation 41 (8).*—The existing “Clerkage @ ` 250” shall be deleted and in its place the “Clerkage @ ` 750” shall be inserted.

Niyama Sahaya Bhavan,
High Court Compound,
Kochi-31.

By order,
K. SATHYAN,
Member Secretary
Kerala State Legal Services Authority.

Explanatory Note

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

Regulation 41 (3) deals with the remuneration payable to the Legal Practitioners as per Schedule. Since the remuneration fixed by Legal Practitioners has become too inadequate in the present day money value and in view of the minimum fee structure adopted by the Central Authority of National Legal Services Authority this amendment is effected. This notification is intended to amend the existing schedule of fees to make them suitable for their intended purpose in the present day context as decided in the 57th meeting of the Kerala State Legal Services Authority on 16-2-2017.

NOTIFICATION

No. 373(1)/D/17/KeLSA.

6th March 2017.

In exercise of powers conferred by Section 29 A of the Legal Services Authorities Act, 1987 (Central Act 39 of 1987) the Kerala State Legal Services Authority hereby makes the following Regulations to amend the Kerala State Legal Services Authorities Regulations, 1998 issued as per Notification No. 2186/D/13/KeLSA dated 17-8-2013 published in Kerala Gazette No. 37 dated 10-9-2013 as per Kerala State Legal Services Authority (Amendment) Regulations 2003, 2007 and 2013.

REGULATIONS

1. *Short title and commencement.*—(i) These Regulations may be called Kerala State Legal Services Authority (Amendment) Regulations 2017.

(ii) They shall come into force w.e.f. 16-2-2017, the date on which the State Authority resolved to make the amendment.

2. *Amendment of Regulation 13[2] and [3].*—The existing “sitting fee of ` 250” in Regulation 13 [2] and [3] shall be deleted and in its place “400” shall be inserted.

Amendment to Regulation 37.— The existing Rule 37 shall be substituted as follows:

“37. Honorarium to Presiding Officers and members of the Lok Adalats, etc:—(1)(a) The presiding Officers other than sitting Judicial Officers shall be entitled to honorarium at the rate of ` 3,000 per day till the revision of pay and allowances of sitting Judicial Officers. Thereafter, they shall be paid an amount equivalent to one day’s revised basic pay of Judicial Officers at the entry level of the cadre from which they retired from service, or ` 3,000 whichever is higher.

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

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

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

Niyama Sahaya Bhavan,
High Court Compound,
Kochi-31.

By order,
K. SATHYAN,
Member Secretary,
Kerala State Legal Services Authority.

Explanatory Note

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

Regulation 13 deals with Travelling Allowance and Daily Allowance to the non-official members of District Legal Services Authority and sitting fee to the non-official members of the Taluk Legal Services Committee. Regulation 37 deals with the Honorarium to Presiding Officers and Members of Lok Adalats, etc., Since the sitting fee has become too inadequate in the present day money value this amendment is effected. The National Legal Services Authority has resolved that the Judicial Officers and staff working in Lok Adalat on a holiday shall be paid honorarium at the rate of one days basic pay. This notification is intended to amend the existing Regulations 13 and 37 to make them suitable for their intended purpose in the present day context as decided in the 57th meeting of the Kerala State Legal Services Authority on 16-2-2017