

PATNA HIGH COURT MIDDLE INCOME GROUP LEGAL AID SOCIETY

Patna High Court Building, Patna

(Registered under Societies Registration Act XXI of 1860)

PATNA HIGH COURT MIDDLE INCOME GROUP SCHEME

1. This scheme provide legal services to the middle income group citizens i.e. citizens whose gross income is not exceeding Rs.35,000/- p.m. or Rs. 4,50,000/- p.a.

DEFINITION.

(a) The Scheme is known as "PATNA HIGH COURT MIDDLE INCOME GROUP LEGAL AID SCHEME". The scheme is self-supporting and the initial capital of the Scheme shall be contributed by the first Governing Body.

SCHEDULE-The schedule of fee and expenses as appended to the Scheme shall be in force and is liable to be amended by the Society from time to time.

THE OFFICE BEARERS OF THE SCHEME - Under the Rules and Regulations of the Society, the Chief Justice, Patna High Court shall nominate a sitting judge of the Patna High Court to be the President of the Society, the Chair Person of the High Court Legal Services Committee as the Ex-Officio Vice President of the Society; the Advocate General or his nominee to be the Ex-officio Vice President of the Society. Nine Members of the Executive Committee including the Secretary and the Treasurer shall be the members of the Executive Committee for a period of three years. On expiry of the said period, or at any time earlier as thought fit by the Hon'ble Chief Justice of Patna High Court can re-constitute the Executive Committee in consultation with the Hon'ble President. The Hon'ble Chief Justice, Patna High Court in consultation with the President of the Society can nominate the Secretary and the Treasurer of the Society from amongst the members of the Executive Committee.

The office bearers of the Scheme shall meet at least once in three months or earlier if so deemed / expedient and necessary.

GOVERNING BODY :

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|----|--------------------|--------|---|----------------|
| 1. | JUSTICE
GUPTA | HEMANT | ACTING CHIEF JUSTICE,
PATNA HIGH COURT | PRESIDENT |
| 2. | JUSTICE K.K.MANDAL | | JUDGE PATNA HIGH COURT | VICE PRESIDENT |
| 3. | SHRI LALIT KISHORE | | PRINCIPAL ADDITIONAL
ADVOCATE GENERAL | VICE PRESIDENT |

4.	SHRI P N SHAHI	SR. ADVOCATE, PATNA HIGH COURT	MEMBER & TREASURER
5.	SHRI SATYABIR BHARTI	ADVOCATE, PATNA HIGH COURT	MEMBER & SECRETARY
6.	SHRI ASHOK KUMAR KESHRI	ADVOCATE, PATNA HIGH COURT	MEMBER
7.	SHRI AJAY	GOVT. ADVOCATE	MEMBER
8.	SHRI D K SINHA	SENIOR ADVOCATE	MEMBER
9.	SHRI HEMENDRA PRASAD SINGH	SENIOR ADVOCATE	MEMBER
10.	MRS. NIVEDITA NIRVIKAR	ADVOCATE, PATNA HIGH COURT	MEMBER
11.	SHRI RASHID IZHAR	ADVOCATE, PATNA HIGH COURT	MEMBER
12.	SHRI KUMAR UDAY BHANU ROY	ADVOCATE	MEMBER

The names, occupation and designation of the members of the Governing Body to whom the management of the Society is entrusted as required under Section 2 of the Societies Registration Act, 1860, as applicable to the State of Bihar are as follows :-

2. The Scheme will be applicable for case intended to be filed in Patna High Court.

3. The rates of fee payable to an Advocate or to a Senior Advocate (if engaged at the request of the litigant) will be such as indicated in the Schedule appended to this Scheme as applicable from time to time.

4. There will be a panel of Advocates including Advocate-on-Record under the Scheme. While drawing up the panel care be taken to include one Advocate, but not exceeding two, knowing Regional Language in the territory of India in which the work is conducted in the Court below.

The panel Advocates shall given an undertaking in writing that they will abide by the terms and conditions of the Scheme upon assignment of a case under the Scheme.

5. Every person who desires to avail of the services of an Advocate empanelled under the Scheme will have to approach the Secretary of the Scheme/ office of the Society, by filing an application in the prescribed form annexed hereto along with the relevant documents.

6. As soon as the papers are received they would be assigned to the Advocate-on-Record of the choice indicated by an applicant upon his request under the scheme. In case the learned Advocate after perusing them opines that this is not a fit case for filing petition before the

Hon'ble Patna High Court, in that view of the matter the applicant will not be entitled to be benefit of the Scheme. Upon such as endorsement being made either upon the case papers or in any accompanying letter, the Patna High Court Middle Income Group Legal Aid Society shall return the papers forthwith to the applicant and deduct a sum of Rs.500/- only towards service charges. The balance amount of service charges and the amounts which may have been deposited by the applicant with the Society towards appropriation as fee and all expenses in the conduct of the case will be refunded. If the learned Advocate-on-Record after examining the matter is satisfied that it is a fit case to be proceeded with, then the Middle Income Group Legal Aid Society will proceed to take the view that an applicant is entitled to legal aid. The view expressed by the Learned Advocate-on-Record will be final in so far as the eligibility of the applicant for obtaining the benefit of the Scheme is concerned.

7. The applicant may indicate any 3 names both in relation to the Advocate-on-Record or the arguing Counsel or the Senior Counsel as the case may be in the order of preference from out of the panel maintained by Society. The Society would attempt to honour the choice indicated. However, the final right to assign the papers of the applicant under the Scheme to any Advocate-on-Record or the arguing Counsel or Senior Counsel will remain with the Patna High Court Middle Income Group Legal Aid Society.

8. Any intending litigant desirous of availing the benefit of the Scheme shall have to fill up the form prescribed and accept all the terms and conditions contained therein. The proforma shall also contain a schedule of fee and expenses as application from time to time. A sum of Rs.500/- shall be payable to the Patna High Court Middle Income Group Legal Aid Society (PHCMIGLAS) as service charges. The schedule shall indicate the fee payable for various items of work and shall also indicate the Court fees and the approximate expenses for preparation of the Court record. The applicant shall have to deposit the fee indicated by the Secretary, which will be in accordance with the schedule attached to the Scheme. It is the Secretary/office of the Society, which will register the case under the MIG Legal Aid Scheme and proceed to forward the papers to the Advocate-on-Record/Arguing Counsel/Senior Counsel on the panel for opinion.

In relation to the approximate expenses for preparation of the Court record, the Secretary/office of the Society will upon a perusal of the papers determine as to what would be the approximate amount necessary for the purpose of such preparation of the Court record, and in accordance with the schedule indicate the same to the applicant. If, however, for any reason, the amount which is due to the learned Advocate-on-Record under the scheme exceeds the amount indicated by the Secretary/office of the Society then the applicant will be duty bound to make good the difference upon the Secretary certifying it to be so under the Scheme.

9. That the Executive Committee of the Society will open a Bank Account with the State Bank, of India, Patna High Court Compound in the name of "Patna High Court Middle Income Group Legal Aid Society". The account will be operated by the Secretary and Treasurer of the Society

10. All sums received under the scheme including grants in aid will be accounted for by a person to be nominated in that behalf and duly audited.

11. The amount so received under the Scheme will be used to defray all the expenses including the salaries and all expenses duly approved by the Executive Committee.

12. A Contingent Fund of the Scheme will be created to meet the miscellaneous expenditure in connection with the case under the Scheme by requiring the applicant under the Scheme to deposit upto the stage of admission, a sum of Rs.500/- in addition to the charges required to be deposited with the Society, out of this contingent fund, the fee of the auditor for auditing the account, printing of forms of application, vakalatnama, affidavit of facts, binding of registers for maintaining account etc., shall be made. Thus at the time of handing over the case papers, the applicant will have to make payment of the estimated fee, expenses that are indicated by the Secretary as well as a sum of Rs.500/-.

13. The amount indicated by the Secretary on the basis of the estimate details shall be deposited by the applicant in cash, cheque or Bank Draft. In the event of the learned Advocate taking the view that the case is not fit one for filing a case in the Patna High Court, then the entire amount after deduction Rs.500/- towards minimum service charges of the Committee shall be refunded to the applicant by way of cheque.

14. The initial expenses for printing of forms and other office expenses would be borne by initial corpus of the Scheme.

15. The pattern of payment of fee to the Advocates under the Scheme will be same as per the schedule as applicable from time to time.

16. What documents are required from the litigants in approaching the Patna High Court. Middle Income Group Legal Aid Society?

The applicants are required to submit the applications forms to the MIG Society alongwith full documentations. For instance, if he / she seeks to file a writ petition in the High Court, he/ she is required to submit certified copy of the order and copies of the all other relevant records in his possession in relation to the said matter.

17. On the assigning of a case to an Advocate under the Scheme the intending litigant will be directed to deposit with the Society the fee and expenses as per schedule as assessed by the Secretary. The payment to the Advocate or the service charges payable to the Scheme as stated in the schedule shall be in cash or bank draft.

The Advocate-on-Record shall submit his bill on the basis of the amounts prescribed in the schedule with regard to printing, Court fee and his appearance fee alongwith a copy of the

filing memo in token of a proof of filing the Petition / Appeal for which the claim is made. The Advocate will inform the Society about the admission of any matter so that the client can be requested to pay the fee for processing the case, without which information it will not be possible for the Committee to recover the amount from the client and pay to the Advocate on hearing of the case. The fee to the Advocate in regular matter shall be made on receipt of a bill from the Advocate at the time of the conclusion of the final hearing of the matter.

18. Once the case is assigned to an Advocate it is the responsibility of the Advocate to deal with the matter as he/she deems fit in the interest of the client and the Advocate is required to communicate directly with the litigant and the Society will not monitor assignment and final disposal of the matter. However, the Society will intercede upon the receipt of a complaint in writing.

19. After a complaint is received by the Society from the litigant and/ or the concerned Advocate against the litigant / Advocate then the Committee after enquiry may take such action as is deemed fit and necessary.

20. If the Advocate who is appointed under the Scheme is found negligent in the conduct of the case entrusted to him, then he will be required to return the brief together with the fee which may have been received by him from the applicant under the Scheme.

Further, the Society would not be responsible for the negligent conduct of the case but the entire responsibility will that be of the Advocate vis-a-vis the client. The name of the Advocate would however, be struck off from the panel prepared under the Scheme.

SCHEDULE OF FEES FIXED FOR ADVOCATES(S), SR. ADVOCATES AND OTHER OUT OF POCKET EXPENSES.

A. APPEARING ON BEHALF OF THE PETITIONER

1. Honorarium for drafting and filing Writ Petition/including list of dates and miscellaneous applications such as Stay Exemption, Bail, Condonation of delay including appearance, conferences with the client and also for drafting rejoinder affidavit and/or contesting matter after notice stage including acting work and adjournment excluding final disposal at notice stage.

Consolidated Rs. 3500/-

2. Honorarium for drafting and filing transfer petition including list of dates and miscellaneous applications including appearance, conference with the client and

also for drafting rejoinder affidavit and/or at contesting matter after notice is issued by the court and till be disposal of the matter at the notice stage including active work and adjournment (excluding final disposal at notice stage) .

Consolidated Rs.3500/-

3. Honorarium for hearing of the matter at Final Disposal stage, inclusive of adjournment if any, and/or at appeal stage.

Rs.3,500/- per case

B. APPEARING ON BEHALF OF THE RESPONDENT

1. Honorarium for drafting counter affidavit/ statement of objections, and all other necessary applications, including application for vacating stay and appearance inclusive of all conferences, upto admission stage, excluding final disposal at notice stage.

Consolidated Rs.3500/-

2. Honorarium for hearing of matter at final disposal stage including adjournment, if any, and/ or at appeal stage.

Rs. 3,500/- per case

HONORIUM FOR SENIOR ADVOCATES

1. Honorarium for settlement of Writ Petition / Transfer Petition / Counter Affidavit / Rejoinder Affidavit / statement of objections including conference etc.

Consolidated Rs.8500/-per case

2. Honorarium for appearance at the admission stage / after notice.

Rs. 8500/- per case

C. SCHEDULE OF RATES FOR OUT OF POCKET EXPENSES.

- 1) Photocopy charges – 1.00 paisa per page
- 2) Steno Charges – Rs. 300 consolidated
- 3) Paper Book binding and filing expenses – Rs. 300- per case
- 4) Computer Typing (Ordinary Print)
 - (i) For original computer print – Rs. 6/- per page.
 - (ii) For additional pages – Rs. 1/- per page

- D. Court fee payable on petition as per applicable laws as amended up-to-date.

Service charges of the Committee Rs.500/-.