



BIHAR STATE LEGAL SERVICES AUTHORITY

(Constituted Under the 'Legal Services Authorities Act, 1987', an Act of Parliament)

Budh Marg, Patna. Opposite- Patna Museum, Patna-800001

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Hon'ble the Chief Justice Sanjay Karol
Patna High Court-cum-Patron-in-Chief
Bihar State Legal Services Authority

Hon'ble Mr. Justice Ashwani Kumar Singh
Judge, Patna High Court-cum-Executive Chairman
Bihar State Legal Services Authority

राजीव रंजन

सदस्य सचिव

Rajiv Ranjan

Member Secretary

(Bihar Higher Judicial Service)

Letter no...83...../BSLSA/PLV/...1529
Dated...04-09-2021

To,

All the District & Sessions Judges-cum-Chairman
District Legal Services Authorities of the State of Bihar.

Sub:- Regarding review and re-size of list of Panel Lawyers of District Legal Services
Authorities of the State of Bihar.

Ref: Letter Number.990, dated 19/05/2012 of State Authority.

Sir,

With reference to subject matter noted above, and in continuation to the above referred letter of the State Authority, I wish to inform your goodself that certain changes have been made in the provisions of Regulation-8 of NALSA (Free and Competent Legal Services) Regulation, 2010 [hereinafter referred as NALSA Regulation, 2010].

Further in the light of the Handbook of Formats: Ensuring effective Legal Services received vide NALSAs email dated 04/07/2020 and the opinion expressed by the Hon'ble Executive Chairman of NALSA on various occasions, it became imperative to review and resize the strength of Panel lawyers and Retainer lawyers.

Hence keeping in mind the above said developments, Bihar State Legal Services Authority (Hereinafter referred as BSLSA) has prepared fresh guidelines which has been duly approved by the Hon'ble Executive Chairman of BSLSA.

Rajiv Ranjan
#9-2021

The details of guidelines are as hereunder: -

A. For District Headquarter level-

Number of Lawyers who may be empaneled- 50

Following arrangements can be made with respect to the deputation of lawyers out of 50 empanelled lawyers-

1. As Retainer Lawyer - 3
2. As Remand Lawyer - 8
 - (a) In CJM Court -1
 - (b) In SDJM Court- 1
 - (c) For remaining other Magistrate Courts - 2
 - (d) Special Court - Excise - 1
 - (e) POCSO Court- 1,
 - (f) Court of S.C./ S.T. Cases-1
 - (g) Other Special Court- 1]
3. Lawyer at Child Welfare Committee (CWC) - 2,
4. Jail Visiting Lawyer- 4,
5. Duty Counsel at Police Station - 10,
6. Lawyer at Juvenile Justice Board (JJB) - 3,
7. Lawyer for Domestic Violence Cases - 2,
8. Legal Aid Counsels-18
 - (a) For Civil Cases-3
 - (b) For Criminal Cases -10
 - (c) For Revenue Cases-2
 - (d) Legal Aid Counsel for Children Court-2
 - (e) Other Special Court-1

B. For Sub-Division Level

Number of Lawyers who may be empaneled- 25

Following arrangements can be made with respect to the deputation of lawyers out of 25 empanelled lawyers-

1. As Retainer Lawyer- 2
2. As Remand Lawyer- 3
3. Jail Visiting Lawyer - 3
4. Duty Counsel at Police Station - 5
5. Lawyer for domestic violence Cases-1
6. Legal Aid Counsels- 11
 - (a) For Civil Cases-3
 - (b) For Criminal Cases-6
 - (c) For Revenue Cases-2.

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C. Selection of Panel Lawyers:

- (i) Selection of Panel Lawyers will be made by inviting applications from candidates having at least three years' experience at the Bar with proof of experience in the relevant field of law.
- (ii) Applications shall be scrutinized and selection shall be made by the Chairman of District Legal Services Authority (Hereinafter referred as DLSAs) in accordance with the NALSA Regulation, 2010.
- (iii) Retainer Lawyers shall be selected from the list of Panel Lawyers for one year on rotation basis.
- (iv) There may be representation of the Scheduled Castes, the Scheduled Tribes, women and differently abled lawyers in the panel.
- (v) The Chairman DLSA as per the requirement may assign any other duty to a Panel Lawyer other than the subject matter for which he has been empanelled.
- (vi) Such Panel shall be re-constituted after a period of three years keeping in view of performance of Panel Lawyers.
- (vii) If the Panel Lawyer engaged is not performing satisfactorily or acts in contrary to the object and spirit of the Legal Services Authority Act and NALSA Regulation, 2010, the Legal Services Institution shall be at liberty to take appropriate steps including withdrawal of the cases from such lawyer and his removal from the Panel with prior approval of the Hon'ble Executive Chairman, BSLSA. Legal Services Institution can substitute the removed Panel Lawyers with the other competent lawyer with prior approval of the Hon'ble Executive Chairman, BSLSA. Similar procedure shall be adopted if any Panel Lawyer voluntarily withdraws from the Panel.
The period of empanelment for such substituted lawyer shall be the remaining period left in the tenure of the Panel Lawyer removed/withdrawn from the Panel.
- (viii) The Panel Lawyers shall not ask for or receive/accept any fee, remuneration or any other consideration in any manner, from the persons to whom he has rendered legal services under these regulations.
- (ix) **Honorarium :-**
 - (A) Retainer Lawyers of the Headquarters will get- Rs. 15,000/- (Fifteen thousand) per month and on entrustment of case a fee in addition to retainer ship as per Regulation 25 of BSLSA Regulation, 1998.
 - (B) Retainer Lawyers of the Sub-division will get- Rs. 10,000/- (Ten thousand) per month and on entrustment of case, a fee in addition to retainer ship as per Regulation 25 of BSLSA Regulation, 1998.

Note:-

- (a) Selection of Panel lawyers shall be on the basis of their proclivity for giving legal services to the poor and disadvantaged.
- (b) Retainer shall devote their time exclusively for legal aid work and shall be always available to deal with legal aid cases and to manage the front office.

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Legal Services Clinics & deputing of Para Volunteers (PLV) and Panel lawyers

Legal Services Clinics established under regulation-3 of the National Legal Services Authority (Legal Services Clinics) Regulations, 2011 [herein after referred as NALSA Regulation, 2011].

- (A) **Number of PLVs who may be empaneled by DLSAs- 100**
Number of PLVs who may be empaneled by TLSC- 50
- (i) Every legal services clinic established under Regulation-3 shall have at least two PLVs available during the working hours of Legal Services clinics.
 - (ii) Legal Services institution having territorial jurisdiction over the Legal Services clinics have to depute PLVs at such clinics.
 - (iii) PLVs has to assist the Panel Lawyers in their work if Panel Lawyers are deputed at such clinics.
 - (iv) The nearest Legal Service Institution having jurisdiction over such clinic may depute Panel Lawyer or Retainer Lawyer at Legal Services clinics.
 - (v) Frequency of visits by such Panel Lawyer and Retainer Lawyer at such Legal Services Clinic shall be determined by the Legal Services Institution having jurisdiction over such clinic.
- (B) **Honorarium :-**
Honorarium to PLV Rs. 500/- per day
Honorarium to Panel Lawyer- Rs. 500/- per day (as per requirement)
- (C) **Duties of :-**
- (a) **Panel Lawyers in Legal Services Clinic**
 - (i) To facilitate for amicable settlement of dispute at local level, to provide legal advice etc. during working hours.
 - (ii) Other duties of Panel Lawyers mentioned in Handbook of Formats: Ensuring Effective Legal Services prepared by NALSA.
 - (b) **PLV in Legal Services Clinic**
 - (i) To provide initial advice to the seekers of legal services, to help in drafting of applications, letters, representations, Notices, to help in filling up the application forms etc.
 - (ii) If service of a lawyer is required, then to contact DLSAs or SDLSC to make the services of a lawyer available.
 - (iii) To take active part in the legal awareness.
 - (iv) Other perform duties of PLVs mentioned in Handbook of Formats: Ensuring Effective Legal Services prepared by NALSA.

*By
4/9/21*

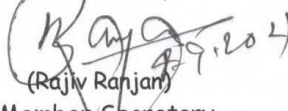
(D) Opening of Legal Aid Clinics

The Legal Aid Clinics have to be opened in all the villages or for a cluster of villages subject to financial resources available. At present Legal Aid Clinics functional at some of the blocks. The Chairman of the concerned DLSA may take initiative to expand the ambit of such Legal Aid Clinics as per the requirement. Further, all the DLSAs shall open a Front Office at the Headquarter which must remain functional during normal working hours.

The DLSAs, for whom the list of Panel lawyers and Retainer lawyers have been recently approved by the Hon'ble Executive Chairman, shall not be effected by the fresh guidelines. However, the Chairman of the concerned DLSAs shall have the liberty to utilize the services of the Panel Lawyers/Retainer Lawyers as per the present guidelines so far as their deputation at different places are concerned.

This is for your goodself information and needful.

(Yours faithfully)


(Rajiv Ranjan)
Member Secretary
BSLSA