

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>WPPIIL No.38 of 2024</p> <p><u>Hon'ble Ritu Bahri, C.J.</u></p> <p><u>Hon'ble Rakesh Thapliyal, J.</u></p> <p>None appears for the petitioner.</p> <p>2. Mr. Gajendra Tripathi, learned Standing Counsel, for the State of Uttarakhand.</p> <p>3. Learned counsel for the State has handed over a copy of letter dated 12.08.2024, and along with this letter, details of 27 such undertrials have been given in Annexure Nos.A1 and A2, who could not be released on bail because they had not given their bail bonds.</p> <p>4. Keeping in view the judgment of the Hon'ble Apex Court in the case of <i>Hussainara Khatoon and others Vs. Home Secretary, State of Bihar, (1980) 1 SCC 81</i>, a direction is being given to the District Legal Services Authorities of all the Districts to hire Advocates for these undertrials, so that they can be released on personal bonds in due course of law.</p> <p>5. It has also been mentioned that in exercise of the powers conferred by Section 29A of the Legal Services Authorities Act, 1987, the Uttarakhand State Legal Service Authority by amending the</p>

Uttarakhand State Legal Services Authority
(Transaction of Business and other Provisions)
Regulations, 2006 vide order dated 12.06.2024 has
increased the fee of the Legal Aid Counsels almost
three times and any Advocate, who is not
empanelled, but having more than 3 years' of
experience at the Bar, provides free legal services,
to the undertrials, such Advocate, may, on
application, be also given the benefit of the approved
fee schedule for the payment of honorarium. The
same is produced hereunder:

*"Therefore, it is resolved by the Hon'ble Board that
the fee schedule 'Annexure No. B' is approved. A
communication be sent to the Chairpersons, DLSAs
immediately to apprise the Panel Lawyers as well as
other Advocates, who wish to provide Court based
legal aid. If any Advocate, who is not empanelled, but
having more than 3 years' of experience at the Bar,
provides free legal services, to any person who is
entitled for it, such Advocate may on application, be
also given the benefit of the approved fee schedule
for the payment of honorarium after due scrutiny
and approval of the Executive Chairman or the
Chairman of the Legal Services Institution, as the
case may be. If the lawyer engaged is not
performing satisfactorily or has acted contrary to the
object and spirit of the Legal Services Authorities
Act, 1987 and regulations, the Legal Services
Institution shall take appropriate steps including
withdrawal of the case from such lawyer."*

6. A copy of this order be sent to all the Legal
Services Authorities of the Districts along with the
letter dated 12.08.2024, including Annexure Nos. A1
and A2. A letter dated 12.08.2024, is taken on
record as R1.

7. A copy of this order be also sent to Mr.
Pradeep Mani Tripathi, Member Secretary, State
Legal Services Authority to comply with the above

said order and sent respective letters to all the District Legal Services Authority.

8. List on 01.10.2024.

(Rakesh Thapliyal, J.)

(Ritu Bahri, C.J.)

13.08.2024

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