

Topic: Free-Legal Aid Under Article 39A

Name of the case: Cardamom marketing Corporation v. State of Kerala, (2017) 5 SCC 255

Bench: Chief Justice H.L. Dattu and Justice A.K. Basheer

Fact of the case: The Government of Kerala, in exercise of power under Article Section 76 (1) of Kerala Court Fees and Suit Valuation Act, 1959, authorised the tribunal and the appellate authority is to levy additional court fee in respect of each appeal or revision and the amount so collected was to be credited to the Kerala Aligarh benefit fund.

Judgment: The Supreme Court held that the purpose for which the fund was to be utilized, was for providing efficient legal services for the people of the State, which amounts to quid pro quo (a favour or advantage granted in return for something); with advocates playing an important role in the administration of justice and discharging duty of the highest utility. Therefore, the Court was of the opinion that the additional court fee imposed had a direct nexus to the object it sought to be achieved in relation to the service available to the appellant or others, who approach the courts or tribunals for redressal of their grievance. Thus, the validity of the notification was upheld.