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NOTIFICATION

No. A.45011/1/2023-LJD, the 8th January, 2024: In the interest of public service and in supersession of this department Notification No. A.45017/2/09-LJE dated 29th April, 2016 published in the Official Gazette vide issue No. 384 dated 30.09.2016 except things done or omitted to be done before such supersession, the State Government of Mizoram is pleased to make the following Uniform Terms and Conditions for engagement of Government Advocates, Government of Mizoram, 2024.

1. Definition:

- (a) "Advocate" means an Advocate as defined in the Advocates Act, 1961 (Central Act No. 25 of 1961).
- (b) "Appointing Authority" means any Secretary to the Government of Mizoram, of the Departments listed under the Mizoram (Allocation of Business) Rules, 2019.
- (c) "Government" means the Government of Mizoram.
- (d) "Government Advocate" means an Advocate engaged or empaneled as such by the Government to enter appearance in any Court of Law including Tribunal, Quasi Judicial Fora on its behalf and it shall include:-
 - (i) Additional Advocate General/Public Prosecutor in the Gauhati High Court.
 - (ii) Government Advocate/Additional Public Prosecutor in the Gauhati High Court.
 - (iii) Government Advocate/Public Prosecutor in the District Courts in Mizoram.
 - (iv) Additional Government Advocate/Additional Public Prosecutor in the District Courts in Mizoram.
 - (v) Assistant Government Advocate/Assistant Public Prosecutor in the District Courts in Mizoram.
 - (vi) Standing Counsel and Assistant Standing Counsel engaged by concerned departments.

2. Qualification for engagement:

- (1) No person shall be eligible for engagement as a Government Advocate unless he holds a degree in law from a recognized university and who is a registered Advocate under the Bar Council and has been in continuous practice for a period of not less than -
 - (a) 10 years for Additional Advocate General/Public Prosecutor of the High Court and Government Advocate/Public Prosecutor of the District Courts.
 - (b) 7 years for Government Advocate/Additional Public Prosecutor of the High Court.
 - (c) 7 years for Additional Government Advocate/Additional Public Prosecutor of the District Court.

- (d) 3 years for Assistant Government Advocate/Assistant Public Prosecutor of the District Court.
- (e) Standing Counsel shall fulfill the eligibility at 'a' above and Assistant Standing Counsel shall fulfill the eligibility at 'b' and shall be entitled to the remunerations accordingly.

- (2) All engagements of Government Advocates are to be co-terminus with the term of the Ministry or its pleasure thereof subject to approval for re-engagement.

3. Advocate on Panel:

The Government may engage panel of Advocates to conduct any of the duties assigned to the Government Advocate and they shall be entitled to fees as per Annexure-I

4. Special Public Prosecutor:

The Government may engage a Special Public Prosecutor in respect of certain Acts or Court cases which requires the engagement of such Public Prosecutors from amongst the Government Advocates and shall be entitled to Fees as per Annexure-I.

5. Guidelines for engagement of Govt. Advocates under Govt. of Mizoram:

- (1) Applications shall be made in plain paper addressed to Secretary, Law & Judicial Department accompanied by the following documents:-
 - i) Attested copies of Educational Certificate from HSLC onwards.
 - ii) Attested copy of enrollment in the Bar Council.
 - iii) Copy of Certificate of practice for those who graduated in the year 2010 and thereafter.
 - iv) Curriculum Vitae (CV) highlighting experiences, if any.
 - v) Character Certificate from Advocates who have more than 10 years of practice in the Bar.
- (2) Upon receipt of applications within the stipulated period, the same shall be examined by the Law & Judicial Department.
- (3) The Govt. may either conduct Personal Interview through an Appointment Committee which shall make recommendations to the Government for the said engagement or conduct written examination to shortlist the candidates to be called for the said Personal Interview.

6. Duties:

Duties of the Government Advocate shall be as specified in Annexure-II.

Procedure for handling litigation by the Govt. Advocate shall be as per Notification No. C.11021/1/2023-LJA dated 15.03.2022 issued by the Law & Judicial department or as amended from time to time.

7. Limitation of the Office:

Every Government Advocate shall be debarred from -

- (1) Advising or holding briefs against the State.
- (2) Advising private parties in cases in which they are likely to be called to advise the Government;
- (3) Using their office accommodations provided by the Government for their private briefs/consultation/advice/counseling;
- (4) Accepting any engagement as Legal Adviser or consultant or in similar capacity in any form or organization without prior sanction from the Government, which may adversely affect the interest of the Government.

8. Restriction on consultation fees:

No Government Advocate shall be entitled to any fees for consultation with the officers of the Government in Government cases.

9. Restriction on other paid employments:

No Government Advocate shall take up any other paid employments of any kind during the office hours on working days.

10. Accountability:

The Government Advocate shall be bound to abide by these terms and conditions and if any loss is incurred by the State Government as a result of any negligence or disregard in handling of cases by the Government Advocate, the State Government may take such action as deemed appropriate, which may extend to termination or imposing fines for recovery of loss incurred by the State Government.

11. Removal of Government Advocate:

In an event of failure of a Government Advocate to perform his/her duties specified in Annexure - II or any shortcoming in their performance as assessed by the concerned Departments, his/her service may be terminated giving one month notice.

12. Notice of resignation:

Government Advocate shall be under obligation to serve one month notice of resignation.

13. Rates of fees:

Government Advocate shall be entitled to rates of fees specified in Annexure – I ;
Provided that the Government may, at anytime, revise the rates of fees as it deems necessary.

14. Interpretation of Uniform Terms and Conditions:

In the event of any difficulties arising in the Interpretation of the above terms and conditions, the decision of the Law & Judicial Department shall be binding.

All notifications relating to the engagement and terms or conditions of engagement and fees for engagement of such Government Advocates, published or notified by this Department shall stand superseded with immediate effect.

Helen Dawngliani,
Secretary to the Govt. of Mizoram

ANNEXURE - I

TABLE OF RATES OF FEES PAYABLE TO THE GOVERNMENT ADVOCATES:

A. Fees payable to Government Advocates in the District Court:

Sl. No.	Designation	Lumpsum Amount
1.	Sr. Govt. Advocate /Public. Prosecutor	Rs 70,000/-
2.	Govt. Advocate /Public Prosecutor.	Rs 64,000/-
3.	Addl. Govt. Advocate/Addl. Public Prosecutor	Rs 59,000/-
4.	Asst. Govt. Advocate /Asst. Public Prosecutor	Rs 47,000/-

B. Fees payable to Government Advocates in the High Court:

Sl. No.	Designation	Lumpsum Amount
1.	Addl. Advocate General	Rs. 64,000/-
2.	Govt. Advocate	Rs. 59,000/-

Note:

- 1) The Senior Government Advocate cum- Public Prosecutor is supernumerary in function and shall cease to exist soon after the incumbent retire or has become incapable of performing his duties.
- 2) Designation as PP/Addl. PP of the High Court shall give entitlement to an additional 20% of the normal fee, as the case may be.
- 3) The Government Advocate in the Gauhati High Court (Aizawl Bench) shall also be entitled to conveyance allowance of Rs. 5000/- per month for the effective performance of their duties.

C. Fees payable to Special Public Prosecutor:

The Special Public Prosecutor shall be entitled to an additional 20% of their existing fees.

D. Fees payable to Advocate on Panel:

An advocate on Panel if engaged in any case shall be entitled to the following fees:

For appearance

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| (i) If having practice for more than 20 yrs. | Rs 800/- per day
(Irrespective of the no. of cases) |
| (ii) If having practice for more than 10 yrs,
but less than 20 yrs. | Rs 700/- per day
(Irrespective of the no. of cases) |
| (iii) If having practice for more than 5 yrs,
but less than 10 yrs | Rs 400/- per day.
(Irrespective of the no, of cases) |
| (iv) If having practice for less than 5 yrs. | Rs 300/- per day
(Irrespective of the no. of cases) |

ANNEXURE-II

1. To represent the Government at all stages in cases before the High Court, District Courts, Tribunals and Quasi Judicial Fora as may be assigned.
2. To appear as a Junior to the Advocate General or any other designated Senior Advocate as may be determined by the Government.
3. To prepare briefs, paper books, synopsis of arguments and obtain copies of order sheet in all cases in which he has been briefed to appear.
4. To inform the department concerned of the date fixed in all cases in which he has been briefed with intimation to the Law & Judicial Department.
5. To prepare plaint, written statement, counter affidavit, rejoinder and drafting of all kind if deemed necessary to get such draft settled by the senior council as the case may be.

6. To hold conference with the officers of the Department involved in litigation well in advance of the date or dates of hearing fixed and to get the briefing.
7. To tender advise to Government departments wherever required.
8. To carefully examine every judgment, order etc. of the cases handled and to see whether it is a fit case for appeal and to make any other appropriate recommendation or suggestions to the Government.
9. To maintain records of cases handled by him/her for ready reference and to submit quarterly report of status of the cases handled by the Government Advocate.
10. To hold regular review meeting with the Departments concerned.
11. To abide by the legal ethics governing the Advocates under the Advocates Act, 1961.
12. To handle all cases of behalf of the State Government with utmost sincerity and due diligence.
13. To perform such other duties or responsibilities as may be assigned to him by the State Government.