



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

RNI No. 27009/1973

Postal Regn. No. NE-313(MZ) 2006-2008

Re. 1/- per page

VOL - XLI Aizawl, Tuesday 30.10.2012 Kartika 8,, S.E. 1934, Issue No.504

NOTIFICATION

No. 45011/1/91-LJE/Pt, the 23rd October, 2012. In supersession of all previous notifications in this regard and in exercise of the powers conferred under rule 6 and rule 7 of the Mizoram (Appointment, duties, fees, etc. of Government Advocates) Rules, 1995, the Governor of Mizoram is pleased to make revision to the rates of fees for engagement of various Government Advocates and Advocates on panel @ 30% increase from the existing rates with immediate effect.

A : HIGH COURT-

1. Additional Advocate General-cum-Public Prosecutor -

- (a) Additional Advocate General-cum-Public Prosecutor in the Gauhati High Court shall be paid a retainer fee of Rs. 7800/- P.M.
- (b) For each day of appearance in the Gauhati High Court or in other Courts or State Level Appellate Tribunals/Commissions within Mizoram, the maximum fee shall not exceed Rs. 1,560/-
- (c) For appearance in Gauhati High Court and the Consumer Dispute Redressal Commission, Mizoram, the Additional Advocate General-cum-Public Prosecutor in the Gauhati High Court shall be entitled as follows :-
 - (i) Rs. 1,560/- per day of effective hearing.
 - (ii) Rs. 650/- per day of non-effective hearing.
- (d) The Additional Advocate General-cum-Public Prosecutor in the Gauhati High Court shall be entitled to the fees for drafting at a flat rate of Rs. 975/- per case.
- (e) For each day of attending to the Gauhati High Court the Additional Advocate General-cum-Public Prosecutor shall be entitled to Rs. 650/- as conveyance allowance.
- (f) The Additional Advocate General-cum-Public Prosecutor shall be entitled to Annual increment at the rate of Rs. 1,500/-. Annual increment shall be counted from the date of this notification.
- (g) Attendance Register shall be strictly maintained, which shall be countersigned by Senior-most Additional Advocate General-cum-Public Prosecutor.

2. Government Advocate-cum-Additional Public Prosecutor

- (a) The Government Advocate-cum-Additional Public Prosecutor shall be paid a retainer fee of Rs. 6,500/- per month.
- (b) For appearance in the Gauhati High Court or in other Courts or State Level Appellate Tribunals/Commissions within Mizoram, the Government Advocate-cum-Additional Public Prosecutor in the Gauhati High Court shall be paid Rs. 910/- for effective hearing and Rs. 585/- for non-effective hearing, irrespective of the number of cases conducted.
- (c) The Government Advocate-cum-Additional Public Prosecutor in the Gauhati High Court shall be entitled to the fees for drafting at a flat rate of Rs. 390/- per case.
- (d) For each day of attending the Gauhati High Court, the Government Advocate-cum-Additional Public Prosecutor shall be entitled to Rs. 520/- per day as conveyance allowance.
- (e) The Government Advocate-cum-Additional Public Prosecutor shall be entitled to Annual increment at the rate of Rs. 1,000/- Annual increment shall be counted from the date of this notification.
- (f) Attendance Register shall be maintained which shall be countersigned by Senior-most Additional Advocate General-cum-Public Prosecutor.

3. Assistant Government-cum-Advocate Assistant Public Prosecutor

- (a) The Assistant Government Advocate-cum-Assistant Public Prosecutor shall be paid a retainer fee of Rs. 4,550/- per month.
- (b) For appearance in the Gauhati High Court or in other Courts or State Level Appellate Tribunals/Commissions within Mizoram, the Assistant Public Prosecutor-cum-Assistant Government Advocate in the Gauhati High Court shall be paid Rs. 650/- for effective hearing and Rs. 325/- for non-effective hearing irrespective of the number of cases conducted.
- (c) The Assistant Public Prosecutor-cum-Assistant Government Advocate in the Gauhati High Court shall be entitled to the fees for drafting at a flat rate of Rs. 195/- per case
- (d) For each day of attending the Gauhati High Court the Assistant Public Prosecutor-cum-Assistant Government Advocate shall be entitled to Rs. 520/- per day as conveyance allowance.
- (e) The Assistant Public Prosecutor-cum-Assistant Government Advocate shall be entitled to Annual increment at the rate of Rs. 750/- Annual increment shall be counted from the date of this notification.
- (f) Attendance Register shall be maintained which shall be countersigned by Senior-most Additional Advocate General-cum-Public Prosecutor.

B : DISTRICT COURT-**1. Government Advocate-cum-Public Prosecutor**

- (a) The Government Advocate-cum-Public Prosecutor in the District Court shall be paid a retainer fee of Rs. 5,200/- per month.
- (b) For each day of appearance in Civil and Criminal Court within Mizoram, the maximum fee per day shall not exceed Rs. 1430/-.
- (c) The Government Advocate-cum-Public Prosecutor in the District Court shall be entitled to fees for appearance in the District Court or other Courts or Tribunals of Civil Judicature within Mizoram as follows :-
- (i) Rs. 715/- per day for effective hearing.
(ii) Rs. 325/- per day for non-effective hearing.
- (d) The Government Advocate-cum-Public Prosecutor in the District Court shall be entitled to the fees for drafting plaint, written statement, written argument, written objection in the latest stage of the case, appeal petition and any other draft as required by the Government on a specific request at a flat rate of Rs. 195/- per case.
- (e) The Government Advocate-cum-Public Prosecutor shall be entitled to Annual increment at the rate of Rs. 1,500/- Annual increment shall be counted from the date of this notification.
- (f) Attendance Register shall be maintained, which shall be countersigned by Senior-most Government Advocate-cum-Public Prosecutor.

2. Additional Government Advocate/Additional Public Prosecutor

- (a) The Additional Government Advocate-cum-Public Prosecutor in the District Court shall be paid a retainer fee of Rs. 4450/- per month.
- (b) For each day of appearance in the Civil and Criminal Courts within Mizoram or within the respective District the maximum fee per day shall not exceed Rs. 1170/-.
- (c) The Additional Government Advocate-cum-Additional Public Prosecutor in the District Courts or any Special Court or Tribunal shall be entitled to fees for appearance in such Court or Tribunal or Criminal Judicature as follows :-
- (i) Rs. 585/- in Session Cases and or Rs. 520/- in other warrant procedure cases and or Rs. 390/- in summary trial cases or summon cases and in cases where the accused person or persons pleads or plead guilty, per day for any effective hearing.
- (ii) Rs. 260/- in Sessions Cases and Rs. 195/- in other warrant procedure cases and Rs. 130/- in other residuary.
- (d) The Additional Government Advocate-cum-Additional Public Prosecutor shall be entitled to fees for drafting plaint, written statement, written argument, written objection in the latest stage of the case, appeal petition and any other draft as required by the Government on a specific request at a flat rate of Rs. 163/- per case.

- (e) The Additional Government Advocate-cum-Additional Public Prosecutor shall be entitled to Annual increment at the rate of Rs. 1,000/- Annual increment shall be counted from the date of this notification.
- (f) Attendance Register shall be maintained, which shall be countersigned by Senior-most Government Advocate-cum-Public Prosecutor.

3. Assistant Government Advocate-cum-Assistant Public Prosecutor

- (a) The Assistant Government Advocate-cum-Assistant Public Prosecutor in the District Court shall be paid a retainer fee of Rs. 3900/- per month.
- (b) For each day of appearance in the Civil and Criminal Courts within Mizoram the maximum fee per day shall not exceed Rs. 780/-.
- (c) The Assistant Government Advocate-cum-Assistant Public Prosecutor in the District Court shall be entitled to fees for appearance in the District Court or other Courts or Tribunal of Civil Judicature within Mizoram as follows :-
 - (i) Rs. 293/- per day for effective hearing.
 - (ii) Rs. 195/- per day for non-effective hearing.
- (d) The Assistant Government Advocate-cum-Assistant Public Prosecutor in the District Court shall be entitled to the fees for drafting plaint, written statement, written argument, written objection in the latest stage of the case, appeal petition and any other draft as required by the Government on a specific request at a flat rate of Rs. 146 per case.
- (e) The Assistant Government Advocate-cum-Assistant Public Prosecutor in the District Court shall be entitled to Annual increment at the rate of Rs. 750/-. Annual increment shall be counted from the date of this notification.
- (f) Attendance Register shall be maintained, which shall be countersigned by Senior-most Government Advocate-cum-Public Prosecutor.

4. Advocates on Panel-

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

- (a) For appearance
 - (i) If having practice for more than 20 yrs. - Rs. 780/- per day (irrespective of the no. of cases).
 - (ii) If having practice for more than 10 yrs., but less than 20 yrs. - Rs. 683/- per day (irrespective of the no. of cases).
 - (iii) If having practice for more than 5 yrs. but less than 10 yrs. - Rs. 390/- per day (irrespective of the no. of cases).
 - (iv) If having practice for less than 5 yrs. - Rs. 293/- per day (irrespective of the no. of cases).

5. Explanation-

- (a) “Effective hearing” for the purpose hereof means the hearing on a date on which argument is made, plaints or other original petition or complaint, a writ application, a revision or appeal or any interlocutory petition claiming for some relief including a bail application is admitted and hearing on any such pleading is made, issue are framed, witness is examined or cross-examined, charge is framed or the like in which active effective participation of the Government Advocate is required.
- (b) “Non-effective hearing” means the hearing on date on which a suit or case or appeal or revision of application or proceeding is adjourned inspite of appearance of the Government Advocate concerned, or a written statement or objection or affidavit or application is simply filed, or date or dates are fixed for order, supply of copies or filling of list of witness, for steps or the like, in which active or effective participation of the Government Advocate is usually not required.

6. Travelling allowance and daily allowance :

For travelling outside Headquarters to Conduct Case/Cases, the Travelling allowance and Daily allowance shall be as follows-

- (1) Additional Advocate-cum-Public Prosecutor in the High Court and Government Advocate-cum-Public Prosecutor in the District Court shall be entitled to TA/DA as admissible to Group ‘A’ officers of the State Government who is drawing Grade Pay of Rs. 9,500/- and above.
- (2) Government Advocate-cum-Additional Public Prosecutor in the High Court and Additional Government Advocate-cum-Additional Public Prosecutor in the District Court shall be entitled to TA/DA as admissible to the Group ‘A’ officers of the State Government who is drawing Grade Pay of Rs. 7,600/- - Rs. 8900/-
- (3) Assistant Government Advocate-cum-Assistant Public Prosecutor in the District Court shall be entitled to TA/DA as admissible to the Group ‘A’ officers of the State Government who is drawing Grade Pay of Rs. 5,400/- - Rs. 7,100/-.

7. Miscellaneous :

All bills for fees shall be preferred in Form ‘A’ in triplicate and shall be submitted to Law and Judicial Department or to the Department concerned, as the case may be.

8. Removal of Doubts :

When any doubt arises as to the interpretation of these provisions, the Law and Judicial Department may, with the approval of the Minister-in-charge of the Department, interpret any such provisions thereof, and such a decision shall be final.

This issues with the concurrence of Finance Department, Government of Mizoram vide their I.D. No.FIN(E) 1233/2010 dt. 10.3.2011.

By order and on behalf of the Government of Mizoram.

P. Singthanga,
Secretary to the Govt. of Mizoram,

FORM 'A'

Sl.No.	Name of Court	Case No. & Name of the parties	Date of appear- ance	Whether effective or non- effective hearing	No. of drafting	No. of consul- tation	Fees claimed
1	2	3	4	5	6	7	8

Name of the Government Advocate etc.

Signature of the Government Advocate

Certified that I have not preferred any claim for appearance, Consultation/drafting other than those for which I am entitled.

Signature of the Government Advocate etc.