

GOVERNMENT OF ARUNACHAL PRADESH
SECRETARIATE::PWD::ITANAGAR

No: SPWD/W-264/06/1518

Dated, Itanagar, the 11th September/2007

To

The Chief Engineer
Eastern Zone PWD,
Govt. of Arunachal Pradesh,
Itanagar.

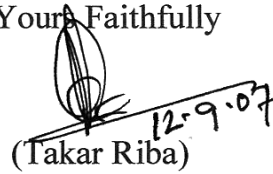
Sub: Hon'ble High Court Judgment dated 29/6/2007 in case No. CRP 35 (AP) 2006 (SH: Approval for appointment of advocate and legal fee structure).

Sir,

With reference to your letter No. CEAP(EZ)/E-III/ARB-6/07-08/09-11 Dated 24/08/2007 on the subject and to inform you that Govt. has approved for filling the appeal by the Executive Engineer Pasighat and the fees for advocate as per scale approved by the Law Department. (Copy enclosed for ready reference).

Encl: As stated above.

Yours Faithfully



(Takar Riba)
Under Secretary (PWD)
Govt. of Arunachal Pradesh
Itanagar.

No: CEAP(EZ)/E-III/ARB-6/07-08/

Dated, 17th September/2007

1. The Chief Engineer (WZ) PWD for information please.
2. The Chief Engineer (D&P) PWD for information please.
3. The Chief Engineer (S&I) PWD for information please.
4. The Superintending Engineers/Executive Engineers under Eastern Zone PWD for information.
5. Computer Section for uploading the file in website.



(BORA ETE)
Chief Engineer (EZ) PWD
Itanagar.

(II) SENIOR GOVT. ADVOCATE:

Sl. No.	PARTICULARS	RATES
1.	RETAINING FEES	Rs. 5,000.00 p/month
2.	FEES FOR CONDUCTING CASES: <i>For Appearance:</i>	
	A) Under Articles 226 to 228 of the Constitution	Rs. 500.00 per day
	B) CPC	
	a) for first appeal	Rs. 500.00 per day
	b) for second appeal	Rs. 400.00 per day
	C) Criminal Cases:	
	a) for first appeal	Rs. 500.00 per day
	b) for second appeal	Rs. 400.00 per day
	D) Tax & Revenue cases:	Rs. 400.00 per day
	E) Election cases:	
	a) for first day	Rs. 500.00 per day
	b) for subsequent days	Rs. 400.00 per day
	F) The Sr. Govt. Advocate, irrespective of number of cases he appeared during any day but not including election cases, shall be entitled to only one such fees as is the highest admissible to him that day plus an additional fee of Rs. 400/-.	
	G) For appearing in cases in any of the Benches of the Gauhati High Court or at other hearing, daily fee of Rs. 1000/- shall be paid to the SGA for each day of his absence from his HQ irrespective of number of cases heard or adjourned during the day but shall not be entitled to any additional fee as mentioned in (2) (E) above.	
	H) When a case is adjourned on prayer of the opposite party or by order of the court or on instruction by the Govt., the SGA shall be entitled to one thirds of the daily fee otherwise admissible for the case that day. Irrespective of the number of cases adjourned during the day the SGA shall be entitled to only one adjournment fee for the day. No adjournment fee shall be admissible to the SGA when he is entitled to fee for other cases heard on that day.	
3.	<u>FEE FOR CONSULTATION OR PREPARATION OF CASES:</u> When the SGA is called away from his headquarters station for consultation or for preparation of a case or cases he shall be entitled to a fee of Rs. 500/- plus outstation fee of Rs. 100/- per day for each day of absence from headquarters station.	
4.	<u>FEE FOR DRAFTING & FILING PETITIONS:</u> For drafting petitions, applications, appeals, counter-affidavits or/and Misc. petitions documents as may be entrusted by the Govt. by general or special order, the SGA shall be paid a drafting fee of Rs. 500/- and filing fee of Rs. 100/- per case.	
5.	<u>CONVEYANCE & POL MONEY:</u> As admissible to Class-I Gazetted Officers of the Govt. of Arunachal Pradesh.	
	Note: <i>The revised rates of fee shall be subject to a monthly ceiling of Rs. 30,000.00 including retaining fee.</i>	

(III) ADDITIONAL SENIOR GOVT. ADVOCATE:

Sl. No.	PARTICULARS	RATES
1.	RETAINING FEES	Rs. 4,500.00 p/month
2.	FEES FOR CONDUCTING CASES: <i>For Appearance:</i>	
	A) Under Articles 226 to 228 of the Constitution	Rs. 500.00 per day
	B) CPC	
	a) for first appeal	Rs. 500.00 per day
	b) for second appeal	Rs. 400.00 per day
	C) Criminal Cases:	
	a) for first appeal	Rs. 500.00 per day
	b) for second appeal	Rs. 400.00 per say
	D) Tax & Revenue cases:	Rs. 400.00 per day
	E) Election cases:	
	a) for first day	Rs. 500.00
	b) for subsequent days	Rs. 400.00
	F) The Additional Senior Government Advocate, irrespective of number of cases he appeared during any day but not including election cases, shall be entitled to only one such fee as is the highest admissible to him that day plus an additional fee of Rs. 400/- .	
	G) For appearing in cases in any of the Benches of the Gauhati High Court or at other places a daily fee of Rs. 1000/- shall be paid to the ASGA for each day of his absence from his HQ irrespective of number of cases heard or adjourned during the day but shall not be entitled to any additional fee as mentioned in (2) (F) above.	
	H) When a case is adjourned on pray of the opposite or by order of the court or on instruction by the Govt., the ASGA shall be entitled to one thirds of the daily fee otherwise admissible for the case that day. Irrespective of the number of cases adjourned during the day the ASGA shall be entitled to only one adjournment fee for the day. No adjournment fee shall be admissible to the ASGA which he is entitled to fee for other cases heard on that day.	
3.	<u>FEE FOR CONSULTATION OR PREPARATION CASES:</u> When the ASGA is called away from his headquarter station for consultation or for preparation of a case or cases he shall be entitled to a fee of Rs. 500/- plus outstation fee of Rs. 100/- per day for each day of absence from headquarter station.	
4.	<u>FEE FOR DRAFTING & FILING PETITIONS:</u> For drafting petitions, applications, appeals, counter-affidavits or/and Misc. petitions, documents as may be entrusted by the Govt. by general or special order, the ASGA shall be paid a drafting fee of Rs. 500/- and filing fee of Rs. 100/- per case.	
5.	CONVEYANCE ALLOWANCE	Rs 1,500 p/month
6.	TEELPHONE	Rs 1,000.00 p/month
	Note: <i>The revised rates of fee shall be subject to a monthly ceiling of Rs. 25,000.00 including retaining fee but excluding Telephone & Conveyance Allowance.</i>	

PANEL LAWYER:**(B) District and other Subordinate Courts:**

Sl. No.	PARTICULARS	RATES
1.	PROFESSIONAL FEE:	
	A) For appearance:	
	(a) if having practice for more than 20 years.	Rs. 800/- per day
	(b) if having practice for more than 10 years but less than 20 years.	Rs. 600/- per day
	(c) if having practice for more than 5 years but less than 10 years.	Rs. 400/- per day
	(d) if having practice for less than 5 years. (the fee are irrespective of number of cases the advocate appeared in during the day)	Rs. 300/- per day
	B) For drafting:	
	(I) in civil matters:	
	(a) plaint, written statement, memo of appeal, revision/review petitions, Rs. 300/- .	
	(b) injunction petition & objection to injunction, stay petition & objection to stay petition, amendment petition & objection to amendment petition, petition for execution & objections to execution matter, petition for restoration of a case & objection thereto, attachment petition & objection thereto, condonation petition & objection thereto, objection and written statement in election petition, Rs. 200/- .	
	(II) in criminal matters:	
	(a) Memo of appeal, revision/review petition, Rs. 300/- plus 10% clerckage in each case.	
	(b) Petition fro cancellation of bail and other miscellaneous petition as per instruction of the Govt., Rs. 250/- .	
	<p>The Panel Advocate, irrespective of number of cases he/she appeared during any day but not including election cases, shall be entitled to only one fee plus an additional fee of Rs. 150/-.</p> <p>When a case is adjourned on prayer of the apposite party or by order of the court or in instruction by the Govt., the Govt. Advocate shall be entitled to one thirds of the daily fee otherwise admissible for the case that day. Irrespective of the number of cases adjourned during the day the Govt. Advocate shall be entitled to only one adjournment fee for the day. No adjournment fee shall be admissible to the Govt. Advocate when he is entitled to fee for other cases heard on that day.</p>	
2.	TRAVELING ALLOWANCE:	
	Actual Bus Fare plus Rs. 300.00 for each day of absence from his/her principal seat of practice.	

(VI) PUBLIC PROSECUTOR IN THE DISTRICT AND SPECIAL PUBLIC PROSECUTOR IN THE SPECIAL COURT OF SPL. JUDGE.

- (a) A Public Prosecutor in the District Court or Special Public Prosecutor shall be paid retainer fee of **Rs. 3,000/-** per month;
- (b) For each day of appearance in the Courts within Arunachal Pradesh or within the respective District, the maximum fee per day shall not exceed **Rs. 500/;**
- (c) The Public Prosecutor or the Special Public Prosecutor in the District Courts or any Special Court or Tribunal shall be entitled to fees for appearance, in such Court or Courts or Tribunal or Criminal Judicature as follows:
 - (i) **Rs. 500/-** in Sessions cases and **Rs. 400/-** in other warrant – procedure cases and **Rs. 300/-** in summary – trial or summon cases and in case where accused plead guilty, per day for effective hearing;
 - (ii) **Rs. 250/-** in Sessions cases and **Rs. 200/-** in other warrant – procedure cases and **Rs. 150/-** in other residuary types of cases mentioned above per day for non-effective hearing.
- (d) The Public Prosecutor or Special Public Prosecutor shall be entitled to fees for drafting written arguments, written objection against bail petitions, other contested and for drafting memorandum of appeal, revision/review petitions, original miscellaneous petitions and complaints including those contemplated in section 199 of the Code of Criminal Procedure, 1973 at a flat rate of **Rs. 300/-** per case.
- (e) A Public Prosecutor shall be entitled to Traveling Allowance at the actual Bus fare for to & fro journey plus **Rs. 300/-** for each day of his/her absence from his/her principal seat of practice.

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 or writ application, a revision or appeal or any interlocutory petition claiming for some relief including a bail application is admitted and hearing on and such pleading is made, issues are framed, witness is examined or cross examined, charge is framed or the like in which active or effective participation of the Govt. Advocate is required.*