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## NOTIFICATION

No.A.45011/1/91-LJE, the 10th November, 1995. In supersession of all previous notifications on the subject and in exercise of the powers conferred under rule 7 of the Mizoram (Appointment, Duties, Fees etc. of Government Advocates) Rules, 1995, the Governor of Mizoram is pleased to prescribe the following rates of fees for engagement of the various Government Advocates and Advocates on Panel of the Government -

1. Government Advocate-cum-Public Prosecutor and the Assistant Government Advocate-cum-Public Prosecutor in the High Court.

(a) The Government Advocate-cum-Public Prosecutor in the High Court shall be paid a retainer fee of Rs. 2000/- per month and the Assistant Government Advocate-cum-Public Prosecutor shall be paid a retainer-fee of Rs. 1000/- per month.

(b) For each day of appearance in the Aizawl Bench of the Gauhati High Court or in other courts or State-level Appellate Tribunals/Commissions within Mizoram irrespective of the number of cases, the maximum fee per day shall not exceed Rs. 350/- in case of the Government Advocate-cum-Public Prosecutor, and Rs. 250/- in case of an Assistant Government Advocate-cum-Public Prosecutor.

(c) The Government Advocate-cum-Public Prosecutor shall be entitled to fees for appearance in the Aizawl Bench of the Gauhati High Court and the State Consumer Redressal Commission of Mizoram as follows -

- (i) Rs.350/- per day for effective hearing.
- (ii) Rs.175/- per day for non-effective hearing.

(d) The Government Advocate-cum-Public Prosecutor in the High Court shall be entitled to fees for appearance in the District Courts, or Tribunals original jurisdiction within Mizoram as follows -

- (i) Rs. 325/- per day for effective hearing.
- (ii) Rs. 130/- per day non-effective hearing.

(e) The Government Advocate-cum-Public Prosecutor in the High Court shall be entitled to the fees for drafting at a flat-rate of Rs. 130/- per case, while an Assistant Government Advocate-cum-Public Prosecutor in the High Court shall be entitled to the fees for assisting in drafting, preparation of paper books etc. at a flat rate of Rs. 75/- per case.

(f) An Assistant Advocate-cum-Public Prosecutor in the High Court irrespective of his appearance in the High Court or in any District Court shall be entitled to the fees for such appearance as follows:

- (i) Rs.175/- per day for effective hearing (irrespective of number of cases)
- (ii) Rs. 100/- per day for non-effective hearing (irrespective of number of cases)

## 2. Government Advocates in the District Courts.

(a) A Government Advocate in the District Courts shall be paid a retainer fee of Rs. 1200/- per month.

(b) For each day of appearance in courts within Mizoram irrespective of the number of cases, the maximum fee per day shall not exceed Rs. 325/-.

(c) A Government Advocate in the District Courts shall be entitled to fees for appearance in the District Courts or other Courts or tribunals of Civil judicature within Mizoram as follows

- (i) Rs. 325/- per day for effective hearing.
- (ii) Rs. 130/- per day for non-effective hearing.

(d) A Government Advocate in the District Courts shall be entitled to the fees for drafting plaints, written statements etc. at a flat-rate of Rs. 100/- per case.

## 3. Public Prosecutor in the District Courts, including Special Public Prosecutor in the Special Courts or court of Special Judge etc.

(a) A Public Prosecutor in the District Courts or a Special Public Prosecutor shall be paid a retainer fee of Rs. 1200/- per month.



(b) For each day of appearance in courts within Mizoram or within the respective district irrespective of the number of cases, the maximum for per day shall not exceed Rs. 325/-.

(c) A Public Prosecutor or Special Public Prosecutor in the District Courts or for any Special Court or Tribunal shall be entitled to fees for appearance in such Court or Courts or tribunals or criminal judicature as follows :

(i) Rs. 325/-in sessions cases ; and/or Rs. 260/-in other warrant-Procedure-cases ; and/or Rs. 195/- in Summons-Procedure cases ; summary-trial-cases and in cases where accuseds plead guilty- per day, for effective hearing.

(ii) Rs. 130/-in Sessions and other warrant-Procedure-cases while Rs. 100/-in all residuary types of cases as above-mentioned-per day, for non-effective hearing.

(d) A Public Prosecutor or a Special Public Prosecutor shall be entitled to the fees for drafting written arguments, written objections against bail-petitions, other miscellaneous interlocutory petitions except adjournment, petitions in the cases contested, and for drafting memorandums of appeal, Revision 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. 80/-per case.

#### 4. Assistant Government Advocates in the District Courts, Sub-divisional Courts and other Tribunals or Forums.

(a) An Assistant Government Advocate in the District Courts or Sub-divisional Courts or Tribunals or Forums shall be paid a retainer fee of Rs. 900/-per month.

(b) For each day of appearance in courts within Mizoram irrespective of the number of cases, the maximum fee per day shall not exceed Rs. 200/-

(c) An Assistant Government Advocate for appearance in such Courts or Tribunals or Forums of Civil judicature shall be entitled to fees as follows :-

(i) Rs. 150/-per day for effective hearing.

(ii) Rs. 100/-per day for non-effective hearing.

(d) An Assistant Government Advocate shall be entitled to the fees for drafting plaints, written statement, interlocutory petitions. Miscellaneous Petitions, written objections etc. at a flat-rate of Rs. 75/-per case.

## 5. Advocates on Panel.

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

## (a) For appearance —

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| (i) if having practice for more than 20 yrs.                           | ...Rs. 400/-in a day (irrespective of number of cases). |
| (ii) if having practice for more than 10 years but less than 20 years. | ..Rs. 350/-in a day (irrespective of number of cases).  |
| (iii) if having practice for more than 5 years but less than 10 years. | ...Rs. 200/-in a day (irrespective of number of cases). |
| (iv) if having practice less than 5 years.                             | ..Rs. 150/-in a day (irrespective of number of cases).  |

(b) For drafting etc. ...Rs. 75/-per case.

(c) For Miscellaneous expenditure on typing etc. ..Rs. 100/-per case

## 6. Interpretation.

(a) "effective hearing" for the purposes hereof means the hearing on a date on which argument is made, plaint 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 pleadings in made, issues are framed, witness is examined or Cross-examined, charge is framed or the like, in which active effective participation of the Govt. Advocate is required.

(b) "non-effective hearing" means the hearing on a date on which a suit or case or appeal or revision or application or proceeding is adjourned inspite of appearance of the Govt. 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 filing of list of witnesses, for steps or the like, in which active or effective participation of the Govt. Advocate is usually not required.

## 7. Miscellaneous.

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

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## 8. Removal of Doubts.

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

By order,  
Secretary to the Govt. of Mizoram,  
Law and Judicial Department.

## FORM 'A'

Sl. No.	Case No. Name of the Court and Name of the parties.	Whatever effective or non-effective hearing (Appearance)	Number of drafting.	Number of consultation	Fees claimed.	No. of certificate towards proof of the work done.
1	2	3	4	5	6	7

Name of the Government  
Counsel

Signature of the Government  
Counsel

Certified that I have not claimed for more than three consultations, in one case. It is also certified that I have not preferred any claim for appearance/consultation other than those for which I am entitled.

Signature of the Government  
Counsel