

GOVERNMENT OF MEGHALAYA

LAW (B) DEPARTMENT

OFFICE MEMORANDUM

The 28th March, 2000

No.LR(B).1/89/Pl/33.—The Government of Meghalaya have decided to revise the appearance fees of the Advocate General, Government Advocates, Government Pleaders and Public Prosecutors for conducting cases on behalf of the State of Meghalaya in the Supreme Court, the High Court and other Courts and Tribunals in the State according to rates hereinafter indicated in Parts I, II and III of this Memorandum. This issue with the concurrent of Finance vide their I/D. No.FE.302/99 dated 11th January, 2000 and approved by Cabinet on 14th March, 2000.

The existing fees were last revised vide Office Memorandum No.LR(B).1/89/8, dated 21st March, 1989. In addition to the fees for conducting cases, certain other fees and allowances have also been prescribed.

2. These orders will take effect from 1st April, 2000 and the fees for cases conducted on and from that date shall be admissible at the revised rates.

PART I

GOVERNMENT PLEADERS/PUBLIC PROSECUTORS IN THE DISTRICTS

1. Retaining fees.—The Government Pleader/Public Prosecutors in the districts shall be paid a retaining fees of Rs.2000 (Rupees two thousand) and the Additional Government Pleader/Additional Public Prosecutor of Rs.1000 (Rupees one thousand) only per month.

CRIMINAL CASES

2. Fees for Conducting Criminal Cases, Appeals, etc.—Fees as hereinafter prescribed shall be admissible to a Public Prosecutor, Additional Public Prosecutor, Assistant Public Prosecutor or any other Advocates conducting criminal cases on behalf of the State (hereinafter referred to as the Public Prosecutors) in Courts and Tribunals in the district concerned.

(a) For appearing in any court in his Headquarter Station, a fee of Rs.250 (Rupees two hundred fifty) only per day shall be paid to the Public Prosecutor when a case is heard. When two or more cases conducted by the Public Prosecutor are heard on the same day an additional fee of Rs.150 (Rupees one hundred fifty) only shall be paid for that day.

(b) For cases involving exceptional labour or ability a higher fee not exceeding Rs.600 (Rupees six hundred) only per day, as the Legal Remembrancer may decide, may be paid to the Public Prosecutor.

(c) When in any day a case or cases are adjourned by the court on the prayer of the opposite party or on instructions of the Government the Public Prosecutor shall be entitled to an adjournment fee of Rs.100 (Rupees one hundred) only for that day irrespective of the number of cases so adjourned. No adjournment fee shall, however, be admissible when fees for any other case or cases heard on that day are admissible.

(d) For appearing in hail matters under general or special instructions of the Government, the Public Prosecutor shall be paid a fee of Rs. 150 (Rupees one hundred fifty) only per day. When two or more such cases are taken up on the same day an additional fee of Rs. 100 (Rupees one hundred) only shall be paid.

(e) For appearing in any court located outside his Headquarters Station a fee of Rs. 500 (Rupees five hundred) only shall be paid to the Public Prosecutor for each day of his absence from the headquarters irrespective of the number and kinds of cases heard or adjourned on that day :

Provided that the said fee shall not be admissible for any day the Public Prosecutor is entitled to other fees for appearing in any other case or cases in other courts in or outside his headquarter station.

CIVIL CASES

3. Fees for Conducting Civil Cases, Appeals, etc.— Fees as hereinafter prescribed shall be admissible to a Government Pleader, Additional Government Pleader, Assistant Government Pleader or any other Advocate conducting civil cases, appeals, etc., on behalf of the State (hereinafter referred to as the Government Pleader) in courts in the districts and other tribunals in the State.

(a) For civil cases and appeals, where no fee has been fixed under the High Court Rules or the advalorem fee so fixed is below Rs. 200/- (Rupees two hundred) only a fee of Rs. 500/- (Rupees five hundred) only per case shall be paid to the Government Pleaders.

(b) For claim cases before the Motor Accident Claims Tribunal the Government Pleader shall be paid for each case a fee of Rs. 1500/- (Rupees one thousand five hundred) only when the case is contested and Rs. 700/- (Rupees seven hundred) only when it is not.

(c) For cases before the Board of Revenue the Government Pleader shall be paid each case a fee of Rs. 1500/- (Rupees one thousand five hundred) only when the case is contested and Rs. 600/- (Rupees six hundred) only when it is not.

(d) For cases relating to Quit India Notices or orders in the foreigners tribunal, the Government Pleader shall be paid a fee of Rs. 250/- (Rupees two hundred fifty) only per day when the case is conducted at his Headquarters Station and Rs. 500/- (Rupees five hundred) only per day when it is conducted outside.

(e) For cases relating to elections before any court or authority the Government Pleader shall be paid for each case a fee of Rs. 2000/- (Rupees two thousand) only when the case is conducted within his headquarters station and Rs. 3000/- (Rupees three thousand) only when it is conducted outside.

(f) For appearing in —

(a) arbitration proceedings

(b) proceedings before the Industrial Tribunals, Labour Courts and other judicial authorities constituted under the labour laws and

(c) proceedings before the State Transport Tribunal, the State or Regional Transport Authority

the Government Pleader shall be paid for each case a fee of Rs. 1000/- (Rupees one thousand) only when the proceedings are conducted at his headquarter station and Rs. 2000/- (Rupees two thousand) only when conducted outside.

OTHER ALLOWANCES AND FEES

4. **Travelling Allowance**—For travelling outside his headquarters to conduct cases the Public Prosecutor/Government Pleader/Additional or Assistant Public Prosecutor/Additional or Assistant Government Pleader shall be entitled to travelling allowance, but excluding daily allowance, as admissible to Grade I officers of the Government of Meghalaya.

5. **Fee for drafting plaints, etc.**—For drafting plaints miscellaneous or injunction petitions, written statements, show causes or objection against an injunction petitions or interim order of the court, agreements, deed, notices or any other documents as may be entrusted by the Legal Remembrancer by general or special order a fee of Rs. 400/- (Rupees four hundred) only shall be paid in each.

PART II

GOVERNMENT ADVOCATE IN THE HIGH COURT

6. **Retaining fees**—The senior Government Advocate in the High Court shall be paid a retaining fee of Rs. 5000/- (Rupees five thousand) only per month and the Additional Government Advocate at Rs. 2500/- (Rupees two thousand five hundred) only per month. Headquarters Guwahati or Shillong.

7. **Fees for conducting cases**—(1) For appearing in cases in the High Court at Guwahati and at Shillong the Government Advocate shall be paid daily fees at rates hereinafter prescribe, that is:

(A) For appearing in—

(a) for first appeals Rs. 500/- (Rupees five hundred) per day.

(b) for other matters or appeals other than first appeals Rs. 400/- (Rupees four hundred) only per day.

(c) for matters under Articles 226 to 228 of the constitution Rs. 500/- (Rupees five hundred) only per day.

(d) for tax cases Rs. 500/- (Rupees five hundred) only per day.

(B) Criminal cases—

(e) for first appeals Rs. 500/- (Rupees five hundred) only per day.

(f) for other matters Rs. 400/- (Rupees four hundred) only per day.

(C) Revenue Cases—

For appeals, a fee of Rs. 300/- (Rupees three hundred) only per day shall be paid.

(D) Election Cases—

For the first day a fee of Rs. 500/- (Rupees five hundred) only and for the subsequent days at the rate of Rs. 400/- (Rupees four hundred) only per day shall be paid.

(2) The Government Advocate, irrespective of the 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 on that day plus an additional fee for Rs. 400/- (Rupees four hundred) when two or more cases are heard on that day.

(3) For cases involving exceptional labour or ability a higher fee not exceeding Rs. 700/- (Rupees seven hundred) only per day for the Senior Government Advocate, and not exceeding Rs. 500/- (Rupees five hundred) per day for the Additional Government Advocate, as the Legal Remembrancer may decide, may be paid.

(4) For appearing in cases in any of the Benches of the Gauhati High Court at Shillong or at other places a daily fee of Rs. 800/- (Rupees eight hundred) only shall be paid to the Government Advocate for each day of his absence from his headquarters in respect of the number or kind of cases heard or adjourned during the day. The Government Advocate shall not be entitled to the additional fee mentioned in sub-paragraph (2) :

Provided that the said daily fee shall not be admissible to him for the day or days the Advocate is entitled to other fees for appearing in other case or cases in the principal seat of the Gauhati High Court.

(5) For appearing in courts subordinate to the Gauhati High Court but within his Headquarters Station the Government Advocate shall be paid a fee of Rs. 500/- (Rupees five hundred) only per day and if outside his headquarters station Rs. 700/- (Rupees seven hundred) for each day of his absence from the headquarters. Fees under this sub-paragraph shall be separate and independent of fees admissible for appearing in the High Court and Tribunals.

(6) When a case is adjourned on the prayer of the opposite party or by order of the Court or on instructions by Government, the Advocate shall be entitled to half the daily fee otherwise admissible for the case that day. Irrespective of the number of cases adjourned during any day the Advocate shall be entitled to only one adjournment fee for the day. No adjournment fee shall be admissible to the Advocate when he is entitled to fees for other cases heard on that day.

8. **Fees for consultation or preparation of cases.**— When the Advocate 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/- (Rupees five hundred) only plus an outstation fee of Rs. 100/- (Rupees one hundred) only per day for each day of absence from headquarters station.

9. **Fees for drafting petition, etc.**— For drafting petitions, applications, appeals, counter-affidavits or and petitions or documents as may be entrusted by the Legal Remembrancer by general or special order, the Government Advocate shall be paid a drafting fee of Rs. 500/- (Rupees five hundred) only per draft and for setting such a draft the Senior Government Advocate shall be paid Rs. 600/- (Rupees six hundred) only.

10. **Travelling allowance.**— For travelling outside his headquarters for court or Government matters the Government Advocate shall be entitled to travelling allowance, but excluding daily allowances, as admissible to Grade I Officer of the Government of Meghalaya.

11. **Applicability of fees, etc., to panel Advocates.**— The fees, excepting retaining fees, travelling and other allowances under this part shall also be admissible to panel advocates or Additional Public Prosecutor/Additional Government Advocate of the Government of Meghalaya in the Gauhati High Court or to an Advocate specially appointed to conduct a case or cases on behalf of the State in that High Court.

PART III

ADVOCATE GENERAL

12. **Retaining fee and Car allowances .-** The Advocate General shall be paid a monthly retaining fee of Rs.6000/- (Rupees six thousand) only and a car maintenance allowance of Rs.1000/- (Rupees one thousand) only per month, and the Additional Advocate General shall be paid a monthly retaining fee of Rs.5000/- (Rupees five thousand) only.

Note .- The headquarters of the Advocate General is at present at Gauhati and he comes to Shillong for official works. No Government vehicles is provided to him.

13. **Fees for appearance in court and tribunals .-** (1) For appearing in the Gauhati High Court at Gauhati or Shillong the Advocate General shall be paid a daily fee of Rs.1500/- (Rupees one thousand five hundred) only for all categories of cases.

(2) For appearance in the Supreme Court the Advocate General shall be paid a daily fee of Rs.5000/- (Rupees five thousand) only for each day of his absence from his headquarters but no daily allowances shall be admissible for those days.

(3) For appearance in any other court or tribunal outside headquarters but within Meghalaya and Assam the Advocate General shall be paid a fee of Rs.1500/- (Rupees one thousand five hundred) only.

(4) For appearance in courts or tribunals in other States other than the Supreme Court and courts or tribunals in Meghalaya and Assam the Advocate General shall be paid a fee of Rs.2000/- (Rupees two thousand) only for each day of his absence from his headquarters, but no daily allowance shall be admissible for those days.

14. **Fees in case of adjournment of hearing .-** When a case is adjourned on the prayer of the opposite party or by order of the court or an instruction by Government the Advocate General shall be entitled to half the fee otherwise admissible for the case that day.

15. **Fees for consultation or advice .-** When the Advocate General is required to go to any place outside his headquarters, excepting Shillong for consultation or advice or for any matter of the court of Government he shall be paid a fee of Rs.1500/- (Rupees one thousand five hundred) only for each day of absence from his headquarters but no daily allowance shall be admissible for those days.

16. **Travelling allowance .-** For travelling outside his headquarters for court or other matters of the Government the Advocate General shall be entitled to travelling allowance but including daily allowance, as admissible to Grade I Officers of the Government of Meghalaya.

17. **Fees and allowance of other senior advocate .-** Excepting the retaining fees and car maintenance allowance, all other fees and allowances as mentioned under this part may also be admissible to the Senior Advocate of the Gauhati High Court when engaged by the Government on behalf of the State.

18. In case any doubt or ambiguity arises in the interpretation of these orders the interpretations or decision as Government may give thereon shall be final.

J. TAYENG,

Additional Chief Secretary to the
Government of Meghalaya,
Law Department.