

No. A.50013/20/2015-Estt.I
Government of India
Ministry of Water Resources, RD & GR

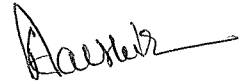
Shram Shakti Bhawan, Rafi Marg,
New Delhi, 3rd October, 2015.

OFFICE MEMORANDUM

Sub: - Revision of fee payable to various categories of Central Government Counsel.

The undersigned is directed to refer to the subject mentioned above and to forward herewith a copy of the OM No. 26(1)/2014/judl. dated 01.10.2015 issued by Joint Secretary and Legal Adviser, M/o Law & Justice about the revised fee structure applicable to ASG, Sr. CGSC, CGSC etc. engaged in Supreme Court, High Courts and CATs.

Encl: As above



(A K Kaushik)
Under Secretary to the Govt. of India
Tel: 23716928

To

1. All Concerned Sections of this Ministry.
2. All Organisations under this Ministry.
- ✓ 3. NIC for uploading on the Intranet.

OFFICE MEMORANDUM

In partial modification to this Department's various OMs issued from time to time, the undersigned is directed to convey approval of Competent Authority for the revision of the fee structure applicable to Government counsels of all the categories with immediate effect as per the details given below:-

The Fee structure applicable to Group 'A' 'B' and 'C' panel Counsel in Supreme Court:-

| Sl.No. | Item of work | Revised fee Group 'A' Panel Counsel | Revised fee Group 'B' & 'C' Panel Counsel |
|--------|--|--|--|
| 1. | All Regular Appeals and defended Writ Petitions (for final hearing) | ₹13,500/- per case per day | ₹ 9,000/- per case per day |
| 2. | All defended Admission matters (SLP/TP and writ petitions & other misc. matters for admission) | ₹ 9,000/- per case per day | ₹ 4,500/- per case per day |
| 3. | Settling of pleadings | ₹ 5,250/- per case | ---- |
| 4. | Appearance in Miscellaneous Applications | ₹ 4,500/- per case | ---- |
| 5. | Conference | ₹ 900/- per conference | ---- |
| 6. | Out of Head quarter | ₹ 13,500/- daily fee for the days of his absence from HQ | ₹ 9,000/- daily fee for the days of his absence from HQ. |
| 7. | Conveyance charges for performing local journey while outside Headquarter. | ₹ 1,500/- | ₹ 1,500/- |
| 8. | Clerkage | NIL | NIL |
| 9. | Drafting SLP/Counter Affidavit/Rejoinder etc. | --- | ₹ 3,000/- per case |
| 10. | Drawing Written Submission | --- | ₹ 3,000/- per case |

| | | | |
|-----|---|-----|-------------------|
| 11. | Drafting or Appearance in Miscellaneous Applications (including mentioning of the case/Caveat/Clearance/obtaining the number and taking date for hearing) | --- | ₹ 3,000/-per case |
|-----|---|-----|-------------------|

All other terms and conditions applicable to Group 'A', 'B' and 'C' Panel Counsel in Supreme Court in the pre-revised OM No. 21(04)/1999-Judl. dated 24.09.1999 read with OM No. 21(05)/ 2011-Judl. dated 01.10.2011 shall continue to remain applicable unless specifically revoked/revised.

(B)

The Fee structure applicable to Assistant Solicitors General of various High Courts, Central Government Standing Counsel of Delhi High Court (CGSC), Senior Central Government Standing Counsel (Sr. CGSC) of various Benches of CAT and Senior Panel Counsels in various High Courts/ CAT Benches (excluding the High Courts of Bombay and Calcutta) as per the following rates:-

| Sl. No. | Item of work | Revised fee |
|---------|--|---|
| 1. | Retainer Fee of:- Assistant Solicitor General of various High Courts, Central Government Standing Counsel of Delhi High Court (CGSC) and, Senior Central Government Standing Counsel (Sr. CGSC) of various Benches of CAT . | ₹ 9000/- per month. |
| 2. | Suits, Writ Petitions and Appeals, including oral Applications for Leave to Appeal to Supreme Court in Writ Petitions. | ₹ 9000/- per case per day of effective hearing in case of non-effective hearing ₹ 1500/- per day subject to a maximum of 5 hearing |
| 3. | Application for Leave to Appeal to Supreme Court in Writ Petitions. | ₹ 3000/- per case |
| 4. | Settling pleadings | ₹ 3000/- per case |
| 5. | Miscellaneous Application | ₹ 3000/- per case |
| 6. | Conference | ₹ 500/- per conference subject to:- (i) for setting pleadings- one conference. (ii) In respect of hearing of Writ matters, Suits, appeals and Supreme courts leave applications etc- Three conference (Maximum) |
| 7. | Miscellaneous and out of pocket expenses | As per actual to the satisfaction of the administrative Ministry/ Department. |

All other terms and condition applicable to Senior Panel Counsels in various High Courts/ CAT Benches (excluding the High Courts of Bombay and Calcutta in to this Department's, OM No. 24(2)/99-Judl., OM No. 26(1)/99-Judl., OM No. 25(3)/99-Judl., and OM No. 26(2)/99-Judl., all dated 24.09.99, read with OM No. 26(1)/2005-Judl. dated 31.01.2008 and OM No. 26(1)/2011-Judl. dated 01.10.2011, shall continue to remain applicable unless specifically revoked/revised.

(C)

Revision of the fee structure applicable to the Panel Counsel of High Courts as well as of CAT Benches of Bombay and Kolkata:-

| Sl.No. | Item of Work | Special Counsel | Senior Counsel Group. I | Senior Counsel Group. II | Jr. Counsel Advocate on record |
|--------|---|-----------------|-------------------------|--------------------------|--------------------------------|
| 1. | Suits, Appeals, Writ /Revision Petitions including Special Civil Application in the High Court. | ₹ 9000 | ₹ 6000 | ₹ 3750 | ₹ 1800 |
| | Per conference/Consultation | ₹ 900 | ₹ 750 | ₹ 600 | ₹ 450 |
| 2. | Application including Interim Motions, Notices, Appeals, Leave Application, Arbitration, Company Matters, Criminal Revision and other Land Acquisition References (per day per effective hearing) | ₹ 3000 | ₹ 3000 | ₹ 2250 | ₹ 1350 |
| | Per conference/Consultation | ₹ 900 | ₹ 750 | ₹ 600 | ₹ 450 |
| 3. | Drafting or Settling Pleadings, and Affidavits (per pleadings) | ₹ 3000 | ₹ 1800 | ₹ 1500 | ₹ 1050 |
| | Per conference/Consultation | ₹ 900 | ₹ 750 | ₹ 600 | ₹ 450 |
| 4. | Appearance before Arbitration and Tribunals, etc and Courts other than High Courts (Per day per effective hearing) | ₹ 7500 | ₹ 6000 | ₹ 3750 | ₹ 2250 |
| | Per conference/Consultation | ₹ 900 | ₹ 750 | ₹ 600 | ₹ 450 |
| 5. | Chamber Application, including Adjournment Application per day inclusive of consultation | NIL | ₹ 1500 | ₹ 900 | ₹ 600 |
| 6. | Written opinions and written advice including advice on evidence (inclusive of consultation) | ₹ 3750 | ₹ 2250 | ₹ 1350 | ₹ 1050 |

All other terms and conditions applicable to the Counsels of High Courts as well as of the CAT Benches of Bombay and Kolkata in the pre-revised OM No. 23(2)/2001-Judl. & OM No. 22(02)/2001 dated 14th July, 2001 read with 23(2)2011-Judl. dated 1st October, 2011 shall continue to remain applicable unless specifically revoked/revised:-

Note:- There will be no ceiling on the number of conference/ consultation in the case of Special Counsel, however in the case of other categories of Counsels, the number of conferences per cases will be limited to four (relaxable to six at the discretion of the Incharge (Litigation) of Branch Secretariat, Mumbai/Kolkata.



(D)

The Fee structure applicable for Panel Counsel, Delhi High Court and Central Govt. Counsel/ Pleader of various High Courts (including Panel Counsel of various CAT, Benches) excluding the High Courts of Bombay and Calcutta, as per the following rates:-

| Sl.No. | Item of Work | Revised fee |
|--------|---|---|
| 1. | Civil or Criminal Writ Petitions under Article 226 & 227 of the Constitution, Contempt Petitions, Criminal/Civil Revision Petitions, Reference to the High Court under Sales Tax Act and Banking Company Petitions, | ₹2250/- per effective hearing ₹450/- per non-effective hearing (subject to maximum of five hearings in a case) |
| 2. | Original Suits, Civil Appeal from Decrees in Suits and proceedings including second appeal and land acquisition appeal except LPA from Petitions under Article 226 & 227 of the Constitution (including drafting fee) | Ad. Valorem/regulation fee (subject to maximum of ₹ 45,000/- in a case.) |
| 3. | Company Petitions | To be regulated by the rule contained in Appendix (iii) of the Company (Court) Rules, 1959 |
| 4. | Drafting of pleadings counter affidavits/returns/answer to Writ Petitions/Grounds of Appeal and application for leave to appeal to the Supreme Court | ₹ 1,350/- per pleading |
| 5. | Drafting of Civil Misc. applications to petitions under the Indian Succession Act, Contempt of Court proceedings and other proceedings of an original nature | ₹1,125/- per petition |
| 6. | Civil Misc. petitions, forma pauperes, transfer petitions and other civil misc. petitions of routine nature | ₹ 450/- per petition |
| 7. | Consultation /conference fee | ₹ 450/- per conference (subject to maximum of 4 conferences in a case) |



| | | |
|----|--|---|
| 8. | Appearance before the High Court in application under Section 34 & 37 of the Arbitration and Conciliation Act, 1996 Appearance before Arbitrator/Umpires etc. | ₹2,250/- per effective hearing ₹ 450/- per non-effective hearing (subject to a maximum of 5 hearing in a case). ₹ 450/- per non-effective hearing (subject to a maximum of 5 hearings in a case). |
|----|--|---|

All other terms and condition applicable to above mentioned Counsels in to this Department's, in OM No. 24(2)/99-Judl., OM No. 26(1)/99-Judl., OM No. 25(3)/99-Judl. and OM No. 26(2)/99-Judl, all dated 24.09.99 read with OM No. 26(1)/2005-Judl. dated 31.01.2008 and shall continue to remain applicable unless specifically revoked/revised.

(E)

The Fee structure Standing Govt. Counsel and Additional Standing Govt. Counsel in the District and Subordinate Courts:-

| Sl.No. | Item of work | Revised fee |
|--------|--|--|
| 1. | Retainer fee for Standing Govt. Counsel | ₹ 6000 per month |
| 2. | Fee for effective hearing | ₹ 1800 per day |
| 3. | Fee for non-effective hearing | ₹ 600 per day (not more than 5 such hearings in a case) |
| 4. | Fee for drafting Written Statement, Grounds of Appeal etc. | ₹ 1500 per pleading |
| 5. | Fee for drafting other pleadings of misc. nature | ₹ 600 per pleading |
| 6. | Fee per Conference | ₹ 900 (subject to maximum of 5 such conferences in a case / group of identical cases) |
| 7. | Daily fee for out of Headquarters | ₹ 2700 per day |
| 8. | Conveyance charges for local journey outside Headquarters | ₹ 900 (lump sum) |
| 9. | Expenses for stay in hotels | ₹ 1800 per day |
| 10. | Clerkage | @ 10% of total fee excluding miscellaneous and out of pocket expenses (maximum ₹ 5250 in a case) |
| 11. | Fee for identical Cases | Full fee in the 1 st case and ₹ 750 in per suit for connected cases (max. 3 cases) |
| 12. | Miscellaneous and out of pocket expenses | As per actual to the satisfaction of the administrative Department. |

All other terms and conditions applicable to above mentioned Counsels in to this Department's, OM No. 27(11)/1999-Judl dated 24.09.1999 read with OM No. 27 (25)/2011-Judl. dated 01.09.2011, shall continue to remain applicable unless specifically revoked/revised.




(F)

The Fee structure applicable to Senior/Junior Arbitration Panel Counsel:-


| Sl. No. | Details of work | Proposed Revised fee |
|---------|---|--|
| 1. | Fee for effective hearing Senior Counsel | Rs. 2,250/- per appearance |
| | Junior Counsel | Rs. 1,500/- per appearance |
| 2. | Fee for non-effective hearing Senior Counsel | Rs. 450/- per appearance |
| | Junior Counsel | Rs. 300/- per appearance (maximum four such hearings) |
| 3. | For drafting pleadings Senior Counsel | Rs. 1,500/- per pleading |
| | Junior Counsel | Rs. 750/- per pleading |
| 4. | Conference fee Senior Counsel | Rs. 450/- per conference |
| | Junior Counsel | Rs. 300/- per conference (maximum three such conferences in a case) |
| 5. | Daily fee out of Headquarters Senior Counsel | Rs. 3,000/- per day |
| | Junior Counsel | Rs. 2,250/- per day |

All other terms and conditions applicable to OM No. 30(3)/99-Judl. dated 24.09.99 read with OM No. 26(1)/2005/Judl. dated 31.01.2008, shall continue to remain applicable unless specifically revoked/revised.



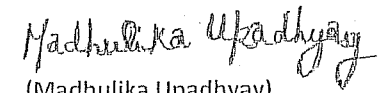


2. The above revised fee will be effective from 01.10. 2015.
3. The counsel will be paid fee at the old rates in respect of their appearance in the Court etc. and other work done by them prior to 01.10. 2015 and at the revised rates in respect of the work done by them on/ after 01.10. 2015.
4. This issues with the approval of the Ministry of Finance, Department of Expenditure E.II(B) Branch, ID Note No.9 (11)/99-E.II(B) dated 02.03.2015 and 07.08.2015.


(Suresh Chandra)
Joint Secretary and Legal Adviser
Tele No. 23387806

Copy to:

1. All Ministries/Departments to the Government of India.
2. Incharge, Central Agency Section, Litigation (HC) Section, Litigation Lower Courts Section. All Groups-A, B & C panel counsel of Supreme Court through Incharge, Central Agency Section.
3. All Senior Panel Counsel of High Courts/ CATs through concerned Assistant Solicitors General in High Courts/ Sr. CGSC of CATs Benches.
4. All Assistant Solicitors General in various High Courts/ Sr. CGSC of CATs Benches.
5. All Central Government Standing Counsel/Central Government Pleaders of Delhi High Court.
6. All Asstt. Solicitors General/Central Legal Adviser of various High Courts.
7. All Senior Central Government Standing Counsel/Addl. Central Government Standing Counsel of various CAT Benches.
8. All Standing Govt. Counsel and Additional Standing Govt. Counsel before various District and Subordinate Courts as per the list.
9. All Senior/Junior Counsel of the Arbitration Panel.
10. All Special Counsel, Senior Counsel Group-I, Senior Counsel Group-II and Junior Counsel of High Courts as well as CATs Benches of Bombay and Kolkata through the concerned Incharge of Branch Secretariat of Bombay and Kolkata.
11. Incharge, Branch Secretariats Mumbai/ Kolkata/ Chennai/ Bangalore.
12. All Sections of Department of Legal Affairs.
13. Legal Advisor, Railway Board, New Delhi (with 5 spare copies).
14. Department of Personnel and Training (AT Section), New Delhi (with 5 s/copies.)
15. Joint Secretary (Legal), Department of Revenue, Ministry of Finance, New Delhi (with 5 s / copies)
16. CBDT, Department of Revenue, Ministry of Finance, New Delhi (with 5 s / copies).
17. Branch Secretariats Mumbai/Calcutta/Chennai/Bangalore.
18. Ministry of Urban Development, Nirman Bhawan, New Delhi.
19. Department of Expenditure, Ministry of Finance, New Delhi w.r.t. their ID Note No.9 (11)/99-E.II(B) dated 02.03.2015 and 07.08.2015..
20. DGS&D, New Delhi.
21. NIC Cell with the request to upload the same in the website of this Department.
22. Judicial Section with 50 spare copies.
23. O.L. Section for Hindi translation.


(Madhulika Upadhyay)
Jt. Central Govt. Advocate
Tel. 23389006

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
(Department of Legal Affairs)

New Delhi, the 1st October 2015

NOTIFICATION

G.S.R.....(E) - In exercise of the powers conferred by the provision to article 309 read with article 76 of the Constitution, the President hereby makes the following rules further to amend the Law Officers (Conditions of Service) Rules, 1987, namely:-

1. (1) These rules may be called the Law Officers (Conditions of Service) Amendment Rules, 2015.
(2) They shall be deemed to have come into force on the first day of October, 2015 or from the date of appointment of the Law Officer, whichever is later.

2. In the Law Officers (Conditions of Service) Rules, 1987, for rule 7, the following rule shall be substituted, namely:-

"7. Retainer, fee and allowances. - For the performance of the duties mentioned in Rule 5, a Law Officer shall be paid-

(a) a retainer, except during the period of his leave,-

- (i) in the case of the Attorney General, of rupees Seventy-five thousand per month;
- (ii) in the case of the Solicitor-General, of rupees Sixty thousand per month; and
- (iii) in the case of Additional Solicitor General, of rupees Forty-five thousand per month;

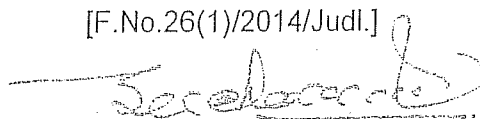
(b) a fee for appearance and other work on behalf of the Government of India in cases before the Supreme Court, various High Courts, Commissions of Inquiry or Tribunals and the like on the following scales, namely :-

| Sl. No. | Nomenclature of the item of work | Rates of fees payable for appearance and other work in cases before the Supreme Court, High Courts (including Delhi High Court) and any Court (other than the Supreme Court or High Court) or a Tribunal or a Commission of Inquiry or an Arbitrator |
|---------|---|--|
| 1 | 2 | 3 |
| (i) | Suits, writ petitions, appeals and references under article 143 | ₹ 24,000/- per case per day |
| (ii) | Special leave petitions and other applications | ₹ 15,000/- per case per day |
| (iii) | Settling pleadings (including affidavits) | ₹ 7,500/- per pleading |
| (iv) | Settling Statement of Case | ₹ 9,000/- per case |
| (v) | For giving opinions in statements of cases sent by the Ministry of Law | ₹ 15,000/- per case |
| (vi) | For written submission before the Supreme Court, High Court, and Commissions of Inquiry or Tribunals and the like | ₹ 15,000/- per case |
| (vii) | Appearance in Courts outside Delhi. | ₹ 60,000/- per day per case |

Explanation: - If two or more cases involving substantially identical questions are heard together with common arguments, Law Officer shall be entitled to only one fee as for a single case.

- (c) The Attorney General shall be paid sumptuary allowance of rupees four thousand per month, except during the period of his leave;
- (d) Where a Law Officer is required to perform journeys outside the headquarters in the course of his duties, he shall be paid or reimbursed the actual expenses incurred on travelling and on boarding and lodging; and
- (e) If a Law Officer is called upon to perform any duty other than those referred to in rule 5, such as, acting as Arbitrator or giving opinion after hearing both the sides, one being the Government of India, he shall be paid such fee as may be determined by the Government".

[F.No.26(1)/2014/Judl.]



(Suresh Chandra)

Joint. Secretary and Legal Adviser to the Govt. of India

Foot Note: The principal rules were published in the gazette of India, extra ordinary part II, Section 3, Sub-Section (I), dated the 1st January, 1987 vide notification NO. GSR 1(E) dated the 1st January, 1987 and have been subsequently amended by

- i. GSR No. 379(E) dated the 14th April, 1987
- ii. GSR 473 (E) dated 22nd June 1993.
- iii. G.S.R. 403 (E) dated 2nd June 1999.
- iv. G.S.R 345 (E) dated 10th May 2001
- v. G.S.R 106 (E) dated 25th February, 2005.
- vi. GSR 723(E) dated 16th December, 2005.
- vii. GSR ... (E) dated 18th July, 2008.

The Manager,
Govt. of India Press,
Mayapuri, Ring Road,
New Delhi.

Copy forwarded to:-

- i. Shri Mukul Rohatgi, Attorney General for India, N-234-A, Greater Kailash-I, New Delhi-110048.
- ii. Shri Ranjit Kumar, Solicitor General of India, A-47, Kailash Colony, New Delhi-110048i.
- iii. All Additional Solicitors General of India, as per list.
- iv. PS to ML&J/PS to MSL&J/PS to Law Secretary/PS to Legislative Secretary.
- v. All Ministries/Departments to the Govt. of India.
- vi. Department of Expenditure, Ministry of Finance, New Delhi w.r.t. their ID Note No.9 (11)/99-E.II (B) dated 02.03.2015.
- vii. All Officers and Sections in the Deptt. of Legal Affairs
- viii. Central Agency Section, Litigation (High Court/Lower Court) Sections with 5 s/copies
- ix. Branch Secretariats Mumbai/Kolkata/Chennai/Bangalore.
- x. Guard file/Judicial Section with 5 s/copies.



(Suresh Chandra)

Joint Secretary & Legal Adviser to the Govt. of India

[F. No.26(1)/2014/Judl.]