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NOTIFICATION

No. A.45011/1/2023-LJD, the 8th January, 2024: In the interest of public service and in supersession of this department Notification No. A.45017/2/09-LJE, dated 25th August, 2009 published in the Official Gazette vide Issue No. 421 dated 26.08.2009 except things done or omitted to be done before such supersession, the State Government of Mizoram is pleased to make the following terms & conditions for engagement of Standing Counsel for the State of Mizoram in the Supreme Court, 2024.

I. Definition:-

- a) "Appointing Authority" means the Governor of Mizoram.
- b) "Government" means the State Government of Mizoram.
- c) "Standing Counsel" means an advocate appointed by the Governor of Mizoram for the State of Mizoram to represent and defend the State in the Supreme Court, High Court, Tribunals and all other Quasi Judicial Fora and shall include an Additional Standing Counsel.

2. Qualifications and term for appointment:

- (i) No person shall be eligible for appointment as Standing Counsel unless he is designated as an Advocate-on-Record in the Supreme Court of India and having continuously practised in the Supreme Court as an advocate for not less than ten years.
- (ii) All engagement of Standing Counsel are to be co-terminus with the term of the Ministry or its pleasure thereof subject to approval for re-engagement.

3. Headquarters:

The headquarter of the Standing Counsel shall be New Delhi.

4. Duties of the Standing Counsel:

- (i) to give advice to the Government upon such legal matters, and to perform such duties of legal character, as may from time to time, be referred or assigned to him by the Government;
- (ii) to appear, on behalf of the Government whenever required, in the Supreme Court or in any High Court in cases (including suits, writ petitions, appeals and other proceedings), and in Tribunals and all other Quasi Judicial Fora in which the Government is arrayed as a Party or is otherwise interested.
- (iii) to discharge such other legal functions as may be specifically entrusted to the Standing Counsel by the Government from time to time.

5. Retainer, fee and allowances:

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|---|---|----------------------|
| (1) Retainer fee | - | Rs 20,000 per month. |
| (2) For each day of appearance in
The Supreme Court, High Court,
Tribunal or Quasi Judicial Fora
on behalf of the Government. | - | Rs 8,000 per day. |
| (3) Fees for drafting and preparation
of Affidavit-in -compliance or
otherwise save and except a
petition for adjournment, of
routine nature, on behalf of the Government. | - | Rs 5,000 per draft. |
| (4) Other miscellaneous expenses like
filing report, fax, phone, etc. | - | Rs 1,500 per day. |
| (5) Clerkage | - | Rs 2,000 per day. |
| (6) Bill shall be submitted as per the prescribed form given in Annexure-I. | | |
| (7) Where a Standing Counsel is required to travel outside the headquarter in the course of his duties, with prior permission of the Government, the Standing Counsel shall be paid or reimbursed all such expenses as are admissible to the Government Servant of Senior Group 'A' category as per prevailing rates. (TA/DA of Level 12 to 13A). | | |
| (8) If a Standing Counsel is called upon to perform any duty other than those referred to in para 4 such as, acting as Arbitrator or giving opinion after hearing both the sides, one being the Government, he shall be paid such fee as may be determined by the Government. | | |
| (9) The Standing Counsel shall also be entitled to Conveyance allowance of Rs. 6000/- per month for the effective performance of his duties. | | |

6. Restrictions:

The Standing Counsel shall not-

- (a) advise any party against the Government or in cases which he is likely to be called upon to advise, or appear for the Government or hold briefs in any court for any party except for the Government.
- (b) defend an accused in a criminal prosecution, without the permission of the Government.
- (c) accept appointment to any office in any company or corporation without the permission of the Government.

Helen Dawngliani,
Secretary to the Govt. of Mizoram

MEMORANDUM OF FEES FOR STANDING COUNSEL

For the month of _____, 20____

Name of Advocate : _____
Account No. : _____
Name of Bank : _____
Branch : _____
IFSC Code : _____
PAN : _____
MIRC : _____

Sl. No.	Particular	Amount
1.	Retainer Fee	
2.	Appearance fee (Case No., Names of parties, date of appearance should be enclosed)	
3.	Drafting fee, affidavits etc. (Case No. names of parties and date of drafting should be enclosed)	
4.	Clerkage	
5.	Miscellaneous (Particulars should be supplied)	
6.	Conveyance	
7.	TA/DA if any (See Para 5(7))	
	TOTAL	

Signature

(_____)

SEAL