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**DEPARTMENT OF LAW, JUSTICE AND LEGISLATIVE AFFAIRS**  
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI  
8<sup>TH</sup> LEVEL, C-WING, PLAYERS BUILDING,  
DELHI SECRETARIAT, I.P. ESTATE, NEW DELHI.

No.F.5 (2)/07/Lit./ 1818-25

Dated : 26/6/2008

OFFICE MEMORANDUM

Subject : **Revision of Fee payable to Public Counsels/ Additional Public Counsels in the District Courts.**

Please find enclosed herewith a copy of the scheme regarding the terms and conditions for the engagement of Public counsels. Additional Public Counsels in the District and Subordinate Courts, Commissions of Inquiry, Motors Accident Claim Tribunals, Industrial Tribunals, Labour Tribunals, Consumer Redressal Forums etc. and the revised fee payable to them, which will be effective from the date of issue of this OM. It is clarified that the Counsels will be engaged only by this Department but the payment of the fee to the Counsels will be made by the administrative Department concerned. It is further clarified that the Counsel will be paid fee at the old fee rates in respect of the cases already assigned to them, i.e. prior to the date of issue of this OM.

2. All the Departments are further requested to ensure that the bills in respect of other expenditure incurred by the Counsel are sanctioned and money paid to them immediately and in any case not later than a month from the date of receipt of the bills.
3. In the event of any doubt or difference regarding fees, the fees determined by the Principal Secretary (Law, Justice & Legislative Affairs), Govt. of NCT of Delhi, shall be final.
4. This issues with the concurrence of the Finance Department vide **U.O. No.01/Exp-2 dated 23.6.2008.**



(G.P.Mittal)  
Pr. Secretary(Law, Justice & LA)  
Govt. of NCT of Delhi

No.F.5(2)/07/Lit./ 1818-25

Dated : 26/6/2008

Copy forwarded for information and necessary action to :

1. The Pr. Secretary to the Lt. Governor, Govt. of NCT of Delhi, Raj Niwas, Delhi
2. The Pr. Secretary to the Chief Minister, Govt. of NCT of Delhi, Delhi Sectt., New Delhi.
3. The OSD to the Chief Secretary, Govt. of NCT of Delhi, Delhi Sectt., New Delhi.
4. The Registrar General, High Court of Delhi, New Delhi.
5. All Head of the Departments, govt. of NCT of Delhi.
6. All Standing Counsels (Civil/Criminal), Delhi.
7. All Govt. Counsels in District /Subordinate Court, Govt. of NCT of Delhi.
8. Guard file.



(G.P.Mittal)  
Pr. Secretary (Law, Justice & L.A.)

FEE PAYABLE TO THE PUBLIC COUNSEL/ADDITIONAL PUBLIC COUNSEL IN THE DISTRICT AND SUBORDINATE COURTS.

S.No.	Description of jobs	Fee payable in Rs.
A	For Hearing items of Works 1. Suits 2. Motor Vehicles Act Claim Cases 3. Heirs rend cases 4. Cases under the public premises (Eviction unauthorized occupants Act) 5. Labour Courts Industrial Tribunals 6. Cases under the Consumer Protection Act 7. Cases under the Arbitration Act etc. 8. Railways Claims Tribunal etc.	(a) Rs. 1200/- per day for appearance for effective hearing. (b) Rs. 400/- per day for non effective hearing with not more than five such hearings in a case.  NOTE: Where two or more suits together involve substantially identical questions of law or fact, the fee for the first suit shall be paid in accordance with the foregoing clauses for the remaining suits, the counsel may, for all the suits, claim at the rate of Rs. 300/- per suit subject to a maximum of three cases on the whole irrespective of the fact whether all the suits are heard together or not.
B.	For drafting	1. For drafting written statements and grounds of appeal, etc. the Counsel shall be paid a fee of Rs.1000/- per pleading. 2. For drafting other pleading of miscellaneous nature the Counsel shall be paid Rs.400/- per pleading.  Provided that if substantially identical complaints, pleadings, written statements affidavits and ground of the appeal are drafted in connected cases, only one drafting fee will be payable in the main case and no separate drafting fee will be paid in connected cases.
C	For Conferences	For conferences, the Counsel shall be paid a conference fee of Rs.600/- per conference subject to a maximum of three such conferences for hearing in an individual case, group of cases.
D	Out of Head Quarters	1. If the counsel is required to go out of Head Quarters in connection with the Delhi Government e.g. for conference with a Senior Counsel, appearance in a Court, Commission of inquiry before the Arbitrators/ Umpires, etc., outside the headquarter, he will be entitled to a daily fee of Rs.1800/- for the days of his absence from the headquarters including the days of departure if he leaves the headquarters after Court hours or for the day of arrival if he arrives at the headquarters before the Court hours. The daily fee will be in addition to the usual fee as prescribed herein. 2. Travel/Hotel Expenses : In addition to the daily fee, counsel will also be entitled to travel expenses for travel by air (economy class) or first class by train, road mileage for the journey from his headquarters to the Airport / Railway station and vice/ versa and from the airport/railway station to the place of his stay out of headquarters and vice-versa at the rate admissible to Grade-

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		A/Class 1 Officers of the Central govt. He will also be paid a lump sum amount of Rs.300/- as conveyance charges for performing local journeys while outside the headquarters. He will also be entitled to reasonable actual expenses for stay in hotel, subject to a maximum of Rs.1200/- per day.
E	Clerkage	In addition to fees mentioned above, the Counsel will be entitled to 10% of fee subject to a maximum of Rs.2400/- in case or a batch of cases by way of clerkage.
F	Out of Pocket Expenses	<ol style="list-style-type: none"><li>1. The actual amount required for court fees at the time of filling a case in the District and Subordinate Courts at Delhi and other misc. expenses, a total amount not exceeding Rs.600/- should be obtained by the counsel in advance from the administrative department, Govt. of NCT of Delhi. An account of the expenses incurred should be rendered to the department while presenting the final fee bill.</li><li>2. In the case of District and Subordinate Courts in other places, such amount should be obtained from the concerned administrative department, Govt. of NCT of Delhi and an account of expenses incurred should be rendered to that Deptt. while presenting the final bill</li><li>3. If the Counsel happens to be partner of a firm of Lawyers or Solicitors, it will be incumbent on the firm not to take up any case against the Govt. of NCT of Delhi in the District and Subordinate Courts or any case arising in other Courts, out of these cases e.g. appeals and revisions in such courts or the High Courts or the Supreme Court of India</li></ol>
G	General	No Change.