

Government of Jammu and Kashmir
Department of Law, Justice and Parliamentary Affairs
Civil Secretariat
Srinagar/Jammu

Subject: Terms and Conditions for Appointment of Standing Counsels.

Government Order No:- 1754-LD(Estt) of 2013.

D a t e d :- 16 - 05 - 2013.

In supersession of all previous orders issued on the subject, sanction is hereby accorded to the following terms and conditions for appointment of Standing Counsels in various departments:-

Eligibility Qualification:- In order to be eligible for appointment as Standing Counsel a person should;

- i. be a permanent resident of the State.
- ii. be enrolled/registered as an Advocate with the State Bar Counsel.
- iii. having experience of handling various type of cases before High Court/Subordinate Courts at least for one year.

Before joining in the concerned department Standing Counsel will submit his bio data in form 'A' annexed to this Government order in the Department of Law, Justice and Parliamentary Affairs. Departments concerned and Directorate of Litigation Kashmir/Jammu will make sure that the Standing Counsels are allowed to join only after filling up the pro-forma 'A' annexed to this order.

Term of Engagement:- The first engagement of the Standing Counsel shall be for a period of one year from the date of his engagement

Fee:- The Standing Counsels shall be paid counsel fee as under:-

- | | | |
|-------------------------|---|--|
| a. Monthly Retainership | - | Rs.3000/-. |
| b. Miscellaneous | - | Rs.1000/-. |
| c. Counsel fee per suit | - | Rs.2000/- in three installments – |
| | | (i) first installment on filing of suit/written statement; |
| | | (ii) second installment on completion of the case. |

(iii) Cost of installment on pronouncement of judgment

d. Suit dismissed in default for the other side - Rs.1000/-
(compromise/settled/withdrawn)

e. Appeal/Revision - Rs.1500/-

f. Contempt Cases - Rs.1500/-

Retainership as well as incidental charges shall be paid by the respective departments.

Code of Conduct:- The code of conduct applicable to the Standing Counsels shall be as under:-

- i. Standing Counsels shall not conduct cases against the department;
- ii. In case the suit or proceeding is set ex-parte against the State, the Standing Counsel shall not be entitled to any counsel fee and his appointment shall be terminated without notice;
- iii. Misconduct or unethical practice shall be viewed seriously; and
- iv. No admission, compromise or permission to withdraw the suit shall be made by the Standing Counsel except by the express permission of the concerned department and the Law Department. Any kind of misconduct shall result in disciplinary action under the relevant rules.

Performance Review:- The performance of the Standing Counsels shall be reviewed by the Directorate of Litigation of the Kashmir/Jammu on a quarterly basis and a report shall be submitted to Law Department before 15th of the month following end of each quarter.

Renewal of Term of Engagement:- The renewal of the term of Standing Counsels shall be made by the Department of Law, Justice and Parliamentary Affairs on the basis of his/her performance in conducting the cases before the different courts. The renewal of the term of engagement of a Counsel shall be for a period of one year if his/her performance is found to be satisfactory by the Law Department.

Termination of Engagement/Resignation/Expiry of Term:- The engagement of the Standing Counsel would terminate on expiry of the term or termination or resignation, the Standing Counsel shall immediately handover the briefs and other related papers to the concerned department or the other Standing Counsel appointed by the Law Department. In case of failure, Law Department can approach Bar Council for cancellation of license of the Advocate.

Assistance to Standing Counsels by the departments:- The concerned departments for which Standing Counsel have been appointed shall provide

