

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

Subject: Payment of Retainership, Counsel Fee, Incidental Charges to Government Counsels Centralized Mechanism thereof.

Reference: Government Order No. 477- JK(LD) of 2022. Dated: 04 - 02.2022

CIRCULAR No. 01-JK(LD) of 2022

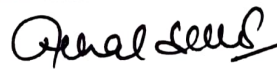
Dated. 04.04.2022

Vide Government Order No. 477-JK(LD) of 2022 Dated 04-02-2022(copy enclosed) issued in pursuance to Administrative Council Decision No.11/01/2022 dated 29.01.2022, the Government adopted a centralized mechanism for payment of retainership, counsel fee, incidental expenses to all the counsels representing the Government before all the Hon'ble Court(s) / Forums.

Consequent to the same , all modes of payment of retainership / counsel fee/ incidental expenses payable by any Department/Office /Corporation/Autonomous body etc, Statutory Authority or HOD(s) or Subordinate Office in any court case has been abolished w.e.f 01.04.2022, except as per the mechanism, manner and mode prescribed in annexure to the Order referred ibid, which shall be the only mode of payment from 1st of April 2022 onwards.

Accordingly, all the Administrative Secretaries/ HOD's are impressed upon to comply the aforesaid Order in letter and spirit and not to make any payment(s) relating to any court case in favor of any counsel henceforth except as per the mechanism laid down in the Government Order referred above.

By Order of the Government of Jammu and Kashmir.



(Achal Sethi)

Secretary to Government

Copy to the:-

1. Ld. Advocate General, J&K, Jammu with a request to circulate the instructions to all the Law Officers (Govt Counsels).
2. All Administrative Secretaries.
3. Principal Resident Commissioner, New Delhi.
4. Principal Secretary to Hon'ble Lieutenant Governor, J&K.
5. Joint Secretary Ministry of Home Affairs, Government of India New Delhi.
6. Director Information, J&K.
7. Director Finance, Department of Law, Justice and P.A.
8. Director Litigation, Jammu/Kashmir.
9. All Officers of the Department of Law, Justice and P.A.
10. All Law Officer(s) with a request to ensure implementation of circular instructions in letter and spirit strictly and in case of any violation of the same, necessary disciplinary action shall be initiated against the erring Officer.
11. Director, Archives, Archaeology and Museums, J&K, Srinagar.
12. General Manager, Ranbir Government Press, Jammu.
13. Private Secretary to the Chief Secretary for information of Chief Secretary.
14. Private Secretary to Secretary to Government, Department of Law , Justice and P.A.
15. Incharge Website
16. Incharge Website, GAD.
17. Circular File.
18. Concerned File.

File

Government of Jammu and Kashmir
Department of Law, Justice and Parliamentary Affairs.
(Judicial Administration Section) Civil Secretariat,
Jammu/Srinagar.

Subject: Payment of Retainership, Counsel Fee, Incidental Charges to Government Counsels – Centralized Mechanism thereof.

Reference: 1. Concurrence of the Finance Department conveyed vide its U.O. No. FD-BDGTOD-10/11/2021-03-FD dated 17-09-2021.
2. Administrative Council Decision No. 11/01/2022, dated 29-01-2022.

Government Order No. 477 - JK(LD) of 2022.
Dated: 04 -02-2022.

Sanction is hereby accorded to the adoption of a centralized mechanism for payment of Retainership, Counsel Fee, Incidental Expenses etc to all the Counsels representing the Government before the Hon'ble Supreme Court of India, Hon'ble High Court of Jammu and Kashmir and Ladakh, Tribunals and other forums, in terms of **Annexure** to this Order.

Consequent to above, all other modes of payment by any Department/Office/Corporation/Autonomous Body etc, Statutory Authority or HoD or Subordinate Office for any case shall stand abolished.

This centralized mechanism shall come into force w.e.f. **01-04-2022.**

By order of the Government of Jammu and Kashmir.

Sd/-

(Achal Sethi)

Secretary to Government

Dated: 04-02-2022.

No. Law-Jud/51/2021-10

Copy to the:-

1. Ld. Advocate General, J&K, Jammu.
2. Financial Commissioner (Additional Chief Secretary), Finance Department for information with a request not to entertain any claim from any other Department for budgetary allocation for such legal expenses from the Financial Year (2022-23) onwards.

3. Financial Commissioner (Additional Chief Secretary), Health and Medical Education Department.
4. All Principal Secretaries to the Government.
5. Principal Resident Commissioner, J&K Government, New Delhi.
6. Principal Secretary to Hon'ble Lieutenant Governor, J&K.
7. All Commissioners/Secretaries to the Government.
8. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
9. Director Information, J&K.
10. Director Finance, Department of Law, Justice and P.A.
11. Director Litigation, Jammu/Kashmir.
12. All Officers of the Department of Law, Justice and P.A.
13. Director, Archives, Archeology and Museums, J&K, Srinagar.
14. General Manager, Ranbir Government Press, Jammu.
15. Private Secretary to the Chief Secretary for information of Chief Secretary.
16. Private Secretary to Secretary to Government, Department of Law, Justice and P.A.
17. Incharge Website.
18. Government Order File.
19. Concerned File.

[Signature]
04-02-2022

(Ashish Gupta)

Additional Secretary to Government

[Signature]
04-02-2022

**Annexure (Centralized Mechanism) to the Government Order
No.477-JK(LD) of 2022 dated. 04-02-2022.**

S.No.	Name of the Detailed Head	Counsel	Fee payable by
01	Retainership	i. Government Counsels including Assisting Counsels.	Department of Law Justice and P.A. subject to satisfactory performance.
		ii. Standing Counsels for subordinate courts.	Directorate of Litigation concerned subject to satisfactory performance.
02	Counsel Fee	i. Government Counsels.	Department of Law Justice and P.A.
		ii. Standing Counsels for subordinate courts.	Directorate of Litigation concerned.
03	Incidental Expenses	i. Government Counsels.	Department of Law Justice and P.A.
		ii. Standing Counsels for subordinate courts.	Directorate of Litigation concerned.

Note:-

1. Government Counsel means Advocate General, Sr. Additional Advocate General, Additional Advocate General, Deputy Advocate General, Government Advocate in the High Court of Jammu and Kashmir and Ladakh/Tribunals, Sr. Additional Advocate General, Additional Advocate General, Advocate on Record and Additional Standing Counsel in the Hon'ble Supreme Court and other Courts outside UT of Jammu and Kashmir; and
2. The bills payable by Department of Law, Justice and P.A. relating to retainership and counsel fee of Government Counsels shall be directly raised to it for payment. However, the bills relating to incidental expenses shall be routed through concerned Department for certifying its genuineness to Department of Law, Justice and P.A. for payment as per rules/entitlement.
3. The bills payable by Directorate of Litigation concerned relating to retainership and counsel fee of Standing Counsels shall be directly raised to it for payment. However, the bills relating to incidental expenses of Standing Counsels shall be routed through concerned Department for certifying its genuineness to Directorate of Litigation concerned for payment as per rules/entitlement.