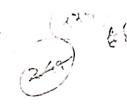
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No. III-11039/48 2017-LMU - 1天実 Government of India Ministry of Home Affairs Legal Monitoring Uni., G Desk P-II Division



North Block, New Delhi Dated 16th August 2017

<u>Sub:</u>

Inordinate delays in settlement of Counsel fees biils & instructions thereof.

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A copy of DO No. J-12012-13/2017-Judl dated 7th August, 2017 received from Ministry of Law & Justice, Department of Legal Affairs vide Coordination Section, MHA OM No. I-25011/03/2015-Coord.III-Vol.II dated 11/08/2017 is enclosed herewith for further guidelines and compliance.

Hence, it is requested to sensitize your officers and submission of bill by the counsel concerned.

(Mukesh Taterway) Legal Monitoring Officer

Marke

JsG(Pers)-CRPF/SSB/BSF/ITBP/CISF/NSG and AR

No. III-11039/48/2017-LMU

Dayed 16/08/2017

Ay.

Copy to :-

Smt. Renu Suri, Under Secretary, Coordination Section North Block, MHA

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নুইয়া অন্দ্রা SURESH CHANDRA ত্রিটি লাইব ..ম Secretary



भारत सरकार
विधि और न्याय मंत्रालय
विधि कार्य विभाग
GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE

DEPARTMENT OF LEGAL AFFAIRS

7th August,20

D.O.No.J-12012/13/2017-Judl

Dear Secretary,

It has been brought to my notice that there have been instances of inordinate delay in settleme of counsel fee bills, resulting in avoidable grievances from the counsel on various fora, including filing petitions before the Courts, by the counsel concerned.

2. Two such cases have been filed in the High Court of Punjab & Haryana, in which the Hon't High Court has taker. a serious view in the matter and observed as under:

"A larger question also arises whether in the eventuality, bills are cleared by the Government department/public sector undertakings after inordinate delay, appropriate interest/penal interest is required to be paid; whether non-payment of fee bills amounts to infringement of right to life and livelihood; whether in such cases responsibility of the concerned officials is required to be fixed and interest/penal interest is liable to be deducted from the salary of such officials."

- 3. While the matter is now listed for 9th August 2017, in the meanwhile, the Hon'ble High Court h directed the Assistant Solicitor General of India, *inter alia*, to seek instructions regarding the status pending bills and whether any policy can be framed for settling this issue once and for all.
- 4. This Department has in the past issued guidelines, wherein all the Ministries/Departments ha been requested to ensure prompt payment of fee to the counsel(OM No.34(1)/2010-Judicial data 8.12.2010). It is felt that if there is an inordinate delay in the settlement of counsel fee bills, Courts m come down heavily on the Government thereby inviting harsh strictures and directions.
- 5. I shall be grateful if you can sensitize your officers that settlement of counsel fee bills are promand within a reasonable time, in any case not beyond a month's time from the date of submission of bilby the counsel concerned. It is also requested that if any officer is found negligent in processing couns fee bills, the administrative Ministry may consider taking appropriate action against him/her accordance with the rules.

6. I shall be grateful if these instructions can be brought to the notice of all Departments/PSUs und your administrative control.

With regards,

Secretaries to all Ministries/ Departments

Yours sincerel

(SURESH CHANDR

AFA (JASO COL)

RUID

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चतुर्थ तल, शास्त्री भवन, डा. राजेन्द्र प्रसाद रोड, नई दिल्ली–110 001 4th Floor, Shastri Bhawan, Dr. R.P. Road, New Delhi-110 001

91-11-23384205, 23387908, Fax: +91-11-23384403, E-mail: sureshchandra@nic.in