

GOVERNMENT OF JAMMU & KASHMIR,
OFFICE OF THE ADVOCATE GENERAL

[High Court Complex, Janipur Jammu, 180007 [Nov-April] /High Court Complex, Srinagar, 1 90009 [May-Oct]
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Subject: Release of Counsel Fee in HCP cases.

Circular No. 06 -AG of 2021

Dated: 24.12.2021

Attention of all the Law Officers /Government Counsels dealing with the Habeas Corpus Petition [HCP] cases is invited towards presentation of their claims for release of 1st half or the 2nd and final half of such cases. From quite some time it has been observed that there is no uniform format as a result the Office of Advocate General faces problems.

Accordingly, in order to have a proper and uniform mechanism, it is enjoined upon all the Law Officers/Govt. Counsels [GC] and Office hands to ensure implementation of following guidelines for effective and timely release of counsel fee henceforth.

1. The HCP Counsel fee claims of allocated Districts shall be preferred to this office on Half yearly basis in January and July each year henceforth on following formats:-

1st Half counsel fee:

S. No.	WP(crl/HCP No.	Title of the case	Date of decision	Reasons for non-appearance, if any.

2nd Half counsel fee:

S. No.	WP(crl/HCP No.	Title of the case	Date of decision	Reasons for non-appearance, if any.

- a) Certified that the counsel fee [1st or 2nd as the case may be] in the HCP cases claimed have not been projected earlier other than this claim.
- b) Certified that the claim(s) have not been sanctioned or drawn or rejected earlier as per my record.
- c) Certified that the requisite documents viz; petition, counter reply with index duly signed by GC, judgment are attached with each case.

Sign. & Name of Law Officer.

2. At office level, the following procedure will be adopted for effective, transparent and accountable manner:-

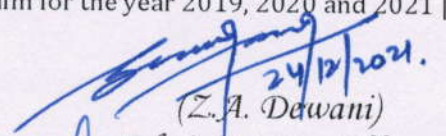
- a) The Dealing Assistant on receipt of the claim will make necessary entry in the Index Register of Records and send the file on next working day to the concerned Record Keeper [RK] of Criminal Section dealing the District to which it pertains.
- b) The RK of Criminal Section will verify the case files with regard to maintenance of WPs/ Counter reply with index/judgment etc. from his record files in each case and return the file to the Dealing Assistant within a period of 10-days positively. In case record files are to be

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- updated, the RK will have additional 3-days time for photo-copying the documents and its maintenance.
- c) The Dealing Assistant will examine, verify and process the case of each GC separately within 10-working days and submit to the Section Officer, Srinagar/ Jammu as the case may be, while recording the following certificates on the gist/List of HCP cases [duly signed] to be framed in ascending order.
- i) Certified that the above claims have been verified from the records and the counsel fee [1st / 2nd] has not been released in the projected cases so far except as shown against each.
 - ii) Certified that the documents as required under rules /guidelines have been checked and found in order in respect of recommended cases.
 - iii) Certified that claim of ___ cases is recommended strictly as per approved norms sanctioned by the Government.
- d) The Section Officer concerned or Incharge of such assignment, will verify the deficiencies and get the needful done, if any, within a period of 06-days and transmit the file to higher authorities for consideration of requisite approval as per hierarchy system.

Further, as regards pending cases, if any of the previous years, the Govt. Counsels shall ensure to submit the claims by 31st December, 2021 as a onetime exception and thereafter such claim for the year 2019, 2020 and 2021 [upto 06/2021] shall not be entertained.

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24/12/2021.
(Z.A. Dewani)
Administrative Officer,
with Advocate General, J&K

No: AG/Adm/HCP-397/2021/1184-87

Dated: 24 -12-2021

Copy for necessary action to the:

1. Sr. Addl. Adv. General / AAG / DAG and GA [All].
2. Private Secretary / Accounts Officer.
3. Section Officers [All].
4. All Record Keepers, for compliance.
5. Circular file.
6. Concerned file.