

**ON**  
**COURT RELATED MATTERS**  
**AND**  
**PROCESSING OF GOVT. CASES**

**A H A N D B O O K**  
**(FOR GOVT. LAWYERS, OFFICERS AND OTHER EMPLOYEES OF**  
**THE STATE GOVT. ONLY)**

*Prepared and Circulated by*

**LAW DEPARTMENT**

**GOVERNMENT OF TRIPURA**

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**LAW DEPARTMENT**  
**GOVERNMENT OF TRIPURA**

First Edition	:	March, 2002
Second Edition	:	May, 2002
Third Edition	:	December, 2002
Fourth Edition	:	March, 2008

*Prepared, compiled and edited by*

**A. B. Paul**  
**LR & Secretary, Law**  
**Last Revised in March, 2008**

**Government of Tripura  
Office of the Legal Remembrancer & Secretary  
Law Department**

**COURT RELATED MATTERS  
PROCESSING OF GOVT. CASES**

**CHAPTER – I**

**INTRODUCTION**

State Government is the biggest litigant in the High Court and other Civil Courts. In all criminal cases instituted by police and other public servants in the discharge of their official duties, the state is the party for prosecution. Number of original civil cases instituted by state is, however, few, Appeals, revision, SLPs reviews etc. are filed by the state in appropriate cases. Monitoring such a large number of cases is not an easy job. For criminal cases the State Government have engaged Public Prosecutors and Addl. Public Prosecutors for the High Court and Session Courts. Assistant Public Prosecutors have been appointed for the Courts of Judicial Magistrates and Executive Magistrates. After investigation police submits charge sheets in appropriate cases. Public savants also in the discharge of their official duties, submit complaints of criminal cases. Thereafter, the prosecutors, as aforesaid, take charge of the cases. In criminal cases state prosecutes the offenders and law breakers on the basis of evidence collected by police during investigation and by the public authorities as the case may be. The position is just reverse in the civil cases. In most of the civil cases (including writ cases) the state is on the defence. State actions are questioned in the Court of law. The government functions through different departments and actions of the departmental authorities are questioned in the courts. State Government is not like ordinary individual litigant. It can not be the policy of the state Government to support every action of its officers through legally incorrect. It is the anxiety of the State Govt. to ensure that justice is done to all and everybody wronged finds remedies.

Requirement of notice u/s 80 C.P.C. before filing a suit against the government is to enable it to bring under legal scrutiny the state action and give remedies in appropriate cases to avoid unnecessary litigations. L.R.'s manual contains detail procedure for taking decision on such notices. Delay in processing a case due to engagement of lawyer, preparation of parawise comments, decision to contest or concede, finalization of draft reply often lead to failure to project Govt. stand before the Court. To avoid such delay implication of the procedure relating to preparation and presentation of Govt. cases has become necessary. We may now process files in the following manner :

## **ENGAGEMENT OF LAWYER**

1. The Govt. Advocate (the expression includes Addl. Govt. Advocate) in the High Court and the Government pleader (the expression includes Addl. Govt. Pleader) in the District and other subordinate Civil Courts represent the State Govt. and public servants (impleaded by their designation in a civil Cases). If their briefs spill over, panel lawyer are appointed.
2. Government Advocate (for High Court Cases) or government Pleader (for other civil Court cases) may receive for the state notice issued from the Courts. On receiving notice his office shall make entries in the register (Form-I) which shall contain separate columns for case No., name of the court, name of the dept. and the name of the lawyer for the state. Separate register should be maintained for separate nature of cases.
3. Government Advocate or Government Pleader while receiving notice should insist for at least two copies of the petition or memo so that comments from the concerned dept. may be obtained without delay for preparing draft reply. One copy shall be used for preparing lawyers Brief (A printed yellow folder is available in L.R's Office). Other copy shall be used by the dept. concerned for preparing comments / draft reply etc. G.A./ Addl. G.A. or G.P. / Addl. G.P. may propose every day distribution of the cases received by them during a day among themselves & panel lawyers. But law dept. shall be the final authority to distribute / assign cases.

In appropriate cases they may suggest assignment to Advocate General. Distribution proposed of cases may be in form IV and shall be sent to L.R's Office in Court compound along with copies of petition / memo in separate file-cover for each case. If in any case engagement of a panel lawyer is proposed, the proposal in a note sheet (printed copy) should also be sent in the file cover of the case after obtaining willingness of the panel lawyer for issue of engagement letter. L. R. & Secretary or an officer authorized by him shall finally distribute the cases among the retained and panel lawyers. In the distributions slip (DSL) for retained lawyer or in appointment letter for panel lawyer the works to be done should be specifically mentioned. Distribution slip for daily assignment of cases (DSL) shall be issued in Form-V. office of L.R. shall immediately enter each case in the Distribution Register, issue appointment letter of panel lawyer, prepare lawyer's Brief in the file cover (one copy of the petition, copy of engagement letter, if any, and copy of forwarding letter be placed in the cover) and enclose forwarding letter with the second copy to the department concerned. If only one copy is received then it should be sent to the dept. with forwarding letter. Brief shall be prepared by making a photo copy. The forwarding letter (in form-II) should mention the work schedule indicating time for (i) preparation of comments to be approved by Head of Dept. (ii) Consultation with the lawyer by a conversant officer (iii) preparation of draft by the lawyer to be vetted by law dept. and (iv) filing in the Court.

4. After initial appointment of the lawyer or at any time thereafter if a change of lawyer is necessary the concerned department should send the proposal in the Court-case-file (special file cover) to the law department, For filing appeal / revision etc. also the dept. may, if necessary, send proposal in the Court-case-file to the law department for appointment of lawyer.
5. There is an office of the Law dept. within the Agartala Court compound. Engagement of panel lawyers, preparation of initial Brief and maintenance of DR shall be done by the office on the same day. The office shall also attend to other immediate requirements of the retained and panel lawyers.

## **LAWYER'S BRIEF**

6. Initial Brief for the lawyer shall be prepared by L.R's Office. The Brief shall include copy of the plaint /petition / memo etc. copy of engagement letter and copy of forwarding letter. Therefore the Brief should be up-dated gradually by the lawyer to whom the case is assigned. In case of appeal / revision etc. the dept. concerned shall prepare lawyer's Brief which shall consist or the papers described in the schedule.
7. The lawyer shall receive his / her brief from the office of the L. R. or the Government Advocate or Government Pleader or dept. concerned, as the case may be. A separate register showing receipt and delivery of the Briefs to the lawyers may be maintained in Form-III. The case Brief shall remain in the custody of the conducting lawyer. He cannot refuse to keep it. However, in case of his long absence for any reason what-so-ever or change of lawyer or after disposal of the case the conducting lawyer should return the Brief to the office from where the Brief was received. When appeal / revision etc. is filed against order in original case, a new Brief (for appeal, revision etc.) should be created by the dept and given to the lawyer in-charge of the case. If required, original Brief also may be given to him.
8. After receiving the Brief the lawyer with the help of the dept. concerned shall continuously update it. While initial Brief for new cases shall be prepared by office of L. R. for old cases the department concerned shall do the job.

## **CASE RECORD**

9. On receiving notice along with copy of the petition or the memo of appeal etc. the dept. shall initiate a file in a special-file-cover for court cases. (yellow colour, sample available in L. R's Office), prepare consolidated comments and parawise comments, place in the file copies of all supporting documents, obtain approval thereon of the Secretary of the supporting documents, obtain approval thereon of the Secretary of the dept. / Head of Department and send the file to the Law Dept. for opinion whether the case should be contested or not (if opinion was not earlier taken after receiving notice). Comments are very important, should be facts based on records and approved by Secretary / Head of Dept. Copies of supporting papers should be placed in the file. Thereafter the file should be collected from the Law Dept. The Government Advocate or the government Pleader or the panel lawyer, as the case may be, should be contacted by the dept. as per work-schedule for preparation of draft reply. The draft reply should be verified with the comments on factual part by the authorized officer of the concerned dept. in charge of Court cases, then send to the Law Dept. for vetting. For filing a suit, appeal, revision etc. such file should be sent to Law Dept. The Court case file should always remain in the custody of the department and may be taken to the lawyer when necessary and on the dates of hearing. All notes on a particular Court case shall be recorded in the Court-case-file only. Other office records should not be taken to or left in the custody of the retained or engaged lawyer.
10. The departmental staff should collect the approved draft from the Law dept. obtain signatures of the officers who are parties and take it to the engaged lawyer for filing with time. They should maintain case diary to note dates and developments of each case. In respect of High Court cases they should collect weekly case list and daily cause list and contact the lawyer in time.

- 11.** Every department should assign court case matters to one officer and one or more dealing staff. Such officer shall be the nodal officer to keep in touch with the conducting lawyers, courts and Law Department, Names, address, telephone number of such officer and staff should be intimated to the Law dept. office of the Advocate General, Government Advocate and government Pleader and should be written on the Brief cover.

### **IMPLEMENTATION OF COURTS' ORDER**

- 12.** It is the duty of the conducting lawyer, dealing staff/nodal officer of the dept. concerned to obtain results of the cases and apply for certified copy of the order/judgment. There may be specific and time bound direction in the order/Judgment. Office of the G. A. / G. P. or Conducting lawyer shall render assistance in submitting application and obtaining copy. Every such order/judgment shall be brought to the notice of the Head of Department and Law Department for immediate steps to avoid contempt of Court or expiry of the period of appeal/revision/review.
- 13.** Order, Memorandum, guidelines etc. have been issued from time to time regarding implementation of courts order which have been incorporated in chapter IV of this Handbook. The lawyers, dealing staff, Nodal Officers of various departments have to go by those orders, Memorandum, guidelines etc.
- 14.** The Hon'ble Supreme Court in Writ Petition (Civil) No.496/2002 with Writ Petition (Civil) No. 570/2002 (Salem Bar Association, Tamilnadu Vs. Union of India and the States) has passed the following direction on 2<sup>nd</sup> August,2005 :-

“every Public authority shall appoint an officer responsible to take appropriate action on a notice issued u/s80 of the Code o Civil Procedure. Every such officer shall take appropriate action on receipt of such notice. If the court finds that the concerned officer, on receipt of the notice, failed to take necessary action or was negligent in taking the necessary steps, the court shall hold such officer responsible and recommend appropriate disciplinary action by the concerned authority”.

GA (AR) Department has issued a Memo for compliance of this order of the Hon'ble Apex Court, which has been included in chapter IV of this Handbook.

**FORM - I**

**REGISTER OF CASES INVOLVING STATE GOVT.**  
(To be maintained by office L.R. Govt. Adv. And Govt. pleader)

<b>Sl. No.</b>	<b>Case No.</b>	<b>Name of Court</b>	<b>Name of Department</b>	<b>Name of Lawyers</b>	<b>Results</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>

The serial number shall be the DSL No. if a case is allotted to retained lawyer. It will be the engagement number if the case is allotted to panel lawyer. Write this serial number on the above right corner of the appointment letter.

**GOVT. OF TRIPURA  
OFFICE OF THE**Agartala,  
.....To  
.....  
.....  
.....

Case No..... in .....(Court's Name)

Forwarding Letter

Sir,

I am forwarding herewith copy of the plaint/petition/memo of the above noted case notice of which has been received by office of G. A. / G. P.

2. The case will be conducted by ..... (enclosed copy of engagement letter).
3. Nodal officer/staff of your department may be directed to take steps as per work schedule and keep in touch with the counsel to avoid default.
4. Please keep in mind failure to file written statement/reply within time may lead to adverse order against the state.

**Work Schedule**

Date when notice/sum-mon received	Next date for appearance/ filing objection/ written statement/counter affidavit etc.	Date before which comments should be prepared & approved by Head of Dept.	Consultation with lawyer & preparation of draft should be completed before	Draft to be vetted by Law Dept. & filed in Court before.

Yours faithfully

**GOVT. OF TRIPURA**  
**OFFICE OF .....**  
**COURT CASES**

**BRIEF DISTRIBUTION REGISTER**

Sl. No.	Case No.	Name of Lawyer	Date of Receiving brief by the Lawyer with signature	Date of receiving the Brief back from the lawyer	Brief returned to the Adm. Dept. after appl. Period	Remarks
1	2	3	4	5	6	7

**COURT CASES  
DISTRIBUTION PROPOSAL**

<b>Sl. No.</b>	<b>Case No.</b>	<b>Name of Court</b>	<b>Proposed retained or panel Lawyer's name</b>
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**GA/Addl. GA/GP/Addl. GP**

To  
Legal Remembrancer & Secretary,  
Law Department,  
Agartala

**Note :**

To be sent along with plaint/petition etc. to L. R's Office for record and to consider issue of engagement letter / distribution slip and preparation of Brief etc. For engagement of panel or Junior Lawyer the printed note-sheet duly filled in should also be sent.

**GOVT. OF TRIPURA  
OFFICE OF L.R. & SECRETARY, LAW DEPARTMENT  
COURT CASES DISTRIBUTION SLIP  
FOR DAILY ASSIGNMENT (DSL)  
(For retained lawyers only)  
Date : .....**

<b>DSL No.</b>	<b>Case No.</b>	<b>Court's name &amp; station where pending</b>	<b>Name of concerned deptt.</b>	<b>Name of lawyer to whom the case in assigned</b>	<b>Mention specifically the works to be done. If draft is to be prepared mentioned the nature of the draft.</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>

**SCHEDULE****Court Cases-Preparation of Lawyers' Brief**

<b><u>Nature of Cases</u></b>	<b><u>Papers/documents to be included in Lawyer's Brief</u></b>
Civil Rule (Writ case)	i] Writ Petition ii] Counter Affidavit iii] Rejoinder etc.
Writ Appeal	i] Memo of Appeal. ii] Writ Petition iii] Counter Affidavit iv] Rejoinder v] Copy of Judgment/order against which appeal has been preferred.
First Appeal	i] Memo of Appeal ii] Copy of Judgment of Lawyer Court iii] Copy of Plaintiff. iv] Copy of Written Statement.
Second Appeal	i] Memo Appeal ii] Copy of Judgment of first Appellate Court. iii] Memo of Appeal in the first Appellate Court. iv] Copy of the Judgment of the Trial Court v] Copy of the Plaintiff vi] Copy of the Written Statement.
Civil Revision	i] Copy of the Revision Petition ii] Copy of the Judgment & Order of the Trial Court. iii] Copy of the Petition/Plaint in the Trial Court. iv] Copy of the Written Statement/Reply.
Criminal Appeal	i] Memo of Appeal ii] Copy of Judgment of the Trial Court etc.
Criminal Revision	i] Copy of Revision Petition. ii] Copy of the Judgment / Order of Trial Court.
Title Suit/Money Suit etc.	i] Copy of the Plaintiff/Petition. ii] Written Statement etc.

## **CHAPTER - II**

### **Revised Fee Structures Of the retained & Panel Lawyers**

**No.F.5(27)-LAW/LR.II/2003**  
**GOVERNMENT OF TRIPURA**  
**LAW DEPARTMENT**

Dated, Agartala, the 20<sup>th</sup> July, 2006

**NOTIFICATION**

In exercise of the powers conferred by clause(3) of Article 165 of the Constitution of India and in super session of all orders issued in this behalf, the Governor of Tripura is pleased to determine the remuneration of the Advocate General for the State of Tripura, as follows –

- (1) The Advocate General shall be paid -
- (i) The monthly retainer of Rs.10,000/-
  - (ii) For per appearance in all hearing matters (both Civil and Criminal) at Agartala Bench of the Gauhati High Court Rs.2000/- for Main Case and Rs.1000/- for Misc Case.
  - (iii) For settlement of plaint, written statement, writ petition, reply by affidavit and memo of appeal Rs.1000/- in each case.

**NOTE:**

- (i) No fees will be admissible for settlement of other drafts which may be required to be done by him.
- (ii) Analogous Civil or Criminal Appeals, Misc. appeals, reference and application arising from the same judgment shall be deemed to be one appeal, reference or application for the purpose of this provision.

**For appearance in Supreme Court**

- (2) (i) Any civil matter a consolidated fee not exceeding Rs.6000/- per diem  
 (iii) Any criminal matter a fee not exceeding Rs.6000/- per diem
- (3) Fees for conducting case in any station outside the headquarters except in Supreme Court
- (i) For conducting case in any one day for the 1<sup>st</sup> case Rs.3000/-
  - (ii) Subsequent cases : Rs.1000/- (in each case).
  - (iii) When no case is conducted on any day including the day of departure from and arrival to Head Quarter, he shall be entitled to only professional loss, which shall be double of one full fees payable at Head Quarter.

**NOTE:-** Professional loss shall not be payable on the day of departure from or arrival to the Head Quarter, if the time of departure or arrival enables him to conduct cases in the Head Quarter or if he actually conducts any case in the Head Quarter and claims fees therefore.

- (4) He shall not be entitled to fees for
- (a) Opinion work and
  - (b) Participation in the work of the Legislative Assembly or any Committee thereof.
- (5) The revised fees of the Advocate General shall be subject to a monthly ceiling of Rs.45,000/- and annual ceiling of Rs.5 lakhs including retainer fees.

- (6) TA/DA of the Advocate General shall be highest rate as has been made or may be admissible from time to time for the officers of the State Government.
- (7) The Advocate General may be granted :-
- (a) Leave on full pay upto 1/11 of the period spent on duty subject to the condition that such leave shall not accumulate for more than 120 days.
  - (b) Leave on medical certificate on held pay subject to maximum of 90 days at any one time.
  - (c) Extra-ordinary leave without pay subject to a maximum of 90 days on any one time.

**EXPLANATION :-** For the purpose of this paragraph 'pay' means the monthly retainer fees of the Advocate General.

- (8) In addition to the existing terms and conditions, the Advocate General will be entitled to medical reimbursement for himself and the members of his family in accordance with the rules regulating medical reimbursement as in force in Tripura.

**NOTE :-** For the purpose of this order "Family" means wife, dependent children and dependent parents.

- (9) He shall be entitled to rent-free furnished accommodation.
- (10) He shall be entitled to four times to and fro journey between Kolkata & Agartala in a month.
- (11) This shall take immediate effect.

By order of the Governor

**(S.C. Das)**

L.R. & Secretary, Law  
Government of Tripura

Copy to :-

1. The Special Secretary to the Governor, Tripura, Agartala.
2. The Secretary to the Chief Minister for kind information of the Hon'ble Chief Minister.
3. Sri Nisith Adhikari, Advocate General, for information.
4. The Accountant General (Audit), Tripura, Agartala.
5. The Finance Department, Govt. of Tripura, Agartala.
6. The Treasury Officer, Treasury No.II, West Tripura, Agartala,
7. All Departments/Head of Departments
8. Account Section of the LR's Establishment, Law Department, Agartala (with five spare copies)
9. The Manager, Tripura Government Press, Agartala with the request kindly to publish the above Notification in the next issue of the Tripura Gazette for general information.

**( S. G. Chattopadhyay)**

ALC & Under Secretary  
Government of Tripura.

**NO. F.5(27)-LAW/LR.II/2003  
GOVERNMENT OF TRIPURA  
LAW DEPARTMENT**

**Dated, Agartala, the 1<sup>st</sup> April, 2005.**

**NOTIFICATION**

In super session of all earlier notifications / orders on the subject and in partial modification of the relevant provisions of the L.R. Manual the Governor is pleased to revise the rate of fees of the retained and panel lawyers on terms and conditions specified herein :-

**2. Date of effect of the revised fee :-**

The drafting fees as specified in Schedule-A and the rates of fees for conducting cases as specified in Schedule-B shall be admissible from the month of January, 2005, payable in February, 2005.

**3. Ceiling:-**

There shall be no maximum limit of total daily fees for retained or panel lawyers. However, for the retained lawyers the fees shall be subject to a monthly and annual ceiling which is specified in schedule-B.

NOTE :- For the purpose of maximum monthly or annual ceiling, the fees shall include retainer fee but shall not include fees for drafting.

**4. Payment of fees :-**

- (i) All bills of the retained lawyers claiming fees for conducting cases (other than drafting fees) including retainer fees and clerkage shall be submitted only to the Law Department for payment. No other department shall entertain any bill (other than drafting fees) of the retained lawyers. Bills for drafting and other litigation expenses shall be raised separately to the respective department for payment, However, for secretariat-based departments all litigation expenses including fees for both drafting and conducting cases shall be paid by the Law Department.
- (ii) Fees and clerkage of Assistant Public Prosecutors in Executive Magistrates' Courts shall be submitted to the Law Department for payment.
- (iii) The Panel Lawyers shall raise their bills of Civil Cases to the respective Department with intimation to the Law Department. All Departments shall intimate the Law Department about the amount paid against each bill along with the particulars of the case.
- (iv) The panel lawyers shall raise their bills for criminal cases to the Law Department only for payment.
- (v) A panel lawyer shall enclose copy of the engagement letter with every bill.

- (vi) No fees shall be admissible for mentioning a matter or adjournment or taking step.
- (vii) Civil case shall include 'arbitration' & 'revenue' case.
- (viii) The Nodal officer of every department shall send a monthly performance reports in Form No.1 in respect of every lawyer who conducted their case during a monthly.

#### **5. For non appearance**

If a retained lawyer does not appear or remains absent without prior permission or takes adjournment without any instruction, then no fees shall be paid for that case for that day.

#### **6. TA/DA and fees for conducting cases outside the Head Quarter :-**

When any retained or panel lawyer is engaged to conduct cases relating to any particular Department outside the Head quarter, the respective Department shall bear the expenditure on his TA/DA etc. as per Schedule 'B'. His fees and or professional loss shall be paid by the Law Department, if he is a retained lawyer and by the department concerned if he is a panel lawyer.

#### **7. Engagement of panel lawyer :-**

Only law Department shall engage panel lawyer for cases in Supreme Court, High Court and other Civil, Criminal & Revenue Courts at Agartala. In out stations D.M. or an officer authorized by him for District and Sub-Divisional Head Quarters shall be the authority to engage panel lawyers.

#### **8. Admissibility of drafting fees :-**

Bills for drafting fees shall be raised separately which should be verified and certified by the head of the concern Department before payment. Engagement letter or distribution slip shall specifically mention the draft to be prepared by the lawyer. However, if the lawyer feels any petition or affidavit not indicated in the engagement letter or distribution slip is required to be filed in the court in connection with a case, the Nodal Officer / staff shall obtain written advise in this regard from the lawyer and refer the matter to the Law Department for considering issue of fresh order for preparing the draft. No fees for drafting shall be admissible if the engagement letter or distribution slip does not mention it.

#### **9. Time frame for submitting bills :-**

Bill should be raised within fifteen days of every month. Accumulated bills shall not be entertained during any current month but may be entertained in the first month of the last quarter of the year.

#### **10. Distribution of cases :-**

The writ and other civil cases in High Court and district Court at Agartala shall be distributed among the retained & panel lawyers by issuing distribution slip or engagement letter by the L.R. & Secretary or an officer of the Law Department authorized by him. Retained lawyers shall positively mention distribution slip No. (DSL NO.) in appropriate column against each case shown in the bill.

Panel lawyers shall positively enclose appointment letter and also mention on the bill the number and date of the appointment letter.

11. No retained lawyers can refuse to take up a case including contempt or defamation case allotted to him except on grounds considered reasonable by law department. Except on reasonable grounds a panel lawyers also shall not refuse to conduct a case. No retained or panel lawyers shall claim fees at rate higher than that specified herein.

12. Bill for fees shall be raised in prescribed form only. Incomplete bills shall not be entertained. It is hereby made clear that retained lawyers must enclose with the bill copy of the daily case diary for the month.

13. No retained lawyer shall remain absent from the station without prior permission of the Law Department, If he/she is found absent in any case attached to him/her without prior permission the Law Department shall take recourse to appropriate steps against him/her in this regards.

14. Clerks attached to a retained lawyer shall maintain daily case diary (DCD) in Form No.III and send copy of the diary for the month along with his clerkage bill. Another copy should be enclosed along with his lawyer's bill.

15. It is one of the duties of the law clerks to prepare diet & T.A. Bills of prosecution witnesses and submit the bills in the court in the first half of the office hours for payment by court immediately after witness is released. Failure to do the job will lead to panel measures as L.R. Secretary may determine. It will be a misconduct to claim any remuneration from a witness for preparing bill.

#### **Restrictions:-**

16. To ensure that Government cases do not suffer, the retained lawyers shall not accept any private brief including MACT and L.A. Cases. They should exclusively conduct the cases allotted to them. Even cases of the Government Company or Corporation or Municipality or statutory body shall not be accepted by them unless required by the Law Department. The rate of fees for such Company, Corporation, municipality or statutory body shall be same as contained herein. If instructed to conduct a case of these bodies by the Law Department a retained lawyer shall not refuse.

17. Law Department shall maintain separate bill file for every retained and panel lawyers. Every other Department shall maintain separate files for the lawyers, who conduct their cases. Law Department shall verify bills on the basis of monthly performance report and (MRP) daily case diary (DCD) received from Nodal Officers and Law Clerks before payment.

18. The revised rates of fees are issued with the concurrence of the Finance Department, Government of Tripura, vide their U.O. No. 778/COM./Fin(G)/2005 dated 18-03-2005.

By order of the Governor

**(S. C. Das)**  
Secretary, Law  
Government of Tripura

Copy to :-

1. The Secretary to Chief Minister, Tripura, for kind information of the Hon'ble Chief Minister.
2. The Advocate General, Tripura, Agartala.
3. The Government Advocate, Agartala / Addl. Government Advocate, High Court, Agartala.
4. The Public Prosecutor, Agartala Bench of the Gauhati High Court, Agartala.
5. The Public Prosecutor, West Tripura District, Agartala /North Tripura District, Kailashahar / South Tripura District, Udaipur.
6. The Addl. Public Prosecutor, West Tripura, Agartala/Khowai, West Tripura /Sonamura, West Tripura / Belonia, South Tripura / Kamalpur, Dhalai / Dharmanagar, North Tripura.
7. The Government Pleader, West Tripura, Agartala/North Tripura, Kailashahar / South Tripura, Udaipur.
8. The Additional government Pleader, Dharmanagar, North Tripura District / Kamalpur, Dhalai / Belonia, South Tripura / Sonamura, West Tripura / Khowai, West Tripura.
9. Shri ..... Advocate  
.....  
West Tripura / North Tripura / South Tripura District.
10. (All Panel Lawyers) Shri/Smti .....  
Advocate (Panel Lawyer) .....  
West Tripura / North Tripura/South Tripura District.
11. The Finance Department, Government of Tripura, Agartala.
12. All Departments / Heads of Departments.
13. The Accountant General (Audit), Tripura, Agartala.
14. The Sr. Deputy Accountant General (Accounts), Tripura, Agartala.
15. The District Magistrate & Collector, West Tripura, Agartala/ North Tripura, Kailashahar / North Tripura District, Udaipur / Dhalai, Ambassa.
16. Accounts Section, Legal Remembrance's Establishment, Law Department with 10(ten) spare copies.
17. Guard file No.5(10)-LAW/87.

**(B. Majumder)**  
DLR & Deputy Secretary, Law  
Government of Tripura

**SCHEDULE-A****DRAFTING FEES IN CIVIL MATTERS****A. IN DISRICT COURTS.****For retained & panel lawyers :-**

- |      |   |                |
|------|---|----------------|
| (i)  | For drawing up  |                |
|      | (a) plaint.   |                |
|      | (b) written statement   | Rs.225/-(in    |
|      | (c) memo of appeal  | each case)     |
|      | (d) revision / review petition  |                |
| (ii) | For drawing up  |                |
|      | (a) injunction petition & objection to injunction.  |                |
|      | (b) stay petition & objection to stay petition  |                |
|      | (c) amendment petition & objection to amendment   | Rs.150/-       |
|      | (d) petition for execution and objection in execution matter.                                 | (in each case) |
|      | (e) statement of facts / counter statement in cases before Arbitrators and in Revenue Courts. |                |
|      | (f) condonation petition & objection to condonation,  |                |
|      | (g) petition for restoration of a case and objection thereto.                                 | Rs.150/-(in    |
|      | (h) attachment petition & objection.  | Each case)     |
|      | (i) objection to Commissioners report   |                |
|      | (j) objection and written statement in election petition.                                     |                |

**B. IN HIGH COURT.**

For retained and panel lawyers

- (i) For drawing up/settling -
- |   |   |
|---|---|
| (a) Memo of appeal  |   |
| (b) Writ petition   |   |
| (c) Counter Affidavit   |   |
| (d) Written statement in election petition  | (i) By GA (who is a senior advocate) ... Rs.500/-                                   |
| (e) Petition or Counter Affidavit in contempt proceeding for or against any Government servant in discharge of his official duties. | (ii) By GA.....Rs.350/- (in each case)<br>(iii) By Addl. Ga.Rs.300/- (in each case) |
| (f) Revision petition   | (iv) By panel lawyers Rs.300/- (in each case).                                      |
- (ii) For drawing up/settling -
- |  |  |
|--|--|
| (a) condonation petition or objection thereto; | (i) By GA (who is a senior advocate) ... Rs.350/- (in each case)<br>(ii) By GA Rs.250/- (in each case) |
| (b) stay petition and objection thereto        | (iii) By Addl. GA Rs.200/- (in each case)  |
| (c) other miscellaneous petition               | (iv) By panel lawyers Rs. 200/- (in each case)   |
- (C) For settlement of draft by the Sr. Advocate of Special panel.
- (i) For settlement of
- |   |   |
|---|---|
| (a) Writ petition                           |   |
| (b) Counter affidavit                       |   |
| (c) Memo of appeal petition                 | Rs.700/- Revision/review (in each case) |
| (d) Petition or counter in contempt case    |   |
| (e) Written statement in election petition. |   |

**NOTE :-**

(1) No fees shall be admissible for settlement of any other draft by the Govt. Advocate or Sr. Advocates which they may be required to settle while conducting a case.

(2) No fees shall be admissible for drafting any other matter which a retained or panel lawyer may be required to do while conducting a case.

**DRAFTING FEES IN CRIMINAL MATTERS**  
**FOR RETAINED AND PENAL LAWYERS**

**(A) In High Court.**

- |     |       |   |   |
|-----|-------|---|---|
|     | (i)   | By P.P.(who is a senior advocate)   |   |
| (a) |       | Memo of appeal  | Rs.500/- (in each case)                                     |
| (b) | (ii)  | Revision petition   | By P.P.Rs. 350/- (in each case)                             |
| (c) | (iii) | Affidavit in reply.   | By Addl. P.P. & Panel lawyers .. Rs.300/-<br>(in each case) |
|     | (iv)  |   | By Sr. Advocate of Special Panel Rs.700/-<br>(in each case) |
| (d) |       | Petition for cancellation<br>of bail and other miscellaneous<br>petition as per instruction of<br>Law Department. | Rs. 200/- for each petition.                                |

**(B) In District Court**

- |     |   |  |                             |
|-----|---|--|-----------------------------|
| (a) | Memo of appeal (i)  | By P.P. Addl. P.P. & Panel Lawyers ... | Rs.225/-                    |
| (b) | Revision Petition   |  | (in each case).             |
| (c) | Petition for cancellation of bail<br>and other miscellaneous petition<br>as per instruction of Law Deptt. |  | Rs.100/- for each petition. |

**OTHER CONDITIONS FOR DRAFTING OF CIVIL &  
CRIMINAL MATTERS**

**NOTE :-**

(1) Bill for drafting in civil & criminal matters should positively indicate the letter of instruction issued by the Law Department or other authority (D.M. or authorized officer). No bill shall be admissible for any raft prepared by a lawyer without written instruction.

(2) LR – Secretary may require any other matter not mentioned above to be drafted by a retained or panel lawyer. In the letter of instruction he shall indicate the nature of drafting and whether any fees will be the fees admissible for it which shall be final.

(3) If a draft prepared by a lawyer does not appropriately reflect the stand of the Government the concerned department may suggest modification on factual aspects. Law Department may modify the draft on any aspect, factual and legal.

( B. Majumder )  
D.L.R. & Deputy Secretary, Law,  
Government of Tripura

**SCHEDULE-B****FEES FOR CONDUCTING CASES**

Following shall be the revised rates of fees for conducting cases involving State Government or public servant defended by State Government :-

**IN HIGH COURT**

Government Advocate (Who is senior Advocate)	Amount	Government Advocate	Amount
(i) Monthly retainer fee	Rs.4000/-	(i) Monthly retainer fee	Rs.4000/-
(ii) Per appearance in main matter for substantive Hearing	Rs.500/-	(ii) Per appearance in main matter for substantive Hearing	Rs.350/-
(iii) Per appearance in misc. matter for substantive hearing	Rs.350/-	(iii) Per appearance in Misc. matter for substantive hearing	Rs.250/-

There is no maximum daily limit but subject to monthly ceiling of Rs.32,000/- and annual ceiling of Rs.2.90 lakhs including retainer fee. No bills shall be entertained during the year beyond the annual ceiling.

NOTE :- No retained lawyer shall be allowed to remain absent from the station without prior permission of the Law Department. If he/she is found absent in any case attached to him/her without prior permission the Law Department shall take recourse to appropriate steps against him/her in this regards.

**2 Addl. Government Advocate :**

- (i) Monthly retainer fee ..... Rs. 3,000/-  
(ii) Per appearance for substantive hearing in ... Rs.300/-  
main matter.  
(iii) Per appearance for substantive hearing Rs.200/-  
in misc. matter.

There is no maximum daily limit but subject to a monthly ceiling of Rs.22,000/- and annual ceiling of Rs.2.00 lakhs including retainer fee. No bills shall be entertained during the year beyond the annual ceiling.

**NOTE:-** No retained lawyer shall be allowed to remain absent from the station without prior permission of the Law Department. If he/she is found absent in any case attached to him/her without prior permission the Law Department shall take recourse to appropriate steps against him/her in this regards.

**3.**

Public Prosecutor (who is a senior advocate)		Public Prosecutor	

(i) Monthly retainer fee	Rs.4000/-	(i) Monthly retainer fee	Rs.4000/-
(ii) Per appearance in main matter for substantive hearing	Rs.500/-	(ii) Per appearance in main matter for substantive hearing	Rs.350/-
(iii) Per appearance in Misc. matter for substantive hearing (including bail petition)	Rs.350/-	(iii) Per appearance in Misc. matter for substantive hearing (including bail petition)	Rs.250/-

There is no maximum daily limit, but subject to a monthly ceiling of Rs.32,000/- and annual ceiling of Rs.2.90 lakhs including retainer fee. No bills shall be entertained during the year beyond the annual ceiling.

**NOTE :-** No retained lawyer shall be allowed to remain absent from the station without prior permission of the Law Department, If he/she is found absent in any case attached to him/her without prior permission the Law Department shall take recourse to appropriate steps against him/her in this regards.

4. Addl. Public Prosecutor.

(i) Monthly retainer fee ....	Rs.3000/-
(ii) Per appearance in Main matter for substantive hearing .....	Rs.300/-
(iii) Per appearance in Misc. matter for substantive hearing..... (including bail petition)	Rs.200/-

There is no maximum daily limit, but subject to a monthly ceiling of Rs.22,000/- and annual ceiling of Rs.2.00 lakhs including retainer fee No bills shall be entertained during the year beyond the annual ceiling.

**NOTE :-** No retained lawyer shall be allowed to remain absent from the station without prior permission of the Law Department. If he/she is found absent in any case attached to him/her without prior permission the Law Department shall take recourse to appropriate steps against him/her in this regards.

5. **Panel lawyers (Civil & Criminal)**

- (i) Per appearance for substantive hearing by a Sr. Advocate of special panel the fees shall be determined from case to case basis by the Law Department which shall not be less than Rs.700/- and not more than Rs.2,500/-
- (ii) Per appearance for substantive hearing by other panel lawyers :-
- |                          |           |
|--------------------------|-----------|
| (a) In main matter ..... | Rs. 300/- |
| (b) In misc. matter..... | Rs.200/-  |

There is no maximum limit.

**IN THE DISTRICT COURTS – CRIMINAL MATTERS.**

**6. Public Prosecutor and Addl. Public Prosecutor.**

- |    |  |           |
|----|--|-----------|
| a) | Monthly retainer fee.                        | Rs.2000/- |
| b) | (i) Discussion of charge.                    |           |
|    | (ii) Examination of witnesses                |           |
|    | (iii) Cross examination of witnesses.        | Rs.225/-  |
|    | (iv) Examination of accused u/s 313 Cr. P.C. |           |
|    | (v) Argument.                                |           |
| c) | For arguing in bail petition .....           | Rs.100/-  |

There is no maximum daily limit, but subject to a monthly ceiling of Rs.21,000/- and annual ceiling of Rs.1.90 lakhs including retainer fee. No bills shall be entertained during the year beyond the annual ceiling.

**NOTE :-** No retained lawyer shall be allowed to remain absent from the station without prior permission of the Law Department. If he/she is found absent in any case attached to him/her without prior permission the Law Department shall take recourse to appropriate steps against him/her in this regards.

**7. Panel Lawyers.**

- |     |  |          |
|-----|--|----------|
| (1) | (i) Discussion of charge                     |          |
|     | (ii) Examination of Witnesses                |          |
|     | (iii) Cross examination of witnesses         | Rs.225/- |
|     | (iv) Examination of accused u/s 313 cr. P.C. |          |
|     | (iv) Argument.                               |          |

- |     |                               |          |
|-----|-------------------------------|----------|
| (2) | Argument in bail matter ..... | Rs.100/- |
|-----|-------------------------------|----------|
- There is no maximum limit.

## IN DISTRICT COURT – CIVIL MATTERS

### 8. Government Pleader & Addl. Government Pleader.

- |    |   |           |
|----|---|-----------|
| a) | Monthly retainer fee .....                        | Rs.2000/- |
| b) | (i) Framing of issues.                            |           |
|    | (ii) Examination & cross examination of witnesses | Rs.225/-  |
|    | (iii) Argument.                                   |           |
| c) | Substantial hearing in Misc. matters .....        | Rs.100/-  |

There is no maximum daily limit, but subject to a monthly ceiling of Rs.21,000/- and annual ceiling of Rs.1.90 lakhs including retainer fee. No bills shall be entertained during the year beyond the annual ceiling.

NOTE:- No retained lawyer shall be allowed to remain absent from the station without prior permission of the Law Department. If he/she is found absent in any case attached to him/her without prior permission the Law Department shall take recourse to appropriate steps against him/her in this regards.

### **Panel Lawyers.**

- |       |   |          |
|-------|---|----------|
| (i)   | Framing of issues                             |          |
| (ii)  | Examination & cross examination of witness    |          |
| (iii) | For argument in Main matter ....              | Rs.225/- |
| (iv)  | For substantial hearing in Misc. matter ..... | Rs.100/- |

There is no maximum limit.

## IN THE COURT OF MAGISTRATES

### 9. Assistant Public Prosecutors in Judicial Magistrates' Court

- |     |  |           |
|-----|--|-----------|
| (1) | Monthly retainer fee....                     | Rs.1500/- |
| (2) | (i) For discussion of charge                 |           |
|     | (ii) Examination of witnesses.               |           |
|     | (iii) Cross examination of witnesses         | Rs.150/-  |
|     | (iv) Examination of accused u/s 313 Cr. P.C. |           |
|     | (v) Argument.                                |           |
| (3) | For arguing bail petition.                   | Rs. 60/-  |
| (4) | Examination of accused u/s 251 Cr. P.C.      |           |

### 10. Assistant Public Prosecutor in Executive Magistrates' Court

- |     |                                     |           |
|-----|-------------------------------------|-----------|
| (1) | Monthly retainer fee.....           | Rs.1500/- |
| (2) | (i) Examination of Witnesses,       |           |
|     | (ii) Cross examination of witnesses | Rs.150/-  |

- |     |  |         |
|-----|--|---------|
| (4) | (iii) Final argument<br>(i) Examination of accused<br>(ii) Argument in bail matters. | Rs.60/- |
|-----|--|---------|

There is no maximum daily limit, but subject to a monthly ceiling of Rs.13,000/- and annual ceiling of Rs.1.20 lakhs including retainer fee. No bills shall be entertained during the year beyond the annual ceiling.

**NOTE :-** No retained lawyer shall be allowed to remain absent from the station without prior permission of the Law Department. If he/she is found absent in any case attached to him/her without prior permission the Law Department shall take recourse to appropriate steps against him/her in this regards.

**11. For panel lawyers in Criminal Courts -**

- |     |   |          |
|-----|---|----------|
| (1) | (i) For discussion of charge.<br>(ii) Examination of witnesses.<br>(iii) Cross examination of witnesses<br>(iv) Examination of Accused u/s 313 Cr. P.C.<br>(v) Arguments. | Rs.150/- |
| (2) | (i) Examination of accused u/s 251 Cr. P.C.<br>(ii) Bail Petition.  | Rs.60/-  |

**12. Clerkage for retained lawyers -**

All retained lawyers are entitled to engage one clerk to maintain daily case diary, (DCD) take steps, prepare witnesses bills etc. He will get clerkage of Rs.2000/- per month. Separate bill for clerkage should be submitted in the first week of every month along with daily case diary (DCD) for the month. In this connection our notification of even number dated 10.12.2004 is referred to.

**13. For drafting & hearing fees of all types of group cases :-**

- |       |  |   |
|-------|--|---|
| (i)   | Upto 5 cases .....                             | (i) One hearing fee and one drafting fee.       |
| (ii)  | More than 5 and less than 10 cases...          | (ii) Two hearing fees and two drafting fees.    |
| (iii) | More than 10 cases and less than 20 cases..... | (iii) Three hearing fees and Two drafting fees. |
| (iv)  | Any number after 20 cases.....                 | (iv) three hearing fees and four drafting fees. |

**NOTE:-**

- |      |   |
|------|---|
| (i)  | “Group Cases” mean more than one cases which are or may be heard analogously, having same or similar nature of subject matter, and claiming same of similar relief through the parties are different; |
| (ii) | Drafting and hearing fees will be regulated as indicated in Schedule “A” and Schedule ‘B’.  |

14. Fees of lawyers conducting cases (both civil and Criminal) in any station outside the Head Quarters (within or outside the state), the fees shall be paid at the following rates :-

- (i) For conducting cases on any one day, for the first or only case the fees shall be double of one full fees. For all subsequent cases on the same day the normal rates of fees as payable in the Head Quarter shall apply. L.R. & Secretary may negotiate and determine any other rate in exceptional circumstances.
- (ii) When no case is conducted on any day including the day of departure from and arrival to Head Quarter, he shall be entitled to only professional loss which shall be double of one full fees.

**N.B.:-** (i) The aforesaid provision shall apply to all retained & panel lawyers including the senior Advocates.

**Explanation:-** Professional loss shall not be payable on the day of departure from or arrival to the Head Quarter, if the time of departure or arrival enables him to conduct cases in the Head Quarter or if he actually conducts any case in the Head Quarter and claims fees therefore.

15. a) TA/DA etc. to Government Advocate, Sr. Advocate, Public Prosecutor (High Court) will be admissible at the highest rate as has been or may be admissible from time to time for the officers of the State Government.

b) For all other retained lawyers, panel lawyers including those engaged by the Government for any specific case, the rate of TA/DA etc. shall be second highest rate as has been or may be admissible from time to time for the officers of the state Government.

16. If any retained lawyer holds more than one assignment mentioned above for more than 40 days, he shall be entitled to Rs.490/- p.m. for holding such additional assignment.

17. Every retained lawyer shall positively enclose following certificate / on the body of each bill :-

“Certified that

- (I) I have not accepted or conducted any private case including M.A.C.T. & L.A. Cases during the month”
- (II) I have not conducted any case of the Central or statutory body during the month.
- (III) I have conducted cases of .....with the permission of Law Department. List of such cases is separately enclosed”.

( B Majumder )  
D.L.R. & Deputy Secretary, Law  
Government of Tripura

N.B. :-

1. Monthly retainer fees of all retained lawyers have been enhanced and annual ceiling on fees has been waived vide notification of even No. dt. 27<sup>th</sup> Sept. 2007; which is enclosed herewith.

2. Paragraph 16 and 17 of schedule ‘B’ of this notification have been modified vide notification of even No. dt. 30-06-2005 and 29-08-2005, which are enclosed hereinafter.

**GOVERNMENT OF TRIPURA  
LAW DEPARTMENT**

No.F.5(27)-Law/LR-II/03

Dated, Agartala, the 27<sup>th</sup> September, 2007

**NOTIFICATION**

In partial modification of this Department Notification of even number dated 01.04.05, Retainer fees for all Government retained lawyers in the High Court & Subordinate Courts are enhanced as shown below :-

**In High Court**

Sl.No.	Name of Retained Lawyers	Existing rate	Enhanced Rate
01	Public Prosecutor	Rs.4,000/-	Rs.5,200/-
02	Addl. Public Prosecutor	Rs.3,000/-	Rs.3,900/-
03	Government Advocate	Rs.4,000/-	Rs.5,200/-
04	Addl. Govt. Advocate	Rs.3,000/-	Rs.3,900/-

**In Subordinate Courts**

Sl.No.	Name of Retained Lawyers	Existing rate	Enhanced Rate
01	Public Prosecutor	Rs.2,000/-	Rs.2,600/-
02	Addl. Public Prosecutor	Rs.2,000/-	Rs.2,600/-
03	Government Pleader	Rs.2,000/-	Rs.2,600/-
04	Addl. Govt. Pleader	Rs.2,000/-	Rs.2,600/-
05	APP In-Charge & All APPs (Judicial & Executive) Magistrate's Courts	Rs.1,500/-	Rs.1,950/-

Further, Annual ceiling for payment of fees is withdrawn. All other terms and conditions including monthly ceiling shall remain unchanged.

This will take effect from 01-09-1007

This is issued with concurrence of the Finance Department under their U.O. No. 1108/Fin(G)/07 dated 21/09/07.

By order of the Governor

( S.C. DAS )  
L.R. & Secretary, Law  
Government of Tripura

Copy to :-

01. The Secretary to Chief Minister, Tripura for kind information of the Hon'ble Chief Minister.
02. The Advocate General, Tripura, Agartala
03. The Government Advocate, Agartala / Addl. Government Advocate, High Court, Agartala.
04. The Public Prosecutor, Agartala Bench of the Gauhati High Court, Agartala.
05. The Public Prosecutor, West Tripura District, Agartala/North Tripura District, Kailashahar / South Tripura District, Udaipur.
06. The Addl. Public Prosecutor, Agartala, Khowai, Sonamura, West Tripura/Belonia, South Tripura / Kamalpur, Dhalai / Dharmanagar, North Tripura.
07. The Government Pleader, West Tripura, Agartala / North Tripura, Kailashahar / South Tripura, Udaipur.
08. The Addl. Government Pleader, Dharmanagar, North Tripura District / Kamalpur, Dhalai/Belonia, South Tripura/Agartala, Sonamura, Khowai, West Tripura.
09. All panel Lawyers.
10. The Finance Department, Government of Tripura, Agartala.
11. All Departments/Heads of Departments.
12. The Account General (Audit), Tripura, Agartala.
13. The Sr. Deputy Accountant General (Accounts), Tripura, Agartala.
14. The District Magistrate & Collector, West Tripura, Agartala / North Tripura, Kailashahar / South Tripura District, Udaipur / Dhalai, Ambassa with five spare copies.
15. All Sub-Divisional Magistrates.
16. Accounts Section, Legal Remembrancer's Establishment, Law Department with 10 (Ten) spare copies.
17. Guard File No. 5(1)-Law/87.

( Sapan Chaudhuri )  
Under Secretary, Law  
Government of Tripura

**GOVERNMENT OF TRIPURA  
LAW DEPARTMENT**

Dated, Agartala, the 30<sup>th</sup> June, 2005

**NOTIFICATION**

In partial modification of the Notification of even no. dt.1<sup>st</sup> April, 2005, the Governor of Tripura is pleased to modify paragraph 16 at page4 and paragraph 17 at page 16 of schedule B regarding restrictions and certificate respectively in respect of the retained / panel lawyers of the State Government in the following manner :-

**A. "16 Restrictions" :-**

To ensure that Government cases do not suffer, the Government retained lawyers shall not take any brief or appear against the Government, Local self-government, other Government Bodies and Government Undertakings including the MACT, LA and Workmen's Compensation cases where the Government, Local self-Government, Government Undertakings or Government Bodies are involved as parties.

In case of engagement of Government retained lawyers, panel lawyers by Government Undertakings, Local Self-Government or Government Bodies the fees will be as follows :-

- |      |                                 |    |           |
|------|---------------------------------|----|-----------|
| (i)  | Retained/Panel Senior Advocate  | -- | Rs.2000/- |
| (ii) | Other Retained / Panel Advocate | -- | Rs.1000/- |

**B. "17 Every retained lawyers shall positively enclose following certificates on the body of each bill :-**

**Certified that –**

- (i) I have not accepted or conducted any case including MACT cases where Government, Government Undertaking, Local self-Government or any Government Bodies are involved as parties.

I have also not conducted any LA cases where Central Government, State Government, any Department of the Government, government Corporation / Company, Government Undertakings, Local Bodies etc. are involved.

- (ii) I have not conducted any case of the Central Government, State Government or any other Government Corporation, Company, Municipality or Statutory Body during the month.

- (iii) I have conducted cases of ..... with the permission of Law Department list of such cases is separately enclosed"

2. This notification shall come into force from the date of issue of this notification.
3. This issues with the concurrence of the finance Department vide their U.O. No. 252/Min/Fin/05, dated 27-06-2005.

By order of the Governor

( S. C. DAS )  
Secretary, Law  
Government of Tripura

Copy to :-

01. The Secretary to Chief Minister, Tripura for kind information of the Hon'ble Chief Minister.
02. The Advocate General, Tripura, Agartala
03. The Government Advocate, Agartala / Addl. Government Advocate, High Court, Agartala.
04. The Public Prosecutor, Agartala Bench of the Gauhati High Court, Agartala.
05. The Public Prosecutor, West Tripura District, Agartala/North Tripura District, Kailashahar / South Tripura District, Udaipur.
06. The Addl. Public Prosecutor, Agartala, Khowai, Sonamura, West Tripura/Belonia, South Tripura / Kamalpur, Dhalai / Dharmanagar, North Tripura.
07. The Government Pleader, West Tripura, Agartala / North Tripura, Kailashahar / South Tripura, Udaipur.
08. The Addl. Government Pleader, Dharmanagar, North Tripura District / Kamalpur, Dhalai/Belonia, South Tripura/Agartala, Sonamura, Khowai, West Tripura.
09. Shri .....Advocate  
.....  
West Tripura / North Tripura / South Tripura Distirct.
10. (All Panel Lawyers) Shri / Smt.....  
Advocate (Panel Lawyer) .....
11. The Finance Department, Government of Tripura, Agartala.
12. All Departments/Heads of Departments.
13. The Account General (Audit), Tripura, Agartala.
14. The Sr. Deputy Accountant General (Accounts), Tripura, Agartala.
15. The District Magistrate & Collector, West Tripura, Agartala / North Tripura, Kailashahar / South Tripura District, Udaipur / Dhalai, Ambassa with five spare copies.
16. Accounts Section, Legal Remembrancer's Establishment, Law Department with 10 (Ten) spare copies.
17. Guard File No. 5(1)-Law/87.

( B. Majumder )  
DLR & Dy. Secy., Law  
Government of Tripura

**NO.F.5(27)LAW/LR.II/03  
GOVERNMENT OF TRIPURA  
DEPARTMENT OF LAW**

Dated, Agartala, the 29<sup>th</sup> August, 2005.

**C O R R I G E N D U M**

Please read "I have not accepted or conducted any case including MACT cases against Government, Government Undertaking, Local Self-Government or any Government Bodies " in place of " I have not accepted or conducted any case including MACT cases where Government, Government Undertaking, Local Self-Government or any Government Bodies are involved as parties" appearing at Page 1, Serial No. B.17(i) of this Department's Notification of even number dated 30.06.05.

( S. C. DAS )  
Secretary, Law  
Government of Tripura

Copy to :-

01. The Secretary to Chief Minister, Tripura for kind information of the Hon'ble Chief Minister.
02. The Advocate General, Tripura, Agartala
03. The Government Advocate, Agartala / Addl. Government Advocate, High Court, Agartala.
04. The Public Prosecutor, Agartala Bench of the Gauhati High Court, Agartala.
05. The Public Prosecutor, West Tripura District, Agartala/North Tripura District, Kailashahar / South Tripura District, Udaipur.
06. The Addl. Public Prosecutor, Agartala, Khowai, Sonamura, West Tripura/Belonia, South Tripura / Kamalpur, Dhalai / Dharmanagar, North Tripura.
07. The Government Pleader, West Tripura, Agartala / North Tripura, Kailashahar / South Tripura, Udaipur.
08. The Addl. Government Pleader, Dharmanagar, North Tripura District / Kamalpur, Dhalai/Belonia, South Tripura/Agartala, Sonamura, Khowai, West Tripura.
09. Shri .....Advocate  
.....  
West Tripura / North Tripura / South Tripura District.
10. (All Panel Lawyers) Shri / Smt.....  
Advocate (Panel Lawyer) .....
11. The Finance Department, Government of Tripura, Agartala.
12. All Departments/Heads of Departments.
13. The Account General (Audit), Tripura, Agartala.
14. The Sr. Deputy Accountant General (Accounts), Tripura, Agartala.
15. The District Magistrate & Collector, West Tripura, Agartala / North Tripura, Kailashahar / South Tripura District, Udaipur / Dhalai, Ambassa with five spare copies.
16. Accounts Section, Legal Remembrancer's Establishment, Law Department with 10 (Ten) spare copies.
17. Guard File No. 5(1)-Law/87.

( B. Majumder )  
DLR & Dy. Secy., Law  
Government of Tripura

**No.F.5(1)-Law/L.R.2/2002  
GOVERNMENT OF TRIPURA  
LAW DEPARTMENT**

Dated, Agartala, the 8<sup>th</sup> February, 2002

**ORDER**

Shri Gopal Singh, Advocate, Supreme Court of India, New Delhi is hereby appointed as standing Counsel, Government of Tripura for conducting the cases on behalf of the State of Tripura before the Supreme Court of India, New Delhi under the following terms & conditions :-

- |    |  |    |  |
|----|--|----|--|
| 1. | Monthly Retainer                                       | -- | Rs.7500/- (Rupees seven thousand five hundred) only. |
| 2. | Fees for drafting & filing --                          |    | Rs.3,000/- (Rupees three thousand) only              |
| 3. | Fees for appearance in court<br>per day.               | -- | Rs.3,000/- (Rupees three thousand) only              |
| 4. | Fees for conference with state--<br>Officials per day. |    | Rs.300/- (Rupees three hundred) only.                |
| 5. | Clerkage   | -- | 10% of the fees.                                     |
| 6. | Expenses   | -- | Actual   |

**NOTE :-**

- 1] No fees shall be admissible for obtaining an adjournment.
  - 2] If there are more than one matter, fees for each matter may be charged separately.
  - 3] For appearance in any Court/Forum in Delhi other than the Supreme Court, fees may be charged at twice the above rate.
2. Save as otherwise decided, he shall conduct all cases on behalf of the State of Tripura in the Supreme Court of India and any other Court, Tribunal or authority at New Delhi.

By order of the Governor

**(A.B. Paul )**  
Secretary, Law  
Government of Tripura

Copy is forwarded :-

- 1] Secretary to the Hon'ble Chief Minister, Tripura, Agartala for kind information of the Hon'ble Chief Minister.
- 2] Shri Gopal Singh, Advocate, Supreme Court of India, New Delhi.
- 3] Advocate General, Tripura, Agartala.
- 4] The Registrar General, Supreme Court of India, New Delhi.
- 5] Accounts Section of the L.R.'s Office (Law Deptt.), Agartala
- 6] All Department / Head of Departments.
- 7] The manager Tripura Government press, Agartala for publication of the order in the official Gazette

**( S. Das )**

D.L.R. & Deputy Secretary, Law,  
Government of Tripura

No.F.5(1)-LAW/LR-II/2002  
GOVERNMENT OF TRIPURA  
DEPARTMENT OF LAW

Dated, Agartala, the 16<sup>th</sup> Nov. 2004

**ORDER**

Shri Gopal Singh, Advocate, Standing Counsel, Govt. of Tripura in the Supreme Court is permitted to engage a junior advocate to assist to him in important cases in the Supreme Court where the State Govt. is a party.

The fees of junior advocate should not exceed 20% of his fees.

This is in continuation of this Department's order of even no dated 11-02-2002.

By Order of the Governor

(S. C. Das)  
Addl. Secretary, Law  
Govt. of Tripura

Copy to :-

- 1] The Secretary to the Hon'ble Chief Minister, Tripura, Agartala for kind information of the Hon'ble Chief Minister.
- 2] Shri Gopal Singh, Advocate, Supreme Court of India, New Delhi
- 3] Advocate General, Tripura, Agartala.
- 4] The Registrar General, Supreme Court of India, New Delhi.
- 5] Accounts Section of the L.R.'s Office (Law Deptt.) Agartala.
- 6] All Deptt./Head of Departments.
- 7] The Manager, Tripura Govt. Press, Agartala for publication of the order in the official gazette.

( B. Majumder )  
DLR & Dy. Secy., Law  
Government of Tripura

**No.F.5(27)-Law/LR-II/03  
GOVERNMENT OF TRIPURA  
LAW DEPARTMENT**

Dated, Agartala, the 1<sup>st</sup> January, 2008

**NOTIFICATION**

In Super session of this Department's Notification of even no. dated 10.12.2004, the State Govt. decided to enhance the clerkage of all the contingent clerks engaged by the Govt. lawyers from existing rate of Rs.2000/- to Rs.2145/- per month on terms and conditions specified herein :-

2. Date of effect of the revised rate :-  
The revised rate shall be admissible from 1<sup>st</sup> January,2008
3. Duties and responsibilities of the clerks :-
  - (i) Clerks attached to Govt. lawyers shall maintain daily case dairy and send copy of the dairy for the month along with their lawyer's bills.
  - (ii) It is one of the duties of the clerks to prepare the diet and TA bills of prosecution witnesses and submit the bills in the court in the first half of the office hours for payment by court immediately after witnesses is released.
4. This revised rate is issued with the concurrence of the Finance Department, Govt. of Tripura vide their U.O. No. 1756/Fin (G)07 dated 29.12.2007.

By Order etc.

(SOPAN CHAUDHURI)  
Under Secretary, Law  
Government of Tripura

Copy for information and necessary action –

1. The Secretary to the Hon'ble Chief Minister, Tripura, Agartala for kind information.
2. The Advocate General, Tripura, Agartala.
3. The Accountant General (Audit) Tripura, Agartala.
4. The District Magistrate & Collector, West Tripura, Agartala/North Tripura Kailashahar/South Tripura, Udaipur/Dhalai District, Ambassa.
5. The Govt. Advocate, Tripura, Agartala.
6. The Addl. Govt. Advocate, Tripura, Agartala.
7. The Public Prosecutor, Agartala Bench of the Gauhati High Court, Agartala.
8. The Addl. Public Prosecutor, Agartala / Sonamura / Khowai / Udaipur / Belonia/Kamalpur/Dharmanagar.
9. The Govt. Pleader, West Tripura, Agartala/North Tripura, Kailashahar/South Tripura, Udaipur.

10. The Addl. Govt. Pleader, Agartala, Bishalgarh, Sonamura & Khowai West Tripura,/Belonia South Tripura/Dharmanagar North Tripura/Kamalpur Dhalai District.
11. The Public Prosecutor, West Tripura, Agartala / South Tripura, Udaipur & North Tripura, Kailashahar.
12. The Senior Dy. Accountant General (Accounts) Tripura, Agartala.
13. Shri..... Advocate, APP,  
West/South/North/Dhalai.
14. All Departments/Heads of Department.
15. The Manager, Tripura Govt. Press, Govt. of Tripura, Agartala for publication of the notification in the extra ordinary issue of the Tripura Gazette.
16. The Finance Department, Government of Tripura, Agartala.
17. The Accounts Section of the Law Department, Government of Tripura, Agartala.

(SOPAN CHAUDHURI)  
Under Secretary, Law  
Government of Tripura

**GOVT. OF TRIPURA**

Name of Department .....

Name &amp; Designation of Lawyer .....

**M.P.R.**

(Monthly Performance Report )

The lawyer has done following works during the month of .....

(To be sent to Law Dept. in first week of every month)

Date	Case No.	Court's Name	Works actually done (mention the name of the item of works for which fee is admissible. Otherwise, write Nil)	Remarks (Mention if he failed to appear /remained absent/ took adjournment without instruction though case was listed for hearing.
1	2	3	4	5

Signature of Nodal Officer

**Govt. of Tripura**  
**LAWYERS' BILL FOR GOVT. CASES**

For the month of .....

Name & Designation :

Station :

Sl. No.	DSL No./ Appt. No.	Case No.	Name of Court	Works done write item of works done, Do not write 'Hearing'	Date	Fees claimed	Fees allowed	Remarks
1	2	3	4	5	6	7	8	9

Total :

Retainer :

.....  
Grand Total Rs.

Certificate is necessary for conducting case in district Courts, (not for Drafting),

Certified that the lawyer has duly appeared in cases mentioned in Column No.3 on dates mentioned in Column No. 6 and performed the works mentioned in Column No.5.

Signature of the Presiding/  
Authorized Officer

## Certificate of Lawyer

### Certified that

1. I have not accepted or conducted any private case including MACT case during the month.
2. I have not conducted any case of the Central Govt. or any other State Govt. Corporation, Company, Municipality or Statutory body during the month; or  
  
I have conducted ..... Number of cases with the permission of Law Dept. The list of cases has been separately enclosed.
3. I have enclosed with the bill copy of the case diary for the month.

.....  
Signature of Lawyer

DISTRICT :  
STATION :

Name of Lawyer.....  
Name of Law Clerk.....

**DAILY CASE DIARY**  
**(DCD)**

(To be maintained by the Law Clerks engaged by the Retained Lawyers of the State Government and sent to L.R's office, Law Department in the first week of every month)

Date	Case No.	Court's Name	Works done, if any	Results
1	2	3	4	5

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Submitted to :

L.R. & Secretary  
Government of Tripura  
(Law Department)  
Agartala.

(Signature of the Law Clerk)

(Signature of the Lawyer with designation)

## **CHAPTER – III**

**Relevant provisions of the  
LR's Manual**

**No.F.2(3)-SECY(LR)/98  
GOVERNMENT OF TRIPURA  
OFFICE OF THE LEGAL REMEMBRANCER  
LAW DEPARTMENT**

## MEMORANDUM

It has been observed that the provisions of the L. R.'s Manual are not being followed in many cases with regard to conduct of civil & criminal cases or while initiating proposal to file appeal. The relevant provisions of the L.R's Manual are, therefore, reproduced below for attention of all concerned.

### RELEVANT PROVISIONS OF THE L.R.'s MANUAL

PARAGRAPHS	
L.R's opinion confidential	8. The opinion of the Legal Remembrancer should be treated as strictly confidential and should not be quoted in any correspondence.
Administrative Control	10. All Law Officers namely, Govt. Advocate, Govt. Pleader, Addl. Govt. Pleader/Prosecutors, Addl. Public Prosecutor and Asst. Public Prosecutors shall work under general and special guidance of the Legal Remembrancer.
Matters of consultation with L.R.	11. The Legal Remembrancer should be consulted at the first instance in the following matters : a) Proposal to file appeal against acquittal; b) Proposal to withdraw a criminal prosecution. c) Proposal to give sanction to an officer of Govt. with reasonable cost of his defence in any civil or criminal proceeding brought against him for acts done in discharge of his official duties. d) Proposal to engage or depute special Lawyers in a Civil or Criminal case brought by or against the Govt. e) Proposal to file a case in the High Court or in the Supreme Court.
Notice u/s <b>80 CPC</b> & summon	12. (i) when any Deptt. Of the Govt. receives a notice under Sec-80 CPC from any person threatening to file suit against the state, such notice in original and along with a concise statement of facts and relevant papers should be sent to Legal Remembrancer for advice whether to contest the suit or concede to the demand.  (ii) If the suit is filed and summon is received by the department the same should be sent to the Legal Remembrancer along with the opinion previously given. If it was decided to contest the suit, it will be the duty of the Legal Remembrancer to make suitable arrangements.  (iii) Any matter, Civil or Criminal in the High Court or in the Supreme Court in which the Govt. is interested should be referred to the Legal Remembrance for necessary action.
Affidavit by Govt. Deptt.	14. Whenever a Deptt. Of the Govt. has an affidavit to be drafted and sworn it should contact direct the Govt. Advocate or as the case may be, Govt. Pleader, Public Prosecutor.

Sanction of L.R. for conduct of cases	15. For the conduct of all civil suits, appeals and revision by or on behalf of the Govt. the sanction the same must be obtained.
Reference to L. R. should accompany concise statement.	17. To ensure expeditious disposal and early return of file every reference to Legal Remembrancer or to Govt. Lawyer should be accompanied by a concise and clear statement of facts and relevant papers. Unnecessary files and papers must be removed from the file lest they should get mixed up and lost.
Transfer of Briefs	25. The Govt. Advocate and other retained Lawyer may transfer over flowing briefs to panel lawyers with prior approval of the Legal Remembrancer.
Suit by Govt.	57. When it is decided to file a suit on behalf of the Govt. the Legal Remembrancer with the help of the department concerned prepare a statement of facts and transmit it with all materials to the Govt. Advocate / Govt. Pleader / Panel Lawyer.
Procedure of filing suit by Govt.	58. The Govt. Lawyer, so engaged, shall prepare a draft plaint. If, however, he is of the opinion that no suit should be filed he should forward his opinion to the L.R. But if the L.R. does not agree and require him to prepare a draft plaint, he shall comply with such direction. The draft plaint shall be approved by the L.R. and thereafter it shall be filed in the Court.
Duty of Govt. Lawyer to send written statement	59. When written statement has been filed by the other side, the Govt. Lawyer shall forward a copy of the same of the L.R.
Govt. Lawyer to inform L.R. about important development of cases	61. The Govt. Lawyer shall keep the L.R. informed about important development in the case from time to time and shall seek his approval on important stands taken in the Court.
Govt. Lawyer to inform L.R. the result of the cases	63. When judgment has been pronounced the Govt. Lawyer shall inform L.R. of the result together with his provisional opinion about merit of the same.
Settlement out of Court	65. Every notice under section 80 CPC received by Secretary to the Govt. or the D.M. & Collector should be forwarded in original along with Para wise comments to the Legal Remembrancer who should consider whether the matter should be settled out of Court. Any such settlement shall be in consultation with the Head of Dept. Concerned or the DM & Collector.
Procedure to contest the case	66. Every summon received by any Govt. Lawyer, Secretary to the Govt. or a Collector in connection with the case against the Govt. should be forwarded to the Legal Remembrancer along with the copy of the plaint/petition and short submission of facts. If any opinion was previously taken from the Legal Remembrancer at the stage when notice was served, such opinion also should be referred to. If it is decided that the case should be contested the Legal Remembrancer shall make arrangement to contest the suit.
L.R. to approved W/S, W/O & counter affidavit	68, 69, 70. The Lawyer engaged to defend the case shall prepare draft written statement/written/objection/counter

	affidavit on receiving instructions and papers from L.R. who shall examine the same and may make such addition or alteration as may be necessary and send it to the Govt. lawyer who shall prepare the final copy for filing in the Court.
Govt. Lawyer to inform date of hearing to the dept.	71. The Lawyer in-charge of a case shall inform the respective Dept. The date of hearing or the steps to be taken including production of witnesses and documents. An officer of the Dept. Who is conversant with the facts of the case should be deputed to assist the lawyer at the time of actual trial. The Officer shall supply all materials that the required to be placed in the Court. He should attend the court on each date of hearing and render all assistance to the conducting lawyer. The Lawyer may consult the L.R. on any point relating to the case.
Compromise proposal	72. If a conducting lawyer of the Govt. is of opinion that a particular case should be compromised he should bring the matter to the notice of the Legal Remembrancer. The L.R. may direct the lawyer to compromise the case only after consultation with the Govt.
Filing of appeal	73. If in any case the decision of the Court goes against the Govt., the lawyer in-charge of the case shall inform the L.R. the result as well as his provisional opinion of filing an appeal. On receiving the provisional opinion the L.R. shall obtain copy of the judgment and send it to the lawyer concerned for his detailed opinion about filing of appeal. The conducting lawyer then shall give his final opinion to the L.R.
L.R.'s decisions to file appeal	74. The L.R. shall examine the judgment and the opinion of the lawyer to decide whether any appeal should be filed. The L.R. shall finally decide whether any appeal should be filed or not.
Instruction of Govt. lawyer to prepare memo of appeal.	75. If the L.R. decides that an appeal should be filed he shall direct the Govt. Advocate/Govt. Pleader/Engaged Lawyer to prepare memo of appeal and file the same in the Court.
L.R. to decide whether or not contest appeal	76. When the Govt. receives any notice of appeal as respondent, it should be forwarded the L.R. for deciding whether the appeal should be contested or not. If the L.R. decides to contest the appeal, he shall give necessary direction to the Govt. lawyer in this regard.
Cases against Govt. Officers	94. When any officer of the Govt. receives summons or notice in any case for taking action in his official duty, the same should be sent to the L.R. for taking a decision as to whether the case should be defended at Govt. cost and he shall ask the Govt. servant to make a relevant declaration in the prescribed form. Thereafter the L.R. shall direct the Govt. Lawyer to defend the case on behalf of such Govt. servant.
Reimbursement	95. If the Govt. servant himself defend such case and subsequently claims for reimbursement, such claim should be referred to the L.R. for taking decision about admissibility of the claim.
Appointment of lawyer	107. All appointment of lawyer in the courts at Agartala

	<p>shall be made by L.R. No case should be referred to any lawyer before appointment letter is issued from the L.R.'s office. The District Magistrate shall appoint lawyers to conduct cases on behalf of the govt. in the outlying subdivisions. All such lawyers shall get fees at such rates as may be fixed in the L.R.'s Manual.</p> <p>108. Legal Remembrancer may appoint any special lawyer in accordance with the provisions of L.R. Manual.</p>
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**GOVERNMENT OF TRIPURA  
OFFICE OF THE L.R. & SECRETARY**

No.F.2(4)-Secy(LR)/99  
Dated, Agartala, the 12<sup>th</sup> May,2000

All retained Lawyers are requested to send copy of the daily diary of the court cases of which they are in charge in the enclosed proforma. The clerks engaged by them shall maintain the diary. They clerkage will be release don receiving copy of the diary. The diary is to be submitted in the 1<sup>st</sup> week of every month.

2. This will take immediate effect.

**(A.B. Paul)**  
L.R. & Secretary  
Government of Tripura

To  
**All Retained Lawyers,**

Enclo : As above

**CHAPTER – IV**  
**GUIDELINES FOR**  
**NODAL OFFICERS & STAFF**  
(Legal)  
**Compilation of the instructions**  
**Issued by the Law Department**

**IMPORTANT GUIDELINES FOR NODAL OFFICERS &  
NODAL STAFF IN RELATION TO THE CODE OF CIVIL  
PROCEDURE (AMENDMENT) ACT 2002**

- \* The Civil Procedure Code has been amended in 2002. By this amendment certain sweeping changes have been introduced. Now, written statement in every Civil suit has to be filed within 30 days from the date of service of summons. The Court may for sufficient reasons allow further time not exceeding 90 days from the date of service of summons (Or5 r1 and Or8 r1). Take care w/s is filed within 30 days.
- \* Summons may be served by various modes, namely, by process server, registered post, speed post, courier service, Fax and E-mail. If the summon is refused by the party addressed, it will be presumed that he has received the summon (Or5 r9). So, do not refuse, but accept every summon.
- \* Failure to present written statement within 30 days or 90 days (if allowed by Court) will lead to adverse order against State Govt. (Or8 r10).
- \* All supporting documents should be filed along with written statement. Such documents cannot be produced later [Or8 r1A(3)].
- \* Amendment of the pleadings (written statement, etc) may be allowed at any stage, but not after trial has begun. If after taking permission to amend, no amendment is done within 15 days or within time allowed, the court shall not permit amendment ( Or6 r17 & 18).
- \* Witnesses now will not be examined, but their statement are to be submitted in the form of affidavit. Only cross examination will be done by the court or the commissions (Or18 r3© &4).

**No.F.2(11)-Secy(LR)/99  
Government of Tripura  
Office of the L.R. & Secretary**

Dated, Agartala, September 22, 1999

**MEMORANDUM**

It has been observed that land acquisition cases are not looked after or monitored properly. There are serious coordination and communication gaps between the concerned Department and the conducting lawyers. The Law Department also stand apart and take a dip in the matter only when such matters are referred to. Recently, in one Writ case relating to land acquisition, the High Court directed the State of Tripura to make payment within a month through the lands were acquired for the Indian Army and Union of India was the requiring government. It seems that at the time of hearing, this factual position was not submitted to the Hon'ble court and though the case was pending since 1991 no counter affidavit was submitted for the last eight years questioning the maintainability of the case against the State of Tripura. The conducting lawyer took the defence that he was not given relevant case records by the L.A. Collector at the time of hearing.

2. It has become necessary to replace the present practice by an effective and cohesive system which have been outlined in the Head Book circulated by the Law Department to all concerned. The Nodal Officers of all Departments are to ensure that in all pending cases lawyer's brief is prepared in the yellow brief cover as per instructions contained in the hand Book.

3. All relevant cases are also required to be maintained in a separate yellow cover file which shall remain in the custody of the Nodal Officer.

4. It is made clear --

- (i) the requiring Government, Department or Company are necessary parties before the L.A. Judge or before the Higher Forum;
- (ii) even such Department, Government, or Company may challenge the award of the L.A. Collector if it thinks the rate is excessively high. In some recent cases (Beli Nunia & Others) the Supreme Court held that requiring Government has locus-standi to challenge award made by the L.A. Collector;
- (iii) L.A. Collector is only the Statutory Authority for acquisition proceeding. The liability to pay compensation is with the requiring Government/Department/Company who should place fund at his disposal for payment;
- (iv) After making award or reference u/s 18 or 30 of the L.A. Act, the L.A. Collector should inform the requiring authority to take necessary steps in the proceeding before the court. The decision to contest or concede has to be taken by the requiring authority only.

5. L.A. Collectors are advised to prepare a list of all cases pending in different courts indicating (i) case no., (ii) name of the court, (iii) name of the conducting lawyers and whether objection/reply has been submitted, where necessary. Such list should be sent to the L.R's office immediately. In all such cases lawyers' brief should be distributed to the conducting lawyers after taking their signature in the brief distribution register. All such yellow cover lawyers' brief may be collected from L.R's office. Officers and staff of the Law Department shall render all assistance for the purpose. The progress of work in this respect should be intimated to this office after 15 days.

Sd/-  
( A.B. Paul )  
L.R. & Secretary  
Government of Tripura

To

L.A. Collector, West-Agartala/South-Udaipur/ North-Kailashahar /Dhalai-Ambassa

Copy for information to :

1. Chief Secretary, Govt. of Tripura, Agartala
2. Principal Secretary, Revenue, Govt. of Tripura, Agartala.

**No. F.2(11)-Secy (LR)/98  
Government of Tripura  
Office of the L.R. & Secretary**

Dated, Agartala, September,29, 1999

**MEMORANDUM**

It has been observed that court cases involving State Government are not receiving sufficient care and attention from the concerned officers and the conducting retaining/panel lawyers leading to adverse orders due to default. Following guidelines are, therefore, issued to address the situation.

- (i) All Nodal Officers shall prepare a list of cases involving their respective Department indicating names of the lawyers, courts where the cases are pending and whether written statements/counter affidavits/objections have been filed. If not, the reasons therefore.
- (ii) Whether appeal/revision has been filed against the adverse orders, if not the reasons therefore.
- (iii) In the comments to the prepared for reply, a self-contained consolidated statement should be prepared first projecting correct factual position and the stand of the State Government, Thereafter, parawise comments may be prepared. It is not necessary to give comments on formal statement which are not issued for adjudication. Only disputed questions may be dealt with in the reply.
- (iv) In certain cases the trial courts have passed orders under Order VIII Rule 10 of CPC for failure of the State Government to submit reply in time. The relevant provision reads as follows :

“Order VIII Rule 10 of CPC – where any party from whom a written statement is required under Rule 1 or Rule 9 fails to present the same within the time permitted or fixed by the court, as the case may be, the court shall pronounce judgment against him or make such order in relation to the suit as it things fit and on pronouncement of such judgment, a decree shall be drawn up.”

It has been noticed that in certain cases reply for the State could not be filed even after lapse of few years leading to adverse orders under the aforesaid rule. All Nodal Officers and the retained/panel lawyers should ensure that replies are submitted within the time. The retained/panel lawyers should inform the Legal Remembrancer in case of failure of the Department to file reply in time.

- (v) In repairing parawise comments the department sometimes makes statement which amounts to commitment though such commitment can not be given without approval of the Council of Ministers. In one such case the Department make comments that relaxation of the recruitment rules would be made to consider the case of a particular candidate. But

relaxation of rules can be made only by the Council of Ministers. Such statement should not be made in the comments.

- (vi) It seems parawise comments are not receiving sufficient attention at appropriate level. Nodal Officers should make careful scrutiny of every statement made in the parawise comments which should be based on records and approved by the Head of the Department.
- (vii) Sometimes retained/panel lawyers make oral submission in the court which is not consistent with the stand taken in the written statement/counter-affidavit. Retained/panel lawyers should not make such submission without written instructions from the competent authority. The State Government shall not be liable for any such submission, if made, on the vernal instructions of any officer or staff of the concerned Department.

Sd/-  
( A. B. Paul)  
L.R. & Secretary  
Government of Tripura

No.F.2(11)-Secy(LR)/99  
Government of Tripura  
Office of the L.R. & Secretary

Dated, Agartala, November 1, 1999

**MEMORANDUM**

All Nodal Officers (Legal) are required to examine the following aspects for discussion in the Review Meeting to be held at regular intervals:

- (1) Upto date list of the court cases involving the Department with particulars of each case indicating the name of the Lawyer, subject matter and stage. It has to be clearly mentioned whether the defence statement/counter affidavit/written objection has been filed.
- (2) A register of cases and a case diary should be maintained by all the Nodal Officers (Legal) of each Department regularly updating the same mentioning particulars of each case indicating date of disposal and results.
- (3) As regards cases disposed of against the government whether appeal/revision etc. has been filed and what are the stages of such cases.
- (4) On the date of hearing of case the Nodal Officer (Legal) should try to remain present in the court, observe the performance of the Lawyer and assist him, if necessary, while making submission. Before the date of hearing the Nodal Officer (Legal) should contact the Lawyer and brief him properly and ensure that the Lawyer prepares the case well for submission before the court. He should report to the Legal Remembrancer from time to time the progress of the case, performance of the Lawyer and projection of the government's defence. Any order, interim or final, which is adverse to the interest of the State should be immediately reported to the Legal Remembrancer for necessary action.
- (5) The Dealing Assistant attached to the Nodal Officer (Legal) should collect the dates of the case, cause list and maintain the register as well as the diary under supervision of the Nodal Officer.

To  
All Nodal Officers (Legal)

Sd/-  
**(A. B. Paul)**  
L.R. & Secretary

No.F.2(11)-Secy(LR)/99  
Government of Tripura  
Office of the L.R. & Secretary

Dated, Agartala, January 31, 2000

## **MEMORANDUM**

Some cases have come to the notice where the Administrative Departments have sought views of the Law Department on matters pertaining to court cases, but the files have not been routed through the Nodal Officer (Legal) of the respective Departments.

2. In every Department the Nodal Officer (Legal) with the assistance of the supporting subordinate staff is required to exclusively deal with court case matters and maintain close liaison with the Courts, conducting lawyers and the Law Department. The working guidelines for the Nodal Officer (Legal) have been clearly explained in the two workshops attended by them and the Head Book circulated to them. This office Memorandums of even number dated 29.09.1999 and 01.11.1999 have also spent some of the functions of the Nodal Officer (Legal).

3. It is, therefore, imperative that the Nodal Officer (Legal) is involved in all matters relating to court cases and in follow up action. He should be in the known of day-to-day developments in court cases and interact with all concerned so that he can discharge his functions effectively.

4. All Departments, Offices are, therefore, requested to ensure that all matters relating to court cases are routed/dealt with by the Nodal Officer (Legal).

Sd/-  
( A. B. Paul )  
L.R. & Secretary  
Government of Tripura

**COURT CASE DAILY DIARY**

DEPARTMENTS NAME :

Date	Case No.	Court's Name	Advocate's Name	Works done by the Advocate	Court's order/ Results or if adjourned, next date
1	2	3	4	5	6

Remarks :

--

**Signature of Nodal Officer (Legal)**

**Instructions to Nodal Officer/Nodal Staff**

1. Attend the courts on the dates your department's cases are fixed. Keep with you the court case file and five necessary instruction to your lawyer.
2. Collect the information and fill up the columns, Column for "works done" should include Drafting of any petition, memo etc.
3. Send a copy for this diary for every month in the first week of the following month to L.R's Office in the Law Department.
4. Indicate if you have any suggestion/remarks.

To  
Shri

For compliance.

( A.B. Paul )  
L.R.& Secretary  
Government of Tripura

No.F.2(11)-Secy(LR)/99  
21.3.2000

**GOVERNMENT OF TRIPURA**

NO.F.2(11)-Scy(LR)/99

Dated, 29<sup>th</sup> April,2000

In cases of civil nature the legal position is that the parties are not allowed to travel beyond their respective pleadings (plaint, written statement, petition, counter-affidavit etc.). It is therefore very important that in civil, writ and other cases of civil nature the stand of the State Government in appropriate Department is specific and based of records after close and careful scrutiny of the claims/grievances of the other side. Unfortunately, in many of our replies the court found our stand contradictory and in spite of having sufficient materials we failed to build up a strong defence. It has been experienced that the para-wise comments are not being prepared with due care in the respective Departments. In order to overcome the lapses and pitfalls certain guidelines (enclosed herewith) have been formulated for the Nodal Officers (Legal) to follow while preparing the comments. The word “para-wise comments” should be replaced by “Consolidated and para-wise comments” as it has been experienced that for better understanding of the case by the court para-wise replies are not enough and that there should invariably be a consolidated reply in every case.

2. All the Nodal Officers (Legal) are hereby instructed to strictly follow the guidelines.

**(A.B. Paul)**  
L.R. & Secretary  
Government of Tripura

To  
All Nodal Officers (Legal)

Copy to :

All Principal Secretaries/Commissioners/Secretaries along with a copy of guidelines.  
All Heads of Departments.

**GOVERNMENT OF TRIPURA  
LAW DEPARTMENT  
OFFICE OF L.R. & SECRETARY**

**Guidelines for Nodal Officers/staff for preparing consolidated and para-wise comments in court cases of Civil nature against the State.**

- A. Comments should be prepared in following three parts :
- 1) Consolidated comments.
  - 2) Para-wise comments.
  - 3] Views/additional comments/inconsistencies/decisions, if any.
- B. Consolidated Comments :
- 1) Write status of the petitioner/plaintiff in brief from available records.
  - 2) State briefly what re his precise grievances/claim.
  - 3) Narrate chronologically the factual position purely based on records.
  - 4) Explain the deference of the Department against the claim/grievances of the petitioner/plaintiff. State whether the claims can be admitted fully or partly or can not be admitted at all. The reasons/justifications for the decision.
- C. Para-wise comments :
- 1) Para-wise comments should be only on those paragraphs which are relevant to the claims/grievances of the petitioner/plaintiff.
  - 2) Do not give any comment on the paragraphs which has no relevance to the claims/grievances/disputes and which are not necessary for disposal of the issues.
- Write in a separate paragraph –
- “Apart from that has been stated in the consolidated reply no separate reply on paragraphs..... is given as they, prime-facie, do not appear to have any direct or indirect relevance to the issues/disputes pending for adjudication by the Hon’ble Court. However, if they or any of them assume relevance during course of present proceeding the respondent craves leave to submit additional reply in appropriate form”.
- 3) While giving comments against each para reiterate Department’s stand/defence to that extent as may be necessary for that paragraph.
  - 4) Do not say “it is a matter of record”. Because, it is a vague statement. If you find that the records in your office have materials for giving a reply, then do not hesitate to give the reply to the extent possible, Do not go beyond record. If you do not find materials on records, simply say “nothing found available on records for comments. Onus is on the petition / plaintiff to prove the contention if and when necessary”.

- 5) If the paragraph does not relate to your Department, write “Does not relate to this Department, relates to ..... department”. If the State Government in your Department is the main respondent collect comments on the relevant paragraphs from the concerned Departments. If within reasonable period you do not get response from them intimate Legal Remembrancer or Deputy Legal Remembrancer for necessary action.
- D. Views/additional comments/inconsistence/decisions, if any :
- 1) If you feel that consolidated comments and para-wise comments have not sufficiently made out all aspects of the Department’s stand, add here additional comments/views of the competent authority.
  - 2) If you notice any apparent inconsistencies in the comments draw attention of the higher appropriate authority of your Department for decision and for reconciling the position.
- E. You have a definite time frame mentioned in the work schedule sent by the Law Department for preparing para-wise comments. Try to maintain the schedule.

**GOVERNMENT OF TRIPURA  
OFFICE OF THE L.R. & ADDL. SECRETARY  
LAW DEPARTMENT, GURKHABASTI  
AGARTALA.**

No.F.1(18)-LR/AS(LAW)/2001

Dated, Agartala, the 16<sup>th</sup> May, 2001

**MEMORANDUM**

It has been brought to the notice of this Department that Hon.ble High Court is not allowing the panel lawyer on record to make any submission before the Court on behalf of the official respondents (other than the State of Tripura) unless memo of appearance with copy of the appointment letter is filed in the Court. It has also been brought to the notice that the official Respondents are not issuing any letter of authority in favour of the person-swearing affidavit on behalf of the State to swear affidavit on its behalf or annexing copy of the letter of authority with the counter affidavit filed in the Hon'ble Court.

2. While memo of appearance is to be filed by the engaged lawyer the nodal staff of the concerned dept. If present in the court will render all assistance in filling the same.

3. All the Administrative Departments are also requested to instruct the subordinate Offices to issue letter of authority in writing in favour of the person-swearing affidavit on behalf of the State to swear affidavit on behalf of such official respondents and to annex copy of the letter of authorization with the counter affidavit. Such instructions may also be issued to other offices under the department. Model copy of memo of appearance and letter of authorization is annexed.

4. It is expected that all the Departments will follow the instruction without deviation.

Enclose :- As stated above.

(J.Kar Purkayastha)  
L.R. & Addl. Secy. (Law),  
Government of Tripura

To

1. All Principal Secretaries/Commissioners/Secretaries
2. All Head of Departments/D.Ms.

Copy to :-

1. The Chief Secretary, Govt. of Tripura for his kind information
2. Govt. Advocate/Addl. Govt. Advocate for information of panel Lawyers.

(J.Kar Purkayastha)  
L.R. & Addl. Secy. (Law),

**GOVERNMENT OF TRIPURA**  
**OFFICE OF THE .....**  
**AGARTALA**

Memo No.....

Dated, Agartala, the .....2001

To

Shri .....

Designation .....

Office/Deptt.....

Agartala.

Sub :- Authorisation to swear affidavit in C.R.No..... of ...../W.P.(C)  
 No...../..... and/or C.M.(Appl.) No.....of .....in Hon'ble  
 Gauhati High Court, Agartala Bench, on behalf of respondent No.....  
 (.....)

Respondent No..... (.....) (Insert designation and name of department or  
 name and designation, if impleaded by name) hereby authorize Shri .....  
 (name, designation and department) to swear affidavit in the matter of C.R. No..... of  
 ...../W.P.(C) No..... of ..... And/or C.M. (Appl.) No..... of ..... on his behalf in  
 the Gauhati High Court, Agartala Bench, for which, relevant papers/records are placed before him along with  
 this memo of authorization.

Name .....

Designation .....

Dated, Agt. The .....

Name of Dept.....

**IN THE GAUHATI HIGH COURT  
(THE HIGH COURT OF ASSAM, NAGALAND, MANIPUR, MIZORAM  
MEGHALAYA, TRIPURA AND ARUNACHAL PRADESH)  
BENCH AT AGARTALA**

Civil Rule No./W.P.(C) No. \_\_\_\_\_ of  
C.M. (Appl.) No. \_\_\_\_\_ of

Sri/Smti..... Petitioner(s)

- Vs -

The State of Tripura & Others ..... Respondents.

**MEMO OF APPEARANCE**

I, Shri/Smti ..... Advocate, Agartala,  
Tripura appear on behalf of the Respondent(s) No..... in the above mentioned case.

**Advocate**

Date :-  
Agartala.

**No. F.2(11)-Secy(LR)/99  
Government of Tripura  
Law Department**

Dated, Agartala, May 18, 2001

**MEMORANDUM**

Instances have come to our notice that after the State Government have suffered adverse order in any case the concerned Department unnecessarily waste time and when the proposal to file appeal takes final shape it becomes already time barred. It has been repeatedly underlined in the workshops, review meetings and guidelines issued by the Law Department that immediately after such adverse judgment or order, the Law Department should be personally contacted by the Nodal Officer / staff after obtaining certified copy of the judgment for taking views on merit of the case to file appeal. The limitation period for filing First Appeal is only 30 days from the date of judgment / order extended by the time taken for obtaining certified copy. Unfortunately, in many cases appeals become time barred for not processing file in time by the concerned Department.

2. All the Nodal Officers/staff are once again requested not to waste time in the Department by shuttling the file among the departmental officers as the questions of merit would be decided by the Law Department. They should obtain certified copy and immediately contact the Law Department personally for obtaining opinion so that appeal can be preferred before expiry of the limitation period. Immediately after judgment / order, information should be communicated to the Law Department even before certified copy is obtained for taking preliminary steps like obtaining views of the conducting lawyer, selecting lawyer for filing appeal and consultation with him.

3. The above instructions should be strictly followed:-.

**(J. Kar Purkayastha)**  
Addl. Secretary & L.R.  
Government of Tripura

To

All Departments/Heads of Departments for issuing necessary instructions to the Nodal Officer / Staff.

Copy to : Chief Secretary, Government of Tripura, Agartala for kind information.

**GOVERNMENT OF TRIPURA  
OFFICE OF THE L.R. & ADDL. SECRETARY  
LAW DEPARTMENT : GURKHABASTI  
AGARTALA**

No.F.1(18)-L.R./AS(LAW)/2001

ted,Agartala,the 29<sup>th</sup> June,2001

**MEMORANDUM**

It has been brought to the notice of this office by certain Administrative Departments that they are facing difficulty as regards locating the case files and to ensure if the Nodal Staffs are contacting appointed lawyer and handing over to them the case file in time.

In order to obviate such difficulties and to enable the Administrative Department to exercise proper control over the Nodal Staff (Legal), following instructions are issued to the Ld. Government Pleader and the Ld. Panel lawyers :-

1) Ld. G.P. will direct his Stenographer/staff to acknowledge receipt of case files handed over by Nodal Staff of the Department indicating distinctly and legibly the date of handing over of the file.

Similar Nodal Staff when taking back the case file from the office of the Ld. G.P. shall acknowledge receipt of the same by indicating legibly and distinctly date of receipt.

2) Ld. Panel lawyer will acknowledge receipt of the case file handed over to him by the Departmental Nodal Staff indicating distinctly and legibly date of handing over of the file.

Similarly Nodal Staff of the Department, when taking back the case file from the custody of Ld. Panel Lawyer will acknowledge receipt of the same by indicating distinctly and legibly date of receipt.

**(J. Kar Purkayastha)**  
Addl. Secretary & L.R.  
Government of Tripura

To

- 1) The Govt. Pleader/Addl. Govt. Pleader/Panel Lawyer
- 2) All Principal Secretaries/Commissioners/Secretaries.
- 3) All Head of Departments / D. Ms.

**GOVERNMENT OF TRIPURA  
LAW DEPARTMENT**

**No. F.5(2)-Law/LR-II/2005**

**17<sup>th</sup> July, 2007.**

**ORDER**

In recent past several instances have come to my notice where appeal/review/ revision against orders/judgments of court particularly of the High Court have become time barred for not processing the file in time in the concerned Department. Therefore, after an order, interim or final / judgment is passed against the State Government, the concerned Department shall obtain the certified copy of the order/judgment and views of the conducting lawyer in the file regarding compliance/appeal/review/revision without delay and, thereafter, the head of the concerned Department will record his views in the file and obtain views of the Law Department. Where there is financial implication of the order/judgment Finance Department should be consulted and entire process completed within the limitation period of filing appeal/review/revision or within time fixed by the court for compliance of the order/judgment whichever is earlier so as to avoid contempt proceeding. All Departments will ensure that appeal/review/revision against order/judgment of courts is filed within the period of limitation or within time fixed by court for compliance whichever is earlier excepting in cases where the order/judgment has been complied with.

2. This is for strict compliance.

**[ Shashi Prakash ]  
Chief Secretary  
Government of Tripura**

To

1. Principal Secretaries.
2. Commissioner-cum-Secretaries
3. Secretaries
4. Heads of Departments
5. PSs to all Ministers.

**GUIDELINES FOR NODAL OFFICERS (LEGAL) OF ALL  
THE DEPARTMENTS OF THE GOVERNMENT OF  
TRIPURA IN RESPECT TO COURT CASES**

Various deficiencies / shortcomings on the part of the Government Departments in respect to conduct of Court – Cases have been noticed. To overcome those deficiencies / shortcomings, the following may be observed strictly.

- i) In the event, State Government is to file a case (in connection with any department) in any Court of Law seeking relief, the department must keep in mind the matter of Limitation for filling the case.
- ii) Nodal Officer (Legal) should be prompt to take step in respect to appointment of lawyer and timely filing of counter affidavit / written statement / written objection, in the cases instituted against the State Government.
- iii) Nodal officer (Legal) and the HOD or other responsible officers, as the case may be, in case of any legal proceeding, shall examine the plaint / petition and prepare para-wise comments annexing therewith the copies of documents in support of the particular contention of the department.
- iv) After the draft C.A./W.O. is prepared by the retained / appointed Advocate of the State Government, the Nodal Officer and the Departmental Head should examine the draft and specifically record views in the file stating that they have personally examined the draft and found the factual aspects correct in accordance with para-wise comments and, thereafter, endorse the draft along with para-wise comments and copies of documents to the Law department for vetting.
- v) The Nodal Officer (Legal) and the HOD while submitting para-wise comments shall prepare a list of documents on the basis of which the para-wise comments were prepared and also shall prepare a list of witnesses (for th cases other than writ cases) and enclose it with the para-wise comments.
- vi) Nodal Officer or Nodal staff must remain present on the dates fixed for positive hearing of the case, whether in the subordinate Courts or in the High Court.
- vii) In the event of a Judgment passed by any Court, in any case, to which State Government is a party, the Nodal Officer and the HOD shall take steps -

- a) To apply for certified copy of the Judgment / Order on the date itself;
  - b) To obtain views of the conducting lawyers in writing on the merit of the Judgment as to whether an appeal / revision/review should be preferred or not and if so, on what grounds;
  - c) The HOD shall also carefully examine the records of the case and the Judgment and shall record his views on the merit of the Judgment and as to whether an appeal should be preferred or not and if so, on what grounds;
- viii) Cases in which Government decision is injected should be given first preference for disposal. Nodal Officer should keep proper vigil and contact with conducting lawyer and also keep the Law Department and the departmental head informed about progress of the case.
- ix) In cases of replying legal notices, factual and legal aspects on the allegations made should be carefully examined and in case of necessity retained lawyers of the State Government may be consulted.
- x) in public interest litigations, the dept. should carefully examine the case and after recording its views refer the record to the Law Department for examination.
- xi) Any negligence or latches resulting in lapse of the period of limitation prescribed, or the time-frame limited by any Court may, on enquiry, be dealt with seriously.

**Dated, Agartala, the 25<sup>th</sup> August, 2007**

**( S.C. DAS )  
L.R. & Secretary, Law  
Government of Tripura**

**GOVERNMENT OF TRIPURA  
LAW DEPARTMENT**

**No.F.5(2)-LAW/LR-II/2005.**

**Dated, Agartala, the 14<sup>th</sup> March'07**

**MEMORANDUM**

Instances have come to the notice of this Department that in many cases appeal/review/revision against judgment / orders of court become time barred for not applying for certified copies and processing the file in time by the concerned department. As a result the state Government suffers adverse orders. It has been repeatedly under lined in workshops, review meetings and guidelines issued by the Law Department that immediately after an order, interim or final / judgment adverse to the interest of the state is passed, the Nodal Officers / staff after obtaining certified copy of the judgment /order shall place the file before the Head of the Department for views and immediately thereafter they will take views of the conducting Lawyer on merit of the case for filing appeal / review / revision. There after the title shall be placed before the Law Department for views on the merit of the case for filing appeal / review / revision.

2. All the Nodal Officers / Nodal staff are once again requested not to waste time in the department by shuttling the file among the departmental officers as the question of merit would be decided by the Law Department.

3. The above instruction should be strictly followed.

**( S. C. DAS )  
L. R. & Secretary, Law  
Government of Tripura**

**To**

- 1. The All Retained Lawyers / Panel Lawyers**
- 2. All Department / Heads of department for issuing notice to the Nodal Officers/Staff.**

**Copy to :-**

- 1. Chief Secretary, Government of Tripura, Agartala for kind information.**

**No. F.3(11)-GA(AR)/2000  
GOVERNMENT OF TRIPURA  
ADMINISTRATION (AR) DEPARTMENT  
AGARTALA**

**Dated, Agartala, the 6<sup>th</sup> January, 2006**

**MEMORANDUM**

1. The Supreme Court of India, New Delhi in Writ Petition (Civil) No. 496/2002 with Writ Petition (Civil) No. 570/2002 between Salem Advocate Bar Association, Tamil Nadu Vs. Union of India and the States including the State of Tripura passed a judgment on 2<sup>nd</sup> August, 2005 directing the respondent States that prompt action should be taken by every public authority and the offices concerned while notice under section 80 of the code of Civil procedure (CPC) are given. The relevant operative portion of the judgment is reproduced below :

“Every public authority shall appoint an officer responsible to take appropriate action on a notice issued under S.80 of the Code of Civil Procedure. Every such Officer shall take appropriate action on receipt of such notice. If the Court finds that the concerned Officer, on receipt of the notice, failed to take necessary action or was negligent in taking the necessary steps, the Court shall hold such Officer responsible and recommend appropriate disciplinary action by the concerned authority”.

2. Liaison Officer (Law) have been appointed earlier by all Departments to deal with all court cases. The said Liaison Officer may be entrusted with the responsibility of dealing with the notices given under section 80 CPC.

3. Principal Secretary / Commissioner & Secretaries / Secretaries / Heads of Departments are, therefore, requested to take action accordingly and also to circulate the contents of this memo among their sub-ordinate officers for their necessary action.

**(L.H. Darlong)  
Additional Secretary**

**To  
All concerned,**

# **CHAPTER - V**

## **MISCELLANEOUS**



## STRUCTURAL AND HIERARCHIAL POSITION OF THE COURTS

### Supreme Court

### High Court Agartala Bench

Family Court Kailashahar	DJ & Session Judge North-Kailashahar	Family Court Agartala	DJ & Session Judge West Agartala	Family Court Udaipur	DJ & Session Judge South – Udaipur
	Addl District & Session Judge Kailashahar, Dharmanagar Kamalpur		ADJ & Session Judge Agartala, Sonamura, Khowai		ADJ & Session Judge Udaipur, Belonia
Criminal Courts	Civil Courts	Criminal Courts	Civil Courts	Criminal Courts	Civil Courts
1. Chief Judicial Magistrate Kailashahar.	1. Civil Judge (Sr. Div.) Dharmanagar	1. Chief Judicial Magistrate Agartala.	1. Civil Judge (Sr. Div.) Agartala	1. Chief Judicial Magistrate, Udaipur	(Sr. Div.) Udaipur
2. Judicial Magistrates. Kailashahar, Dharmanagar Kamalpur.	2. Civil Judge (Jr. Div.) Kaukasgagar Dharmanagar, Bishalgarh. Kamalpur.	2. Judicial Magistrates Agartala, Khowai Sonamura,	2. Civil Judge (Jr. Div.) Agartala, Khowai Sonamura	2. Civil Judge Udaipur, Belonia Amarpur, Sabroom. Belonia	(Jr. Div.) Udaipur, Amarpur Sabroom.

**STATE LEGAL ORGANISATION FOR MONITORING AND  
CONDUCTING GOVT. CASES (AS PER L.R'S MANUAL)  
LEGAL REMEMBRANCER**

<b>FOR WRIT &amp; CIVIL CASES IN HIGH COURT AT AGARTALA</b>		<b>FOR CRIMINAL CASES IN HIGH COURT AT AGARTALA</b>	
Govt. Advocate	1	Public Prosecutor	1
Addl. Govt. Advocate	<u>2</u>	Addl. Public Prosecutor	<u>1</u>
	3		2
<b>IN DISTRICT &amp; OTHER SUBORDINATE COURTS</b>			
FOR CIVIL CASES GOVT. PLEADERS		<b>FOR CRIMINAL CASES (SESSIONS CASE, CRIMINAL APPEAL ETC.)</b>	
AGARTALA	1	Public Prosecutors :-	
KAILASHAHAR	1	Agartala	1
UDAIPUR	1	Kailashahar	1
		Udaipur	1
ADDL. GOVT. PLEADERS		<b>ADDL. PUBLIC PROSECUTORS</b>	
DHARMANAGAR	1	Agartala	1
KAMALPUR	1	Dharmanagar	1
BELONIA	1	Kamalpur	1
KHOWAI	1	Belonia	1
SONAMURA	1	Khowai	1
		Sonamura	1
		Agartala	1
	8		9
Total retained Govt. Lawyers ----- 49		<b>FOR CRIMINAL CASES IN THE COURTS OF JUDICIAL MAGISTRATE</b>	
		Assistant Public Prosecutors'	
		Agartala	9
		Bishalgarh	
		Dharmanagar	3
		Kailashahar	3
		Kamalpur	1
		Sonamura	2
		Khowai	2
		Udaipur	3
		Belonia	2
		Amarpur	1
		Sabroom	<u>1</u>
			27

**JURISDICTION OF COURTS**

<b>Name of Court</b>	<b>Local Jurisdiction</b>	<b>Pecuniary Jurisdiction</b>	<b>Other Jurisdiction</b>	<b>Power to Punish</b>
1. Supreme Court	All Over India	No Limit	Constitutional	Death Sentence
2. High Court	Seven North-Eastern States	No limit	Constitutional	Death Sentence
3. District & Sessions Judge	In respective district	1. Original No limit 2. Appellate – Upto Rs.50/- thousands.	Nil	Death Sentence
4. Civil Judge (Sr.Division) & Asst. Sessions Judge.	In respective district	1. Original – No limit 2. No Appellate Jurisdiction	Nil	Sentence upto 10 years
5. Civil Judge (Jr. Division)	In respective Sub-Division	1. Original – Upto Rs.70 thousands 2. No appellate jurisdiction	Nil	Nil
6. Chief Judicial Magistrate	Respective District	---	Nil	Sentences upto 07 years
7. Judicial Magistrate	In respective Sub-division	---	Nil	Sentences upto 03 years



<b>DIFFERENT TYPES OF CASES</b>	<b>COURTS WHERE TO BE FILED</b>
<p><b>ORIGINAL CASES</b></p> <p><b>1. Title Suits -</b></p> <p>i) For declaration of title with confirmation or recovery of possession</p> <p>ii) For partition</p> <p>iii) For service benefits</p> <p>iv) For tenancy, rights etc.</p> <p><b>2. Money Suits</b></p>	<p>i) Civil Judge (Jr. Division) if the value does not exceed Rupees Seven thousands (Para 21 of the Tripura Courts Order, 1950)</p> <p>ii) Civil Judge (Sr. Division) if the value exceeds Rs. Seven thousand (Para 21 of the Tripura court order 1950)</p>
<p>3. Motor Accident Cases</p> <p>4. Land Acquisition cases</p> <p>5. Matrimonial cases for divorce, judicial separation etc.</p>	<p>District Judge (Para 21 of the Tripura Courts order, 1950)</p>
<b>Appeals :</b>	
<p>6. All first appeals from the order or decree of the Civil Judge (Jr. Division)</p>	<p>District Judge</p>
<p>7. All First Appeals from the order or decree of Civil Judge (Sr. Division) if the value does not exceed Rs. 50,000/-</p>	<p>District Judge</p>
<p>8. All first appeals from the order or decree of Civil Judge (Sr. Division) if the value exceeds Rs.50,000/-</p>	<p>High Court (Gauhati High Court Rules)</p>
<p>9. All second appeals from the decree or order of the First Appeal Court (District Judge)</p>	<p>High Court (Gauhati High Court rules)</p>

<b>DIFFERENT TYPES OF CASES</b>	<b>COURTS WHERE TO BE FILED</b>
10. All second appeals from the decree or order of First Appellate Court. (High Court, Single Bench)	High Court, Division Bench (Gauhati High Court Rules)
11. WRIT CASES under Article 226 of the Constitution	High Court, Single Bench (Gauhati High court Rules)
12. Writ Appeals against orders/judgment of single Bench	High Court, Single Bench (Gauhati High court Rules)
13. Petitions for Injunctions, stay etc. are interim matters which are filed with the main case, appeals etc.	In the same Court in which main case, appeal etc. is filed under or 39R (I) C.P.C. and or 41 (R)(5) C.P.C.
14. contempt Cases	High Court under Article 215 of the constitution and under section 10 and 12 of the contempt of Court Act.
15. Review	Same Court which passed decree or order, under section 114 C.P.C.
16. Civil Revision	High Court under section 115 C.P.C.
<b>ARBITRATION</b>	
17. Appointment of Arbitrator	Chief Justice under section 11 of the Arbitration Act.

**LIMITATION PERIOD FOR FILING  
SUIT, APPEALS, APPLICATIONS ETC.**

<b>SUITS</b>		
1.	Suit to recover moveable properties	3 years
2.	Suit for compensation for malicious Prosecution, Libel, Slander, Wrongful seizure	1 year
3.	Suit to recover possession of immovable properties	12 years
4.	To set aside sale by Court for arrear of land revenue	1 year
5.	Suit by local authority for possession of any public road or any suit by Central or State Government	30 years
6.	Any suit for which no period of limitation has been provided	3 years
<b>CRIMINAL APPEAL</b>		
7.	Appeal from order of acquittal	90 days
8.	Appeal from sentence of death	30 days
9.	Appeal from any other sentence to High Court	60 days
10.	Appeal from any sentence to Sessions Court	30 days
<b>CIVIL APPEAL</b>		
11.	Appeal to High Court from any decree or order	90 days
12.	Appeal to the Court of District Judge from any decree or order	30 days
13.	Appeal from decree or order of Single Bench to Division Bench or the High Court	30 days
<b>ARBITRATION</b>		
14.	Application for filing an award in the Court	30 Days
15.	Application for setting aside an award	30 Days

<b>APPLICATION</b>		
16	To restore a review or revision petition dismissed for default	30 days
17	To set aside an expartedecree	30 days
18	To review its own Judgment by a court other than the Supreme Court	30 days
19	To exercise the power of revision under Civil Procedure Code or Criminal Procedure Code	90 days
20	Speal Leave to Appeal (SLP) in the Supreme Court (Civil Matters)	90 days
21	For execution of any decree or order of Civil Court (not mandatory injunction)	12 years

**NOTE :-**

1. Appeal or application, if not in time, prayer for condonation of delay should be submitted under section 5 of the Limitation act.
2. In case of appeal, revision etc. the period spent for obtaining certified copy of Judgment or order shall be added with the period of limitation.

**No.F.2(16)-SECY(LR)/2000**  
**Government of Tripura**  
**Office of the L.R. & Secretary**

**Dated, Agartala, the 15<sup>th</sup> November, 2000**

**NOTIFICATION**

With a view to improving organizational cohesion and functional efficiency the Governor is pleased to constitute following District Level and Sub-Divisional level committees to co-ordinate and monitor the works of the State Law Agencies in relation to court cases involving the State :

<b>West Tripura District Monitoring Committee</b>		
1	District Magistrate & Collector	Coordinator
2	Superintendent of Police	Member
3.	Public Prosecutor (District)	Member
4.	Chief Medical Officer	Member
5.	Government Pleader	Member
6.	Medical Superintendent, G.B. Hospital	Member
7	Medical Superintendent, I.G.M. Hospital	Member
8	Superintendent, Central Jail	Member
<b>North Tripura District Monitoring Committee</b>		
1	District Magistrate & Collector	Coordinator
2	Superintendent of Police	Member
3	Public Prosecutor (District)	Member
4	Chief Medical Officer	Member
5	Government Pleader	Member
6	Superintendent, District Jail	Member
<b>Dhalai District Monitoring Committee</b>		
1	District Magistrate & Collector	Coordinator
2	Superintendent of Police	Member
3	Additional Public Prosecutor (Kamalpur)	Member
4	Chief Medical Officer	Member
5	Additional Government Pleader (Kamalpur)	Member
6	Superintendent / Office In-Charge of the District Jail (if any)	Member

<b>South Tripura District Monitoring Committee</b>		
1	District Magistrate & Collector	Coordinator
2	Superintendent of Police	Member
3	Public Prosecutor (District)	Member
4	Chief Medical Officer	Member
5	Government Pleader	Member
6	Superintendent, District Jail	Member
<b>Sub-Divisional Co-ordination Committees</b>		
In the Sub-Divisions of Sadar, Sonamura, Khowai, Udaipur, Amarpur, Belonia, Sabroom, Dharmanagar, Kailashahar, Kamalpur, following shall be the composition of each such committee namely :		
1	Sub-Divisional Officer	Coordinator
2	Sub-Divisional Police Officer	Member
3	Additional Public Prosecutor (in Dharmanagar & Belonia) Assistant Public Prosecutor (In-charge) in other stations	Member
4	Additional Government Pleader (in Dharmanagar & Belonia)	Member
5	Sub-Divisional Medical Officer	Member
6	Jailor / Officer In-Charge of the Jail	Member

### **Sub-Divisional committees shall**

- i) review the position of the criminal cases in the sub-division under investigation and trial on the basis of the report of the Public Prosecutor/Additional Public Prosecutor/Assistant Public Prosecutor, as the case may be, and the report of the Sub-Divisional Police Officer / other police officers :
- ii) extend all assistance necessary to remove the difficulties, if any, faced by the Prosecutors and the Investigators;
- iii) review civil and other cases, particularly the results of cases which have gone against the State, the proposal for appeal/revision etc;
- iv) review directions of the Supreme Court, High Courts and other courts for speedy implementation.
- v) review the position of cases before the Executive Magistrate, organize periodical discussion on law and procedure relating to court cases and disciplinary matters;
- vi] submit monthly report to the District Monitoring Committee with copy to the Legal Remembrancer, Director General of Police and the Chief Secretary.

The District Monitoring Committee shall

- i) examine the report of the Sub-Divisional Committees and take suitable steps where necessary;
- ii) review the position of Sessions cases and other civil cases pending in the District Courts;
- iii) take decisions on the proposals to file appeal/revision etc. from the judgment/orders of the District Courts;
- iv) take necessary steps for implementation of the orders of Supreme Court and High Courts;
- v) organize periodical seminar and workshop at district level on law and procedure;
- vi) submit the report to the Chief Secretary, Director General of Police and Legal Remembrancer.

The committee shall meet once in a month. The District Magistrate shall preside over the meeting of the District Committee. In the Sub-Divisional Committee, the Sub-Divisional Officer shall preside.

2. The order shall take immediate effect.

**Sd/-**  
**(A.B. Paul)**  
**L.R. & Secretary**  
**Government of Tripura**

To

1. All District Magistrates & Collectors
2. All Superintendents of Police.
3. All Sub-Divisional Officers/Sub-Divisional Police Officers.
4. All Public Prosecutors / Additional Public Prosecutors / Assistance Public Prosecutors.
5. All Government Pleaders / Additional government Pleaders.
6. Medical Superintendents, G.B. / IGM Hospitals, Agartala.
7. All Chief Medical Officers.
8. Superintendent, Central Jail, Agartala / Superintendents, District Jails, Udaipur/ Kailashahar / All Jailors / Sub-Jailors.

Copy to :-

1. Special Secretary to the Government, Tripura, Agartala
2. Chief Secretary, Tripura, Agartala.
3. Advocate General, Tripura, Agartala.
4. Principal Secretary, Revenue, Tripura, Agartala.
5. Director General of Police, Tripura, Agartala.
6. Commissioner, Health, Tripura, Agartala.
7. Secretary, Jail, Tripura, Agartala.
8. Secretary Law, Tripura, Agartala.
9. I.G. Prisons, Tripura, Agartala.
10. Government Advocate, Tripura, Agartala.

**GOVERNMENT OF TRIPURA  
LAW DEPARTMENT**

**No.F.5(22)-Law/LR-I/02(P-II)**

**Dated, Agartala, the 30<sup>th</sup> May'07**

**NOTIFICATION**

With a view to ensure effective supervision of withdrawal of cases against surrendered extremists the State Government is pleased to constitute the following District Level Committees to co-ordinate and monitor the works of the prosecuting agency in relation to withdrawal of cases against the surrendered extremists in Tripura :-

<b>West Tripura District Monitoring Committee</b>		
1.	The Public Prosecutor, West Tripura District.	Coordinator
2.	The Addl. Public Prosecutor (District)	Member
3.	The APP (In-Charge), Agartala	Member
4.	The Addl. PP, Khowai	Member
5.	The Addl. PP, Sonamura	Member

<b>North Tripura District Monitoring Committee</b>		
1.	The Public Prosecutor, North Tripura District.	Coordinator
2.	The APP (In-Charge, Kailashahar	Member
3.	The Addl, PP, Kamalpur	Member
4.	The Addl. PP, Dharmanagar	Member
5.	The APP (In-charge), Dharmanagar	Member

<b>South Tripura District Monitoring Committee</b>		
1.	The Public Prosecutor, South Tripura District.	Coordinator
2.	The APP (In-charge), Udaipur	Member
3.	The Addl. PP, Belonia	Member
4.	The App (In-Charge), Amarpur	Member
5.	The APP (In-charge), Sabroom	Member

The District Monitoring Committee shall –

- (i) Monitor the filing of applications under Section 321, Cr. P.C. for withdrawal of cases against surrendered extremists.
- (ii) Review the position of such applications pending in different courts.
- (iii) Take appropriate steps for filing revision against orders refusing to grant permission for withdrawal of the cases within the period of limitation.

- (iv) Inform updated position of pending cases for withdrawal to the Home Department, Govt. of Tripura with copy to D.G. of Police & office of L.R.

The committee shall meet once in a month. The Coordinator of the committee shall preside over the meeting.

The order shall take immediate effect.

**( P. B. Nath )**  
**Addl. Secretary, Law**  
**Government of Tripura**

To

1. All District Magistrate & Collectors.
2. All Superintendents of Police.
3. All Public Prosecutors.
4. All Addl. Public Prosecutors.
5. All Assistant Public Prosecutors (In-Charge).

Copy to :

1. The Special Secretary to HE the Governor, Tripura, Agartala.
2. Office of the Chief Minister, Tripura, Agartala.
3. Office of the Advocate General, Tripura, Agartala.
4. Office of the Chief Secretary, Tripura, Agartala
5. Office of the Principal Secretary, revenue, Government of Tripura, Agartala.
6. The District General of Police, Tripura, Agartala.
7. The Commissioner & Secretary, T.W. Department, Govt. of Tripura
8. The Joint Secretary, Home, Government of Tripura, Agartala.
9. The Government Advocate, Tripura, Agartala.
10. The Public Prosecutor (High Court), Agartala, Tripura.

**( P.B. Nath )**  
**Addl. Secretary, Law**  
**Government of Tripura**

## (A) CIVIL PROCEEDING

### 1. Ordinary Civil Proceedings (Sub-Ordinate Courts and High Courts) (Appellate side)

	<b>Abbreviation</b>	<b>Nature of Proceeding</b>
1	CS	Civil Suit
<b>First Appeals</b>		
2.	RFA	Frist Appeal from Judgment & Decree in suit
3	CO	Cross Objection in First Appeal
4	FAO	First Appeal from orders

<b>Second Appeals</b>		
5	RSA	Second Appeal from Judgment & Decree
6	SAO	Appeal from Appellate order
7	LPA/Sp.A	Letters Patent Appeal or Special Appeal Before Division Bench against a Judgment or Order of Single Judge in Appeal or Original Civil Proceeding.
8	CRP	Revision Petition
9	Review Pet.	Review Petition
10	C. Ref.	Reference
11	Ex. P.	Execution Petition
12	Ex. FA.	Execution First Appeal
13	Ex. SA	Execution Second Appeal
14	IA	Inter Locutory applications in pending Suits/Appeals
15	CM Appl.	Miscellaneous Applications, e.g. Leave to suit as indigent person, restoration application, condonation of delay, etc.
16	Tr. P. (C)	Transfer Petition under Section 24 C.P.C.

<b>II. OTHER CIVIL PROCEEDINGS</b>		
17	WP(C)	Writ Petition under Article 226 and 227 of the Constitution.
18	WA.	Appeal before Division bench against judgment or order of Single Judge in a Writ Petition
19	SCLP	Petition for Leave to Appeal to Supreme Court.

<b>Proceedings under Companies Act</b>		
20	Co. Pet.	Original Petition
21	Co. Appl.	Application in pending Proceeding.
22	Co. Case.	Matters transferred under Section 446 (3)
23	Co. Appl.	Appeals against Judgments/Orders in Company Petitions.
24	Bkg. P.	Proceedings under Banking Regulation Act.

<b>Matrimonial Cases</b>		
25	Mat. Cas.	Suits / Petitions
26	Mat. Ref.	References
27.	Mat. App.	Appeals
28.	Rp (FAM, CT)	Revisions under section 19 of the Family Courts Act.

<b>Testamentary and Interstate Cases</b>		
29	Test Cas.	Testamentary cases e.g. probate or letters of Administration etc.
30	Intest Cas.	Intestate cases, e.g. Succession Certificates etc.
31	Gua. P.	Petitions under Guardianship and Wards Act.

<b>Land Acquisition Act :</b>		
32	LA. Ref.	Reference
33	LA. App.	Appeals

<b>Rent Control Matters :</b>		
34	RCC	Original Suit / Petition
35	RCFA	First Appeal
36	RCSA	Second Appeal
37	RCReV.	Revision
38	MAC	Motor Accident Claims
39	MAC App.	Motor Accident Appeal
40	El. Pet.	Election Petitions
41	El. App.	Appeals from judgments in Election Petition.

<b>Proceeding under Insolvency Act :</b>		
42	IP (M)	Main Petition
43	IP (Appl.)	Application Submitted after adjudication
44	Arb. P.	Petition under Indian Arbitration Act.
45	Arb. A	Appeals under Indian Arbitration Act.
46	Insurance Ref.	Reference under Insurance Act.
47	Insurance App.	Appeals under Insurance Act.
48.	Cont. Cas (C)	Contempt of Court Cases relating to Civil Contempt.
49	Cont. App. (C)	Appeals against orders in Civil Contempt matters
50	MFA	First Appeal against judgment in special jurisdiction cases.
	(Name of Act)	Trust Act. Lunacy Act, Trade & Merchandise Act, Trade Marks Act, Copy Right Act, Patents Act and other enactments.

**III TAXATION MATTERS**  
**Income Tax Act**

53	ITR	Reference under section 256(1)
54	ITA	Application under Section 256(2)

**Gift Tax Act/Wealth Tax Act/Estate Duty Act**

55	GTR/WTR/EDR	Reference to High Court
56	GTA/WTA/EDA	Application for direction to make a reference.
57	Cus. Ref.	Reference under Customs Act.
58	CE. Ref.	Reference under Central Excise Act.

**Sales Tax Act**

59	Ref.	Reference
60	ST. Appl.	Application for direction to make a reference
61	ST. Rev.	Revision
62	OTR	Other Tax Reference cases
63	OTC	Other Tax cases
64	OT Appl.	Other Tax Application

**IV. CIVIL ORIGINAL JURISDICTION OF THE HIGH COURTS**

65	CS(OS)	Civil Suits
66	FA 9OS)	First Appeal for Judgments in Original Suits
67	Ex. Appl. (OS)	Execution Application
68	M.S. (S.J., C.S. and so on)	Miscellaneous Summons e.g., Summons for Judgments, Chamber Summons etc.
69	N.M.	Notice of Motion
70	Adml. S.	Admiralty Suits

<b>B. CRIMINAL PROCEEDING</b>		
71	Crl. Tr.	Original Trial
72	Crl. A.	Appeal against Judgment/Sentence
73	Death Sentence Ref.	Confirmation case under Section 336 Cr. P.C.
74	Crl. Rev. P.	Revision
75	Crl. Ref.	Reference
76	Crl. M.C.	Application under Section 482 Cr. P.C.
77	Bail Appln.	Bail Application
78	Crl. M. Appl.	Other miscellaneous Application
79	W.P. (Crl)	Petition under Article 226 for Writ and Habeas Corpus and other relief in relation to a Criminal Proceeding.
80	Cont. Cas. (Crl.)	Proceedings relating to Criminal Contempt.
81	Cont. App (Crl.)	Appeals against orders in Criminal Contempt Matters.
82	Crl. L.P.	Applications for Leave to Appeal under section 378 Cr. P. C. or under the relevant corresponding proceedings.
83	Tr. P. (Crl.)	Transfer Petition for transfer a Criminal Proceeding.

**No. F.11(1)-FIN(G)/94  
Government of Tripura  
Finance Department**

**Dated, Agartala the 6<sup>th</sup> July, 2005**

**MEMORANDUM**

It is observed that for the motor vehicle accident involving Government vehicles, the Claims Tribunal specify the amount of compensation to be paid by the Government when accident is caused due to rash or negligent driving by the driver of the Government vehicle Government is thus required to pay considerable amount in the shape of compensation to the victim/legal representative of victim apart from meeting expenditure towards repair of the vehicle. Fault on the part of concerned driver thus costs the Government exchequer.

Rash or negligent driving of a motor vehicle by a public servant driver of the State Government would amount to gross misconduct on the part of that driver.

Keeping the above in view, it has been decided that when any accident is caused due to rash or negligent driving of the Government vehicle by the driver of the vehicle, if any compensation is to be paid as well as any expenditure is to be incurred for repair of the vehicle it will be the liability of the defaulting driver subject to such fixing of the responsibility as prescribed under the Rules.

All departments, henceforth, shall take action accordingly.

**(R. K. De Choudhury)**  
Addl. Secretary to the  
Government of Tripura

To  
All Departments/Heads of Departments

Copy to :-

- 1] All Treasury/Sub-Treasury Officer.
- 2] The Accountant General, Tripura, Agartala