



GOVERNMENT OF INDIA
 MINISTRY OF FINANCE, DEPARTMENT OF REVENUE
 OFFICE OF THE DEPUTY COMMISSIONER
 CUSTOMS DIVISION: GUWAHATI
 NILOMONI PHUKAN PATH, CHRISTIAN BASTI
 GUWAHATI-781005

NOTICE FOR APPLICATION

Constitution of panel of Special Public Prosecutor for Handling CBEC cases before the Subordinate Courts/Session Courts & High court.

Applications are invited from advocates for constituting a panel of Special Public Prosecutors to handle cases of Indirect Taxes & NDPS Cases before various Subordinate courts/Session Courts/High Court and other judicial forum under the jurisdiction of Customs Division, Guwahati, Assam. The period of first engagement is likely to be 18(eighteen) months.

The requisite qualification, terms and conditions of engagement and the schedule of fees and allowances are as per CBEC F.No.278A/82/2008-Legal dated 25.05.201. Interested parties should submit an application in Proforma 'A' to the Additional Commissioner, Office of the Commissioner of Customs(Preventive),North Eastern Region, Customs House, M.G. Road, Shillong-793001.The same can be accessed/downloaded from the departmental websites <http://excusner.gov.in> or the CBEC <http://www.cbec.gov.in>.the last date for submission of the application is 31/01/2017(17.45 hours.).

The date and time of Interview shall be communicated later.

B.K. Saikia
 09/01/17

(B.K.Saikia)

Assistant Commissioner

बी.के. साकिया / B.K. SAIKIA

सहायक आयुक्त

Assistant Commission

सीमा शुल्क प्रभाग, गुवाहाटी

Customs Division, Guwahati-5

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27/11/2008-Legal
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs



To,

1. All Chief Commissioner of Customs, Customs (Preventive)/Central Excise
2. DOR/DGCEI:

Subject:- Revision in Terms & conditions of appointment including Fees & allowances for engagement of Special Public Prosecutors (SPPs) for CBEC before Subordinate Courts/Courts of Session & High Court - regarding.

Sir/Madam,

I am directed to convey the approval of the Ministry to the revision of the present terms and conditions (including fees and allowances of Special Public Prosecutors (SPPs) for CBEC before Subordinate Courts/Courts of Session & High Court on the following lines:

2.A) Terms of Appointment/Extension of Tenure
The term of Appointment of the Special Counsel will be for a period of three years from the date he actually takes over charge. The appointment can be renewed for another terms of three years on satisfactory performance.

B) Termination of Appointment
The appointment of the counsel shall be terminated without assigning any reasons, by the Govt. or by the counsel, after giving one month's notice on either side.

C) Fees payable to the counsel

For cases in Districts/Sessions/Metropolitan Courts/Economic Offences Courts, etc.

Sr. No.	Type of activity	Amount Payable	Maximum amount Payable in a case
1.	Effective Hearing	Rs.1500/- per case per day	---
2.	Non-Effective Hearing	Rs.500/-	Rs.1500/-

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3. For drafting written Statements, affidavit, Counter affidavit, Application, counter-reply of Application, miscellaneous Application only Rs.400/-
4. Clerkage fee 10% of the fee at Sr. No.1 to 3 above

NOTE: 'Effective hearing' means a hearing in which either one or both the parties involved in a case are heard by the Court. If the case is mentioned and adjourned or only directions are given, or only judgment is delivered by the Court, it would not constitute an effective hearing but will be termed as 'non-effective hearing'.

II. For cases before High Court

Sr. No.	Type of activity	Amount Payable	Maximum amount Payable in a case
1.	Effective Hearing	Rs.3000/- per case	—
2.	Non-Effective Hearing	Rs.1000/-	Rs.3000/-
3.	For drafting written Statements, affidavit, Counter affidavit, Application, counter-reply of Application, miscellaneous Application only	Rs.500/-	—
4.	Clerkage fee	10% of the fee at Sr. No.1 to 3 above	—

NOTE: 'Effective hearing' means a hearing in which either one or both the parties involved in a case are heard by the Court. If the case is mentioned and adjourned or only directions are given, or only judgment is delivered by the Court, it would not constitute an effective hearing but will be termed as 'non-effective hearing'.

III Other Fee & Allowances - Applicable for all Courts

- (1) **Out of Headquarters:** When the counsel is required to go out of headquarters in connection with any litigation matter eg for conference with the law officer or for appearance in any court out side the Headquarters, he will be entitled to daily fee of Rs.400/- per days of his absence from the headquarters including the day of departure including holidays and till his arrival back at the headquarters. However no fee will be paid for the days of departure if he leaves headquarters after court hours and for the date of arrival if he arrives at the headquarters before the commencement of the court hours.

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(ii) Travel/Hotel expenses: In addition to the daily fee the counsel will be entitled to travel expenses for travel by 1 class/AC II tier by train or at prescribed rates for taxi when the journey is actually performed by taxi/own car (as per SR-46, TA rules) in case of road journey. He will also be paid a lump-sum amount of Rs. 200/- as conveyance charges for performing local journey while going out side headquarters by train or air. He will be entitled to actual expenses for stay in hotel, subject to a maximum of Rs. 400/- per day.

(iii) A consolidated fee of Rs. 800/- shall be payable for drafting Criminal Revision Application/Miscellaneous criminal applications.

(iv) No fee will be payable to the counsel if an advance notice about the adjournment has been issued or the case has been adjourned at his request due to the reasons personal to him.

(v) For written opinion on any legal matter not relating directly to any of his entrusted court cases, the counsel shall be entitled to a fee of Rs. 1000/-.

(vi) The amount required for court fees at the time of filing a case and other miscellaneous expenses would be paid to the Counsel on actuals. An account of the expenses incurred should be rendered to the concerned office of Customs/Central Excise/Directorate of Revenue Intelligence/Central Excise Intelligence who have assigned the case while presenting the final bill.

(vii) The 25% of the fee payable to the Counsel shall be deducted if the certified copy of the judgment in cases of acquittal is not handed over to the Concerned office of Customs/Central Excise/Directorate of Revenue Intelligence/Central Excise Intelligence within ten days (excluding the time taken by the Courts) from the date of the judgment for ensuring speedy disposal of such cases.

3. The appointment of aforesaid advocates as Special Prosecutors shall be subject to the following terms & conditions:

- (a) The Counsel will not be paid any retainer/monthly remuneration.
- (b) The Counsel shall maintain a record of all the cases entrusted to him pending with or before the Sessions Court/Special Court.
- (c) The Counsel shall appear in the Sessions Court/Special Court wherever the trial is going on in which he is appointed.
- (d) The Counsel shall attend to the preparations of paper books and the completion of record of all cases.
- (e) The Counsel shall render all assistance to the officers of the Customs/Central Excise/Directorate of Revenue Intelligence/Central Excise Intelligence.

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- (f) The Counsel, shall inform sufficiently well in advance the dates and proceedings of all hearings of such cases to concerned office of the Customs/Central Excise/Directorate of Revenue Intelligence/Central Excise Intelligence.
 - (g) The Counsel shall keep himself acquainted with the facts of the case and receive instructions from the officers of the Customs/Central Excise/Directorate of Revenue Intelligence/Central Excise Intelligence.
 - (h) The Counsel shall obtain uncertified/certified copies of all judgments from the trial courts in all cases and forward them to the concerned officers of Customs/Central Excise/Directorate of Revenue Intelligence/Central Excise Intelligence. He should also send his comments on the judgment/order passed by the court suggesting further course of action, where required.
 - (i) The Counsel shall inform important developments in the case entrusted to him to the concerned officers Customs/Central Excise/Directorate of Revenue Intelligence/Central Excise Intelligence.
 - (j) The Counsel shall perform all other duties of legal nature, which may be assigned to him by the officer of the concerned officers of Customs/Central Excise/Directorate of Revenue Intelligence/Central Excise Intelligence relating to the cases assigned to him.
 - (k) The Counsel shall immediately apply for certified copy of the judgment in case of acquittal. After obtaining the certified copy of the judgment/order he should immediately sent the same to the concerned officers of Customs/Central Excise/Directorate of Revenue Intelligence/Central Excise Intelligence alongwith his comments and suggestions for the future course of action.
 - (l) If any misc. application is filed in the court by the accused persons the Counsel should seek instructions from the officers of Customs/Central Excise/Directorate of Revenue Intelligence/Central Excise Intelligence before making submission in the court.
 - (m) The Counsel shall not appear in any NDPS case against the Govt./Department.
 - (n) A case would be considered as one case for the purpose of fees, even though it involves more than one accused/person or leads to filing of supplementary complaints against accused persons arrested/identified at a later date.
 - (o) The Counsel shall send his annual performance Report for the period ending 31st December every year to the concerned officers of the Customs/Central Excise/Directorate of Revenue Intelligence/Central Excise Intelligence.
 - (p) The fee to the counsel will be paid on presentation of stamped receipt, and on submission of a copy of the document drafted if it is a drafting fee and submission of minutes or gist of proceedings or a copy of order/judgment where it is necessary in case the claim is for appearance fee. The Counsel shall submit his fee bills within three months from the date on which the fee has accrued.

The above revised Terms & conditions (including Fees & allowances) shall take effect from the date, the proposal was received in the Law Ministry i.e. on 04.12.2009.

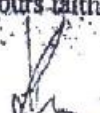
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4. This issues with the concurrence of Ministry of Law and Justice, Department of Legal Affairs, New Delhi, vide their FTS No,161 dated 14.05.2010.

Yours faithfully,


(Sanjeev Behl)

Under Secretary to the Government of India

Copy forwarded for information to:-

1. Pay and Accounts Officers of All Chief Commissioner of Customs, Customs (Preventive), Central Excise, DGRJ & DGCEI.
2. Ministry of Law and Justice, Department of Legal Affairs (Judicial Section), Shastri Bhawan, New Delhi.

PROFORMA - 'A'302
12**PARTICULARS TO BE FURNISHED BY AN ADVOCATE APPLYING FOR
APPOINTMENT AS SPECIAL PUBLIC PROSECUTOR**

1. Name of the person:
2. Permanent Account Number (PAN):
3. Father's Name:
4. Date of Birth :
5. Correspondence Address:
6. Permanent Address:
7. Education Qualifications**
8. Date of Enrolment in High Court/Session Court as Counsel**
9. Date of empanelment as Member of Bar Council of High Court/Bar Association
10. If partner in a firm, name/names of the firm and other persons:
11. Numbers of Cases relating to indirect taxes dealt with during the last ten years as advocate**
12. Number of Cases published in Journals/Newspapers etc.
13. Income from Professional Service

Verification

I, D/O/S/O..... do hereby
declare that whatever has been stated in the above application is true to the best of my knowledge
and belief.

Signature

Date:

Place:

** Applicant to submit documentary proof with respect to aforesaid items/informations

Court - reg.


Madam,

I am directed to request you to publish the vacancy of Special Public Prosecutor either by advertisement in local newspaper, or by displaying "Notice for Application" on the notice Board/website of the Commissionerate and also forward the Notice inviting applications from aspiring advocates, who qualify in terms of Section 24(8) of the Criminal Procedure Code, 1973 to the Bar Council of the High Court/Bar Associations of the Subordinate Courts falling under your jurisdiction. A specimen copy of the advertisement and a copy of letter to BAR council of the High Court/BAR association of the Subordinate Court are enclosed herewith. You are also requested to upload the copy of the Advertisement on CBEC website with intimation to this office at an early date.

Copies of guidelines/instructions on eligibilities and other terms and conditions/selection criteria may also be uploaded on the departmental websites of the Commissionerate immediately.

Encl:- As above

Yours faithfully,


(C. Songare)
Additional Commissioner

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