

Corrected as per Corrigendum No. 451/Rules/DHC dated 23.09.2011)

HIGH COURT OF DELHI: NEW DELHI

NOTIFICATION

No. 317/Rules/DHC

Dated: 14.07.2011

In exercise of the power conferred by Section 7 of the Delhi High Court Act, 1966 (Act 26 of 1966) read with Sub-Section (2) of Section 304 of the Code of Criminal Procedure, 1973 and with the previous approval of the Lt. Governor of National Capital Territory of Delhi, the High Court of Delhi hereby makes the following amendments in Part C of Chapter 24 of Volume III of Delhi High Court Rules & Orders :-

I. The following Rule shall be substituted for the existing Rule 1 of Part C of Chapter 24 of Volume III of Delhi High Court Rules & Orders :-

“1. Committing Magistrate to report whether accused can afford to engage counsel—It is considered that every person charged with committing an offence triable exclusively by the Court of Sessions should have legal assistance at his trial either in a Court of Sessions or in the High Court. With this object the Magistrate committing any person for trial to a Court of Session or to the High Court for such an offence shall report whether the accused was represented by counsel in the proceedings before him, and if not, whether the accused can afford to engage one for his trial in the Court of Sessions or the High Court.”

II. The following Rule shall be substituted for the existing Rule 2 (1) of Part C of Chapter 24 of Volume III of Delhi High Court Rules & Orders :-

“2. (1) the evidence recorded by the Committing Magistrate and the order of commitment.”

III. The following Rule shall be substituted for the existing Rule 3 of Part C of Chapter 24 of Volume III of Delhi High Court Rules & Orders :-

“3. Fees of counsel— The Legal Practitioner thus engaged by the Court shall receive a fee as per the table annexed to this part. In special cases, the Sessions Judge/Additional Sessions Judge holding the trial may exercise his discretion to allow a higher fee. The certificate shall be issued by the Court concerned within one month. ‘The payment shall be made through the Govt. of N.C.T. of Delhi on the production of the said certificate signed by the Judge concerned.”

TABLE

S.No.	Description of work	Proposed
Criminal cases		
1.	(i) Sessions cases involving sentence of life imprisonment	Rs.12,000/- per case to be paid in three stages. (i) 1/3 on framing of charge.

	or death, including cases under NDPS, MCOCA & Section 376 IPC. (ii) All other Sessions Cases	(ii) 1/3 on conclusion of evidence of prosecution and defence. (iii) 1/3 on final disposal. Rs.10,000/- per case payable in three stages, as above.
2.	Appeals	Rs.500/- for drafting and Rs.1,000/- one time total payment (1) Where the pleadings in connected cases or batch matters are substantially similar, the advocate will be entitled to an additional drafting fee of Rs.500/- per case, subject to a maximum total of Rs.5,000/- per group of connected cases or batch matters. (2) In the case of Respondent appearance in an appeal one time total payment of Rs.1,000/- shall be paid.
3	Revision	Rs.500/- for drafting and Rs.1,000/- one time total payment. (1) Additional drafting fee is not payable in connected or batch matters arising out of same FIR. (2) In the case of Respondent appearance in a revision one time total payment of Rs.1,000/- shall be paid.
4.	Bail Applications: Before Sessions Judge.	Rs.500/- for each bail application including anticipatory bail application subject to a maximum of three bail applications per accused in an FIR.
<u>Miscellaneous Expenses:</u>		
1.	Clerkage	10% of the fee subject to a maximum of Rs.2000/-
2.	Typing Charges	Rs.15/- per page (1+3)
3.	Photocopy	Rs.0.50 photocopy (per page)

GENERAL CONDITIONS:-

1.	Appeals/Revisions or Petitions arising from one common judgment/order will be considered as one case.
2.	When misc. applications are filed in a case, including transfer petition only drafting and typing charges will be payable and no separate fee will be payable.
3.	When counsel is changed during the pendency of the case fee will payable as per the stage fixed hereinabove.

4.	Fees payable in any case not covered in the schedule specifically shall be at the discretion of the Court/Judge, whose decision shall be final.
5.	In the event of any doubt or difference of opinion regarding the honorarium payable, the decision of the Court/Judge shall be final and binding.
6.	The revised rates of the Fee/Honorarium shall be applicable from the date of approval. Cases already settled will not be re-opened.

NOTE: THESE AMENDMENTS SHALL COME INTO FORCE FROM THE DATE OF THEIR PUBLICATION IN THE GAZETTE.

BY ORDER OF THE COURT
Sd/-
(V.P. VAISH)
REGISTRAR GENERAL