



भारत सरकार GOVERNMENT OF INDIA
वित्त मंत्रालय MINISTRY OF FINANCE
राजस्व विभाग DEPARTMENT OF REVENUE

सीमा शुल्क आयुक्त का
कार्यालय

OFFICE OF THE COMMISSIONER OF CUSTOMS

सीमा शुल्क गृह, विल्लिंगटन आईलैंड, कोच्चिन-682009

CUSTOM HOUSE, WILLINGDON ISLAND, COCHIN-682009

Sevottam Compliant



An IS 15700 certified Custom House

Website: www.cochincustoms.gov.in

Control Room: 0484-2666422

email: commr@cochincustoms.gov.in

Fax: 0484-2668468

Ph: 0484-2666861-64/774/776

F.No.LEGAL/MISC/04/2017 Cus

Dated:20.07.2018

NOTICE INVITING APPLICATION FROM ASPIRING ADVOCATES FOR THE POST OF SPECIAL PUBLIC PROSECUTORS TO DEAL WITH DEPARTMENTAL PROSECUTION CASES AT THE DISTRICT / ECONOMIC OFFENCE COURT AND HIGH COURT OF KERALA AT ERNAKULAM

This is to inform that this office is in the process of preparing a panel of Advocates for their appointment as Special Public Prosecutors to deal with the Departmental Prosecution cases in the Districts & Sessions Courts / Economic Offence Courts and High Court of Kerala at Ernakulam.

All aspiring advocates who have been in practice as an advocate for not less than 10 years & also qualify in terms of Section 24(8) of the Criminal Procedure Code, 1973 and who are desirous to handle CBEC cases on behalf of the Department may submit their application along with the Bio-Data in performa "A". The performa "A" can also be downloaded from departmental website www.cochincustoms.gov.in.

The terms & conditions of appointment (including fee and allowances) of the SPPs for CBEC as contained vide CBEC(Legal Cell) letter No. 278A/82/2008-Legal dated 25.05.2010 or as revised has been placed on departmental website www.cochincustoms.gov.in.

Absence of any enclosure / incomplete or wrongly filled up application would be liable for cancellation of candidature and no further grievance / correspondence would be entertained in this regard.

The envelope containing the application may be superscribed as "Application for empanelment as departmental SPP" and addressed to "the Legal Section, Custom House, Cochin -9" and should be submitted on or before 10.08.2018.

Yours faithfully,

(M. S SURESH)

ASSISTANT COMMISSIONER OF CUSTOMS
(LEGAL)

PROFORMA – ‘A’

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

Handwritten signature and scribbles

Speed post (4)

278A/82/2008-Legal
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs

11 JUN 2010
Chief Commissioner
Central Board of Excise & Customs
Date: 23 May 2010
1/6/10
DC

To,

1. All Chief Commissioner of Customs, Customs (Preventive)/Central Excise
2. DGRI/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

I 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:**
- The Counsel will not be paid any retainer/monthly remuneration.
 - The Counsel shall maintain a record of all the cases entrusted to him pending with or before the Sessions Court/Special Court.
 - The Counsel shall appear in the Sessions Court/Special Court, wherever the trial is going on in which he is appointed.
 - The Counsel shall attend to the preparations of paper books and the completion of record of all cases.
 - 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.

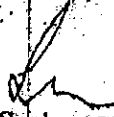
The above revised Terms & conditions (including Fees & allowances) shall take effect from the date, the proposal was received in the Law Ministry i.e. on 04.12.2009.

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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, DGRI & DGCEI.
2. Ministry of Law and Justice, Department of Legal Affairs (Judicial Section), Shastri Bhawan, New Delhi.