

F. No. J-12012/2/2017-Judicial
Government of India
Ministry of Law & Justice
Department of Legal Affairs
Judicial Section

Shastri Bhawan, New Delhi,
Date 29th June, 2017

30th

OFFICE MEMORANDUM

Sub: For engagement / appointment of Government counsel from the panel of Union of India for defending Court cases where Union of India is also a party alongwith an Autonomous Body.

The undersigned is directed to state that it has come to notice of this Department that in a number of cases before Tribunals and Courts, where Union of India and autonomous bodies are the main contestant parties, the Counsel appearing on behalf of autonomous bodies are not defending the cases in true spirit. This has resulted in matters having been lost despite the fact that experienced panel Counsel (for UoI) were available to properly defend the case.

2. Apart from the above, Ministry of Law & Justice has received complaints against the Counsel representing autonomous bodies that many such Counsel are not assisting the panel Counsel of Union of India wherever they have been engaged, giving way to many legal complications / problems due to the vested interests of such Counsel.

3. It is also pertinent to mention here that most of the autonomous bodies are not only funded by Government of India but also governed by various rules and regulations of the Government of India. They are also cooperative with the Government of India in implementing various policy decisions. Any adverse decision of the courts impacts the policy framework of the Government as well as set principals and also imposes huge financial implications on the Government of India.

4. In light of the above, all the Ministries / Departments are advised to issue instructions to the autonomous bodies under their administrative control that the cases where Union of India is also a party along with an autonomous body, should be defended on behalf of both, the autonomous body as well as Union of India before any Court / Tribunal by the panel Counsel engaged by the Department of Legal Affairs only.

This issues with the approval of competent authority.



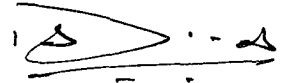
(R. K. Srivastava)
Deputy Legal Adviser

All the Ministries / Departments of Govt. of India.

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1. PS to MLJ/PS to MSLJ/PS to Law Secretary/PS to Legislative Secretary/PS to all Addl. Secretaries and Joint Secretaries of Department of Legal Affairs.
2. All the Additional Solicitor General in various High Courts.
3. All the Assistant Solicitor General in various High Courts.
4. The Incharge of all the Branch Secretariats at Mumbai/Kolkata/Chennai/Bengaluru.
5. The Incharge, Central Agency Section, Supreme Court Compound, New Delhi.
6. The Incharge Litigation (High Court/CAT) Section, New Delhi.
7. The Incharge Litigation (Lower Court) Section, Delhi.
8. All the Sr. CGSCs for various CAT, Benches except at New Delhi.
9. All the Sr. CGSCs for various AFT, Benches except at New Delhi.
10. One copy to be uploaded on official website of this Department i.e. www.legalaffairs.gov.in in the tab "Judicial Section" for general information of all concerned.
11. Five copies to be kept in the Guard File.
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