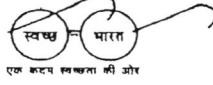


प्रदीप कुमार सिन्हा
PRADEEP K. SINHA



सत्यमेव जयते



MOST IMMEDIATE

मंत्रिमंडल सचिव
भारत सरकार
CABINET SECRETARY
GOVERNMENT OF INDIA

D.O. No. 1/50/3/2016-Cab.

16th June, 2016

Dear Secretary

I would like to draw your attention to this Secretariat's D.O. letter No. 6/1/1/94-Cab. dated 25.02.1994 (copy enclosed) wherein it was mentioned that the business of the Government of India is transacted in the Ministries and Departments in accordance with the Allocation of Business Rules, 1961. As the Ministries and Departments conduct the 'allocated' business on behalf of the Government of India, all Ministries / Departments were requested to ensure that (i) a unified stand is taken before Courts of Law rather than bringing out the point of view of each Ministry/Department in the counter-affidavit/reply; and (ii) a common counter-reply is filed on behalf of the Union of India by the Ministry/Department concerned instead of separate affidavits being filed by each Ministry/Department named as Respondents.

2. It has, however, been observed that at times different Departments take up divergent positions/ individual interpretations in court cases thereby causing avoidable confusion in the submissions finally deliberated upon before the Courts. It may be noted that it is primarily the responsibility of the Administrative Ministry/ Department to take timely action at each stage including filing of a counter affidavit during a Court case after completing necessary consultations with the other Ministries/ Departments concerned.

3. If in any case, separate counter-affidavits are required to be filed by orders of the Court, it should be ensured that this is done in consultation with the Ministries/ Departments concerned for a coordinated approach. In such cases, a short affidavit endorsing the views of the Administrative Ministry/Department can also be filed.

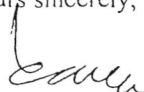
4. In this regard, attention is also drawn to instructions issued by the Ministry of Law, Department of Legal Affairs from time to time where it has been stipulated that the Ministry/ Department is required to get the counter affidavit vetted from the Department of Legal Affairs before filing.

5. I would therefore request you to ensure that differences, if any, in the stand of Ministries/ Departments in any particular court matter are resolved through mutual consultation, as brought out above. It may also be ensured that the counter affidavits are filed only after appropriate vetting by the Department of Legal Affairs.

6. Please ensure that these instructions are noted and disseminated to all concerned for strict compliance.

With regards,

Yours sincerely,


(Pradeep K. Sinha)

Encl. - As above.

To

All Secretaries to the Government of India.