

F. No. J-18/53/2025-Judicial
Government of India
Ministry of Law & Justice
Department of Legal Affairs
(Judicial Section)

Shastri Bhawan, New Delhi
Dated the 14th July, 2025

OFFICE MEMORANDUM

Subject: Clarification on para 6.31 of the 'Directive for the Efficient and Effective management of litigation by the Government of India'.

In reference to this Department's OM No. F.No.18/5/2016-Judicial dated 04.04.2025 on the above subject, adverting to Efficient and Effective management of litigation by the Government of India, this Department is receiving request from various Ministries/Departments/Subordinate offices seeking concurrence of this Department for dedicated panel of counsels for handling litigation concerning their Department in light of Para 6.31 of the above Directive. For the sake of clarity, Para 6.31 of the Directive is re-produced as under:

*"6.31 **Assignment of Panel Counsels:** The assignment of Panel Counsels to Ministries/Departments for the conduct of litigation may be undertaken taking into account their subject specific expertise and competency, as far as feasible and the recommendation of the concerned Ministry/Department may also be duly considered. The Department of Legal Affairs may issue guidelines for delegating authority to Ministries/ Departments for deciding on panel counsels or special counsels in cases involving very significant/ sensitive issues."*

2. In this regard, attention is invited to the Government of India (Allocation of Business), Rules, 1961 wherein the mandate has been given to Department of Legal Affairs to engage Counsel & conduct of cases on behalf of the Union of India before various Courts/Tribunals, the relevant portion of the Rules is re-produced as under:

(i)...engagement of counsel to appear on behalf of the Union of India in the High Courts and subordinate courts where the Union of India is a party.

(ii) Conduct of cases in the Supreme Court and the High Courts on behalf of the Central Government and on behalf of the Governments of States participating in the Central Agency Scheme.

3. Therefore, it is clarified that para 6.31 of the Directive may be read with the provisions of Government of India (Allocation of Business), Rules, 1961 and instructions issued by this Department in this regard from time to time.

4. It is reiterated that the engagement of counsel on behalf of Union of India (i.e. for Ministries / Departments) for the conduct of litigation will be undertaken by the Ministry of Law & Justice, Department of Legal Affairs only. Without prejudice to the instructions contained in this Department's OM No. F. No J-12017/1/2019 dated 21.10.2019 and other subsequent instructions issued from time to time, it is further clarified that on specific request of the administrative Ministries/Departments, in significant / sensitive issues, based on specific expertise in the subject matter of litigation before the courts/tribunals, a counsel from the panel of Union of India as approved by the Department of Legal Affairs may be considered on case to case basis on the normal terms and conditions of their engagement.

5. The above clarification is issued with the approval of competent authority.



(Madhab Charan Prusty)
Senior Government Advocate

To,

All the Ministries / Departments of Government of India (as per standard list).

Copy (through email) to:

1. PS to Hon'ble MoS (I/C) L&J.
2. The Cabinet Secretary, Rashtrapati Bhawan, New Delhi.
3. PSO to Law Secretary / All Additional Secretaries and Joint Secretaries and Legal Advisers in the main secretariat of DoLA.
4. Ld. Attorney General for India / Ld. Solicitor General for India.
5. The Additional Solicitors General for India (as per list).
6. The In-charge, Central Agency Section, Supreme Court, New Delhi.
7. All the four Branch Secretariats of Department of Legal Affairs at Mumbai, Kolkata, Chennai and Bengaluru.
8. The In-charge, Litigation (High Court/CAT/Lower Court) Sections.
9. To upload on website of this Department i.e. www.legalaffairs.gov.in under tab 'Judicial Section' in the link 'Circulars pertaining to litigation'.
10. Hindi Section for providing Hindi version of this OM.
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