

File No.29(2)/2002-Judl  
Government of India  
Ministry of Law and Justice  
Department of Legal Affairs  
Judicial Section

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New Delhi, dated the 11th November 2002

OFFICE MEMORANDUM

It has been observed that some of the Departments engage Private Advocates (outside the panel) on very high fee without seeking the prior approval of this Department. Thereafter, they send the proposal to this Department for seeking ex-post facto approval. As per extant instructions, the procedure for engagement of Private Advocate is that the proposal should first be approved by the Minister, In-charge of the concerned Department and then to be referred to this Department for obtaining the approval of the Minister of Law and Justice. Such approval should be obtained before engaging a Private Advocate.

2. All the Ministries/Departments are, therefore, requested that whenever they propose to engage any Private Advocate, they should invariably seek prior approval of this Department. Such cases will be processed in this Department expeditiously. In future, the proposals seeking ex-post facto approval for engagement of Private Advocate will not be considered or approved by this Department except in exceptional circumstances warranting emergent action in the public interest.

(D.R. Meena)  
Joint Secretary & Legal Adviser

1. All Ministries/Departments to the Government of India.
2. In-charge, Branch Secretariat, Mumbai/Kolkata/Chennai/Bangalore.