

भारत सरकार / Government of India
परमाणु ऊर्जा विभाग / Department of Atomic Energy
सचिवालय समन्वय अनुभाग / Secretariat Coordination Section

अणुशक्ति भवन / Anushakti Bhavan,
छत्रपति शिवाजी महाराज मार्ग / C.S.M. Marg,
मुंबई / Mumbai - 400 001
इ-मेल / Email: sectcord@dae.gov.in

No.6/4/2023-SCS/ 15230

November 20, 2023

पुष्टांकन / ENDORSEMENT

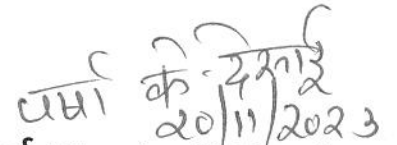
विषय /: Engagement /Appointment of Government counsel
Subject: from the panel of Union of India for defending Court
Cases where Union of India is also a party along with
an Autonomous Body - Regarding.

उपरोक्त विषय पर विधि और न्याय मंत्रालय, नई दिल्ली से प्राप्त दिनांक 09.12.2021 के अर्ध-शासकीय पत्र संख्या J-18/50/2021-Judicial की एक प्रति सूचना एवं आवश्यक कार्रवाई हेतु अग्रेषित है।

A copy of D.O. Letter No. J-18/50/2021-Judicial dated 09.12.2021 received from Ministry of Law & Justice, New Delhi on the above-mentioned subject is forwarded for information and necessary action.

2. इसे सक्षम प्राधिकारी के अनुमोदन से जारी किया जाता है।
This issues with the approval of competent authority.

संलग्न : यथोपरि / Encl.: 3 Pages


वर्षा .के. देसाई / Varsha .K. Desai
(अनुभाग अधिकारी / Section Officer)

Heads and Administrative Heads of Aided Institutions of DAE

प्रतिलिपि / Copy also to:

- पऊवि के सभी अधिकारी एवं अनुभाग / All Officers & Sections in DAE Secretariat.-DARPAN
- Under Secretary (RD- II &III), DAE – For kind information
- सचिव, स्टाफ साइड, पऊवि विभागीय परिषद् / Secretary, Staff Side, DAE Departmental Council.
- फाइल संख्या / 6/4/2023-SCS.
- Guard File

अनूप कुमार मेंदीरत्ता
Anoop Kumar Mendiratta



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सचिव
विधि और न्याय मंत्रालय
भारत सरकार
SECRETARY
DEPARTMENT OF LEGAL AFFAIRS
MINISTRY OF LAW & JUSTICE
GOVERNMENT OF INDIA

D.O. No. J-18/50/2021-Judicial

Dated : 09th December, 2021

Dear Secretary,

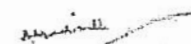
Kind attention is invited to this Department's earlier Office Memorandum No. J-12012/2/2017-Judicial dated 30.06.2017 (copy enclosed for ready reference) issued to all the Ministries/Departments under the Government of India advising all the Ministries/Departments to issue instructions to the autonomous bodies under their administrative control that the cases wherein Union of India is also a party along with an autonomous body, the same should be defended on behalf of both before any Court or Tribunal, by the panel counsel engaged by the Department of Legal Affairs, Ministry of Law and Justice.

2. It may be impressed upon that most of the autonomous bodies are not only funded by the Government of India but are also governed by the rules and regulations framed by Government of India and as such are expected to implement various policy decisions in true spirit. However, it has been observed that some of the autonomous bodies functioning under the respective Ministries/Departments have been availing the services of their own panel counsel or private counsels, in litigations wherein Union of India is also a party. As such, any adverse decision of the courts impacts the policy framework of the Government of India.

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

With warm regards,

Yours sincerely,


(Anoop Kumar Mendiratta)

Encl : As above

To

All the Secretaries to Govt. of India

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F. No. J-12042/2/2017-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.

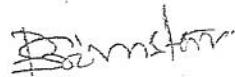
The undersigned is directed to state that it has come to notice of this Department that in a number of cases before Tribunals and Courts, where Union of India and autonomous bodies are the main contestant parties, the Counsel appearing on behalf of autonomous bodies are not defending the cases in true 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.

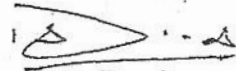
This issues with the approval of competent authority.


(R. K. Srivastava)
Deputy Legal Adviser

All the Ministries / Departments of Govt. of India.

Copy to:

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.
12. Office Copy.



(D. Srinivas)
Section Officer (Judicial)
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Email: Judicial-dla@nic.in