GOVERNMENT OF ASSAM
JUDICIAL DEPARTMENT::JUDICIAL BRANCH
DISPUR:::GUWAHATI-06
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ORDER BY THE GOVERNOR
NOTIFICATION

Dated Dispur, the 18th June, 2025

E-634405/2025/2 : It is observed that in many cases the District Commissioners are made party in both Civil and Criminal litigation's and in some cases it appears that due to improper conduct of cases, adverse order are passed against the Government and in some cases, necessity of engaging special counsels are felt essential for the greater Government interest. Therefore, in order to overcome such situations, it is felt necessary to bestow power upon the District Commissioner to appoint special Counsels, outside the existing team of Government Pleaders/ Public Prosecutors etc. to represent the Government in critical and complicated legal cases;

Accordingly, after careful consideration of all the pros and cons, andin supersession of the Notification No. E-440137/2024/18 dated 06/06/2024 issued by Judicial Department it has been decided to lay down the following guidelines for engagement/ appointment of **Special Counsels/ Special Govt. Pleader/ Special Public Prosecutor (SPP)** by the District Commissioner in cases that are sensitive, complex, or of significant public interest, namely:-

1. **Applicability:**
   This SOP shall apply only to cases of sensitive and complex nature, or cases of significant public interest (both criminal and civil) requiring specialized legal expertise as deemed necessary by the District Commissioner, within the jurisdiction of the District Commissioner.

2. **Roles and Responsibilities:**

Role	Responsibility
District Commissioner (DC)	Initiates, appoints and forward the same with justification informing the Government
District Prosecution Officer (DPO)/ Government Pleader	Evaluates legal complexity and prepares case summary
Home & Political Department	Keeps the appointment notification issued by the District Commissioner for record
Judicial Department	Keeps the appointment notification issued by the District Commissioner for record
Legal Cell (O/O the District Commissioner)	Maintains case records and correspondence

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3. Appointment of Special Public Prosecutor:

A. The District Commissioners are authorized to appoint Special Public Prosecutor for the purpose of conducting important cases in District Judiciary, as and when necessity arises, by following the eligibility requirement specified in section 18 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponded to Section-24 CrPC already repealed). An intimation to the Government will be sent during such appointment within a period of one month, with proper justification along with the details of the criminal case in which such Special Public Prosecutor has been appointed to Home & Political Department.
B. Home & Political Department will scrutiny such proposal and shall keep the same for record.
C. The bills regarding remuneration of such Special Public Prosecutor will be paid from the budget of the District Commissioner of the concerned district with par with the Public Prosecutor of the Gauhati High Court, Guwahati as Notified from time to time by the Government or as approved by the Government, having regard to the nature of the case and the standing of the Special Public Prosecutor concerned, after proper scrutiny and following the necessary rules and procedures.

4. Appointment of Special Government Pleader/ Special Counsel for cases of Civil nature or where no Special Public Prosecutor is engaged:

A. The District Commissioners are authorized to appoint Special Government Pleader or any Special Counsels from amongst private Advocates for the purpose of conducting important cases in District Judiciary, as and when necessity arises. An intimation to the Government will be sent during such appointment within a period of one month with proper justification along with the details of the civil case in which such Special Government Pleader/ Special Counsel has been appointed to Judicial Department.
B. The District Commissioner of the concerned district will appoint a person who is an Indian Citizen as defined under Clause (5) of the Constitution of India and has been in practice as an advocate for not less than 7 years without any break either exclusively or predominantly dealing with civil cases or has a specialized knowledge and experience on the subject matter, as an immediate measure pending the final approval from the Judicial Department. While appointing an advocate as Special Government Pleader/ Special Counsel, the concerned District Commissioner will consider the qualification, experience and background of the candidate to assess the suitability for his/her appointment as Special Government Pleader/ Special Counsel.
C. Judicial Department will scrutiny such proposal and shall keep the same for record.
D. The bills regarding remuneration of such Special Government Pleader/ Special Counsel will be paid from the budget of the District Commissioner of the concerned district with par with the Senior Government Advocate of Gauhati High Court, Guwahati as Notified from time to time or at such rates as may be approved by the Government in special case, after proper scrutiny and following the necessary rules and procedures.

5. **Confidentiality:**

All such Special PP/ Special Govt. Pleader/ Special Counsel shall deal with the cases being entrusted in consultation with the respective DCs and shall treat all such case records as **confidential** and may share only on a need-to-know basis.

L.R.-cum-Commissioner & Secretary to the Govt. of Assam,

Judicial Department.

Memo No.E-634405/2025/2-A Dated Dispur, the18th June, 2025

Copy for information and necessary action to:-

1. The Advocate General, Assam, Gauhati High Court, Guwahati-1.
2. The Accountant General (A & E), Assam, Beltola, Maidamgaon, Guwahati -29.
3. The Principal Secretary to the Govt. of Assam, Home & Political Department, Dispur, Guwahati-6.
4. The Commissioner & Secretary to the Govt. of Assam, Finance Department, Dispur, Guwahati-6.
5. The Director General of Police, Assam Police Headquarters, Ulubari, Guwahati-07.
6. The Registrar General, Gauhati High Court, Guwahati-1.
7. The Secretary, Coordination to Chief Secretary, Assam, Dispur, Guwahati-6, for kind appraisal of the Chief Secretary, Assam.
8. The District and Session Judge, All Districts, Assam.
9. The District Commissioner, All districts, Assam.
10. The Chief Judicial Magistrate, All Districts, Assam.
11. The Superintendent of Police, All Districts, Assam.
12. All Administrative Departments, Janata Bhawan, Dispur, Guwahati-6.
13. The P.P.S to the Hon'ble Chief Minister, Dispur, Guwahati-6, for kind appraisal of the Hon’ble Chief Minister, Assam.
14. The P.S to the Hon'ble Minister, Law, Dispur, Guwahati-6, for appraisal of the Hon’ble Law Minister.
15. The content Manager, Judicial Department for uploading the same in departmental website.

By order etc.,

Joint Secretary to the Govt. of Assam,
Judicial Department