

P. WILSON
☎ 044-25340923

No. ASGIW/DO-23/2012

Dated: 08.11.2012

Sub : Appearance of Ld. ASGI on behalf of the Union of India in important / sensitive matters before various High Courts and Supreme Court of India.

Dear Shri Chandrasekhar,

I invite your kind attention to the OM No.F.34(1)/2010-Judl dated 08.12.2010 issued by the Ministry of Law and Justice, Department of Legal Affairs, copy of the same is enclosed for your ready reference.

2. It is seen that in important matters the services of Ld. ASGI are not availed by the Ministries / Departments. It is also seen that in some sensitive cases concerning the Government policies, challenging the vires of Acts/ Rules / Notifications/ Regulations of the Central Government, services of the Ld. Additional Solicitor General of India(ASGI) are not availed by the counsel of departments concerned. Some counsel volunteer to take notice in these type of matters and defend by themselves and have direct contact with the departments even without assistance of ASGI which result in losing the cases before the courts. In fact, this is deprecated under the OM referred above.

3. There are instances where the Hon'ble courts call upon the appearance of Ld. ASGI when the Standing Counsel do not effectively defend the cases in the court. There are some cases where due to not defending the matters properly before the court orders have been passed and ultimately the Secretaries of the concerned departments are hauled-up for contempt of court.

4. Taking into consideration of all the above facts, Secretaries of all Ministries / Departments are hereby requested to follow the OM dated 08.12.2010 issued by the Law Ministry and to engage the services of Ld. ASGI to effectively defend their respective departments in important matters before the High Courts in Southern Region.

With regards,

Encl. : OM No. F.34(1)/2010-Judl

Shri Rentala Chandrasekhar
Secretary
Department of Telecommunications
Sanchar Bhawan, Rafi Marg
New Delhi 110001

Yours sincerely,

(P. WILSON)

DDGCRB
ASGI
LA DOT

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No.F.34(1)/2010-Judl.
Government of India
Ministry of Law and Justice
Department of Legal Affairs
Judicial Section

New Delhi, 8th December, 2010

OFFICE MEMORANDUM

The conduct of Central Government litigation in all the High Courts has been reviewed by the Hon'ble Minister for Law and Justice and he has desired that, henceforth, distribution of briefs in the respective High Courts, except the places where Branch Secretariats and Offices of this Ministry are situated, will be made by the concerned Assistant Solicitor General.

2. The Additional Solicitor General concerned with the respective High Court may appear in important matters on the request of this Ministry/Administrative Ministries/Assistant Solicitor General or at the instance of Court directions.

3. The Hon'ble Minister for Law and Justice has also issued the following directions for Assistant Solicitors General: -

- i) The smooth and effective conduct of Central Government litigation in respective High Courts or its Bench will be his responsibility.
- ii) The cases will be distributed among the panel counsel equitably as far as possible keeping in view the importance of the case, legal issue and financial stakes involved. A monthly report indicating number and details of cases entrusted to Law Officer, and the cases marked to Senior Panel Counsel/Central Government Counsel will be submitted by him to this office regularly.
- iii) The core competence, domain expertise and areas of specialization of each counsel will be identified by Assistant Solicitor General and the counsel may be grouped and categorized according to their specialization for availing their services as all counsel are not capable of conducting every form of litigation.
- iv) The pending cases of Central Government in the respective High Court will be consolidated and a list of pending cases would be prepared counsel-wise so that he may review each case and ensure that necessary steps required on the part of Union of India are taken promptly by the Counsel concerned and Administrative Ministries/Departments. The tendency of seeking unnecessary and frequent adjournment by the counsel will be frowned upon and infractions dealt with seriously.
- v) ~~Every effort needs to be made to ensure that cases involving revenue/interest bearing are given top priority so that revenue of the Government may not suffer adversely on any account. It has also to be ensured that the cases may not fail because of the inefficient handling or for want of requisite expertise on the part of counsel. If it is found that concessions made by counsel on issues of fact or law are not justified, the matter may be reported.~~
- vi) He will ensure that important communications relating to litigation are promptly communicated by the Counsel-in-charge of the case to the Nodal Officer of the Administrative Ministries/Departments. The list of Nodal Officers are available in the website of this Department, i.e. www.lawmin.nic.in/legal.htm.