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INDIAN COUNCIL OF  
MEDICAL RESEARCH  
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भारतीय आयुर्विज्ञान अनुसंधान परिषद  
स्वास्थ्य अनुसंधान विभाग, स्वास्थ्य एवं परिवार  
कल्याण मंत्रालय, भारत सरकार

Indian Council of Medical Research  
Department of Health Research, Ministry of Health  
and Family Welfare, Government of India

संख्या 16/47/2021- प्रशासन-II

दिनांक 27.12.2021

सेवा में ,

निदेशक / प्रभारी निदेशक  
परिषद के सभी स्थाई संस्थान/केन्द्र

विषय :- अदालती मामलों की रक्षा के लिए भारत संघ के पैनल से सरकारी वकील की नियुक्ति/नियुक्ति  
के लिए जहां भारत संघ भी एक स्वायत्त निकाय के साथ एक पार्टी है।

महोदय,

अधोहस्ताक्षरी को उर्पयुक्त विषय पर सचिव, कानूनी मामलों के विभाग, कानून और न्याय  
मंत्रालय, नई दिल्ली से प्राप्त पत्र संख्या जे-18/50/2021-जुडीशियल दिनांक 09.12.2021 के साथ जारी  
किए गए ओएम नंबर. जे-12012/2/2017-जुडीशियल दिनांक 29/30.06.2017 को सूचना एवं आवश्यक  
कारवाई हेतु अग्रेषित करने का निर्देश हुआ है।

भवदीय,  
राजेश राजेश  
27/12/2021  
(जगदीश राजेश)

सहायक महानिदेशक (प्रशा.)

अनुलग्नक : यथोक्त

प्रतिलिपि:-

- 1 महानिदेशक /वरि. उपमहानिदेशक (प्रशा.)/ वरि. वित्त सलाहकार के निजी सचिव
- 2 परिषद के सभी प्रभाग प्रमुख
- 3 उपमहानिदेशक (प्रशा.)
- 4 सहा. महानिदेशक (प्रशा.)/ सहा. महानिदेशक (वित्त.)
- 5 कानूनी प्रकोष्ठ, आईसीएमआर
- 6 डॉ.एल.के शर्मा ,वैज्ञानिक -ई: वैबसाइट पर अपलोड करने के लिए ईमेल आईडी

([sharma.lk@icmr.gov.in](mailto:sharma.lk@icmr.gov.in)) पर मेल कर दिया गया है।



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भारतीय आयुर्विज्ञान अनुसंधान परिषद  
स्वास्थ्य अनुसंधान विभाग, स्वास्थ्य एवं परिवार  
कल्याण मंत्रालय, भारत सरकार

Indian Council of Medical Research  
Department of Health Research, Ministry of Health  
and Family Welfare, Government of India

**No.16/47/2021-Admn.II**

**Dated: 27/12/2021**

To

The Directors/Directors-in-Charge of  
Permanent Institutes/Centers of ICMR

**Subject:- 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.**

Sir/Madam,

I am directed to refer a copy of D.O. letter No J-18/50/2021-Judicial dated 09/12/2021 received from Secretary, Department of Legal Affairs, Ministry of Law & Justice, New Delhi, alongwith an OM No.J-12012/2/2017-Judicial dated 29/30.06.2017 on the subject mentioned above for information and necessary action.

Yours faithfully

(Jagdish Rajesh)  
Assistant Director General (Admn)

Encl : As above

Copy to:

- (1) PS to DG/Addl. DG/Sr. DDG(A)/ Sr. FA
- (2) All Divisional Heads
- (3) DDG (A)
- (4) ADG(A)/ ADG(F)
- (5) Legal Cell, ICMR
- (6) Dr. L.K. Sharma, Scientist-E- soft copy of the same has been mailed at your email ID(Sharma.Ik@icmr.gov.in) for website upload.

अनूप कुमार मेंदीरत्ता  
Anoop Kumar Mendiratta



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

D.G. ICMR OFFICE

Diary No. 618673

D.O. No. J-18/50/2021-Judicial Date: 24/12/21 Dated: 09<sup>th</sup> 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,

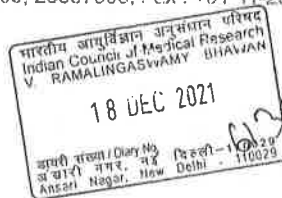
JS (GN) / JS (AN)  
P. S. to D. G. ADG, RW  
Anoop Kumar Mendiratta  
Yours sincerely,  
BB (Anoop Kumar Mendiratta)

Encl : As above

To

All the Secretaries to Govt. of India

चतुर्थ तल, शास्त्री भवन, डा. राजेन्द्र प्रसाद रोड, नई दिल्ली-110 007  
4th Floor, Shastri Bhawan, Dr. R.P. Road, New Delhi-110 007  
Tel. : +91-11-23384205, 23387908, Fax : +91-11-23384403, E-mail : secylaw@doj.gov.in



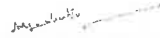
Ms. Malhi  
24/12/21

Atm. II  
Please circulate  
23/12/21



**Copy for information to :**

1. Law Officers/Assistant Solicitors General of India as per list enclosed.
2. The Incharge, Central Agency Section, Supreme Court Compound, New Delhi.
2. Branch Secretariats at Mumbai, Kolkata, Chennai & Bengaluru.
3. Incharge, Litigation (High Court/CAT) Section.
4. Incharge, Litigation (Lower Court) Section.

  
**(Anoop Kumar Mendiratta)**



F. No. J-12012/2/2017-Judicial  
Government of India  
Ministry of Law & Justice  
Department of Legal Affairs  
Judicial Section

Shastri Bhawan, New Delhi,  
Date 29<sup>th</sup> June, 2017

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.*

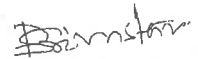
The undersigned is directed to state that it has come to notice of this Department that in a number of cases before Tribunals and Courts, where Union of India and autonomous bodies are the main contestant parties, the Counsel appearing on behalf of autonomous bodies are not defending the cases in true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

