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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: 14/12/2021

To

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

Subject:- Engaging of Panel Counsel Advocates by Autonomous Body/Union of India.

Sir/Madam,

I am directed to refer a copy of DO letter No. J-18/50/2021-Judicial dated 09.12.2021 received from Department of Legal Affairs, Ministry of Law & Justice, Government of India, New Delhi, 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/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.

नूप कुमार मेंदीरत्ता
Anoop Kumar Mendiratta



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

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.

ਸਤਨਾਮੁ ਕਰਤਾ
(Anoop Kumar Mendiratta)