

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF LEGAL AFFAIRS

RAJYA SABHA

STARRED QUESTION No. 256

ANSWERED ON 19/12/2024

Case allocation among panel of counsels

256 # **Shri Baburam Nishad:**

Will the Minister of *Law and Justice* be pleased to state:

- (a) the manner in which new guidelines for case allocation among the panel counsels would be implemented in various Ministries;
- (b) the measures to ensure compliance with these guidelines by all designated litigation incharges; and
- (c) the manner in which Government will monitor compliance of case allocation guidelines by litigation incharges?

ANSWER

**MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF LAW
AND JUSTICE; AND MINISTER OF STATE IN THE MINISTRY OF
PARLIAMENTARY AFFAIRS
(SHRI ARJUN RAM MEGHWAL)**

- (a) to (c): A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO RAJYA SABHA STARRED QUESTION NO. 256 FOR 19.12.2024 REGARDING CASE ALLOCATION AMONG PANEL OF COUNSELS

(a) The new guidelines issued by the Department of Legal Affairs, vide Office Memorandum No. J-16/20/2024-Judicial dated 16th October, 2024, for fair and transparent allocation of cases is a self-speaking guideline. Para 3(i) to 3(v) of the OM dated 16.10.2024 specifically contains the instructions to be followed by the designated litigation In-charges in allocation of cases among the panel counsels. These are:

- 3(i) cases of ordinary/routine nature may be assigned to Panel Counsel (except Addl. SGI/Dy. SGI/ Senior Panel Counsel) on turn basis;
- 3(ii) if the Ministry/Department recommends the name of a particular Panel Counsel in writing, it should have proper justification;
- 3(iii) important, sensitive, and high stake matters including those involving constitutional *vires* of the provision being under challenge may be assigned to Addl. SGI/Dy. SGI/ Senior Panel Counsel and/or on the specific request in writing of the Ministry/Department concerned;
- 3(iv) two or more cases in which substantially identical questions of law or facts are involved and where the main difference is in the names, address of the parties concerned amount of money involved etc. irrespective of the fact whether all such cases are heard together or not, may be assigned to the same Panel counsel and not different ones;
- 3(v) a Panel Counsel, except Addl. SGI/ Dy. SGI/ Sr. Panel Counsel, should at a given point have not more than 10% cases out of total pendency of Central Government litigation before the High Court/ Tribunal/ District & Subordinate Court concerned;

The guidelines issued vide Department of Legal Affairs' OM No. J-12017/1/2019-Judicial dated 21.10.2019 and modified vide O.M. No. J-12017/1/2022-Judicial dated 13.09.2022 describes procedure regarding allocation of cases pertaining to Union of India amongst the Panel Counsel for the Courts/Tribunal by the designated litigation In-charges.

In the said O.M.s it has been specified that in respect of cases before Supreme Court of India, allocation of cases to be done by Ld. Attorney General for India and thereafter by Ld. Solicitor General of India.

For Various Courts/Tribunals at Delhi, the In-charge of attached offices of Department of Legal Affairs i.e. Litigation (High Court/CAT), Litigation (Lower Court) Section shall be responsible for engagement of Law Officers/Panel

Counsels for High Court, CAT (PB) and other Tribunals in Delhi; District and Subordinate Courts respectively. For cases before the High Court of Delhi, allocation of cases to be done in consultation with the Additional Solicitor General of India concerned.

For various Courts/Tribunal at Mumbai, Kolkata, Chennai and Bengaluru, In-charge Branch Secretariats of Department of Legal Affairs at these places have been entrusted with the responsibility of engagement of Panel Counsel for respective Court/Tribunal within their jurisdiction. However, for cases before High Courts (PB) at these places, consultation with the Additional Solicitor General of India concerned will be required for allocation of cases to Law Officers/Panel Counsel.

In places except those mentioned above, the engagement of Panel Counsel is done as under:

For High Courts- by Additional Solicitor General of India (ASGI) or Deputy Solicitor General of India (DSGI),

For remaining CAT, AFT, NGT Benches-by concerned Senior Central Government Standing Counsel,

For remaining District and Subordinate Courts-by concerned Standing Government Counsel.

(b) & (c): The new guidelines issued by Department of Legal Affairs', vide O.M. dated 16.10.2024, requires designated litigation In-charges to send monthly report of allocation of cases to Panel Counsels on regular basis to Department of Legal Affairs through email.

In addition the Department of Legal Affairs has developed an online portal namely, 'Legal Information Management and Briefing System (LIMBS)' in the month of February 2016. It is a web based application used for monitoring of all court cases involving Union of India. Further, it is easy to access and it available 24X7 to various Ministries/Departments of the Government of India, its organizations, Law Officers and the empanelled Counsels, enabling to them to upload data related to cases of Union of India, pertaining to them.

The aforesaid new guidelines, issued vide O.M. dated 16.10.2024, insists upon Panel Counsels to get their LIMBS ID activated and regularly update the status of cases assigned to them, which are to be monitored on LIMBS portal by the Administrative Ministry/ Department.