

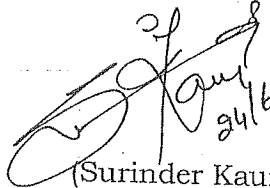
Shram Shakti Bhawan, Rafi Marg,
New Delhi 24 June, 2016.

OFFICE MEMORANDUM

Sub: Instructions of M/o Law & Justice regarding proper monitoring of Court Cases & replies / counter-affidavits.

The undersigned is directed to referst to DO letter NO. J-12/2/2016-Judl. dated 9th June, 2016 (copy enclosed) of Secretary, M/o Law & Justice on the above mentioned subject and to forward the same with request that the Nodal Officers of the SMDs/ Organization should remain in touch with the Government Counsel for proper handling of the court matters as directed in the above stated D.O letter. It may also be ensured that proper monitoring of court cases particularly in filing replies / counter-affidavits are done well within time to avoid any delay.

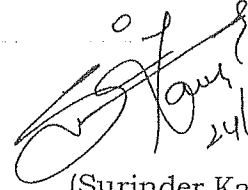
Encl: As Above.


(Surinder Kaur)
Deputy Secretary to the Govt. of India
Tel: 23711988

To:

- 1 All Sections/Units/ Desks of MoWR, RD & GR
- 2 Secretary, CWC, Sewa Bhawan, R.K. Puram, New Delhi-110066.
- 3 The Chairman, Brahmaputra Board, Basistha, Guwahati-781029.
- 4 The Chairman, Ganga Flood Control Commission, Sinchai Bhawan, Patna-800015.
- 5 The General Manager, Farakka Barrage Project, P.O.-Farakka Barrage, Distt-Murshidabad-742212(West Bengal)
- 6 The Director, National Institute of Hydrology, Jalvigyan Bhawan, Roorkee-247667(UK)
- 7 The CMD, NPCC Ltd. 30-31, Raja House, Nehru Place, New Delhi-110019
- 8 The Director, North Eastern Regional Institute of Water and Land Management, Dolabari, Kaliabhomara, Tezpur, Sonitpur, Assam-784027.
- 9 The CMD, WAPCOS Ltd. 26 Kailash, 5th Floor, Kasturba Gandhi Marg, New Delhi-110001.
- 10 The Director, Central Water and Power Research Station, Khadakwasla, Pune-411024
- 11 The Member Secretary, Upper Yamuna River Board, West Block-I, Ground Floor, Wing No.4, R.K. Puram, New Delhi-110066.
- 12 The Chief Engineer & Chairman, Tungabhadra Board, P.O. Tungabhadra Dam, Taluk Hospet, District Bellary, Karnataka-583225.

- 13 The Secretary, Sardar Sarovar Construction Advisory Committee, A-Block, 4th Floor, Narmada Bhawan, Indira Avenue, Vadodara-390001
- 14 The Member, Narmada Control Authority, Narmada Sadan, Sector-B, Scheme No. 74, Vijay Nagar, Indore-452010(MP)
- 15 The Director General, National Water Development Agency, 18-20, Community Centre, Saket, New Delhi-110017.
- 16 The Member Secretary, Central Ground Water Authority, West Block-2, Sector-1, R.K. Puram, New Delhi-110066.
- 17 The Chairman, Central Ground Water Board, Jamnagar House, Man Singh Road, New Delhi-110011.
- 18 The Chief Engineer, Betwa River Board, Nandanpura, Jhansi-284003.
- 19 The Secretary, Bansagar Control Board, Bansagar Colony, Rewa (Madhya Pradesh)-486005.
- 20 The Director, Central Soil & Materials Research Station, Olof Palme Marg, Hauz Khas, New Delhi-110016.
- 21 The Chairman, GRMB, Jalasoudha Errum Manzil, Hyderabad - 50082.
- 22 The Chairman, KRMB, Jalasoudha Errum Manzil, Hyderabad - 50082.
- 23 NIC for uploading this OM on the Ministry's web site.


24/6/16

(Surinder Kaur)

Deputy Secretary to the Govt. of India

Tel: 23711988

जल वचन - जल संयम

डॉ० जी० नारायणा राजू
सचिव
Dr. G. Narayana Raju
Secretary

164/25(E.2)/2016
17/6
सत्यमेव जयते

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

D. O. No. J-12/2/2016-Judl.

June 9th, 2016

Dear Secretary,

It may be recalled that this Department vide DO letter No. 35(1)/2015-Judl. dated 27.08.2015 apprised about the serious view taken by the court in respect of filing reply/counter affidavits & imposing heavy cost to be recovered from the officer concerned & has requested to sensitize your officers that court cases are properly monitored and replies are filed on time to avoid passing of such orders in future (copy enclosed).

2. Despite above, in one more case before the Bench of Hon'ble Mr. Justice Tripathi of the High Court of Patna has taken a serious view in the matter and passed the order as under:

"Let the matter be listed on 11th of March, 2016 as the Union of India has failed to file the counter affidavit on the ground that the counter affidavit has gone for vetting and it has not been returned. Such a plea or excuse is unacceptable. Cases cannot remain pending on the ground of vetting or drafting of counter affidavit."

Let a copy of this order be marked to the Secretary, Department of Law, Government of India, New Delhi.

It is further painful to note that statements are blatantly made that cases remain pending and there are backlogs. But nobody has bothered to even verify the reasons thereof. Most of the time the cases remain pending because the pleadings are not completed on behalf of the official respondents."

3. This Department has been issuing instructions from time to time that the Nodal Officers of the Ministry / Department should remain in touch with the Government Counsel for proper handling of the matter. Such coordination with the Government Counsel will surely help in reducing delay in filing of reply/counter-affidavits.

4. I shall be greatful if the instructions in this regard may once again be brought to the notice of all the Departments/PSUs under your administrative control with the direction for proper monitoring of court cases & replies / counter-affidavits be filed on time to avoid such orders in future.

With regards,

Encls: As above.

Yours sincerely,

G. Narayana Raju
(G. Narayana Raju)

All the Secretaries to the Govt. of India

mailto:nicola@uj.edu.pl; Item-#_B04486C5-11-114+; X57; 00000000; 00000000-11-1147; .001

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Идентификация: Конт-Н ДУРМОНЕС-Т-ГЕА :ХВН:2016:00002_00000000000000000000

श्री कुमार मल्होत्रा

सचिव

P. K. Malhotra

Secretary



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

August 27, 2015

D.O. No.35(1)/2015-Judl.

Dear Secretary,

It has been brought to my notice by the field Offices of Ministry of Law and Justice and by Government Counsels appearing on behalf of Union of India in various Courts / Tribunals that many a time the reply / counter-affidavits are not filed in the court within the time granted by the Court causing inconvenience to the Court, delay in proceedings and unnecessary embarrassment to the Government. Of late, Courts have been taking serious view of delay in filing / counter-affidavits and imposing heavy cost to be recovered from the officer concerned.

One such case pertaining to Ministry of Environment and Forests came before the Bench of Hon'ble Chief Justice of Madras High Court in which the Hon'ble Court has taken a serious view in the matter and passed Order as under:-

"Learned Assistant Solicitor General seeks additional time to file the counter-affidavit. This is not the only matter where we are faced with this position i.e. counter-affidavits not being filed in time, despite time period being granted as requested by the Ld. Government Pleaders for the Central Government. Whether it is six weeks or eight weeks, whatever time we grant, in every case, there is second request made for filing the counter-affidavit, causing inconvenience to Court, delay in proceedings and unnecessary embarrassment even to the Law Officers. This issue needs to be set right.

2. We are given to understand that once a matter pertains to a particular Ministry, Nodal officer of that Ministry is expected to coordinate the matter. Thus, it is stated that the Law Ministry really does not hold the matter once it is entrusted to the Ministry concerned.

3. We call upon the Law Secretary to look into the matter for the purpose of ensuring a better coordination and put the officers concerned to notice that this Court would have no other option, but to impose exemplary costs for the delay in filing the counter-affidavits and that costs would be recovered from the officer concerned for not ensuring the affidavits being filed in time. We want to emphasize that the date of filing of the affidavit must be complied with and not that it is produced on the date of hearing.

Confid-2/-

4. As a last chance, we grant four weeks' time to file the counter-affidavit. Thereafter it will be taken on record only subject to the deposit of costs of Rs.10,000/- to be recovered from the officer concerned and the Recovery Certificate be also filed.
5. Re-joinder, if any, be filed within two weeks thereafter.
6. List on 18.8.2015"

This Department has been issuing instructions from time to time that the Nodal Officers of the Ministry / Department should stay in touch with the Government Counsel for proper handling of the matter. Such coordination with the Government Counsel will surely help in reducing delay in filing of reply / counter-affidavits.

I shall be grateful if you can sensitize your officers that court cases are properly monitored and replies are filed on time to avoid passing of such orders in future. If any officer is found negligent in handling court matters, the administrative Ministry may consider taking appropriate action against him in accordance with the rules.

I shall be grateful if these instructions can be brought to the notice of all Departments / PSUs under your administrative control.

With regards,

Yours sincerely,


(P.K. Malhotra)

All Secretaries to the Government of India.