

IMMEDIATE

MINISTRY OF DEFENCE
IT + MIS Division
D(CMU)

Subject:- Procedure to be followed while seeking advice of LA(Defence)/Ministry of Law and Justice/Ld. Solicitor General/Ld. Attorney General.

It has been observed that while seeking advice of LA (Defence)/Ministry of Law and Justice/Ld. Solicitor General/Ld. Attorney General, the concerned wings of the Ministry Defence, at times, are merely sending the files without making statement of case and without giving other details which are relevant to case like past precedents, policy of the Government etc. All the wings are hereby advised to follow the guidelines given below for strict compliance in the matter.

(a) Seeking advice of LA(Defence)/Ministry of Law and Justice:

- While sending the proposals relating to seeking of advice of LA(Defence)/Ministry of Law, the views of the Ministry should clearly be brought out from the point of view of the policy of the Government and precedents, if any, followed in the matters of the cases of the like nature.
- All references for seeking opinion of Legal Adviser (Defence)/Ministry of Law and Justice must contain specific legal issue(s) on which the opinion is required. The proposal must have the approval of the Joint Secretary concerned.
- All litigation matter must be referred to Legal Adviser(Defence)/Ministry of Law and Justice by way of a self-contained note along with views of the administrative side within the stipulated time by providing sufficient time for tendering opinion in the matter in its right perspectives.
- Phone number/mobile numbers may invariably be mentioned in the file noting for speedy communication.

(b) Seeking advice of the Ld. SG/ Ld. AG

- In all cases where the opinion of Ld. Solicitor General/Ld. Attorney General is required, a detailed 'Statement of case' along with the relevant annexure by framing legal issues specifically needs to be prepared and then be sent to LA(Defence) for further necessary action.

(c) Coordination with Law Officers/Government Advocates

- All Wings should keep a record of all pending Court cases concerning their wings and should liaise with the Law Officers/Government Advocates in order to discuss and furnish the require information for the purpose of drafting replies/petitions and submissions of arguments well in time to protect interest

