

**GOVERNMENT OF INDIA  
LAW AND JUSTICE  
LOK SABHA**

UNSTARRED QUESTION NO:3360  
ANSWERED ON:13.12.2012  
APPOINTMENT OF ADVOCATES  
Meghwal Shri Arjun Ram

**Will the Minister of LAW AND JUSTICE be pleased to state:**

- a) whether the Ministry is aware of the fact that the Central Vigilance Commission has raised serious objections before the Ministry over the appointment of panel of advocates;
- (b) if so, the nature of objections raised by the C.V.C. along with the details thereof;
- (c) the existing process of appointing panel of advocates and whether transparency is adopted in the appointment of such panel along with the details thereof; ;
- (d) whether any suggestions have been received from other departments also in addition to the C.V.C. regarding appointment of panel of advocates; and e) if so, the action taken by the Government on these suggestions along with the details thereof?

**Answer**

the Minister of Law and Justice.(DR. ASHWANI KUMAR)

(a) to (e) A Statement is laid on the Table of the House.

Statement referred to in reply to parts (a) to (e) of the unstarred Question no. 3360 for answer in the Lok Sabha on 13.12.2012

1. This Ministry has received a report of Central Vigilance Commission(CVC) regarding review of the functioning of Central Agency Section. The report inter alia highlighted the issue of empanelment of advocates and observed that the same is largely based on recommendation and discretion and was not based on the actual requirement or workload of litigation. Para-7 of the report of CVC contains recommendations relating to empanelment of panel counsel which is reproduced as under:-

7.1 The empanelment of advocates should be a one-time annual exercise instead of a continuous one. It should be an open, competitive process calling for applications from all advocates with certain prescribed criteria of selection like experience, qualification, etc. The selection process for the empanelment should be based on an objective assessment of the merit and suitability of the applicants by a Screening Committee before it is approved by the Minister of Law and Justice.

7.2 The number of panel counsels should be proportionate to the workload of litigation and to the actual requirement of advocates from different streams of specialisation.

7.5 It is recommended that the whole exercise of empanelment, categorisation of panel counsels, allocation of work and payment should be IT enabled to improve efficiency, consistency, transparency as well as accountability. All data base maintained by the Judicial and the Central Agency Section should be integrated to ensure integrity of data. The system should also provide for a complete trail of a case from start to end.

2. In this respect it is submitted that even prior to receipt of the CVC report, vide OMs. No.34(l)/2011-Judl dated 25.8.2011 and dated 17.10.2011, the Ministry has rationalised the process of empanelment of counsel by establishing a procedure that ensures more accountability and objectivity. As per the instructions contained in the aforesaid OMs the empanelment of counsel are made on the recommendation of the Committees of Supreme Court/various High Courts. The said Committees comprise of Joint Secretary and Legal Adviser of this Ministry, concerned In-charge (Litigation) and the concerned Additional Solicitor General. The said Committees after interview / interaction with advocates make their recommendation to the Government. The said Committees have also been mandated to review the performance of existing panel counsel and make their recommendations accordingly. So far the Committees have held their meetings in Chennai, Bangalore, Kerala, Bombay, Jaipur, Allahabad , Lucknow, Calcutta and recently in Supreme Court and Delhi High Court. The above procedure has proved to be objective and transparent.

3. With regard to recommendations at 7.2 and 7.5, the following is submitted:-

This Ministry is now fixing the number of counsel to be empaneled in each category after ascertaining the pendency of Government Cases, monthly institution of cases on behalf of/ against UOI and no. of courts in each High Courts etc. Such quota has been fixed in Supreme Court, Delhi High Court and Patna High Court. As regards other High Courts the same is under process. Considering the continuous increase in the work load relating to litigation in various courts, an urgent need for competent counsel is felt in all States, hence the necessity of periodical review depending on the exigencies of the situation.

(i) The exercise of empanelment:- For making this exercise to be IT enabled, the same is under active consideration.

(ii) Categorisation of panel counsel:- The same is being done by the said Committees.

(iii) Allocation of work and payment to the counsel:- The Officers in charge of Branch Secretariats/units and the concerned Assistant Solicitors General of the High Courts distribute cases to panel counsel and it can not be made a mechanical exercise as each case is different from the other and the Officer has to apply his mind and assign the case to the suitable counsel in order to safeguard the interest of UOI. As regards payment of fee to the counsel, this Ministry makes such payment to the counsel only at few places where there exist our back offices and in rest of the places, the payment is made by the concerned administrative Ministry.

(iv) As regards integration of data of the various units connected with this entire litigation process, it is submitted that a proposal relating to IT based digital monitoring system of litigation is under consideration within the Ministry which will enable the stakeholders to access the complete trail of a case from start to end.