

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

UNSTARRED QUESTION NO:5047  
ANSWERED ON:23.04.2015  
APPOINTMENT OF COUNSELS  
Karunakaran Shri P.

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

a) the criteria for appointment to the various posts of Solicitor General, Standing Counsels and other Government Counsels in Supreme Court, High Court of Delhi and other High Courts; b) the details of guidelines issued by the Central Vigilance Commission (CVC) for such appointments;

(c) the details of such appointments made by the Government during the year 2014 and till date; and

(d) whether the CVC guidelines have been followed in these appointments and if not, the reasons therefor? ANSWER MINISTER OF LAW & JUSTICE (SHRI D.V. SADANANDA GOWDA)

(a) The Solicitor General is appointed from among the advocates, keeping in view his sincerity, integrity and professional competence. Such proposals are taken in the Government at the highest level and after approval of the Appointments Committee of the Cabinet, the appointment is made. Normally, only those who are designated as senior advocates are considered for appointment as Solicitor General. Empanelment of Government Counsels/Panel Counsels in the Supreme Court and High Courts are made on the basis of the advocate's standing at bar, experience, integrity and reputation which are assessed at higher level.

(b) 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

**Answer**

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 specialization.

7.5 It is recommended that the whole exercise of empanelment, categorization 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.

(c) A statement showing the details of appointments/empanelments made by Government during the year 2014 and till date is annexed as Annexure-'A'

(d) Even prior to receipt of the CVC report, vide OMs. No.34 (1)/2G11-judl. dated 25.08.2011 and dated 17.10.2011, the Ministry had rationalized 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 were used to be made on the recommendation of the Committees of Supreme Court/various High Courts. The said Committees were comprised 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 used to make their recommendations to the Government. It was experienced that the said Committee system has not worked well for many reasons including non-availability of Assistant Solicitors General/Law Officers for holding personal interaction with the advocates. It is also admitted fact that many good advocates, having sufficient standing at bar, are reluctant to appear before the Committee thereby depriving of the Government of their services, if required.

Therefore, the system of empanelment of Government counsels on the basis of the recommendations of the Committees has been reviewed and has been discontinued in consultation with Ld. Attorney General for India. Now, the empanelment of counsels is done on the basis of the recommendations of the Hon'ble Minister for Law & Justice based upon his personal satisfaction and upon his satisfaction arrived as a result of his consultation with the Law Officers/Asstt. SGs, depending upon the requirement in various courts.