

Copy of letter No.59625/PG1/75/AD dated 23/26-09-1975 from the Secretary to Government , Agriculture (forest concl.) Department, Trivandrum addressed to the Chief Conservator of Forests

Sub:- O.P.1796/74/ High Court filed by Varkey Chacko. G.O.(P)3/68/Law dt. 6-2-1968 as amended by G.O.(P)2/9/71/Law dated 01-10-1971.

Ref:- Your letter No.G2-39963/75 dated 6/9-9-1975

I am directed to invite a reference to the letter cited and to forward herewith a copy of the G.O.(P) 3/68/Law dated 6-2-1968 as amended by G.O.(P)2/9/1971/Law dated 01-10-1971.

Sd/-

Under Secretary.

Endt. On G2/39963/75 dt. 04-10-1975

Copy to the Conservator of Forests , Trichur/I.P.Circle,/Perumbavoor/Kozhikode Special Quilon for attention.

Copy to Dy. Conservator of Forests (G)

Copy to Section Heads of this office

Copy to stock file.

Sd/-

For Chief Conservator of Forests,

Endt.on C2-23079/75 (L.Dis) dated 10-11-75.

Copy to all Divisional Forest Officers, Section G1, G3, MR, KT, CH and ML for information and attention.

Copy to stock file

For Conservator of Forests, Trichur.

Enclosure

Copy of G.O.(P)No.3/68/Law dated 6-2-1968 in extended by G.O.(P)No.2/G1/Law.

Dated 01-10-1971

In the G.O. cited sanctioned the creation of a new wing by name 'Suit Section' in the Law Department to guide and Co-ordinate the work in connection with the prosecution of Government cases and defence of cases filed against the Government. Government also ordered in the said G.O. that detailed instructions will be issued by the law Department in consultation with the Administrative Department regarding the preparation of statements, affidavits, counter-affidavits etc., to be filed before the High Court and the other courts. The Administrative Department were accordingly consulted and after examining the suggestion offered by the Government are pleased to issue the following instructions.

GENERAL

Copies of judgements, decrees and orders passed in every proceeding of a civil nature in which the Government are a party shall promptly be forwarded to the suit section in the law Department along with all relevant records by the Advocate Court, and by the concerned Government pleaders in the proceedings were pending in other counts subordinate to the High Court, they should also simultaneously forward their opinion as to the desirability of otherwise of the decision being challenged in appropriate proceedings before a higher form.

2. The Suit Section of the Law Department in consultation with the concerned Administrative Department shall decide whether it is necessary to have the decision challenged and in case it is decided to do so, the suit section with this necessary steps in that behalf.

3. If at any stage of any proceedings, instructions or assistance of an Officer of the Government is deceased necessary by the Council in charge of the proceedings interaction should be given them of to the suit section and that section in consultation with the concerned Administrative Department will send either an Officer of the section or of the Administrative Department of appropriate rank to assist the counsel.

4. Satisfaction of decrees passed against or other liabilities in prosecution the state shall not be undertaken by the Administrative Departments without consulting the suit section the Law Department.

## B. Procedure in regard to original petitions and other Civil Proceedings in the High Court

The Advocate General will forward to the Administrative Department copies of all original petitions tax reference the revisions and other proceedings of an original character filed in the High Court regarding which he receives notices of all interlocutory applications wherein interim orders are sought to be passed.

2. The Administrative Department shall prepare a draft statement of facts in consultation with the concerned authorities appearing paragraph by paragraph all the avenue in the petition and forward the same to the Suit Section of the Law Department within four weeks from the same of receipt of the papers by the Administrative Department.

3. The Suit Section will scrutinize the draft statement of facts with reference to the records forwarded by the Administrative Department and make such modification as may be necessary or call for additional particulars that may be required. After finalization of the statement of facts by the Suit Section, that we shall be forwarded to the concerned Administrative Department which in turn shall send the same to the Advocate General.

4. The Advocate general or any other counsel acting on behalf of the Government may, if necessary require the service of an Officer of the Suit Section for finalizing the counter affidavit or statement of facts or for deciding upon the strategy or defence in important and complicated cases.

5. Such counter-affidavit or statement of defence so prepared, after it being approved by an Officer not below the rank of a Deputy Secretary in the Suit Section, shall be sent to the Administrative Department for being sworn to or signed as the cause may be.

## C. Procedure in respect of suits, Civil Appeals, etc. in Courts subordinates to the High Court.

The Suit Section of the Law Department shall be consulted by the Administrative Department regarding the feasibility of otherwise of filing suits, Civil appeals or subordinate to the High Court.

2. The Administrative Department shall forward to the Suit Section all relevant records while seeking advise on the feasibility or otherwise of filing suits, appeals etc., and this shall be done such ahead of the expiry of the period of limitation in every case.

3. If it is decided, to file a suit or appeal etc., the Administrative Department shall prepare a draft statement of facts and forward the same to the Suit Section for scrutiny along with the relevant records. Such modifications if any, that may be necessary , the Suit Section will

finalise the statement of facts and forward the same to the Administrative Department for being transmitted to the concerned Government pleader or preparing the plaint or memorandum of appeal as at the case may be.

4. The Government Pleader who prepares the plaint or memorandum of appeal will forward the same to the Suit Section for approval. After approval by an officer not below the rank of a Deputy Secretary the same will be sent to the concerned Administrative Department for being signed. An Officer not below the rank of a Deputy Secretary in the Administrative Department or any other officer empowered under G.O.(Ms) 1481/Home dt. 09-12-1958 will sign the plaint or memorandum of appeal and forward the same to concerned Government Pleader for presentation before the Court, under intimated to the Suit Section.

5. Statutory notices like those under section 80 of the Civil Procedure Code received on behalf of Government shall be forwarded by concerned authorities to the Suit Section of the Law Department within a period of 6 weeks of the receipt of the same with the draft reply and relevant records. The draft reply and relevant records. The draft reply will be returned to the concerned Department after scrutiny by the Suit Section within a week of its receipt in that section.

6. When Suits, Civil appeals or other Civil proceedings are filed against Government the authority receiving the summons or notice shall forward to the Suit Section through the concerned Administrative Department the copy of the plaint or appeal memorandum or other proceedings with the draft statements facts and relevant records for scrutiny and also intimate the date of bearing of the proceedings.

7. The draft statement of facts approved by the Suit Section after scrutiny will be promptly forwarded to the Administrative Department which shall in turn be sent to the Government Pleader for preparation of the written statement or memorandum of objection as the case may be. The Government Pleader after preparing the written statement or memorandum of objection shall send the same to the Suit Section for approval. After approval by an Officer of the Suit Section not below the rank of a Deputy Secretary the same shall be sent to the concerned Administrative Department for being signed by an officer not below the rank of a Deputy Secretary or any other officer empowered under G.O.(Ms) 1481/Home dated 09-12-1958.

Sd/-

For Chief Conservator of Forests

For Conservator of Forests, Trichur