

GOVERNMENT OF KERALA

LAW DEPARTMENT

No.11804-A1/66/Law.

Dated, Trivandrum, 28th October, 1966.

CIRCULAR MEMORANDUM

Sub:- Conduct of Government cases before the Supreme Court – Procedure prescribed –

Ref:- Letter No.SS 205/66 dated 7-7-1966 from the Advocate General, Ernakulam.

Government consider that for the efficient and expenditure conduct of Government cases before the Supreme Court it is essential that the Departments concerned both in the Secretariat and in other offices should be meticulously careful in the preparation of Counter Affidavits, statements of facts, and similar other papers to be filed before the Supreme Court. It is also considered necessary that there should be better co-ordination among the various Departments concerned so that there should not be any delay in the preparation of these documents. In order to ensure the prompt and efficient conduct of Government cases in the Supreme Court, the Government are pleased to lay down the following procedure to be followed:-

i) One of the High Court Government Pleaders should be in charge of co-ordination in the Supreme Court litigation. He will be under the direct control and supervision of the Advocate General. He will look into the question of filing applications for leave to appeal, special leave petition and the question of limitation etc. He will have contact with the Government on the one hand and the standing counsel on the other. The Standing counsel as soon as it becomes necessary under the Supreme Court Rules to file a counter Affidavit, statement of case or other statement in the Supreme Court, will contact simultaneously the Advocate General's Office and the concerned Department. A copy of the writ petition or stay petition should be sent, where the standing counsel is served with a copy of the writ petition or stay petition, to the concerned Department.

ii) On getting the affidavit either from the Supreme Court or from the standing counsel the Administrative Department will arrange to take a few copies of the affidavit and furnish one to the Law Department and another to the Advocate General. The statement of facts will be called for by the Administrative Department without any loss of time. On getting the statement of facts, copies of the same will be taken and supplied to the Law Department and the Advocate General simultaneously. The Law Department will communicate their views and suggestions to

the Advocate General and the latter will finalise the Counter-Affidavit subject to any modification in the form which may be left to be made by standing counsel in Delhi to suit the prevalent practice and rules of the Supreme Court. If any more facts are necessary, either the Law Department or the Advocate General will inform the Administrative Department when the Administrative Department will obtain the same and furnish to the Law Department or the Advocate General as the case may be.

2. The Heads of Departments should see that the statements of facts in respect of Supreme Court cases are sent up without any delay.

Sd/- Law Secretary.

Endt. on G1-35402/66 dated 4-11-1966.

Copy forwarded to all Conservators for immediate report.  
Copy to to all Section Heads.  
Copy to Stopck file.

Chief Conservator's Office,  
Trivandrum.

Sd/-  
For Chief Conservator of Forests.

Endt. on G1-19154/66 dated 26-11-1966.

Copy forwarded to all Divisional Forest Officers Wild Life Preservation Officer and Working Plan Officer for immediate report.

Copy to Stock file.

Conservator's Office,  
Chalakudy.

For Conservator of Forests.