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DEPARTMENT OF HOME AFFAIRS AND JUSTICE

(JUDICIAL II BRANCH)

NOTIFICATION

The 5th September, 2018

PUNJAB DISPUTE RESOLUTION & LITIGATION POLICY, 2018

No. 4/12/2010-3Judl2/2890.-This notification issues in supersession of Notification No. 4/12/2010-3Judl.2/160 dated 10th February, 2012.

1. **Title**

This Policy shall be called the Punjab Dispute Resolution & Litigation Policy, 2018.

2. **Date of Coming into Effect & Validity**

This Policy shall come into force on the date of its publication.

3. **Introduction**

This policy addresses the pendency and backlog of cases in courts. The problem is complex and its solution needs a multi-pronged approach. A major portion of the litigation before the Courts involve writ proceedings against bodies which comes under the definition of State in Article 12 of the Constitution of India, such as the Government, public sector undertakings, statutory corporations, government companies etc. and such other entities by whatever name called. Hence this Dispute Resolution and Litigation policy has been framed by the Government of Punjab with the stated aims and objectives as set out hereinafter.

4. **Aims and Objectives**

4.1 The State Government recognizes that the Government and such State entities are a party in a large portion of litigation before the courts and the quasi-judicial authorities and it is necessary to create conditions which would minimize the institution of cases and reduce delays in settling litigation.

4.2 The policy seeks to ensure that the State and all such State entities effectively work to reduce future litigation and do not contribute to any delay in the ongoing litigation.

4.3 The State and such State entities shall, where feasible, encourage resolution of disputes with the government administratively or through an alternative dispute resolution system so that all disputes are not left to courts for ultimate decision.

5. **Applicability:**

5.1 This policy shall be applicable to all Departments of the State Government, as well as those bodies which comes under the definition of State in Article 12 of the Constitution of India, such as Public Sector Undertakings, Statutory Corporations, Statutory Bodies, Trusts, Government Companies etc. and such other entities by whatever name called. **(hereinafter collectively also referred to as 'the State/ State entity where need be for convenience)**

5.2 This Policy is a guide and a tool for reducing litigation and for pursuing and concluding litigation efficiently.

6. **The Policy – Key Features**

6.1 The State shall ensure efficient management of litigation and conduct itself as a responsible litigant.

6.2 The State shall take effective steps to reduce new disputes before the courts.

6.3 Existing policies and instructions shall be reviewed to bring them in line with the settled law and remove ambiguities and contradictions which become a cause for avoidable litigation.

6.4 Employees shall be encouraged to settle disputes at the level of the State itself or through an alternative dispute resolution system.

6.5 Officers shall be trained to pass well-reasoned, speaking orders in accordance with the settled law after providing an opportunity of being heard to the stakeholders.

6.6 The State shall endeavour to avoid unwarranted litigation, especially in following types of cases:

I) Where the financial impact is less than two lakh rupees; unless there is a substantial question of law or policy also involved;

II) Where the matter may be resolved /disposed of by converting the pending litigation into a representation to the concerned Administrative Secretary/Head of Department for time bound orders.

III) Where employee's matters are already covered by judgments that have attained finality, the competent authority shall take a decision or to grant the same relief/benefit to the other similarly placed members of the cadre, whose claims are based on similar facts and points of law.

IV) Where the matter is such that no further or useful purpose will be served to the State in prosecuting such matter.

6.7 Appeals shall not be filed against ex-parte and interim orders unless absolutely necessary. Instead, an attempt be made to have the order vacated. An appeal must be filed against an order only if the order is not vacated and the continuation of such order causes prejudice to interests of the state. Appeals must be filed to the Appellate court in the first instance. Direct appeals to the Supreme Court must not be resorted to, except in extraordinary cases.

6.8 No appeal shall ordinarily be filed in service matter cases where:

I) The decision is on a trivial matter and does not set a precedent and pertains to an individual grievance.

II) the decision pertains to a case of pension or retirement benefits without involving any principle and without setting any precedent.

6.9 Appeals in Revenue matters shall ordinarily not be filed:

I) If the financial implication of the matter is less than Rs. 2 lakhs unless it involves a substantial question of law or policy;

II) If the matter is covered by judgments of the High Courts which have held the field and which have not been challenged in the Supreme Court; or that of the Supreme Court and the present case cannot be distinguished from the facts of those cases.

6.10 Appeals shall ordinarily not be filed in the Supreme Court unless:

I) the High Court has struck down a statutory provision / Government policy,

II) the case involves a substantial question of law, involving the interpretation of a statute or under the Constitution of India;

III) the findings of fact involved are so perverse that no reasonable judicial mind could have arrived at such conclusions;

IV) Public finances are adversely affected;

V) there is substantial interference with public justice;

VI) the Court or forum concerned has exceeded its jurisdiction;

VII) the interpretation of the High Court is plainly erroneous.

VIII) the judgement will set a precedent which is contrary to Government policy / rules / statutes.

6.11 Where matters are already covered by judgments that have attained finality, then the reply should fairly indicate such position. However, where there is a sound legal basis to distinguish a given case from past precedent, or apparently similarly placed persons then the Government should provide adequate reasons for taking a different stand.

6.12 The State shall take effective steps to reduce delay in filing replies, appeals / applications before the courts.

6.13 The resort to arbitration as an alternative dispute resolution mechanism will be encouraged. However, while doing so, it needs to be ensured that such arbitration has to be cost effective, efficacious, expeditious, and conducted with high rectitude.

6.14 Inter-se litigation between different Departments of the State shall be resolved within the Government as per the guidelines issued by State Government circular letter No. 13/24/96-1PP-II/16403, dated 20-09-1996 and circular letter No. 12/113/05-5PP2/1993, dated 08-02-2006 of the Department of Personnel. However, the Empowered Committee mentioned in the aforementioned letters shall be replaced by the Empowered Committee constituted under this policy.

7. **Institutional Framework**

7.1 Departmental Nodal Officer:

I) Each Head of Department of the State shall appoint a Departmental Nodal Officer for litigation, who shall not be below the rank of a Deputy Director of the Department of Government of Punjab.

II) Such Departmental Nodal Officer shall monitor and supervise the litigation of the State pending in various courts / quasi-judicial authorities and shall be responsible for active case management.

III) The Departmental Nodal Officer shall ensure that all cases (pending cases and fresh) are entered into the software developed for the management of court cases by the concerned officials. He shall regularly monitor the progress of important cases and apprise Head of Department and Department Committee on Litigation (DCL) of significant cases, including contempt cases, that require any immediate intervention. Departmental Nodal Officer shall also pursue with concerned officials such cases, in which either undue delay or unnecessary adjournments are being sought.

IV) Departmental Nodal Officers shall give top priority to contempt cases and ensure that process should be initiated immediately on receipt of notice after apprising the higher officers of such cases. If the reply is to be filed after the compliance of the orders of the Hon'ble court, then the case should be put up for necessary compliance. If any appeal is to be filed against the main case, the process / decision for same should be got taken immediately.

V) The Departmental Nodal Officer shall ensure that notices u/s 80 of CPC, 1908 and such representations, complaints etc, having legal impact / cause of action / which may generate litigation, are given special attention and are responded to without delay by the concerned officials of the department State after being vetted by the Departmental Law Officer, in consonance with rules/ regulations/ policy of the department State and with the approval of the competent authority.

VI) The Departmental Nodal Officer shall ensure that the State's officials and the Departmental Law Officer prepare a comprehensive draft reply or draft for appeal, as the case may be, well before the date of hearing after examining the entire relevant material including case law / instructions / rules / regulations pertaining to the case.

VII) The Departmental Nodal Officer shall ensure that the concerned Superintendent / Assistant / Clerk of the State keep proper records of the cases filed and that copies retained by the State are complete and tally with what has been filed in the court. The Departmental Law Officer shall provide assistance to the Departmental Nodal Officer in this regard.

VIII) The Departmental Nodal Officer shall keep the concerned authorities apprised about the court orders / directions so as to ensure their timely compliance / implementation and so as to discourage further unnecessary litigation. Accordingly, Each Head of Department of the State shall ensure that the directions issued by various courts are implemented or challenged, as the case may be, within the stipulated time, so that aggrieved person is not compelled to file a contempt petition. Each head of department in the State shall ensure that speaking orders are passed in time wherein such directions are passed by the court. Where directions cannot be implemented in time due to any reason, time may be got extended by filing an application in the court.

IX) The Departmental Nodal Officer shall be responsible for pointing out cases which have been decided ex-parte or where court has taken adverse notice of the delay in filing replies, and submit a report to Head of Department in each such case. He shall also identify the officials responsible for the lapse.

X) The Departmental Nodal officer shall ensure that in cases, where the State has been unnecessarily made party, the court is apprised of the same, so that the State be exempted from filing reply.

XI) The Departmental Nodal Officer shall ensure that in case of death of litigant, the matter be taken with the concerned court promptly as to whether the case is infructuous under the changed circumstances. Similarly, the court shall be apprised of the changes in existing rules / regulations / instructions / circulars/ Policy etc in relevant cases so as to clear any ambiguity.

XII) The Departmental Nodal Officer shall ensure that data on day to day basis is uploaded on the website regularly, relating to:

a) date of passing of the order of the court concerned in which some time bound directions have been issued by the court for compliance;

b) the date of receipt of the copy of the judgment / order with the State and

c) action taken on the court judgment/order including filing of appeal, LPA etc.

d) action taken on the representation / legal notice (s), received by the State.

so that the aggrieved person knows about the status of their cases, before they choose to approach Court to initiate contempt proceedings for non-compliance of the directions of the Hon'ble Court. This would help in containing contempt petitions with timely resolution of court directions and their timely implementation.

7.2 **Nodal Officer in the Secretariat**

Each Administrative Secretary shall designate Superintendent as a Nodal Officer for the litigation pertaining to his / her branch and the Nodal officer shall perform same duties as of Departmental Nodal Officer. The work of Nodal Officers in the Secretariat shall be regularly monitored by a senior Officer to be designated by concerned Administrative Secretary.

7.3 **Departmental Law Officer**

There shall be designated at least one Law Officer in the State entity in question. He will perform the following functions:-

I) He shall liaise and coordinate with the Departmental Nodal Officer as well as with concerned officials of the State and assist in drafting of replies/appeals.

II) He shall coordinate with the office of Advocate General/ Director Prosecution and Litigation (AG/DPL) to ensure timely vetting of replies/appeals.

III) He shall endeavour to ensure that opinion of AG/DPL regarding filing of appeals is obtained well in time and is put up to the relevant authorities so that the appeal is filed in time.

IV) He shall render timely legal advice which may be required by the authorities. However, the authority taking the decision shall apply his own mind while passing any orders.

V) He shall report to the Head of Department of the State.

7.4 **District Level Committee on Litigation**

I) There shall be a District level Committee on Litigation comprising the following for the purpose of supervision of all cases pending in various courts/quasi judicial authorities within the district;

a) Deputy Commissioner of the District.

b) Head of Department at the District level (Convener)

c) District Attorney.

II) Functions:

a) The Committee shall meet once a quarter and review the status of cases, particularly old cases of the State pending in courts at District level. The Committee shall analyse the reasons for long pendency of old cases and take/ suggest corrective measures. District Heads shall ensure to put up the cases for review in the quarterly meeting of District Level Committee on Litigation.

b) The Committee shall ensure that replies/appeals are filed without any delay.

c) The Committee shall examine such cases in which there seems to be an inordinate delay in filing reply and cases where unwarranted adjournments are sought by the department and fix responsibility and recommend appropriate action in this regard to the State.

d) The Committee shall make reference to the State entity concerned for guidance with regard to matters requiring directions from departmental headquarter level or in matters needing policy clarifications.

e) The Committee shall ensure timely compliance/ implementation of court orders by officials of the concerned State entity at the district level so as to discourage unnecessary litigation.

f) The Committee shall monitor the cases to be referred to Lok Adalat, as per procedure prescribed by the concerned State entity.

7.5 Department Committee on Litigation (DCL)

I) There shall be a Department Committee on Litigation (DCL) comprising the following for the purpose of supervision of all legal cases within the State:

a) Administrative Secretary

b) Head of Department of the State/State entity (Convener)

c) OSD Legal/Law Officer

d) Departmental Nodal Officer

e) Head of any other Public Sector Undertaking, Authority, Agency concerned; if required

II) Functions:

a) The Committee shall meet once a month and review the status of all pending cases of the State.

b) The Committee shall ensure that replies/appeals are filed without any delay.

c) The Committee shall ensure that Head of Department the State at District level put up the cases pending in various courts/quasi judicial authorities within the District in quarterly meeting of District level Committee on Litigation for review.

d) In cases involving more than one department/ entity of the State, the committee shall ensure that reply/ appeal is not delayed because of differences in opinion or just because information has not been received from another State entity. The Administrative Secretary shall take up the matter with the concerned Administrative Secretary and if the matter remains unresolved, such case shall be placed before Empowered Committee on Litigation (ECL).

e) The Committee shall examine such cases in which there seems to be an inordinate delay in filing reply and cases where unwarranted adjournments are sought by the State entity and fix responsibility and take appropriate action in this regard.

f) The Committee shall closely monitor the cases of high importance to the State including those affecting policies / rules / regulations / instructions of the State having substantial financial implications of more than Rs. 1 crores, and these matters will be referred to the Advocate General, Punjab and all litigation strategy in such matters including the engagement of counsel will be done with his concurrence only.

g) The Committee shall, in consultation with Department of Legal Affairs, consider and take decisions regarding the pending cases that fall in the category of unwarranted litigation (as explained in para 6.6 above), as identified by Departmental Nodal Officer or Departmental Law Officer.

h) The Committee shall also examine and bring to notice of the State entity any existing Rules, policies and instructions which lack clarity or are in conflict with other instructions etc. and are causing unnecessary and avoidable litigation.

i) The Committee shall work out an appropriate system for elimination of delays and ensure its implementation.

j) It shall be the responsibility of the Administrative Department concerned to ensure that the replies on behalf of the State are filed in time and the cases are defended properly in the Court to safeguard the public interest / Government interest at all costs.

7.6 Empowered Committee on Litigation (ECL)

I) There shall be an Empowered Committee on Litigation (ECL) comprising the following, which shall meet once in every 3 months:-

a) Chief Secretary
b) Administrative Secretary, Home Affairs and Justice
c) Administrative Secretary, Finance.
d) Advocate General
e) Legal Remembrancer
f) Director Prosecution and Litigation, Punjab
g) Concerned Administrative Secretaries
h) Secretary General Administration Department (Convener)

II) Functions:

a) The Committee shall oversee the implementation of all aspects of this policy.

b) The Committee shall, from time to time, identify the major causes of litigation and shall make recommendations to the State Government for suitable corrective measures.

c) The Committee shall resolve the legal disputes between different Departments / Public Sector Undertakings of the State Government as per the guidelines enlisted for this purpose vide Punjab Government Circular Letter No. 13/14/96-1PP II/16403, dated 20.09.1996 and Punjab Government Circular Letter No. 12/113/05-5PP2/1993 dated 08.02.2006. However, the Empowered Committee mentioned in the aforementioned letters shall be replaced by the Empowered Committee constituted under this policy.

d) The committee shall examine the cases, where the judgment has attained finality and same relief/benefit is to be given to other members of the cadre, whose claims are based on similar facts and points of law. The committee formed for this purpose vide Government letter No 12/39/2002-5PP2/125 Dated 19.11.2014 by the Department of Personnel shall be replaced by the Empowered Committee constituted under this Policy.

8. Mechanism for Implementation of Policy

8-A New Disputes / Issues

a) A majority of State litigation arises out of inaction or delay in taking timely action. Timely action is therefore of crucial importance. In case of fresh claims, grievances received by a Department, the Officers concerned in consultation with the Departmental Nodal Officer and the Law officer, on a case to case basis, shall ensure taking a decision or implementing a decision within the parameters of law in a timely manner so that litigation can be avoided.

b) A notice u/s 80 of the CPC, when received, is to be treated as an opportunity by the State to resolve the dispute, so that no person is unnecessarily driven to Courts. Such communications should be dealt on file by officials concerned within one week and be brought to the notice of the Departmental Nodal Officer, within seven working days after receipt of the same. Departmental Nodal Officer shall ensure that notices u/s 80 of CPC, are given special attention and are responded to within two months by the concerned officials of the department after being vetted by the Departmental Law Officer, in consonance with rules / regulations / policy of the department and with the approval of the competent authority.

c) In addition to notices u/s 80 of CPC, complaints / representations, having legal cause of action and which may generate litigation, shall be fairly dealt with and reasoned speaking orders be passed by concerned officials/officers. Such complaints/representations are to be carefully examined and every reasonable endeavor should be made to satisfy the person aggrieved. Alternatively, such person must be explained/communicated the difficulties and grounds for the inability to redress his grievance as many a time, a citizen is aggrieved because he was simply not heard or his complaint not addressed. All such matters should be attended to in a timely manner and the decision conveyed to the person making the representation.

d) In case of such complaints/representations, where more than one Department is involved, appropriate action can be taken after obtaining inputs from concerned Departments and the advice of their respective Law Officers.

e) The legal strategy of all new cases/ disputes/ matters, including the engagement of counsel, fees etc. which are critical in nature, shall be only as per the directions of the Advocate General. These matters are:

i. Cases, which raise important issues of constitutional law and / or challenge the vires or effect the implementation of State legislation; the State entity's' Regulations or Rules etc.

ii. Cases, which may have a high impact on the revenues of the State/ the State entity and/or the State Exchequer, in excess of Rs. 2 cores at the District Court level at Rs. 50 lacs at the High Court level.

iii. Cases which pertain to important social or economic policy issues of Government.

8-B **Review of Pending Litigation:**

a) There is also an urgent need to review pending litigation with the dual objective of weeding out unwarranted litigation while ensuring that critical cases are receiving the requisite attention.

b) **Unwarranted litigation**---As explained in para 6.6 above such types of cases shall be placed before the DCL, which shall assess each such case and decide further steps for disposal / withdrawal / resolution by amicable settlement. Decisions in such matters will not be cited as precedent.

c) **Critical Litigation**—Following type of cases fall in category of critical cases

i. Cases, which raise important issues of constitutional law and /or challenge the vires or effect the implementation of State legislation; Regulation or Rules etc.

ii. Cases, which may have a high impact on the revenues of the State and/or the State Exchequer;

iii. Cases which pertain to important social or economic policy issues of Government.

Departmental Nodal Officer shall get the list of pending critical litigation cases prepared with an indication of the subject, impact of the case and a brief description thereof and place before DCL for determining the further course of action safeguarding the interest of State (financial and otherwise). A list of these pending matters will be escalated to the Advocate General, Punjab and all litigation strategy in such matters including the engagement of counsel will be done with his concurrence only.

d) The department shall ensure that all court cases pending in various courts / quasi judicial authorities are uploaded on software developed for this purpose for proper monitoring.

8-C **Alternative Disputes Resolution:** The Government recognizes that in order to reduce the burden on the courts and make affordable justice accessible to the illiterate and indigent, it is necessary to encourage settling of disputes through alternative dispute resolution mechanisms such as Arbitration,

Conciliation, Lok Adalats & Nyay Panchayats. Where both parties are genuinely interested in resolving the disputes, this mechanism can provide an effective, efficient & cost effective means of dispute resolution.

a) **Arbitration**

i. The Arbitration and Conciliation Act, 1996 provides a comprehensive mechanism for settlement of disputes. Wherever feasible, the Departments shall provide for settling of disputes relating to work contracts and commercial contracts etc. under this Act.

ii. The appointment of arbitrators shall be as per the provisions of the Act. If arbitrators are to be appointed as per agreement, it must be ensured that they have the requisite knowledge & skill to work as arbitrator regarding the subject matter of the dispute. It must also be ensured that the arbitrator is a person of integrity and rectitude.

iii. The Departments must avoid challenging the arbitration award on flimsy and frivolous grounds. A clear formulation of the reasons to challenge Awards must precede the decision to file proceedings to challenge the Awards. All efforts should be made to ensure that the Award is challenged within the time period specified under the Act, if so required.

iv. Departmental Nodal Officer shall monitor the status of pending arbitration cases and apprise the Administrative Secretary/ Head of Department of the cases in which the progress is slow for one reason or the other.

b) **Settlement through Lok Adalats**

I) The Government shall assist in organizing Lok Adalats from time to time. All Departments shall endeavour to refer cases to Lok Adalat for settlement if they are prima facie satisfied that there are chances of settlement through Lok Adalats under the Legal Services Authorities Act, 1987. However, while settling such disputes, the department shall ordinarily not object to grant of relief permissible under the rules and policies. However, it must be ensured that no relief is provided in violation of the Government Policies and Rules / Instructions. The genuine financial interest of the Government must also be safeguarded.

II) District Committee on Litigation, already in existence, shall review and propose / recommend to the concerned Department, the cases to be referred to the concerned Lok Adalat, as per procedure prescribed.

c) **Nyaya Panchayats:** The Government shall endeavour to establish Nyaya Panchayats for reconciliation, mediation & dispute resolution of minor disputes at local level.

8-D **Case Management:**

Replies and Pleadings etc.

a) After issuance of defence sanction, proper assistance shall be rendered by the Department to the concerned Law Officer in preparing reply/pleading and in pursuing the case in the Court concerned.

b) Departmental Nodal Officer shall ensure that department officials in consultation with the law officer, shall furnish para-wise comments, supply the entire available relevant material including instructions/rules/regulations pertaining to the case to the law officer for preparing the reply, getting the same vetted well before the date of hearing to enable effective representation in court proceedings. The concerned officials of the department shall be responsible for providing correct and complete facts pertaining to the case.

c) Unnecessary and frequent adjournments on account of non filing of reply/requisite documents must be avoided. The reply shall ordinarily be filed within six weeks in simple cases, and in complex cases, where multiple issues, multiple departments and large number of petitioners/

respondents are involved, reply shall be filed within twelve weeks or within such time as may be granted by court. Repeated adjournments for filing replies should be avoided.

d) Cases in which costs are awarded against the State as a condition of grant of adjournment will be viewed very seriously. Departmental Nodal Officer and the Law Officer shall report such cases to the Administrative Secretary/ Head of Department/ Director Prosecution and Litigation or the Advocate General as the case may be, setting out the reasons why such costs were imposed. The officials responsible for the default entailing the imposition of costs shall be identified and suitable action must be taken against them.

8-E Appeals in Civil Cases/Matters:

a) As soon as the matter is disposed of/final order/judgment is passed, Advocate General/Director Prosecution and Litigation shall send the opinion regarding filing of appeal to the department concerned expeditiously (well within the period of limitation) along with clear note on i) date of decision ii) limitation period iii) last date for filing appeal, to enable the department to take decision and proceed in the matter.

b) Sanction to proceed further ought to be communicated by the Departmental Nodal Officer to concerned officials of the department who in consultation with the Departmental Law Officer shall take further steps to have the appeal drafted, vetted and filed in time.

c) To avoid delay, since all orders of the Supreme Court, High Court of Punjab & Haryana and of the District Courts are uploaded on the website of the Court within 48 hours, there is no need to await a certified copy to take action upon the order whether by way of implementing or preferring an appeal.

d) Appeals shall be drafted with particular attention to the Synopsis and List of Dates which will carefully crystallize the facts in dispute and the issues involved. Care must be taken to include all necessary and relevant documents in the appeal paper book. Any delays in filing of Affidavits should be avoided.

8-F. Appeals in Criminal Cases/ Matters :

Appeals in criminal matters shall be filed in appellate court as per guidelines given in Law Department Manual.

8-G. Legal Representation in courts /quasi judicial authorities

a) The Government Departments shall be represented by Law Officers of the Government in the office of the Advocate General as per the directions of the Advocate General.

b) The other State entities shall be represented by lawyers from a panel of lawyers drawn up the State entity, which list shall be drawn up in consultation with the Advocate General and matters will be allocated to such lawyers by the Advocate General.

c) If so required in the public interest/ Government interest, the Department/ State entity may avail the services of other senior counsel/ experts for reasons to be recorded in writing as per the procedure prescribed, after taking the concurrence of the Advocate General.

d) Any panel already in existence at the time of issuance of this policy shall be forthwith reviewed by the Advocate General and changes made therein as he may deem fit.

e) It has been experienced that many a time no body from the State to present the Court to attend the court proceedings and the department remains unaware about the court order. To stop this practise, Departmental Nodal Officer in consultation with Departmental Law Officer shall evolve the requisite mechanism for ensuring that the cases are duly represented on behalf of the State entity.

8-H. Limitation

a) The copy of the order available online should be downloaded for examining the same and for drafting the appeal, if so required.

b) Some cases are lost because appeals are filed well beyond the period of limitation and without giving any proper explanation for the delay or without a proper application for condonation of delay. In order to draft application for condonation of delay, the Department officials in consultation with the Departmental Law Officer shall in all such cases must furnish the drafting counsel the reasons, date-wise to the extent possible, for the delay.

c) If it is found that the cases have been dismissed on the ground of delay and the delay was not bona-fide, matter be inquired into to find the reasons for delay and to fix the responsibility. Disciplinary action must be taken against the culpable.

9. Specialized Litigation

9.1 Works, Contracts and Projects

a) Proceedings seeking judicial review including the matter of award of contracts or tenders - Such matters should be defended keeping in mind constitutional imperatives and good governance. Cases where projects may be held up, are to be defended vigorously keeping in view the public interest. Such cases must be dealt with and disposed off as expeditiously as possible. If interim orders are passed stopping such projects then appropriate conditions must be insisted upon for the Petitioners to pay compensation if the case is ultimately dismissed.

b) Cases involving vires, or statutes or Rules and Regulations- In all such cases, proper affidavits should be filed explaining the rationale behind the statute or regulation and making appropriate averments with regard to legislative competence.

9.2 Public Interest Litigation (PIL)-

Public Interest Litigations must be approached in a balanced manner. It is recognized that the increase in PILs stems from a perception of inaction on the part of the State. This perception must be changed. It is seen that several PILs are filed for collateral reasons including publicity and at the instance of third parties. Such litigation must be exposed as being not bonafide. PILs challenging public contracts must be seriously defended. However where PIL seems to be bonafide, the department may request the court to allow the department to take appropriate action.

10. Digital system for litigation management

10.1 In view of the large number of cases and their numerous categories, there is need for extensive qualitative and quantitative monitoring of these cases. For effective monitoring and to take timely decisions, State Government shall endeavour to set up and maintain a comprehensive computerised database of these cases at all levels i.e. districts, departments, High Court. This will enable the Advocate General Office / Director Prosecution and Litigation as well as Administrative Secretaries/ Head of Departments and Departmental Nodal Officers to easily keep track of the cases filed, the issues involved, and the importance /urgency.

10.2 The database /software shall be so designed that all the necessary particulars about the cases, including the paper book and other important documents/images are uploaded, so that the officers monitoring the case may get complete idea about the case through the site. The judgement of the case and the grounds of appeal/LR's opinion shall also be the part of database to facilitate decision making in appeal matters and eliminate delays.

10.3 The state shall facilitate online and offline access to case laws and relevant Acts to help the departments and the law officers to prepare their cases. For this purpose, online access to computerised databases shall be provided through suitable arrangement.

10.4 Relevant landmark judgements shall be made available on the website for ready reference.

11. Training and Workshops

11.1 Training for the Departmental law officers and other concerned officials of the departments shall be a regular feature. Law schools and legal experts shall be associated for organising training programs, seminars, workshops and in preparing/running refresher courses for law officers for improving their knowledge and skill.

11.2 Basic knowledge of computers and internet shall be made mandatory for law officers.

Sd/-
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Department of Home Affairs and Justice

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