



GOVERNMENT OF KERALA

Abstract

STATE LITIGATION POLICY—AMENDMENT—APPROVED—ORDERS ISSUED

LAW (MONITORING CELL) DEPARTMENT

G. O. (P) No. 22/2019/Law.

Dated, Thiruvananthapuram, 7th August, 2019.

*Read:—*1. G. O. (P) No. 12/2011/Law dated 3-12-2011.

2. G. O. (P) No. 10/2012/Law dated 12-6-2012.

ORDER

As per order read as 1st above, Government have approved and published the State Litigation Policy based on the National Litigation Policy.

As per order read as 2nd above, Government have amended the State Litigation Policy.

Now, Government are pleased to amend the State Litigation Policy further to restructure the Empowered Committees enabling the Committees to implement the Policy more effectively by avoiding unnecessary litigations and taking effective steps to dispose of litigations in a time bound manner, as follows:

5/2761/2019/S-19.

In the State Litigation Policy, for paragraph 8, the following paragraph shall be substituted, namely:—

“8. Empowered Committees

There shall be Empowered Committees to monitor the implementation of the policy and accountability. The Committees shall act to implement the policy more effectively by avoiding unnecessary litigations and taking effective steps to dispose of litigations in a time bound manner. The Nodal Officers and the Head of the Departments shall ensure that all relevant data is sent to the Empowered Committee.

<i>Sl. No.</i>	<i>Constitution of Empowered Committees</i>	<i>Chairman & Members</i>	<i>Duties</i>
(1)	(2)	(3)	(4)
1	State Level Empowered Committee	1. Advocate General— Chairman 2. Law Secretary— Member Secretary 3. Secretary to Government of the Administrative Department Concerned— Members 4. Head of the Department/ Director of the Department Concerned— Members	(i) It shall be the responsibility of the Empowered Committee to receive and deal with suggestions and complaints including from litigants and Government Departments and take appropriate measures in connection therewith. (ii) Give necessary recommendation to take appropriate action on the reports submitted by the District Level Empowered Committees. (iii) To enquire seriously against allegations regarding the briefing of Government Law Officers, the negligence and lapse of Government Law Officers in conducting Government cases in the State etc.

(1)	(2)	(3)	(4)
			<p>(iv) Serious note will be taken on the cases in which costs are awarded against the Government as condition of grant of adjournments and also on the cases in which loses caused to the Government with the default of the officers. In all such cases the head of the Department shall give report to the Empowered Committee stating the reason. The Committee shall recommend suitable action against the officers who make default. The Committee shall also recommend remedial action on cases where concessions granted on issues which are not justified.</p>
			<p>(v) The Empowered Committee shall also be responsible for reviewing all pending cases and filtering frivolous and vexatious matters from the meritorious one.</p>
			<p>(vi) The Empowered Committee shall be convened at least once in six months.</p>

(1)	(2)	(3)	(4)
2	District Level Empowered Committee	1. District Collector— Chairman 2. District Law Officer [Deputy Secretary (Law)] Concerned— Member Secretary. 3. District Government Pleader and Public Prosecutor 4. The District Level Officers of the various Departments	(i) To recommend remedial measures to be taken by the Departments which have pending cases on the basis of the District level suit conference, and to review the progress of conducting cases. (ii) To examine and take steps on the reports submitted by the Taluk Level Empowered Committees. (iii) To enquire seriously against allegations regarding the negligence and lapse of Government Law Officers in conducting Government Cases in the District and to suggest proper remedial action to the District heads of the departments and also report the same to the State Empowered Committee. (iv) Serious note will be taken on the cases in which costs are awarded against the Government as condition of grant of adjournments and also on the cases in which losses caused to the Government

(1)	(2)	(3)	(4)
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with the default of the officers. In all such cases the District Heads of the Department shall give report to the Empowered Committee stating the reason. The Committee shall recommend suitable action against the officers who make default. The Committee shall also recommend remedial action on cases where concessions granted on issues, which are not justified.

(v) The Empowered Committee shall also be responsible for reviewing all pending cases and filtering frivolous and vexatious matters from the meritorious one.

(vi) The Empowered Committee shall be convened once in three months and the minutes of meeting shall be submitted to Law (Monitoring Cell) Department.

(vii) The details of the departments which have a large number of pending cases shall report to the State Level Empowered Committee.

(1)	(2)	(3)	(4)
3	Taluk Level Empowered Committee	<ol style="list-style-type: none"> 1. Tahsildar of the Taluk concerned—Chairman 2. Additional Government Pleader and Additional Public Prosecutor, Sub Court Centre/Munsiff's Court Centre 3. Legal Assistant in the Office of the District Government Pleader and Public Prosecutor 4. Junior Superintendent of the Suit Section, Taluk Office 5. Taluk Level Offices of the various departments 	<p>(i) It shall be the duty of the Taluk Level Empowered Committee to receive and deal with the suggestions and complaints including from the litigants and Government Departments and to take appropriate measures.</p> <p>(ii) To submit report to the District Empowered Committee regarding the suggestions and complaints for the litigation and the action taken on the same on the Taluk Level Empowered Committee.</p> <p>(iii) To enquire seriously against allegations regarding the negligence and lapse of Government Law Officers in conducting Government Cases and report the same to the District Level Empowered Committee.</p> <p>(iv) Serious note will be taken on the cases in which costs are awarded against the Government</p>

(1)	(2)	(3)	(4)
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as condition of grant of adjournments and also on the cases in which loses caused to the Government with the default of the officers. In all such cases the Head of the Department shall give report to the District Empowered Committee stating the reason. The Committee shall recommend suitable action against the officers who make default. The Committee shall also recommend remedial action on cases where concessions granted on issues are not justified.

(v) The Empowered Committee shall also be responsible for reviewing all pending cases and filtering frivolous and vexatious matters from the meritorious one.

(vi) The Empowered Committee shall be convened at least once in a month and submit minutes of meeting to the Law (monitoring cell) Department and the District Collector.”.

By order of the Governor,

ARAVINTHA BABU P. K.,
Law Secretary.

Copy to:

The Registrar General, High Court of Kerala, Ernakulam.

The Principal Accountant General (Audit), Kerala, Thiruvananthapuram.

Advocate General, Kerala, Ernakulam.

The Director General of Prosecutions, Ernakulam.

The Secretary, Kerala Legislative Assembly, Thiruvananthapuram.

The Director of Information and Public Relations Department.

P. S. to Hon'ble Chief Minister.

P. S. to Hon'ble Minister for SC/ST, BC, Law and Parliamentary Affairs.

Secretary, General Administration Department.

Secretary, Finance Department.

P. A. to Law Secretary.

All Departments in the Secretariat, All Directors & Head of Departments.

All District Collectors/District Government Pleader/Tahsildars/
Additional Government Pleaders.

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