

# The Mizoram Gazette

## EXTRA ORDINARY

### Published by Authority



RNI No. 27009/1973 Postal Regn. No. NE-313(MZ) 2006-2008 Rs. 2/- per issue

VOL - XXXIX Aizawl, Thursday 11.11.2010 Kartika 20, S.E. 1932, Issue No. 443

### NOTIFICATION

No.G.11021/8/10-LJA, the 21<sup>st</sup> September, 2010. Whereas the Resolution presented by Union Minister for Law & Justice in 'National Consultation for strengthening the Judiciary towards reducing pendency and delays' which was held on 24<sup>th</sup> and 25<sup>th</sup> October, 2009 acknowledged the initiative undertaken by the Government of India to frame a National Litigation Policy with a view to ensure conduct of responsible litigation by the Central Government, and also urged every State Government to evolve similar policies;

Whereas the Government of India in the Ministry of Law & Justice, Department of Legal Affairs, has already launched the National Litigation Policy, 2010 by their O.M. No. 44(03)/2010-Judl. dt.30<sup>th</sup> June, 2010;

Whereas the Government of India has called up on all the States to frame similar State Litigation Policy by their letter dt.30<sup>th</sup> June, 2010;

Whereas the purpose underlying the State Policy is also to reduce government litigations in Courts so that valuable court-time would be spent in resolving other pending cases so as to achieve the goal to reduce average pendency time from 15 years to 3 years, in line with the National Legal Mission;

Now, therefore, the Governor of Mizoram, after due consideration of the National Litigation Policy, 2010 and of the State Scenario in the matter of pending Court-cases and its resultant impact on the State as well as the social life of the residents of the State, in exercise of his powers under article 162 read with article 21 of the Constitution is pleased to notify and launch the Mizoram State Litigation Policy, 2010 as enclosed hereto as ANNEXURE-I, with immediate effect.

Sd/- P. CHAKRABORTY  
Commissioner/Secretary to the Govt. of Mizoram  
Law and Judicial Department

THE MIZORAM STATE LITIGATION POLICY, 2010.

The Mizoram State Litigation Policy is as follows:-

THE VISION / MISSION

- 1.1. The Mizoram State Litigation Policy is based on the recognition that State Government and its various agencies are the pre-dominant litigants in courts and Tribunals in the country. Its aim is to transform the Government into an Efficient and Responsible litigant. This policy is also based on the recognition that it is the responsibility of the Government to protect the rights of citizens, to respect the fundamental rights and those in charge of the conduct of Government litigations should never forget this basic principle.
- 1.2. "EFFICIENT LITIGANT" MEANS -
  - 1.2.1 Focusing on the core issues involved in the litigation and addressing them squarely;
  - 1.2.2 Managing and conducting litigation in a cohesive coordinated and time-bound manner;
  - 1.2.3 Ensuring that good cases are won and bad cases are not needlessly persevered with; and
  - 1.2.4 A litigant who is represented by competent and sensitive legal persons competent in their skills and sensitive to the facts that the State Government is not an ordinary litigant and that a litigation does not have to be won at any cost.
- 1.3. "RESPONSIBLE LITIGANT" MEANS -
  - 1.3.1 Not restoring to litigation only for the sake of litigating;
  - 1.3.2 Not restoring to false pleas and technical points, and ordinarily discouraging the same;
  - 1.3.3 Ensuring that the correct facts and all relevant documents are placed before the court; and
  - 1.3.4 Suppressing nothing from the court and making no attempt to mislead any court or Tribunal.
- 1.4. The State Government must cease to be a compulsive litigant. The philosophy that matters should be left to the courts for ultimate decision has to be discarded. The easy approach, "Let the court decide," must be eschewed and condemned.
- 1.5. The purpose underlying this policy is also to reduce Government litigation in courts so that valuable court-time would be spent in resolving other pending cases so as to support the National Legal Mission in its goal to reduce average pendency-time from 15 years to 3 years. Litigators on behalf of the Government have to keep in mind the principles incorporated in the National Mission for Judicial Reforms, which include identification of bottlenecks in the Government and its agencies may be concerned with and also reduction of or even weeding away unnecessary Government cases. Prioritisation in litigation has to be achieved with particular emphasis on welfare legislation, social reforms, weaker sections and senior citizens and other categories requiring assistance must be given utmost priority.