



TAMIL NADU
STATE LITIGATION
POLICY-2012

HOME DEPARTMENT
GOVERNMENT OF TAMIL NADU

TAMIL NADU LITIGATION POLICY

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TAMIL NADU STATE LITIGATION POLICY -2012

1. INTRODUCTION:

Tamil Nadu State Litigation Policy 2012 has been developed keeping in mind the National Litigation Policy and the local requirements at the State Level.

2. AIM:

The policy is aimed towards reducing the pendency of cases by altering the practices followed in Government in the matter of filing of appeals. The Policy reflects the resolve of the State Government to bring about a visible and enduring qualitative and quantitative improvement in the manner in which litigation is perceived, managed and conducted in the State.

3. NEED FOR A STATE LITIGATION POLICY:

The Finance Commission has provided for a grant of Rs.252.44 crores for Tamil Nadu for improvement of judicial infrastructure and training during the period 2010-2015. The stipulations by the Finance Commission lay down that after the release of the first installment (2010-2011) subsequent

installments for the remaining four years will be released only after a State Litigation Policy is put in place.

4. CONTENT OF STATE LITIGATION POLICY:

The policy provides for

- i. reviewing the existing cases and withdrawing cases identified as frivolous and vexatious;
- ii. formulating norms for defending cases as well as for filing appeals and
- iii. setting up of Empowered Committees to eliminate unnecessary litigation.

5. IMPLEMENTATION OF THE POLICY:

It is proposed to implement the policy through a three-tier system. This is comprised of

- i. a State Level Implementation Committee (SLIC)
- ii. a Department Level Implementation Committee (DLIC) and
- iii. a District Level Implementation Committee (Dt.LIC)

At the appropriate level these Committees will decide whether an appeal is to be filed or not.

6. STATE LEVEL IMPLEMENTATION COMMITTEE (FIRST TIER COMMITTEE):

There shall be a State Level Implementation Committee under the Chairmanship of Chief Secretary to Government and comprising of the following Members:

A. Members:

Advocate General, two Additional Advocate Generals, Secretaries to Government of Home, Finance & Law Departments and Secretary of the Department concerned (whose case is being discussed in the Committee.)

B. Aim and Function:

- i. The SLIC shall aim to streamline the litigation and grievance redressal systems.
- ii. The SLIC shall identify the major causes of litigation and shall recommend suitable measures to the State Government to minimize litigation.

- iii. It shall monitor at all stages of the litigation process and for this purpose introduce a comprehensive reporting and data flow system.
- iv. Recommendations of the SLIC, after approval by the State Government, would be implemented directly by the Departments of Secretariat.
- v. Bimonthly meetings will be held by the SLIC

7. DEPARTMENT LEVEL IMPLEMENTATION COMMITTEE
(SECOND TIER COMMITTEE):

There shall be a Department Level Implementation Committee headed by the Secretary of the Department and comprising of the following members:

A. Members:

Heads of Departments and representatives of the Advocate General, Finance, Law and Home Departments.

B. Aim and Function:

- i. To regularly monitor and review the litigation within the department, to make recommendations for changes in the

policies, rules and procedures to the SLIC and after its approval DLIC will implement it.

ii. Bimonthly meetings will be held by the DLIC.

8. DISTRICT LEVEL IMPLEMENTATION COMMITTEE (THIRD TIER COMMITTEE):

There shall be a District Level Implementation Committee headed by the Head of Officers of various departments at the District Level and comprising of the following members:

A. Members:

District Level Officers of that Department and representatives of the Public Prosecutor, Assistant Public Prosecutor, Government Pleader and Additional Government Pleader and a nominee of the Collector.

B. Aim and Function:

i. To monitor and review all cases in the same way as at the State Level.

ii. Cases will be reviewed and reasons for failure will be ascertained before fixing the responsibility.

iii. Meeting will be held once in a month.

9. PREVENTION AND CONTROL OF AVOIDABLE

LITIGATION:

A Grievance Redressal System will be set up at the Departmental Level and District Level to look into the grievances of the employees and parties. By resorting to this system, Departments shall pre-empt a lot of unnecessary litigation through Department or District Level Implementation Committee. As the orders of Lok Adalats are final the employees may also be encouraged to settle the disputes before these Lok Adalats. It shall be the responsibility of the DLIC & Dt.LIC to monitor the aforesaid function.

10. QUICK ACTION ON LEGAL NOTICES OR REPRESENTATIONS:

Quick action on legal notices or representations shall be taken and a detailed speaking order shall be passed expeditiously in accordance with the rules.

11. FILING OF APPEALS:

- i. The final view as to whether to prefer an appeal lies with the SLIC, DLIC or Dt.LIC.
- ii. If a decision is taken at Government level to file appeal orders in circulation has to be obtained as stipulated in the Tamil Nadu Government Business Rules & Secretariat Instructions.

12. PRINCIPLES GOVERNING FILING OF APPEALS:

In the case of exparte / interim orders, the Committee is to take an immediate view whether it will be advantageous to get the order vacated or to file an appeal.

13. CONTROL AND MANAGEMENT OF LITIGATION:

- i. Every Department of State Government and Head of Departments shall have one Senior Administrative Officer with a legal background designated as Legal Nodal Officer.
- ii. He shall constantly monitor the proceedings of Court Cases and ensure that there is no delay in the conduct of cases.

14. PLEADING & COUNTERS:

- i. Any suit or Counter filed on behalf of the Government to be drafted with precision without any repetition.
- ii. Appeals shall be drafted with particular reference to synopsis and list of dates which will state the fact in dispute and issues involved.
- iii. All relevant and necessary documents shall be included in the appeal paper book.
- iv. Special formats to be formulated for Civil Appeal, S.L.P., Counter Affidavit etc. which will ensure speedy filing.
- v. All Counter Affidavits shall be vetted by Law Officers.
- vi. While filing affidavit, special care has to be taken in cases where State is a party involving issues of policy or inter departmental or inter State matters or connected with specific directions of Court.

15. LIMITATIONS – DELAYED APPEALS:

- i. The period of Limitation should be borne in mind, while processing appeal so as to avoid violation of time limits.

- ii. The Heads of Department to maintain a record of cases dismissed on grounds of delay and the Nodal Officers to submit a report annually, bi-monthly or quarterly on every case to the HOD explaining the reasons for delay.
- iii. Action to be taken against those responsible for delay. Such action taken will operate as a deterrent for unsatisfactory work and malpractices in the conduct of Government Litigation.
- iv. Applications for condonation of delay to be drafted carefully duly identifying the reasons.
- v. Heads of Department to formulate appropriate system to eliminate delays and ensure its implementation.

16. PROPER REPRESENTATION:

- i. Law Officers will ensure that the State is properly represented and there is no procedural lapse regarding submission of process fee and issuance of notice, etc.
- ii. 15 days time is fixed for the Law Officers to tender their Legal opinions to the departments.

17. AVOIDING ADJOURNMENTS:

- i. The responsible and accountable authority shall oversee that the pleadings shall be completed on the first available date, so as to minimize adjournments.
- ii. The responsibility for delays shall be fixed on the erring officials.

18. PERIODICAL REVIEW OF THE PENDING COURT CASES:

- i. The periodical review of pending cases involving both State Government or Public Sector undertakings shall be taken up.
- ii. The Nodal Officers and Law Officers shall review all pending cases and filter out frivolous and vexatious matters in consultation with the Office of the Advocate General.
- iii. The standard forms shall be devised, which Law Officers will fill up at the time of filing cases.