

**GOVERNMENT OF PUDUCHERRY
ABSTRACT**

Law Department – Puducherry Litigation Policy 2021 – Notification – Orders – Issued

LAW DEPARTMENT

G.O. Ms. No. 42 /2021-LD

Puducherry, the 08.11.2021

READ: I.D. File No. 1140/LGS/2021, dated 01.11.2021 of the LG's. Sectt.,
Government of Puducherry.

ORDER:

The following notification shall be published in the Official Gazette of the Government of Puducherry.

NOTIFICATION

Approval of the Lieutenant-Governor, Puducherry is conveyed for the “**Puducherry Litigation Policy, 2021**”. The details of the Policy are as appended to this Notification.

//BY ORDER OF THE LIEUTENANT-GOVERNOR//


(N. MURUGAVEL)
UNDER SECRETARY (LAW)

To,

The Director,
Directorate of Stationery & Printing,
Puducherry.

... with a request to publish the said notification in the next issue of the Official Gazette and to supply 5 copies of the notification as published may kindly be provided for reference and record of this Department

Copy To:-

1. The Hon'ble Chief Judge, Puducherry/ The District Judge Karaikal
2. All the Secretaries and Head of Department Puducherry.
3. The District Collector-cum-District Magistrate, Puducherry/The District Collector Karaikal
4. The Subordinate Judge, Mahe/Yanam.
5. Directorate of Prosecution
6. Inspector General of Police Puducherry
7. The Regional Administrator Mahe/Yanam.
8. Office of the Government Pleader at Hon'ble High Court Madras (for all Law Officers)
9. All the Law Officers at Puducherry / Karaikal / Mahe/Yanam.
10. The Govt. Societies/Govt. Undertakings, Puducherry, Karaikal
11. The CRB/Library- Law Department
12. Law Department Website
13. Spare Copy.

PUDUCHERRY LITIGATION POLICY-2021

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**GOVERNMENT OF PUDUCHERRY
LAW DEPARTMENT**

PUDUCHERRY LITIGATION POLICY LITIGATION POLICY 2021

1. INTRODUCTION:

Puducherry Litigation Policy 2021 has been developed keeping in mind the National Litigation Policy and the local requirements of the Union Territory Puducherry.

2. AIM:

The policy is aimed towards reducing the pendency of cases by altering the practices followed by the Government Puducherry in dealing the matters before the Hon'ble Supreme Court, Hon'ble High Court of Judicature at Madras, various Tribunals, including CAT, Madras, Sub-ordinate Courts, Enquiries, Arbitration and other Alternate Dispute Resolution . The Policy reflects the resolve of the Union Territory Government to bring about a visible and enduring qualitative and quantitative improvement in the manner in which litigation is perceived, managed and conducted by the Union Territory Government.

3. NEED FOR A UNION TERRITORY LITIGATION POLICY:

The Centre has formulated a National Litigation Policy to reduce the cases pending in various courts in India under the National Legal Mission to reduce average pendency time from 15 years to 3 years and has also advised all State Governments and Union Territory Administrations to evolve similar policies. In Order to achieve the said mission, the Puducherry Litigation Policy 2021 has been developed as to suit the local requirements to bring about a visible and enduring qualitative and quantitative improvement in the manner in which

litigation is perceived, managed and conducted by this Administration of Government of Puducherry.

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 two-tier system comprised of

- (i) a Union Territory Level Implementation Committee (SLIC) and
- (ii) a Department Level Implementation Committee (DLIC)

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

6. UNION TERRITORY LEVEL IMPLEMENTATION COMMITTEE (FIRST TIRE COMMITTEE):

There shall be a Union Territory Level Implementation Committee (UTLIC) under the Chairmanship of Chief Secretary to Government and comprising of the following Members:

A. Members:

Law Secretary to Government, Government Pleaders of High Court & District Court, Public Prosecutors of High Court & District Court, Secretaries to Government of Home & Finance Departments and Secretary of the Department concerned (whose case is being discussed in the Committee.)

B. Aim and Function:

- (i) The UTLIC shall aim to streamline the litigation and grievance redressal systems.
- (ii) The UTLIC shall identify the major causes of litigation and shall recommend suitable measures to the Union Territory Government to minimize litigation.
- (iii) It shall monitor at all stages of the litigation process and for these purposes introduce a comprehensive reporting and data flow system.
- (iv) Recommendations of the UTLIC, after the approval of the Government, the same would be implemented directly by the concerned Departments/Secretariat.
- (v) Bimonthly meetings will be held by the UTLIC

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

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

A. Members:

Heads of Departments, concerned Advocate dealing with the case, concerned official (not below the rank of Group 'B' Gazetted) dealing with the case, representative of the Law Department.

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 UTLIC and after its approval DLIC will implement it.

- (ii) To monitor and review all cases connected to the concerned department.
- (iii) Cases will be reviewed and reasons for failure will be ascertained before fixing the responsibility.
- (iv) Monthly meetings will be held by the DLIC.

8. PREVENTION AND CONTROL OF AVOIDABLE LITIGATION:

A Grievance Redressal System will be set up at the Union Territory 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 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 to monitor the aforesaid function.

9. 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.

10. FILING OF APPEALS:

The UTLIC or DLIC will take a view on preferring appeal/review etc., whenever required. Approval of the Government will be obtained as per the Rules of Business of the Government of Puducherry, 1963.

11. PRINCIPLES GOVERNING FILING OF APPEALS:

In the case of *ex parte* / 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.

12. CONTROL AND MANAGEMENT OF LITIGATION:

- (i) Every Department in the Government of Puducherry and Head of Departments shall have one suitable officer as Nodal Officer.
- (ii) He shall constantly monitor the proceedings of Court Cases and ensure that there is no delay in the conduct of cases.

13. PLEADING & COUNTERS:

- (i) Any suit or Counter/Reply 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/Reply statements shall be approved by the Law Officers.
- (vi) While filing Affidavits, special care has to be taken in cases where the Union Territory Government or the Central Government is a party involving issues of policy or inter departmental or inter State matters or connected with specific directions of Court.

14. LIMITATIONS – DELAYED APPEALS:

- (i) The period of Limitation should be borne in mind, while processing appeals 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, 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 appropriate reasons.
- (v) Heads of Department to formulate appropriate system to eliminate delays and ensure its implementation.

15. PROPER REPRESENTATION:

- (i) Law Officers representing the Government of Puducherry before the Courts will ensure that the Union Territory Government 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.

16. 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 official(s)/officer(s).

17. PERIODICAL REVIEW OF THE PENDING COURT CASES:

- (i) Periodical review of pending cases involving both Government of Puducherry and 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 Law Department.

- (iii) The standard forms shall be devised, which Law Officers will fill up at the time of filing cases.

18. AMENDMENT POLICY:

The UTLIC shall consider reasonable suggestions and proposals for amendment to the policy that may be received at various levels in achieving the object of the policy more effectively. The committee also may recommend modifications in the policy as when necessary on its own accord.
