



GOVERNMENT OF KERALA

**Abstract**

STATE LITIGATION POLICY -- AMENDMENT -- APPROVED -- ORDERS ISSUED

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LAW (INSPECTION WING) DEPARTMENT

**G. O. (P) No. 10/2012/Law.**

**Dated, Thiruvananthapuram, 12th June, 2012.**

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*Read:* --1. 13th Finance Commission Report.

2. G. O. (P) No. 12/2011/Law, dated 3-12-2011.

**ORDER**

As per the Government Order read as 2nd paper above, the Government have approved and published the State Litigation Policy based on the National Litigation Policy.

The Advocate General, Kerala has suggested certain modifications in the State Litigation Policy. Accordingly, meetings with the Advocate General, Additional Advocates General, the Principal Secretary (Finance) and the Law Secretary were convened under the Chairmanship of Hon'ble Minister for Finance, Law and Housing on 8-2-2012 and on 4-4-2012.

It was unanimously decided in the meetings to omit paragraphs 9 and 14 of the State Litigation Policy which deal with the constitution of Screening Committees and the bifurcation and restructuring of the office of the Advocate General. It was also unanimously decided in the meetings to modify the constitution of the Empowered Committees specified in paragraph 8 of the Policy. It was also suggested in the meetings that for the effective implementation of the State Litigation Policy, Law (Nodal) Officers from the Law Department will be appointed in all the Departments where no Law Officer has so far been appointed.

Government have examined the decisions of the meetings in detail and are pleased to amend the State Litigation Policy as follows:

- (i) In the State Litigation Policy, in paragraph 8, for the table under the caption "Constitution of the Empowered Committees", the following table shall be substituted, namely:-

<i>Sl. No.</i>	<i>Constitution of Empowered Committees</i>	<i>Members</i>	<i>Duties</i>
(1)	(2)	(3)	(4)
1	<p><b>State Level Empowered Committee</b></p> <p>It shall be chaired by the Advocate General and such other members not exceeding four in number with Law Secretary to be the Member Secretary.</p>	<p>(1) Advocate General —Chairman</p> <p>(2) Law Secretary Member Secretary</p> <p>(3) Secretary to Government of the Administrative Department concerned in Secretariat</p> <p>(4) Head of the Department concerned</p>	<p>(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.</p> <p>(ii) The Taluk level Empowered Committee shall submit monthly report to District Level Empowered Committee which in turn submits Comprehensive Report to the State Level Empowered Committee, which shall give a consolidated report to the Law secretary for taking necessary action.</p> <p>(iii) Complaints that certain Government Law Officer are being preferred in the matter of briefing will be inquired into seriously by the Empowered Committee.</p>

(1)	(2)	(3)	(4)
			<p>(iv) If concessions are made on issues of fact or law and it is found that such concessions were not justified, the matter will be reported to the Empowered Committees and remedial action shall follow.</p>
			<p>(v) Serious note will be taken on cases of negligence or default and the matter will be dealt with appropriately by referring such cases to the Empowered Committee.</p>
			<p>(vi) The cases in which costs are awarded against the Government as condition of grant of adjournments will be viewed very seriously. In all such cases, the Head of Department must give report to the Empowered Committee stating the reason why such costs were awarded. The names of the persons responsible for the default entailing the imposition of costs will be identified. Suitable action must be taken against them.</p>

(1)	(2)	(3)	(4)
			<p>(vii) The Empowered Committee shall also be responsible for reviewing all pending cases and filtering frivolous and vexatious matters from the meritorious one. The Taluk Level Empowered Committee shall submit such reports to the Law Department with a recommendation to settle such matter imperiously whether through Lok Adalat or Alternative Disputes Resolution mechanisms.</p>
			<p>(viii) The Empowered Committee shall be convened at least once in a month.</p>
<p><b>2 District Level Empowered Committee</b></p> <p>It shall be chaired by the District Collector with such other members not exceeding four in number with District Law Officer Deputy Secretary (Law), Collectorate as Member Secretary.</p>	<p>(1) District Collector-- Chairman</p> <p>(2) District Law Officer Deputy Secretary (Law) concerned-Member Secretary</p> <p>(3) District Government Pleader and Public Prosecutor</p> <p>(4) The District Level Officer of the Department concerned.</p>	<p>Same as that of the State Level Empowered Committee except their jurisdiction is restricted within the District.</p>	

(1)	(2)	(3)	(4)
3 <b>Taluk Level Empowered Committee</b>	Taluk level Empowered Committee shall be chaired by the Tahsildar of the Taluk concerned.	(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.	

(ii) Paragraph 9 of the State Litigation Policy which deals with the Screening Committees is omitted.

(iii) Paragraph 14 of the State Litigation Policy which deals with the bifurcation and restructuring of the office of the Advocate General is omitted.

(iv) In Paragraph 6 of the State Litigation Policy, in item (iv), for the second sentence, the following sentence shall be substituted, namely:—

“Law (Nodal) Officers will be appointed from the law Department in all the Departments where no law officer has been appointed so far”.

The State Litigation Policy Published vide Government Order read as 2nd paper above stands amended to the above extent.

By order of the Governor,

C. P. RAMARAJA PREMA PRASAD,  
*Law Secretary.*

To

The Registrar General, High Court of Kerala, Ernakulam.

The Principal Accountant General (Audit) Kerala, Thiruvananthapuram.

The Accountant General (A&E), Kerala, Thiruvananthapuram.

The Advocate General, Kerala, Ernakulam.

The Director General of Prosecutions, Ernakulam.

The Secretary, Kerala Legislative Assembly, Thiruvananthapuram.

The Director of Information and Public Relations Department.

PS to Hon'ble Chief Minister.

PS to Hon'ble Minister (Finance, Law and Housing).

P. A. to Law Secretary.

All Departments in the Secretariat.

All District Collectors.

The GA (SC) Department (vide item No. 1764 dated 6-6-2012).

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