

GOVERNMENT OF JAMMU AND KASHMIR
DEPARTMENT OF LAW, JUSTICE AND PARLIAMENTARY AFFAIRS
(Establishment Section) Civil Secretariat
Srinagar/Jammu.

Subject:- Litigation Reforms and effective monitoring of Litigation in Union Territory of Jammu and Kashmir – Assignment of Role and Responsibilities to the Law Officers for Handling Government Litigation before Various Hon'ble courts/legal forums.

Reference:- Administrative Council Decision No. 35/4/2021 dated 10-03-2021.

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Government Order No: **1675** -JK(LD) of 2021.
Dated : 24 - 03 - 2021.
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In pursuance to the above referred Administrative Council Decision, sanction is hereby accorded to the assigning of the following duties and responsibilities to the Law Officers for handling Government Litigation in Hon'ble Courts /Tribunals and various legal forums:-

- (i) He shall examine the writ petition/civil suit, whenever it is filed against the Government and before the same is contested in the court of law. The Law Officers on receipt of the copy of the writ petition/civil suit etc. shall give complete brief to the Government counsels for preparation of objections/reply, which shall be prepared and made available by OIC in accordance with record.
- (ii) The Law Officer on receipt of draft objections from Government counsel, shall ensure that the legal defense available to the Government is properly reflected in the reply/objections and shall return the same to the Government counsel duly sealed and signed by the competent/authorized officer for filing before the Hon'ble court. The whole exercise from preparation of factual note and finalization of objections should be done in a time bound manner and should not take more than (30) days, unless there is court direction for filing of response before said period.
- (iii) The Law Officer shall be responsible for filing of replies, Statements of facts, appeals, LPA(s)/SLP(s) and all other pleadings before the Hon'ble Court(s) well in time. There should not be any delay, laxity or default from the Law Officer which shall entail appropriate action against him. However, in exceptional cases where there is delay, the application for condonation of delay shall be filed which however, should not be drafted casually and in a routine manner without proper application of mind. The Law

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Officer shall provide all the inputs and sufficient reasons to the Government counsels for drafting of such applications.

- (iv) The Law Officers should have a close liaison with OIC (Litigation) appointed for specific case and should coordinate the conduct of litigation between all the stakeholders. It will also be his responsibility to monitor the progress of litigation, particularly to identify the cases in which repeated adjournments have been taken. He shall report cases of repeated and unjustified adjournments to the HODs and Law Department / Advocate General and who shall call reasons for the adjournments from the concerned counsel. If there are repeated adjournments, serious note shall be taken for negligence or default of the Counsel Conducting the case and the matter shall be dealt appropriately which may entail his suspension/removal of his name from the Panel of Government Lawyers/Advocates.
- (v) The cases in which costs are awarded against the Government as a condition of grant of adjournment or for any other reason shall be viewed very seriously. In all such cases, the HOD may call a report from counsel as to why such costs were awarded. The names of the persons responsible for default shall be identified and suitable action should be taken against them including the recovery of costs from the said erring persons.
- (vi) Law officers shall be responsible for active case management which will involve constant monitoring of cases particularly to examine whether cases have gone 'off track' or have been unnecessarily delayed.
- (vii) The Law Officer shall maintain a complete record of the cases pending in courts, related to the department so that cases are tracked conveniently.
- (viii) The Law Officers shall also perform such other duties as may be specified from time to time by the Law Department.
- (ix) Any reluctance in the discharge of duties shall be viewed seriously and shall be a valid reason for initiating disciplinary action against the delinquent officer.
- (x) Two proforma as set out in Annexure- LO-I & LO-II hereto, have been devised to monitor their performance and review the litigation of the departments pending in Hon'ble courts. The Law Officers shall furnish information of cases on weekly and fortnightly basis on the devised proforma regularly, failing which action shall be initiated against the erring officer.

Explanation :- Law Officers shall mean the officers posted by the Department of Law, Justice and Parliamentary Affairs in the Administrative Departments and in all the Government

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offices/autonomous bodies and shall include Secretaries, Special Secretaries, Additional Secretaries, Deputy Legal Remembrancers /Senior Law Officers, Deputy Draftsman (Translation), Assistant Legal Remembrancer /Public Law Officer, Assistant Draftsman Translation, Legal Assistants and Junior Legal Assistants.

By order of Government of Jammu and Kashmir.

Sd/-

(Achal Sethi)

Secretary to Government.

Dated:- 24 -03- 2021.

No: - PS/LS/2021/40.

Copy to the:-

1. Learned Advocate General, J&K Jammu.
2. Director General of Police, J&K Jammu.
3. All Financial Commissioners.
4. All Principal Secretary to Government.
5. Principal Resident Commissioner, New Delhi.
6. Principal Accountant General, J&K Srinagar.
7. Principal Secretary to the Hon'ble Lieutenant Governor, Raj Bhavan.
8. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
9. Commissioner/Secretary to Government, General Administration Department.
10. All Commissioner/Secretary to Government.
11. Divisional Commissioners, Kashmir/Jammu.
12. All Deputy Commissioners.
13. Register General, J&K High Court, Jammu.
14. Principal Secretary to the Hon'ble Chief Justice, J&K High Court.
15. All Head of Departments/Corporations.
16. Secretary, J&K Public Service Commission, Jammu.
17. Secretary, Service Selection Board, J&K Jammu.
18. Director Finance, Department of Law, Justice and Parliamentary Affairs.
19. Director Information, J&K Jammu.
20. Director Litigation, Jammu/Kashmir.
21. All the Special/Additional Secretaries/Senior Law Officers/Public Law Officers/Legal Assistants/Junior Legal Assistants for compliance.
22. Private Secretary to the Chief Secretary for information of the Chief Secretary.
23. All Law Officers representing the Union Territory of Jammu and Kashmir before the Hon'ble High Court at Jammu/Kashmir.
24. Private Secretary to the Secretary to Government, Department of Law, Justice and Parliamentary Affairs for information of the Secretary.
25. Website of the Department of Law, Justice and Parliamentary Affairs.
26. Government order file.
27. File concerned.

(Ashish Gupta)

Additional Secretary to Government.

24.03.2021

Proforma LO-1

To be submitted by concerned Law Officers
 (on weekly basis (Friday))

Date: _____

Name of the Law Officer _____
 Designation _____
 Department _____

(1) S. No.	(2) Total No. of cases pending in the department (SWP, OWP, Contempt, civil suits)	(3) No. of fresh Court Cases received in the Department in a week	(4) No. of objections/replics /responses filed in a week, if none reasons thereof.	(5) No. of fresh Contempt petitions received in the department in a week.	(6) No. of Statement of facts/Compliance filed in the contempt petitions, if not, reasons thereof.	(7) No. of Judgments/Orders including interim directions received in a week.	(8) No. of judgments/orders where period of limitation expires within a week.	(9) Action taken in respect of column No. 6, 7 and 8 if not reasons thereof.	(10) Whether all fresh cases received in the LMS, if not specify the reason.	(11) No. of cases which are more than 10 years old and steps taken for early disposal.	(1) Remarks
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Proforma LO-II

To be submitted by concerned Law Officers
(on Fortnightly basis)

Date: _____

Name of the Law Officer with designation and Department _____

(1) S. No.	(2) Total No. of cases pending against the department	(3) No. of cases in which objections filed in last 15 days	(4) No. of sanctions accorded for filing LPA/SLP's Deptt. Of Law received from the	(5) Action taken on the said sanctions, if not, reasons thereof.	(6) Performance of the Departmental counsel (satisfactory or otherwise, specific reasons and steps taken thereof.	(7) No. of cases entered in the LMS, from last 15 days.	(8) No. of case pending decision due to non furnishing of information/documents/instructions from Higher or Subordinate offices from last more than 15 days. Identify the office/Authority	(9) Remarks
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