

राजस्थान सरकार
निदेशालय महिला अधिकारिता विभाग
जे-7, झालाना संस्थानिक क्षेत्र, जयपुर

क्रमांक:-प 30/(6)/(12) विधि/मअ/14/6474-6573 जयपुर दिनांक 19/2/14

1. कार्यक्रम निदेशक (प्रभारी अधिकारी)
महिला अधिकारिता विभाग.....
2. उपनिदेशक (प्रभारी अधिकारी)
महिला अधिकारिता
3. कार्यक्रम अधिकारी (प्रभारी अधिकारी)
महिला अधिकारिता विभाग.....

विषय:-राजकीय वादकरण में प्रभावी एवं समयबद्ध कार्रवाई हेतु जारी एक्शन प्लान
2014 बाबत।

संदर्भ:- विधि एवं विधिक कार्य विभाग का पत्र क्रमांक F-12(15) Raj/vad/08
pt.III दिनांक 24.01.2014

उपर्युक्त विषयान्तर्गत संदर्भित परिपत्र की प्रति संलग्न कर निम्न प्रकार निर्देशित किया जाता है:-

1. वादकरण पूर्व कार्यवाही

80 सीपीसी / न्याय मांग नोटिस पर कार्रवाई

- (i) नोटिस प्राप्त होने पर नोटिस में की गई मांग का अध्ययन कर यदि मांग नियमों में देय है तो नियमानुसार मांग पर कार्रवाई कर निस्तारित करना।
- (ii) यदि मांग नियमों के पोषणीय नहीं है तो नोटिस पर बिन्दुवार तथ्यात्मक रिपोर्ट तैयार कर मय आवश्यक दस्तावेजों के मार्गदर्शनार्थ मुख्यालय को प्रेषित किया जाना।
- (iii) ग्राह्य स्तर पर अभ्यावेदन प्रस्तुत किये जाने के निर्देशों के साथ माननीय न्यायालयों द्वारा निस्तारित मामलों में नियमानुसार अभ्यावेदन (Speaking Order) निस्तारित कर आदेश प्रति संबंधित अभ्यावेदनदाता व मुख्यालय को दिया जाना।

2. वादकरण :-

(अ) सीधे जिला कार्यालय को प्राप्त नोटिस :-

जहां नोटिस माननीय न्यायालयों से सीधे जिला कार्यालय को प्राप्त होते हैं उन मामलों में यदि नोटिस में उल्लेखित तारीख पेशी में पर्याप्त समय है तो बिन्दुवार तथ्यात्मक रिपोर्ट बनाकर प्रभारी अधिकारी नियुक्त मुख्यालय से करवा कर कार्रवाई करना।

जहां नोटिस में उल्लेखित तारीख पेशी में पर्याप्त समय नहीं है वहां बिन्दुवार तथ्यात्मक रिपोर्ट बनाकर प्रकरण मुख्यालय को प्रेषित करते हुए यदि प्रकरण माननीय राजस्थान उच्च न्यायालय, जोधपुर, जयपुर, अधिकरण जयपुर, जोधपुर से संबंधित है तो विभाग बाबत नियुक्त अधिवक्ता से संपर्क कर तारीख पेशी पर उपस्थिति सुनिश्चित की जानी चाहिए। अन्य न्यायालय की स्थिति में न्यायालय में उपस्थित होकर अधिवक्ता नियुक्त बाबत समय प्राप्त कर सूचना मुख्यालय को दी जानी चाहिए।

(ब) मुख्यालय द्वारा प्रकरण में प्रभारी अधिकारी नियुक्त आदेश उपरान्त कार्यवाही :-

- (i) प्रकरण की बिन्दुवार तथ्यात्मक रिपोर्ट व संलग्न किये जाने वाले दस्तावेजों सहित नियुक्त अधिवक्ता से संपर्क करना।
- (ii) अधिवक्ता से जवाब प्रारूप तैयार करवाकर अनुमोदनार्थ मुख्यालय को भेजा जाना।

- (iii) अनुमोदन उपरान्त एवं कोई संशोधन होने पर संशोधित जवाब माननीय न्यायालय में प्रस्तुत कर प्रति भिजवाया जाना।
- (iv) माननीय उच्चतम न्यायालय, उच्च न्यायालय, जोधपुर, जयपुर व राजस्थान सिविल सेवा अपील अधिकरण की वेबसाईट पर कॉजलिस्ट देखकर प्रकरण में नियत तारीख ज्ञात करना।
- (v) प्रकरण में नियत तारीख पर अधिवक्ता से संपर्क बनाये रखना एवं अंतरिम आदेश व अन्य कोई आदेश होने पर प्रति प्राप्त कर मुख्यालय को सूचित करना।
- (vi) अंतिम सुनवाई पर संपूर्ण दस्तावेज सहित अधिवक्ता की सहायतार्थ न्यायालय में उपस्थित रहना।
- (vii) निर्णय होने पर प्रति हेतु प्रार्थना पत्र प्रस्तुत कर प्रति प्राप्त करना व अधिवक्ता की राय प्राप्त कर मुख्यालय को अग्रिम आदेशार्थ प्रस्तुत किया जाना।
- (viii) अपील की स्थिति में अधिवक्ता से संपर्क कर अपील दायर कर स्थगन प्राप्त करने की कार्यवाही करना।
- (ix) नो अपील की स्थिति में निर्णयानुसार पालना किया जाना।

(स) अवमानना प्रकरणों में कार्यवाही :-

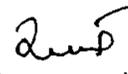
- (i) जिन प्रकरणों में निर्णय की पालनार्थ अवमानना कार्यवाही प्रारम्भ की जाती है उनमें अवमानना नोटिस प्राप्त होने पर अविलम्ब मुख्यालय को नोटिस उपलब्ध कराकर समन्वयक नियुक्ति एवं अधिवक्ता की नियुक्ति करवाया जाना।
- (ii) प्रकरण में यदि अपील के निर्देश हैं तो अविलम्ब अपील दायर करवाकर स्थगन प्राप्त किया जाना।
- (iii) प्रकरण में यदि नो अपील का निर्णय लिया गया है तो पालना की कार्यवाही किस स्तर पर लंबित है ज्ञात कर सूचित किया जाना। साथ ही पालनार्थ देय राशि की गणना बजट मद सहित अवगत कराया जाना एवं पालना निर्णयानुसार सुनिश्चित करना।
- (iv) नियुक्त अधिवक्ता से संपर्क कर अवमानना में जवाब प्रार्थना पत्र दायर करवाया जाना।
- (v) जिन प्रकरणों में निर्णय राज्य के विरुद्ध पारित होता है और उक्त की सूचना प्रभारी अधिकारी द्वारा मुख्यालय को नहीं दी जाती है तदुपरान्त यदि अवमानना की कार्यवाही इस प्रकार के प्रकरणों में प्रारम्भ की जाती है तो उनमें समस्त जिम्मेदारी व्यक्तिगत रूप से प्रभारी अधिकारी की होगी।

3. न्याय विभाग की वेब साइट Lites में एन्ट्री व अपडेशन प्रत्येक तारीख पेशी पर किया जाना।

4. मासिक समीक्षा रिपोर्ट तैयार कर प्रत्येक माह के चौथे कार्य दिवस तक भिजवाया जाना।

5. त्रैमासिक समीक्षा रिपोर्ट तैयार कर प्रत्येक त्रैमास को चौथे कार्य दिवस तक भिजवाया जाना।

संलग्न:- उपर्युक्तानुसार


(राजेश यादव)

निदेशक

महिला अधिकारिता विभाग
राज0, जयपुर

कार्यालय प्रमुख शासन सचिव
महिला एवं बाल विकास विभाग
क्रमांक : 456.....
दिनांक : 29-1-14

**GOVERNMENT OF RAJASTHAN
LAW & LEGAL AFFAIRS DEPARTMENT**

File.No.12 (15)Raj/Vad/08 Part-III

Jaipur,dated:- 24-01-14

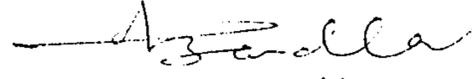
Circular

All Addl. Chief Secretaries/Pr. Secretaries/
Secretaries/Head of the Departments
Government of Rajasthan, Jaipur

Sub.:- Implementation of Action Plan -2014.

Please find enclosed herewith an Action Plan-2014, which has been formulated to minimise State Litigation in time bound manner. As directed you are kindly requested to follow the guide lines, mentioned in this Action Plan and to put the same into implementation.

Encl.: As above.


24/1/14
(Goverdhan Badhar)
Law Secretary

Copy forwarded to the following along with the copy of Action Plan-2014 for information and necessary action:-

1. Advocate General, Rajasthan High Court, Jodhpur
2. All Addl. Advocate General, Rajasthan High Court, Jodhpur/ Jaipur Bench
3. All Govt. Counsels, Rajasthan High Court, Jodhpur/ Jaipur Bench
4. All Addl. Govt. Counsels, Rajasthan High Court, Jodhpur/ Jaipur Bench
5. All Deputy Govt. Counsels, Rajasthan High Court, Jodhpur/ Jaipur Bench
6. All Govt. Advocate, Rajasthan High Court, Jodhpur/ Jaipur Bench
7. All. Addl. Govt. Advocate, Rajasthan High Court, Jodhpur/ Jaipur Bench
8. All Deputy Govt. Advocate, Rajasthan High Court, Jodhpur/ Jaipur Bench
9. All Assistant Govt. Advocate, Rajasthan High Court, Jodhpur/Jaipur Bench
10. Guard file.

Encl.: As above.


Special Secretary Litigation

ACTION PLAN-2014

Time is an essence for success

“A resolution to minimise State Litigation in time bound manner”

The litigation policy 2011 for State of Rajasthan based on the National Litigation Policy to ensure conduct of litigation by State Government as a responsible litigant aiming toward reducing pendency and curbing delays in finality of litigation, the policies have been evolved as guideline to be observed and followed. Majority of the State litigations arise out of inaction or delay in taking action and those out number the grievance leading to litigation against decision of the Government. If actions are, therefore, taken within a reasonable time most of the pending litigations can be disposed of and future litigations can be confined to grievance against decision. At present there are almost 18 Lac cases pending in various Courts in Rajasthan and out of which 3.11 Lac cases are pending before the High Court of Rajasthan. The statistics of pendency/ litigation reveals that the State is predominant litigant in the Court of law and every year 13.5 Lac new cases are instituted in Rajasthan, out of which approximately 1.50 Lac cases are instituted before the High Court. Out of this institution before the High Court, in almost 60 to 70 % of litigation, the State of Rajasthan is one of the parties.

There are lots of reasons for increasing of grievances against the State, which includes rapid development, industrialization, globalization and more expectations. When a Citizen or individual or person expresses his/her grievance, whether against any individual or the State, redressal/ remedial action as per law is also the duty of State. In case the grievance, Litigation is only possible way to resolve the grievance and therefore officers involved in addressing the grievance should be required to pay special and focused

attention on such work. Each department, including subordinate offices should henceforth prepare a list of litigations that arose due to inaction and even now take early steps for redressal, if redressal is possible.

On the other hand there seems to be an increasing tendency to both, not take "NO" for an answer, even when a case has been examined thoroughly at various level, and also to involve the Courts in routine administrative or executive functions such as cleanliness or traffic management etc. In case of not accepting "NO" for an answer, as is seen in service matters, litigants rush to Court in the hope of getting relief either due to bad defense by the Govt. or on some technical ground, such as the lack of a speaking order/even though the file as a whole may tell the whole story and be indicative of sufficient application of mind.

While it also needs to be appreciated that officers at the decision making level are busy persons having multifarious responsibilities and it is not possible for them to deal with each file as if it were a Court case, officers should at the same time not lose sight of the possibility of litigation, specially in service matters and matters relating to tenders etc. not only is it essential for officers to act fairly, impartially and transparently, it is equally essential that their files and orders should reflect this honest of approach and action.

At every level there are appointed Government law officers to represent the State and approximately 120 law officers under the leadership of Advocate General are appointed to look after State litigation before the High Court of Rajasthan. The State of Rajasthan is having State Litigation Policy 2011 and also working manual of 1999 supplemented by several circulars for efficient monitoring and effective handling of litigations but lack of coordination between Officer Incharge of Departments and Law officers coupled with irresponsible behavior are still a great concern. There

are several occasions wherein either due to non filing of reply/ non submission of factual report or non appearances of Law officers, the High Court personally summoned the Chief Secretary along with Principal Secretary, Law to express its displeasure. To overcome this kind of situation, the law department had issued several circulars for improving litigation management, still lot of work needs to be done to monitor and supervise the litigation against/by the state. Now, in order to streamline and effectively implement the Litigation Policy, Manual and other circulars, an action plan is the need of the hour, hence we are with an ACTION PLAN:

1. **Objectives:**

Aim of the Action Plan is to create a feeling among the people by demonstrating that State is an efficient and responsible litigant, reasonable in its approach in respect of grievance of any individual or person. This will instill confidence of the public that State Government discharges its responsibility to protect fundamental & other rights of Citizen or person and insure their security and good governance.

FOCAL POINTS:

A. To become efficient litigant, persons involved are to-

- I. Focus their attention on the core issues involved in the litigation to address them squarely and more importantly in time;
- II. Manage and conduct the litigation in a cohesive, coordinated and time bound manner;
- III. Ensure that good cases are conducted in a manner to become successful and not to pursue needlessly the bad cases;

IV. Take steps for representation by competent and expert legal persons capable in their skills and sensitive to the facts.

B. To create a feeling that State Government is a responsible litigant, persons connected with State litigations have to demonstrate that:

- I. The litigations shall not be resorted only for the sake of litigation only.
- II. Pleas taken in the litigation to establish or defend should not be false or technical, such practices should be discouraged and those must not be pitted against genuine claims.
- III. Correct facts and circumstances have been ensured to be placed before the Court along with all relevant documents.
- IV. Nothing has been suppressed and no attempt has been made to suppress and mislead the Court.

Objects are:

- 1. Efficiently & effectively handling of Court cases,
- 2. Reduce inaccurate paperwork and save of time in Courtrooms,
- 3. Effective coordination between Government Law officers and Department,
- 4. Increase the ability to identify conflicting orders,
- 5. Improve the quality of information provided by stake holders,
- 6. Minimize unproductive court appearances,
- 7. Expedite case management and dispositions,
- 8. Promote settlement of issues either by positivity or ADR,
- 9. Updation of data base to reduce grievance of litigants,

10. Improvement of Service delivery.

2. Stake Holders of Government Litigation:

1. Government departments and their Officer Incharge,
2. Government Law Officers,
3. Law Department,
4. Justice Department,
5. Government,
6. Litigants.

3. Need of the Hour:

1. After receipt of Summons/ Knowledge of litigation prompt action to be taken by the officer concerned,
 1. Immediate action: Appointment of Officer Incharge within 03 to 07 days and prompt action to be taken by him including obtaining of factual report within a fortnight,
 2. Prompt intimation to Pool Incharge AAG/ Counsel nominated for the department and also to Central Nodal Officer within 01 week,
 3. In cases wherein the Chief Secretary has been joined as a party then Senior level Officer to be appointed as Officer Incharge,
2. Promptly establishing contact with Counsel within 01 week,
3. Coordination for reply and preparation of case material within 01 month of service of summons,
4. Sharing of information with the Justice department (LITES information feeding & their updation) within 03 days of proceedings,
5. Effective & regular communication between Officer Incharge and

Law officer/ Counsel,

6. Regular monitoring of activity of case, Officer Incharge and Law officer by Central Nodal officer of the Department,
7. In cases of Appeal/ SLP/ Original proceedings instituted by the State, then prompt action for registration of case, Service of Process to opponents & steps for early listing of case for hearing,
8. Regular tracking of Case proceedings and appearance of Law officer by Officer Incharge,
9. Prompt action to be taken by both Officer Incharge & Law officer after disposal for intimation,
10. Overall monitoring by the Justice Department through LITES.

4. Actions Required:

1. **Within Department:** There must be two tier system within department wherein for effective management for litigation there must be a Central Nodal officer at higher level (Just below the rank of HOD- if possible, dedicated for overall supervision of litigation for those departments wherein high value litigation & large volume of cases are instituted). In each department, a Central Nodal Officer will be the co-ordinating officer for litigation of that department who will also be responsible to oversee collection of facts and documents by the Officer Incharge and coordination between Officer Incharge and Law officer/ Counsel.
 1. Basic function of the Nodal officer is to monitor and supervise the Officer Incharge and process of litigation (Process of active case management),

Central Nodal Officer

Officer Incharge



Law officers

2. Regular updating from Officer Incharge as well from Law officers,
3. Follow ups of Officer Incharge – their work and responsibility,
4. Prompt supply of complete factual reports along with copies of documents to the Counsels and avoiding of incomplete briefs, which are frequently supplied to Government Counsels.
5. As and when needed, the Nodal Officer may seek guidance from HOD and Law department for resolving problems,
6. Compliance & Supervision through regular returns of pending cases by sub-ordinate offices involved in the litigation,
7. After disposal of the case, copy of the Judgment along with opinion of Law officer must reach the Nodal Officer within 10 days but not later than a fortnight, failing which action to be proposed by the Nodal officer,
8. Decision of Appeal or No-Appeal within one month of disposal of case,
9. In case of Appeal/ SLP/ Original Proceedings by State, then Officer Incharge & Nodal officer shall ensure timely filing & registration after removal of defects,
10. Officer Incharge shall ensure that after filing of Appeal/ SLP/ Original Proceeding, the same is listed for hearing within one

month, failing which, matter shall be brought to the notice of Nodal officer of the department,

11. It shall also be the duty of the Officer Incharge to ensure listing of case, atleast once within a period of three months, but if the same is not listed for hearing for continuously six months, the matter may be brought to notice of the Law department by concerned Nodal officer,

12. Officer Incharge shall be obliged to submit regular progress report to the Nodal officer of the department.

2. **Justice department:** There must be regular data entry/feeding of statistics & updation of database/ information and prompt uploading on LITES in coordination with the Director Litigation and the office of Advocate General.

1. Regular and daily updating of information by Law officers,

2. Generation of daily progress reports of cases listed before Hon'ble High Court,

3. Regular follow up of compliance and issue of alert,

4. Identifying erring officials and follow up for action,

5. Coordination with the law department,

6. Endeavor to use other data base of the Government including NIC for updation.

3. **Law Department:**

1. Appointment of competent & efficient Advocates as Law officers,

2. Development of work culture by training and motivational sessions for Law officers,

3. Regular report of cases & uploading by Law officers,
4. Quarterly monitoring and follow up between the Departments and law officers,
5. Use of information technology in the department for monitoring,
6. All possible assistance including infrastructure,
7. Penal action for non-compliance.

4. Law Officers:

1. Coordination between the Advocate General/ AAG and other Law officers,
2. Responsible action and positive attitude towards litigation of the State and disciplined behavior with other Senior Law officers,
3. Equitable distribution of briefs as far as possible and practicable, so that there will be broad based representation of Government. The Advocate General/ AAG and Government Counsel/ Government Advocate will look into it and take special care, as deemed proper.
4. Regularity and Punctuality in attending Court Room proceedings,
5. No unnecessary adjournment shall be sought but if it is due to department then facts should be immediately reported to the Nodal officer and also to the law department,
6. Daily and accurate day to day information of case proceeding to LITES person proposed to be deputed in the Advocate General's office, before leaving Court campus,
7. Reporting of problems to the Central Nodal officer of the

Department,

5. Government:

- 1. If possible Half yearly interaction programme with Nodal Officers and Law Officers at higher level,
- 2. Regular training to Nodal Officers and Law Officers,
- 3. Effective mechanism for upgrading present infrastructure,
- 4. Policy of Punishments and rewards,
- 5. Emphasis on settlement through ADR mechanism with clear guidelines.

5. Fast track programme for Next 30 days after approval:

- 1. **By Departments:** There are some cases which are identical in nature and squarely covered with already decided cases; such cases should be identified & disposed of accordingly, Thus:
 - 1. Identifying those cases wherein Principles of Law have been settled and in the opinion of department, reliefs can be granted in such cases. After identifying such cases, a meeting between the department and the Secretary, Law cum Director Litigation shall be held, thereafter instructions to Law officers shall be issued.
 - 2. Identifying those cases which can be settled through ADR (Alternative Dispute Resolution) may be done by some kind of persuasion i.e. bargaining method, partial relief method or otherwise. After identifying cases the Law department may be requested by the concerned department. The Law department thereafter shall take necessary action, including request to the RLSA for ADR mechanism.

3. Identifying those cases of contempt wherein there are no Appeals have been filed and compliance is the only option left for the department.

2. By Government

1. High level support to the concerned department for settlement of cases identified for disposal,
2. Financial provisions for compliance in already decided cases thereby reducing pending contempt/ execution cases,
3. A Regular High power committee for monitoring of progress and removing difficulties.

For ensuring success of this action plan, Departments of the Government, Heads of Department, Heads of Offices, Field Officers as Officer Incharge of individual case, Law Officers of the State Government and its agencies who are in any manner connected with the grievance/litigation are to co-ordinate with each other individually and collectively. Roles of the Nodal officer are crucial for successful implementation of this action plan.

All Public servants should develop an attitude of being accountable, where grievance is made by an individual in respect of their actions or inactions or abuse of position in any matter. Their outlook must be to settle disputes between the State and the individual in case his claim is prima-facie tenable thereby, curbing unnecessary litigation which may eventually cost dearly to the State.

“You may delay, but time will not. Lost time is never found again.”