

GOVERNMENT OF RAJASTHAN
LAW AND LEGAL AFFAIRS DEPARTMENT
(State Litigation)

File No. F-12(04)Raj/Vad/24

Jaipur Dated 20/6/24

::ORDER::

An effective implementation of State Litigation Policy-2018, is crucial for strengthening of our legal system. A system is required to enhance performance, strengthen efficient working, to effectively uphold responsibility and enhance accountability of all stake holders involved as well as to monitor the implementation of the Policy.

It is also necessary to ensure rational distribution of work and to bring clarity about handling of various categories of cases and to put in place appropriate system to handle different type of cases by each category of law officers.

For the aforesaid purposes, following guidelines are hereby issued for all stake holders:-

1. So far Advocate General is concerned, the prevalent system is that reference is made by Head of the Department with self contained note for seeking his consent to appear and on consent being given, engagement is made by the law department. The same shall continue.
2. Additional Advocate Generals, will be instructed and would appear only in following important matters:-
 - I. All Division Bench Matters.
 - II. Contempt Matters filed against Chief Secretary, Additional Chief Secretary and Principal Secretary.
 - III. Validity of Act, Rules, Regulation, Bye-laws or Notification of Legislative characters is under challenge.


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- IV. Matters where Policy of State is under challenge.
 - V. Matters where Appointment or Election to a constitutional/statutory office is under challenge.
 - VI. Service matters relating to All India Services and State Services.
 - VII. Matters in which challenge is made to advertisement for recruitment.
 - VIII. Matters in which challenge is made to acquisition of land by Government.
 - IX. Public Interest Litigation and Suo Moto Matters.
 - X. Matters relating to admission to institutions of Higher/Technical and Medical Education.
 - XI. Matters relating to establishment and running of institution of Higher/Technical and Medical Education.
 - XII. Cases involving financial stakes of Rupees 50 crores and more.
 - XIII. Any other matter in which administrative department considers engagement of Additional Advocate General necessary in view of importance and complexity of the case.
 - XIV. Any case in which Hon'ble High Court directs Additional Advocate General to assist the Hon'ble Court.
 - XV. Matters in which more than 10 cases are directed to be clubbed together due to similarity.
3. In all other cases, the other law officers will be instructed to appear. In any case not falling under the aforesaid categories and instructions/notices are received by the concerned Additional Advocate General, the case will be transferred by


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the Additional Advocate General to concerned Government Counsel as per distribution of work notified.

4. To facilitate interaction and collaboration among various categories of law officers, it is imperative to implement a system for pooling and distributing work, which will be as follows:-

I. Each Additional Advocate General would be head of the pool of law officers under him.

II. Each pool of law officers will consist of :-

a. Additional Advocate General – Head

b. One or more Additional Government Counsels

c. One or more Deputy Government Counsels

d. One or more Assistant Government Counsels

Note: The Advocate General may assign a pool to the Government Counsel also.

III. The GCs/AGCs/DGCs will be assigned departments out of the departments allocated to the AAG, who is Head of the pool.

IV. The concerned members of the pool will be under general supervision of the Head of the pool.

V. The Head of pool will ensure to guide the members of pool in handling their respective litigation.

VI. The members of pool will work in full co-ordination and co-operation with each other for efficient handling of their cases.

VII. The members of pool will submit to the Head of the Pool monthly report about delays if any in receipt of factual reports and relevant documents, the matters dismissed in default if any and steps taken for their restoration. They will also submit a report about the matters received for filing in


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court and the status thereof and also other matters mentioned in the prescribed format.

- VIII. The members of the pool will submit such report to the head of the pool with regard to the preceding month by 7th day of the month.
- IX. The head of the pool will review the performance of the members of the pool and will issue necessary instructions and guidance for ensuring compliances.
- X. The head of the pool will submit quarterly performance review report of its members to the Advocate General. If necessary, the Advocate General will refer the matters for consideration by the appropriate committee constituted under the State Litigation Policy of 2018.
- XI. The members of the pool will necessarily take guidance from the head of the pool on important legal issues and matters of complexity before finalizing and filing the pleadings before the Hon'ble Court.
- XII. The Head of the Pool will immediately report to the Advocate General regarding matters of frequent absence, non-appearance or negligence in performance of duties by the law officers.
- XIII. The Advocate General will be entitled to withdraw any case from any law officer to conduct himself or may assign to any other law officer.
- XIV. In case of any disputes or grievances amongst the law officers the direction of Advocate General will be final.

5. Assistant Government Counsels shall perform following functions :-


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- (a.) The Advocate General will assign specified courts to the individual assistant government counsels from time to time. It will be their duty to remain present in the Hon'ble Court and look after all government litigation listed before the Hon'ble Court, if any of the law officer is not available when the matter is called upon. They will make appropriate request to the Hon'ble Court for passing over, adjourning or accepting notices if asked by the Hon'ble Court. They will immediately convey the concern law officer the status of the matter so that he/she may attend the case.
- (b.) The Assistant Government Counsels will perform the work assigned by the Head of the Pool.
- (c.) In addition he will render assistance to the other members of pool in handling litigation by them.
6. Any matter already being handled by the Additional Advocate General and notices in similar matters are received by another law officer or the department, then the law officer/department will send the matter to that Additional Advocate General.
7. When clubbing of more than 10 cases occurs and the matters are being looked after by any law officer other than AAG, the concerned law officer will transfer the bunch to the concerned AAG.
8. The Advocate General will propose distribution of departments to the Additional Advocate Generals and also will propose constitution of the pools of law officers to the law department for issuance of appropriate orders and circulation to all concerned.
9. Case in which more than one department of the Government are party, the administrative departments shall send the matter to the law department for appointment of one law officer who is

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allocated the department against whom main relief has been sought. In case of conflict of interest or inter-se dispute between the departments the matter will also be referred to the Committee mentioned in Chapter 24 of the State Litigation Policy of 2018 for taking appropriate decision.

10. The Advocate General will be entitled to make proposal for necessary changes in the constitution of the pools and assignment of work to the Law Officers as and when required.

All concern are directed to comply above guidelines in letter & spirit.

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20.6.24
(Brajendra Kumar Jain)
Principal Secretary, Law

Copy for information and necessary action:-

- 1- Special Assistant, Hon'ble Law Minister.
- 2- Sr. DS, Chief Secretary Office.
- 3- Registrar General, Hon'ble RHC, Jodhpur/Jaipur Bench.
- 4- Principal Secretary, Rajasthan Legislative Assembly, Jaipur
- 5- PS to All Principal Secretary/Secretary/DM's/HOD's.
- 6- PS to Ld. Advocate General, Jaipur.
- 7- All AAG's, RHC, Jodhpur/Jaipur Bench.
- 8- All GA cum AAG's/Administrator Litigation, Jodhpur/Jaipur.
- 9- Director, DIPR, Jaipur.
- 10-Registrar, Revenue Board, Ajmer.
- 11-Secretary, RPSC, Ajmer.
- 12-All sections of Law Department/Sr. Jt. L.R./Jt. L.R./DLR
- 13-Concerned Treasury officer.
- 14-DDO/Account Cell, Litigation Department.
- 15-Programmer, Law and Legal Affairs Department to upload this order on departmental website.
- 16- Guard File.

[Signature]
20/06/2024
(Rajesh Gupta)
Secretary, Law