

OBJECTIVE OF BIHAR STATE LITIGATION POLICY, 2011

Bihar State Litigation Policy is based on the recognition that it is the responsibility of the Government to protect the rights of the citizens, to respect fundamental rights and that those in charge of the conduct of Government litigation should never forget these basic principles.

The twin underlying objective of the Policy is to reduce pressure on the overloaded judiciary and expedite dispensation of justice and to promote reduction of or even weeding out unnecessary and avoidable Government cases which would also lead to saving of costs on unproductive Government induced litigation.

Bihar State Litigation Policy shall apply to any claim and litigation involving the state or its agencies including litigation before Courts, Tribunals, inquiries and in arbitration and other alternative dispute resolution processes.

The aim of the Bihar State Litigation Policy is to evolve a comprehensive mechanism and effective strategies to bring about a durable improvement in the manner litigation is managed and conducted by the State Government and to transform the State Government into an efficient and responsible litigant.

(a) Efficient litigant Means:

- a. Focusing on the core issues involved in the litigation and addressing them squarely.
- b. Managing and conducting litigation in a cohesive, coordinated and time-bound manner.
- c. Ensuring that good cases are won and bad cases are not needlessly persevered with.
- d. A litigant who is represented by competent and sensitive legal persons: competent in their skills and sensitive to the fact that Government is not an ordinary litigant and that a case does not have to be won at any cost.
- e. Recognising that Government is a respondent in a majority of cases, many of which are filed for genuine grievances while others are frivolous. While genuine grievances should be resolved quickly, Government and its advocates should strongly place the government case before the courts in frivolous cases so that such litigants are deterred from misusing the forum of the Courts.

(b) Responsible litigant means:

- a. That litigation will not be resorted to for the sake of litigating.
- b. That false pleas and hyper-technical points will not be taken and shall be discouraged.
- c. Ensuring that the correct facts and all relevant documents are placed before the court.
- d. That nothing shall be suppressed from the court and there will be no attempt to mislead any court or Tribunal.