**Optimizing Government Litigation**

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District Administration involves managing local government affairs, overseeing public services, and safeguarding public properties and the exchequer while addressing community needs within a district. It encompasses various departments, including health, education, public safety, infrastructure, government litigation etc., all aimed at ensuring the well-being of residents. The District Attorney’s Office plays a vital role, primarily focusing on legal matters and safeguarding public property and exchequer. The office is responsible for conducting and defending civil cases on behalf of departments within the district.

Before 2006, the District Attorney’s Office was responsible for conducting criminal and civil cases, on behalf of the state and collaborated closely with law enforcement agencies and departments to ensure effective cooperation in criminal investigations and safeguarding public money and property. However, in 2006, the legislature, through enactment, separated the criminal work of the District Attorney’s Office and established the new Department of District Public Prosecutor. Since the separation of the department into two, the former department is the least priority for the government, despite the District Attorney’s Office dealing with and protecting state land and the public exchequer in the courts. Regardless of the government’s neglect towards the District Attorney’s Office and the district administration’s minimal interest in conducting and defending civil litigation related to state land and safeguarding the public exchequer, the District Attorney’s Office is striving hard to give their 100% in safeguarding public property and the exchequer for their survival.

The office of the Advocate General Punjab is responsible for conducting government litigation before Superior Courts; however, it requires instructions from the Office of Solicitor Punjab for such litigation. This leads to time constraints, causing most departmental cases to become time-barred and resulting in significant losses to the government exchequer. Similarly, District Attorney Offices operate in challenging conditions, caught between District Administration and the Solicitor Department. They have to procure sanction from the competent authority for defending the case at public expense and receive instructions in this regard from the solicitor department. This unnecessary practice not only hinders the defence of the case but also causes irreparable damage to state interest.

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To address these issues, the interim cabinet of the Punjab government, at the request of the Chief Secretary of Punjab, decided to abolish the Solicitor Department Punjab-the supervisory department of government litigation in Punjab. They aim to make the Advocate General Punjab and District Attorney’s Office independent, respectively. The Cabinet’sdecision aims to improve the functioning of the Advocate General Office and District Attorney offices, ensuring a smooth, hazard-free, and time-efficient process for the defence of government litigation in various courts, including superior courts, without indulging in lengthy and unnecessary formalities. However, an injunctive order has been issued by the Lahore High Court against such abolishment, and the matter is still sub-judice. The fate of the Solicitor department is subject to the outcome of the court decision.

It is well established that the foundation of every case is laid before the trial court. The conduct and evidence of parties during the trial determine the fate of the case. Once a case has been decided by the trial court, one cannot be allowed to improve its stance or fill lacunas at the appellate stage. Contrary to popular belief, the District Administration tends to expend its energies before the superior courts. In these courts, most government pleaders (Assistant Advocate General) are appointed based on political considerations and are often on contract. Unlike District Attorneys, they are not answerable to anyone, and no departmental proceedings can be initiated against them for failing to discharge their duties.

Government litigation holds the lowest priority for the District Administration, with little attention given to providing relevant records/documents to the District Attorney’s Office for cases before lower courts. Additionally, there is a lack of interest in recording evidence, often deputing incapable officers/officials unfamiliar with the facts to attend the court and record evidence, resulting in errors during examination and cross-examination, causing irreparable losses for the state. Although the Manual of Secretariat Instructions, 2016, mandates litigant departments to furnish complete records/documents and a brief on raised issues when receiving court notices, these departments often neglect their responsibilities. Instead, they forward notices to the District Attorney’s Office without the necessary records/documents, sometimes even without a copy of the plaint, incorrectly assuming that forwarding notices absolves them of their duties. Consequently, the District Attorney is burdened with defending cases without adequate assistance and records. The disinterest of litigant departments leads to adverse court decisions against them, and to conceal their delinquencies, they make accusations of incompetence and improper handling of government litigation against the District Attorney’s Office.

To address this problem and ensure the smooth handling of government litigation, the government should empower the law officers/government pleaders with the authority to summon records from departments related to court cases and the power to propose disciplinary action against delinquent officers/officials to the concerned department, following the analogy of Prosecutor powers. This would include the power to direct the concerned officers/officials to appear in court and record their statements in cases. In instances where the department fails to provide relevant records to the district attorney’s office or the officers/officials do not attend court to record evidence, the delinquent officers/officials should be charged with misconduct under PEEDA, 2006. Strict disciplinary action should be taken against them to set an example for others. Additionally, law officers of District Attorney offices should be eligible for promotion to the post of Assistant Advocate General (AAG), and a quota should be reserved for this purpose, similar to the quota reserved for prosecutors for the post of Additional Prosecutor General and Deputy Prosecutor General. By establishing this channel, the government not only saves public money in terms of huge salaries given to AAGs appointed on contracts but also ensures the dedicated handling of cases by law officers without any political interference, and due to the fear of disciplinary action in case of any delinquency or negligence.

The other proposal to ensure the safeguarding of government interests and the public exchequer in courts is to create a new wing in the District Administration under the supervision of the Deputy Commissioner of each district, titled Additional Deputy Commissioner Law, with a minimum of one Assistant Director Legal/Law Officer for each Tehsil across Punjab. To achieve better and cost-effective results, the legislature needs to amend the existing law relating to the institution of cases by or against the government in courts situated at headquarters. Section 24 of the Civil Courts Ordinance 1962 empowers the courts situated at headquarters to adjudicate upon cases by or against the government, causing difficulties for both the district administration and the litigants to attend the courts at headquarters. Moreover, amendments are required in Sections 79 and 80 of the Code of Civil Procedure, 1908. These amendments should include the provision that the Province of Punjab can be sued through the Assistant Commissioner of the concerned Tehsil, rather than through the Deputy Commissioner. By amending the existing laws/rules and empowering courts situated at the Tehsil level to adjudicate upon cases, we can enhance the overall legal process, making it a more streamlined and responsive legal process, benefiting both the administration and litigants. The creation of this new wing will enhance the District Administration’s responsibility in handling cases pertaining to the state, without unnecessary formalities and procedures, utilizing all available resources under the direct supervision of the Deputy Commissioner and Assistant Commissioner, respectively. Additionally, it will steer substantial savings in the public exchequer by eliminating unnecessary positions in the current structure of District Attorney Offices across Punjab. Furthermore, it will also provide convenience to the litigants in addressing their grievances against the government at their doorstep, eliminating the need to travel to the headquarters.

The challenges faced by the district administration, the District Attorney’s Office, and legal proceedings highlight the need for change. From the vital role of district attorneys to issues with departmental responsibilities, it is clear that current practices require reevaluation. The proposed reforms in the government litigation framework of Punjab, aim to address longstanding challenges within the District Attorney’s Office. The potential abolishment of the Solicitor Department, though facing legal challenges, holds promise for an independent and efficient legal structure. To fortify this initiative, empowering the District Attorney’s office with the authority to summon records and propose disciplinary actions for non-compliance is crucial. Moreover, the establishment of a new wing/section within the district administration ensures a streamlined approach, making law officers more accountable and responsive while contributing to substantial savings in the public exchequer. These comprehensive reforms aspire to enhance the defence of government litigation, ultimately safeguarding public interests and resources.

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