

Government Litigation in Karnataka

Report on Urban Development Department and Revenue Department

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make
better laws for better
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Executive Summary

The burden of government litigation in Karnataka poses a significant risk to administrative efficiency. The issue of data deficiency with respect to the number of litigations involving the government and individual departments is particularly concerning. This lack of hard-hitting data forms the crux of why burgeoning government litigation is not taken seriously since what is not measured, cannot be addressed.

To remedy the situation, at the state government level, the drive towards a robust litigation policy was initiated by the 13th Finance Commission. Pursuant to the Finance Commission's recommendations, the state of Karnataka developed the Karnataka Litigation Policy, 2011 aimed to tackle the problem of government litigation in the state. The policy aimed to transform the Karnataka state government into an efficient and a responsible litigant by identifying bottlenecks, removing unnecessary government cases and achieving prioritisation in litigation. However, the implementation of the policy fell short of its promise. More recently, Karnataka State Dispute Resolution Policy, 2021 reformulated the policy goals to focus on prevention, management and resolution of disputes while encouraging the use of technology, risk evaluation strategies and Alternative Dispute Resolution methods to reduce the litigation burden of the state government.

However, the slow adoption of these policies makes it clear that a one-size fits all policy for litigations concerning the government fails to account for unique disputes and administrative issues concerning each department within the government. While promoting settlement can assist in reducing the pendency in money-due cases related to the government, the same might not be as successful in the cases related to land grabbing. Hence, an understanding of the caseload, administrative lacunae, and other concerns related to internal processes is required to address the burgeoning pendency in relation to specific categories of disputes across different departments.

The present report has undertaken this extensive exercise with respect to two departments - the Urban Development Department ('UDD') and the Revenue Department ('RD') of the Government of Karnataka. This report provides curated policy recommendations for the UDD and the RD to reduce their case burden and efficiently conduct their litigation. The suggestions are also aimed at promoting efficiency and responsibility among lawyers and legal officers managing and representing the UDD and the RD before various fora of law.

Urban Development Department

While the UDD and its subordinate bodies contest several litigations before various courts and tribunals, a consolidated repository of all the cases conducted presently seems unavailable. Hence, for the purpose of this study, we have centered the analysis on the cases contested by the Bruhat Bengaluru Mahanagara Palike (BBMP), one of the most prominent municipal bodies functioning under the aegis of the UDD.

To understand the litigation profile of BBMP and the current litigation management practices, this study analyses the details of 8374 cases contested by BBMP, including cases filed by BBMP and those filed against it, between 4 April 2018 till 17 July 2022. This database includes the details of pending cases involving BBMP as of 4 April 2018 and the cases filed since that date. These cases concerning BBMP include details of 7588 pending cases and 786 disposed of cases from different courts and tribunals across the country.

During our study, the following were noted to be the main areas of concern that affect the UDD:

1. Presently, there is no uniform process for appointments of empanelled advocates.
2. There are no rules for empanelment of advocates and identifying and maintaining a sanctioned strength of advocates.
3. The monitoring of empanelled advocates, their management of cases and other litigation matters leaves much to be desired.
4. The Karnataka Dispute Resolution Policy, 2021 is yet to see full adoption in principle and practice in the BBMP's attitude towards litigation.
5. There is a very strong preference for litigation over mediation, arbitration and conciliation.
6. The BBMP follows the 'let the court decide' principle and contests almost every dispute in the conventional courts as a norm.
7. The BBMP Legal Cell requires an increase in its current work force strength. The hiring process presently faces many stalls and should be streamlined. The procedure of appointments should be made more clear and transparent. Further, the increase in the strength of the force should be based on an analysis of the zone-wise case load of the BBMP. For instance, the Central Zone of the BBMP has about 50% of the case load of the entire agency, so there should be a higher deputation of empaneled lawyers to the Central Zone. Further, such deputation of empaneled lawyers must be dynamic and should be revised every 3 months or 6 months to ensure that the proportion of empaneled advocates against the case load is maintained at a healthy rate.

Based on our study, the following are the summary recommendations and action points:

S. No.	Actionable Points for BBMP [Urban Development Department]
1.	Adopt a sound legal framework which provides for: a) Appointment of Advocates b) Remuneration and service conditions for the empanelled advocates c) Performance evaluation for the advocates d) Sound internal process to assist the conduct of cases e) Implementing policy recommendations of Karnataka Dispute Resolution Policy, 2021 f) Ensuring efficient distribution of workload amongst empanelled advocates.
2.	Effective Usage of Alternative Dispute Resolution Mechanisms: a) Issue directives identifying the case categories where the resolution through ADR methods should be desirable. b) Issue directives to encourage the adoption of ODR methods for resolution of select categories of disputes. c) Issue guidelines to iron out the internal processes for referring a dispute for resolution outside the traditional court system.

	d) Adopt multiple layered ADR/ODR framework for expeditious and efficient resolution of disputes. e) Appoint specialists in the field of risk assessment for the litigation, devising dispute resolution strategies and conducting Alternative Dispute Resolution processes (such as advocates who specialise in arbitration). f) Install a process for the selection of ADR and ODR service providers based on specific criteria to resolve disputes involving BBMP as a party. g) Devise an annual assessment scheme to evaluate ADR and ODR service providers based on transparent criteria to ensure the quality of dispute resolution services provided by them.
3.	Adopt impact assessment practices and training programmes: a) Adopt a three-tiered mandatory litigation impact assessment framework for all the rules, regulations, bylaws, and other legal instruments brought into effect by BBMP. b) Organise regular training for the officers in the BBMP to equip them in handling the responsibilities entrusted to them, such as providing para-wise remarks to the plaint filed against BBMP.
4.	Personnel related suggestions: a) Increase the sanctioned strength of the Legal Cell, BBMP based on a scientific estimate of the workforce required to perform its functions. b) Appoint a nodal officer to assist drafting para-wise remarks by the BBMP officers.
5.	Improve Data Collection and Feedback Practices: a) Adopt an advanced MIS system for granular data collection regarding cases conducted by BBMP. b) Conduct in-depth assessment of cases where compliance with the government orders has been delayed. c) Devise a feedback loop to evaluate the dispute resolution measures adopted by BBMP.
6.	Grievance Redressal: a) Establish a sound internal grievance redressal mechanism for disputes arising within BBMP.

Revenue Department

While the RD and its subordinate bodies contest several litigations before various courts and tribunals, a consolidated repository of all the cases conducted presently seems unavailable. Hence, for the purpose of this study, we have centered the analysis on the cases that have been contested by the RD in the High Court of Karnataka in the years between 2010 and 2021.

To understand the litigation profile of the RD and the current litigation management practices, this study analyses the details of 7283 cases contested by the RD and its subordinates, including cases filed by the Department and those filed against it or its officers, between 2010 and 2021. This dataset is scraped from the e-Courts website for the Karnataka High Court and includes the cases filed before the Principal Bench, Dharwad Bench and Kalaburagi Bench.

During our study, the following were noted to be the main areas of concern that affect the RD:

1. There is a requirement for improving the data collection mechanism presently adopted by the Revenue Department.
2. There is a need to ensure that data collection is systematic, transparent and efficient.
3. Proper recording and regular updating of case data is necessary for monitoring and supervising the movement of litigation that affects the Department.
4. There is a need for capacity building with respect to the manner in which the data collection of cases that concern the RD is undertaken.

Based on our study, the following are the summary recommendations and action points:

S. No.	Actionable Points for Revenue Department
1.	Improve Data Collection and Feedback Practices: a) Adopting sound data infrastructure to assist the conduct of cases b) Identifying the trends in pendency of cases c) Adopting a feedback channel for the conduct of cases d) Alternatively, the LIMBS portal used by the Central Government may be customised for the State of Karnataka and adopted by the Revenue Department as an alternative data management system.
2.	Effective Usage of Alternative Dispute Resolution Mechanisms: a) Issue directives identifying the case categories where the resolution through ADR methods should be desirable. b) Issue directives to encourage the adoption of ODR methods for resolution of select categories of disputes. c) Issue guidelines to iron out the internal processes for referring a dispute for resolution outside the traditional court system. d) Adopt multiple layered ADR/ODR framework for expeditious and efficient resolution of disputes. e) Appoint specialists in the field of risk assessment for the litigation, devising dispute resolution strategies and conducting Alternative Dispute Resolution processes (such as advocates who specialise in arbitration). f) Install a process for the selection of ADR and ODR service providers based on specific criteria to resolve disputes involving BBMP as a party.

	g) Devise an annual assessment scheme to evaluate ADR and ODR service providers based on transparent criteria to ensure the quality of dispute resolution services provided by them.
3.	Grievance Redressal: a) Establish a sound internal grievance redressal mechanism for disputes arising within the Revenue Department

Our study revealed that there are several gaps that exist between the rules of conduct of litigation that are present on paper in various regulations and policy documents, and the actual practice of conduct of litigation by the BBMP and the RD. While these agencies have adopted several ad-hoc mechanisms to ensure adequate handling of cases, there is much benefit to be gained by adopting a more systematic and deliberate approach to the conduct of litigation. To this end, the recommendations made in this report aim to present a long-term sustainable solution to address the concerns regarding the conduct of litigation by BBMP and the Revenue Department.

Introduction

Pendency is a long-standing issue in the Indian judiciary. Various sources suggest that litigation involving the 'government' accounts for roughly 46% of this pendency.¹ While how this figure has been arrived at remains ambiguous, it is widely accepted that the government, in its myriad shapes and forms, is the largest litigant before the judiciary.²

According to the Legal Information Management and Briefing System or LIMBS, there are 8.43 lac cases including 5.70 lac live/pending cases entered by 57 Ministries and Departments under the Union Government, as reported till June 2022.³ Given that LIMBS does not cover all kinds of government bodies and departments at the state and the central level, the data depicted is an extremely conservative estimate of pending government litigation. At present, therefore, no accurate, reliable data is available on the exact number of litigations involving the government and how it is increasing year on year. However, what is unambiguous is that the volume of government litigation is large enough for it to not remain a concern of just the department/ ministry involved in the dispute or even the overburdened judiciary. Government litigation is now a matter of public concern. The direct and indirect costs to the public exchequer, and the impact on an ordinary citizen's right to access courts has made 'government litigation' one of the most pressing problems in need of immediate solutions.

Between 2015 and 2020 alone, the Union Government spent more than Rupees Two Hundred and Seventy Crores (Rs. 2,70,05,45,000) as the fee for legal officers, government advocates in the Supreme Court, various High Courts and the courts subordinate thereto.⁴ In the eleven years, between 2009 to 2020, there has been an approximately 260 per cent increase in the expense incurred on legal counsels and advisers by the Union Government.⁵

In addition to this expense, long pendency for the litigations involving key government projects results in inflating the cost for such projects which in turn puts burden on the public exchequer. Further, the judiciary in India is currently reeling under a pendency of over 1.5 crores civil cases.⁶ With the bulk of

¹ Sriram Gupta and others, 'Government Litigation - An introduction' (Vidhi Centre for Legal Policy, 2018) <<https://vidhilegalpolicy.in/research/2018-2-16-wbjjj7oyo5weitshift69rmzedy5t8/>> accessed 8 July 2022

² Law Commission of India, 'Reforms in the Judiciary - Some Suggestions' (Law Com No 230, 2009) para 1.25; *Dilbagh Rai Jarry v Union of India* (1974) 3 SCC 554

³ Department of Legal Affairs, 'Legal Information Management & Briefing System (LIMBS)' <<https://limbs.gov.in/limbs/>> accessed 2 June 2022

⁴ Rajya Sabha, 'Demands for Grants (2020-2021) of the Ministry of Law and Justice' (101st Report, 2020) para 4.23 <https://rajyasabha.nic.in/rsnew/Committee_site/Committee_File/ReportFile/18/125/101_2020_3_13.pdf> accessed 6 June 2022; See Rajya Sabha, Unstarred Question No 707 (18 February 2019) <<https://pqars.nic.in/annex/248/Au707.docx>> accessed 3 June 2022

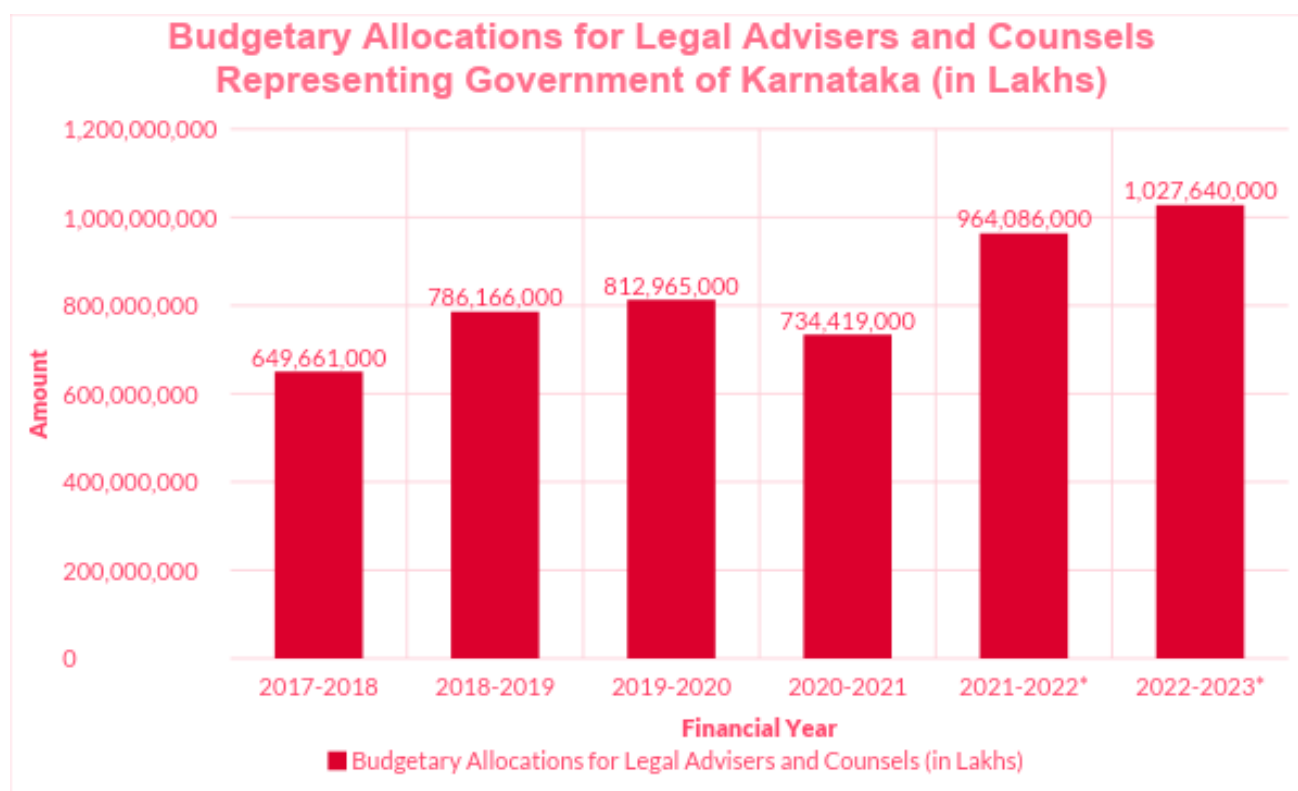
⁵ Rajya Sabha, 'Demands for Grants (2020-2021) of the Ministry of Law and Justice' (101st Report, 2020) para 4.24 <https://rajyasabha.nic.in/rsnew/Committee_site/Committee_File/ReportFile/18/125/101_2020_3_13.pdf> accessed 6 June 2022.

⁶ Sumedha, 'Explained - The clogged state of Indian Judiciary' (The Hindu, 10 May 2022) <<https://www.thehindu.com/news/national/indian-judiciary-pendency-data-courts-statistics-explain-judges-ramana-chief-justiceundertrials/article65378182.ece>> accessed 7 July 2022

the cases being attributable to the government, judiciary is rendered incapacitated to entertain ordinary civil disputes. Therefore, tackling government litigation is in the interests of the government, the judiciary and the citizens.

Government Litigation in Karnataka

The impact of government litigation in Karnataka is the same as the rest of the country. The issue of data deficiency with respect to the number of litigations involving the government and individual departments is particularly concerning. This lack of hard-hitting data forms the crux of why burgeoning government litigation is not taken seriously since what is not measured, cannot be addressed. However, there are ancillary indicators of increasing litigation involving governments and the costs associated with it. For instance, the Karnataka budget sheds light on the expenses incurred by the government on litigation and legal services. As per the budget, the amount spent by the state government on legal services has increased significantly in recent years.⁷

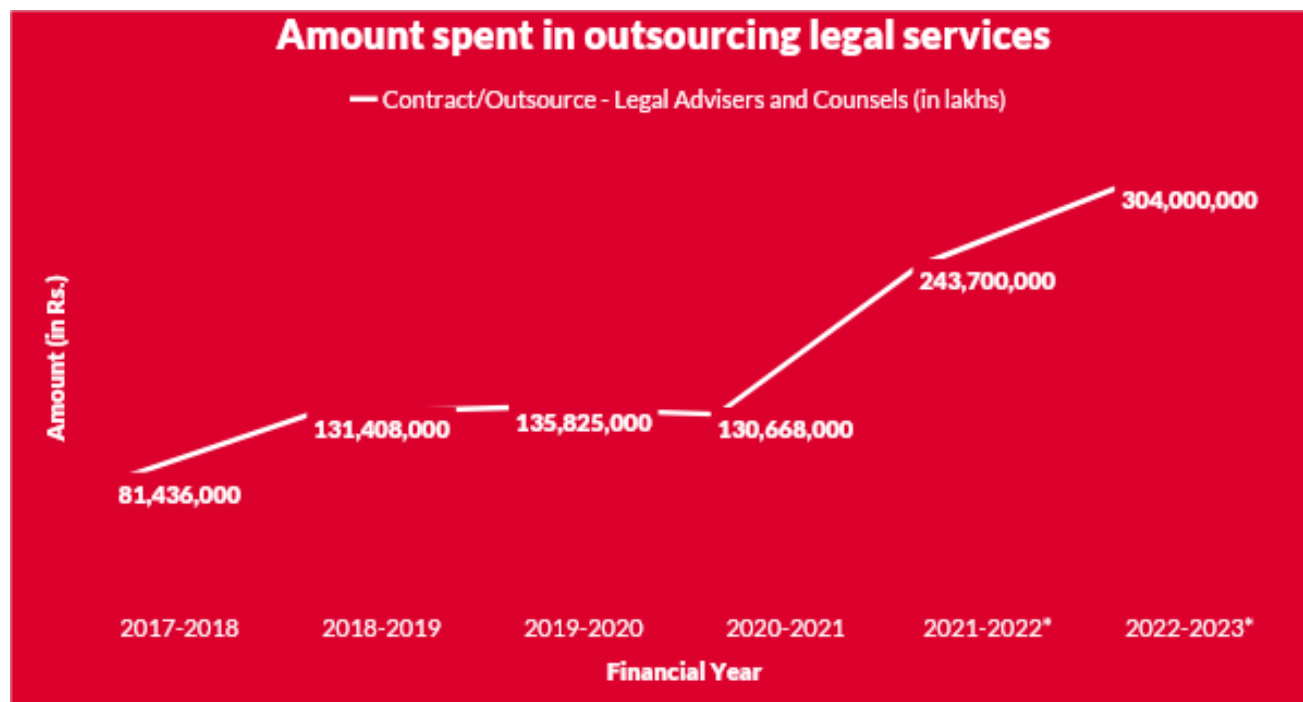


*Budget Estimates

The graph above highlights the increase in the Karnataka Government's budgetary allocation for legal advisors and counsels from Rs. 64.96 Crores in 2017 to Rs. 102.76 Crores in 2022. A deeper look into

⁷ 'Detailed Budget Estimate of Expenditure - Demand-wise for Year 2022-23' (Government of Karnataka, 2022) <<https://finance.karnataka.gov.in/storage/pdf-files/VOLUME-1.pdf>> accessed 7 July 2022; 'Detailed Budget Estimate of Expenditure - Demand-wise for Year 2021-22' (Government of Karnataka, 2021) <<https://finance.karnataka.gov.in/storage/pdf-files/07-Volume-01-2021-22.pdf>> accessed 7 July 2022; 'Detailed Budget Estimate of Expenditure - Demand-wise for Year 2020-21' (Government of Karnataka, 2020) <<https://finance.karnataka.gov.in/storage/pdf-files/2020%202021%20Budget/03-EXPVOL-01.pdf>> accessed 7 July 2022; 'Detailed Budget Estimate of Expenditure - Demand-wise for Year 2019-20' (Government of Karnataka, 2019) <<https://finance.karnataka.gov.in/storage/pdf-files/2019-20%20Exp-%20Volume-1.pdf>> accessed 7 July 2022

the budget highlights that the expense for outsourcing the legal advisory and counselling work has increased by 231.35 per cent in the last five years.⁸ On the other hand, during the same duration, the expenses on the staff and officers providing legal services has remained the same. These figures display a trend towards increased reliance on contractual arrangements with lawyers for legal service in Karnataka. Such arrangements are often ad-hoc and based on the need of specific departments and government bodies.⁹



*Budget Estimates

The above data indicates that the Government of Karnataka, in its own financial interest, needs to pay attention to the nature of disputes the various departments under it are involved in and how they are being managed.

However, it is understood that a government in-charge of a fairly large state, performing a complex set of functions and implementing projects worth thousands of crores, is bound to be embroiled in litigation. The goal here, therefore, is not to eliminate all disputes involving all forms of government in the state. At the same time, necessary measures can and should be taken to reduce the incidence of disputes themselves and the conversion of disputes into litigations before the courts. Further, efficient and effective dispute management is an essential component of any well-functioning system, be it the government or a private corporation. It is towards these objectives that the present study, under the aegis of Karnataka Administrative Reforms Commission-II, has been undertaken to study two of the

⁸ Government of Karnataka, 'Detailed Budget Estimates of Expenditure- Demand-wise for the Year 2022 - 23' (Volume 1, 2022) <<https://finance.karnataka.gov.in/storage/pdf-files/VOLUME-1.pdf>> accessed 3 June 2022

⁹ Consultation with officer at Revenue Department, Government of Karnataka (12 April 2022)

most litigious departments in Karnataka¹⁰ - Urban Development Department and Revenue Department.

Past attempts at tackling Government Litigation

The administrative indifference towards litigation involving the government has been a long-drawn concern in India. In 1977, the Supreme Court of India, in its judgment in *State of Punjab v Geeta Iron and Brass Works*¹¹ raised concerns regarding this '*gross indifference of administration towards litigative diligence*.' The court observed that the government must be made accountable by Parliamentary social audit for wasteful litigative expenditure. In absence of such social audit, wasteful expenditure on long pending litigation continues to be a norm. As noted by the Law Commission of India in its 126th report, most government offices in India have conducted their litigations in a callous and indifferent fashion.¹² The Commission further noted that often cases are filed and defended by government officers with the sole purpose of avoiding taking an affirmative policy action.¹³ While there are disaggregated sources aimed at understanding and addressing burgeoning government litigation, the Law Commission through their reports have driven the primary conversation in this direction. The table below highlights some of the key recommendations by the Law Commission regarding government litigation.

Year	Law Commission Report
1973	54th Report on The Code of Civil Procedure, 1908 The report noted that litigation between the Government and citizens can be avoided if the Government makes positive attempts towards settlement . It recommended insertion of provisions in the Code of Civil Procedure to impress upon the government to adopt a settlement approach in litigations.
1984	100th Report on Litigation by and against the Government: Some Recommendations for Reform The report suggested establishment of an office of Litigation Ombudsman to whom a prospective litigant may resort to for redressal of grievances. This office was recommended to address the cases of maladministration and check the influx of cases into the judiciary. ¹⁴

¹⁰ Consultation with Secretary, Revenue Department, Government of Karnataka (12 April 2022)

¹¹ *State of Punjab v M/s Geeta Iron and Brass Works Ltd* AIR 1978 SC 1608

¹² Law Commission of India, 'Government and Public Sector Undertaking Litigation Policy and Strategies' (Law Com No 126, 1988) para 2.1 <<https://lawcommissionofindia.nic.in/101-169/Report126.pdf>> accessed 6 June 2022

¹³ Law Commission of India, 'Government and Public Sector Undertaking Litigation Policy and Strategies' (Law Com No 126, 1988) para 2.1 <<https://lawcommissionofindia.nic.in/101-169/Report126.pdf>> accessed 6 June 2022

¹⁴ Law Commission of India, 'Litigation by and against the Government: Some Recommendations for Reform' (Law Com No 100, 1984) para 3.2 <<https://lawcommissionofindia.nic.in/51-100/Report100.pdf>> accessed 6 June 2022

1988	126th Report on Government and Public Sector Undertaking Litigation Policy and Strategies The report recommended adoption of arbitration to address the influx of litigation involving government departments and Public Sector Undertakings. The report also suggested creation of a central body to oversee the litigation practices of government departments and Public Sector Undertakings and suggest measures to reduce government litigation.
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Parallely, efforts were made by the Union and State governments to address the need for a dedicated policy to handle burgeoning government litigation. Even as early as 1957, a Conference of Law Ministers devised a dedicated policy to address this concern and recommended incentivising settlements and establishing an office of legal experts to guide government litigation.¹⁵ Subsequently, another attempt at the National Litigation Policy was made in 1972 in a similar Conference of Law Ministers.¹⁶ The latest iteration of National Litigation Policy was launched in 2010 with an aim to transform the government into an efficient and responsible litigant.¹⁷ The policy suggested creating an accountability system for conducting government litigation through Nodal Officers at each government department and the creation of Empowered Committees to monitor the implementation of the policy.

In the recent past, the Union Government has also made attempts to incorporate technology to oversee the conduct of government litigation. In 2016, the Union Government introduced a web-platform named 'Legal Information Management and Briefing System' (LIMBS), designed to monitor and regulate the litigation concerning the government agencies and departments under it.

Unfortunately, however, neither the Law Commission reports nor the litigation policies have so far resulted in any significant reduction in government litigation.¹⁸

Developments in Karnataka

At the state government level, the drive towards a robust litigation policy was initiated by the 13th Finance Commission. The Commission recommended specific grants for the improvement of justice delivery in the country and under its guideline for the release of the grants, asked the state

¹⁵ *Mundrika Prasad Singh v State of Bihar* (1979) 4 SCC 701

¹⁶ *Punjab State Power Corporation v Atma Singh Grewal* (2014) 13 SCC 666

¹⁷ Lok Sabha, 'Unstarred Question No 2025' (5 August 2018) <<https://eparlib.nic.in/bitstream/123456789/591041/1/94683.pdf>>

¹⁸ Sriram Gupta and others, 'Government Litigation - An introduction' (Vidhi Centre for Legal Policy, 2018) <<https://vidhilegalpolicy.in/research/2018-2-16-wbjjj7oyo5weitshift69rmzedy5t8/>> accessed 8 July 2022

governments to devise a State Litigation Policy.¹⁹ As per the guidelines, such a policy should review the existing cases and withdraw frivolous cases along with creating norms for defending litigations and filing appeals.²⁰

Pursuant to this condition, the state of Karnataka developed the Karnataka Litigation Policy, 2011 aimed to tackle the problem of government litigation in the state. The policy aimed to transform the Karnataka state government into an efficient and a responsible litigant by identifying bottlenecks, removing unnecessary government cases and achieving prioritisation in litigation. However, the implementation of the policy fell short of its promise.

In a 2018 study, it was found that this policy was restricted to paper and was not adopted in practice by the state government and its departments.²¹ The study found no visible impact of the litigation policy or reduction of government litigation in the state since the adoption of the policy.²²

The Karnataka state government noted these findings and in 2020 revised and reformulated the government litigation policy of the state.²³ The Karnataka State Dispute Resolution Policy, 2020 reformulated the policy goals to focus on prevention, management and resolution of disputes while encouraging the use of technology, risk evaluation strategies and Alternative Dispute Resolution methods to reduce the litigation burden of the state government.²⁴

However, a one-size fits all policy for all litigations concerning the government fails to account for unique disputes and administrative issues concerning each department within the government.²⁵ While promoting settlement can assist in reducing the pendency in money-due cases related to the government, the same might not be as successful in the cases related to land grabbing. Hence, an understanding of the caseload, administrative lacunae, and other concerns related to internal processes is required to address the burgeoning pendency in relation to specific categories of disputes across different departments. The present report has undertaken this extensive exercise with respect to two departments - the Urban Development Department ('UDD') and the Revenue Department ('RD') of the Government of Karnataka. This report provides curated policy recommendations for the UDD and the RD to reduce their case burden and efficiently conduct their litigation. The suggestions are also aimed at promoting efficiency and responsibility among lawyers and legal officers managing and representing the UDD and the RD before various fora of law.

¹⁹ Ministry of Finance, 'Guidelines for release and utilisation of Grant-in-aid for Improvement in Justice Delivery as recommended by the Thirteenth Finance Commission (FC-XIII)' (No 32(30) FCD/2010, 20 September 2010) <<https://dea.gov.in/sites/default/files/Guidelines%20for%20Improvement%20in%20Justice%20Delivery.pdf>> accessed 15 June 2022

²⁰ *ibid*

²¹ National Law School India University, 'Impact Assessment of the Karnataka Litigation Policy and Karnataka Sakala Services Act 2011 in reducing Government Litigation in the State of Karnataka' (Ministry of Law and Justice, Government of India, 2018) 724

²² *ibid*

²³ Karnataka State Dispute Resolution Policy 2021, para 6.2

²⁴ Karnataka Dispute Resolution Policy 2020

²⁵ Deepika Kinhal and Alok Prasanna Kumar, 'A Study of Karnataka High Court's Writ Jurisdiction' (Vidhi Centre for Legal Policy, 2018) <<https://vidhilegalpolicy.in/research/a-study-of-karnataka-high-courts-writ-jurisdiction/>> accessed 8 July 2022; Deepika Kinhal, 'Tackling Government Litigation' (The Hindu, 13 January 2018) <<https://www.thehindu.com/opinion/op-ed/tackling-government-litigation/article22444640.ece>> accessed 8 July 2022

PART I

BRUHAT BENGALURU
MAHANAGARA PALIKE

Methodology of the present study

Focus on the BBMP

The UDD in Karnataka looks after all the urban development needs of the state, from municipal administration, urban transport, water supply, and sewerage to the development of smart cities. In the course of performing these functions, the UDD and its subordinate bodies encounter several disputes, including those concerning commercial institutions, the general public as well as disputes within the department.²⁶ These disputes often end up as litigations before the judiciary, resulting in an immense burden on the department as well as the judiciary.

While the UDD and its subordinate bodies contest several litigations before various courts and tribunals, a consolidated repository of all the cases conducted presently seems unavailable. Hence, for the purpose of this study, we have centred the analysis on the cases contested by the Bruhat Bengaluru Mahanagara Palike (BBMP), one of the most prominent municipal bodies functioning under the aegis of the UDD.

BBMP is one of the biggest subordinate bodies under the UDD and is responsible for the governance of the Greater Bengaluru Region. It is entrusted with general governance functions and overall development of the city, which includes, zoning and building regulations, health, hygiene, licensing, trade and education, as well as the quality of life issues such as public open space, water bodies, parks and greenery.²⁷ In the course of performing these functions and responsibilities, the municipal body invariably becomes a part of a multitude of disputes, most of which end up as litigations. These disputes range from those concerning general administration to those related to commercial contracts entered by the BBMP.

Case-data Analysis

To understand the litigation profile of BBMP and the current litigation management practices, this study analyses the details of **8374 cases contested by BBMP, including cases filed by BBMP and those filed against it, between 4 April 2018 till 17 July 2022**. This database includes the details of pending cases involving BBMP as of 4 April 2018 and the cases filed since that date. These cases concerning BBMP include details of 7588 pending cases and 786 disposed of cases from different courts and tribunals across the country.

Time period for the cases in the database	Cases contested by BBMP (including the cases filed by and against BBMP) between 4 April 2018 and 17 July 2022
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²⁶ Government of Karnataka, "Departments" <<https://karnataka.gov.in/department/en>> accessed 24 July 2022

²⁷ "History of BBMP" (Bruhat Bengaluru Mahanagara Palike) <<https://site.bbmp.gov.in/historyofbbmp.html>> accessed 24 July 2022

Total number of cases analysed	8374 cases
Number of pending cases	7588 cases
Number of disposed of cases	786 cases

The database, among other details, provides the following information about the cases-

- a. Case type
- b. Court or tribunals in which the case is pending
- c. Date of filing
- d. Category of cases
- e. The zone under BBMP from where the case originated
- f. Disposal date (if the case has been disposed of)
- g. Name of the Advocate representing BBMP

The detailed database for these cases was offered by the Legal Cell, BBMP for the purposes of this study. The details of these cases have been used to analyse the trends and issues in the conduct of government litigation by the BBMP.

Consultations

To inform the observations obtained from the case data analysis, the authors have also conducted interviews and consultations with key stakeholders. The objective of these consultations was to understand the process for the conduct of litigation by BBMP and the UDD along with identifying the issues faced by each stakeholder in the process. The stakeholders consulted for this study include

- a. Under Secretary, Urban Development Department
- b. Joint Commissioner, West, BBMP
- c. Head, Legal Cell, BBMP
- d. Special Commissioner (Welfare), BBMP
- e. Empanelled Advocates, Government of Karnataka
- f. Legal Officers, Legal Cell, BBMP
- g. Empanelled Advocates, BBMP

These consultations were conducted between December 2021 to June 2022. It assisted us in identifying key legal, administrative and operational issues faced at multiple stages across a variety of stakeholders while conducting litigations.

Overview: BBMP Litigation

The Legal Cell, BBMP is entrusted with the function of conducting litigation on behalf of the municipal body. In order to identify the potential issues faced by the Legal Cell in discharging its functions, a granular mapping of the functions, roles and responsibilities in the Cell is critical. Towards this, the present chapter first provides a description of the organisational hierarchy in the Legal Cell and the various responsibilities of each officer within this hierarchy. Thereafter, the chapter contains an overview of the process and workflow guiding the conduct of litigation as provided for under the [Karnataka Conduct of Government Litigation Rules, 1985](#), which governs the BBMP's approach towards litigation.

The BBMP Legal Cell is expected to act as an expert advisory body and a coordinating office in matters involving the BBMP as a party to litigation. Its functions include:

- The Legal Cell is responsible for taking cognisance of all legal matters that affect the agency.
- When any case is filed against the BBMP in any forum, the Legal Cell is required to allocate a lawyer to that particular case upon it being brought to its notice.
- Upon allocation of a case to a lawyer, the case details are to be entered into the 'master book', which is a record of cases being handled by the agency and the same details should also be entered into a computerised database.
- The Legal Cell is expected to coordinate with the relevant department against whom the case is filed and with the lawyer allocated for the same to ensure that there is an adequate capturing of all the factual matters related to the case to bring the allocated lawyer upto speed about the matter.
- The Legal Cell along with the allocated lawyer is expected to prepare a reply to the matter and file it in the appropriate forum in which the matter has arisen.

Upon filing of the reply, the relevant department with the Legal Cell will take action based on the department's response. In litigation cases against the BBMP, the Legal Cell is expected to rebut the claims made against the agency as required and provide proof in favour of the BBMP by obtaining the relevant information from the different departments and coordinating with the lawyers.

Apart from this function of coordinating litigation cases, the Legal Cell is also expected to provide legal advice or opinion if any department under the BBMP seeks the same. Upon receiving such a request for advice or opinion, the Cell must collate the information necessary for addressing the request, categorise the various requests received from different departments and create an order of priority for the same and provide sound legal advice or opinion, as required based on the request.

The following are the functions of the various officers who are a part of the BBMP Legal Cell:

Head of Legal Cell

1. The Head of Legal Cell is expected to act on the basis of power of attorney on behalf of the Commissioner of BBMP in cases filed against the BBMP. In effect, the Head of the Legal Cell has the responsibility and authority to determine all questions concerning legal matters that affect the BBMP.
2. When any case is filed against the BBMP in any forum, the Head of Legal Cell is responsible for contacting the relevant department against whom the case is filed. The Head must direct

the department to provide any information that may be sought for the purposes addressing the complaint filed and direct the relevant department to prepare the paragraph-wise remarks, raise any objections and file any evidence with respect to the case along with the empanelled advocate allocated for the case. The Head is required to cross-check the details recorded and documents filed under this for accuracy and consistency.

3. In litigation matters against the BBMP, the Head is required to instruct the relevant department against whom a case is filed to collect and gather all documents that would aid in making a case in favour of the BBMP and he must coordinate the procurement of these documents.
4. When any court order is received, the Head must ensure that the relevant department receives notice of the same and appropriate advice should be given to the relevant department to follow the court order and directions.
5. The Head is also required to instruct his subordinate law officers to draft opinions with respect to matters where the Legal Cell's opinion is sought and the same should be checked by the Head.

Deputy Head of Legal Cell

1. When any department seeks legal suggestions from the Legal Cell, the Deputy Head is responsible for drafting legal opinions. The Deputy Head is then required to share the same with the Head of Legal Cell for their approval and upon approval, should share the same back with the relevant department for them to take action.
2. The Deputy Head of Legal Cell also acts as the First Information Officer of the BBMP and is one of the chief coordinators between the Legal Cell and the various departments under the BBMP.
3. The Deputy Head is also required to perform any duties and functions that may be delegated to them by the Head of Legal Cell of the BBMP.

Assistant Legal Officers

1. The Assistant Legal Officers are responsible for coordination between the various zones of BBMP. They are responsible for handling communication across the various zones and collating any requests for legal advice and opinions sought from the Legal Cell and addressing them as required. These officers are also responsible for drafting legal advice and opinions. The opinions and advice drafted must then be sent to the Head of Legal Cell for approval and then must be forwarded to the relevant zone as required.
2. The Assistant Legal Officers are also responsible for delegating any work to junior law officers and supervising the work of junior law officers.
3. It is the duty of the Assistant Legal Officers to identify legal matters that impact BBMP.

Junior Legal Officers

1. The Junior Legal Officers are responsible for keeping track of the various cases filed by the BBMP and against the BBMP in various fora. They are responsible for providing the various departments of the BBMP with updates regarding the case matters that affect them.
2. The Junior Legal Officers are also responsible for preparing paragraph-wise remarks along with the empanelled advocate. In pursuance of this responsibility, the Junior Legal Officer is required to gather relevant information and documents from the affected department within the BBMP and coordinate with the Legal Cell in handling litigation matters.

Findings from the consultations:

- It became evident in the course of the study that the BBMP Legal Cell required an increase in its current work force strength.
- Positions within the Legal Cell that have significant responsibility, such as Assistant Legal Officers, are currently vacant or understaffed, thus, making the Legal Cell vulnerable to face coordination issues.
- There is a need to increase the total number of positions of Assistant Legal Officers and Junior Legal Officers in the Legal Cell for a more efficient and manageable distribution of work. Presently, the entire Legal Cell consists of 9 officers handling more than 8000 case matters.
- The hiring process presently faces many stalls and should be streamlined. The procedure of appointments should be made more clear and transparent.
- There has been no direct recruitment into the BBMP Legal Cell since 2009.

Apart from the functions captured above, section 3 of the Karnataka Conduct of Government Litigation Rules, 1985 governs the overall procedure to be adhered to while filing cases by or behalf of the Government in Karnataka. The Rules are an overarching regulation that dictate the handling of litigation by Government departments. Section 3 requires that there must be a submission of a detailed report of the facts and circumstances of a case when a government department wants to file the same with the courts.²⁸ It goes on to provide that such a report must contain the history of the case, the facts and circumstances which necessitates the institution of any case, the cause of action and its relevant description, the claim being made, evidence, pertinent documents etc.²⁹

The process of filing a case and handling litigation matters as required under the Karnataka Conduct of Government Litigation Rules is captured elaborately in the flowchart below that accounts for the scenarios that a Legal Cell and a Litigation Conducting Officer need to take into consideration in the process of addressing litigation matters. While this process is captured in the Rules, they are not adopted by government departments in practice. The BBMP has adopted a more ad-hoc process flow to handle litigation matters. In light of this, the Karnataka Conduct of Government Litigation Rules, 1985 stands as an outdated legislation that needs to reconsider the present state of affairs with respect to government litigation. Departments seem to have adopted their own ad-hoc individualised mechanisms for litigation with consideration to their personnel capacity.

²⁸ Rule 3(3), Karnataka Conduct of Government Litigation Rules, 1985

²⁹ Rule 3(4), Karnataka Conduct of Government Litigation Rules, 1985

Fig 1. The process flow for filing a case on behalf of the government, as per s 3, Karnataka Conduct of Government Litigation Rules, 1985

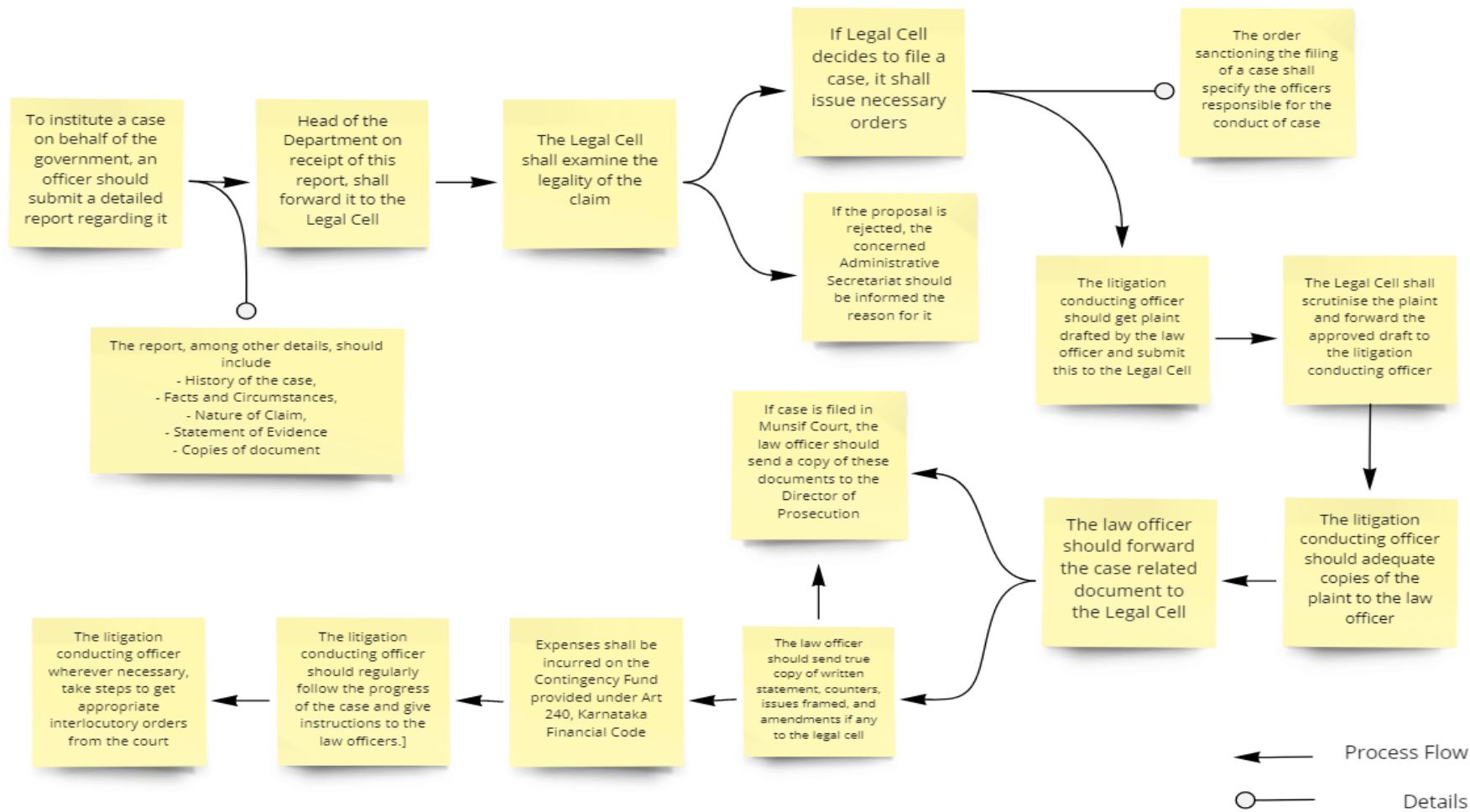
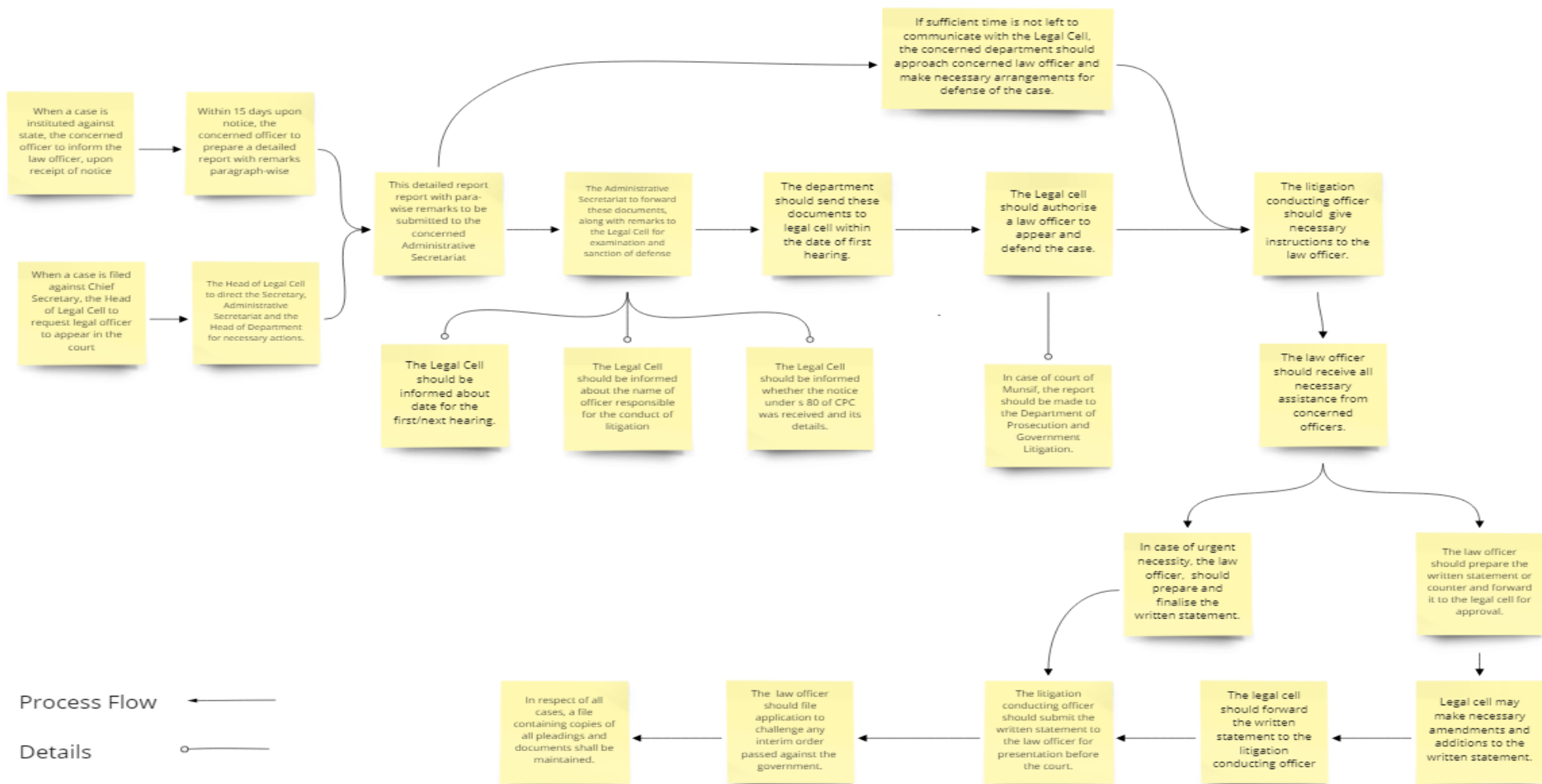


Fig 2. The process flow for cases (other than writ petition) filed against the government as per s 5 of Karnataka Conduct of Litigation Rules, 1985



Case Data Analysis: BBMP

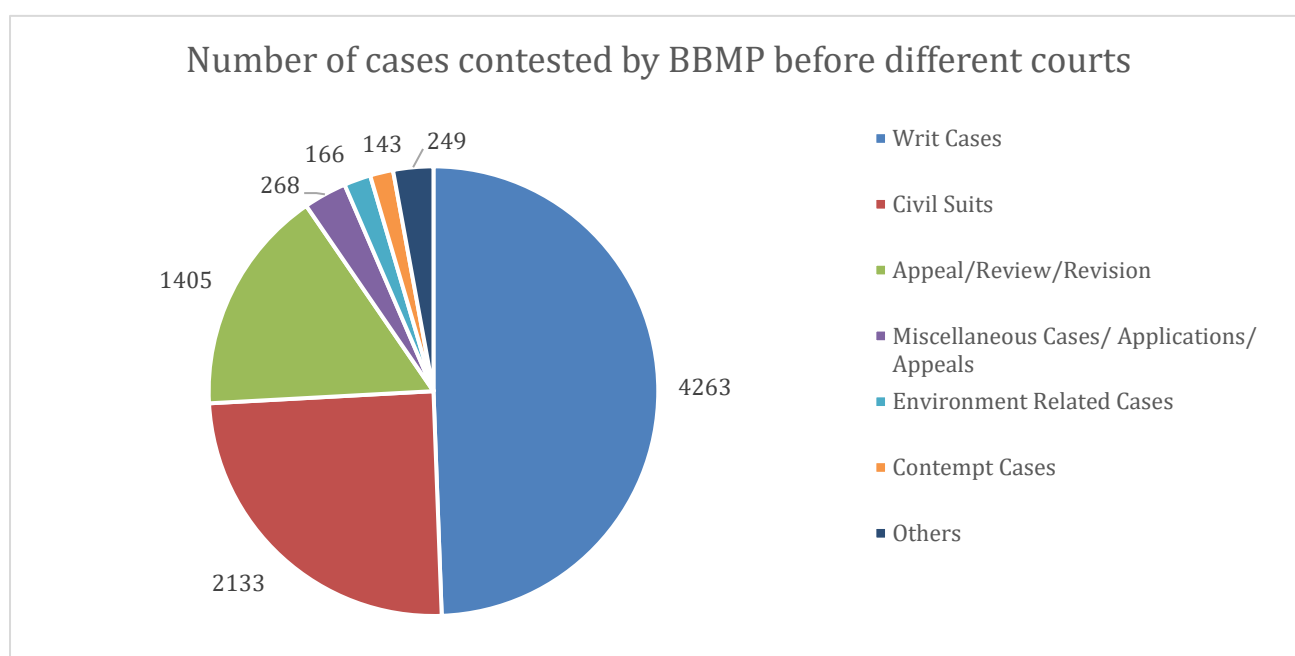
This chapter, through a detailed analysis of case data related to BBMP, identifies the reasons for the increasing pendency and delay in handling government litigation at BBMP as well as UDD. The chapter ends with suggestions aimed at addressing this situation.

Litigation Landscape of BBMP

As a starting point, an overview of the major case types is provided to get a realistic picture of the nature of the caseload on the municipal body.

In the last four years, from 4 April 2018 to 17 July 2022, BBMP was involved in a total of 8474 cases before various courts and tribunals. These cases ranged from writ petitions involving the BBMP to Election Petitions. The pie-chart below categorises cases handled by the BBMP into case types to help evaluate the litigation workload of the municipal body.

Figure 3.1 Cases contested by BBMP between 4 April 2018 to 17 July 2022 categorised by case type.³⁰



The pie-chart above shows that more than half of the litigation (4263 out of 8374 cases) conducted by BBMP in the past four years was related to the writ jurisdiction of the High Court and the Supreme Court. Out of these cases, 4133 Writ Petitions concerning the BBMP were filed before the Karnataka High Court.

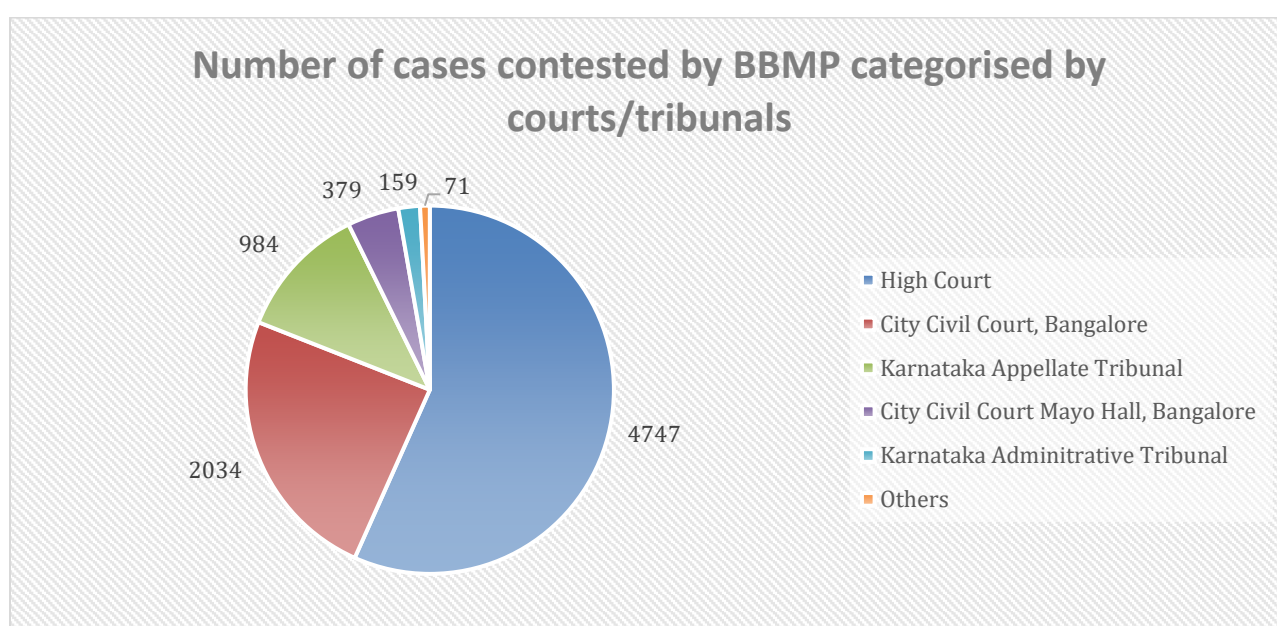
³⁰ For a detailed table highlighting the number of cases concerning each case types, refer to **Annexure A1**

Further, in the past four years, the municipal body has been involved in 1281 Appeal, Revision or Review cases before different courts and tribunals, including the Karnataka High Court and the National Green Tribunal. Such a high volume of appeals indicates prolonged time and cost expenditure on individual cases.

Additionally, the data substantiates the perception of a high volume of contempt cases against the BBMP. As per the analysis, BBMP contested 143 contempt cases within the time period analysed; 141 of these cases were civil contempt petitions while 2 cases were related to criminal contempt on part of the BBMP.

Further analysis of this data shows that cases in the High Court constitute the majority of the caseload of BBMP. Out of 8374 cases contested by BBMP in this time period, about 57 per cent of cases (4747 cases including 4263 cases related to writ jurisdiction of the court) were filed before the High Court whereas, 24 per cent of cases contested by the BBMP were filed before the City Civil Court, Bengaluru.

Figure 3.2 Cases contested by BBMP between 4 April 2018 to 17 July 2022 categorised by Court or Tribunal³¹



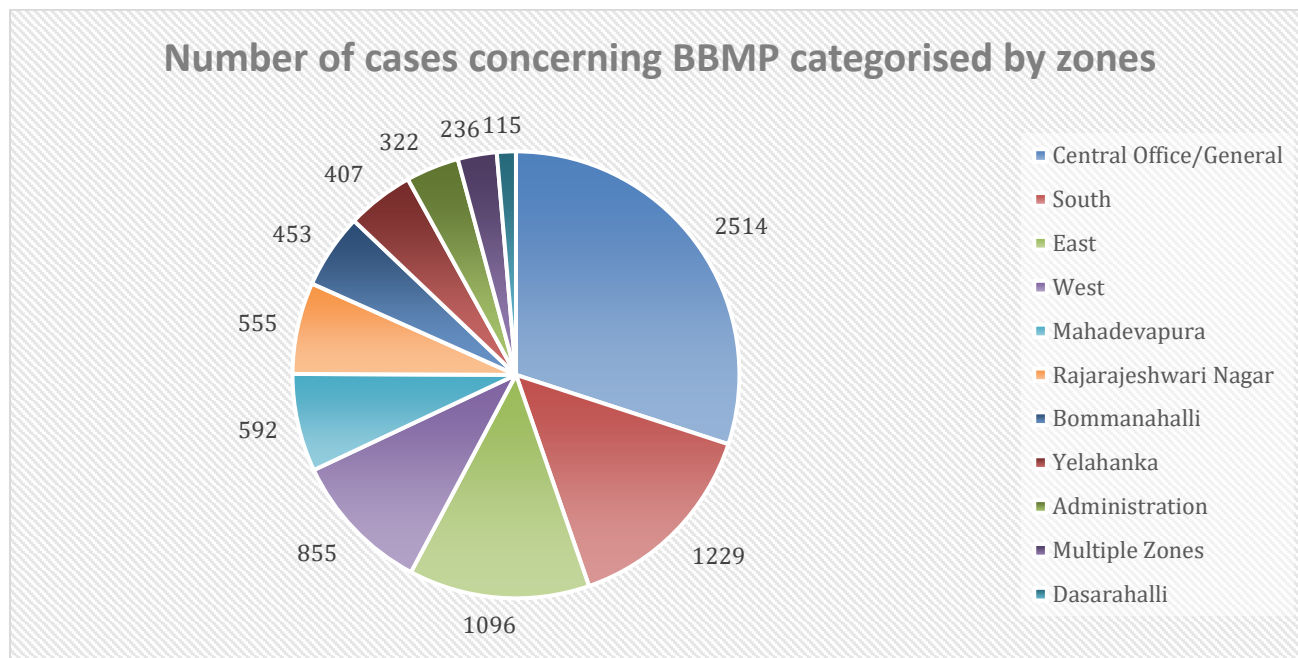
These numbers display a concerning trend of the increasing dependence on the High Court to address the disputes arising out of the BBMP which in turn overburdens the High Court's case docket.

Zone Wise Case Load

³¹ For a detailed list of cases pending before each courts and tribunals, refer to Annexure A2

The area under BBMP is divided into 8 different zones for administrative convenience.³² As per our consultations, the Legal Cell, BBMP also divides the empanelled advocates based on these zones for the efficient conduct of litigation. An analysis of the zone-wise categorisation of the cases contested by the BBMP highlights that the Central Office, South and East zone contribute to a significant caseload for the BBMP.

Figure 3.3 Number of cases contested by BBMP between 4 April 2018 and 17 June 2022 categorised by zones



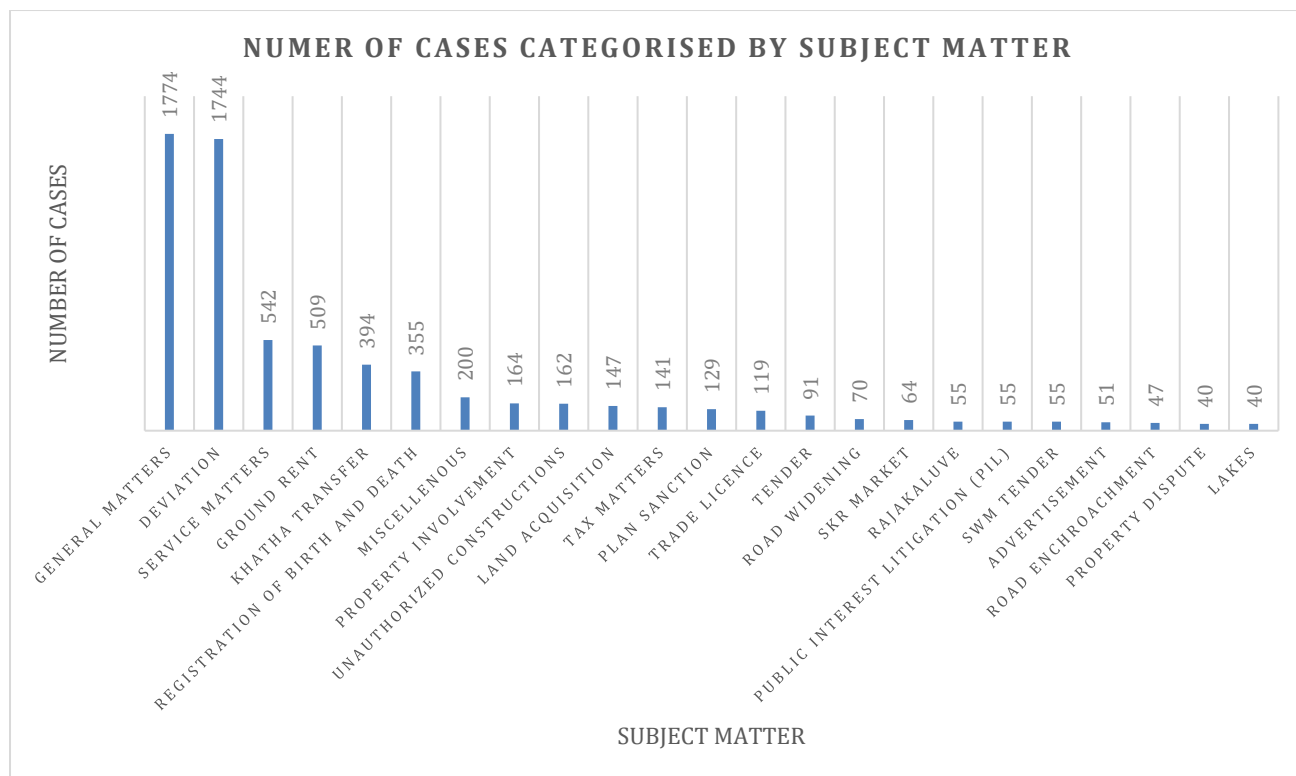
As the BBMP workforce including empanelled advocates are divided between these zones, the municipal body should take into account the existing caseload of each zone while allocating resources and empanelled advocates for dispute resolution.

Category of Cases

The category classification of cases contested by the BBMP highlights the key subject matters of concern and the litigious issues for the municipal body. An analysis of all the cases contested by the BBMP from 4 April 2018 to 17 July 2022 reveals that most of the cases are concerned with a handful of functions performed by the agency.

Figure 3.4 Key case categories for litigations conducted by BBMP

³² Bruhat Bengaluru Mahanagara Palike, 'Details of the Office of the Deputy Commissioner (Revenue)' <<https://dl.bbmgov.in/download/revenue/dcrevho.pdf>> accessed 27 June 2022



At the outset, it is important to note that most of the cases involving BBMP are classified as ‘General Matters’. The lack of granularity in entering subject matter makes it difficult to identify the potential pain points in the conduct of litigation. General Matters with 1774 cases form a bulk of the case burden but the category is not self-explanatory making it difficult to draw inferences from.

The data also identifies ‘deviation’ disputes as one of the most litigious issues for the BBMP. These disputes are related to improper constructions in the city wherein, the construction of a building deviates from a prior sanctioned construction plan.³³ According to a survey conducted by the BBMP, about 85 per cent of the buildings constructed in Bengaluru between January 2020 and June 2021 have violated the sanctioned building construction plans.³⁴ The survey also found that in the southern and western zone of the city, all the newly constructed buildings have violated their respective sanctioned construction plans.³⁵ The unplanned growth of the city results in a multitude of litigations for the municipal body, which in turn compels the BBMP to spend its valuable resources to litigate these instances of building plan violation.

³³ The Bangalore Mahanagara Palike Building Bye-laws 2003, bye-law 6.0

³⁴ DHNS, ‘Put an end to this, once and for all’ (*Deccan Herald*, 9 January 2022) <<https://www.deccanherald.com/opinion/second-edit/put-an-end-to-this-once-and-for-all-1069580.html>> accessed 25 June 2022

³⁵ *ibid.*

To address this concern, the BBMP has initiated a proposal to extend the permitted limit of deviation from the sanctioned construction plan from 5 per cent to 15 per cent for all buildings.³⁶ While this will provide some relaxation to the municipal body in terms of cases filed in the short term, it is not a permanent solution. It is only a matter of time before the present permissible limit is deviated from. Therefore, a more robust mechanism is necessary at the department level to check deviations. Further, the department should design an incentive-based mechanism to get the violators to course correct before taking matters to the court.

Further, the analysis also highlights that a significant number of litigations are related to service matters. The high number of service disputes stemming from the internal functioning of the BBMP is a concerning trend. The municipal body and the UDD should take active steps to mitigate these disputes through a well-functioning internal grievance redressal system. This will ensure that the employees have more accessible remedy while also reducing the burden on the courts.

Unpacking BBMP's case load

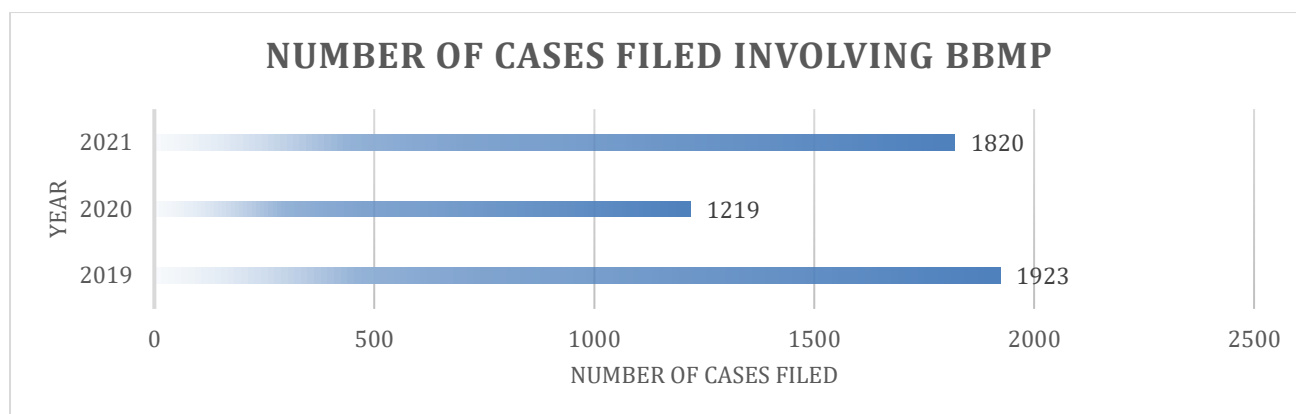
Every year, thousands of disputes involving the BBMP enter various tiers of the judicial system. A detailed analysis of this inflow of disputes is essential to assist the BBMP in allocating resources and workforce and managing the litigations efficiently. To this end, this section attempts to provide an overview of the filing and disposal of cases involving the BBMP before various courts and tribunals.

Year-wise filing of cases

Between 2019 to 2021, on average 1832.67 disputes involving BBMP were filed before different courts and tribunals in India. In other words, **in the last three years, every day about 5.02 cases involving the BBMP entered the judicial system.** Such high ingress of government disputes involving a single municipal body indicates that a robust system is required to mitigate and manage BBMP disputes.

Figure 3.5 Year-wise filing of cases involving BBMP

³⁶ Special Correspondent, 'BBMP proposes to increase building bylaw deviation limit from 5% to 15%' (*The Hindu*, 16 December 2020) <<https://www.thehindu.com/news/cities/bangalore/bbmp-proposes-to-increase-building-bylaw-deviation-limit-from-5-to-15/article33339658.ece>> accessed 25 June 2022

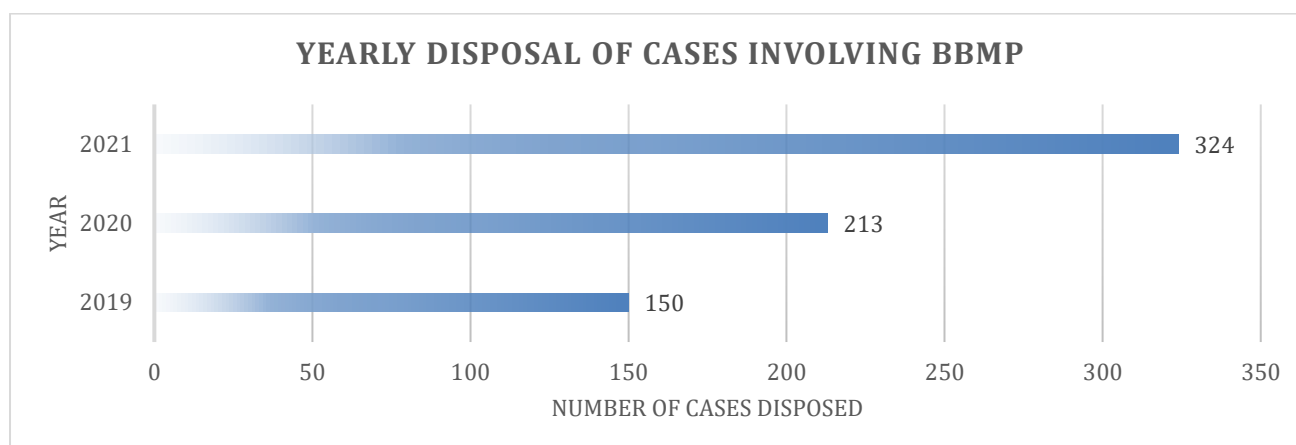


Such incidence of cases on a yearly basis is indicative of critical projects and government initiatives getting delayed due to disputes being stuck in an overburdened judiciary. Therefore, apart from rethinking its litigation management strategies, BBMP and the UDD must invest resources in dispute avoidance³⁷ and dispute mitigation.³⁸

Year-wise disposal of cases

In addition to the high filing number, the trend in disposal numbers explain why the case-load is increasing year on year. Between 2019 and 2021, only 687 cases involving the BBMP were disposed of by courts and tribunals around the country. This constitutes only 12.5 per cent of the cases concerning the BBMP filed during this period. Therefore, even though there is an increase in disposal in absolute numbers, it is still not enough to curtail pendency considering the high number of fresh filings.

Figure 3. 6 Year-wise disposals of cases involving BBMP

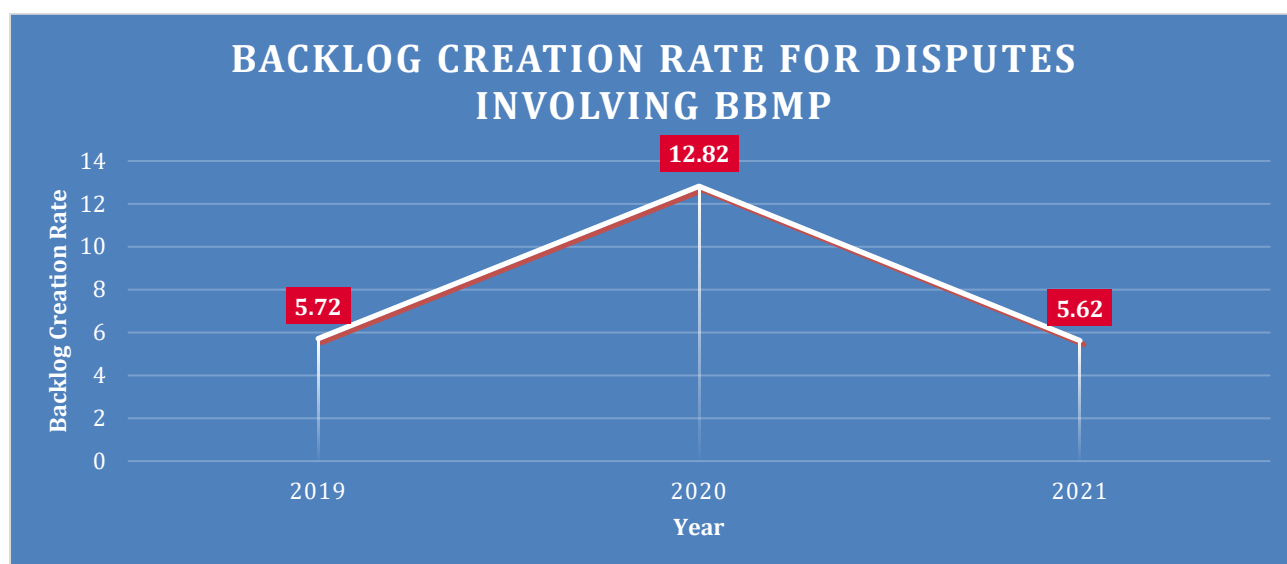


³⁷ Dispute avoidance refers to the measures adopted to prevent disputes from arising in the first place. This includes actions, such as guidelines and trust marks for products and services, undertaken by the government to avoid disputes. See Richard Susskind, *Online Courts and the Future of Justice* (OUP 2019) 111-119.

³⁸ Dispute mitigation refers to measures undertaken to mitigate misunderstandings and concerns before they turn into disputes. See Richard Susskind, *Online Courts and the Future of Justice* (OUP 2019) 111-119.

The comparison between the annual filing numbers and the disposal numbers for the cases related to BBMP indicates a high backlog creation rate (BCR).³⁹ A BCR value below 1 indicates that the judicial system is able to handle the new institutions efficiently, whereas a value higher than 1 indicates the pace at which the backlog of the cases is increasing. Between 2019 and 2021, the backlog creation rate for disputes concerning BBMP remained significantly high from the desired value of 1.

Figure 3.7 Backlog creation rate for disputes involving BBMP



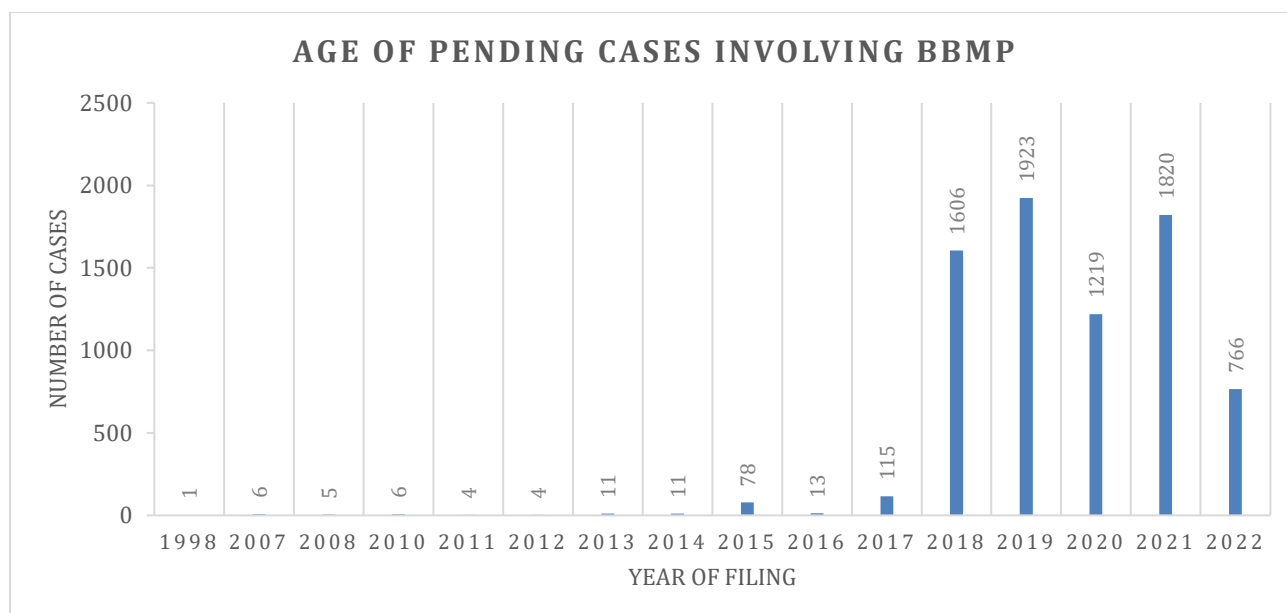
As this backlog increases, the high volume of pending government disputes will not only stress the judicial system but will result in a rise in expenditure and workforce requirement within BBMP.

Age of pending cases

As of 17 July 2022, 7588 cases involving BBMP were pending before different courts and tribunals. While most of the pending cases were filed after 2018, 254 cases involving the BBMP have been pending for 8 years or more. Interestingly, one of the cases involving the BBMP has been pending before the City Civil Court, Bengaluru for 24 years. The graph below displays the pending cases categorised by their year of filing.

Figure 3.8 The pending cases involving BBMP are categorised by the year of filing.

³⁹ Law Commission of India, 'Arrears and Backlog: Creating Additional Judicial (wo)manpower' (Law Com No 245, 2014) 12 "Backlog Creation Rate is the ratio of institution to disposal in any given year. If the ratio is greater than 1, this implies that more cases are being instituted than are being disposed of. If the ratio is less than one, then more cases are being disposed of, than are being instituted. A number less than 1, therefore, indicates that the judicial system is being able to handle new institutions."



Further analysis shows that out of the 7588 pending cases, 3783 (49.86 per cent) cases were filed before 2020. As per Malimath Committee Report, a case pending for more than 2 years is considered to be delayed.⁴⁰ By that definition, nearly half of the caseload of BBMP is at present delayed, signalling the need for all-round reformative measures. As a starting point, the BBMP must prioritise cases which have been pending for more than 5 years. A thorough examination needs to be conducted to identify the reasons for the delay in 265 cases filed before 2018 and then dedicate additional resources, where necessary, to dispose of these litigations.

‘Let the court decide’ remains the norm

As learnt from the consultations with the BBMP officials, the municipal body follows the ‘let the court decide’ principle and contests almost every dispute in the conventional courts as a norm.

Findings from the consultations:

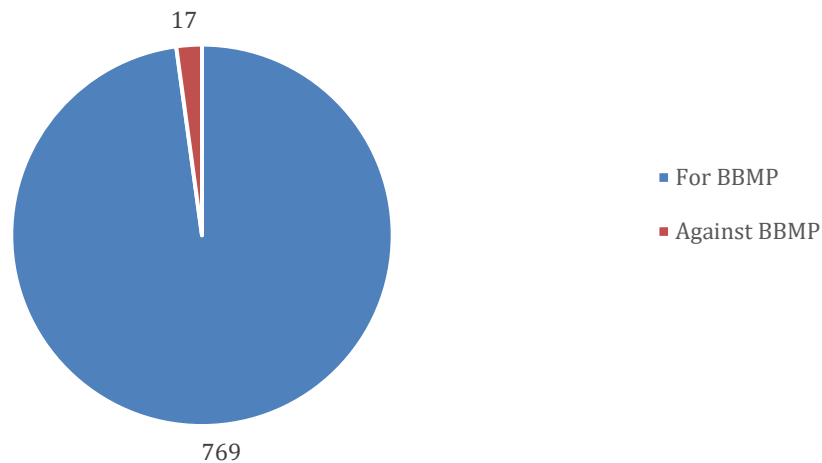
- The Karnataka Dispute Resolution Policy, 2021 is yet to see full adoption in principle and practice in the BBMP’s attitude towards litigation.
- There is a very strong preference for litigation over mediation, arbitration and conciliation.

One of the reasons for such a norm may be the high win rate for the BBMP in litigations conducted by the municipal body. An analysis of the outcome of 786 BBMP-related cases shows that in 769 of these cases, the decision of the court was in favour of the BBMP while only in 17 cases the decision of the court was against the body. This may have resulted in identifying the judiciary as the least risky fora for the BBMP and its officials in managing disputes.

Figure 3.9 Results of BBMP-related litigations

⁴⁰ VS Malimath and others, ‘Report’ (Committee on Reforms of Criminal Justice System, Ministry of Law, Government of India, 2003) 164 <https://www.mha.gov.in/sites/default/files/criminal_justice_system.pdf> accessed 8 July 2022

Results of the litigations related to BBMP



However, focusing only on the win-loss outcomes ignores the direct and indirect costs incurred by the municipal body due to delays in disposals. Therefore, the dispute management strategy needs to be more holistically thought out rather than opting for what appears to be the least risky in the short run. For instance, a holistic framework to identify an optimal dispute management strategy will also account for:

- estimated time for disposal,
- financial repercussions - legal costs, project delay costs, opportunity costs,
- impact of litigation on the department's reputation,
- burden on officials in managing litigation in addition to their core responsibilities.

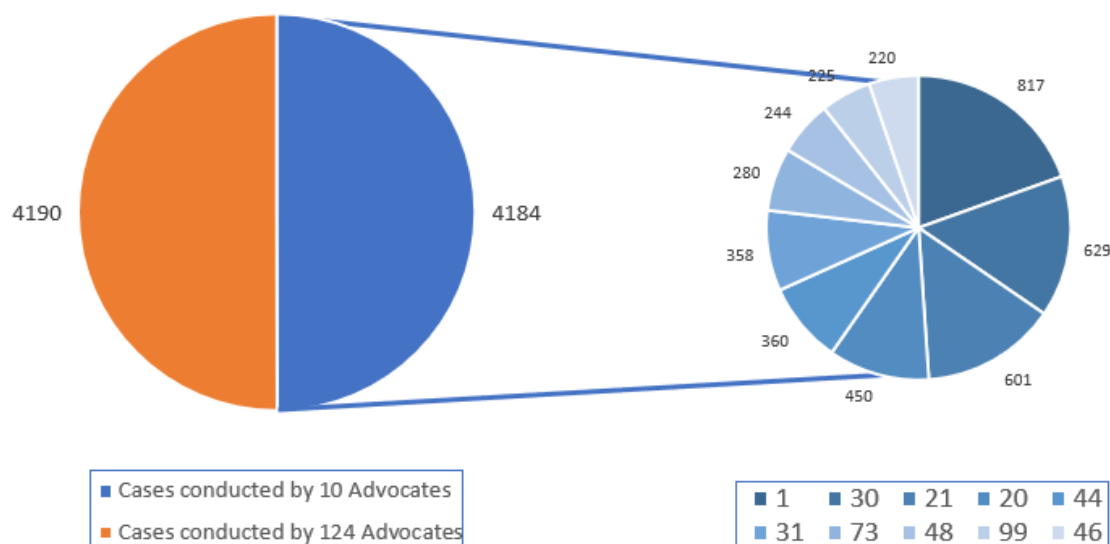
The above shows why the BBMP needs to move away from its current approach determined by historical win-loss percentage alone.

Evaluating the workforce management of BBMP

As per the Court Case Management System developed by the BBMP, the municipal body has empanelled a total of 174 advocates between 4 April 2018 and 17 June 2022 to conduct cases on its behalf. An analysis of 8473 cases contested on behalf of the BBMP in this period highlights the lopsided distribution of caseload in favour of a select few advocates.

Even though 134 advocates were allotted cases in this period, 50 per cent of all the cases contested were allotted to only 10 advocates. On the other hand, in this period, 40 advocates empanelled by the BBMP shared only 1 per cent of the litigation concerning the agency. The graph below highlights the division of cases in the period analysed.

Figure 3.10 Pie Chart 1 (left) represents the distribution of cases among advocates empanelled by the BBMP; pie-chart 2 (right) represents the distribution of cases between the 10 advocates (identified by advocate codes) with most cases.⁴¹



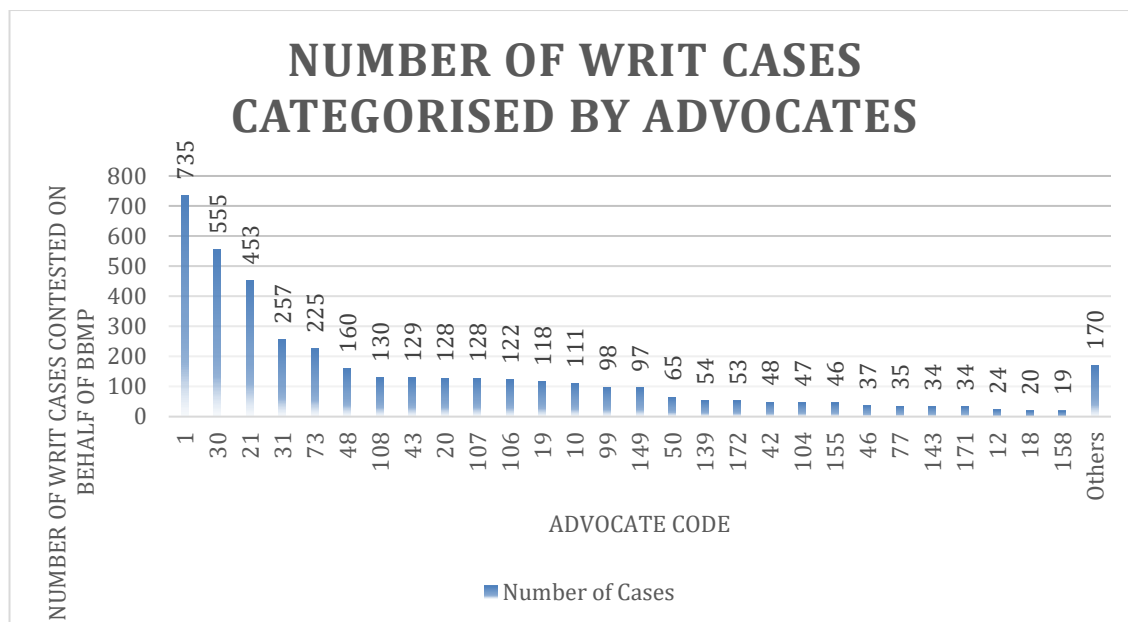
The distribution of cases is even more lopsided for writ petitions before the Karnataka High Court. As discussed earlier, writ cases constitute more than 50 per cent of the total litigation contested by the BBMP. Such a distribution might be a result of the High Court attaching different writ petitions and hearing them as a combined petition. However, even in such cases, the workload on the advocate handling multiple petitions clubbed into one can result in inefficiencies.

Hence, efficient management of this workload is essential for overall workload management. However, the analysis shows that between 4 April 2018 and 17 June 2022, mere five advocates were entrusted with the conduct of 53.8 per cent of the writ petitions involving the BBMP. On the other hand, 53 other advocates represented the BBMP in another 10 per cent of all the writ cases contested during this period.

Figure 3.11 Distribution of Writ Petitions involving BBMP among empanelled advocates⁴²

⁴¹ For detailed list of distribution of writ cases among empanelled advocates, refer to Annexure B1

⁴² For detailed list of distribution of writ cases among empanelled advocates, refer to Annexure B2



Such a lopsided distribution of cases highlights the need to rethink case allocation practices in BBMP. At present, few advocates end up being overburdened accruing lion's share of the expenditure incurred by the BBMP for conducting its litigation.

Findings from the consultations

- Presently, there is no uniform process for appointments of empanelled advocates.
- There are no rules for empanelment of advocates and identifying and maintaining a sanctioned strength of advocates.
- The monitoring of empanelled advocates, their management of cases and other litigation matters leaves much to be desired.

It is recognised that the past performance of the advocates and their competence in certain subject matters plays a role in such lopsided allocation. However, such a heavy case-load on even the best performing advocates may end up breeding inefficiency and delay. Therefore, a more scientific system for allocation of cases among advocates, periodic performance evaluation will help remove inefficiency and delay while improving BBMP's image as a responsible litigant. As a word of caution, it should be noted that advocates' performance should not be judged merely on the final outcomes; equal emphasis should be on the manner in which the litigation was conducted in terms of time and cost efficiencies.

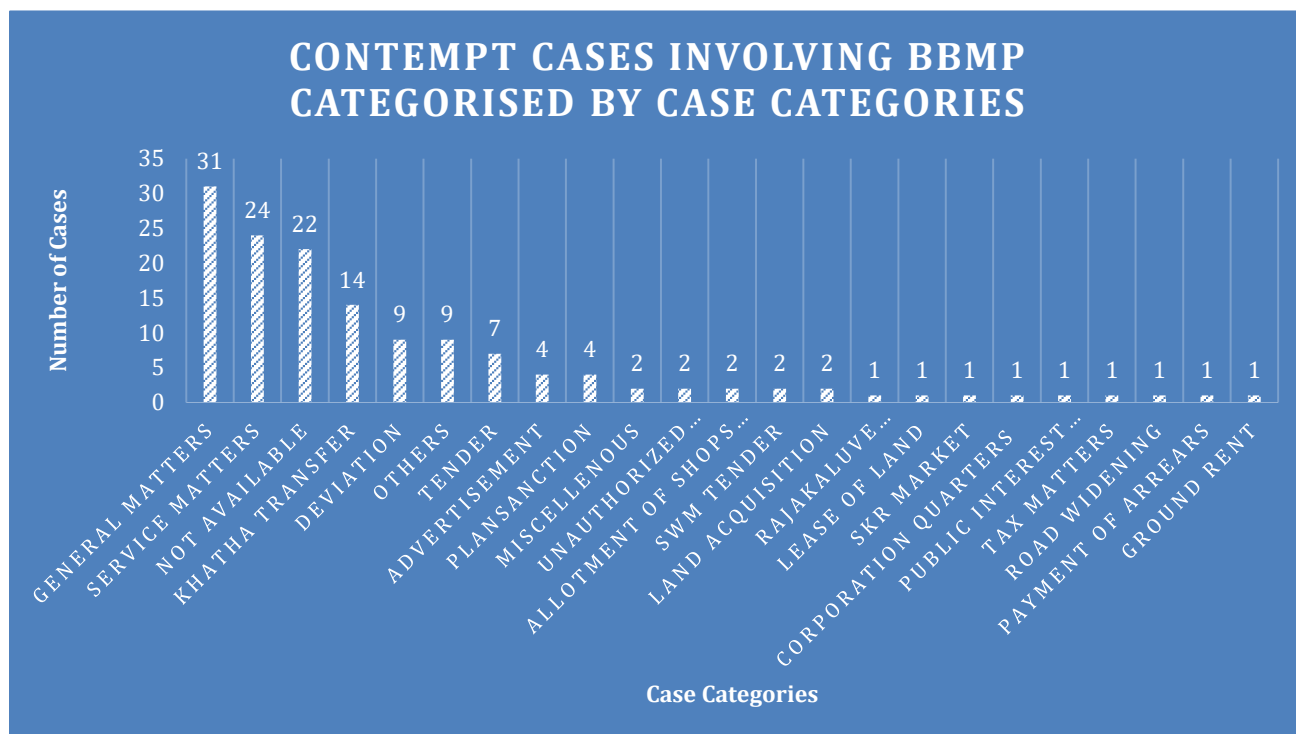
Contempt of Court and BBMP

Between 4 April 2018 and 17 June 2022, BBMP contested 141 civil contempt petitions and 2 criminal contempt cases in the Karnataka High Court. Out of these 143 cases, 104 were still pending before the court as of 17 June 2022. Such a high volume of contempt cases against a single municipal body is a concerning trend. This displays an insincere attitude towards litigation and timely compliance with court orders on part of the BBMP. Further, such an approach goes against the objectives of the

Karnataka State Dispute Resolution Policy 2021 which aims to build responsible, accountable and efficient litigation practices within the state government.⁴³

Further analysis of these cases highlights that a significant portion of contempt cases originates from service matters concerning the BBMP. This points to a concerning trend where the BBMP is failing to execute court orders in a timely manner that aims to resolve service issues and staff grievances.

Figure 3.12 Contempt cases involving BBMP categorised by case categories



The analysis further shows that the cases related to land allotment and construction, including khatha transfer and deviation from the sanctioned building construction plans also constitutes a significant portion of the contempt cases concerning the BBMP.

The lack of timely compliance with the court's order delays justice for the parties involved. It also hampers the reputation of the government office and affects public trust in the justice system. Therefore, it is important that BBMP analyses each of these contempt cases and expedites compliance with court orders. Further, wherever possible, BBMP should, in a transparent manner display the status of all its litigations along with the reasons for delay and reasons for its inability to comply with court orders. Such initiatives will help avoid unfounded allegations against BBMP, help gain public trust and build its reputation as a responsible litigant.

⁴³ Karnataka State Dispute Resolution Policy 2021

Recommendations for the BBMP

The insights from previous chapters have clearly illustrated the need for reforms in the way BBMP currently approaches its disputes and litigations. This chapter looks at what these reforms can be.

First, for ease of understanding, the following are the main themes under which issues and recommendations are being thought about. These are based on the data gathered from the BBMP and consultations with various stakeholders:

1. Scientific resource allocation to increase efficiency:
 - a. There is a requirement for a more equitable distribution of cases amongst the empanelled advocates appointed by the BBMP. As highlighted in the previous chapters of this report, about ten empanelled advocates are responsible for handling about 50% of the cases contested by the BBMP.
 - b. There is a requirement for better coordination between the concerned department and the empanelled advocate for ongoing cases.
2. Harnessing technology to reduce litigation:
 - a. There is a requirement to harness the potential of Alternative Dispute Resolution (ADR) mechanisms and Online Dispute Resolution (ODR) mechanisms to resolve matters that may possibly enter the judicial system, prior to the same.
3. Internal grievance redressal to mitigate disputes:
 - a. An administrative grievance redressal mechanism for BBMP staff is necessary. Such a mechanism is presently not existent in the BBMP.
4. Use of data to inform dispute management strategies:
 - a. While the work and process flow of conduct of litigation states that the BBMP Legal Cell is required to maintain a 'master book' and a computerised database of all cases, presently there is very limited recording and use of such a database.

Based on the issues and points of concern identified, this chapter categorises the recommendations into structural, operational and legal reforms. These reforms are directed to achieve the following objectives:

1. To address the legal vacuum for the conduct of litigation on behalf of BBMP.
2. To optimally supervise the current workforce to manage the conduct of litigation on behalf of BBMP.
3. To recommend measures to increase the capacity within the BBMP to handle their caseload in the upcoming years.
4. To improve the internal grievance redressal mechanism at BBMP.
5. To orient BBMP towards adopting dispute avoidance and dispute mitigation practices.

In addition to these objectives, the chapter also aims to recommend general reforms for the efficient conduct of litigation and minimising delay in litigations involving BBMP.

Legal Reforms

Devising a legal framework for the conduct of cases

A robust legal and regulatory structure within BBMP is crucial to provide a foundation for reforms to address the operational issues concerning the conduct of litigation in BBMP. As highlighted in the chapters above, the Legal Cell at BBMP is currently operating in a legislative vacuum. With no legal structure guiding the conduct of litigation or ensuring optimal allocation of resources, the Cell has been forced to fire-fight on all fronts given the high volume of cases and low capacity.

Further, the conduct of litigation within government departments including BBMP is governed by the Karnataka Conduct of Litigation Rules, 1985. These Rules, however, are antiquated and lack provisions to address the inefficiency in the conduct of litigation.⁴⁴

In the past, attempts have been made to introduce responsible and efficient litigation practices within the government. In 2011, the Karnataka State Litigation Policy was introduced with an objective to make the government a responsible litigant.⁴⁵ However, the policy guidelines to transform the state government's litigation practices remained restricted to paper.⁴⁶ Recently, the state government has altered the state policy and introduced Karnataka State Dispute Resolution Policy 2021 to instil responsibility, accountability and efficiency in the State's approach to the conduct of disputes.⁴⁷ This Policy is still in its infancy since subsequent rules, guidelines, policy directives such as the appointment of nodal officers are yet to be made.⁴⁸

In 2015, the Legal Cell, BBMP drafted a '*Draft Guidelines in the Matter of Appointment and Conditions of Service of Law Officer/s of Bruhat Bengaluru Mahanagara Palike, Bengaluru - 2015*'.⁴⁹ The guidelines were an attempt towards providing legal backing to the appointment and condition of service of the law officers engaged by BBMP and regularising these practices. However, for the last seven years, this initiative has been pending before BBMP for final approval. In the absence of such guidelines, the appointment of lawyers by the BBMP to conduct its litigation is governed by ad-hoc norms and practices. These guidelines should be updated and adopted by the BBMP to have a systematic mechanism for the appointment of empanelled advocates.

As data regarding allocation of cases within BBMP and to the empanelled advocates shows, lack of legal structure and accountability frameworks have led to overburdening of some officers' vis-a-vis the rest. Further, even at the stage of appointment, there appears to be a lack of methodology to assess the number of advocates and officers required for the conduct of cases.⁵⁰ As a result, at all

⁴⁴ National Law School India University, 'Impact Assessment of the Karnataka Litigation Policy and Karnataka Sakala Services Act 2011 in reducing Government Litigation in the State of Karnataka' (2018) para 3.6

⁴⁵ Karnataka State Litigation Policy 2011

⁴⁶ National Law School India University, 'Impact Assessment of the Karnataka Litigation Policy and Karnataka Sakala Services Act 2011 in reducing Government Litigation in the State of Karnataka' (2018)

⁴⁷ Karnataka State Dispute Resolution Policy 2021, para 7.1

⁴⁸ National Law School India University, 'Impact Assessment of the Karnataka Litigation Policy and Karnataka Sakala Services Act 2011 in reducing Government Litigation in the State of Karnataka' (2018) para 3.5

⁴⁹ Document received from Legal Cell, BBMP

⁵⁰ *State of Punjab v Brijeshwar Singh Chahal* (2016) 6 SCC 1

stages- appointment, allocation and evaluation- the lack of legal framework is breeding inefficiency and confusion.⁵¹

Therefore, it is suggested that a legal framework, in form of rules, regulations, or laws, be promulgated and in that, the following aspects must necessarily be covered:

1. Appointment of Advocates

The legal framework for the conduct of litigation on behalf of BBMP should include a section directing the process for the appointment of advocates. This should not only include the minimum eligibility criteria for the appointment of advocates, but shall also lay down a procedure for identifying the fitness and suitability of the advocates to conduct cases on behalf of the BBMP.

2. Payment to the Advocates

During our consultations, the inadequacy of the payment to the advocates for conducting cases was identified as one of the major concerns. The legal framework should address this to ensure the best legal minds are empanelled to conduct cases on behalf of the municipal body*

3. Assessment for the empanelled Advocates

The legal framework should also provide for the assessment of the empanelled advocates. Such an assessment should take into account, among other factors, the pendency of cases conducted by the advocate and the number of the adjournments sought by the advocate. It should also provide an overall assessment of the conduct of cases before the court/tribunal.

4. Internal processes for the conduct of litigation

While the Karnataka Conduct of Litigation Rules, 1985 provides for the internal processes for conduct of cases within government department, in practice these processes are often ignored and disregarded. A legal framework should revisit these processes and identify the responsibilities on the officers for optimal conduct of cases on behalf of BBMP.

5. Translating Karnataka State Dispute Resolution Policy, 2021 into action

The Karnataka Dispute Resolution Policy 2021 has identified the roles and responsibilities of different stakeholders while conducting the litigation on behalf of the government. The policy, among other directives, also requires establishment of data management systems and adopting Alternative Dispute Resolution methods. The legal framework should offer a foundation to adopt these policy recommendations for BBMP.

⁵¹ State of Punjab v Brijeshwar Singh Chahal (2016) 6 SCC 1

* During our consultations, it was made known to us that empanelled advocates are paid a retainer fee of Rs. 15,000 per month and are provided an incentive of Rs. 1000 for final decisions made by the court in favour of the BBMP.

Point of Action

1. Adopt a sound legal framework which provides for
 - a. Appointment of Advocates
 - b. Remuneration and service conditions for the empanelled advocates
 - c. Performance evaluation for the advocates
 - d. Sound internal process to assist the conduct of cases
 - e. Implementing policy recommendations of Karnataka Dispute Resolution Policy, 2021
2. Update and adopt the *Guidelines in the Matter of Appointment and Conditions of Service of Law Officer/s of Bruhat Bengaluru Mahanagara Palike, Bengaluru – 2015* drafted by the BBMP

Encouraging Alternative Dispute Resolution and Online Dispute Resolution

The analysis of case-related data highlights the increasing backlog of cases concerning BBMP. To prevent burgeoning caseload and increasing litigation costs, it is recommended that BBMP explore Alternative Dispute Resolution ('ADR') mechanisms. While different policy documents and reports have recommended the use of methods such as arbitration, mediation and conciliation to address government disputes, their application by the government departments has remained minimal.⁵²

One of the reasons behind the limited adoption of these methods remains the indecisiveness of the government officers. As noted by the 126th Law Commission Report, the government officers often prefer litigation over ADR methods to avoid taking decisions which may lead to doubting their *bona fides*.⁵³

To eliminate this hesitance and indecisiveness of the officers, the BBMP should issue guidelines identifying the case categories where resolution through ADR will be desirable. Further, BBMP should also explore Online Dispute Resolution ('ODR') mechanisms to address the disputes involving the municipal body and its officers. ODR is an emerging form of dispute resolution where technology assists and guides the resolution of disputes.⁵⁴ This form of dispute resolution has witnessed success globally in low-value disputes such as money claim disputes⁵⁵ and consumer-service provider disputes.⁵⁶ To harness the potential of ODR, BBMP should also adopt ODR processes for resolution

⁵² See Karnataka Dispute Resolution Policy 2021, The NITI Aayog Expert Committee on ODR, 'Designing the Future of Dispute Resolution' (October 2021) <<https://www.niti.gov.in/sites/default/files/2021-11/odr-report-29-11-2021.pdf>> accessed 6 July 2022

⁵³ Law Commission of India, 'Government and Public Sector Undertaking Litigation Policy and Strategies' (Law Comm No 126, 1988) para 7.1

⁵⁴ United Nations Commission on International Trade Law, 'UNCITRAL Technical Notes on Online Dispute Resolution' (2017) vii <https://uncitral.un.org/sites/uncitral.un.org/files/media-documents/uncitral/en/v1700382_english_technical_notes_on_odr.pdf> accessed 8 July 2022

⁵⁵ 'Money Claim Online' (HM Courts and Tribunal Service) <<https://www.money-claim.gov.uk/web/mcol/welcome>> accessed 8 July 2022

⁵⁶ Consumidor.gov.br' (Consumidor) <<https://www.consumidor.gov.br/pages/principal/?1598987311319>> accessed 8 July 2022; See The NITI Aayog Expert Committee on ODR, 'Designing the Future of Dispute Resolution' (October 2021) <<https://www.niti.gov.in/sites/default/files/2021-11/odr-report-29-11-2021.pdf>> accessed 6 July 2022

of select dispute categories such as those related to payment of levy and fee, money claim disputes and consumer disputes concerning the services offered by BBMP.

Identifying case types for resolution through ADR and ODR would be the first necessary step in this context. Given the range of matters that reach courts with the BBMP as a party to the litigation, it would be useful for the Legal Cell to consider ADR and ODR mechanisms as a first step, in instances where the same is possible, before escalating the same to courts. Such guidelines should also iron out the process of referring a dispute for resolution outside the traditional court establishment. The BBMP should also identify premier institutional ADR and ODR institutions for expeditious and efficient resolution of government disputes. For instance, disputes of value lower than Rs. 50,00,000, disputes that the BBMP attributes as low-risk based on the opposing party involved, disputes based on contractual agreements etc., make for ideal subject matters to be referred to ADR and ODR processes.

Additionally, to expedite the resolution of low-value disputes, it is recommended that BBMP adopt a multiple-layered ADR/ODR framework for the resolution of a select category of disputes. Such a framework can be modelled on the framework adopted by the Government of Hong Kong to resolve disputes arising due to the COVID-19 pandemic.⁵⁷ Under this, an ADR/ODR service provider facilitates parties to negotiate their dispute. In case the negotiation efforts fail, the service provider offers mediation to resolve the dispute and in case even mediation fails to achieve a resolution, the matter is referred to an arbitrator for final and binding adjudication of the dispute.⁵⁸ Such a layered method can help filter out avoidable disputes from entering the judicial system and help address them in an expedited manner.

Point of Action

3. Issue directives identifying the case categories where the resolution through ADR methods should be desirable.
4. Issue directives to encourage the adoption of ODR methods for resolution of select categories of disputes.
5. Issue guidelines to iron out the internal processes for referring a dispute for resolution of disputes outside the traditional court system.
6. Adopt multiple layered ADR/ODR framework for expeditious and efficient resolution of disputes.

Mandatory Litigation Impact Assessment

The BBMP is entrusted with the governance of the entire Greater Bengaluru Region. It performs a wide range of functions, including zoning and building regulations, health, hygiene, licensing, trade, education, public open space, water bodies, parks, and greenery.⁵⁹ These functions have a major

⁵⁷ eBRAM, 'COVID-19 Online Dispute Resolution (ODR) Scheme' <https://www.ebram.org/covid_19_odr.html> accessed 8 July 2022

⁵⁸ ibid

⁵⁹ "History of BBMP" (Bruhat Bengaluru Mahanagara Palike) <<https://site.bbmp.gov.in/historyofbbmp.html>> accessed 24 July 2022

impact on the day-to-day functioning of the city and the lives of millions living in Bengaluru. Any law, notifications, or amendments introduced by the BBMP can therefore have a ripple effect on many. If even a section of this population believes that such notification is unfair, it can open a floodgate of litigation concerning BBMP.

For example, in 2017 BBMP issued a circular allowing the collection of the Lake Rejuvenation Fee and betterment charges from the property owners for electricity and water connections.⁶⁰ This Lake Rejuvenation Fee along with other charges levied by BBMP was challenged by hundreds of house owners before the Karnataka High Court.⁶¹ Without going into the merit of the decision, it is worth noting that certain decisions by BBMP can result in multiple litigations and disputes. To this end, a prior litigation impact assessment can help address the concerns before they turn into a dispute.

To prevent avoidable litigation related to such decisions, it is recommended that the BBMP should mandatorily conduct a thorough litigation impact assessment exercise for all the rules, regulations and bylaws enacted by it. This will ensure that BBMP can get an opportunity to avoid disputes before it arises. Following steps are recommended in this direction:

1. **Consultation** - Public comments and opinions must be actively sought by the BBMP before the enactment of any law, rules, or bylaws. Such a practice will help pre-empt the possible concerns and conflicts to help the BBMP identify measures to mitigate any unnecessary disputes.⁶²
2. **Enactment** - While drafting the law, rules, or bylaws, BBMP should ensure that there exists no ambiguity in its interpretation and application. Any such ambiguity can result in disputes which may then lead to litigations.
3. **Post-implementation** - Six months post the enactment of a law, rule, regulation, or bylaw by BBMP, a review should be conducted by legal experts to evaluate the number of litigations concerning such enactment and the major litigious issues arising from it.

Point of Action

7. Adopt a three-tiered mandatory litigation impact assessment framework for all the rules, regulations, bylaws, and other legal instruments brought into effect by BBMP.

Structural Reforms

Creating a robust internal structure for the conduct of litigation

The conduct of government litigation involving the BBMP is handled by the Legal Cell established within the municipal body. As highlighted above, the consultations conducted for this study have

⁶⁰ Mirror Now, 'Soon, BBMP to levy lake rejuvenation fee' (Mirror Now, 6 April 2017) <<https://www.timesnownews.com/mirror-now/civic-issues/video/soon-bbmb-to-levy-lake-rejuvenation-fee/176157>> accessed 7 July 2022

⁶¹ *Sudrenath Shetty v State of Karnataka* Writ Petition Number 4601/2020 (4 August 2021)

⁶² Shalini Iyengar and others, 'The imperative of impact assessment' (*The Hindu*, 15 October 2018) <<https://www.thehindu.com/opinion/op-ed/the-imperative-of-impact-assessment/article25221657.ece>> accessed 6 July 2022

highlighted that the Legal Cell is massively understaffed with the sanctioned strength of the Legal Cell itself being insufficient to manage the workload of conducting litigations on behalf of BBMP.

As highlighted in the chapter above, the staff functioning within the Legal Cell are officers hired for the general governance functions performed by BBMP. While these officers are evaluated for routine administrative functions, the Legal Cell demands specialised skills for substantive functions related to the conduct of cases – such as examining the legality of the claims, studying evidence available, taking decisions in the matters of initiating proceedings on behalf of the state, deciding on defending the case on behalf of BBMP.⁶³ In the absence of any specific training to perform substantive functions, these officers often emphasise only the procedural aspect of their work and the movement of files.⁶⁴

Further, the Karnataka Dispute Resolution Policy 2021 has suggested additional responsibilities for Legal Cells, thereby increasing the substantive functions of the cell. These responsibilities include devising dispute resolution strategies, analysing risks involved in litigation, and others.⁶⁵ The optimal implementation of these functions requires the Legal Cell to engage specialists in areas of risk analysis and experienced lawyers for dispute resolution strategies. The BBMP may consider the recent move by the Brihanmumbai Municipal Corporation to increase the strength of its empanelled lawyers by 150 to include both junior and senior lawyers.⁶⁶

Therefore, it is recommended that BBMP increase the sanctioned strength of the Legal Cell. To this end, a thorough assessment of the functions of the Legal Cell, its requirements and future workload should be conducted to scientifically arrive at a desired sanctioned strength. The BBMP should also consider appointing specialists to perform functions related to risk assessment for the litigation, devising dispute resolution strategies and conducting Alternative Dispute Resolution processes.

Findings from the consultations:

- Often the litigation conducting officer or the officer who is acquainted with the facts of the case are ill-equipped to provide para-wise remarks to the plaint filed against BBMP. This in turn affects the conduct of cases.

The officers at BBMP often lack expertise to participate effectively in the conduct of cases concerning them. Often, the para wise remarks to the plaint submitted by these officers are sub-par and miss relevant details regarding the case. To address this, BBMP should conduct regular training for BBMP officers on litigation related issues. Further, BBMO should also appoint a legal expert as a nodal officer to assist drafting of para-wise remarks.

⁶³ Karnataka State Dispute Resolution Policy 2021, ch 5 para 3.4

⁶⁴ Karnataka State Dispute Resolution Policy 2021, ch 5 para 4

⁶⁵ Karnataka State Dispute Resolution Policy 2021, ch 5

⁶⁶ Notice for empanelment of lawyers, Brihanmumbai Municipal Corporation, Available <<https://portal.mcgm.gov.in/irj/go/km/docs/documents/MCGM%20Department%20List/Chief%20Personnel%20Officer/Recruitment%20Notice/RN04032015.pdf>>

Point of Action

8. Increase the sanctioned strength of the Legal Cell, BBMP based on a scientific estimate of the workforce required to perform its functions.
9. Appoint specialists in the field of risk assessment for the litigation, devising dispute resolution strategies and conducting Alternative Dispute Resolution processes (such as advocates who specialise in arbitration).
10. Organise regular training for the officers in the BBMP to equip them in handling the responsibilities entrusted to them, such as providing para-wise remarks to the plaint filed against BBMP.
11. Appoint a nodal officer to assist drafting para-wise remarks by the BBMP officers.

Overhauling the process of work allocation amongst empanelled advocates

As highlighted above, the allocation of workload amongst empanelled advocates has been one of the major concerns in the conduct of cases by the BBMP. The allocation of cases among advocates is often lopsided in favour of a few advocates while the other empanelled lawyers share a small portion of the workload. This lopsided allocation often results in some advocates being overburdened with government litigations and affects the efficiency of the conduct of cases.

To address this, it is recommended that the BBMP assess the key areas of caseload concerning them. This will provide a realistic picture of the workload and offer granular information regarding each case type and category. Based on such assessment, BBMP should identify the number of advocates required to address each case type and empanel competent advocates to conduct these cases. Further, other decisions regarding the allocation of cases such as the zone-wise distribution of advocates should be based on the scientific estimation of the influx of cases from each zone. This will ensure efficient distribution of workload where no individual advocate is overburdened by the government litigations.

Point of Action

12. Ensure efficient distribution of workload amongst empanelled advocates.

Operational Reforms

This section discusses the operational reforms required to make BBMP a responsible and efficient litigant. The efficiency of management affects the day-to-day operations of the BBMP Legal Cell. These recommendations provide solutions that can potentially be harnessed by the BBMP in addition to pursuing litigation management. The operational issues identified may be categorised as issues concerning:

1. Implementing Alternative Dispute Resolution and Online Dispute Resolution Processes
2. Identifying and adopting scientific measures for allocation of cases
3. Creating sound data infrastructure and feedback loop for the conduct of cases

4. Litigation Avoidance

Implementing ADR and ODR processes

In addition to the legal measures recommended to incentivise ADR and ODR methods of dispute resolution, operational changes in the conduct of litigation is also crucial to fully harness the potential of these methods. To this end, it is important that BBMP sets up a process for the identification and selection of ADR and ODR service providers for efficient resolution of government disputes. These service providers should also be evaluated based on transparent criteria to ensure the quality of dispute resolution services provided by them.

Point of Action

13. Install a process for the selection of ADR and ODR service providers based on specific criteria to resolve disputes involving BBMP as a party.
14. Devise an annual assessment scheme to evaluate ADR and ODR service providers based on transparent criteria to ensure the quality of dispute resolution services provided by them.

Adopting sound data infrastructure to assist the conduct of cases

As per the findings of our consultations, BBMP lacks a Management Information System (MIS) for the conduct of litigation. Currently, the municipal body is working towards creating an MIS to assist its litigation practices. The adoption of an MIS will certainly assist the conduct of cases and managing empanelled advocates.

To harness the full potential of such technology, it is important that BBMP adopts an MIS which helps in recording and maintaining granular information regarding each litigation and dispute. Such a system should include data such as details of the case, details of each hearing for the case, the number of adjournments sought by the advocates, the reasons for such adjournments, the reasons for the delay in disposal of cases and other information. This will assist the Legal Cell in analysing the trends in the conduct of cases and identify pain points and concerns in the conduct of cases.

This will also help establish a feedback loop to evaluate various dispute resolution measures that the municipal body may adopt from time to time. The system could also provide for recording and learning from the experience of the advocates, litigation conducting officers and other stakeholders during the conduct of litigation and establish a dynamic system which evolves as per the needs of the stakeholders and the system overall.

Point of Action

15. Adopt an advanced MIS system for granular data collection regarding cases conducted by BBMP.
16. Devise a feedback loop to evaluate the dispute resolution measures adopted by BBMP.

Ensuring compliance with court orders

As highlighted, as of 17 July 2022, BBMP was involved in 107 contempt cases. Such a high number of contempt proceedings against it impacts the public image of the municipal body. Therefore, it is recommended that BBMP should conduct an in-depth assessment of each of these contempt cases and identify the reason for the delay in compliance with the court orders. In case the reason for such delay is maladministration on part of officers, strict disciplinary actions should be taken against them.

Further, to the extent possible, BBMP should inform the public about the reason for the delay in compliance with court orders to prevent any unnecessary questions regarding the functioning of the municipal body.

Point of Action

17. Conduct in-depth assessment of cases where compliance with the government orders has been delayed.

Mandatory Performance Assessments

The Legal Cell of the BBMP may consider creating performance assessment records of all the empanelled advocates currently in service of the BBMP.

The creation and maintenance of such performance assessment records would require the Legal Cell to:

- collate details of every case handled by an empanelled advocate,
- keep track of the timeline of the cases,
- identify the causes of delay in the matter if any,
- identify whether the empanelled advocate has the power to resolve any such cause of delay, and
- identify whether appropriate action has been taken on their part towards such resolution, etc.

This tentative performance assessment would help the BBMP evaluate the performance of empanelled advocates and accordingly identify the areas of improvement.

Such a performance assessment would also allow for the empanelled advocates to have adequate information regarding how their performance is being evaluated by the BBMP, thus, allowing for better and more transparent communication between them. The tracking of timelines of the case would also ensure that any delay on part of the BBMP or the empanelled advocate with respect to handling litigation is immediately brought to the notice of the other party and may be resolved on an urgent basis.

Performance assessments also allow for constant monitoring of cases which would help the BBMP and the empanelled advocate to re-strategise while pursuing any litigation.

Point of Action

18. Adopt mandatory performance assessment for advocates empanelled by BBMP.

Internal Grievance Redressal Mechanism

As identified earlier, a significant portion of the caseload concerning BBMP involves service-related matters. To address this, BBMP should devise a robust internal grievance redressal system. Such a system should be impartial and empowered to adopt dispute resolution methods most suited to address internal grievances and disputes.

An internal grievance redressal mechanism is an integral part of any administrative machinery.⁶⁷ It brings in efficiency and accountability by creating pathways for redressal of any complaints that staff may have with respect to the administration of the BBMP. Such a mechanism would allow for creating a robust administrative system with a focus on open channels of communication within the BBMP.

Point of Action

19. Establish a sound internal grievance redressal mechanism for disputes arising within BBMP.

⁶⁷ 'Grievance redress mechanism in Government' (Department of Public Reforms and Public Grievances) <<https://pgportal.gov.in/Home/RedressMechanism#:~:text=In%20fact%2C%20the%20grievance%20redress,the%20working%20of%20the%20administration>> accessed 8 July 2022

PART II

REVENUE DEPARTMENT

Overview: Revenue Department Litigation

The Revenue Department ("RD") in Karnataka looks after the revenue needs of the state and this includes maintaining land records, demand collection & balance, land grants, land acquisition, land conversion, implementing the Prohibition of Transfer of Certain Lands Act, 1978 and handling appeals regarding land revenue cases. In the course of performing these functions, the RD and its subordinate bodies encounter several disputes, including those concerning land transfers, mutation of property documents, khata issuance and revenue survey. The Revenue Department also deals with maintaining Jamabandi, Revenue Demand Collection & Balance Records (DCB), Land Grants Records, Land Acquisition, Land Conversion, PTCL, Appeals, Land Reforms cases, Mines & Minerals and Regularisation of encroachments. For performing these functions, the RD maintains the Bhoomi and Sakala portals, which aid in maintaining records of revenue-related matters.

These disputes often end up as litigations before the judiciary, resulting in an immense burden on the Department as well as the judiciary. The Revenue Court Case Monitoring System maintained by the Department is the application that monitors the ongoing court cases filed by the Deputy Commissioner, Assistant Commissioner and Tahsildar Courts, starting with the entry of new court cases to recording the proceedings and maintaining the history of cases.

Within the revenue administration machinery, the Deputy Commissioner is head of the District Administration. The Deputy Commissioner's office consists of various branches headed by managers who are responsible for supervision, guidance and overall management of work in their branch. Every branch consists of First Division Assistants and Second Division Assistants among whom all work of the branch is divided. There are various officials both at the district level and at the taluk levels to assist the Deputy Commissioner. They include the Assistant Commissioner's (Sub-Divisional Magistrate), Tahsildars, Revenue Inspectors and Village Accountants. The Deputy Commissioner deals with cases pertaining to Revenue Appeals, Revenue Miscellaneous matters (KLR Act, 1964), Prohibition of transfer of Certain Lands cases (PTCL Act, 1978) and inam cases (Inam Abolition Act, 1977).

While the RD and its subordinate bodies contest several litigations before various courts and tribunals, a consolidated repository of all the cases conducted presently seems unavailable. Hence, for the purpose of this study, we have centred the analysis on the cases that have been contested by the RD in the High Court of Karnataka in the years between 2010 and 2021.

Legislations impacting the Revenue Department

In its everyday functioning, the Revenue Department handles a plethora of matters. In its ordinary function of handling land revenue matters, maintaining land records, demand collection & balance records, land grant records, land acquisition records and land conversion records, certain legislations play a prominent role in the Department's administration. These legislations and their scope is captured in this section.

The Karnataka Land Revenue Act, 1964

The statute has been enacted to consolidate and amend the law relating to land and the land revenue administration in the State of Karnataka. The Act divides the State into several regional units and creates a hierarchy of officials that administer the revenue collection activities in these regions. The State Government is empowered to appoint the Regional Commissioner for each region who is the Chief Revenue Officer in that region and exercises powers of superintendence and control within the region and over all officers subordinate to him. The Deputy Commissioner is appointed by the State Government to administer the districts, and Tahsildars are appointed to administer the revenue collection activities of the taluks respectively. They are entrusted with various powers such as the power to transfer cases, the power to give summons, the power to enter upon land, the power to enforce evictions and the power to initiate enquiries when discrepancies are alleged. The decision of these officials can be challenged in the Karnataka Revenue Appellate Tribunal as mandated in sections 40 - 56 of the act.

The Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978

This Act was created as a social welfare legislation with the aim to protect and provide land for members of the Scheduled Castes and Scheduled Tribes. This law, introduced in 1978 is retrospective in nature and is considered an ex post facto law. The statute is relatively short and has been amended only 3 times thus far, in 1979, 1984 and 1992. The opening statement of the statute clearly demarcates its objectives and interests "*to provide for the prohibition of transfer of certain lands granted by the government to persons belonging to the Scheduled Castes and Scheduled Tribes in the State.*" It aims to prohibit the transfer and allow for restoration of lands granted by the Government to persons belonging to the Scheduled Castes and Scheduled Tribes in the State.

The Karnataka Certain Inams Abolition Act, 1977

An inam is a gift of land or land revenue. The origin of inams can be traced back to the times of Hindu and Mohammadan periods of rule. Parcels of lands were granted by Hindu and Mohammadan rulers to persons for services rendered by certain persons or for the services to be rendered by certain persons in future.

This is a statute to provide for the abolition of certain inams in the State of Karnataka. Although laws providing for the abolition of certain personal, religious and charitable inams in the State are already in force in certain areas of the State, a few categories of inams still exist. The Act recognizes that it is expedient in the public interest to provide for the abolition of all such remaining inams.

Case Data Analysis: Revenue Department

To understand the litigation profile of the RD and the current litigation management practices, this study analyses the details of 7283 cases contested by the RD and its subordinates, including cases filed by the Revenue Department and those filed against it or its officers, between 2010 and 2021. This dataset is scraped from the e-Courts website for the Karnataka High Court and includes the cases filed before the Principal Bench, Dharwad Bench and Kalaburagi Bench.

The dataset is scraped using the keyword 'Revenue' to identify the cases pertaining to the Department. While it does not provide a comprehensive list of the kind of cases conducted by the Department in this period, it offers an indicative list of the cases conducted by the Department and the trends in the conduct of cases.

Time period for the cases in the database	2010 - 2021
Total number of cases analysed	7283 cases
Number of pending cases	1810 cases
Number of disposed of cases	5473 cases

The database, among other details, provides the following information about the cases-

- a. Case type
- b. Case Number
- c. Year of Filing
- d. Name of the Parties
- e. Case Status

While the dataset offers an outlook into the litigation practices of the department, a comprehensive database maintained by the department itself will go a long way to identify the pain points in the conduct of litigation.

This section offers an overview into the data concerning the conduct of litigation by the Revenue Department, its subordinates and their officers functioning in their official capacity. This data analysis is crucial to understand the litigation burden on the Department, its conduct and the issues that are required to be addressed for efficient and expedited redressal of disputes concerning the Department.

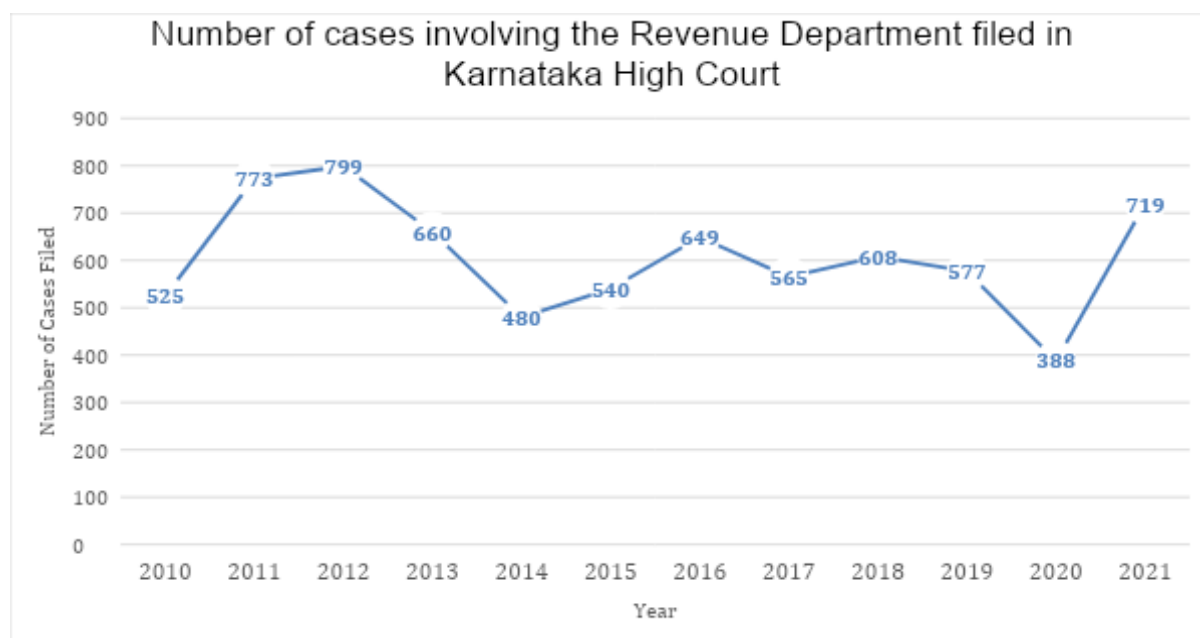
The paucity of data available regarding the litigation practices of the Department has been a real concern while conducting this analysis. This section focuses on the cases conducted by the Department in the High Court of Karnataka and analyses the data regarding the conduct of litigation between 2010 and 2021. Though this data does not provide a comprehensive overview of all the cases conducted by the Department in this period, it highlights the trends visible in the conduct of cases and the caseload of the Department.

Additionally, litigation pendency data received from the Revenue Department from its monthly inter-departmental update meeting for June 2022 shows the following –

Forum	Cases Pending
Karnataka Administrative Tribunal	413
Supreme Court	102
High Court	1123
Other fora	114

Filing Analysis

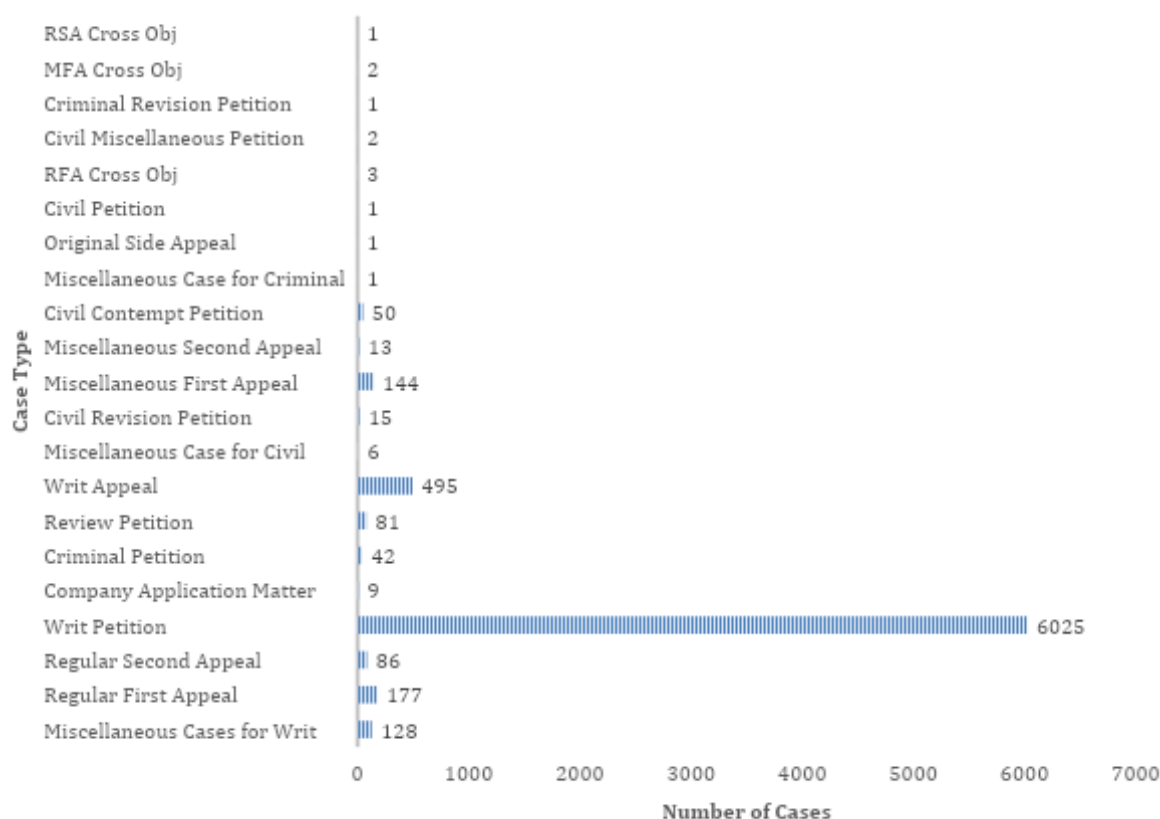
The analysis of the cases filed in the High Court concerning the Revenue Department offers an insight into the case burden on the Department. Such an analysis is important to estimate the workload on the Department and to ensure efficient allocation of resources for expedited redressal of disputes. The following graph offers this analysis on the cases concerning the Revenue Department in the High Court of Karnataka.



The graph above shows a consistent flow of cases concerning the Revenue Department in the High Court of Karnataka. As these numbers do not reflect a comprehensive list of cases, the actual number of cases can be higher than the one indicated above. Further, as the information in the graph concerns only the filing in the High Court of Karnataka, the filing of cases in other forums should also be studied to gauge the workload for conducting litigation for the Revenue Department.

A deeper analysis of the filing trends highlights that most of the litigation concerning the Revenue Department in the High Court of Karnataka relates to the writ jurisdiction of the court.

Number of cases concerning the Revenue Department filed in Karnataka High Court between 2010 and 2021

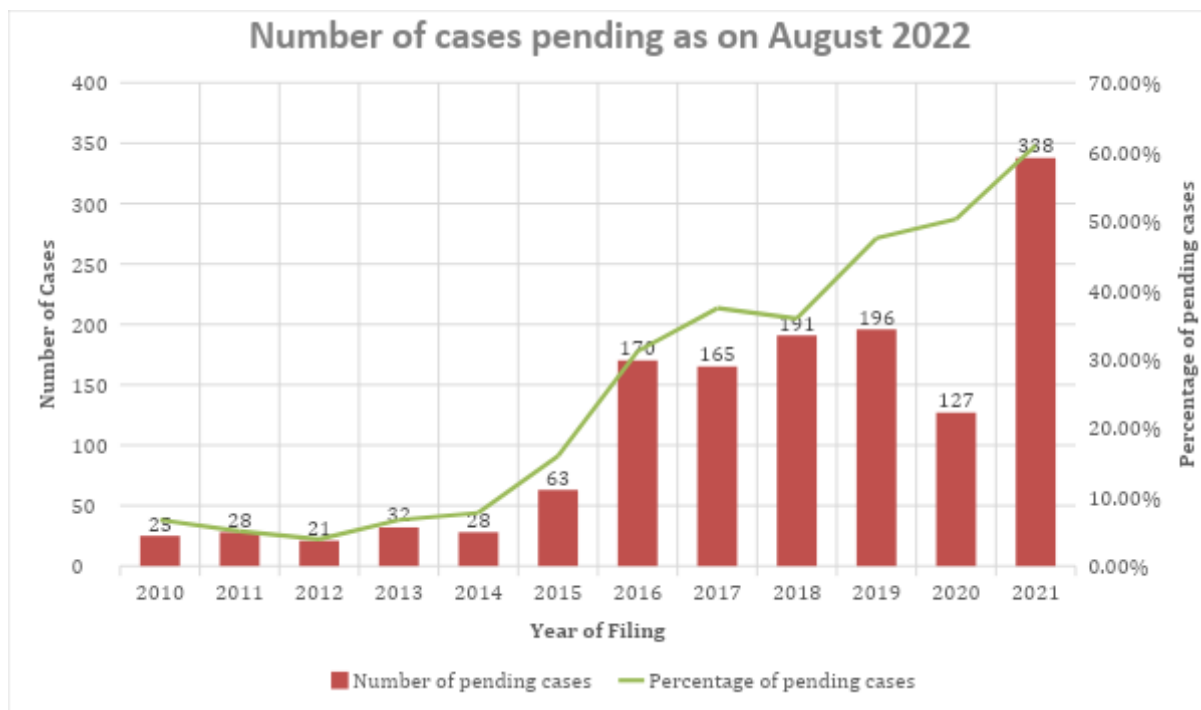


While Writ Petition, Writ Appeals and Miscellaneous Cases for Writ form the majority of the cases concerning the Revenue Department filed in the High Court of Karnataka, the Department also conducts a significant number of appellate cases concerning them. A similar analysis is required for other forums to understand the true nature of the litigation concerning the Department and devise curated policies to address them.

Pendency Analysis

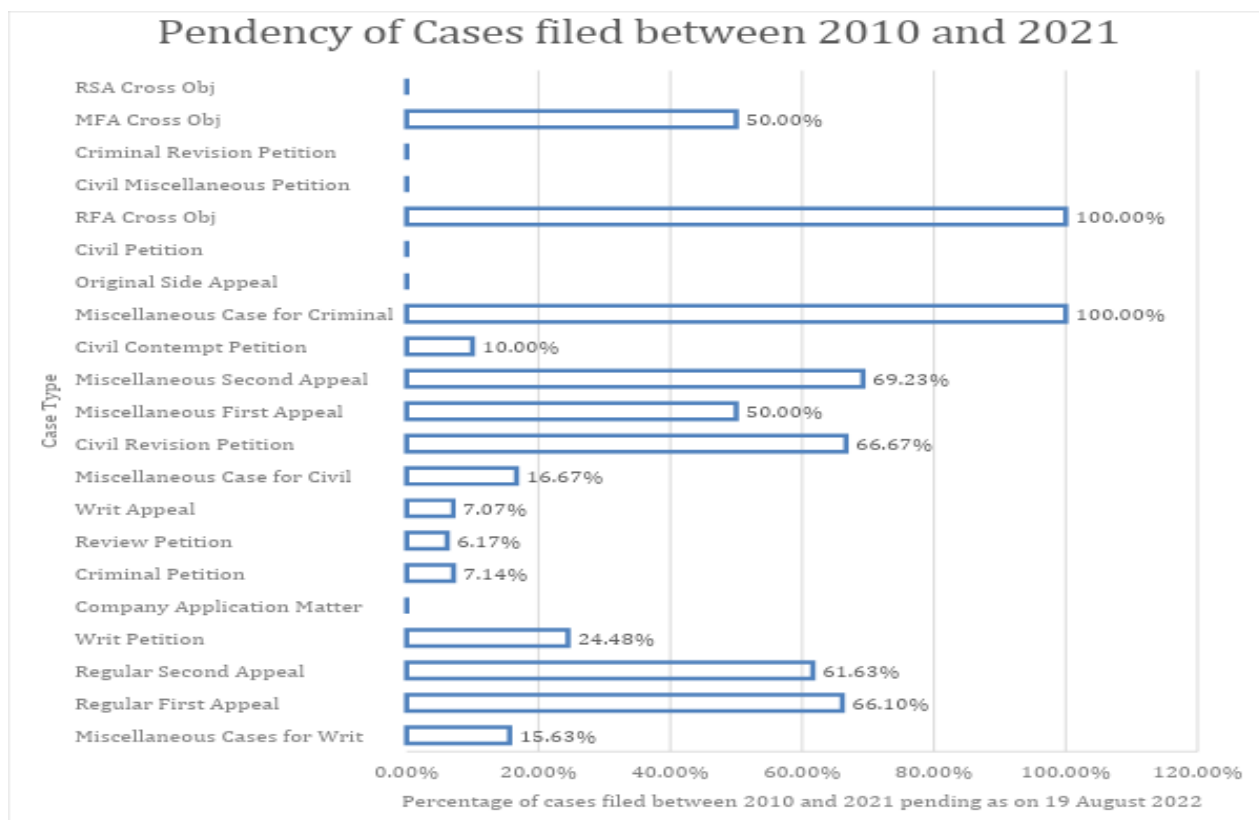
The analysis of pending cases concerning the Revenue Department sheds light on the litigation conducting practices of the department. The department, along with the court or tribunal, plays a key role in the efficient redressal of these cases. Any inefficiency in the functioning of advocates empanelled by the Department, the internal processes within the Department and other similar reasons can result in a significant delay in the conduct of the cases.

The following analysis categorises pending cases as on 19 August 2022, based on their year of filing.



The above graph highlights delay in cases concerning the Department in the High Court of Karnataka. As per the analysis, 1177 cases concerning the Department have been pending for more than two years. Further, more than thirty per cent of the cases concerning the Department, filed in 2016, 2017, 2018, and 2019 are pending as on 19 August 2022. Such inordinate delay not only adds to the burden of the courts but also results in the significant workforce and financial expenditure on the part of the Department.

The analysis of the pendency of the cases, categorised by the case type highlights that certain case types are more likely to remain pending for a longer period than others.



The above graph highlights that while the number of writ jurisdiction cases concerning the Revenue Department is higher than other cases, a far lesser percentage of writ cases remain pending in the court. As highlighted by the graph above, 24.48 per cent of the writ petitions which were filed between 2010 and 2021 remain pending. Whereas, more than 60 per cent of Regular First Appeal and Regular Second Appeal, filed between 2010 and 2021, concerning the Revenue Department were pending before the High Court as on 19 August 2022. This highlights that though lesser in number, the appeal cases concerning the Revenue Department stay pending in the judicial system for longer than the cases concerning writ jurisdiction of the High Court.

Consultations

To inform the observations obtained from the case data analysis, the authors have also conducted interviews and consultations with key stakeholders. The objective of these consultations was to understand the process for the conduct of litigation by the RD along with identifying the issues faced by each stakeholder in the process. The stakeholders consulted for this study include:

1. Principal Secretary, Revenue Department
2. Director and Ex-Officio Deputy Secretary to Government, Revenue Department
3. Section Officers, Revenue Department

These consultations were conducted between March 2022 to August 2022. It assisted us in identifying key legal, administrative, and operational issues faced at multiple stages across a variety of stakeholders while conducting litigations.

Recommendations for the Revenue Department

The insights from the case data analysis clearly illustrate the need for improvement in the way the RD currently approaches its disputes and litigations. This chapter identifies some reforms that may be considered by the Department for the efficient conduct of disputes and expeditious disposal of cases.

First, for ease of understanding, the following are the main themes under which issues and recommendations are being thought about. These are based on the data gathered with respect to the RD and consultations with various stakeholders:

1. Harnessing data collection and management to increase efficiency:
 - a. There is a requirement for improving the data collection mechanism presently adopted by the Revenue Department.
 - b. There is a need to ensure that data collection is systematic, transparent and efficient.
 - c. Proper recording and regular updating of case data is necessary for monitoring and supervising the movement of litigation that affects the Department.
2. Harnessing technology to reduce litigation:
 - a. There is a requirement to harness the potential of Alternative Dispute Resolution (ADR) mechanisms and Online Dispute Resolution (ODR) mechanisms to resolve matters that may possibly enter the judicial system, prior to the same.
3. Internal grievance redressal to mitigate disputes
 - a. An administrative grievance redressal mechanism for RD staff is necessary.

Adopting sound data infrastructure to assist the conduct of cases

As per the findings of our consultations, the Revenue Department seems to place minimal reliance on data management systems for the conduct of litigation. Currently, the Revenue Court Case Management System (RCCMS) is not being used to its full potential for effective monitoring of litigation practices. The proper usage of the Case Management System and its features will ensure that the Revenue Department is able to continuously stay updated with respect to its case-load and effectively allocate resources towards the same as needed.

To harness the full potential of RCCMS, it is important that the Revenue Department invest in recording and maintaining granular information regarding each litigation and dispute. Maintaining such information will better equip the Department to understand its litigation workload and address pendency.

Such a system should include data such as -

S. No	Detail	Purpose
1.	Details of the Case	Tracking case details such as petition number, party names, fora in which the case is contested, and composition of the bench will help analyse how these factors interact with each other and how the same impacts the timeline of litigation.
2.	Details of each hearing for the case	This information would be essential to understand the average time taken by the Revenue Department in disposing of cases and keep track of time gaps between hearings. A summary of the proceedings would present interested stakeholders with a snapshot of the hearings.
3.	Number of adjournments sought by the advocates	This information would be essential for identifying the relationship between adjournments and any delays in litigation. Once this information is analysed, the Revenue Department may consider arriving at a strategy that would address minimising the number of adjournments.
4.	Reason for such adjournment	Capturing the reason for adjournments would help the Revenue Department arrive at strategies that would help address shortcomings that led to the same being sought. For instance, if advocates are seeking adjournments due to delayed response from the Department in a litigation matter, an adequate process flow can be created for better coordination between the advocate and the Department.
5.	Reasons for delay in disposal of the case	Delays in litigation can occur due to a multitude of reasons. It is necessary to study the reasons so that the stakeholder responsible for the delay is appropriately identified. After doing so, it will become possible for the Revenue Department to identify the right channels where resources need to be directed to address such delays. Such information will help the Revenue Department identify if delays are due to inefficiencies in its administrative mechanism or are a part of the

		judicial process. Thus, exposing the correct pain points which may then be addressed.
6.	Estimate of value of the litigation	This will capture an estimate of the potential cost due to a matter entering into litigation. For instance, if an infrastructure project worth Rs. 100 crores is held up due to litigation, then the potential cost to the Department will be litigation costs in addition to the liability of a project worth Rs. 100 crores being stalled, taking into account future inflation that may further increase the costs related to the said infrastructure project. This will help estimate the monetary burden of any litigation in terms of loss due to stalled projects.

This information will also assist the Department in analysing the trends in the conduct of cases and identifying pain points and concerns in the conduct of cases. Alternatively, the Central Government portal, LIMBS (Legal Information Management & Briefing System), which is a simple web based application that utilises standard template with well-defined fields for storage, categorisation and search of legal cases and documents⁶⁸ can be customised for the State of Karnataka and adopted by the Revenue Department.

Mandatory Capacity Building

In the course of consultations, it became apparent that there is a need for capacity building with respect to the manner in which the data collection of cases that concern the RD is undertaken.

Case Data Management Policy

- The Department should formulate a comprehensive case data management policy with training in management practices as an important component.

Training Programmes

- There should be comprehensive training programmes for all personnel involved in the conduct of litigation of the Revenue Department to ensure that there is smooth flow of information and work between them.

⁶⁸ LIMBS Brochure, Department of Legal Affairs, Ministry of Law & Justice, Available at < <https://limbs.gov.in/limbs/Brochure.pdf>>, accessed on July 17, 2022.

Monitoring Mechanism

- It is further recommended that the Department should devise a suitable monitoring mechanism that supervises the implementation of such a policy.

Ensuring Compliance through a Case Management Cell

- Once such a policy is formulated and adopted, there will be a need to strengthen compliance to ensure that the policy sees proper implementation. For this, a separate cell may be created in the Revenue Department, as a Case Management Cell, to monitor the implementation and performance of the policy. This Cell may be made responsible for carrying out internal audits to review the performance of the curated policy.

Compliance Audits

- Once such audits are conducted, the Department should identify a suitable time frame to address the suggestions made in the audit to further improve the performance of the litigation management system and undertake follow up action as deemed necessary and adequate.

Such a case management system not only involves collecting and recording data related to litigation but also processing the same to take appropriate action for improving the conduct of litigation. This can be done through holistic management of workflow and processes related to litigation that concerns the Revenue Department. Case management-based solutions can then be designed to create frameworks that harness the information gathered from the database to optimise litigation outcomes. A good case management system would reduce the challenges, complexities and risks attached to litigation and increase productivity and help make better decisions.

Identifying the trends in pendency of cases

The analysis for the pendency of cases highlights some important trends in filing and pendency of cases. The analysis shows that among the cases concerning the Revenue Department, writ cases constitute the majority of the new filings in the High Court of Karnataka. However, these cases are disposed of quicker and a lesser percentage of writ cases remain pending in the courts compared to the appellate cases concerning the department.

Such analysis should be conducted for all case types and forums to understand the pain points in the conduct of litigation and to guide the optimum allocation of resources for the conduct of cases concerning the Department.

Feedback channel for the conduct of cases

A sound data infrastructure for the management of cases concerning the Revenue Department should also consist of a feedback loop to evaluate various dispute resolution measures that the Revenue Department may adopt from time to time. The system could also provide for the recording and learning from the experience of the advocates, litigation conducting officers and other stakeholders during the conduct of litigation and establish a dynamic system which evolves as per the needs of the stakeholders and the system overall.

Encouraging Alternative Dispute Resolution and Online Dispute Resolution

The analysis of case-related data highlights the increasing backlog of cases concerning the Revenue Department. To prevent burgeoning caseload and increasing litigation costs, it is recommended that the Revenue Department explore Alternative Dispute Resolution ('ADR') mechanisms. While different policy documents and reports have recommended the use of methods such as arbitration, mediation and conciliation to address government disputes, their application by government departments has remained minimal.

In addition to the legal measures recommended to incentivise ADR and ODR methods of dispute resolution, operational changes in the conduct of litigation are also crucial to fully harness the potential of these methods. To this end, it is important that the Revenue Department sets up a process for the identification and selection of ADR and ODR service providers for efficient resolution of government disputes. These service providers should also be evaluated based on transparent criteria to ensure the quality of dispute resolution services provided by them.

Internal Grievance Redressal Mechanism

A sound internal grievance redressal mechanism is essential for the expeditious disposal of the service-related concern, staff grievances and interdepartmental disputes. These cases often result in long drawn legal battles and result in expenditure on the part of the government as well as the judiciary. To address this concern, the Department should establish a robust internal grievance redressal and dispute redressal system. This will reduce the burden over the judiciary and also check the burgeoning workload of pending litigation concerning the Department.

Such a system should focus on providing a framework for raising issues, proactive dispute resolution and should actively advocate periodic review of the administrative setup within the Department to address any points of inefficiency in the existing system. The system should enable interested parties and stakeholders to arrive at effective remedies for the grievances without an aggravation in their dispute. It is a key way to mitigate, manage, and resolve potential or realised disputes and prevent the same from being escalated into a matter to be handled by litigation.

Conclusion and Actionable Points

Access to justice and dispute resolution is no longer the monopoly of just the courts. There are umpteen number of credible ways in which disputes can not only be resolved, but also mitigated and avoided. In fact, a new way of thinking about access to justice encompasses four layers – legal health promotion, dispute avoidance, dispute containment and authoritative dispute resolution.⁶⁹ At present BBMP and the Revenue Department are restricted to resolving their disputes through authoritative dispute resolution methods offered by traditional courts. It is imperative that the municipal body and the RD widen their approach to include dispute avoidance and mitigation strategies to address the disputes concerning them. This report identifies such measures in the form of litigation impact assessment, internal grievance redressal system, adoption of ADR and ODR methods and other reforms to enable efficient and speedy resolution of cases involving BBMP and the RD.

Based on the study conducted, the following is a summary of the points of action identified to bring about reforms in the conduct of litigation by the BBMP.

S. No.	Actionable Points for BBMP
1.	Adopt a sound legal framework which provides for - Appointment of Advocates - Remuneration and service conditions for the empanelled advocates - Performance evaluation for the advocates - Sound internal process to assist the conduct of cases Implementing policy recommendations of Karnataka Dispute Resolution Policy, 2021
2.	Issue directives identifying the case categories where the resolution through ADR methods should be desirable.
3.	Issue directives to encourage the adoption of ODR methods for resolution of select categories of disputes.
4.	Issue guidelines to iron out the internal processes for referring a dispute for resolution of disputes outside the traditional court system.
5.	Adopt multiple layered ADR/ODR framework for expeditious and efficient resolution of disputes.
6.	Adopt a three-tiered mandatory litigation impact assessment framework for all the rules, regulations, bylaws, and other legal instruments brought into effect by BBMP.
7.	Increase the sanctioned strength of the Legal Cell, BBMP based on a scientific estimate of the workforce required to perform its functions.
8.	Appoint specialists in the field of risk assessment for the litigation, devising dispute resolution strategies and conducting Alternative Dispute Resolution processes (such as advocates who specialise in arbitration).
9.	Organise regular training for the officers in the BBMP to equip them in handling the responsibilities entrusted to them, such as providing para-wise remarks to the plaint filed against BBMP.

⁶⁹ Richard Susskind, *Online Courts and the Future of Justice* (OUP 2019) 113

10.	Appoint a nodal officer to assist drafting para-wise remarks by the BBMP officers.
11.	Ensure efficient distribution of workload amongst empanelled advocates.
12.	Install a process for the selection of ADR and ODR service providers based on specific criteria to resolve disputes involving BBMP as a party.
13.	Devise an annual assessment scheme to evaluate ADR and ODR service providers based on transparent criteria to ensure the quality of dispute resolution services provided by them.
14.	Adopt an advanced MIS system for granular data collection regarding cases conducted by BBMP.
15.	Devise a feedback loop to evaluate the dispute resolution measures adopted by BBMP.
16.	Conduct in-depth assessment of cases where compliance with the government orders has been delayed.
17.	Adopt mandatory performance assessment for advocates empanelled by BBMP.
18.	Establish a sound internal grievance redressal mechanism for disputes arising within BBMP.

Based on the study conducted, the following is a summary of the points of action identified to bring about reforms in the conduct of litigation by the Revenue Department.

S. No.	Actionable Points for Revenue Department
1.	Adopting sound data infrastructure to assist the conduct of cases
2.	The LIMBS portal used by the Central Government may be customised for the State of Karnataka and adopted by the Revenue Department as an alternative data management system.
3.	Mandatory capacity building
4.	Identifying the trends in pendency of cases
5.	Adopting a feedback channel for the conduct of cases
6.	Encouraging Alternative Dispute Resolution and Online Dispute Resolution
7.	Maintaining a robust internal grievance redressal mechanism

The study has revealed that there are several gaps that exist between the rules of conduct of litigation that are present on paper in various regulations and policy documents, and the actual practice of conduct of litigation by the BBMP and the RD. While these agencies have adopted several ad-hoc mechanisms to ensure adequate handling of cases, there is much benefit to be gained by adopting a more systematic and deliberate approach to the conduct of litigation. To this end, the recommendations made in this report aim to present a long-term sustainable solution to address the concerns regarding the conduct of litigation by BBMP and the Revenue Department.

Keeping in mind the requirement of continuity with the present system in place and to create a future system that adheres to the principles of administrative efficiency, the above recommendations provide for a seamless transition towards better management of litigation by the BBMP and the Revenue Department. These reforms will help BBMP and the Revenue Department adopt measures for efficient use of time, money, and personnel. It will also help the agencies transition from being a litigious body to a responsible litigant.

Annexure A

A1 – Number of cases contested by BBMP between 4 April 2018 and 17 July 2022, categorised by case type

Case Type	Number of Cases
Writ Cases	4263
Civil Suits	2133
Appeal/Review/Revision	1281
Miscellaneous Cases/ Applications	268
Environment Related Cases	166
Contempt Cases	143
Execution Cases	84
Arbitration Related Cases	47
Criminal Cases	36
Land Cases	32
Caveat Cases	20
Service Matters	8
Election Petitions	6
Motor Vehicle Claims	6
Other Law Cases	3
Special Cases	3
Company Law Cases	3
Matrimonial Cases	1

A2 – Number of cases contested by BBMP between 4 April 2018 and 17 July 2022, categorised by courts/tribunals

Court/Adjudicatory Forum	Number of Cases
High Court	4747
City Civil Court, Bangalore	2034
Karnataka Appellate Tribunal	984
City Civil Court Mayo Hall, Bangalore	379
Karnataka Administrative Tribunal	159
Court of Civil Judge Bangalore Rural	13
Supreme Court	12

Arbitration Centre	6
Anekal Court	6
State Consumer Redressal Commission	4
National Green Tribunal, Chennai	4
National Green Tribunal New Delhi	3
Court of Small Causes	3
Land Grab Tribunal	3
Consume Court	3
Magistrate Court-RBD & Criminal	2
Regional Commissioner	2
District Court Haveri	2
Karnataka Wakf Tribunal	1
Labour Court	1
Karnataka Lokayukta	1
Family Court	1
Joint Director Land Records	1
BBMR	1
City Suver Settlement	1
District Court Mangalore	1

Annexure B

B1 Distribution of cases contested by BBMP between 4 April 2018 and 17 July 2022 amongst empanelled advocates

Advocate Code	Number of cases allocated
1	817
30	629
21	601
20	450
44	360
31	358
73	280
48	244
99	225
46	220
37	209
106	177
22	164
43	157
96	146
112	141
36	140
107	139
108	137
19	129
118	127
55	117
10	116
50	112
149	103
3	102
56	101
114	101
2	92
105	71
122	71
11	64

42	63
109	62
119	58
172	58
139	57
104	56
155	55
49	54
57	52
143	52
51	50
18	47
171	44
47	38
152	38
77	37
12	33
52	33
153	32
13	29
98	26
145	26
157	20
158	19
164	19
110	18
161	16
23	15
121	14
45	13
131	13
15	12
53	12
120	12
154	12
39	11
68	10
91	10
156	10
25	9
86	9
102	9
150	9
89	8
142	8
168	8

66	7
92	7
160	7
173	7
185	7
144	6
169	6
4	5
72	5
88	5
103	5
113	5
163	5
167	5
170	5
0	4
17	4
123	4
141	4
148	4
151	4
159	4
174	4
38	3
100	3
117	3
125	3
162	3
184	3
7	2
27	2
40	2
54	2
71	2
80	2
93	2
111	2
132	2
133	2
175	2
176	2
179	2
183	2

5	1
6	1
9	1
24	1
35	1
63	1
64	1
69	1
90	1
97	1
140	1
166	1
180	1

B2 Distribution of writ cases contested by BBMP between 4 April 2018 and 17 July 2022 amongst empanelled advocates

Advocate Code	Number of Cases
1	735
30	555
21	453
31	257
73	225
48	160
108	130
43	129
20	128
107	128
106	122
19	118
10	111
99	98
149	97
50	65
139	54
172	53
42	48
104	47
155	46
46	37
77	35
143	34

171	34
12	24
18	20
158	19
57	14
23	13
145	11
47	9
150	8
154	7
168	7
160	6
169	6
185	6
45	5
120	5
122	5
163	5
170	5
52	4
114	4
148	4
159	4
2	3
86	3
102	3
118	3
161	3
36	2
71	2
96	2
151	2
164	2
175	2
133	1
3	1
11	1
38	1
39	1
44	1
53	1
55	1
89	1

91	1
92	1
93	1
119	1
142	1
156	1

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