

**GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF LEGAL AFFAIRS**

RAJYA SABHA

UNSTARRED QUESTION NO.1877

TO BE ANSWERED ON THURSDAY, THE 17th MARCH, 2022

Measures to reduce Government Litigation

1877 **Shri Neeraj Shekhar:**

Will the Minister of *Law and Justice* be pleased to state:

- (a) whether around 50 percent of total pending cases as on date in various courts in the country are due to Government litigation;
- (b) if so, the details thereof, State and court-wise;
- (c) if not, the details of percentage of Government litigation out of total pending cases in courts, State and court-wise; and
- (d) the details of steps taken to reduce Government litigation along with details of other measures taken to reduce pendency in the courts to provide relief to common people?

**ANSWER
MINISTER OF LAW AND JUSTICE
(SHRI KIREN RIJJU)**

(a): No, Sir.

(b): Does not arise

(c): As per available records, the information is as per **Annexure**.

(d): With the objective to reduce litigation, Ministries and Departments like the Railways and Department of Revenue, involved in a high number of litigations have been taking several measures for reducing the number of Court cases. Ministry of Railways have issued instructions for effective monitoring of Court cases at all levels. Zonal Railways and Production Units have been asked to take effective steps to reduce the number of cases in which the Government is a party and reduce the burden of courts, expedite finalization of all the cases in all courts at the earliest and to cut down the expenditure in contesting court cases. For achieving this, emphasis has been laid on

effective monitoring of cases by having regular meetings with empanelled advocates, for briefing and necessary directions to be given at the highest level, besides ensuring timely submission of replies, Counter replies and necessary documents to the advocates.

The Central Board of Direct Taxes (CBDT) and the Central Board of Indirect Taxes and Customs (CBIC) under the Department of Revenue, have issued a slew of instructions and brought in several measures, for reducing litigations and the resultant burden on Courts. While the CBDT has issued circulars directing the field Officers that pending appeals before Income Tax Appellate Tribunals/High Courts/Supreme Court with tax effect below the specified limits may be withdrawn/not pressed, and in the process facilitating a better and concerted focus on high demand litigations. CBDT has also clarified to the field officers that appeals should not be filed merely because the tax effect in a particular case exceeds the prescribed monetary limits and the filing of an appeal should be decided strictly on the merits of the case.

Similarly, the field formations under the CBIC have been instructed to withdraw appeals pending in High Courts/Customs Excise and Service Tax Appellate Tribunal, where the Supreme Court has decided on identical matter. Besides, CBIC has also instructed its field formations not to contest further in appeal where the issue has been lost in two stages of appeals. It has been decided, however, that in cases where it is felt that the issue is fit for further appeal, then on proper justification and approval of the Zonal Chief Commissioner, an appeal can be filed for the third time. Also, the field formation have been instructed to forward only those SLP proposals where in the issue involves substantial question of law or gross perversity or illegality in the appreciation of evidence.

In this direction, both the CBDT and the CBIC have also enhanced the threshold monetary limit for filing appeals, the details of which are as follows:

CBDT:

For filing appeals	Monetary limit
Before Income Tax Appellate Tribunal	Rs. 50 lakhs
Before High Court	Rs.1 Crore
Before Supreme Court	Rs.2 Crore

CBIC:

Monetary limits for filing appeals in cases relating to Central Excise and Service Tax			Monetary limits for filing appeals in cases relating to Customs		
Before CESTAT	Before High Court	Before Supreme Court	Before CESTAT	Before High Court	Before Supreme Court
Rs.50 lakhs	Rs.1 Crore	Rs.2 Crore	Rs. 5 lakhs	Rs.10 lakhs	Rs.25 lakhs

For the purpose of monitoring of litigation of Union of India, a web-platform namely, Legal Information Management & Briefing System (LIMBS) was created in the year 2016. LIMBS Ver.2 has been launched in the year 2019 to overcome the then existing technological gaps in the application. The vision of LIMBS Ver.2 is ***‘to be a single platform for Litigation of GoI along with establishment of a synchronized regime for monitoring of Litigation’*** across all Ministries / Departments of Government of India. Details regarding Central Government cases are updated on LIMBS portal by the 57 user Ministries / Departments. Data on LIMBS portal is user based which is entered by user of respective Ministry / Department and not centrally by the Department of Legal Affairs.

The alternative mechanism for the resolution of Inter-Ministerial/Departmental disputes also provide for an institutionalized mechanism for resolution of such disputes, namely, Administrative Mechanism for Resolution of Disputes (AMRD). This was framed by the Department of Legal Affairs and circulated *vide* O.M. dated 31.03.2020. This mechanism, applicable to disputes other than taxation disputes, will reduce litigations in courts and resolve the cases outside the court system, where both parties are Govt. Department or where one party is Govt. Department and other is its instrumentalities, (CPSEs/Boards/ Authorities, etc.).

To resolve the commercial disputes between Central Public Sector Enterprises *inter-se* and Central Public Sector Enterprises and Government Departments/Organizations in place of the earlier ‘Permanent Machinery of Arbitration’, a new scheme, namely, “Administrative Mechanism for Resolution of CPSE Disputes (AMRCD)” evolved by Department of Public Enterprises has been brought into effect w.e.f. 22.05.2018.

The Commercial Courts Act, 2015 was amended in 2018 to *inter-alia* provide for Pre-Institution Mediation and Settlement (PIMS) mechanism. Under this mechanism a party which does not contemplate any urgent interim relief in a subject-matter of commercial dispute of specified value of Rs.3 lakh and above has to first exhaust the remedy of PIMS to be conducted by the authorities constituted under the Legal Services Authorities Act, 1987, before approaching the Court.

Further for facilitating quick disposal of disputes outside the court systems by way of alternate dispute redressal mechanism of mediation, the Mediation Bill, 2021 has been introduced in the Rajya Sabha which *inter-alia* providing for pre-litigation mediation by the parties.

Also the National Mission for Justice Delivery and Legal Reforms, which was set up in August, 2011 with the twin objectives of increasing access by reducing delays and arrears in the system and enhancing accountability through structural changes and by setting performance standards and capacities. The Mission has been pursuing a co-ordinated approach for phased liquidation of arrears and pendency in judicial administration, which, *inter-alia*, involves better infrastructure for courts including computerization, increase in strength of subordinate judiciary, policy and legislative measures in the areas prone to excessive litigation, re-engineering of court procedure for quick disposal of cases and emphasis on human resource development.

ANNEXURE

Sl. No.	Name of the Court	Number of Cases where Union of India is a party	Total Pending Cases (As on 15.03.2022 except *)								
1	HON'BLE SUPREME COURT OF INDIA	The information is not maintained in the manner as sought for. However, on the basis of text search contained in the party's name like 'UOI', 'U.O.I.', 'Union of India', 'Govt. of India', 'Govt of India' and 'Govt', the number of pending Civil cases is 7933 and pending Criminal cases is 755 as on 19/8/2021 in Supreme Court of India (as per data retrieved from ICMIS).	70154* (as on 02.03.2022)								
2	HON'BLE HIGH COURT OF BOMBAY	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">Statement showing total pendency of cases in which Central Government is a party as on 04.03.2022</td> </tr> <tr> <td style="text-align: center;">Civil</td> <td style="text-align: center;">Criminal</td> </tr> <tr> <td style="text-align: center;">26162</td> <td style="text-align: center;">1311</td> </tr> <tr> <td colspan="2" style="text-align: center;">27473</td> </tr> </table>	Statement showing total pendency of cases in which Central Government is a party as on 04.03.2022		Civil	Criminal	26162	1311	27473		578959
Statement showing total pendency of cases in which Central Government is a party as on 04.03.2022											
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26162	1311										
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3	HON'BLE HIGH COURT OF ALLAHABAD	<p>As on 13.09.2021, the details of total number of cases, in which Central Government is a party, pending in High Court of Judicature at Allahabad including Lucknow Bench, Lucknow is as under:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Civil</td> <td style="text-align: center;">16407</td> </tr> </table>	Civil	16407	1035155						
Civil	16407										

		Criminal	2125	
		Total	18532	
4	HON'BLE HIGH COURT OF CALCUTTA	As on 07.03.2022		224737
		High Court of Calcutta	11535	
		District Court	6482	
5	HON'BLE HIGH COURT OF CHHATTISGARH	Total number of cases pending where UOI is a party as on 05.03.2022 is 2261.		84103
6	HON'BLE HIGH COURT OF DELHI	As on 28.02.2022, 14117 are the number of cases where Union of India is a party. Note: The above data is according to the name of the first Petitioner/Plaintiff/Appellant or the first Respondent/defendant available in the computer data base as "Union of India", "UOI", "U.O.I.", "U.O.I", "Government of India", "Govt. of India" and "Govt of India". The above figures are excluding the cases where the Union of India may be one of the parties but it is not the first petitioner/appellant/plaintiff or the first respondent/defendant in the cases. It also excludes the cases filed in the names of Ministries, departments, institutions and organizations under the control of Government of India.		102942
7	HON'BLE HIGH COURT OF GAUHATI	As on 04.03.2022, 10949 are the number of cases where Union of India is a party.		56444
8	HON'BLE HIGH COURT OF GUJARAT	Number of pending cases, where UOI is a party		152129

		as on 03.03.2022			
		As Petitioner	As Respondent	Total	
		Civil	522	5054	5576
		Criminal	19	93	112
		Total	541	5147	5688
		<p>Notes:</p> <p>1. As there is no specific identification to find Union of India as one of the parties, the report generated by searching the text as "Union of India" in name of Petitioner/Respondent or address entered in NC CIS data as on 03/03/2022.</p> <p>2. It is further clarified that since the name of party, mentioned in the petition, may differ from case to case, the report may not have all cases of Union of India.</p> <p>3. Report Generated On 04/03/2022.</p> <p>4. This report is generated as per the data entered by the subordinate court and available in the NJDG Server at the time of generating the report.</p>			
9	HON'BLE HIGH COURT OF ANDHRA PRADESH	As on 27.08.2021, 4887 Civil cases are pending where Central Government is a party.			226864
10	HON'BLE HIGH COURT OF HIMACHAL PRADESH	-			84741
11	HON'BLE HIGH COURT OF J & K and Ladakh	-			47980

12	HON'BLE HIGH COURT OF JHARKHAND	3893 cases are pending upto 31.12.2021 where Union of India is a party	85740						
13	HON'BLE HIGH COURT OF KARNATAKA	<table border="1"> <thead> <tr> <th>Name of the Court</th> <th>Number of Pending cases where UOI is a party as on 31.01.2022</th> </tr> </thead> <tbody> <tr> <td>High Court of Karnataka</td> <td>1514</td> </tr> <tr> <td>District Judiciary of the State</td> <td>2217</td> </tr> </tbody> </table>	Name of the Court	Number of Pending cases where UOI is a party as on 31.01.2022	High Court of Karnataka	1514	District Judiciary of the State	2217	258159
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High Court of Karnataka	1514								
District Judiciary of the State	2217								
14	HON'BLE HIGH COURT OF KERALA	-	210514						
15	HON'BLE HIGH COURT OF MADHYA PRADESH	As on 01.03.2022, total 15449 cases are pending where Union of India is a party	413467						
16	HON'BLE HIGH COURT OF MADRAS	As on 31.12.2021, total 12655 cases are pending where Union of India is a party in High Court and 1671 cases in District Court.	570847						
17	HON'BLE HIGH COURT OF MANIPUR	<table border="1"> <thead> <tr> <th>Name of Court</th> <th>Pendency where UOI is a party</th> </tr> </thead> <tbody> <tr> <td>High Court of Manipur</td> <td>291</td> </tr> <tr> <td>District and Subordinate Courts</td> <td>11</td> </tr> </tbody> </table>	Name of Court	Pendency where UOI is a party	High Court of Manipur	291	District and Subordinate Courts	11	4958
Name of Court	Pendency where UOI is a party								
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18	HON'BLE HIGH COURT OF MEGHALAYA	<table border="1"> <thead> <tr> <th>Name of Court</th> <th>Pendency where UOI is a party</th> </tr> </thead> <tbody> <tr> <td>High Court of Meghalaya</td> <td>203</td> </tr> <tr> <td>District Subordinate Courts</td> <td>239</td> </tr> </tbody> </table>	Name of Court	Pendency where UOI is a party	High Court of Meghalaya	203	District Subordinate Courts	239	1480
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High Court of Meghalaya	203								
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19	HON'BLE HIGH COURT OF ORISSA	-	194739												
20	HON'BLE HIGH COURT OF PATNA	<table border="1"> <tr> <th colspan="4">Number of pending cases in which 'Union of India' is a party as on 03.03.2022</th> </tr> <tr> <th>Nature of cases</th> <th>Civil</th> <th>Criminal</th> <th>Total Pendency</th> </tr> <tr> <td></td> <td>5994</td> <td>416</td> <td>6410</td> </tr> </table>	Number of pending cases in which 'Union of India' is a party as on 03.03.2022				Nature of cases	Civil	Criminal	Total Pendency		5994	416	6410	224046
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21	HON'BLE HIGH COURT OF PUNJAB & HARYANA	As on 28.02.2022, total 14710 cases are pending where Union of India is a party in High Court and 12030 cases in District Court.	450653												
22	HON'BLE HIGH COURT OF RAJASTHAN	-	585136												
23	HON'BLE HIGH COURT OF SIKKIM	There are 19 numbers of pending cases as on 05.03.2022, wherein Union of India is a party	182												
24	HON'BLE HIGH COURT OF TRIPURA	<table border="1"> <tr> <th colspan="2">As on 31.12.2021</th> </tr> <tr> <th>Name of the Court</th> <th>Number of cases pending</th> </tr> <tr> <td>High Court of Tripura</td> <td>152</td> </tr> <tr> <td>Subordinate Judiciary of Tripura</td> <td>232</td> </tr> </table>	As on 31.12.2021		Name of the Court	Number of cases pending	High Court of Tripura	152	Subordinate Judiciary of Tripura	232	1700				
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High Court of Tripura	152														
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25	HON'BLE HIGH COURT OF TELANGANA	Total number of cases pending where UOI is a party as on 28.02.2022 is 8256	259771												
26	HON'BLE HIGH COURT OF UTTARAKHAND	-	42240												