

**GOVERNMENT OF INDIA  
MINISTRY OF LAW & JUSTICE  
DEPARTMENT OF JUSTICE  
RAJYA SABHA  
UNSTARRED QUESTION NO.2666  
ANSWERED ON 23/03/2023**

**MEASURES FOR QUICK DISPOSAL OF COURT CASES**

**2666. SHRI SUSHIL KUMAR GUPTA:**

**Will the Minister of LAW AND JUSTICE be pleased to state:-**

- (a) whether Government proposes to adopt a policy and contemplates having adequate legislative measures in the areas prone to excessive litigation;**
- (b) if so, the details thereof and if not, the reasons therefor; and**
- (c) whether Government would consider re-engineering of court procedure for quick disposal of cases?**

**ANSWER**

**MINISTER OF LAW AND JUSTICE**

**(SHRI KIREN RIJJU)**

**(a)& (b):** Government has adopted several steps/measures to check excessive litigation specially in the areas which are prone to it. They include:-

**(i)** Ministry of Railways has 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.

**(ii)** 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before Income Tax Appellate Tribunals/High Courts/Supreme Court with tax effect below the specified limits may be withdrawn/not pressed, and in the process facilitating a better and concerted focus on high demand litigations.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.

**(iii)** 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.

(iv) 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.

(v) 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.

(vi) For the purpose of monitoring of litigation of Union of India, a web-based platform namely, Legal Information Management & Briefing System (LIMBS) was created in the year 2016. LIMBS Ver.2 has also been launched in the year 2019 to overcome the 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.

(c): While disposal of pending cases lies in the exclusively domain of judiciary and the Central Government has no direct role in the matter, the government has taken several initiatives to provide suitable environment for expeditious disposal of cases by the judiciary.

Central Government started the National Mission for Justice Delivery and Legal Reforms 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 coordinated approach for phased liquidation of arrears and pendency in judicial administration, which, *inter-alia*, involves better infrastructure for courts, including computerization, an 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.

Department of Justice with the active support of High Courts of Delhi, Mumbai, Karnataka and Calcutta has established dedicated commercial courts in Delhi(35), Mumbai(6), Bengaluru(10) and Kolkata(2). These dedicated commercial courts have made several efforts to improve the quality of judicial process through re-engineering of the court proceedings by way of automatic and random allocation of cases, imposing three adjournment rules and the color banding, introducing electronic case management tools for judges and lawyers, court automation through e-filing, e-summons, etc.

\*\*\*\*\*