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National Litigation Policy

Why in news?

Recently, the Union Law Ministry finalised a document on the national litigation policy that seeks to expedite the resolution of pending cases.

What is National Litigation Policy?

- **Launched in** - **2010**, as a part of the 100-day agenda of the then newly formed union government.
- It is yet to be implemented.
- **Need** - The government and its various agencies are the *largest litigants in courts* and tribunals in the country.
- There were allegations that frivolous cases are filed in the courts by the government as officers do not like to take a decision on sensitive issues.
- **Basis** - It is the responsibility of the government to protect the rights of citizens, to respect fundamental rights and those in charge of the conduct of government litigation should never forget this basic principle.

In Chief Conservator of Forests vs Collector 2003 case, the Supreme Court had ordered that the State/Union of India must evolve a mechanism to set at rest all interdepartmental controversies at the level of the government rather than carrying it to a court of law for resolution of the controversy.'

- **Objectives** - It aims *to reduce the cases pending* in various courts in India under the National Legal Mission to reduce the average pendency time from 15 years to three years.
- To *address high legal costs*.
- To collate stakeholder opinions and *reduce pendency of government lawsuits* and thereby to transform government into an ***efficient and responsible litigant***.

Efficient Litigant

- *Focusing on the core issues* involved in the litigation and addressing them squarely.
- Managing and conducting litigation in a cohesive, coordinated and *time-bound manner*.
- Ensuring that good cases are won and bad cases are not needlessly persevered with.
- A litigant who is represented by *competent and sensitive legal persons*: competent in their skills and sensitive to the facts that Government is not an ordinary litigant and that a litigation does not have to be won at any cost.

Responsible Litigant

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

- **Features** - It will essentially law down conditions for filing litigations by the Central government, under which a ministry or department will not be allowed to pursue cases if they do not fall within certain conditions.
 - **For instance:** the finance ministry has a litigation policy which does not allow it to appeal in income tax cases before the Supreme Court if the amount disputed is less than Rs. 2 crore.
- It will lay down such conditions for all other litigation-heavy ministries such as Ministry of Railways and Ministry of Road Transport and Highways.
- Law officers will be appointed in each department of the Union government to take a holistic view of litigation while filing new cases or defending pending cases.



What lies ahead?

- **Quick justice delivery** - There should be faster justice in matters pending in the Supreme Court, high courts, lower courts, tribunals and consumer courts.
- **Make India an Arbitration hub** - Some laws have been tweaked to enable this plan.
- **Raising awareness** - There have been programmes undertaken to raise awareness of the amended criminal laws.
- **Training and education** - The Law ministry had organized symposiums across the

nation, conducted training programmes for lawyers and judges, and created educational institutions for forensic science to smoothly bring the new criminal laws into force.

- **Use of technology** - The increased use of technology driven tools in the courts gives a major opportunity.
 - **e-Courts project** - It aims to reduce pendency in courts by digitising court records, moving to cloud technology, and holding online hearings over the next four years.

References

1. [Live Mint | Efforts to Reduce Pendency of Government Lawsuits](#)
2. [TaxIndiaOnline| National Litigation Policy](#)



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