Government Litigation - a key to reduce pending cases

What is the issue?

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- Over 3 crore cases are pending in various courts in India—over 60,000 in the Supreme Court, 40 lakh in various high courts and 2.7 crore in various subordinate courts.
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- The government's latest figures shows that 46% of cases are those involving the government, various PSUs and other bodies funded by the government.
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- At the end of FY16, disputed cases in tax department alone involved a sum of over 6.8 lakh crore.
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- Resolving atleast the government litigation will have a dramatic reduction of clutter in various courts.
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- It would also free up considerable amount of resources, both within the government and the private sector, in terms of manpower as well as money.
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Was the National Litigation Policy effective?

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- The National Litigation Policy sought to transform government into an 'efficient and responsible litigant' with a nodal officer in each department whose job would be to curb frivolous litigation with the help of various regional empowered committees.
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- Despite this, the average pendency in Indian courts remains 15 years instead of three, which was stated in the Policy.
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How can the number of cases be reduced?

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- If changes are to be brought in, it will have to be through an aggressive policy on mediation or arbitration and a policy rule that says the rulings will be challenged only under extremely trying circumstances.
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- It is equally important to apply rules that take into account the likelihood of victory and the time consumed for each case.
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- Groups can be set up in various ministries whose job is to examine all pending litigation and rank these on the basis of value and ‘winnability’, and then take a call on whether they should be carried on.
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- Cases can be bunched on the basis of points of law like the SC and can be delt accordingly.
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What is the way forward?

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Similar parameters have to be put in for current cases since there is little point in fixing the stock if the flow is not dealt with.

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Source: Financial Express

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