

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

LOK SABHA

**Unstarred Question No. 2855
TO BE ANSWERED ON THURSDAY, THE 17.03.2023**

Government Litigations in Courts

2855. Shri Sushil Kumar Singh:

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

- (a) whether the Government is one of the biggest litigants in courts;
- (b) if so, the details thereof, along with the number of the cases of the Government which are pending before the SC,HCs, Lower courts and tribunals as on date;
- (c) the top five litigant ministries of the Union Government along with the number of their pending cases; and
- (d) the steps being taken by the Government to ensure that the Government does not get into the business of unnecessary litigation?

ANSWER

**MINISTER OF LAW AND JUSTICE
(SHRI KIREN RIJU)**

(a) &(b): As per data available on National Judicial Data Grid, the total number of pending cases in High Courts (6050600) & District Courts (42718466) are 48769066.

Number of cases where Government is party including the estimated pending Criminal Cases are as under: -

S.N	Courts	Criminal Cases
1	High Courts	1699622
2	District & Taluka Courts	31847225

Number of cases where the Central Government is a party (As per data available on LIMBS Portal, which is entered by 57 user Ministries / Departments):-

Court wise Pending Cases	
Supreme Court	16776
High Court	242675
Tribunals	257531
Lower Court	118390

(c): As per data available on the LIMBS portal, following Ministries /Departments are the top five litigants:-

Top Five Litigants						
S.N	Ministry	Pending Cases	SC	HC	Tribunal	Lower Court
1	Finance	173377	9062	63030	97329	3956
2	Railways	108287	554	24925	53033	29775
3	Defence	85461	1235	14984	56503	12739
4	Labour& Employment	78249	320	23371	15424	39134
5	Home Affairs	23272	968	18421	1657	2226

(d):With the objective to reduce litigation, Ministries and Departments like 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 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.

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 Govt 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, 2021 with the twin objective 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 co-ordinate 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 arrears prone to excessive litigation, re-engineering of court procedure for quick disposal of cases and emphasis on human resource development.