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.

How can the number of cases be reduced?

- 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.
- It is equally important to apply rules that take into account the likelihood of victory and the time consumed for each case.
- 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.
- Cases can be bunched on the basis of points of law like the SC and can be delt accordingly.

What is the way forward?

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.

Source: Financial Express