

**GOVERNMENT OF INDIA  
LAW AND JUSTICE  
LOK SABHA**

UNSTARRED QUESTION NO:733

ANSWERED ON:04.08.2011

NATIONAL LITIGATION POLICY

Maadam Shri Vikrambhai Arjanbhai;Pakirappa Shri S.

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

- (a) whether Government has recently unveiled a National Litigation Policy to make Government departments more responsible in filing and pursuing cases;
- (b) if so, the salient features of the policy;
- (c) whether the policy would curb the huge backlog of pending cases in various courts; and
- (d) if so, the manner in which the policy is likely to be implemented?

**Answer**

MINISTER OF LAW AND JUSTICE(SHRI SALMAN KHURSHID)

(a) (b) (c) and (d) : Yes Madam. The Government proposes to evolve a National Litigation Policy with a view to conduct litigation by the Central Government in a responsive manner. The purpose underlying the proposed policy is to reduce Government litigation in courts. The Central Government has also urged the State Governments/Union Territories to evolve similar policies. The salient features of the National Litigation Policy are as under:

i) The Policy is based on the recognition that Government and its various agencies are the pre-dominant litigants in Courts and Tribunals in the country. Its aim is to transform the Government into an efficient and responsible litigant,

ii) Government must cease to be a compulsive litigant. The philosophy that matters should be left to the courts for ultimate decision has to be discarded.

iii) The policy is also based on the recognition that it is the responsibility of the Government to protect the rights of citizens and to respect their fundamental rights.

iv) All stake holders viz. Ministry of Law & Justice, Heads of various Departments, Law Officers, Government Counsel, and individual officers connected with the concerned litigation will have to play their part in ensuring the success of this policy.

v) The Nodal Officers, proposed to be appointed under this policy, have a crucial and important role to play in the overall and specific implementation of this Policy. Every Ministry must appoint proper Nodal Officers who have legal background and expertise. Nodal Officers must also be subjected to training so that they are in a position to understand what is expected of them under the National Litigation Policy.

vi) Accountability is the touch-stone of this Policy, which will be at the level of officers in charge of litigation and those responsible for defending cases, including Attorney General for India, Solicitor General of India, Additional Solicitor Generals and Assistant Solicitor Generals, all other lawyers concerned and Nodal Officers.

vii) There will be Empowered Committees at the national level and regional levels to monitor the implementation of this Policy and accountability.

viii) Screening Committees for constitution of Panels of Government Counsels will be introduced at every level i.e.. Supreme Court, High Court, District Courts/Lower Courts/Sub-ordinate Courts, Tribunals etc., to assess the skills and capabilities of people who are desirous of being on Government Panels before their inclusion on the Panel. Emphasis will be on identifying areas of core competence, domain expertise and areas of specialization.

ix) Continuing legal education for Government advocates including training programs, seminars, workshops and refresher courses with particular emphasis on identifying and improving areas of specialization.