

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

UNSTARRED QUESTION NO:4064
ANSWERED ON:21.03.2013
NATIONAL LITIGATION POLICY
Ajay Kumar SHRI

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

- (a) whether the Government is the single biggest litigant in the courts in the country and if so, the details thereof;
- (b) whether National Litigation Policy has been implemented;
- (c) if so, the details thereof; and
- (d) if not, the reasons therefor and the time by which the same is likely to be implemented?

Answer

MINISTER OF LAW AND JUSTICE (DR. ASHWANI KUMAR)

(a)to (d) A Statement is laid on the Table of the House.

Statement referred to in reply to parts (a) to (d) of the Unstarred Question no. 4064 for answer in the Lok Sabha on 21.03.2013.

1. The 10th Law Commission headed by Hon`ble Justice K. K. Mathew in its 100th Report entitled `Litigation by and against the Government: Some Recommendations for Reform` (May 1984) observed that `a pretty bulk of litigation in the courts, including, in particular, writ petitions in the Supreme Court and the High courts, consists of cases to which the Government is a party.` Ministry of Law and Justice, Government of India introduced `National Litigation Policy 2010` based on the recognition that Government and its various agencies are the pre-dominant litigants in courts and Tribunals in the country. Accordingly, the Policy declared `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. The easy approach, `Let the court decide, must be eschewed and condemned.`

2. The Government launched National Litigation Policy (NLP) in the year 2010 to streamline the conduct of Government litigation before various courts. The Policy is a restatement of the various provisions contained in the procedural laws i.e., the Code of Civil Procedure, 1908 and the Code of Criminal Procedure, 1973 etc. The policy has not been approved by the Government yet.