

## **The Delhi High Court observed in a recent judgement :**

- As per Legal Information Management & Briefing System (LIMBS) which is a web-based portal developed by Department of Legal Affairs, Ministry of Law & Justice for monitoring and handling of various Court cases of Government Departments and Ministries 4,79,236 cases of Government, 2055 cases for compliance and 975 cases of contempt were pending as on June 08, 2021.
- Finance Ministry has highest number of 1,17,808 cases, whereas Railways has 2nd highest pendency with 99,030 cases. That was on June 08 2021.
- The latest tally as on 06 July 2021 in the LIMBS website is:
  - Pendency 4,85,124
  - Pending Compliance 25,968
  - Contempt Cases 2,064
- Finance Ministry has highest number of 1,21,564 cases, and Railways has 2nd highest pendency with 99,597 cases.
- In the Finance Ministry, the CBIC has 1,09,746 cases that is 90.27% of all the cases in the Ministry. The contribution of CBDT is very poor with only 15,952 cases. But the figures in the site do not add up.
- Nearly a quarter of the entire government litigation is contributed by CBIC.

**Some Other observations of the Delhi High Court are –**

1. In all these cases, the Government raised false claims/ defenses before this Court which is a matter of grave concern. All these cases shocked the conscience of this Court. It appears that the false claims are raised with impunity because there is no accountability of any Government officer for raising the false claims and Courts seldom take any action against the person concerned for raising false claims/ defenses. Justice J R Midha said in a 31-page judgement
2. This Court is of the prima facie view that whenever a false claim is raised by the Government, it causes immense injustice to the litigant seeking justice; it also puts unnecessary burden on the Court and the Government also suffers but the concerned officer who has raised the false claim, does not suffer any action. If the facts given by the officers are found to be false/incorrect by the Court, the Government shall consider taking action and the copy of the judgment be kept in the ACR file of the officer. This will ensure that the officer is held accountable for the actions taken by him in the Court case.
3. This Court should take judicial notice of the fact that Government of India, State Governments and Public Sector Undertakings are involved in more than 50% of the litigations pending in the Courts and are the biggest litigants. Experience shows that indifference of the Governments has been compelling the citizens in search of reliefs and thus, the Governments / Public Sector Undertakings enjoy the distinction of being the largest litigants in the Courts involving a big draw on public exchequer.
4. Mr. Kirtiman Singh, learned Central Government Standing Counsel submits that there is no litigation policy of the Government at present. It is further submitted that the National Litigation Policy, 2010 was never implemented. He further said a writ petition for implementation of National Litigation Policy was rejected by this court earlier.

5. Referring to the rules framed by Sikkim for holding its officers accountable for the lapses in handling of court cases, the high court said there is a need to incorporate similar rules by the central government as well as by the Delhi government.
  
6. To this, Justice Midha said, “This court is of the view that the directions with respect to accountability in government litigation are in the nature of PIL (public interest litigation) and therefore, it would be appropriate to list this matter before the PIL bench. Subject to the orders of the Chief Justice, list this matter before division bench on July 15.”