

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA

STARRED QUESTION NO.*60

ANSWERED ON 07.12.2023

Backlog of petty civil and criminal cases

***60. Shri Jaggesh:**

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

- (a) whether it is a fact that there is a huge backlog of petty civil and criminal cases across several tiers of the judiciary resulting in high litigation expenses;
- (b) whether these petty civil cases and criminal offences can be addressed out-of-court and through a mediated method;
- (c) whether Government proposes Gram Panchayat-level mediation for petty civil and criminal issues on the lines of Panchayat-level mediation in Bihar and Himachal Pradesh; and
- (d) if so, the details thereof?

ANSWER

MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF LAW AND JUSTICE; MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS; AND MINISTER OF STATE IN THE MINISTRY OF CULTURE

(SHRI ARJUN RAM MEGHWAL)

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

STATEMENT REFERRED TO IN REPLY TO PARTS (A) TO (D) OF RAJYA SABHA STARRED QUESTION NO. 60 FOR ANSWER ON 07.11.2023 REGARDING 'BACKLOG OF PETTY CIVIL AND CRIMINAL CASES.

(a)& (b): Pendency of civil and criminal cases in the country at the level of District and Subordinate Courts, High Courts and the Supreme Court are reflected in real time basis on the National Judicial Data Grid (NJDG) developed by NIC under the aegis of eCommittee of the Supreme Court and funded by Government of India's eCourts Project.

As per NJDG, the backlog of total number of civil and criminal cases across different tiers of judiciary is as under:

Backlog of Civil and Criminal Cases in Judiciary (as on 1.12.2023)				
Sl. No	Court	Criminal Cases	Civil Cases	Total
1	Supreme Court	17,430	62,610	80,040
2	High Court	17,46,313	44,29,266	61,75,579
3	District & Subordinate Courts	3,36,23,288	1,10,06,949	4,46,30,237

Source: National Judicial Data Grid (NJDG).

The information regarding pending petty civil and criminal cases categorized in the manner sought are not separately maintained on National Judicial Data Grid (NJDG). In case of petty criminal offences, The Code of Criminal Procedure, 1973 under Section 206(2), defines petty offence as "any offence punishable only with fine not exceeding one thousand rupees, but does not include any offence so punishable under the Motor Vehicles Act, 1939 (4 of 1939). However, petty criminal offences are generally regarded as those offences for which the maximum punishment under the Indian Penal Code, 1860 or any other law for the time being in force is imprisonment up to three years such as Criminal Breach of Trust (Section 406), Theft (Section 379), Extortion (Section 384) etc. As such, petty civil cases have not been statutorily defined.

Many categories of petty civil cases and criminal offences can be addressed out-of-court and through a mediated method.

Lok Adalat, established under the Legal Services Authorities Act, 1987 is primarily a "People's Court" wherein decisions are arrived at between two or more disputing parties on mutually acceptable terms amicably. Lok Adalats can take up any kind of Civil Matters and all Criminal Compoundable Matters, mostly petty in nature that are pending in a court or at the Pre-Litigative stage. There are three types of Lok Adalats: National Lok Adalats, State Lok Adalats and Permanent Lok Adalats. Mobile Lok Adalats are also organized in various parts of the country, which travel from one

location to another to resolve disputes in order to facilitate the resolution of disputes through a mediated mechanism. Since June, 2020, Online Lok Adalat/e-Lok Adalats have been organised virtually that facilitates party interaction and exchange of information, allowing people to effectively participate from their homes with the help of internet technology.

The recently enacted Mediation Act, 2023 lays down that mediation can be conducted in civil and commercial matters in terms of the provisions of the Mediation Act, 2023 barring such matters explicitly listed in the First Schedule of the Act which are not fit for mediation and in which mediation can not be conducted. It can be seen from the exempted list in the first schedule that only major offences have been excluded, thus leaving majority of the petty offences under the ambit of Mediation Act, 2023.

(c) & (d): As per the information provided by Ministry of Panchayati Raj (MoPR), it had constituted an Expert Committee on the subject of “*Community Mediation/Localization of Sustainable Development Goals (SDG) 16.3*” to provide policy and operational guidance for expanding access to justice and reduce inequalities in access to justice at the grass-roots level. The Committee has recommended that the States may formulate State-led Composite Model, which may comprise one or more of the Development of Panchayat Model (as in Bihar/ Himachal Pradesh), Panchayat Facilitated Community Mediation, Panchayat Justice Delivery through SHG-PRI Partnership, Jagratha Samiti Model and Semi-formal systems towards alternate dispute resolution to allow scalable sustainability while allowing for participatory empowerment. ‘Panchayats’ being a ‘State’ subject, the recommendations of the Committee have been forwarded to the States for taking up suitable actions towards their implementation.

In the State of Bihar, the Bihar Panchayati Raj Act, 1993, provides for setting-up of *Gram Kachahari* for resolution of village disputes. A *Gram Kachahari* is at the Gram Panchayat level and adjudicates on local issues and provide legal redressal. These village courts have jurisdiction for the trial of certain criminal and civil offences committed within its jurisdiction. The bench tries to come to amicable settlement for any suit that is filed. Only in cases where there is no possibility of amicable settlement, the bench examines the dispute and gives its decision. Upon conviction, the bench can declare legitimate punishment under Section 107 of the Bihar Panchayati Raj Act.

In case of Himachal Pradesh, under the provisions of the Himachal Pradesh Panchayati Raj Act, 1994 Gram Panchayats are empowered to take cognizance of 38 types of offences under various

Acts including hearing and deciding applications for maintenance under Section 125, Code of Criminal Procedure, 1973 and cases transferred by the revenue court to the Gram Panchayat. Initially the Gram Panchayats mediate for civil and revenue cases to resolve the issues by compromise. Thereafter, the Gram Panchayat conducts proper trial as per law for disposal of the cases.

Under The Gram Nyayalayas Act, 2008, enacted by Government of India, village-level judicial institutions called Gram Nyayalayas have been established at the grass roots level for the purposes of providing access to justice to the citizens at their doorsteps in rural areas. Under Section 26 of the Act, it is mandated that as a duty, in every civil or criminal suit or proceeding, arising at the local level, endeavor shall be made by the Gram Nyayalaya in the first instance, to assist, persuade and conciliate the parties in arriving at a settlement in respect of the subject matter of the suit, claim or dispute.
