

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE
RAJYA SABHA
UNSTARRED QUESTION NO. 440
ANSWERED ON 28/11/2024

HUGE BACKLOG OF PETTY CIVIL AND CRIMINAL CASES

440. SHRI MADAN RATHORE:

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 mediation method;
- (c) whether Government proposes Gram Panchayat-level mediation for petty civil and criminal issues on the lines of Panchayat-level mediation in Rajasthan; and
- (d) if so, the details thereof?

ANSWER

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

(SHRI ARJUN RAM MEGHWAL)

(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 21.11.2024)				
S. No.	Name of court	No. of cases pending (civil)	No. of cases pending (criminal)	Total
1.	Supreme Court of India	64,225	18,265	82,490
2.	High Courts	43,46,093	17,58,414	61,04,507
3.	District and Subordinate Courts	1,09,48,059	3,44,77,774	4,54,25,833

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 Bhartiya Nagarika Suraksha Sanhita, 2023 under Section 229(2), defines petty offence as “any offence punishable only with fine not exceeding five thousand rupees, but does not include any offence so punishable under the Motor Vehicles Act, 1988 (59 of 1988), or under any other law which provides for convicting the accused person in his absence on a plea of guilty.”

Many categories of petty civil cases and criminal offences can be addressed out-of-court and through Lok Adalats or mediation.

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 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 Self Help Groups – Panchayati Raj Institutions (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.

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. At present, there are 45 Gram Nyayalayas operational in the State of Rajasthan. 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.

The details of 15 states which have notified and operationalized the Gram Nyayalayas is at ***Annexure-I.***

STATEMENT REFERRED TO IN REPLY TO PART (C) TO (D) OF RAJYA SABHA UNSTARRED QUESTION NO. 440 FOR ANSWER ON 28.11.2024 REGARDING 'HUGE BACKLOG OF PETTY CIVIL AND CRIMINAL CASES'.

Notified and Operational Gram Nyayalaya as on 26.11.2024			
Sr. No	States	No of Gram Nyayalaya Notified	No of Gram Nyayalaya Operational
1	Andhra Pradesh	42	0
2	Goa	2	2
3	Haryana	3	2
4	Jammu and Kashmir	20	0
5	Jharkhand	6	1
6	Karnataka	2	2
7	Kerala	30	30
8	Ladakh	2	0
9	Madhya Pradesh	89	89
10	Maharashtra	39	26
11	Odisha	24	21
12	Punjab	9	2
13	Rajasthan	45	45
14	Telangana	55	0
15	Uttar Pradesh	113	93
Total		481	313

**Source:- Gram Nyayalaya Portal*