

MR. CHAIRMAN: It has been noted by the Minister.

SHRI RAVI SHANKAR PRASAD: That will carry some weight.

**Pendency of court cases**

\*283.DR. CHANDAN MITRA: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the present number of cases pending in courts across the country *vis-a-vis* the number of judges/judicial officers;

(b) whether, as per a recent study of National Court Management System (NCMS), the number of pending cases in courts is likely to go upto 15 crore; and

(c) if so, the steps taken by Government for judicial reforms and also to improve the judge/population ratio?

THE MINISTER OF LAW AND JUSTICE (SHRI KAPIL SIBAL): (a) to (c) A Statement is laid on the Table of the House.

**Statement**

(a) The 'Policy and Action Plan' document formulated under the National Court Management Systems (NCMS) has estimated that there are over three (3) crore cases pending in courts across the country *vis-a-vis* sanctioned strength of 18,871 judicial officers/judges as on 31-12-2011. It has also estimated that with increase in literacy, per capita income and population, the number of new cases filed each year may go upto fifteen (15) crore per annum over the next three decades. NCMS is responsible for preparing policy guidelines for developing a National Framework of Court Excellence (NFCE) to set measurable performance standards for Indian courts to address issues of quality, responsiveness and timeliness to facilitate delivery of justice. Supreme Court of India *vide* its order dated 01-02-2012 in the case of Imtiyaz Ahmed versus State of Uttar Pradesh & Others has, *inter-alia*, asked the Law Commission to evolve a scientific assessment for creation of additional courts.

(b) In order to assist the judiciary, the Government has set up a National Mission for Justice Delivery and Legal Reforms to achieve the twin goals of

(i) increasing access to justice by reducing delays and arrears; and (ii) enhancing accountability through structural changes and by setting performance standards and improving capacities. The Mission has adopted a coordinated approach for phased liquidation of arrears and pendency in judicial administration by providing support for better court infrastructure including computerisation, encouraging increase in the strength of subordinate judiciary and recommending policy and legislative measures in the areas prone to excessive litigation and suggesting re-engineering of court procedures for quick disposal of cases.

(c) In the conference of Chief Ministers and Chief Justices of High Courts held in New Delhi on 07<sup>th</sup> April, 2013, it was *inter-alia* decided that the State Governments, in consultation with the Chief Justice of the concerned High Court, will take requisite steps for creation of new posts of Judicial Officers at all levels with support staff and requisite infrastructure.

DR. CHANDAN MITRA: My first supplementary arises out of the Minister's alarming as well as evasive reply. I say alarming because he has admitted that in three decades the number of court cases in the country will reach a whopping 15 crore. So, from the present three crores, there will be a five times increase in the number of cases in thirty years from now. On the other hand, he says that the NCMS has been asked to prepare policy guidelines for National Framework of Court Excellence, and so on and so forth. But there is no reference to the time frame within which any of these new measures are going to be recommended, leave alone implementing it. Sir, through you, I would like to draw the Minister's attention to a statement made by the previous Minister for Law on the floor of Parliament in which he said that several steps are being taken to deal with this challenge, including expediting the appointment of judges, establishment of e-courts, computerisation of court records, fast track courts and other administrative mechanisms. All your statements have intent, but we have not seen in the Minister's reply any concrete steps, assurances or a time-frame as to when these measures would be taken.

SHRI KAPIL SIBAL: Sir, first of all, I would like to state on record that the statement made here is candid and truthful, and not evasive. The fact of the matter is that we, when questions are asked, must state to distinguished Members of the House what the truth is, and the truth is that the pendency in courts is

about three crores and it is going to rise, as the distinguished Member has rightly said, in the coming years to 15 crores. The three crore cases that are pending today are dealt with by about 16,000 courts in India and the requirement to deal with 15 crore cases, which is going to happen, we will need Rs. 75,000 crores. Now that requires financial planning, that requires infrastructure planning. It requires the States to collaborate with the Central Government, as you know that administration of justice is a State subject. It is not a Central Government subject. In fact, there was a Chief Justices' Conference on the 7<sup>th</sup> of April, 2013 in which certain Resolutions were passed and certain decisions were taken.

And, one of the decisions taken is to increase the ratio, in the next five years, to 30. Today, population-courts ratio is: For every one million population the number of courts that are sanctioned is 15. In any developed country, it is not less than 50. And, in some countries, it is about 100. So, the Chief Justices' Conference took a decision that this ratio of 15 will be increased to 30 in the next five years. Then, the question arose as to where the finances are going to come from, because in order to increase the ratio to 30, we need infrastructure investment.

As far as the Government of India is concerned, we have told the Judiciary that we are happy to contribute to the infrastructure investment. But, as far as salaries and recurring expenditure is concerned, those have to be borne by the State Governments. Now, the State Governments say that they do not have the finances to bear salaries and recurring expenditure. So, they have been advised to write letters to the Finance Commission. Hopefully, the Finance Commission will set apart a sum of money in order to take care of recurring expenditure of increased courts. So, it is not that we have not taken steps. It is not that the reply is evasive. In fact, we are thinking about it. We have given a roadmap for future. And, we hope that the States will collaborate with us — Central Government —to deal with the problem and take solutions forward.

DR. CHANDAN MITRA: Sir, I would not like to comment on this reply, because there is a tendency to blame the States whereas the principal responsibility is that of the Centre.

But, be that as it may, my second supplementary is that the hon. Minister is very well aware that the Government is the biggest litigant in the country. Being

the biggest litigant in the country, Sir, I would like to know, through you, from the hon. Minister how many Government-related cases in which the Government has either filed cases or is defending itself are going on at present. And, whether any steps are contemplated to reduce the number of cases in which the Government is a litigant, because that will only contribute to the total number of cases. And, out of 15 crore, I would not be surprised if, at least, 1/3<sup>rd</sup> are Government-related cases which end up only in fattening the pockets of lawyers and does not help the Government.

SHRI KAPIL SIBAL: Sir, we are very happy that some of the distinguished Members in this House are benefited through those transactions. But, be that as it may...

SOME HON. MEMBERS: You are also one of them.

SHRI KAPIL SIBAL: I have lost out on that, as you know. But, you do.

SHRI RAVI SHANKAR PRASAD: Soon the time may come, hon. Minister.

SHRI KAPIL SIBAL: Hopefully, from your point of view. And, hopefully, from my point of view, you will continue to prosper.

SHRI M. VENKAIAH NAIDU: From April, you will ...(Interruptions)...

MR. CHAIRMAN: Fair enough. Let us get back. Can the question be answered?

SHRI KAPIL SIBAL: May I answer the question?

Sir, constitutionally speaking, the primary responsibility of administration of justice is not that of the Central Government, but of the State Government. Having said that, the distinguished Member is absolutely right that the Government is involved in a lot of litigation as it is bound to be. When individuals go into litigation, the target is always the Government, because unless the Government does not take wrong decision, people will not go to court. So, the maximum litigant is the Government. But, let me give you figures which will surprise you. Sir, of the 3 crore cases that are pending, you will be surprised to hear that there are about 18 per cent of those 3 crore cases relate only to negotiable instrument cases *i.e.*, bouncing of cheques. Now, I think, we can have a very quick solution

to this. And the Government is, in fact, contemplating special procedures to deal with these matters. That is number one.

Another 10 per cent of cases are with respect to motor vehicle claims. Now, this also can be easily dealt with. If we bring in IT and find technology solutions, instead people going to court and litigate in court, they would not have to go to court. So, that is another 10 per cent.

Another 5-7 per cent of cases relate to Electricity Act, such as people are over-billed, over-charged, etc. They go to court and they are harassed in courts. So, almost 30-35 per cent cases are cases which can be easily dealt with efficient procedures in which IT plays a large part. I have already taken a note of this and I am going to move forward to ensure that litigants are not harassed. Having said that, that still leaves about 65,000 cases, and we have noticed that if we increase the number of judges and bring them to the sanctioned strength, and increase the strength of district and trial courts, we would be able to deal with the arrears in the next five to ten years. And I am sure that our Government, after 2014 too, would take steps to do that.

SHRIMATI RAJANI PATIL: Sir, while we welcome sections 498A and 304B which are meant for women, it has been observed that due to this section so many families remain on trial for a long time, with elderly people being put in jails. That is what we have observed. Of course, this law has been made to support the women folk in India, but, Sir, the judicial process is so lengthy that many elderly people who suffer from diabetes and other diseases, are harassed in jails. So, what measures does the Government plan to take for improving upon sections 498A and 304B. Is the Government doing something in this regard? That is my particular question.

SHRI KAPIL SIBAL: Mr. Chairman, Sir, I just want to mention, through you, to the distinguished Member that Governments are not involved in the way in which courts function. Courts have their own procedures, their own levels of efficiency, and we cannot, as distinguished Members of this House would know, direct the court to do A, B, C. But this is a concern that the courts are aware of. I am sure that courts will introspect on this issue and ensure that the kind of delays that take place in courts, do not happen; they appoint efficient judges;

Now, one of the reasons for the cases piling up is that too many adjournments are being sought by lawyers and too many adjournments are being granted by magistrates and judges. Can't procedures be improved so that written arguments could be given? With adjournment after adjournment after adjournment, the turn coming in the next year or the year after that and so on, people have to go on waiting for justice. Can't those procedures be improved by courts? The Law

Minister can sit with them; they can sit together and work out the procedure so that litigants get the relief.

SHRI KAPIL SIBAL: Mr. Chairman, Sir, through you, I would like to inform the distinguished Member that it is not as if courts and Governments have not applied their minds to a very vexed issue that he has raised. If you go to any court in this country, especially in the trial court, you will find that, on an average, there are more than a hundred cases that are listed. Now, how do you expect the trial judge to decide a hundred cases on that day? It is just not possible. Apart from those hundred cases, there are also trial cases that are listed in the afternoon. Therefore, there are miscellaneous cases, there are trial cases and there are final hearing cases. You cannot expect a judge. I think, we are being very harsh on the judiciary when we expect them to decide these cases instantly. That is one problem. This can only be resolved by expanding the judicial system and having more judges. That is number one.

Number two, there is also the issue of the litigant. A litigant has trust in a particular lawyer. Now, when he has trust in a particular lawyer, normally that lawyer is a busy lawyer because the more efficient the lawyer is the more people will have trust in him. Now, he also has about 30-40 cases. If the judge tells the litigant that he will not grant him an adjournment, who ultimately is harmed? The litigant. So, the judge also does not want to harm the litigant, and the litigant also wants his lawyer to appear. So, the litigant says to the lawyer, "I don't mind the adjournment because I want you to argue my case". So, that is the other issue. So, this is not an easy issue. It is a very complex issue. Governments, from time to time, have tried to grapple with it. The solution to this is that the judge-population ratio should slowly be increased to 100 judges per every million population, and that requires enormous investment in the judicial infrastructure, and in appointing new judges, and I think...

SHRI SITARAM YECHURY: What is the ratio now?

SHRI KAPIL SIBAL: The ratio is, at the moment, on the sanctioned strength, only 15; but on the actual strength, just above 13. We intend, in the next five years, to increase it to 30, and we hope that in the next 10-15 years, this will be increased to over 50. Once we have that, then, this problem will, to some extent, be resolved. ...(*Interruptions*)...

MR. CHAIRMAN: Now, Question No. 284. ...*(Interruptions)*... †00 200 •0†< ...*(30000)*...

SHRI SUKHENDU SEKHAR ROY: Sir, we are not getting proper treatment. Members are being allowed to put questions without your permission. ...*(Interruptions)*...

MR. CHAIRMAN: Please, please, please. ...*(Interruptions)*... No, no. One minute, please. ...*(Interruptions)*... Let me clarify the position. ...*(Interruptions)*...

SHRI SUKHENDU SEKHAR ROY: In this Session, I have raised my hand just once, and I have not been allowed to put the question whereas other Members have been allowed. ...*(Interruptions)*... This is not ...*(Interruptions)*...

MR. CHAIRMAN: Please sit down. ...*(Interruptions)*... Please sit down. ...*(Interruptions)*...

SHRI SUKHENDU SEKHAR ROY: Even Members are allowed to put questions to the Ministers, without raising hands, without taking permission from the Chair, how ...*(Interruptions)*...

MR. CHAIRMAN: Will you please sit down? None of this is going on record. ...*(Interruptions)*...

SHRI SUKHENDU SEKHAR ROY: \*

MR. CHAIRMAN: Let me make one thing very clear. ...*(Interruptions)*... †00 200 •0†< ...*(30000)*...

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MR. CHAIRMAN: It is not your question; number one. ...*(Interruptions)*...

SHRI SUKHENDU SEKHAR ROY: \*

MR. CHAIRMAN: Will you please sit down? What you are saying is not going on record. ...*(Interruptions)*... One minute, please. All right, this is enough. ...*(Interruptions)*... Please sit down. ...*(Interruptions)*... Please sit down. ...*(Interruptions)*... Will you please sit down? ...*(Interruptions)*...

SHRI SUKHENDU SEKHAR ROY: \*

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\*Not recorded.



MR. CHAIRMAN: I think the hon. Member is going beyond all limits. *...(Interruptions)...* May I please clarify one thing? *...(Interruptions)...* May I please clarify one thing? Questions are balloted. The right to ask questions and ask supplementaries belongs first and foremost to the Member in whose name the question is. Thereafter, for further supplementaries, the rule in the House is two supplementaries, but this Chair has extended it to three supplementaries. Questions have to be rotated around the House. Now, you cannot demand a supplementary as a matter of right.

SHRI SUKHENDU SEKHAR ROY: I am not demanding, Sir.

MR. CHAIRMAN: No; I am not arguing with you. *...(Interruptions)...* I am not arguing with you. Will you please sit down? *...(Interruptions)...*

SHRI SUKHENDU SEKHAR ROY: \*

MR. CHAIRMAN: You are interrupting the proceedings. *...(Interruptions)...* Will you please sit down? *...(Interruptions)...* Listen; please sit down. *...(Interruptions)...* Please sit down. *...(Interruptions)...* Mr. Tyagi, please *...(Interruptions)...*

MR. CHAIRMAN: I think the hon. Member is going beyond all limits. *...(Interruptions)...* May I please clarify one thing? *...(Interruptions)...* May I please clarify one thing? Questions are balloted. The right to ask questions and ask supplementaries belongs first and foremost to the Member in whose name the question is. Thereafter, for further supplementaries, the rule in the House is two supplementaries, but this Chair has extended it to three supplementaries. Questions have to be rotated around the House. Now, you cannot demand a supplementary as a matter of right.

SHRI SUKHENDU SEKHAR ROY: I am not demanding, Sir.

MR. CHAIRMAN: No; I am not arguing with you. *...(Interruptions)...* I am not arguing with you. Will you please sit down? *...(Interruptions)...*

SHRI SUKHENDU SEKHAR ROY: \*

MR. CHAIRMAN: You are interrupting the proceedings. *...(Interruptions)...* Will you please sit down? *...(Interruptions)...* Listen; please sit down. *...(Interruptions)...* Please sit down. *...(Interruptions)...* Mr. Tyagi, please *...(Interruptions)...*

MR. CHAIRMAN: One minute. *...(Interruptions)...* Ravi Shankarji. *...(Interruptions)...* One minute. *...(Interruptions)...* I will from the Chair make an offer to the entire House that if anybody can produce a computer programme by which

\*Not recorded.

in 245 Members three supplementaries can be selected which would take care of all the parties around the House, all the front benchers, back benchers, middle benchers, let such a programme be produced, I will be very happy to introduce it. Thank you. ...*(Interruptions)*... Tyagiji, please. ...*(Interruptions)*...

...*(Interruptions)*...  
...*(Interruptions)*...

...*(Interruptions)*...

...*(Interruptions)*...

...*(Interruptions)*...

...*(Interruptions)*...  
...*(Interruptions)*...

MR. CHAIRMAN: Sit down, Mr. Ravi Shankar. ...*(Interruptions)*...

...*(Interruptions)*...  
...*(Interruptions)*...

MR. CHAIRMAN: I think it is in the interest of hon. Member's health not to get too excited. ...*(Interruptions)*...

### Ban on monocrotophos pesticides

\*284. SHRI K.C. TYAGI: Will the Minister of AGRICULTURE be pleased to state:

(a) whether it is a fact that monocrotophos pesticide has been described as of high acute toxicity by Food and Agriculture Organisation (FAO) and World Health Organisation (WHO);

(b) whether this pesticide is still in use in the country while it has been banned in several countries, and if so, the details thereof; and

(c) the reasons for not banning this pesticide in the country?

THE MINISTER OF AGRICULTURE (SHRI SHARAD PAWAR): (a) to (c) A Statement is laid on the Table of the House.