

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA
UNSTARRED QUESTION NO.602
ANSWERED ON 07.12.2023

NEED TO STRENGTHEN CAPACITY OF JUSTICE DELIVERY SYSTEM

602. SHRI JAGGESH:

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

- (a) whether it is a fact that there is a need to bridge the immense gap between requirements and capacity of justice delivery system in the country;
- (b) whether a huge backlog of small civil and criminal cases across several tiers of the judiciary results in high litigation expenses;
- (c) whether the expert panel strongly recommended Bihar's Kachahari Model for community-led mediation;
- (d) whether Government proposes to consider expert panel recommendation for Gram Panchayat-level mediation for small civil and criminal cases; and
- (e) 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): Yes Sir, there is a gap between requirement and capacity of justice delivery system in the country. While the primary function of adjudication of cases and providing justice lies with the Judiciary, the Government on its part has taken several initiatives to aid capacity building and provide an ecosystem for an efficient justice delivery system. The Government is pursuing a co-ordinated approach for phased liquidation of arrears and pendency in judicial administration, which, inter-alia, involves better infrastructure for courts including computerization, increase in human power of judiciary through appointment of judges, undertaking policy and legislative measures in the areas prone to excessive

litigation, re-engineering of court procedure for quick disposal of cases and emphasis on human resource development along with providing legal aid services and pre-litigation advice for the common citizens.

(b): No Sir, there is no available data to establish a direct link that huge backlog of small civil and criminal cases across several tiers of judiciary result in high litigation expenses. Further, small civil and criminal cases have not been statutorily defined. However, small 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), Rioting armed with deadly weapon (Section 148), Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language etc. (Section 153A), Punishment for false evidence (Section 193) , Attempt to commit culpable homicide (Section 308), Voluntarily causing hurt by dangerous weapons or means (Section 324), Voyeurism (Section 354C), Theft (Section 379), Extortion (Section 384) etc.

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).

(c) to (e): 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 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.

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), 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.
