

MR. CHAIRMAN: Question Hour is over. ...(*Interruptions*)... I am taking up Zero Hour. Shrimati Mamata Thakur. ...(*Interruptions*)...

SHRIMATI MAMATA THAKUR: Sir, ...(*Interruptions*)...

MR. CHAIRMAN: The House is adjourned to meet at 2.00 p.m.

*The House then adjourned at one minute past one of the clock.*

*[Answers to Starred and Un-starred Questions (Both in English and Hindi) are available as Part — I to this Debate, published electronically on the Rajya Sabha website under the link <https://sansad.in/rs/debates/officials>]*

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*The House reassembled after lunch at two of the clock,*

MR. DEPUTY CHAIRMAN *in the Chair.*

#### PRIVATE MEMBERS' RESOLUTION

MR. DEPUTY CHAIRMAN: Hon. Members, this is Private Members' Resolution. ...(*Interruptions*)... आप सब प्लीज अपनी जगह पर बैठें। ...(**व्यवधान**)... माननीय सदस्यगण, यह प्राइवेट मेंबर्स रेजोल्यूशन है। ...(**व्यवधान**)... यह अवसर कभी-कभी आता है, इसलिए आप अपने समय का अच्छी तरह सदुपयोग करें। ...(**व्यवधान**)... आप सबसे मेरा अनुरोध है कि यह मेंबर्स का समय है। ...(**व्यवधान**)... मैं अब्दुल वहाब जी को बुलाता हूँ। ...(**व्यवधान**)... प्लीज आप अपनी जगह लें। ...(**व्यवधान**)...

SHRI ABDUL WAHAB (Kerala): Thank you very much, Sir, for allowing me to move a Resolution on this day, the December 6<sup>th</sup>. It is an important day today. ...(*Interruptions*)...\*

**श्री उपसभापति:** प्लीज, आप अपनी जगह पर बैठें। ...(**व्यवधान**)... Please speak on the subject. ...(*Interruptions*)... Only that will go on the record. ...(*Interruptions*)...

SHRI ABDUL WAHAB: I am moving the Resolution. ...(*Interruptions*)...

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\* Not recorded.

**श्री उपसभापति:** अब्दुल वहाब जी, आपका सज्जेक्ट दूसरा है, लेकिन आप दूसरी चीज पर बोल रहे हैं, वह रिकॉर्ड पर नहीं जाएगा। ...**(व्यवधान)**...

### Resolution regarding Reforms in Indian Judiciary

SHRI ABDUL WAHAB: Sir, I move:

"Having regard to the fact that:-

- (i) the country's low judge-to-population ratio causes judicial officers to be under a lot of stress at work, which makes them prone to make mistakes;
- (ii) as per the directions imparted in the All India Judges Association judgement of 2002, by 2007, there should be 50 judges per million, however, there are currently less than 25 judges per million in the country;
- (iii) as a result, there are currently over 4.5 crore cases outstanding in the country, with over 2.5 crore of those cases related to criminal proceedings;
- (iv) the typical case pendency in country's High Courts is three years and the average pendency in lower courts is 6 years;
- (v) the average number of pending cases in the country is among the highest in the High Courts of Rajasthan, Allahabad, Karnataka, Calcutta, Orissa and Delhi;
- (vi) the Bombay High Court has the largest percentage of ongoing civil cases (65.2%), while the Jharkhand High Court has the most percentage of pending criminal cases (75%);
- (vii) Gujarat has the highest average pendency case count (9.51 years), followed by Dadra and Nagar Haveli (8.79 years);
- (viii) one of the main causes of pendency is administrative inefficiency along with deficiencies in infrastructure and human resources;
- (ix) in all States, the rate at which civil cases are cleared is higher than the rate at which criminal cases are cleared, which causes a greater number of criminal cases in the country;
- (x) despite this, there are still a lot of vacancies in India's lower, high and other courts;
- (xi) the country's judiciary has begun digitizing its records, but there are still many unnecessary procedures and a sluggish use of technology which should be avoided to improve the system's efficiency;
- (xii) because of the long processing time and low case resolution rate, dealing with the Indian judiciary is sometimes expensive and out of reach for those from underprivileged and economically disadvantaged groups in our society;

(xiii) as per the NCRB data of 2022, it is a matter of great concern that out of the 5,73,220 inmates in Indian jails, 4,34,302 (75.7%) are undertrials and out of the 23,772 women in prisons, 18,146 (76.33%) are undertrials and many are incarcerated for far longer than they would be if they were found guilty of the charged offenses;

(xiv) it is also extremely concerning that, as per the NCRB data of 2022, over 55% of the undertrial population is made up of members from Muslim, Dalit, and Tribal communities, and many of them are underprivileged; and

(xv) the general public is becoming more skeptical in the legal system and its processes, and in the judiciary itself, which is raising concerns about the legitimacy of judiciary amongst the public,

the House urges upon the Government to:-

- (a) raise the number of judges in both lower and higher courts to at least 50 judges per million people;
- (b) ensure that all courts have an effective system and procedure in place for the vacancies to be filled up promptly;
- (c) ensure that Indian courts quickly embrace technological advancements in their proceedings and do away with redundant processes;
- (d) improve the infrastructural facilities and enhance human resource capacities at the lower courts and ensure that all citizens have the greatest possible access to the lower courts and legal rights;
- (e) ensure that every court makes special plans and arrangements to expedite and resolve the long-pending cases, especially those involving under-trial prisoners;
- (f) ensure that regular training to handle evolving legal situations is a fundamental component of the judicial process, which includes ongoing legal education to judges and enhancement of use of technology by giving training to court staff;
- (g) set up an expert group to carry out studies to enhance the current state of our legal system and promptly implement the recommendations after consulting the judicial community;
- (h) ensure that the Collegium encourages more young lawyers to join judiciary and elevate more young judges to High Courts and Supreme Court; and
- (i) encourage the legal community to instill trust in our nation's judicial system and its processes among the public."

MR. DEPUTY CHAIRMAN: Please take your seats. ....*(Interruptions)...*

SHRI ABDUL WAHAB: As per the directions imparted in the All-India Judges Association judgement of 2002, by 2007, there should be 50 judges per million. ...*(Interruptions)*...

**श्री उपसभापति:** आप प्लीज अपनी जगह पर बैठें। ...**(व्यवधान)**...

SHRI ABDUL WAHAB: However, there are currently less than 25 judges per million in the country. ...*(Interruptions)*...

**श्री उपसभापति:** माननीय सदस्यगण, यह प्राइवेट मेंबर्स रेजोल्यूशन है। ...**(व्यवधान)**... यह आपका समय है। ...**(व्यवधान)**... आप इसका सदुपयोग करें। ...**(व्यवधान)**...

SHRI ABDUL WAHAB: As a result, there are currently over 4.5 crore outstanding cases in the country, with over 2.5 crore of those cases related to criminal proceedings. ...*(Interruptions)*... The typical case pendency in the country's High Courts is three years and the average pendency in lower courts is 6 years. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Please take your seats. ...*(Interruptions)*...

SHRI ABDUL WAHAB: The average number of pending cases in the country is among the highest in the High Courts of Rajasthan, Allahabad, Karnataka, Calcutta, Odisha and Delhi. ...*(Interruptions)*...

**श्री उपसभापति:** माननीय सदस्यगण, मैं आपसे बैठने का अनुरोध कर रहा हूँ। ...**(व्यवधान)**... प्लीज। ...**(व्यवधान)**...

SHRI ABDUL WAHAB: The Bombay High Court has the largest percentage of ongoing civil cases, 65.2 per cent, while the Jharkhand High Court has the highest percentage of pending criminal cases, 75 per cent. ...*(Interruptions)*...

**श्री उपसभापति:** माननीय सदस्यगण, यह महत्वपूर्ण विषय है। ...**(व्यवधान)**... प्लीज। ...**(व्यवधान)**...

SHRI ABDUL WAHAB: Gujarat has the highest average pendency case count, 9.51 years, followed by Dadra and Nagar Haveli, 8.79 cases. ...*(Interruptions)*...

**श्री उपसभापति:** माननीय सदस्यगण, मैं आपसे फिर अनुरोध कर रहा हूँ। ...**(व्यवधान)**... प्लीज। ...**(व्यवधान)**...

SHRI ABDUL WAHAB: One of the main causes of pendency is administrative inefficiency along with deficiencies in infrastructure and human resources. ...*(Interruptions)*... In all the States, the rate at which civil cases are cleared is higher than the rate at which criminal cases are cleared, which causes a greater number of criminal cases in the country. ...*(Interruptions)*...

**श्री उपसभापति:** मैं आपसे पुनः अपील कर रहा हूँ कि आप कृपया बैठ जाएँ। ...**(व्यवधान)**... मैं आप दोनों पक्षों से अपील ही कर सकता हूँ। ...**(व्यवधान)**... प्लीज। ...**(व्यवधान)**...

SHRI ABDUL WAHAB: Despite this, there are still a lot of vacancies in India's lower courts, High Courts and other courts. ...*(Interruptions)*...

**श्री उपसभापति:** मैं आप सभी से अपील कर रहा हूँ कि आप अपनी-अपनी जगह पर बैठें। ...**(व्यवधान)**... प्लीज, प्लीज ...**(व्यवधान)**...

SHRI ABDUL WAHAB: The country's judiciary has begun digitizing its records, but there are still many unnecessary procedures and a sluggish use of technology which should be avoided to improve the system's efficiency. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Hon. Members, please. ...*(Interruptions)*... The House stands adjourned to meet at 11.00 a.m. on Monday, the 9<sup>th</sup> December, 2024.

*The House then adjourned at four minutes past two of the clock till eleven of the clock on Monday, the 9<sup>th</sup> December, 2024.*