

Professional negligence insurance cover

†1634. SHRI NARENDRA KUMAR KASHYAP: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government proposes to enact a law to make professional negligence insurance mandatory for professional lawyers, doctors, architects and others in order to protect the interest of these professionals and consumers; and

(b) if so, the details thereof?

THE MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHEED): (a) and (b) Information is being collected and will be laid on the Table of the House.

Vacancies and pending cases

1635. SHRI UPENDRA KUSHWAHA: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether 268 posts of judges are lying vacant in the High Courts;

(b) if so, the steps taken to fill up the vacancies;

(c) the number of cases lying pending in the High Courts and Supreme Court as on 31 July, 2012, court-wise;

(d) the measures taken to bring down the pendency; and

(e) whether there is any proposal to fix a time-limit for disposal of cases to check pendency?

THE MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHEED): (a) The approved strength of the judges of High Courts is 895. Against this, 625 Judges are in position as on 22.08.2012, leaving 270 vacancies to be filled up.

(b) Pursuant to the Supreme Court Judgment of October 6, 1993 read with their Advisory Opinion of October 28, 1998, the entire process of initiation of proposal for appointment of Judges of High Courts rests with the Chief Justice of that High Court. The Government is periodically reminding the Chief Justices of the High Courts to initiate proposals in time for filling up the existing vacancies as well as the vacancies anticipated in next six months in the High Courts. 121 proposals have been received as a result between January, 2012 to August, 2012.

†Original notice of the question was received in Hindi.

(c) The data on pendency of cases is maintained by the Supreme Court and High Courts. As per data published by the Supreme Court in the Court News (Vol. VI, Issue No.4), there were a total of 58,519 cases pending in the Supreme Court as on 31.12.2011. Out of them, 21,134 matters were upto one year old and were not in arrears. If connected matters were excluded, the pendency was only 33,892 cases as on 31.12.2011.

A total of 43.22 lakhs cases were pending in all High Courts as on 31.12.2011 compared to 42.54 lakhs pending cases as on 31.12.2010. Statement showing High Court-wise pendency of cases as on 31.12.2011 is given in the Statement (*See below*).

(d) and (e) Disposal of pending cases in various courts is within the domain of the judiciary. However, with a view to assist judiciary in addressing the problem of pendency of cases, the Central Government has set up a National Mission for Justice Delivery and Legal Reforms in August 2011. The Mission has twin objectives of increasing access by reducing delays and arrears in the system and enhancing accountability through structural changes and by setting performance standards and capacities. The Mission will pursue a coordinated approach for phased liquidation of arrears and pendency in judicial administration which would, *inter-alia*, involve better infrastructure for courts including computerisation, increase in strength of subordinate judiciary, 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. The National Mission has a time frame of five years (2011-16) to pursue them.

During the short span of its existence, the Mission has taken several steps in the strategic areas towards fulfilment of its objectives. A Constitution Amendment Bill for raising the retirement age of High Court Judges is before the Parliament. A comprehensive proposal has been formulated for constitution of All India Judicial Service. An Inter-Ministerial Group (IMG) has been constituted to suggest necessary amendments to the Negotiable Instruments Act along with other policy and administrative measures to check increasing litigation relating to cheque bounce cases.

An important aspect of the judicial reforms relates to re-engineering court procedures and court processes for early disposal of cases. A National Court Management System has been recently notified by the Hon'ble Supreme Court for

addressing the issues of case management, court management, setting measurable standards for performance of the courts and the National System of Judicial Statistics in the country. A Sub Group on improving the court procedure and court processes for better criminal justice system has been constituted under the Chairman, Law Commission to suggest necessary changes in this regard.

Infrastructure development for the subordinate judiciary is a major thrust area for the National Mission. With a view to enhancing the resources of the State Governments, the Government has increased the central share by revising the funding pattern from 50:50 to 75:25 (for States other than North Eastern States) under modified Centrally Sponsored Scheme for development of infrastructure facilities for the judiciary from the year 2011-12 onwards. The funding pattern for North-Eastern States has been kept as 90:10 w.e.f 2010-11.

An amount of Rs.595 crore was released as central assistance to States/ UTs for infrastructure development of subordinate judiciary during 2011-12. A budget provision of Rs. 660 crore has been made for this scheme during the current financial year. An amount of Rs.206 crore has already been released to States/UTs till 31st July, 2012.

Besides, a drive has been undertaken this year from July, 2012 to December, 2012, to make our judicial system 'five plus' free. Simultaneously, emphasis is being laid on increasing the number of judges in subordinate judiciary by filling the existing vacancies and by creating additional posts so that disposal of cases is expedited.

Statement

Pendency Position in the High Courts as on 31.12.2011

Sl. No	Name of the High Court	Number of Pending Cases
1	2	3
1	Allahabad	1005527
2	Andhra Pradesh	198214
3	Bombay	362885
4	Calcutta	347154
5	Delhi	61210

1	2	3
6	Gujarat	82232
7	Gauhati	53255
8	Himachal Pradesh	49541
9	Jammu & Kashmir	82223
10	Karnataka	172088
11	Kerala	128777
12	Madras	473736
13	Madhya Pradesh	229336
14	Orissa	301314
15	Patna	118964
16	Punjab & Haryana	243666
17	Rajasthan	281306
18	Sikkim	67
19	Uttarakhand	19263
20	Chhattisgarh	50163
21	Jharkhand	61277
	TOTAL	4322198

Appointment of notaries

1636. SHRI VEER SINGH:

SHRI N. BALAGANGA:

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

(a) the number of State and Central Notaries Licensed during the last three years under the Notaries Act, State-wise;

(b) the criteria for granting Notary Public Licence in the State;

(c) whether Government has received proposals from various State Governments to enhance the number of notaries in the States;