

- (2) The EVMs have been tested by an Expert Committee consisting of experts from IIT appointed by the Government
- (3) The EVMs have been certified as tamper proof reliable device by Expert Committee and various preventive to precautionary steps have been preserved by the Commission for the operation, maintenance and storage of the EVMs.
- (4) There have been some minor mechanical and human errors while handling them during elections which have been attended promptly by replacing the EVMs or repairing them.
- (5) The EVM mentioned in the complaint is being checked by the manufacturers to detect the actual defect in it and reason for the same will be ascertained (like manufacturing defect etc.)
- (6) Many Courts including Supreme Court have time and again appreciated the efficiency of EVM in many court cases. Attention, in this regard, is invited to the judgment of the Hon'ble High Court of Madras in WP No.3346, 3633, 4417, 4454, 4466, 4945, 5077, 6038 and 6039 of 2001 dated 10.4.2001, AIADMK and others Vs. Chief Election Commissioner and others where the Hon'ble Court dismissed the writ challenging the introduction of EVMs. The petitioner's challenged this ruling of the Madras High Court before the Supreme Court in C.C.2824 and 2825/2001 which was dismissed by the Hon'ble Apex Court in its decision dated 23.4.2001 and the decision of the Madras High Court was upheld. Separately, the Hon'ble High Court of Kerala in E.P. No. 4 of 2001-T.A.Ahamed Kabeer Vs. A.A.Azees and others and Hon'ble High Court of Karnataka in E.P.No. 29 of 1999- Michael D. Fernandes Vs. C.K. Jaffer Sharif and others have upheld the EVM as a safe and secure device for conduct of elections.
- (7) The Commission has also given the opportunity to the persons who alleged that EVM could be manipulated/tampered with. However, no one could prove it yet.

Chief Justices' Conference

930. SHRI R.C. SINGH: Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether it is a fact that the recently held Chief Justices' conference passed a resolution to increase the working hours from 4.5 to 5.5. hours a day;
- (b) whether the conference also recommended that retired Government servants with law degrees may preside over trials in petty cases;
- (c) if so, whether Government has taken any view on the above recommendation;
- (d) if so, the details thereof; and
- (e) if not, the reasons therefor?

THE MINISTER OF LAW AND JUSTICE (SHRI M. VEERAPPA MOILY): (a) and (b) Yes, Sir. The Chief Justices' Conference held on April 17, 2008 had, *inter-alia*, resolved that:

- a. High Courts will consider either extending working hours upto 5½ hours or suitably increasing the working days;
- b. High Court Judges be requested to work during vacation, on voluntary basis; and
- c. High Court Judges will not go for holidaying on working days.

This Conference had also resolved that:

Wherever feasible, the High Courts will take steps to set-up Courts of Special Metropolitan Magistrates/Special Judicial Magistrates presided by retired government servants and court servants, possessing a professional degree in Law, for trial of petty offences, including traffic cases and cases under Local Municipal Acts. Such Special Magistrates/Special Judicial Magistrates shall work under the control and superintendence of a senior Judicial Officer.

(c) to (e) Working hours in the Supreme Court and High Courts are regulated by the rules framed by the respective Courts. The working hours of the subordinate courts are decided by the respective High Courts. In matters of administration of subordinate courts such as appointment of judges, recruitment of persons other than judges, decision rests with the respective State Government in consultation with the concerned High Court.

Policy on judicial appointments

931. SHRIMATI KANIMOZHI: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the policy of Government under Article 16(4) of the Constitution is being implemented in judicial appointments, particularly to various High Courts and the Supreme Court of India;

(b) if not, the reasons therefor; and

(c) what steps Government is taking to ensure proper implementation of reservation policy in judicial appointments?

THE MINISTER OF LAW AND JUSTICE (SHRI M. VEERAPPA MOILY): (a) to (c) Appointment of Judges of the Supreme Court is done as per the provisions of article 124 of the Constitution. Judges and Additional Judges of the High Courts are appointed as per the provisions of articles 217 and 224 respectively of the Constitution. Articles, 124, 217 or 224 of the Constitution do not provide for any reservation based on caste, class, creed or gender.

However, the Government has been requesting, from time to time, the Chief Justices of the High Courts, who initiate proposals for appointment of High Court Judges, to identify suitable candidates from SC/ST/OBC/Women and Minorities while recommending candidates for appointment as Judges of the High Courts.

The administrative control of the District and Subordinate courts in the country vests with the respective High Courts and State Governments as per the provisions of article 235 of the Constitution.