

(a) whether a US agency has made claims that Electronic Voting Machines (EVMs) which are being used by the Election Commission of India for various elections in the country can be manipulated;

(b) whether it is also a fact that some European countries have reverted to paper ballot system due to possibility of manipulation of EVMs;

(c) if so, what is the reaction of Government and the Election Commission thereto;

(d) whether a similar situation is emerging in the country due to claims and counter claims of tampering of EVMs; and

(e) if so, the action Government proposes to take in the matter?

THE MINISTER OF LAW AND JUSTICE (SHRI M. VEERAPPA MOILY): (a) No, Sir. No US agency has made any such claims. However, some private individuals from the US have raised doubts about the tamperability of Indian Electronic Voting Machines (EVMs).

(b) Yes, Sir.

(c) EVMs used by Election Commission of India (ECI-EVMs) are different from those used in other countries in the following respects:

1. ECI EVMs are stand alone machines. They are not networked.
2. ECI EVMs use a masked/OTP microcontroller chip.
3. ECI EVMs do not use in operating system. In addition Election Commission of India also uses strict administrative safeguards in this regard for greater transparency on use of EVMs. All of these ECI-EVMs are fully tamper-proof.

(d) No, Sir. In the All Party Meeting held on 4th October 2010 the consensus among the political parties was that the EVMs should continue to be used in elections. The only request by the political parties was to consider the possibility of a verifiable paper trail. The Election Commission of India has already referred that matter to its Technical Expert Committee for examination.

(e) Does not arise.

Delay in creation of All India Judicial Service

2099. DR. PRABHAKAR KORE: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government has finalized the matter of creating two new All India Services i.e. Indian Judicial Services and Indian Legal Service to meet the demand for services of legal professionals from various departments of the Central and State Governments;

(b) whether the Law Commission in its 116th Report, by the then Chairman D.A. Desai, submitted to Government in 1986, urged the Government to initiate action for creation of All India Judicial Service; and

(c) if so, the reasons for the delay in acting upon the above recommendations of the Commission?

THE MINISTER OF LAW AND JUSTICE (SHRI M. VEERAPPA MOILY): (a) The Government is yet to finalize the broad features including cadre strength etc. in the matter of creating an All India Judicial Service. The Indian Legal Service is an existing service which is governed by 'The Indian Legal Service Rules, 1957' and there is no proposal to create a new All India Service namely, Indian Legal Service.

(b) Yes, Sir.

(c) As the All India Judicial Service would be common to the Union and the States it requires wide ranging consultations with the State Governments and High Courts.

Setting up of commercial courts

2100. SHRI NATUJI HALAJI THAKOR:

SHRI BHARATISINH PRABHATSINH PARMAR:

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

(a) whether it is a fact that the Chief Justice of the Supreme Court has recently recommended for setting up of commercial courts in the country for reduction and speedy settlement of pending cases in various courts of the country;

(b) if so, Government's reaction thereto;

(c) the salient features of the said recommendations and the category of cases to be taken up by these courts; and

(d) the number of courts to be established for speedy settlement of high profile cases, State-wise including Rajkot, Surat and Vadodara?