

THE MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHEED): (a) to (c) The Central Government was considering the proposal to amend the Anand Marriage Act, 1909 so as to provide for registration of Sikh Marriages therein. However, pursuant to the direction of the Hon'ble Supreme Court in the case of Seema Vs. Ashwani Kumar, reported in AIR 2006 SC 1158, most of the State Governments and Union territory Administrations are taking necessary steps to make all marriages compulsorily registered in their respective States territories where such marriage is solemnized irrespective of religious denominations. Having regard to the position of law as contained in Hindu Marriage Act, 1955 which is applicable to Hindus, Sikhs, Budhist, Jainas and other persons who are not Muslims, Christians, Parsis and Jews and that Section 8 thereof covers the registration of Sikh Marriages within its ambit and that secluding Sikhs from other categories of person may invite similar demands from other religious denominations which would go against directive principle contained in article 44 of the Constitution. Hence, no separate legislation for registration of Sikh marriages is considered necessary.

Appointment of Judges in higher judiciary

2867. SHRI JAI PRAKASH:

SHRIMATI SHOBHANA BHARTIA:

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

- (a) whether the present collegium system of appointment of Judges to the Supreme Court and High Courts needs drastic changes;
- (b) if so, whether Government has taken steps to deal with the issue;
- (c) if so, whether a National Judicial Commission would be set up to ensure greater transparency in the appointment of Judges to the Supreme Court and the High Courts; and
- (d) if so, the steps taken by Government in this direction?

THE MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHEED): (a) to (d) The existing procedure for appointment of Judges of the Supreme Court of India and the High Courts, which is based on the Supreme Court Judgment of October 6, 1993 in the case of Supreme Court Advocates on Record and Anr. Vs. Union of India and the Advisory Opinion dated October 28, 1998, has been debated in various fora and there have been demands to change the same. No proposal has been finalised by Government to reconsider this procedure.

Resignation by the Solicitor General

2868. SHRI RAM KRIPAL YADAV: Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether the Solicitor General had resigned over the appointment of a private counsel to appear for Government in a 2G related case in the Supreme Court;

(b) if so, whether Government has taken the Solicitor General or even the Attorney General in confidence before appointing any private counsel for this case; and

(c) if not, the reasons therefor?

THE MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHEED): (a) to (c) Shri Gopal Subramaniam, former Solicitor General *vide* his letter dated 8th July, 2011 addressed to Hon'ble Prime Minister tendered his resignation from the post of Solicitor General of India. However, former Solicitor General, Shri Gopal Subramaniam did not indicate any reason for the same. This Ministry approved the engagement of Shri R.F. Nariman, Senior advocate, then in the panel of 'Senior Counsel-Special Engagement' in Supreme Court, in 2G related matter on the request of concerned Administrative Ministry, as such the question of engagement of a private advocate in the matter does not arise.

Issue of voters' identity cards to illegal foreign migrants

2869. SARDAR SUKHDEV SINGH DHINDSA: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government is aware that many foreign nationals, illegally staying in the country, have managed to get voters' identity cards;

(b) whether such migrants pose a threat to security and integrity of border States;

(c) whether Government proposes to conduct a special drive to identify such people; and

(d) if so, the details thereof?

THE MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHEED): (a) to (d) The electoral rolls for the territorial Assembly Constituencies are prepared under the superintendence, direction and control of the Election Commission of India under the provisions of the Representation of the People Act, 1950 and Registration of Electors Rules, 1960. As per these provisions, only citizens of India are eligible for inclusion of their names in the electoral roll and no foreign national is eligible to be registered as voter in India.

Though the Election Commission of India and Electoral Registration Officers take every precaution to ensure that no foreign national gets enrolled in voter list, the possibility of some foreign nationals getting enrolled by giving false declaration and getting issued Electoral Photo Identity Cards cannot be ruled out. Electoral Rolls are maintained on assembly constituency-wise by the Electoral Registration Officers.

In the State of Assam, the electors whose citizenship is either doubtful or disputed are called 'D' ('doubtful') voters and letter 'D' is marked against their entries in the electoral rolls to identify them. Their cases are referred to the appropriate authorities for determining their