

imposed on the completion of the enquiry, lays down the judicial standards and also make it incumbent on the Judges to declare there assets/liabilites.

### **Criminals contesting elections**

532. SHRI H.K. DUA: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether criminals in large numbers have contested the recent Assemble election in the five States – U.P, Punjab, Uttarakhand, Goa and Manipur and if so, the number thereof, State-wise;

(b) how many of them have got elected to these Assemblies; and

(c) the steps Government is taking to ban criminal candidates from contesting elections in future?

THE MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHEED):

(a) and (b) The Election Commission of India have stated that affidavits are being obtained from the candidates in Form 26 and in the format prescribed by the Election Commission in pursuance of the directions of the Hon'ble Supreme Court in the judgement dated 13.03.2003 in WP No. 490 of 2002 and connected petitions to enable the electors to have information about the background of the candidates to make an informed choice of their representatives. Candidates are required to give information regarding their criminal antecedents, assets, liabilities and educational qualifications. The information furnished by the Candidates is disseminated by displaying copies thereof on the notice board of the Returning Officer, supplying copies to anyone seeking the same and hosting the same on the website of the Chief Electoral Officer of the State.

The Election Commission has informed that they have not compiled the information about the number of candidates with criminal background who contested the recently held assembly elections in the 5 States of Uttar Pradesh, Punjab, Uttarakhand, Goa and Manipur.

(c) Proposals have been received from different quarters which, *inter alia*, includes, Election Commission, Law Commission of India etc., to disqualify a person having criminal antecedents from contesting election to Parliament and State Legislatures against whom charges have been framed by any competent court before the specified period prior to the elections. As the matter involves detailed study and careful consideration in consultation with the political parties, no decision has been arrived at in this regard.

### **Strength of Judges in Courts**

533. SHRI TARUN VIJAY: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the sanctioned strength of Judges in various High Courts and the

Supreme Court and how many posts are laying vacant, State-wise;

(b) whether it is a fact that none of the constitutional courts of the country with an exception to Himachal Pradesh are working at their full strength;

(c) whether Government proposes to change the Memorandum of Procedure of appointing High Court and Supreme Court Judges evolved out of Supreme Court decisions of 1993 and 1998; and

(d) by when Government proposes to work on the goals enshrined in the Vision Statement of the Ministry issued on 24 October, 2010?

THE MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHEED):

(a) and (b) A Statment showing the sanctioned strength and the vacancies of Judges in the Supreme Court and various High Courts as on 15.03.2012 is given in Statement. (See below)

(c) The existing procedure for appointment of Judges Supreme Court of India and the High Courts is based on the Supreme Court Judgment of October 6,1993 in the case of Supreme Court Advocates on Records and Anr. Vs Union of India and the Advisory Opinion dated October 28,1998. This has been in vogue though this has been largely debated in various fora and there have been demands to change the existing procedure. However, no decision has been made in regard to an alternative to the present system of selection and appointment of judges.

(d) As envisaged in the Vision Document, every effort is made to fill up the vacancies, including through periodically reminding the Chief Justices of the High Courts. However vacancies keep on arising on account of retirement resignation or elevation of Judges.

Huge backlog of cases and high pendency in courts is one of the major problem for long in the country. The Ministry of Law and Justice held a National Consultation for strengthening the judiciary towards reducing the pendency and delays in October, 2009. The Consultation considered and deliberated upon the Vision Document which was endorsed by a Resolution at the end of Consultation. To realize the objectives set out in the Vision Document, a National Mission for Justice Delivery and Legal Reforms has been formed with the objective of pursuing several strategic initiatives which will include (i) policy changes (ii) re-engineering of procedures (iii) measures for human resource development and (iv) leveraging of information and communication technology has been set up. Thus, the Mission will pursue a coordinated approach for phased liquidation of arrears and pendency in the judicial administration.

**Statement**

*Sanctioned strength, and the vacancies of judges in the Supreme Court and various High Courts as on 15.3.12*

Sl.No.	Name of the Court	Sanctioned strength as on 15.03.12	Vacancy of Judges as on 15.03.12
<b>A.</b>	<b>Supreme Court of India</b>	<b>31</b>	<b>6</b>
<b>B.</b>	<b>High Court</b>		
1.	Allahabad	160	85
2.	Andhra Pradesh	49	17
3.	Bombay	75	14
4.	Calcutta	58	21
5.	Chhattisgarh	18	06
6.	Delhi	48	12
7.	Guahati	24	01
8.	Gujarat	42	14
9.	Himachal Pradesh	11	0
10.	Jammu and Kashmir	14	07
11.	Jharkhand	20	08
12.	Karnataka	50	10
13.	Kerala	38	04
14.	Madhya Pradesh	43	09
15.	Madras	60	07
16.	Orissa	22	07
17.	Patna	43	07
18.	Punjab and Haryana	68	26
19.	Rajasthan	40	13
20.	Sikkim	3	01
21.	Uttarakhand	9	01
TOTAL		895	270

**Malpractices by members of ITAT**

534. SHRI M.P. ACHUTHAN

SHRI D. RAJA

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

(a) whether it is a fact that the Chief Justice of India (CJI) had asked