

of principles that are required to be strictly followed by these TV channels. Whenever any instance of telecast of programmes including news programmes by private satellite/cable TV channels is noticed, appropriate action as per the said Act is taken.

Uniform recruitment policy for judges

4874. SHRI K.N. BALAGOPAL: Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether the recruitment policy and agency for subordinate judicial officers are uniform in the country;
- (b) the details thereof; and
- (c) whether any recommendation is pending before Government to streamline the recruitment?

THE MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHEED): (a) to (c) In exercise of powers conferred under proviso to Article 309 read with Articles 233 and 234 of the Constitution, the State Governments frame rules and regulations in consultation with the respective High Courts in respect of the members of the State Judicial Service. Thus, the recruitments, appointments, posting/transfers and other service conditions of judicial officers of the district/subordinate courts are all governed by the respective State Governments. In some States the process of selection is undertaken through State Public Service Commissions while in other States it is through the High Courts.

While accepting the recommendations of the First National Judicial Pay Commission regarding recruitment to Higher Judicial Service, the Hon'ble Supreme Court of India in its judgment dated 21.3.2002 in W.P. (C) No. 1022 of 1989 - All India Judges Association and Others Vs UOI and Others had, inter-alia, laid down the quota for recruitment to Higher Judicial Services respectively of the Civil Judges (Senior Division) on the basis of seniority and through limited competitive examination, as well as of eligible advocates. The Apex Court had further directed that appropriate rules shall be framed by the High Courts as early as possible. The Supreme Court continues to monitor the implementation of its directions from time to time. All State Governments were party to this case.

Cases under stay orders

†4875. SHRI MOHAMMED ADEEB: Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) the number of cases in the country which have been kept under stay

† Original notice of the question was received in Hindi

orders for the last 10 to 40 years;

(b) whether Government has made any plan for the settlement of such cases;

(c) if so, the details thereof; and

(d) if not, the reasons therefor?

THE MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHEED): (a) to (d) Grant of stay orders in civil and criminal cases is part of judicial proceedings and Courts have been vested with inherent powers in this regard under the relevant provisions of the Code of Civil Procedure, 1908 and the Code of Criminal Procedure, 1973. So also, hearing and disposal of Court cases under various laws fall within the domain of judiciary. No day-to-day records of court proceedings are possible to maintain at different stages centrally.

In a recent judgement in the case of Imtiyaz Ahmad Vs. State of Uttar Pradesh and Ors. the Hon'ble Supreme Court had the occasion to look in to the issue of grant of stay orders by the High Courts during investigation or trial in criminal matters. In this case, the Hon'ble Supreme Court has *inter-alia* observed as follows:

- (i) Such an extraordinary power has to be exercised with due caution and circumspection.
- (ii) Once such a power is exercised, High Court should not lose sight of the case where it has exercised its extraordinary power of staying investigation and trial.
- (iii) High Court should make it a point of finally disposing of such proceeding as early as possible but preferably within six months from the date the stay order is issued.

Malfunctioning of EVMs

4876. SHRI RAJKUMAR DHOOT: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that substantial number of Electronic Voting Machines (EVMs) malfunctioned during the recently held elections for Legislative Assemblies of five States;

(b) if so, the details thereof, State-wise; and

(c) the action taken or proposed to be taken by the Election Commission of India in this regard?