

[16 August, 2004]

RAJYA SABHA

Bangladeshi voters

1279. SHRI RAJKUMAR DHOOT: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that illegal migrants were allowed to vote in the last Lok Sabha and Assembly polls;

(b) if so, the constituency-wise Bangladeshi voters who exercised their voting right; and

(c) the steps taken to repatriate them at the earliest?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI K. VENKATAPATHY): (a) and (b) As per the existing provisions of the Representation of the People Act, 1950 and Registration of Electors Rules, 1960 only Indian citizens are eligible for inclusion in the electoral roll and only persons registered in the electoral roll can vote during elections. Hence the question to allow them to register in the electoral roll and to vote does not arise. In exception to the above, in Assam the electors whose citizenship is doubtful/disputed and whose cases are referred to Foreigners Tribunal or Illegal Migrants Determination Tribunal for determining their citizenship status are not deleted from the roll but they are not allowed to cast their vote till their cases are favourably disposed off. These electors are called 'D' voters and letter 'D' is indicated against their entries in the electoral rolls till the tribunal rules that they are Indian Nationals.

(c) The requisite information is being collected and will be laid on the Table of the House.

Irregularities in voters' list in Karnataka

1280. SHRI K.B. KRISHNA MURTHY: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government are aware that a large number of voters have been missing from the electoral rolls in Karnataka which were noticed at the time of last elections; and

(b) if so, the action, if any, taken in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI K. VENKATAPATHY): (a) Yes, Sir. A number of

complaints were received in the Election Commission regarding missing names from electoral rolls on the poll day. These were referred to the Chief Electoral Officer, Karnataka for necessary action/report.

(b) The Commission had also sent a team of officers to look into complaints of omission of names from the electoral rolls of Bangalore, Belgaum, Mysore and some other urban areas. The team has submitted its report and necessary corrective measures are being taken so that no eligible voter is left out of the rolls.

Vacant posts of Judges

†1281. SHRI ABU ASIM AZMI: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the details of the vacancies of Judges in district courts and High Courts in UP. and Maharashtra as on 31st July, 2004;

(b) the steps being taken by Government to fill up these vacancies; and

(c) by when all these vacancies are likely to be filled up?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) Under article 235 of the Constitution of India, the administrative control over the members of Subordinate Judicial Service vests with the concerned High Court. Therefore, the Central Government does not maintain data on the vacancies of judicial officers in district courts in States. As regards the High Courts, as on 31st July, 2004, there are 24 vacancies of Judges in Allahabad High Court in Uttar Pradesh and 4 vacancies of Judges in Bombay High Court in Maharashtra.

(b) and (c) The service conditions, including filling up of vacancies, of the members of Subordinate Judiciary of the State, are governed by their respective State Governments.

The filling up of vacancies in the High Courts is a collective consultative process among the constitutional authorities. The process of initiation of proposal for appointment of Judges of a High Court lies with the Chief Justice of that High Court. The Central Government has,

†Original notice of the question was received in Hindi.