

**GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE**

LOK SABHA

STARRED QUESTION NO. *553

TO BE ANSWERED ON WEDNESDAY, 12TH APRIL, 2017

All India Judicial Service

***553. SHRI HARINDER SINGH KHALSA:
SHRIMATI KOTHAPALLI GEETHA:**

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

- (a) the present status of the All India Judicial Service for the lower judiciary;**
- (b) the details of various views given by the State Governments and courts on the issue;**
- (c) whether the Government has finalised the consultative process in this regard and if so, the details thereof; and**
- (d) the measures taken by the Government to overcome the objections raised by the different High Courts in this regard?**

ANSWER

**MINISTER OF LAW AND JUSTICE AND ELECTRONICS AND INFORMATION
TECHNOLOGY
(SHRI RAVI SHANKAR PRASAD)**

(a) to (d): A Statement is laid on the Table of the House.

**STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (d) of LOK SABHA
STARRED QUESTION NO. *553 FOR ANSWER ON 12TH APRIL, 2017.**

(a) to (d) : A comprehensive proposal was formulated for the constitution of an All India Judicial Service (AIJS) and the same was approved by the Committee of Secretaries in November, 2012. The proposal was included as an agenda item in the Conference of Chief Ministers and Chief Justices of the High Courts held in April, 2013 and it was decided that issue needs further deliberation and consideration. The views of the State Governments and High Courts were sought on the proposal. There was divergence of opinion among the State Governments and among the High Courts on the constitution of All India Judicial Service. While some State Governments and High Courts were not in favour of creation of All India Judicial Service, some other State Governments and High Courts wanted changes in the proposal formulated by the Central Government.

Only High Courts of Sikkim and Tripura have concurred with the proposal approved by Committee of Secretaries for formation of All India Judicial Service. High Courts of Allahabad, Chhattisgarh, Himachal Pradesh, Kerala, Manipur, Meghalaya, Orissa and Uttarakhand have suggested changes in age at induction level, qualifications, training and quota of vacancies to be filled through All India Judicial Service. Rest of the High Courts have not favoured the idea. Most of the High Courts want the administrative control over the Subordinate Judiciary to remain with the respective High Courts. The High Courts of Jharkhand and Rajasthan have indicated that the matter regarding creation of AIJS is pending consideration. No response has been received from the High Courts of Calcutta, Jammu & Kashmir and Gauhati.

The State Governments of Arunachal Pradesh, Himachal Pradesh, Karnataka, Madhya Pradesh, Meghalaya, Nagaland and Punjab do not favour the formation of AIJS. The State Government of Maharashtra wants the recruitment to be done at Judicial Magistrate First Class (JMFC) level which is not in consonance with the provisions of AIJS included in the Constitution of India. The State Government of Bihar, Chhattisgarh, Manipur, Orissa and Uttarakhand want changes in the proposal formulated by the Central Government. The State Government of Haryana has stated

that the proposal seems to be justified. The State Government of Mizoram supported creation of AIJS on the lines of IAS, IPS and other Central Services. The State of Jammu and Kashmir has mentioned that provisions of Constitution of India for formation of AIJS incorporated in the Constitution by 42nd Amendment Act, 1976 are not applicable to the State of Jammu and Kashmir. No response has yet been received from rest of the States.

The proposal for constitution of All India Judicial Service with views from the High Courts and State Governments received thereon was included in the agenda for the Joint Conference of Chief Ministers and Chief Justices of the High Courts held on 05th April, 2015. However, no progress was made on the subject. The matter regarding creation of a Judicial Service Commission to help the recruitment to the post of district judges and review of selection process of judges / judicial officers at all level was also included in the agenda for the Chief Justices Conference, which was held on 03rd and 04th April, 2015, wherein it was resolved to leave it open to the respective High Courts to evolve appropriate methods within the existing system to fill up the vacancies for appointment of District judges expeditiously.

However, keeping in view the divergence of opinion among the stakeholders on constitution of All India Judicial Service, the Government has undertaken the consultative process to arrive at a common ground. The All India Judicial Service, however is a laudable idea, which will help bring in fresh talent in the process of judicial appointment and will also give opportunity for representation of deserving candidates from the inadequately represented community in the higher judiciary.
