

GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
DEPARTMENT OF JUSTICE

**RAJYA SABHA**

**UNSTARRED QUESTION NO. 907**

ANSWERED ON THURSDAY, THE 27.07.2023

**Creation of Indian Judicial Service**

907. SMT. PHULO DEVI NETAM:

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

- (a) whether Government is considering to create Indian Judicial Service; and
- (b) if so, the efforts made in this regard?

**ANSWER**

**MINISTER OF STATE (INDEPENDENT CHARGE) OF THE  
MINISTRY OF LAW AND JUSTICE; MINISTER OF STATE IN THE  
MINISTRY OF PARLIAMENTARY AFFAIRS; AND MINISTER OF  
STATE IN THE MINISTRY OF CULTURE**

**(SHRI ARJUN RAM MEGHWAL)**

(a) to (b): The Constitution (Forty Second Amendment) Act, 1976 inserted a clause in Article 312 of the Constitution which provides for creation of an All India Judicial Services (AIJS). The constitutional provision enables creation of the AIJS at District Judge level, not including any post inferior to that of a District Judge. In Government's view, a properly framed All India Judicial Service is important to strengthen overall justice delivery system. This will give an opportunity for induction of suitably qualified fresh legal talent selected through a proper all-India merit selection system as well as address the issue of social inclusion by enabling suitable representation to marginalized and deprived sections of society.

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 the 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 favoured the proposal, some were not in favour of creation of All India Judicial Service while some others wanted changes in the proposal formulated by the Central Government.

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 levels was also included in the agenda for the Chief Justices Conference, which was held on 03<sup>rd</sup> and 04<sup>th</sup> 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. The matter was also placed in the Joint Conference of Chief Ministers and Chief Justices of High Courts held the next day, i.e. 5<sup>th</sup> April 2015

In a meeting chaired by Minister of Law and Justice on 16<sup>th</sup> January 2017 in the presence of Minister of State for Law and Justice, Attorney General for India, Solicitor General of India, Secretaries of Department of Justice, Department of Legal Affairs and Legislative Department, the setting up of an All India Judicial Service was discussed on the points of eligibility, age,

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selection criteria, qualification, reservations etc. Setting up AIJS was also deliberated in a meeting of the Parliamentary Consultative Committee in March, 2017 and the Parliamentary Committee on the Welfare of SCs/STs on 22.02.2021.

In view of the existing divergence of opinion amongst the major stakeholders, at present, there is no consensus on the proposal for setting up an All India Judicial Service.

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