

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA
UNSTARRED QUESTION NO. 1389
ANSWERED ON-31/07/2025

**REPRESENTATION OF MARGINALIZED SECTIONS IN THE HIGHER
JUDICIARY**

1389. SHRI MASTHAN RAO YADAV BEEDHA:

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

- (a) whether Government has planned to set up Indian Judicial Service as an All India Service to fill the vacancies in the higher judiciary and give the representation to OBCs, SCs, STs and Minorities and other marginalized sections of the society in the higher judiciary;
- (b) if so, the details and status thereof and if not, the reasons therefor; and
- (c) the details of other steps taken by Government to ensure representation of OBCs, SCs, STs and Minorities and other marginalized sections of the society in higher judiciary?

ANSWER

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

(SHRI ARJUN RAM MEGHWAL)

(a) & (b): Article 312 of the Constitution provides for the establishment of an All India Judicial Service (AIJS), which shall not include any post inferior to that of a District Judge.

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 an All India Judicial Service. 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 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. The proposal for constitution of All India Judicial Service with views from the High Courts and State Governments received thereon was also included in the agenda for the Joint Conference of Chief Ministers and Chief Justices of High Courts held on 05th April, 2015. However, no progress was made in the matter.

The proposal of setting up of an All India Judicial Service was again discussed on points of eligibility, age, selection criteria, qualification, reservations etc. in a meeting chaired by then Minister of Law and Justice on 16th 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. 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.

It was proposed to include the issue of All India Judicial Service in the agenda for Joint Conference of Chief Ministers and Chief Justices of High Courts held on 30th April, 2022. However, the same could not be included in the agenda of the conference. 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.

(c) Appointment of Judges to the Supreme Court and High Courts is made under Articles 124, 217 and 224 of the Constitution of India, which do not provide for reservation for any caste or class of persons. However, the Government is committed

to enhancing Social Diversity and since 2018, the recommendees for the post of High Court Judges are required to provide the details of their social background in the prescribed format (prepared in consultation with the Supreme Court). Based on the information provided by the recommendees, out of 743 High Court Judges appointed since 2018 till 21.07.2025, 23 belong to SC category, 17 belong to ST category and 93 belong to OBC category. As on 21.07.2025, one women Judge is working in the Supreme Court and 105 women Judges are working in various High Courts.

As per the Memorandum of Procedure (MoP), the responsibility for initiation of proposals for appointment of Judges in the Supreme Court vests with the Chief Justice of India, while the responsibility for initiation of proposals for appointment of Judges in the High Courts vests with the Chief Justice of the concerned High Court. However, the Government has been requesting the Chief Justices of High Courts that while sending proposals for appointment of Judges, due consideration be given to suitable candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes, Minorities and Women to ensure social diversity in the appointment of Judges in High Courts. Only those persons who are recommended by the Supreme Court Collegium, are appointed as Judges of the Supreme Court and High Courts.
