

GOVERNMENT OF INDIA  
MINISTRY OF LAW & JUSTICE  
DEPARTMENT OF JUSTICE

LOK SABHA

UNSTARRED QUESTION NO. 1930

TO BE ANSWERED ON WEDNESDAY, THE 07<sup>TH</sup> MARCH, 2018.

AIJS

**1930. SHRI SIRAJUDDIN AJMAL:  
SHRI RATTAN LAL KATARIA:**

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

- (a) whether the Government has a proposal for creation of an All India Judicial Service (AIJS) with reservation for minorities;**
- (b) if so, the details thereof and if not, the reasons therefor;**
- (c) whether 6000 judges will be recruited in the coming years;**
- (d) if so, the steps taken in this regard;**
- (e) the details of vacancies which are left unfilled in the various courts of the country; and**
- (f) whether deficiency of judges is affecting the justice delivery system in the country and if so, the steps being taken in this regard?**

**ANSWER**

**MINISTER OF STATE FOR LAW AND JUSTICE AND CORPORATE AFFAIRS  
(SHRI P. P. CHAUDHARY)**

(a) & (b): A comprehensive proposal was formulated for the constitution of an All India Judicial Service (AIJS) and the same was recommended by the Committee of Secretaries in November, 2012. The proposal was discussed in the Conference of Chief Ministers and Chief Justices of the High Courts held in April, 2013 wherein it was decided that the issue needed further deliberation and consideration. Views on the proposal were also sought from the State Governments and High Courts. All India Judicial Service besides attracting some of the best talent in the country may also facilitate inclusion in judiciary of competent persons belonging to underprivileged, marginalised communities and women and also bring the State officers from other parts of the country having different cultural background and speaking other language from that of the State of allotment. 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.

(c) to (e) : As per the Constitutional framework, the selection and appointment of judges in subordinate courts is the responsibility of the High Courts and State Governments concerned. In so far as recruitment of judicial officers in the States is concerned, respective High Courts do it in certain States, whereas the High Courts do it in consultation with the State Public Service Commissions in other States. As per information made available by the High Courts and respective State Governments, as on 31.12.2017 the sanctioned strength of Judicial Officers of District and Subordinate Courts is 22,474. The number of Judges in position and vacant posts are 16,728 and 5,746 respectively.

(f): The Supreme Court, through a judicial order in Malik Mazhar case, has devised a process and time frame to be followed for the filling up of vacancies in subordinate judiciary. This order of January 2007 by the Supreme Court stipulates that the process for recruitment of judges in the subordinate courts would commence on 31<sup>st</sup> March of a calendar year and end by 31<sup>st</sup> October of the same year. The Supreme Court has permitted State Governments / High Courts for variations in the time schedule in case of any difficulty based on the peculiar geographical and climatic conditions in the State or other relevant conditions. Issues relating to increasing judicial strength and timely filling up of vacancies have also been discussed in the Joint Conference of Chief Ministers and Chief Justices of High Courts held in August, 2009 and in April, 2013 and during meetings of the Advisory Council of the National Mission for Justice Delivery and Legal Reforms. Communications have been sent as follow up from the Union Government to the State Governments and High Courts. This issue was also raised in the 7<sup>th</sup> Advisory Council Meeting of the National Mission of Justice Delivery and Legal Reforms where it was discussed that there may be a need for adding some flexibility in the recruitment rules for subordinate court judges to allow multiple sources for direct recruitment of eligible candidates. During the video conference held recently with Registrars General of all High Courts and Law Secretaries of all State Governments / UTs, the need to filling up of vacant posts of judicial officers in District and Subordinate Courts in timely manner was again emphasised.

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