

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

LOK SABHA

UNSTARRED QUESTION NO. †1248

TO BE ANSWERED ON WEDNESDAY, THE 25TH JULY, 2018.

AIJS

**†1248. SHRI RAM CHARAN BOHRA:
DR. UDIT RAJ:**

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

- (a) the current status of the progress made in the creation of All India Judicial Service (AIJS) in the country;**
- (b) whether the suggestions sought from States and High Courts regarding the proposed AIJS, have been received and if so, the details thereof;**
- (c) whether the Government has constituted any advisory council in this regard and if so, the details thereof;**
- (d) the steps taken / being taken by the Government to expedite creation of AIJS; and**
- (e) whether creation of such a service was ordered by the Hon'ble Supreme Court of India in 2009 and if so, the status of implementation of such proposal?**

ANSWER

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

(a): Keeping in view the divergence of opinion among the States and High Courts on constitution of All India Judicial Service (AIJS), the Government has undertaken the consultative process to arrive at a common ground.

(b): The views of States and High Courts were sought on a comprehensive proposal formulated for constitution of AIJS which was recommended by the Committee of Secretaries in November, 2012.

The High Courts of Sikkim and Tripura have concurred with the proposal approved by Committee of Secretaries for formation of AIJS. High Courts of Andhra Pradesh, Bombay, Delhi, Gujarat, Karnataka, Kerala, Madhya Pradesh, Madras, Manipur, Patna, Punjab & Haryana and Gauhati have not favoured the proposal of formation of AIJS. High Courts of

Allahabad, Chhattisgarh, Himachal Pradesh, Meghalaya, Orissa and Uttarakhand have suggested changes in the age at induction level, qualifications, training and quota of vacancies to be filled through AIJS. High Courts of Jharkhand and Rajasthan have indicated that the matter is pending consideration. Most High Courts want administrative control over Subordinate Judiciary to remain with the respective High Courts.

State Governments of Arunachal Pradesh, Himachal Pradesh, Karnataka, Madhya Pradesh, Meghalaya, Nagaland and Punjab do not favour the formation of AIJS. State Government of Maharashtra wants the recruitment to be done at Judicial Magistrate First Class (JMFC) level. State Governments of Bihar, Chhattisgarh, Manipur, Odisha and Uttarakhand want changes in the proposal formulated by the Central Government. State Government of Haryana has stated that the proposal seems to be justified. State Government of Mizoram has supported creation of AIJS on the lines of IAS, IPS and other Central Services.

(c) and (d): 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. 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.

Further, the comprehensive proposal formulated for constitution of AIJS which was recommended by the Committee of Secretaries in November, 2012 along with views received from High Courts and States was 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 on the subject.

(e): The Supreme Court of India, *vide* its judgment of 13.11.1991 in the matter of All India Judges Association *versus* Union of India and others, recommended that Government should examine the feasibility of

implementing the recommendations of the Law Commission for setting up of All India Judicial Service. They have reiterated this later in their judgment of 24.11.1993 in the same case.
