

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

**LOK SABHA**

**UNSTARRED QUESTION NO. †1492  
TO BE ANSWERED ON FRIDAY, THE 28<sup>TH</sup> JULY, 2023**

**ADDITIONAL JUDICIAL POSTS IN STATES**

**†1492. SHRI RAHUL KASWAN:**

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

- (a) whether the Supreme Court has recently given any directions for the creation of posts in the State Judicial Services;**
- (b) if so, the details thereof, State-wise including Rajasthan;**
- (c) the follow up action taken in this regard and number of such posts created in each of the States;**
- (d) the details of appointments made in the Indian Legal Services during each of the last three years and the current year;**
- (e) whether Government proposes to increase the number of posts in Indian Legal Services; and**
- (f) if so, the details thereof?**

**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 (c):** The information regarding the creation of posts in State Judicial Services and details thereof is not maintained by the Department. The Central Government has no role under the Constitution in the creation of posts for judicial officers in State Judicial Services. As per the Constitutional framework, in exercise of powers conferred under proviso to Article 309 read with Articles 233 and 234 of the Constitution, the respective State Government in consultation with the High Court frames the rules and regulations

regarding the issues of recruitment and appointment of Judicial Officers in the respective State Judicial Service. Thus, the creation of posts of judicial officers in the State Judicial Services is the responsibility of the High Courts and State Governments concerned. In some States, the respective High Courts directly undertake the recruitment process, whereas in other States, the High Courts does it in consultation with the State Public Service Commissions. Further, Under Article 235 of the Constitution of India, the administrative control over the members of State Judicial Services in the States vests with the concerned High Court. Therefore, the Central Government has no role in the creation of posts or related action taken in respect of the State Judicial Services.

**(d):** As per the information provided by the Department of Legal Affairs, the Indian Legal Service (ILS) consists of 4 sub-cadres viz. Legal Advisers, Government Advocates, Law Officers and Legislative Counsels. The details of appointment made in each of the aforementioned cadres during last three years and the current year is at *ANNEXURE-I*.

**(e) & (f):** Department of Legal Affairs being the cadre controlling authority of Indian Legal Service (ILS) has initiated proposal for cadre review of ILS in consultation with Cadre Review Division, Department of Personnel & Training which inter alia envisages increasing the number of posts in ILS.

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**Annexure-I****STATEMENT REFERRED TO IN REPLY TO PART (D) OF LOK SABHA UNSTARRED QUESTION NO. 1492 FOR ANSWER ON 28.07.2023 REGARDING 'ADDITIONAL JUDICIAL POSTS IN STATES'.**

S.no.	Cadre	2020		2021		2022		2023	
		DR*	P**	DR*	P**	DR*	P**	DR*	P**
1	Legal Advisers	-	-	-	2	2	17	-	6
2	Government Advocates	1	-	-	3	1	2	-	-
3	Law Officers	0	0	0	0	0	2	0	0
4	Legislative Counsels	3	2	1	-	-	-	1	3

Source: Department of Legal Affairs, Ministry of Law and Justice.

\*DR: Direct recruitment. \*\*P: Promotion