

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

**LOK SABHA
UNSTARRED QUESTION NO. 2258**

TO BE ANSWERED ON FRIDAY, THE 15.12.2023

All India Judicial Service

**†2258. SHRI SUNIL KUMAR SINGH:
SHRI GUMAN SINGH DAMOR:
DR. PON GAUTHAM SIGAMANI:
SHRI N. REDDEPPA:**

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

- (a) whether there has been a long pending demand to create an All India Judicial Service in the country and if so, the reaction of the Government thereto;
- (b) whether the Government proposes to implement the All India Judicial Service for appointing the Judges in the District Courts, High Courts and the Supreme Court by reforming the procedure of appointment in higher Judiciary ensuring equal opportunity and representation to marginalized sections of the society and if so, the details thereof;
- (c) whether there is a provision of reservation in Higher Judicial Services and if so, the details thereof;
- (d) if not, whether the Government proposes to bring reservation in Judiciary in future and if so, the details thereof; and
- (e) the details of posts lying vacant at various levels in the judiciary?

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 (e): Article 312 of the Constitution provides for the establishment of All India Judicial Service (AIJS), which shall not include any post inferior to that of a District Judge. The constitutional provision enables creation of the AIJS at District Judge level only. The All India Judicial Services do not envisage to include direct appointment of Judges to the High Courts & Supreme Court of India. 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. Besides attracting some of the best talent in the country, it may also facilitate inclusion of competent persons from marginalized sections and women in the judiciary. 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 level 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.

Appointment of Judges of 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. In case of reservation of seats in the District Courts/Subordinate judiciary, the Central Government has no role under the Constitution of India.

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 reservation and recruitment of Judicial Officers in the respective State Higher Judicial Services. Thus, the selection and appointment of judicial officers in the District and Subordinate Courts is the responsibility of the High Courts and State Governments concerned. In some States, the respective High Courts undertake the recruitment process, whereas in other States, the High Courts does it in consultation with the State Public Service Commissions.

As on 11.12.2023, the Supreme Court is functioning at its full strength and there is no vacancy. Against the sanctioned strength of 1114 judges in High Courts, there are 790 judge working, leaving vacancy of 324 post of judges.

As on 11.12.2023, against the sanctioned strength of 25439, there are 5443 vacancies of judicial officers in the District and Subordinate Judiciary.
