

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

LOK SABHA

**UNSTARRED QUESTION NO. 2790
TO BE ANSWERED ON WEDNESDAY, THE 11th MARCH, 2020**

Indian Judicial Service

2790. SHRI D. M. KATHIR ANAND:

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

- (a) whether the Government is planning to bring Indian Judicial services for tribunals and special courts and if so, the details thereof;**
- (b) the current status of the proposal to set up an All India Judicial Service for appointment of judges along with the time by which it is likely to be formed;**
- (c) whether the Government proposes to bring in a law which would provide a time-frame to the courts to deliver judgements on matters pending before them and to get rid of the alleged corruption prevalent in judiciary;**
- (d) whether the Government propose to conduct Common Law Admission Test (CLAT) by National Testing Agency (NTA); and**
- (e) if so, the details thereof and if not, the reasons therefor?**

ANSWER

**MINISTER OF LAW AND JUSTICE, COMMUNICATIONS AND ELECTRONICS &
INFORMATION TECHNOLOGY
(SHRI RAVI SHANKAR PRASAD)**

(a) and (b) : 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 High Courts of Sikkim and Tripura have concurred with the proposal approved by Committee of Secretaries for formation of All India Judicial Service. The High Courts of Allahabad, Chhattisgarh, Himachal Pradesh, Kerala, Manipur, Meghalaya, Orissa and Uttarakhand have suggested changes in age at induction level, qualifications, training and quota of vacancies to be filled through All India Judicial Service. Rests of the High Courts have not favoured the idea. Most of the High Courts want the administrative control over the Subordinate Judiciary to remain with the respective High Courts. The High Courts of Jharkhand and Rajasthan have indicated that the matter regarding creation of AIJS is under consideration. No response has been received from the High Courts of Calcutta, Jammu & Kashmir and Gauhati.

The State Governments of Arunachal Pradesh, Himachal Pradesh, Karnataka, Madhya Pradesh, Meghalaya, Nagaland and Punjab do not favour the formation of AIJS. The State Government of Maharashtra wants the recruitment to be done at Judicial Magistrate First Class (JMFC) level which is not in consonance with the

provisions of AIJS included in the Constitution of India. The State Governments of Bihar, Chhattisgarh, Manipur, Orissa and Uttarakhand want changes in the proposal formulated by the Central Government. The State Government of Haryana has stated that the proposal seems to be justified. The State Government of Mizoram supported creation of AIJS on the lines of IAS, IPS and other Central Services. The then State of Jammu and Kashmir has mentioned that provisions of Constitution of India for formation of AIJS incorporated in the Constitution by 42nd Amendment Act, 1976 are not applicable to the State of Jammu and Kashmir. No response has yet been received from rest of the States.

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 included in the agenda for the Joint Conference of Chief Ministers and Chief Justices of the High Courts held on 05th April, 2015. However, no progress was made on the subject.

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 Minister of Law and Justice on 16th January 2017 in the presence of Minister of State for Law and Justice, Attorney General of India, Solicitor General of India, Secretaries of Department of Justice, Legal affairs and Legislative Department. In view of the existing divergence of opinion amongst the stakeholders the Government is engaged in a consultative process with the stakeholders to arrive at a common ground.

(c): No, Sir.

(d) and (e): No Sir. Does not arise.

