

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

**LOK SABHA
UNSTARRED QUESTION NO. 963**

TO BE ANSWERED ON FRIDAY, THE 03.12.2021

All India Judicial Service

**963. SHRIMATI KAVITHA MALOTHU:
DR. G. RANJITH REDDY:
SHRI VENKATESH NETHA BORLAKUNTA:
SHRI PASUNOORI DAYAKAR:**

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

- (a) whether the proposed All India Judicial Services(AIJS) is capable of tampering the federal structure of the Constitution as lower judiciary falls within the domain of States;
- (b) if so, the details thereof and reasons for making fresh attempts for AIJS;
- (c) whether it is true that States like West Bengal, Kerala, Andhra Pradesh, Uttarakhand, etc., have opposed the implementation of AIJS; and
- (d) if so, the details thereof and the reaction of the Government in this regard?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJJU)

(a) to (d) : Provision to create an All India Judicial Service is provided for in Article 312 (1) of the Constitution. 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.⁰³ States are in favour of constitution of AIJS, 09 States are not in favour, 05 States including Uttarakhand want changes in the proposal and 11 States including West Bengal, Kerala, Andhra Pradesh are yet to respond.

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 for India, Solicitor General of India, Secretaries of Department of Justice, 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.

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.
