

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA
UNSTARRED QUESTION NO. 604
ANSWERED ON 07.12.2023

All India Judicial Service

604. SHRI RAJEEV SHUKLA:

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

- (a) whether Government proposes to establish the All India Judicial Service in the times to come;
- (b) if so, the details thereof;
- (c) if not, the reasons therefor;
- (d) the details of other measures being taken to standardise the judicial structure in the country; and
- (e) the proposed measures to be taken in this respect?

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): 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. 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.

(d) and (e) : The structure of the judiciary is more or less standardized as laid down in the Constitution of India, with the Supreme Court of India at the center and High Courts that stand at the head of a State's judicial administration. Benches of High Courts have also been established at various places in States as per the guidelines of Jaswant Singh Commission Report. District and subordinate judiciary consists of Higher Judicial Service comprising of District Judges / Additional District Judges / Session Judge etc. and the State Judicial Service broadly comprising of Civil Judge (Senior Division) and Civil Judge (Junior Division) and equivalent.

The Government has taken several co-ordinated initiatives in respect of judicial structure to provide an ecosystem for phased liquidation of arrears and pendency in judicial administration, which, inter-alia, involves better infrastructure for courts including computerization, increase in strength of subordinate judiciary, policy and legislative measures in the areas prone to excessive litigation, re-engineering of court procedure for quick disposal of cases and emphasis on human resource development.

Government has been regularly filling up the vacancies in higher judiciary. From 01.05.2014 to 05.12.2023, 61 Judges were appointed in Supreme Court. 965 new Judges were appointed in High Courts and 695 Additional Judges were made permanent in the High Courts. Since 2014, the strength of the Supreme Court has been increase from 31 to 34 (including Chief Justice of India). Sanctioned strength of Judges of High Courts has been increased from 906 in May, 2014 to 1114 currently. Sanctioned strength of the Judicial Officers in district and subordinate courts has increased from 19,518 on 31.12.2013 to 25,423 as on 05.12.2023. The working strength of the Judicial Officers has also increased from 15,115 to 20,026 during the same period.
