

1	2	3
14.	Madhya Pradesh *	8
15.	Madras	6
16.	Orissa *	5
17.	Patna *	21
18.	Punjab and Haryana *	22
19.	Rajasthan	10
20.	Sikkim	—
21.	Uttarakhand	—
TOTAL		264

#### Appointment of Judges through competitive examination

1913. SHRI B.S. GNANADESIKAN: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether there is a proposal for the introduction of a selection procedure on the lines of Indian Administrative Service (IAS) for appointment of Judges in High Courts and District Courts;

(b) whether the proposal was based on the recommendations of the Law Commission;

(c) if so, the details thereof;

(d) whether the majority of High Courts have strongly opposed the proposal and want the present selection procedure by a committee of senior most Judges to continue; and

(e) if so, the details thereof and Government's reaction thereto?

THE MINISTER OF LAW AND JUSTICE (SHRI M. VEERAPPA MOILY): (a) to (e) The various Law Commissions including the 1st, 8th and 11th Law Commissions had, *inter alia*, recommended the formation of All India Judicial Service. The 11th Law Commission in its 116th report felt that the formation of such a service, through competitive examination, would attract brilliant young men and women and thus the best talent all over the country would come to judiciary,, as in respect of All India Civil Services. Law Commission also suggested that the recruitment to All India Judicial Service could be done through a National Judicial Service Commission comprising of Judges, legal academicians and generalists.

As per the recommendations of the Law Commission of India, the directions of the Supreme Court of India in All India Judges Association case (Writ Petition No. 1022/89) and the guidelines recommended by the First National Judicial Pay Commission, the Union Government has taken

up the matter of formation of an All India Judicial Service for examination. As the All India Judicial Service would be common for the Union and the States and would require cooperation of the State Governments and High Courts, their views/comments have been sought. Views of 17 State Governments/UT Administrations and 14 High Courts have so far been received. The views of the High Courts are given in the Statement (See below).

In the Conference of the Chief Minister of States and the Chief Justices of the High Courts held on 16.08.2008, the State Governments, in principle, concurred with the proposal of formation of All India Judicial Service. Also, in the National Consultation for Strengthening the Judiciary towards reducing pendency and delays held on 24th-25th October, 2009 which was attended by the Chief Justice of India, Supreme Court Judges, Chief Justices of all High Courts, among others, it was, *inter alia*, resolved to establish an All India Judicial Service through an open competitive examination ensuring the best possible selection.

After receipt of views from all State Governments and High Courts, the matter will be examined by the Government on its merit.

#### ***Statement***

##### *Comments/views of the High Courts on the formation of All India Judicial Service (AIJS)*

Sl. No.	Name of the High Court	Comments
1	2	3
1.	Himachal Pradesh	The High Court of Himachal Pradesh has no comments to offer.
2.	Sikkim	The Full Court has resolved that the proposal to form an AIJS appears to be contrary to the federal character of the Constitution <i>vis-a-vis</i> State Judiciary particularly, the "Control" vested in the High Court for ensuring independence of the Subordinate Judiciary enshrined under Article 235 of the Constitution of India, and therefore, the same is not acceptable.
3.	Allahabad	The High Court of Allahabad has not favoured formation of All India Subordinate Judicial Service as the State and the State Judiciary controls and has always controlled the Subordinate Judiciary themselves.
4.	Delhi	The Court has expressed its reservation but offered no views due to the judgment of the Supreme Court given in the matter of All India Judges' Association <i>vs.</i> UOI and Ors.

1	2	3
5.	Jharkhand	The Court is of the view that there is no requirement to establish AIJS in terms of recommendation of the First National Pay Commission.
6.	Rajasthan	AIJS may be constituted provided that it does not dilute the provisions of Article 235 of the Constitution of India.
7.	Gujarat	The High Court is not in favour of formation of AIJS
8.	Andhra Pradesh	The High Court has not expressed any view since the matter relating to establishment of AIJS has already been considered by the Hon'ble Supreme Court of India on judicial side
9.	Madhya Pradesh	The High Court is not in favour of formation of AIJS as the conditions in the Higher Judicial Service in Madhya Pradesh have improved substantially after the implementation of the recommendations of the Shetty Pay Commission with regard to pay, allowances and other service conditions and after amendment of the recruitment rules pursuant to the judgment of Supreme Court in All India Judges Case
10.	Madras	The Madras High Court is not in favour of AIJS.
11.	Patna	The High Court is in favour of constituting an AIJS in the light of judgment in W.P. No. 1022 of 1989 (All India Judges Association and others versus UOI).
12.	Kerala	The High Court of Kerala does not assent to the proposal for creation of AIJS since the creation of All India Judicial Service would cause practical difficulties,.
13.	Uttarakhand	High Court of Uttarakhand has informed that the present system of recruitment by the High Court in Higher Judicial Service be maintained.
14.	Bombay	The High Court has decided not to form All India Judicial Service

#### **Disclosure of assets**

1914. DR. JANARDHAN WAGHMARE: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government feels that it is necessary that like the Members of Parliament and State Assemblies, Judges, administrators and people's representatives at all levels including Panchayati Raj should declare their assets and liabilities; and