

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

UNSTARRED QUESTION NO:1070

ANSWERED ON:29.11.2012

JUDICIAL OFFICERS ON DEPUTATION

Aaron Rashid Shri J.M.;Bishnoi Shri Kuldeep;Ramasubbu Shri S.

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

(a) whether a less number of Judicial Officers of various States are working in Supreme Court, High Court and Central Government on deputation basis;

(b) if so, the details thereof;

(c) whether the Government proposes to create a separate cadre of Judicial Service on the pattern of I.A.S., I.P.S. and other allied services in the country; and

(d) if so, the details thereof and if not, the reasons therefor?

Answer

MINISTER OF LAW & JUSTICE (DR. ASHWANI KUMAR)

(a) & (b) : Under Article 235 of the Constitution of India, the administrative control over the members of district and subordinate judiciary in the States vests with the respective High Court. Further, in exercise of powers conferred under proviso to Article 309 read with Articles 233 and 234 of the Constitution, the respective State Government frames the Rules and Regulations in consultation with the High Court. The members of the State Judicial Service are governed by them. The issues of appointment, promotion, deputation etc. of judicial officers in the district/subordinate courts are decided by the respective State Government under the Rules and Regulations. The information relating to deputation of Judicial Officers from various States, is not maintained by the Central Government.

(c) & (d) : The creation of All India Judicial Service has been recommended as far back as 1958 by the Law Commission of India in its 14th Report (1958), in the 77th Report (1978) and 116th Report (1986). The Supreme Court of India has vide its judgment of 13.11.1991 in the matter of All India Judges Association versus Union of India and others also recommended for setting up All India Judicial Service, which they again reiterated later in their judgment of 24.11.1993 in the same case. The issue has also been considered and recommended by the First National Judicial Pay Commission (FNJPC). The Committee on Centre-State Relations has also recommended creation of AIJS in 2010. Several concerned bodies and organizations, judicial and legislative Committees of the Parliament have also recommended setting up of an AIJS.

A comprehensive proposal has been formulated for constitution of All India Judicial Service (AIJS). The proposal has been considered and approved by Committee of Secretaries in its meeting held on 05th November, 2012. It will next be placed before the competent authority for approval.