

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

UNSTARRED QUESTION NO:2241

ANSWERED ON:18.12.2013

ALL INDIA JUDICIAL SERVICE

Beg Shri Mirza Mehboob;Bhagora Shri Tarachand;M.Thambidurai Dr. ;Tanwar Shri Ashok

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

- (a) 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;
- (b) 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;
- (c) if so, the details thereof;
- (d) whether the Government intends to bring fairness and transparency in the selection of judges to ensure accountability in the judicial system; and
- (e) if so, the details thereof along with the steps taken/proposed to be taken by the Government for structural improvements in the judicial system?

**Answer**

MINISTER OF LAW AND JUSTICE AND COMMUNICATIONS & INFORMATION TECHNOLOGY (SHRI KAPIL SIBAL)

(a) : The Constitution was amended in 1977 to provide for an All India Judicial Service (AIJS) under Article 312 of the Constitution. There has been support in favour of AIJS by 11th Law Commission in its 116th Report, the First National Judicial Pay Commission, Committee on Centre State Relations and Department Related Parliamentary Standing Committee. However, consensus on having AIJS has not been possible in the consultations held with the State Governments and the High Courts. The proposal was placed for consideration in the Conference of Chief Ministers of the States and Chief Justices of the High Courts held on 07th April, 2013. It has been decided that further consultation on the matter would be required with States and High Courts.

(b) and (c) : Disposal of pending cases in various courts is within the domain of the Judiciary. In order to assist the judiciary, the Government has set up a National Mission for Justice Delivery and Legal Reforms to achieve twin goals of (i) increasing access to justice by reducing delays and arrears; and (ii) enhancing accountability through structural changes and by setting performance standards and improving capacities. The Mission has adopted a co-ordinated approach for phased liquidation of arrears and pendency in judicial administration by providing support for better court infrastructure including computerisation, encouraging increase in the strength of subordinate judiciary and recommending policy and legislative measures in the areas

prone to excessive litigation and suggesting re-engineering of court procedures for quick disposal of cases. The results of various steps being undertaken by the National Mission would reflect on the improvement in justice delivery in due course of time. However, it may be mentioned here that increasing trend of pendency of cases in Subordinate Courts has been checked and overall pendency of cases in these courts has declined from 2.77 crore cases in 2010 to 2.68 crore cases in 2012. The Mission has a time frame of five years (2011-16).

(d) and (e): To bring better transparency and accountability in the selection process of Judges of the Supreme Court and the High Courts, the Constitution (One Hundred and Twentieth Amendment) Bill, 2013 has been considered and passed as Constitution (Ninety Ninth Amendment) Bill, 2013 by the Rajya Sabha . The Judicial Appointments Commission Bill, 2013 was referred to the Parliamentary Standing Committee, whose report was tabled on the Rajya Sabha on 09th December, 2013. Further, the Government has moved the Judicial Standards and Accountability Bill, which provides for a comprehensive mechanism for handling complaints made by citizens on grounds of alleged misbehavior and incapacity against judges of the Supreme Court and High Courts and for taking action against those found guilty after investigation. The Bill lays down judicial standards and makes it incumbent on the Judges to declare their assets/ liabilities. The Bill has been already been passed by the Lok Sabha and is now before the Rajya Sabha for consideration.