

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

UNSTARRED QUESTION NO:1863  
ANSWERED ON:04.12.2014  
RECRUITMENT AND ADMINISTRATION IN LOWER COURTS  
Premachandran Shri N.K.

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

- (a) whether the Government is aware of the different methods of recruitment and administration adopted in lower courts under various State Governments;
- (b) if so, whether the Government proposes to issue guidelines for maintaining uniformity in this regard;
- (c) if so, the details thereof and if not, the other steps taken / proposed to be taken by the Government in this regard;
- (d) whether the Government has received any recommendation from the Law Commission for creating All India Judicial Service; and
- (e) if so, the action taken thereon by the Government?

**Answer**

MINISTER OF LAW & JUSTICE (SHRID. V. SADANANDA GOWDA)

(a) to (e): Under Article 235 of the Constitution of India, the control over District and Subordinate Courts in the States vests with the concerned High Court. Further, in exercise of powers conferred under article 309 read with articles 233 and 234 of the Constitution, the State Governments frame rules and regulations in consultation with the High Courts for recruitment of persons to Judicial Service. Most of the State Governments have framed State Higher Judicial Service Rules / State Judicial Service Rules governing service conditions of their own judicial officers. During the Conference of the Chief Ministers of States and the Chief Justices of the High Courts held in March, 2006, it was inter-alia decided that where selection of subordinate Judicial Officers is not being made by the High Court, such selection be entrusted to the High Court, by amending the relevant rules.

The creation of AIJS was recommended by Law Commission of India in its 14th Report (1958). Later, Law Commission reiterated this recommendation in 77th Report (1978) and 116th Report (1986).

A comprehensive proposal was formulated for constitution of an All India Judicial Service (AIJS) and the same was approved by the Committee of Secretaries in November, 2012. 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 issue needs further deliberation and consideration. The views of the State Governments and High Courts were sought on the proposal. However, there is divergence of opinion among the State Governments and High Courts on constitution of All India Judicial Service.