

### Formation of All India Judicial Service

\*505. SHRI XAVIER ARAKAL: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state :

(a) whether Government intend to make the judicial service an All India Service Cadre : and

(b) whether the Central Government have instructed the State Governments to improve the Service conditons of the Lower Judicial Officers ?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI P. SHIV SHANKAR) : (a) The Government will be taking a decision in the matter, in consultation with the State Governments as soon as possible.

(b) It is for the State Governments to take decisions for improving the conditions of service of the Lower Judicial Officers working in the States.

SHRI XAVIER ARAKAL: My Starred Q. No. 296 related to a similar matter. I said, in this country, justice is bought and sold. I also said that for common people it is unapproachable. Roughly 79,000 prisoners out of 1,40,000 are waiting for trial. And this will clearly show the magnitude of the problem of these judicial officers as well. I would like to know what concrete steps can this Government take in this matter, forgetting the reply given to this question, which is identical to the one given to the other question. Can this Government do something in this matter in order that the common people can have a speedy trial, by providing more facilities to the lower judicial officers and having more judicial officers ?

SHRI P. SHIV SHANKAR: The question that has been asked is essentially with reference to the formation of the All India Judicial Service and the second part relates to the conditions of the lower judicial officers with which only the State Governments are concerned. But my friend has brought in the aspect, of the plight of the prisoners and has connected it with the concept of speedy trial. So far as the question of speedy trial is concerned, I have said it time and again that so far as the Central Government is concerned, it is not leaving any stone unturned. Various recommendations have been made from time to time. Those recommendations are being followed up and I have already said in reply to the other question that a Judicial Reforms Committee is also being constituted for the purpose of finding out ways and means and to examine the question of providing speedier justice.

SHRI XAVIER ARAKAL: The answer is : "In consultation with the State Governments", referring to the Union Territories, also. It is said that the great are made to be great and the small are made to be small. Considering the monetary and other working conditions and the amenities provided to the lower cadre of the judicial service, what are the steps this Government is taking in order to have an all India pattern at least in the Union Territories in this country ?

SHRI P. SHIV SHANKAR: So far as the Union Territories are concerned, for the judicial set up at the lower level various steps have been taken. And so far as the Delhi officers are concerned, the matter has been engaging attention. With respect to some officers of the lower judicial service in Delhi, their conditions of service

have been bettered by increasing their emoluments. Now this is the process that has been started. Essentially, of course, even with reference to the Union Territories the lower judiciary is with the local administration but none-the-less so far as the Ministry is concerned, it has been intervening and trying to better their conditions from time to time.

**SHRI BAPUSAHEB PARULEKAR:** In reply to part (b) it is stated that it is for the State Government to take a decision for improving the conditions of service. That is right. But the hon. Law Minister has expressed his opinion about the lower judiciary and through you I would like to invite his attention to one of his expressions which is mentioned in a paper by Mr. Justice D.R. Khanna of Delhi and the hon. Minister is reported to have stated as follows:

“The Law Minister openly made a sweeping condemnation of the subordinate judiciary as corrupt in spite of the extreme privations in which they live. He, without any demur added that if they considered peons were getting better salaries elsewhere, they were free to resign and join them.

I would like to know from the hon. Minister—because it has hurt many judicial officers—whether it is his personal opinion or is it the opinion of the Government? This article by Mr. D. R. Khanna of Delhi High Court has been published in the A.I.R. . It is very serious.

**SHRI P. SHIV SHANKAR:** My friend is slightly wrong in understanding the whole concept. I never said like that. But it was my predecessor who has said it. Perhaps he is not aware who said it. It is rather unfortunate that. . .  
(Interruptions)

**SHRI BAPUSAHEB PARULEKAR:** In September, 1980 you were the Law Minister.

**SHRI P. SHIV SHANKAR:** So far as I am concerned, I never said it. This statement is attributed to one of my predecessors and so far as I am concerned, in September when I spoke at Patna, I said that the common people are having a great handicap with the staff in the lower judiciary, for getting their matters through. That is what I have said and there was also a correction. The reference to judicial officers resigning and taking up the peon's job is a matter which is connected with my predecessor. I am sorry for that statement.

#### WRITTEN ANSWERS TO QUESTIONS

##### **Raniganj town declared unsafe**

\*496. **SHRI KRISHNA CHANDRA HALDER:**  
**SHRI SAMAR MUKHERJEE :**

Will the Minister of ENERGY be pleased to state:

(a) whether Government are aware that the Raniganj town has been declared 'unsafe' by the Mining authority through an ordinance dated 19th/22nd June, 79;

(b) whether Government are also aware that because of the Ordinance, the ECL is going to produce one lakh new refugees in the Raniganj area, and

(c) if so, what safety measures Government propose to take to check the possible subsidence?

**THE MINISTER OF ENERGY (SHRI A. B. A. GHANI KHAN CHOUDHURY):** (a) Yes, Sir. We have been informed by Director General Mines Safety, that he has