

Title: Regarding implementation of the amended Article 312 of the Constitution to start the All India Judicial Service.

SHRI PRAKASH YASHWANT AMBEDKAR (AKOLA): Mr. Speaker, Sir, I am fortunate that Shri Ram Jethmalani is here. This issue is regarding the 1976 amendments carried out to Article 312 under which the responsibility was fixed on the Government for starting an All-India Judicial Service. More than 20 years have passed and still, we have not implemented the amended portion to the Constitution. We have been making noise that there are many pending cases, and we do not find proper persons to be appointed on the High Court Benches. We have, over the last 40 years, not implemented even Article 340 which, according to me, was due to lack of political will that was necessary for development. It took nearly 40 years. Even in the judiciary, one of the objections I find is that if there is an All-India Judicial Service, then the question of reservation will come into it. So, just to stop reservation, this part of the amended Article 312 is not being implemented. What is necessary is that a simple resolution has to be passed in the Council of States, and once a resolution is passed in the Council of States, the ball will start rolling for creating an All-India Judicial Service. The past Government has not done it. The Minister has been in the limelight and he has been talking about his intention to see that the cases which are pending are reduced. Will he move in that direction, at least, from today onwards? Thank you.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RAM JETHMALANI): I am not responsible for 20 years or 40 years delay. But be sure that it will be done within the next few months. The delay is because of the fact that you are in the wrong Party.

">13.00 hrs.

">MR. SPEAKER: Hon. Members, the rest of the names could be considered on Monday. Today, very important legislative business is to be taken up. The Members need not give fresh notices again. Please understand that yesterday also we had covered about sixty Members.