

Bill No. 221 of 2016

THE CONSTITUTION (AMENDMENT) BILL, 2016

By

DR. UDDH RAJ, M.P.

A

BILL

further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2016.

Short title.

2. In article 312 of the Constitution,—

Amendment
of article
312.

5 (i) in clause (I), the words "including an all-India judicial service" shall be omitted; and

(ii) after clause (I), the following clause shall be inserted, namely:—

10 "(IA) Notwithstanding anything in Chapter VI of Part VI or Part XI, the Parliament shall, within one year of the coming into force of this Act, by law, provide for the creation of an all-India judicial service common to the Union and the States, and, subject to the other provisions of this Chapter, which shall also apply *mutatis mutandis* to all-India judicial service, regulate the recruitment, and the conditions of service of persons appointed to all-India judicial service."

STATEMENT OF OBJECTS AND REASONS

There is a provision in the Constitution under article 312 for creation of All-India Services. Under this article, the Indian Administrative Service, the Indian Police Service, the Indian Foreign Service and the Indian Forest Service have been created by law, from time to time, but the creation of all-India judicial service is still awaited. In 1976, necessary amendments in the Constitution were made to create all-India judicial service but still the same has not been created.

Now, it is felt by the civil society and citizens that proper representation of all sections of the society be made in the judicial service. Therefore, the Bill seeks to amend the Constitution with a view to provide that the Parliament shall, within one year of the coming into force of this Act, by law, provide for creation of an all-India judicial service common to the Union and the States.

Hence this Bill.

NEW DELHI;
July 8, 2016

DR. UDIT RAJ

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

* * * * *

312 (1) Notwithstanding anything in Chapter VI of Part VI or Part XI, if the Council of States has declared by resolution supported by not less than two-thirds of the members present and voting that it is necessary or expedient in the national interest so to do, Parliament may by law provide for the creation of one or more all-India services (including an all-India judicial service) common to the Union and the States and, subject to the other provisions of this Chapter, regulate the recruitment, and the conditions of service of persons appointed, to any such service.

All-India Services.

* * * * *

LOK SABHA

A

BILL

further to amend the Constitution of India.

(Dr. Udit Raj, M.P.)