

All India Judicial Service: What the Idea is, why hasn't it been Implemented

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What's in Today's Article?

- Why in News?
- What is the All-India Judicial Service (AIJS)?
- How will the AIJS Differ from the Present System of Selection?
- Why has the AIJS been Proposed?
- Why hasn't the Idea of AIJS been Implemented Yet?

Why in News?

- During her inaugural address at the Supreme Court's Constitution Day celebration (November 26), the President of India called for an "all-India judicial service" (AIJS) to recruit judges.
- According to the President, AIJS will help make the judiciary diverse by increasing representation from marginalised social groups.

What is the All-India Judicial Service (AIJS)?

- Constitutional provision: Article 312 of the Constitution of India provides for the establishment of an All-India Judicial Service (AIJS), along the lines of the central civil services.
- How can it be created?

- If the Rajya Sabha declares through a resolution, supported by at least two-thirds of its present and voting members, that it is necessary or expedient to create a service in “national interest,”
- The Parliament may provide for the creation of one or more all India services common to the Union and the States and regulate the recruitment and service conditions of persons appointed to any such service.
- Posts included under the AIJS: Article 312 (2) states that the AIJS cannot include any post inferior to that of a district judge, as defined in Article 236.
- Purpose of creating AIJS:
 - The AIJS seeks to centralise the recruitment of judges at the level of additional district judges and district judges for all states.
 - Just as the Union Public Service Commission (UPSC), the recruitment of judges of the lower judiciary is being proposed to be made central, following which they will be assigned to states.

How will the AIJS Differ from the Present System of Selection?

- Articles 233 and 234 of the Constitution of India deal with the appointment of district judges and place it in the domain of the states.
- All judges of the lower judiciary up to the level of district judges are selected through the Provincial Civil Services (Judicial) exam, which is commonly referred to as the judicial services exam.
- The selection process is conducted by the State Public Service Commissions and the concerned High Court, since HCs exercise jurisdiction over the subordinate judiciary in the state.
- Panels of HC judges interview candidates after the exam and select them for appointment.

Why has the AIJS been Proposed?

- The Law Commission’s 1958 ‘Report on Reforms on Judicial Administration’: It was to ensure an efficient subordinate judiciary to address structural issues such as –
 - Varying pay and remuneration across states,
 - Filling vacancies faster, and
 - Ensuring standard training nationwide.
- The Parliamentary Standing Committee Report (2006): It supported the idea of a pan-Indian judicial service and also prepared a draft bill.
- What did the SC rule?
- Supreme Court (SC):
 - In ‘All India Judges’ Association vs UOI (1992): The apex court directed the Centre to set up an AIJS. However, in a 1993 review of the judgement, the court left the Centre at liberty to take initiatives on the issue.
 - In 2017, the SC took suo motu cognizance of the issue of appointment of district judges and mooted a “Central Selection Mechanism”.

Why hasn’t the Idea of AIJS been Implemented Yet?

- The Centre took various steps towards the constitution of the AIJS, such as coming up with a “comprehensive proposal”, which was approved by the Committee of Secretaries in 2012.
 - However, it was agreed upon that the issue needs further deliberation.
 - Subsequently, the views of state governments and HCs were sought on the proposal, but no consensus could be reached.
 - In 2015, the agenda of creation of AIJS was included in the agenda for the Chief Justices Conference.
 - However, it was decided that the respective HCs would evolve appropriate methods within the existing system to fill up the vacancies for appointing district judges.
 - In 2017, aspects of AISJ, like eligibility, age, selection criteria, qualification, and reservation, were discussed in a meeting chaired by the Minister of Law and Justice, with participation from India’s Attorney General.
 - However, the proposal failed to reach the stage of implementation.
 - Recently, when asked about AIJS’s implementation in the Lok Sabha, former Union Law Minister said that owing to diverging opinions amongst the major stakeholders, there is no consensus on the proposal.
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Q1) What is Mission Karmayogi?

Mission Karmayogi/ National Programme for Civil Services Capacity Building (NPCSCB) was launched in 2020 to reform Indian bureaucracy and prepare civil servants for the future.

Q2) What is the Law Commission of India?

Law Commission of India is a non-statutory body and is constituted by a notification of the Ministry of Law & Justice, with a definite term of reference to carry out research in the field of law.

Source: [President Murmu advocates for All India Judicial Service: What the idea is, why it hasn’t been implemented](#)

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