

UPSC Syllabus Topic : GS paper2- Indian Judiciary/ Indian Constitution.

All-India Judicial Service (AIJS): A Comprehensive Overview

All India Judicial Service (AIJS): Key Aspects

Definition:

- AIJS is a proposed centralized recruitment system for judges at the additional district and district levels across all Indian states.

Objective:

- Aims to centralize the recruitment of judges, similar to the Union Public Service Commission (UPSC) model, assigning successful candidates to states.

Origin:

- Originated from Law Commission reports in 1958 and 1978, addressing issues like varying pay, faster vacancy filling, and standardized nationwide training.
- Revisited in 2006 by the Parliamentary Standing Committee, supporting a pan-Indian judicial service.
- Proposed in the 'Strategy for New India @ 75' by NITI Aayog.

Constitutional Basis:

- Article 312 of the Constitution provides for the establishment of AIJS, similar to central civil services, upon a resolution by the Rajya Sabha supported by at least two-thirds of its members.
- Article 312 (2) states that AIJS cannot include any post inferior to that of a district judge, as defined in Article 236.

Current System of District Judges' Recruitment:

- Involves Articles 233 and 234, granting states authority over the appointment of district judges.
- Managed through State Public Service Commissions and High Courts.
- Candidates are interviewed by panels of High Court judges after exams.

Feasibility of AIJS Implementation:

Advantages:

1. **Uniform Standards:**
 - Establishes uniform standards for the recruitment of judicial officers across states, ensuring a consistent and merit-based selection process.
2. **Addressing Judges to Population Ratio and Filling Vacancies:**
 - Aims to fill vacancies in lower courts, addressing the current issue of around 5,400 vacant positions and a pendency of 2.78 crore cases.
3. **Enhanced Accountability:**
 - Centralized service could lead to greater accountability in performance evaluation, training, and disciplinary actions.
4. **Attracting Talent Pool:**
 - Facilitates attracting the best legal talent from across the country through a rigorous examination-based system.
5. **Increase Diversity:**
 - Enhances the representation and diversity of judges, reflecting the social composition of the country.
6. **Prevents Parochialism and Political Interference:**
 - Prevents parochialism and political interference in appointments, ensuring an All India character.
7. **Bottoms-Up Approach:**
 - Adopts a bottom-up approach in recruitment to tackle corruption and nepotism in the lower judiciary, enhancing justice dispensation.

Challenges:

1. **Diversity of Laws:**
 - Concerns about homogenizing the judiciary and neglecting nuanced understanding of local laws and customs.

2. **Violates Basic Structure Doctrine:**
 - Requires significant constitutional amendments, potentially violating the basic structure doctrine and upsetting judicial federalism.
3. **Language Barrier:**
 - Apprehensions about handling cases in local languages, posing a challenge for judges from different regions.
4. **Administrative Challenges:**
 - Involves significant administrative challenges, including coordination, infrastructure, and adapting to regional variations.
5. **Political Opposition:**
 - May face political opposition as recruitment to subordinate judiciary is a prerogative of the State under Article 233.
6. **Reservations:**
 - Ensuring reservations for locally domiciled citizens poses legal and utility challenges.

The Way Forward:

1. **Ensuring High Standards:**
 - The AIJS examination aims to uphold high standards in the judiciary, aligning with recruitment processes of other civil services.
2. **Addressing Vacancy Causes:**
 - Investigate and understand underlying reasons for high vacancies, especially in underperforming states.
3. **Overcoming Administrative and Judicial Hurdles:**
 - AIJS faces resistance and must be designed to address shortcomings, garnering support from all stakeholders.
4. **Urgency in Recruitment:**
 - Prompt recruitment through AIJS is essential to address the judiciary's vacancy crisis.
5. **Ensuring Meritocracy:**
 - Comprehensive training for Judicial Service officers is vital for a meritocratic judiciary.

Conclusion:

As of 2023, no consensus on AIJS exists due to diverging opinions. A balanced approach considering pros and cons, with judicious structure, can make AIJS viable. Key is the Centre-State consensus before transforming from idea to reality after almost fifty years of debate.