



The Indian Journal for Research in Law and Management

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Editor-in-Chief – Prof. (Dr.) Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

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IS ALL INDIA JUDICIAL SERVICE NEED OF AN HOUR?

INTRODUCTION

"I believe that an independent judiciary is the crown jewel of our constitutional Republic" - Brett Kavanaugh

The Preamble of the Constitution of India promises social, economic, and political justice to all citizens. However, the concept of an All India Judicial Service has a long and dynamic history as the idea was proposed in 14th report of Law Commission of 1958. Article 312 was amended for appointment of district judges through All India Judicial Service (AIJS) in the year 1976. Reports of 77th and 116th of the Prison Commission is of AIJS. This was done to ensure the efficiency and the transparency for the recruitment of the India's legal professionals.

The vast tapestry of India's legal area, the concept of An All India Judicial Service has emerged. Visualize a uniform recruitment process all over the area like Union Public Service Commission (UPSC) model. This service would enable the uniform system for recruiting judges across the nation. Do we actually need All India Judicial Service.

FACTS

Gender Disparities

The India justice report UR 2022 paints a stark picture. Only 35% of subordinate court judges are women. The glass ceiling persists, casting shadows over the judiciary gender balance.

Schedule Caste, Schedule Tribes and Other Backward Classes

Despite of a affirmative action efforts, no state has fully met qoutas for SC, ST and OBC categories in this subordinate Judiciary. An AIJS might be the catalyst for the bridging this gap.

Barriers To Entry

The Entrance Exam Conundrum

The entrance examination stands as a formidable barrier the aspiring judges invest considerable time in preparation and the process can be the gateway for democratize access, especially for underprivilege candidates.

High Court Hurdles

High courts often impose additional prerequisites, such as minimum number of cases argued or year of active practice. These hurdles restrict entry, hindering diversity.

Requirement for Seven - Year of Practice

This criteria of Seven - years of legal practice has this disproportionately affects those without influential connections.

Language and Regional Context which results in Lost of Translation

District Court cases unfold in regional languages, reflecting India's Linguistic diversity and AIJS central recruitment exam could inadvertently disadvantage candidates less professional in the regional tongue. Striking a balance is crucial.

The All India judicial service is a one that promises a more inclusive, efficient and representative judiciary. However, it must navigate the intricate web of challenges to a mode as a bacon of justice.

- **India's Linguistic Diversity and Multiculturalism**

India boasts unparalleled linguistic, cultural, and genetic diversity. Hindi is the most spoken mother tongue, but India has 1652 mother tongues and hundreds of dialects.

- **The Eighth Schedule to the Constitution lists 21 official languages, but doesn't fully reflect the nation's linguistic diversity.**

AIJS issues are contemporary in India, affecting the judicial system.

Need of All India Judicial Service AIJS In News

- President Droupadi Murmu Calls for All-India Judicial Service while Delivering inaugural address at Supreme Court's Constitution Day celebrations.
- Advocates for creation of an All-India Judicial Service to recruit judges.
- Aims to increase representation from marginalized social groups in the Judiciary.
- Discusses issues like gender and caste representation, and accessibility to justice.
- Suggests selection of judges from across the country for a larger talent pool.
- Expresses desire to support young, talented, and loyal individuals, extending the opportunity to serve in the judiciary.
- Uniformity and Talent Attraction: Aims to ensure uniform judicial selection standards across states.
- Vacancies and Backlogs: Addresses the massive backlog of cases and significant vacancies.
- Structural Concerns: Promotes consistency in training and performance.
- Quantitative Gap: Bridges the current shortage of judges, ensuring an effective subordinate judiciary.

Arguments in favour of All-India Judicial Service:

- **Delay Of Cases:**
"Justice Delayed Is Justice Denied" - William E. Gladstone
Day-By-Day cases are increasing and there is a need of speedy justice for all these cases.
- **Youth's Career:**
Through an AIJS, the High Courts and the Supreme Court will have a better talent pool with a younger age profile to choose from.
- **India's Diversity**
India is known for its culture and its diversity where people speak different languages, follow different cultures and have faith in different religion. So, it is important for us to have a uniform system for recruitment of Judges in India by establishing All-India Judicial Services.

We always state that there will be Violation of Rights, Budget Constraints, Lack of Specialized State Training Institutions, Discretion of a Narrow Body but if you notice we always state these same few reasons to shield and for not implementing the All-India Judicial Services.

If All India Judicial Service Implemented:

Then there will be Huge Vacancy of Judges and Postponement in Hiring

Lack of Competent Judicial Officials

Uniformity Across the Country

Timely Recruitment

Efficiency of Courts and Judicial Administration

National Integration

Way Forward:

Way forward, here specifically means moving forward, here we move forward with the All-India Judicial Services. It is very important for a Government to build a strong relation between the Centre and the state for the upliftment of All-India Judicial Services.

Conclusion:

In conclusion, the establishment of AIJS is essential for efficiency in judicial System. It's time to address the challenges and move towards a more unified and competent judicial

service for our nation. As time changes we need to change accordingly as it is a moving forward stage and to develop and grow in a positive manner we have to change with time.

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