

All India Judicial Service (AIJS) – UPSC Notes

All India Judicial Service (AIJS) has lingered in the backdrop of the judicial reforms debate for almost sixty years. The purpose of the creation of a judicial Service Commission is to help the recruitment to the post of district judges and review of the selection process of judges/judicial officers at all levels.

All India Judicial Service (AIJS) - Historical Background

- In 1958, the **14th report of the Law Commission** of India had recommended the creation of the All India Judicial Service (AIJS).
- In 1961 at the Chief Justices' Conference, a proposal was given for the creation of All India Judicial Service. This recommendation was given at the conference to remove any kind of intervention either by the Executive or Judiciary while making appointments to the Judiciary.
- After opposition from High Courts and some states, the proposal for All India Judicial Service (AIJS) was shelved until 1976.
- The Constitution was amended, under Article 312, a provision was made for AIJS.
- The recommendation for the creation of All India Judicial Service (AIJS) was once again given by the Law Commission in its 77th report which was submitted in 1978 and in its 116th report which was submitted in 1986.
- The Government was asked to check the feasibility of the recommendations given by the Law Commission, to set up the All India Judicial Service (AIJS).
- This recommendation to the Government was given by the Supreme Court of India in the **All India Judges Association versus Union of India and others** case.
- The matter concerning the creation of the All India Judicial Service was considered and recommended by the Justice Shetty Commission, also known as the First National Judicial Pay Commission (FNJPC).
- In 2012, a proposal was given by the Government of India regarding the AIJS.
- Due to opposition from the Chief Justices of the High Courts on the grounds that it would be an infringement of their rights, the proposal had to be shelved once again.

All India Judicial Service (AIJS) - Need for Indian Judicial Service

- As per a report given by the National Court Management Systems in 2012, the number of cases that would be filed in 30 years would be as high as 15 crores.

- To handle these many projected cases in the given timeline, there would be a requirement of 75,000 Judges.
- A "properly framed" All India Judicial Service (AIJS) on the lines of other all-India services would help in strengthening the overall Justice delivery system.
- All India Judicial Service will help in the inclusion of fresh talents through a merit-based selection process conducted throughout the country.
- There will be representation from deprived sections, marginalized sections of the society and address the problems of Social Inclusion.

Implementation & Challenges

- As per the amended Constitution, although Article 312(1) gives provision for setting up All India Judicial Services, a resolution must be passed in the Rajya Sabha with the support of not less than two-thirds of its members present and voting.
- Thereafter, a law for the creation of AIJS has to be enacted by the Parliament.
- The challenge behind the implementation of the All India Judicial Service (AIJS) is that the filling of vacancies of Judicial officers or Judges in Subordinate Courts and Districts is the domain of the respective High Courts and State Governments.
- Hence, the Government has to take a consultative approach to arrive at a common ground as the different stakeholders have diverging opinions.
- In November 2012, a Committee of Secretaries had approved a proposal for the constitution of AIJS. This was a comprehensive proposal.
- This proposal was included as an agenda item in the Conference of Chief Justices of the High Courts and State Chief Ministers, which was held in April 2013. Some of the States and High Courts wanted changes in the proposal, some of them had favoured the proposal, while some of the States and High Courts had rejected the proposal.
- The proposals received from the State Governments and High Courts were included in the Chief Justices' conference held in April 2015.
- In 2019, the Government of India had initiated a consultative process for the establishment of the All India Judicial Services (AIJS). Eleven states did not respond to the Government, Five States had suggested some changes, and the Eight States had rejected the proposal of the Government.