

A NON-STARTER: THE HINDU EDITORIAL ON PRESIDENT DROUPADI MURMU'S SUGGESTION FOR AN ALL-INDIA JUDICIAL SERVICE

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Good intentions do not always make for sound policy. President [Droupadi Murmu's suggestion](#) that the creation of an All-India Judicial Service (AIJS) will help diversify the judiciary by allowing bright youngsters from varied backgrounds to become judges through a merit-based process revives the debate on whether a national system of recruitment at the district judge level is desirable. The idea has been mooted and discussed in the past, and has been part of discussions on official policy in the Union government for years. However, as the Union Law Minister disclosed last year in the Rajya Sabha, there is no consensus on the proposal. Only two High Courts agreed to the idea, while 13 were against it. The AIJS may not be the panacea it appears to be. The current system of recruitment of district judges through the respective High Courts and other subordinate judicial officers through public service commissions is more conducive to ensuring diversity, as there is scope for both reservation and a clear understanding of local practices and conditions. Unlike the civil service, judges are not assisted by an experienced lower bureaucracy in decision-making, and they require to be well-versed in the issues involved for judicial functioning.

[Article 312 of the Constitution, as amended by the 42nd Amendment](#), provides for the creation of an AIJS, and requires a resolution adopted by the Council of States with two-thirds majority, and a parliamentary law. This Constitution recognises that rules governing the subordinate judiciary in the States will have to be superseded by a central law for this proposal to achieve fruition. It is unlikely that all States will agree to one more subject from their domain being consumed by centralisation. On the face of it, it may appear that a national service for judges not inferior to the post of district judges, with a superannuation age of 60, will be an attractive proposition for young lawyers to apply for it. However, it cannot be forgotten that legal education lacks country-wide uniformity. After enrolling, lawyers typically consider judicial service based on practical experience rather than academic brilliance. Toppers, especially from the few elite law schools, are unlikely to sit for a national judicial service recruitment examination. In comparison, options such as litigation, joining law firms and going into the corporate sector will appear more beneficial. Further, given that the number of district judges elevated to the High Courts is much lower than those from the Bar, the lack of certainty on career progression may also render a national judicial service unattractive.

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