

ALL INDIA JUDICIAL SERVICE



Issue

The union government is trying to get consensus from states regarding the proposed All India Judicial Service.

Background

The All India Judicial Service was one of the major reforms initiated by the incumbent government when it assumed office. However it was stuck down by Supreme Court.

Details

- The union government is set to host a meeting between the law ministers from all states and union territories to discuss issues related to the service.
- The government feels that it is necessary to properly frame an All India Judicial Service for strengthening overall justice delivery system.
- Some issues that have cropped up during discussion include issue of language. There is proposal for making judge learn the language when they are assigned cadres.

All India Judicial services

- The government has aimed to develop a national-level recruitment process for district judges based on the format of Union Public Services Commission.
- Currently the states conduct their own exams based on vacancies. The constitution gives power to the states to make appointments to the lower judiciary.

Concerns expressed

- The states have fear that the move will dilute federal structure by centralizing appointments in the hands of union.
- It has been unable to address structural issues in the lower judiciary, including low pay and fewer chances of being promoted to the higher judiciary.

National Judicial Service Commission (NJSC)

- It was a proposed body that would handle recruitment, appointment and transfer of judicial officials under Government of India and in all state government of India.
- The constitution of India was amended through the ninety-ninth constitution amendment Act, 2014 for setting up the commission.

Amended powers

The collegiums system of appointments would have been replaced by the NJAC. The act was ratified by 16 of the state legislatures in India.

The scrapping

A constitutional bench of the Supreme Court held that the law violated the 'basic structure' of the constitution and struck down via 4:1 judgment.

Basic structure

- It is judicial innovation brought out to prevent misuse of amendment powers by the union legislature.
- The doctrine emerged out of the Kesavananda Bharati judgment when the Supreme Court propagated balance between fundamental rights and DPSP.

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