

IAS or Judiciary?

Dear all,

Several **lawyers** opt for **UPSC & State Public Service Commission** examination every year.

Law graduates have an advantage in these examinations since both the domains involve jobs that are directly impacted by the law in the country. Also, law is certainly the most important aspect of public policy.

Government jobs provide prestigious and honourable job titles in India.

Being a public servant, you will not only be able to serve your country, but you will also earn a decent living with extraordinary perks that private jobs can never match.

However, the success rate in UPSC is merely **0.25%** and not only that, you as a lawyer are competing with more than five lakh candidates who come from different realms of the country for less than 1000 odd positions.

So, is there any comparable alternative?

For most lawyers, the alternative is judiciary.

Judiciary provides you honour and prestige from Day 1 and extensive judicial powers but UPSC posts provide you vast executive powers in the state.

Many law students struggle to choose between UPSC or judiciary as a career option.

There are several advantages of choosing judiciary as a career for a lawyer.

Having to compete with just a few thousands of candidates for the honourable position of a Judge in the country and better chances of serving in your home state are some of the many reasons it bodes well for lawyers to choose judiciary.

Is the judiciary a better option for law graduates? Or is UPSC better?

I will explain below my position. I will also provide you with all the facts so you can decide differently if you want.

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Structure of the examination

Both the exams follow a similar structure.

They consist of three stages- preliminary examination, main examination and interview.

The candidates have to clear each with minimum qualifying marks to reach to the next stage.

The minimum qualifying marks for UPSC is consistent throughout the years unless the changes are made to the structure.

The qualifying criteria for judiciary may differ since each state conducts the judiciary exams separately - some may have minimum qualifying marks for each stage which is announced along with the vacancies and others may determine based on the ratio of number of candidates for each vacancy at that stage.

However, lawyers have an upper hand in UPSC since general studies tests the knowledge of Indian polity and governance and with prior understanding of constitutional law, lawyers are at a better place to answer those questions.

But the syllabus related to law in general studies in UPSC is just 40% and the remainder is new.

So a lawyer, even after 3 or 5 years of law studies, has to learn new subjects such as geography, science and technology, history, economics from the basics in order to appear for the UPSC examination.

Judiciary examination on the other hand has all the subjects that a lawyer has studied during his law studies, automatically putting you at a pedestal above the basics.

Judiciary examination aspirants then have to study the subjects, they already know, in the way the examination is designed which sounds easier than starting a brand new subject for exam preparation.

Competition

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UPSC examination is conducted by the Central Government for all the top administrative positions in the country.

Judiciary examination on the other hand is a prerogative of the state

We compared the statistics of the UPSC and Judiciary examination of several states and concluded that:

In UPSC, on an average of the last ten years, the number of students who appeared were almost 400 times more than the seats available.

Whereas an average in judiciary state examination was merely 99 times more than the seats available.

Judiciary					UPSC			
State	Year	Vacancy	Appeared	No. of candidates/seat	Year	Appeared	Selected	No. of candidates/seat
Delhi	2018-19	147	12415	84.46	2019	800000	829	965.02
Punjab	2019	75	5200	69.33	2018	801476	1056	758.97
Haryana	2017-18	107	14301	133.65	2017	50000	990	50.51
Uttar Pradesh	2018	610	64691	106.05	2016	459659	1099	418.25
Rajasthan	2019	197	27776	140.99	2015	465882	1078	432.17
Himachal Pradesh	2015	15	1383	92.20	2014	446623	1112	401.64
Bihar	2019	349	17610	50.46	2013	324279	1122	289.02
Chhattisgarh	2019	39	4681	120.03	2012	271442	998	271.99
Average				99.65	Average			448.45

*Source for UPSC data was taken from [here](#)

What does that mean for a law student like you?

You have 5 times less competition if you appear for the state judiciary examination.

In addition to that, the judiciary exams are designed in a way that the local candidates have advantage over the others thus eliminating the competition from national level to a state level.

Although the examination is conducted for the state, the career trajectory of the Judge is such that you will reach the position of District Judge in a matter of 10 years which is often equivalent to 15 years in UPSC.

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Earlier you join, you increase your chances of becoming a High Court or even a Supreme Court Judge before you retire.

Yes, Supreme Court Judge as well. There have been instances in the past where candidates who joined the lower judiciary retired as a Supreme Court Justices. Look up *Justice M Fathima Beevi* and Justice *Prafulla Chandra Pant* for more information.

Difficulty Level

UPSC and Judiciary exams differ for one major reason and that is the way the questions are asked.

UPSC is more concept based whereas Judiciary examinations are generally knowledge based.

For instance, in UPSC the question from Information technology Act (optional subject) would be interpretation based rather than provision based.

But for the judiciary examination it is important that you know every single detail of the act considering they ask questions around the details of the provisions and at times even the date on which it came to force.

Local language requirement in judiciary examination puts you further in the race in your home state.

If your language is spoken in more than one state then you can use that to your advantage by appearing for more than one state judiciary examination without having to learn a brand new language for examination purposes.

Preparation time

One dedicated year is said to be enough for the preparation of UPSC examination.

On the other hand, it is said, you need *5000 hours* to clear the judiciary examination.

Career Trajectory

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Assuming that many aim for the top three in UPSC we will cover the career trajectory of IAS, IPS and IFS Officers for the purpose of this article.

UPSC

Indian Administrative Service (IAS)

After two years of training the career progression of an IAS Officer looks something like this:

1. SDM/Joint Magistrate/Sub Collector
2. Posting as Municipal Commissioner, DDO/CDO
3. Posting as DM/Collector
4. Posting at State Secretariats at Director/Joint Secretary level.
5. Principal/Additional Secretary in the State Secretariat/Central Secretariat
6. Chief Secretary of a state
7. Cabinet Secretary

Deputation to the Central Government can be opted for during any stage of service after serving for a few years.

Indian Police Service (IPS)

IPS Officers after getting selected are trained in various physical activities, weapons etc. Along with that they are also taught various laws such as IPC, CrPC and about social issues and management. They are sent to their state cadre after the training is completed

The career progression of the IPS is:

1. Assistant Superintendent of Police
2. Additional Superintendent of Police
3. After 5 years in the service
4. Superintendent of Police (SP) / Deputy Commissioner of Police (DCP)
5. After 9 years in the service
6. Senior Superintendent of Police (SSP)/ Additional Commissioner of Police (ACP)
7. This is after 13 years of continuous service
8. Deputy Inspector General of Police (DIG) / Commissioner in the small city police organizations
9. Minimum 14 years of service
10. Inspector General of Police (IG)
11. Minimum 18 years of service

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12. Additional Director General of Police (ADG)
13. After 25 years of service
14. Director General of Police (DG)
15. Excellent career record of 30 years of service

Apart from being in the unarmed services, the IPS Officers may get delegated to state and central armed forces with similar designations such as SAP, CPF

There are other security agencies to combat terrorism and insurgents such as CBI, NIA, IB, BPRD, NCRB etc. where IPS Officers are deployed to at managerial level

Indian Foreign Service (IFS)

The new entrants undergo a multi-faceted and comprehensive training programme intended to give them a thorough grounding in diplomatic knowledge, diplomatic qualities and diplomatic skills.

At the conclusion of the training programme the officer is assigned his/her compulsory foreign language (CFL) which determines the foreign posting where the CFL language is the native language.

After a brief period of desk attachment in the Ministry of External Affairs, a Foreign Service Officer begins his career abroad in the following way:

1. Third Secretary
2. Second Secretary
3. When he is confirmed in service
4. First Secretary
5. Counsellor
6. Minister and Ambassador/High Commissioner/Permanent Representative

Officers can also be posted to Indian Consulates abroad where the hierarchy (going upwards) is:

1. Vice-Consul
2. Consul
3. Consul General.

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The hierarchy at the Ministry of External Affairs includes 6 stages:

1. Under Secretary
2. Deputy Secretary
3. Director
4. Joint Secretary
5. Additional Secretary
6. Secretary.

Judiciary

A normal judiciary career trajectory looks like this:

1. Civil Judge – Junior Division
2. Civil Judge – Senior Division
 - Accelerated promotion after five years
3. District Court
 - minimum 10 years and maximum 24 years through time-bound scale
4. High Court
 - At least one-third of the judges in any high court are appointed by promotion of District Judges who have held a judicial office at least for a period of ten years
5. Supreme Court
 - 2/3rd of the Judges appointed as Supreme Court are High Court Judges who have served as a High Court Judge for at least five years or or of two or more such Courts in succession

Salary

Judges are not bound by 7th pay commission and actually receive higher salaries under the National Judicial Pay Commission.

Although the salary of the judiciary mentioned here is of the proposed pay which came in February 2020. It takes some time for all the states to adopt these however the centre has received a nod from almost everyone.

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Position	Proposed pay scale (2nd National Judicial Pay Commission)	Current pay as per 7th Pay Commission	Grade
Junior Civil Judge/ First Class Magistrate	₹77840 - ₹1,36,520	₹56100	Sub-Divisional Magistrate/ Sub-Collector (1-4 years)
Junior Civil Judge/ First Class Magistrate <i>ACP* after first 5 years</i>	₹92960- ₹1,36,520	₹67700	Additional District Magistrate/ Deputy Secretary/ Under Secretary (5-8 years)
Junior Civil Judge/ First Class Magistrate <i>II ACP* 5 years after 1st ACP</i>	₹1,11,000 - ₹1,63,030	₹78,800	District Magistrate/ Joint Secretary/ Deputy Secretary (9-12 years)
Senior Civil Judge	₹1,11,000 - ₹1,63,030	₹ 1,18,500	District Magistrate/ Joint Secretary / Deputy Secretary (13-16 years)
Senior Civil Judge <i>ACP* after first 5 years</i>	₹1,22,700 - ₹1,80,200	₹1,44,200	Divisional Commissioner/ Secretary cum Commissioner/Joint Secretary (16-24 years)
Senior Civil Judge <i>II ACP* 5 years after 1st ACP</i>	₹1,44,840 - ₹1,94,660	₹1,82,200	Divisional Commissioner/Principal Secretary/ Additional Secretary (25-30 years)

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District Judge	₹1,44,840 1,94,660	-	1 ₹2,05,400	Additional Chief Secretary
District Judge - Selection Grade <i>after 5 years of Entry Grade</i>	₹1,63,030 ₹2,19,090	-	₹2,25,000	Chief Secretary/ Secretary (34-36 years)
District Judge <i>Super Time Scale</i> - 3yrs after <i>Selection Grade</i>	₹1,99,100- ₹2,24,100		₹2,50,000	Cabinet Secretary of India (37+years)

With accelerated promotion, a Civil Judge- Junior Division can join Civil Judge - Senior Division in five years where the starting pay is ₹1,10,000 whereas an IAS officer would have to wait for 13 years to reach the same pay.

Same applies to the position of the District Judge. A Civil Judge- Senior division can become a District Judge after a period of five years through a competitive exam.

Thus, if a Judge rises up the ladder through accelerated promotion then in the span of 10 years the Judge's salary would have increased from ₹77,840 to ₹1,44,840

Whereas in the same period the salary of an IAS Officer would have increased from ₹56,100 to ₹78,800.

Perks

1. Pension

Judicial officers are entitled to pension under Second National Judicial Pay Commission wherein the retired Judges are entitled to 50% of the last drawn pay whereas the family pension is 30% of the last drawn pay of the Officer.

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Civil Servants on the other hand have to be prescribed to the National Payment Scheme. The scheme allows employees to contribute regularly in a pension account during their working life and the government contributes some. On retirement, subscribers can withdraw a part of the corpus in a lump sum and use the remaining corpus to buy an annuity to secure a regular income after retirement.

2. Medical Facilities

Civil servants under UPSC are entitled to free medical treatment in government hospitals. In case of emergency they can opt for the nearest private hospital and the medical bills can be reimbursed up to the extent prescribed by AIIMS or CGHS.

Judicial officers get ₹3000/month as medical allowance along with treatment in private hospitals which is reimbursed.

Credit letters can also be issued in emergency incase the judicial officer or their family is urgently admitted in a private hospital instead of opting for reimbursement

3. Power

Judges have Judicial powers and IAS have executive powers.

But a Judge may summon an executive officer such as IAS/IPS in the court, punish him, order him to do/not to do certain things.

Reverse is not possible as IAS/IPS can't exercise any power on Judges.

Under the Central Govt and State Hierarchy: A District Judge is more superior than District Collector. A Chief Justice is much much more superior in hierarchy than a Chief Secretary.

IAS/IPS Officers have vast powers but that can only be exercised against public and juniors

1. Independence

Judicial officers are exempted from executive action, they are protected by the supreme court which issues [guidelines](#) around arrest of the judicial officers.

UPSC officers on the other hand are subjected to the disciplinary action by executives.

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2. Work and life balance

Judicial officers generally get one month of summer, two weeks of Diwali and one week for Christmas (Bombay High Court) and

In addition to that Judicial Officers are also entitled to casual leaves - 30 days in one year, but 16% days rounded off to 17 days in one calendar year in the vacation department (West Bengal Service Rules)

UPSC Officers are entitled to 30 earned Leaves, 08 casual Leaves, and 20 half-pay eaves.

Apart from the above both judicial as well as civil servant officers are entitled to gazetted leaves annually.

Note:

Aforementioned is my personal opinion and the analysis / comparison is made on the basis of research / data available in the public domain.

Regards

Adarsh