



ALL INDIA JUDGES ASSOCIATION AND OTHERS VERSUS UNION OF INDIA: A CLASSICAL APPROACH TO ACHIEVE A NEW MILESTONE IN THE INDIAN JUDICIAL SYSTEM

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INTRODUCTION

The Hon'ble Supreme Court of India on 20th May 2025 delivered a landmark verdict which has changed the fate of thousands of law students. The Supreme Court, in its ruling, again reintroduced the mandatory three-year practice for law students to become eligible to appear for the civil judge exams. The court overruled its 2002 verdict in the All India Judges Association case.¹ In which court was this provision struck down, citing that the three-year mandatory practice has led many brilliant minds to switch their career option from judicial services to other services in the field of law? But as time passed, the need for this rule arose again because the new appointees were not capable of discharging their duties adequately.

BACKGROUND OF THE RULE

Delving deep into the history of this rule, it can be understood that the rule has been in practice since the 19th century, when the British were ruling in India. The traces of this can be found in the Report of the Public Service Commission, 1886, where a similar requirement can be seen for the appointment of judges in the presidency town of Bombay and Sindh and the Province of Bengal.² The Rankin Committee report of 1925 also mentions the same for the appointment of judges in the judicial services of provinces.³ After India gained independence the need for changes were required in the judicial services, and the need to repeal this rule was discussed in many reports. From the findings of the 1st and 11th law commission reports, a common point that can be established related to this rule is that there was no need for the minimum requirement of practice for being appointed as a judge in the lower judiciary. The

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¹ All India Judges Association and Others v. Union of India and others (2002) 4 SCC 247

² Report of the Public Service Commission 1888

³ Prashant Reddy T. and Chitrakshi Jain, Tareekh Pe Justice 81 (Simon and Schuster India)

117th report of the 11th Law Commission stated that the fresh law graduates should be appointed as judges and should be given training in the judicial academies.⁴ So, after the report, some states removed the mandatory practice rule for the purpose of appointing judges in the lower judiciary. In 1993, again, this issue was raised before the Supreme Court of India, in the form of Public Interest Litigation. The court at that time, in its judgment, held the minimum practice necessary for the appointment of judges in the lower judiciary.⁵ The practice continued till 2002 and was then struck down because people showed less interest in the judicial services. So, since then till 2025, the judges were appointed in the lower judiciary without any prior experience at the bar. The need to bring change in this rule arose in 2021 when the Bar Council of India approached the court for reinstating the mandatory three-year law practice before being appointed as a judge at the lower judiciary. The Bar Council contended that the judicial officers who did not have practical experience at the bar are mostly found incapable of an inept in handling the matters. The council also stated that the new judges are often found impractical and impolite in their behaviour.⁶ A similar view was also taken by the Uttarakhand High Court related to this matter.

THE NEED FOR THE JUDGMENT

The main reason why this situation arose was the issue of incompetence faced by the judicial system when new judges are appointed without having prior experience in the courtroom as an advocate. The students from the university tend to join the coaching centres in the last year of their degree, and instead of gaining any experience on how the courtroom functions, they tend to cram the provisions of law and then join the judicial services once they are selected. The main issue that was faced because of this system over the last two decades was that the newly appointed judges could not understand the functioning of the court, and because of this, they are likely to dispose of the cases at a slower rate, creating problems for the litigants. Also, Paragraphs 64, 67 and 69 of the 2025 judgment state that the problem which various high courts, such as the Andhra Pradesh, Karnataka and Madhya Pradesh High Courts, have faced with the new recruitment. The common issue that can be understood from their statement is that the Civil Judges (Junior Division) who do not have any experience at the bar

⁴ Law Commission of India, "Training of Judicial Officers" (November, 1986)

⁵ All India Judges Association and Others v. Union of India and others (1992) 1 SCC 119

⁶ Live Law, Judicial Officers Not Having Experience At Bar Mostly Found To Be Incapable' : BCI To Move SC For Mandatory Practical Experience For Judicial Service, 3 January 2021, available at <https://www.livelaw.in/top-stories/bci-bar-council-sc-supreme-court-practical-experience-bar-judicial-service> 167863 (last visited on June 10 2025)

are not treating the bar members and staff members at the court in a good spirit. Due to a lack of practical professional experience, the civil judges are not able to discharge their duties, especially in cases when an urgent order needs to be passed. And also, many complaints were lodged before the high court related to their behaviour in the courtroom. So, to put an end to these problems, a need for reform was required, which was presented through this judgment.

THE VERDICT

The Supreme Court, before giving its verdict, called the opinions from the high courts and the state governments on whether the practice should be made compulsory before appointing judges to the lower judiciary, and if yes then, for how many years? The majority of the High Court's judges opined in favour of the necessary practice rule and prescribed a minimum of three years' practice to be eligible for appointment as a judge. Only two high courts, the Rajasthan High Court and the Sikkim High Court, were not in favour of the reintroduction of this rule. Thus, the Supreme Court also did not have any problem while giving its verdict, as it was need of the hour to have the mandatory practice rule so that a law student can understand how the law works practically before coming into the service. The court upheld the minimum practice rule of three years and stated that the period of practice of the candidate shall be calculated from the day when he/she receives the provisional registration from the bar moreover to keep a check on whether the candidate has practiced for three years he/she has to present the certificate which is to be certified by the judicial officers at the small cities and in a metropolitan cities a certificate by an advocate having a ten years of standing which is to be duly endorsed by the Principal judicial officer of such district. If a candidate is practising before the High Court or the Supreme Court, then they shall be certified by the advocate who has a minimum standing of ten years before the High Court or the Supreme Court. Also, the court has allowed the experience as a Law clerk to be counted for eligibility.

ANALYSIS OF THE JUDGMENT

The Judgment delivered by the Supreme Court is a much-needed judgment so that the Indian Judicial system can be reformed. The work of the judge is completely different from the other work that the bureaucracy or the legislature does. The judge has the most important duty to protect the rights of the individual and to punish the wrongdoer, and for this, he/she should have the capability of understanding every perspective of the case with reasonable thinking. Moreover, the importance of a judge sitting at a position of Judicial Magistrate or a position of Civil Judge (Junior Division) is also increased because the case moves from them to the

higher level; they are the one who decides whether the person should be remanded to the police custody or should be given bail and in the case of the criminal complaint it is the judicial magistrate who is required to examine the complaint and make the decision to set into motion the wheels of the criminal justice system.⁷ Thus, it becomes important that a person holding such a position should have witnessed all these activities practically because books cannot provide this experience, as there are many things which have to be kept in mind like, the nature of offence, the previous history of the accused, whether the complaint filed for the act is appropriate that it should be sent to the next stage etc. The other point that led to this judgment is the inappropriate behaviour done by the judges who are newly appointed to the service. The management of a courtroom is a game where the judge is the captain of that game; it is the responsibility of the judge to take care of every member present in the courtroom, whether they are a staff or, an advocate, or a litigant so that the final goal of justice can be achieved. Also, it does not look professionally ethical that a judge behaves inappropriately in the court in the front of many people, as it reduces the dignity of the chair so through this judgment a fresh law student shall be able to understand how a judge should conduct him/her professionally in the courtroom which shall help him/her in the future when he takes the charge as a judge and can maintain the respect and dignity of the position.

Thus, “*A judge shall ensure that his or her conduct is above reproach in the view of a reasonable observer.*”⁸ The other important aspect and a problem that can be dealt with through this judgment is the problem of removing judges after their probation period is over. In India, once a person is appointed as a judge, he/she has to undergo a compulsory probation period for two years, once this period is over the high court has the option either to remove that person from the job if his/her work is not satisfactory or to keep the judge in the office if high court finds that the judge is capable of discharging his/her duty. The two-year period is a trial period for both the judge and the litigant because a judge who has decided the future of the litigant by the judgment or by any order passed by him can be removed from the job if he/she is found incapable of discharging the duty as a judge.⁹ So, to get rid of this trial-and-error method, this judgment stands strong on this point because if a person, as an advocate, has seen the functioning of the bench, then the chances of creating any mistake during the probation period shall also be reduced.

⁷ Prashant Reddy T. and Chitrakshi Jain, *Tareekh Pe Justice* 74 (Simon and Schuster India)

⁸ Bar Council of India, *available at*: <https://barindia.in/bai-statement%20-22.09.2024.pdf> (last visited on June 10 2025).

⁹ *Id.* at 7.

CONCLUSION

Thus, it is right to say that the judgment All India Judge Association and Others versus the Union of India.¹⁰ It is a milestone in the Indian Judicial System because this landmark judgment is going to transform the system completely, as the new judges who will be appointed shall have prior experience in the bar, and they will have also witnessed the functioning of the bench during their years of practice. So, they would be well-versed with how the court functions and instead of being an officer who creates a burden on the system, they will be the assets who will be reducing the burden of cases from the judicial system. The new judges will be able to maintain a good relationship between the bar and bench because of their experience at the bar. Moreover, new judges appointed shall be of decent age and will work maturely and will be able to control and regulate the cases and courtroom more efficiently. And as we know, the Bar and Bench are the two most important wheels of any judicial system; if they are both on good terms with each other, then justice to the litigants could be delivered on time and in a good manner. Also, it can be seen that countries such as the USA and the UK follow the minimum experience rule of five years, which a person has to devote to practice to be eligible for becoming a judicial officer, and the difference can be seen between the justice delivery system of India, the USA and the UK, this shows that the experience in bar brings out the best from the person when he/she is appointed as a judicial officer.¹¹ Thus, if this rule is followed properly, it could be a stroke of luck for the Indian judiciary in the future.

¹⁰ 2025 INSC 735.

¹¹ Prashant Reddy T. and Chitrakshi Jain, Tareekh Pe Justice 78 and 79 (Simon and Schuster India).