



ALL INDIA JUDGES ASSOCIATION AND OTHERS V. UNION OF INDIA AND OTHERS (2025): SHOULD THE THREE-YEAR BAR PRACTICE REQUIREMENT BE REINSTATED FOR APPOINTMENT AS CIVIL JUDGE (JUNIOR DIVISION)?

Jyotika Yadav*

INTRODUCTION

The independence of the judiciary is a fundamental element of the Indian Constitution and is recognised as part of its basic structure, as upheld by the Supreme Court in the case of *Kesavananda Bharati v. State of Kerala* (1973)¹. Articles 233 and 234 of the Indian Constitution² allocate the authority for appointing subordinate judges to the State Governments, which must act in consultation with the relevant High Courts. It is essential to ensure that judges at every level have the necessary qualifications, competence, and integrity to uphold the constitutional guarantees of equality before the law under Article 14³ and the right to a fair trial under Article 21⁴. The Supreme Court has repeatedly emphasised judicial competence as integral to protecting citizens' fundamental rights, as in *R.K. Jain v. Union of India* (1993)⁵. This decision revisited the 2002 judgment where such a requirement was removed, thereby allowing fresh law graduates to enter judicial service directly. The Court, citing concerns about the practical preparedness and professional maturity of newly recruited judges, reinstated the pre-2002 position, marking a significant shift in judicial recruitment policy.

*BA LLB (HONS.), FIRST YEAR, SCHOOL OF LAW, DAVV, INDORE.

¹ *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225 (SC).

² Constitution of India, Articles 233 – 234.

³ Constitution of India, Article 14.

⁴ Constitution of India, Article 21.

⁵ *R.K. Jain v. Union of India*, (1993) 4 SCC 286 (SC).

FACTS OF THE CASE

The case of All India Judges Association v. Union of India began with a petition submitted in 1989⁶ under Article 32 of the Constitution and developed into an ongoing judicial oversight. Its primary objective was to bring about wide-ranging improvements in the working conditions, salary frameworks, and appointment procedures for India's subordinate judiciary. Over the decades, the Supreme Court issued landmark orders, including directions for pay parity, infrastructure improvements, and the establishment of the National Judicial Pay Commission.

A key issue raised within the 2025 hearing concerned qualification criteria for enrollment to the post of Gracious Judge (Junior Division). Before 2002, a minimum of three years' bar practice was mandatory. The 2002 judgment had removed this condition to expand access for young law graduates. The petitioners contended that this change resulted in the selection of underprepared judges who lacked sufficient legal experience, thereby impacting the overall quality of judicial decisions.

Multiple stakeholders, including High Courts, State Judicial Academies, and the Second National Judicial Pay Commission (SNJPC)⁷, submitted data supporting the reinstatement of the bar practice requirement. Respondents, including the Union of India, submitted that while the earlier change aimed to attract younger talent, practical results were unsatisfactory.

ISSUES RAISED

1. Whether eliminating the three-year bar practice requirement has adversely affected the competence and overall quality of the subordinate judiciary.
2. Whether reinstating the three-year bar practice requirement is constitutionally valid and administratively feasible.
3. Whether such a requirement strikes a proper balance between accessibility for young law graduates and the need for experienced judicial officers.

ARGUMENTS OF THE PARTIES

Petitioners (All India Judges Association and supporting High Courts):

⁶ All India Judges Association v Union of India, Writ Petition (Civil) No 870 of 1989, judgment dated 16 April 2025 (SC).

⁷ Report of the Second National Judicial Pay Commission (SNJPC), 2019.

- Argued that judges entering without practical experience lack the maturity to handle complex procedural issues, cross-examinations, and evidentiary rules. This affects judicial temperament and the quality of justice dispensed.⁸
- Cited data from State Judicial Academies shows that fresh graduates struggled with training and early judicial functions.
- Emphasised courtroom exposure and bar practice instil discipline, ethics, and practical legal understanding.
- Relied on the SNJPC report recommending reinstatement to ensure judicial competence.
- Highlighted that many High Courts had already recommended restoring the requirement.

Respondents (Union of India and some State Governments):

- Argued mandatory bar practice disincentivises meritorious young candidates seeking judicial careers immediately after graduation.
- The 2002 removal aimed to broaden access to judicial posts.
- Concerned that mandatory bar practice would shrink the applicant pool and delay recruitment.
- Cited financial and logistical challenges faced by law graduates in early practice years.

REASONING OF THE COURT

The Supreme Court emphasised the distinction between legal education and practice, citing *All India Judges Association v Union of India* (2002) and subsequent rulings⁹. The Bench noted that although law schools provide theoretical education, practical experience in advocacy enhances litigation abilities, courtroom management, and the ethical duties that are essential for judicial officers. The Bench drew support from the Law Commission of India's 239th Report (2014)¹⁰, which emphasised the importance of legal practice in ensuring a capable judiciary.

Data from several High Courts showed officers with prior bar experience performed significantly better in managing cases and writing reasoned judgments. The Court underscored

⁸ State Judicial Academy, Annual Report (2024).

⁹ *All India Judges Association v. Union of India* (2002), AIR 2002 SC 1992.

¹⁰ Law Commission of India, Report No 239: Judicial Reforms (2014).

the significance of encounter in keeping up legal freedom and competence, reaffirming the opinion from *S.P. Gupta v. Union of India* (1982)¹¹, attesting that legal freedom pivots on the presence of competent and experienced judges. The Court ruled that judges, being custodians of public trust and wielding authority over vital matters such as liberty, life, and property, must have a foundational level of courtroom experience, even for initial positions. While recognising administrative challenges, it stated that these issues could be managed through appropriate transitional measures.

FINAL JUDGMENT

The Supreme Court held that the removal of the bar practice requirement in 2002 was a well-intentioned but flawed reform. It directed all recruitment rules for Civil Judge (Junior Division) posts to be amended as follows: *"Only those candidates who have practised as an Advocate for not less than three years shall be eligible to appear in the examination for recruitment to the post of Civil Judge (Junior Division)"*¹².

The ruling was declared to have only forward-looking effect and instructed every State Government and High Court to update their recruitment regulations within a six-month timeframe. It also urged the Union and State Governments to provide stipends or scholarships to support law graduates during initial practice years.

CRITICAL ANALYSIS

The Supreme Court's 2025 ruling to restore the three-year legal practice mandate for entry-level judicial positions has sparked widespread debate. While the decision aims to enhance judicial quality and independence, it also raises concerns about accessibility and inclusivity, particularly for economically disadvantaged candidates and women.

Mandating prior legal practice ensures that candidates possess practical courtroom experience, enhancing their ability to manage cases efficiently and deliver fair judgments. This requirement aligns with international standards, where many jurisdictions necessitate prior legal practice before judicial appointments to uphold the quality and independence of the judiciary.

¹¹ *S.P. Gupta v. Union of India*, AIR 1982 SC 149 (SC).

¹² *All India Judges Association v. Union of India*, Supreme Court Judgment, 2025.

However, requiring three years of legal practice may impose an undue burden on economically disadvantaged law graduates, who often struggle to support themselves during the typically unpaid or low-paid early years of their careers. Without adequate state support, this requirement could exacerbate existing regional disparities in judicial representation, potentially conflicting with Article 14 of the Indian Constitution, which guarantees equality before the law.

The new requirement may lead to a decrease in the number of eligible candidates, potentially worsening the existing issue of judicial vacancies. This could further delay the delivery of justice, a concern highlighted in various judicial reform discussions. The extended timeline to qualify for judicial exams may disproportionately affect women, as societal and familial pressures often lead to early marriages, potentially hindering their ability to pursue prolonged legal careers. Women are already underrepresented in higher judicial positions; additional barriers could further reduce their participation, impacting diversity and inclusivity within the judiciary.

Many recent law graduates, particularly those from middle-class or rural backgrounds, now face the daunting challenge of supporting themselves during three years of often unpaid or poorly compensated court work. The financial strain of sustaining living expenses without steady income is forcing some to reconsider or even abandon their judicial aspirations, leading to growing disillusionment among emerging legal professionals.

Fresh from law school, candidates with family connections in the legal field often enjoy a significant edge—they've got easy access to mentoring, chambers, and career advice. Meanwhile, first-generation lawyers must navigate the early years of advocacy without that crucial support network. This disparity reinforces existing inequalities, giving those from legal families a clear advantage while placing newcomers at a systemic disadvantage.

To balance the need for practical experience with accessibility, a structured pathway combining a mandatory final-year judicial internship with a one-year post-graduation advocacy period could be introduced. This strategy offers hands-on experience while streamlining the duration needed to become eligible for judicial examinations.

Implementing stipends or scholarships for aspiring judges during their mandatory practice period could alleviate financial burdens. Establishing mentorship initiatives can provide guidance and support to new legal practitioners, especially those from underrepresented

regions and backgrounds. Encouraging participation in legal aid services can offer practical experience while serving the community, aligning with the broader goals of justice and equity.

While the Supreme Court's decision aims to enhance the quality and independence of the judiciary by ensuring candidates have practical experience, it is imperative to address the accompanying challenges. Implementing supportive measures and alternative pathways can help balance the goals of judicial competence with the principles of accessibility, equality, and inclusivity.

CONCLUSION

The revival of the three-year bar practice requirement in *All India Judges Association v. Union of India* (2025) highlights the judiciary's renewed commitment to fostering professional competence at the grassroots level of the judicial system. While potentially limiting for some aspirant short term, it lays a foundation for a more experienced, capable judiciary.

This ruling strengthens the constitutional vision of a judiciary that is autonomous, impartial, and effective, upholding the guarantees of equality and life under Articles 14 and 21, and reinforcing the vital safeguards of the basic structure doctrine. Judicial office demands not just academic merit but experiential wisdom, which this judgment aims to uphold. With adequate support and policy refinement, this reform can significantly uplift the quality of justice across India's diverse legal landscape.