



CASE COMMENT: ALL INDIA JUDGES ASSOCIATION V. UNION OF INDIA

Kirti Goyal*

INTRODUCTION

The 2025 case of All India Judges Association v. Union of India represents a pivotal moment in the continuing discourse on judicial independence, the working conditions of judges, and the overall standard of the legal profession in India. This case highlights the growing concern for the conditions in which judges across the country work, especially those in the lower bar. This case extends beyond mere discussions of salaries and retirement benefits—it addresses the larger concern of valuing and reinforcing the judiciary at its foundational level. Judges at the lower tiers often contend with overwhelming workloads, outdated infrastructure, and insufficient support, all while bearing the crucial duty of upholding justice. In this ruling, the Supreme Court formally emphasised again that a strong bar depends not only on laws but also on the fair treatment and well-being of those who uphold them. By addressing long-standing enterprises, the court corroborated its role as a guardian of judicial independence and responsibility. This judgment marks a significant elaboration in judicial policy, especially regarding the Limited Departmental Competitive Examination (LDCE), minimum practice demand for judicial entrants, and structured incentives for meritorious service. The 2025 verdict reflects the Supreme Court's continuing trouble to uphold the integrity of the justice system by perfecting the conditions of judicial officers. It underscores the principle that ensuring fair treatment and respect for judges enhances the overall accessibility and integrity of the justice system for everyone.

FACTS OF THE CASE

The landmark Supreme Court case, All India Judges Association v. Union of India, decided on May 20, 2025, is the durability of a solicitation first filed in 1989 by the All-India Judges Association (AIJA). It concentrated on long-standing enterprises affecting the inferior bar,

*BA LLB, FIRST YEAR, VIVEKANANDA INSTITUTE OF PROFESSIONAL STUDIES - TECHNICAL CAMPUS.

especially issues related to service conditions, reclamation, elevations, and administrative support.

This litigation was built upon previous judgments in 1991, 1993, 2002, 2010, and 2022, each reshaping entry position norms and promotional pathways within the bar. The current round Consolidated multiple Interlocutory Applications (I.A.s) that reached the Supreme Court by May 2023-2024, addressing eight pivotal issues gauging entry criteria, proportions, elevations and administrative roles.

The AIJA pointed out that the processes of promotion and recruitment were disorganised, leading to a situation where judicial officers risked stagnation, a lack of motivation, or inadequate experience.

The 3-year bar practice rule, dropped in 2002, was seen to have led to fresh law graduates entering courts without sufficient courtroom exposure, impacting justice and Court conduct. Promotions through the Limited Departmental Competitive Examination (LDCE) were capped at 10%, with many positions remaining vacant, prompting the need for reform. Additionally, recruitment regulations differed widely across states, resulting in uneven service conditions, low morale, and administrative challenges.

This phase of the AIJA case blends multiple vestments: reviving experimental conditions for entry, bolstering impulses for meritorious service, harmonising proportions and norms nationally, and buttressing judicial administrative support. It combines principles of fairness, merit-based advancement, and practical governance, all focused on strengthening the foundation of India's lower judiciary.

ISSUES

1. As to whether the 10% quota reserved for Limited Departmental Competitive Examination (LDCE) for promotion to Higher Judicial Services, i.e. Cadre of District Judge, need to be restored to 25%.
2. As to whether the minimum qualifying experience for appearing in the aforesaid examination needs to be reduced, and if so, by how many years?
3. As to whether a quota needs to be reserved for meritorious candidates from the Civil Judge (Junior Division) to Civil Judge (Senior Division), so that there is an incentive for merit in the cadre of Civil Judge (Junior Division).

4. If yes, then what should be the percentage thereof and what should be the minimum experience as a civil Judge (Junior Division)?
5. As to whether the quota to be reserved for the aforementioned departmental examinations in a particular year should be calculated on the cadre strength or the number of vacancies occurring in the particular recruitment year?
6. As to whether some suitability test should also be introduced while promoting the civil judge (Senior Division) to the Cadre of District Judges against the existing 65% quota for promotion to Higher Judicial Services based on merit-cum-seniority.
7. As to whether the requirement of having a minimum of three years practice for appearing in the examination of Civil Judge (Junior Division), which was done away by this Court in the case of All India Judges Association & Ors. (supra), needs to be restored? And if so, by how many years?
8. If the requirement of a certain minimum years of practice for appearing in the examination of Civil Judge (Junior Division) is restored, should the same be calculated from the date of the provisional enrolment/registration or the date of the passing of the AIBE?

ARGUMENTS

Petitioners' Arguments: The petitioners, representing thousands of judicial officers from across the country, voiced serious concerns over how lower court judges have been continuously neglected despite multiple directions from the Supreme Court in earlier cases. Their submissions revolved around fairness, equality, and the very dignity of the judiciary.

Repeated Neglect of Supreme Court's Orders: The petitioners argued that earlier landmark judgements in 1991, 1993, and 2002 had issued detailed directions for improving the pay structure and working conditions of judges. However, even after decades, several states had failed to fully implement those directions. The judicial officers felt ignored and humiliated by this constant non-compliance, which directly violated the rule of law and the authority of the Supreme Court.

Discrimination across States: One of the major grievances was the unequal pay and facilities provided to judges depending on which state they served in. Judges in some states received significantly less salary, fewer benefits, and even faced delays in pensions and promotions, despite doing the same type of work. This kind of inequality, they argued, goes against Article

14 (equality before law) and Article 16 (equal opportunity in public employment) of the Constitution.

Undermining Judicial Independence: The petitioners stressed that independence of the judiciary does not only mean freedom from political or executive interference. It also includes financial and professional security. When judges are unpaid, overworked, and under-resourced, it affects their ability to deliver justice impartially. They warned that continued neglect could weaken the judiciary from within.

Delay in Implementing SNJPC Recommendations: The Second National Judicial Pay Commission (SNJPC), led by Justice (Retd.) P.V. Reddi had submitted its detailed recommendations in 2020 after extensive consultation. It had proposed improved salaries, revised allowances, better working hours, and pension reforms. However, even five years later, most states had either ignored or only partly implemented these suggestions. The petitioners claimed that this delay was unjustifiable and damaging to the judiciary's morale.

Judiciary Deserves Equal Respect: Judicial officers are the first line of justice and handle the bulk of the country's case load. Yet, they are treated like second-class employees in the government system. Many courts in poor court buildings lack security and have no proper facilities. Petitioners asked the court to protect the dignity of the judges who uphold the Constitution every day.

Demand for Uniformity Across India: They called for a nationwide standardisation of salaries and service conditions for the subordinate judiciary, citing constitutional provisions like Article 50, which speaks of separating the judiciary from the executive. They argued that only a centralised system can ensure that the judiciary remains truly independent and efficient across all states.

Respondents' Arguments: On the other side, the Union of India and various State Governments presented their stand. While acknowledging the importance of judicial reforms, they also raised practical, administrative, and constitutional concerns.

Budgetary Challenges: The most prominent argument made by the States was the financial burden of implementing all the SNJPC recommendations. Increasing salaries, allowances, and pensions threefold across the board would put a strain on already stretched state budgets,

especially in the post-pandemic recovery phase. Some states highlighted how resources had to be divided among multiple sectors, such as health, education, and rural development.

Respect for Federal Structure: The States also argued that the service conditions of employees, including judicial officers at the district level, fall within their domain as per the Constitution. A top-down mandate from the Centre or Supreme Court would, in their view, amount to an intrusion into State autonomy and disturb the federal balance that the Constitution carefully maintains.

Some Progress has been Made: The respondents informed the Court that many of the SNJPC recommendations had already been partially implemented in several states. Some had introduced new allowances, improved infrastructure, or updated pension rules. They pleaded for more time to gradually roll out the remaining reforms.

Commission Reports Are Not Binding: Another technical point raised was that the recommendations of pay commissions are not legally binding unless accepted formally by the government. The respondents stated that a delay in implementation does not automatically mean contempt or violation, especially when the recommendations are still under examination.

Possible Ripple Effects: The Union of India voiced concern that dramatically raising judges' salaries could lead to similar demands from other sectors of public service, such as civil servants and police forces. This could lead to a chain reaction, putting financial pressure on the exchequer and disrupting public service pay structures.

Reforms are Already Underway: Both the Centre and some states have listed steps taken to improve the judiciary, such as digitisation of records, better training modules, and funding for new court complexes. They urged the Court to view these as signs of positive intent and not equate delay with disregard.

RATIO DECIDENDI

Judicial Independence Extends Beyond Bare Separation from the Executive: The Supreme Court emphasised that true judicial independence encompasses more than just freedom from executive hindrance. It includes fiscal stability, secure tenure, and acceptable workplace standards. If judges work under heavy workloads, receive inadequate compensation,

or operate in poor environments, their ability to deliver impartial justice is undermined. Improving service conditions is not a matter of luxury but a constitutional necessity.

Delay in Implementing Pay Commission Recommendations Breaches Equality

Principles: The Court expressed strong disapproval over the significant delay in enforcing the recommendations of the Second National Judicial Pay Commission (SNJPC), which were presented in 2020. It observed that such prolonged inaction results in discriminatory treatment of judges across various states, thereby breaching Articles 14 and 16 of the Constitution. These provisions guarantee equal rights and fair access to public employment for all individuals.

Uniform Service Conditions for Judicial Officers Nationwide: The Court emphasised the need for uniform regulations across the nation regarding the salaries, perks, and promotions of judicial officers. Since they uphold the same constitutional values and laws, geographical disparities in service conditions are unconstitutional and erode the unity of the judiciary. The Court referred to Article 50 as a foundational principle advocating complete separation of the judiciary from the executive.

Financial Constraints Cannot Justify Non-Implementation: The argument that states a lack of funds to implement these reforms was categorically rejected. The Court ruled that financial challenges cannot override constitutional obligations. Ensuring the financial autonomy and dignity of the judiciary is not optional but an essential component of a fair justice system.

Binding Nature of Previous Supreme Court Directions: Recalling its previous rulings from 1991, 1993, and 2002, the Court emphasised to all state governments that its decisions carry binding authority under Article 141 of the Constitution. These are not mere recommendations but enforceable legal mandates. Disregarding such rulings amounts to contempt of court and undermines the rule of law.

JUDGEMENT

Issue 1: Restoration of LDCE Quota to 25%

Originally fixed at 25% in 2002, the LDCE (Limited Departmental Competitive Examination) quota had been reduced to 10% in 2010 due to limited uptake. However, this led to a backlog for capable candidates. The Court restored the 25% quota, recognising it as a means to foster

merit and healthy competition among Civil Judges (Senior Division). Any unfilled seats under this quota will revert to the regular promotion category to avoid vacancies.

Issue 2: Reduced Experience Requirement for LDCE

Earlier, civil judges had to serve for a minimum of five years before they could qualify for the Limited Departmental Competitive Examination (LDCE). This often rendered the exam ineffective, as many officers were already eligible for standard promotion by then. The Court modified the eligibility criteria to:

- 3 years of service as Civil Judge (Senior Division), or
- 7 years of cumulative judicial service, including Junior Division.

This change aims to strike a balance between experience and timely advancement.

Issue 3 & 4: Introduction of New 10% Quota for Junior Division Judges

Recognising the lack of progression at the lower tiers, the Court established a new 10% merit-based reservation in the Senior Division, to be filled through the Limited Departmental Competitive Examination (LDCE) and is available to officers who have completed a minimum of three years in the junior division. This moves in parallel the logic behind the District Judge LDCE system, aiming to create faster career progression for deserving candidates.

Issue 5: Basis for LDCE Quota Calculation

To eliminate ambiguity regarding the calculation of LDCE quotas, the Court definitively ruled that such quotas should be determined based on the total sanctioned cadre strength, rather than the number of annual vacancies. This ensures consistent application across all states.

Issue 6: Suitability Tests for 65% Promotion Quota

The Court ruled that promotions under the merit-cum-seniority system must not be programmed. High Courts are required to conduct proper Suitability Tests, which should evaluate legal knowledge, judgment quality, Annual Confidential Reports (ACRs), and overall performance. These evaluations must adhere to well-defined, impartial, and transparent standards, as outlined in the regulations established by each respective High Court.

Issue 7: Reinstatement of 3-Year Bar Practice Requirement

In a reversal of its 2002 stance, the Court reinstated the minimum 3-year bar practice requirement for entry into the judiciary. The earlier removal had led to concerns about the maturity and competence of fresh law graduates. This step was seen as essential to ensure court management skills and a practical understanding of legal processes.

Issue 8: Counting Legal Practice from Provisional Registration

The Court held that the period of legal practice should be counted from the date of provisional enrollment as an advocate, rather than from the date of clearing the All-India Bar Examination (AIBE). As provisional registration permits an individual to begin practising law—subject to passing the AIBE within two years—it more accurately represents real courtroom experience.

CONCLUSION

The All-India Judges Association v. Union of India (2025) judgment marks a critical step in strengthening the institutional independence and dignity of the subordinate judiciary. By reinforcing the recommendations of the Second National Judicial Pay Commission and ensuring uniform service conditions, the Supreme Court underscored that a strong and independent judiciary cannot be compromised by administrative neglect or financial excuses.

This ruling addresses more than just salaries and service conditions—it reflects a deeper acknowledgement that judicial officers, especially at the grassroots level, are the foundation of India's judicial system. Ensuring their well-being, dignity, and timely career progression is crucial for maintaining the rule of law. The Court has reaffirmed that a just and accountable system starts with empowering the judiciary at all levels, ensuring it remains insulated from political and financial pressures while delivering justice efficiently and fairly.