



## ALL INDIA JUDGES ASSOCIATION V. UNION OF INDIA

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The case was decided by the Supreme Court of India. While the writ petition has been pending since 1989 and has resulted in multiple important orders over the years (that are 1993, 2002, 2006, 2010). But in 2025, the latest judgment dealing with the three-year mandatory practice requirement to be eligible to sit for the judiciary exam was delivered on 20 May 2025.

### **BRIEF FACTS OF THE CASE**

The case "All India Judges Association v. Union of India" is one of the most significant cases dealing with judicial reforms in India. The All-India Judges Association filed a writ petition under Article 32 of the Constitution, asking for improvement in the service conditions of judges working in the subordinate or lower-level judiciary across the country. The Association raised issues relating to pay scales, retirement age, promotion avenues, infrastructure, and recruitment standards and more.

With that, the most important aspect that emerged during the proceedings was the qualification or eligibility criteria for appointment of judges at the lowest level of the judiciary, particularly for the position of Civil Judge. In earlier times, people expected that a person should have some experience as a lawyer before becoming a judge, as judicial work involves the practical application of law. This requires ground-level knowledge to make better judgments.

So, in 1993, the Supreme Court suggested that candidates should have at least three years of practice as an advocate before being appointed as a judge. The intention behind this idea was to ensure that judges had an ample amount of exposure to court procedures, advocacy, or litigation before assuming the big judicial responsibilities.

However, in 2002, this position was reconsidered after the submission of the Justice K.J. Shetty Commission Report, which studied the service conditions of judicial officers. The Commission

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said that making prior practice mandatory was discouraging young and talented law graduates from entering the judiciary. More specifically, for women aspirants, by giving them societal pressure to delay marriages. In support, the Supreme Court removed the requirement of mandatory practice and allowed fresh law graduates to directly appear for judicial service examinations.

For more than twenty years, this system continued. During this time, several concerns were raised by High Courts, senior judges, and other judicial members. It was observed that the judicial officers appointed straight from law colleges often lacked a practical approach to court procedures. Due to these practical difficulties, the issue of mandatory legal practice once again came before the Supreme Court. After scrutinising the working of the existing system, the Court delivered its latest judgment on that issue in 2025, restoring the rule for the requirement of three years of legal practice before entry into the subordinate judiciary.

### **ISSUES INVOLVED**

1. Whether prior legal practice is necessary for maintaining the quality and efficiency of the subordinate judiciary.
2. Whether the removal of the three-year practice requirement has adversely affected the functioning of trial courts.
3. Whether a minimum of three years' practice as an advocate should be made mandatory for appointment as Civil Judge (Junior Division).
4. From which date should the period of practice be calculated for determining eligibility?
5. Whether the restored requirement should apply to ongoing and past recruitment processes or only prospectively.

### **ARGUMENTS OF THE PARTIES**

**Arguments Supporting Mandatory Practice:** The petitioners and several judicial and non-judicial members strongly supported the restoration of the three-year practice requirement, as they deal with serious matters affecting the life, liberty, and property of individuals, and therefore must have sufficient practical experience of advocacy. About the education provided by law schools, they believe it to be largely theoretical and does not fully prepare students for real/day-to-day courtroom situations. Practical experience as an advocate helps more in the functioning of the system. According to the petitioners, judges without such experience often struggle in the initial years of service, lacking knowledge and procedures, which ultimately

affects the quality of delivering justice. Lack of competence or confidence at the basic level can also weaken public trust in the judicial system once and for all.

**Arguments Against Mandatory Practice:** The Union of India argued against making legal practice compulsory. It was mentioned that allowing fresh law graduates to enter the courtroom helped attract young minds and promoted efficiency with a new working approach. According to the respondents, it has been argued that extending the training period after the selection could make up for prior practice and help aspirants become better judges. They also raised concerns that mandatory practice could create financial hardship for candidates from weaker economic backgrounds and end different societal pressures on both genders.

### **JUDGMENT / DECISION**

After carefully considering the situations, the Supreme Court held that prior legal practice will benefit the fresh judges and will ensure the effective functioning of the subordinate judiciary. The Court restored the requirement of a minimum of three years' practice as an advocate for candidates seeking appointment as Civil Judge. The Court directed all the High Courts to amend their judicial service rules accordingly. It made clear that the period of practice would be calculated from the date of enrolment with the State Bar Council, and not from the date of passing the All-India Bar Examination.

The Court further held that the rule would operate prospectively (and not retrospectively), which means that the ongoing recruitment processes would not be affected. It was basically done to avoid unnecessary disruption and hardship for the candidates who had already applied under the earlier rules. The Court also recognised that experience gained as a law clerk under senior judges and pursuing the LLM degree could be considered as valid legal experience, provided such work involved substantive legal research and assistance.

### **RATIO DECIDENDI**

The ratio decidendi of the case is that practical legal experience is a necessary qualification for judicial office. The Supreme Court held that judicial work requires more than theoretical or academic knowledge. Prior courtroom experience with practical skills such as understanding of procedure, working with evidence, and courtroom rules, is essential for efficiently working judge.

## LEGAL REASONING AND PRINCIPLES APPLIED

The Supreme Court's reasoning was based on the need to balance the responsibilities of managing the position of a judge. While evaluating the good and bad aspects of young graduates, the Court focused more on the point that judicial competence must not be compromised at any cost.

By applying the rule prospectively and allowing LLM and law clerk experience to count as practice, the Court secured fairness while working on necessary reforms.

## CRITICAL ANALYSIS

**Merits of the Judgment:** The restoration of the three-year practice requirement aims to enhance the quality of adjudication at the grassroots level and ensure better preparedness of judicial officers.

**Controversial or Weak Aspects:** Since the legal practice does not provide a stable income in the initial years, such a requirement could discourage deserving candidates from pursuing judicial careers. Also, those candidates with personal connections to senior lawyers may obtain a certificate without genuine courtroom exposure, defeating the very purpose of the rule. This clearly shows the dominance of power and money over knowledge as a drawback to this rule.

Secondly, the rule proportionately affects women candidates who often face societal and family pressure to marry with the growing age. Thirdly, this delay also results in an increase in the average age of aspirants while reducing their productive years. In contrast to it, the civil services, such as IAS, allow their candidates to enter into the service at a very young age without any prior professional practice requirement.

Finally, the Nature of legal practice leaves limited time for preparation for judicial examinations, making it difficult for aspirants to balance both effectively. Taken together, these factors suggest that the three-year practice rule may act more as a barrier than a filter for merit.

## NEED FOR REFORM OR ALTERNATIVE INTERPRETATION

A structured and monitored apprenticeship model under judicial supervision could be considered as an alternative to ensure genuine practical exposure.

## CONCLUSION

The judgment in *All India Judges Association v. Union of India* represents an important development in judicial recruitment policy in India. By restoring the three-year mandatory practice requirement, the Supreme Court has reaffirmed the importance of practical legal experience in shaping competent judges, which shows the pros and cons of the practice to prioritise balance. The decision has been taken to improve the quality of the subordinate judiciary while being fair to each individual. More specifically, the judgment aims to strengthen public confidence in the justice system and ensure effective administration of justice by training the future minds to become better judges.

## REFERENCES

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