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SUPREME COURT REINSTATES BAR PRACTICE FOR JUDICIAL SERVICES: EMPHASIZING EXPERIENCE OVER EXAMINATION

-Abha¹

A long debate has been started since the Supreme Court delivered the judgment in ‘All India Bar Association v. Union of India (2025),’ mandating the practice of three years of mandatory practice before appearing for the judiciary examination, emphasizing experience over the examination. In this regard, the blog will explore the importance of mandating three-year practice in the future, how it affects the judicial aspirants, and what are the plausible outcomes of implementing this law will be.

Introduction

The Supreme Court of India delivered the judgment in the ‘*All India Bar Association v. Union of India (2025)*’ case on May 20 by a Bench consisting of Chief Justice of India BR Gavai and Justice Augustine George Masih. In this judgment, the Supreme Court reinstated and mandated the practice of a minimum three-year legal practice at the Bar for the candidates appearing in the judiciary or the Civil Judge (Junior Division) examinations throughout the country. The court concluded that the infusion of fresh law graduates with zero experience in litigation was found to be detrimental. ²

The matter was highlighted by the various High Courts, stating that the law graduates entering the judiciary lack practical experience of the courtroom proceedings, which results in inefficient performance.

¹ B.B.A.L.L.B. Student at Indian Institute of Management-Rohtak (India), Email: abhayadav1305@gmail.com

² Bureau TH, ‘Supreme Court Makes Three Years’ Legal Practice Mandatory to Apply for Judicial Service’ *The Hindu* (New Delhi, 20 May 2025) <<https://www.thehindu.com/news/national/supreme-court-makes-three-years-legal-practice-mandatory-to-apply-for-judicial-service/article69596456.ece>> accessed June 2025

In this light, the Supreme Court directed all state governments to amend their respective rules to ensure that candidates must have fulfilled the criteria of at least three years of legal practice before appearing for the judiciary exam. This experience must be certified by an advocate with at least ten years of experience at the Bar and duly endorsed by the Principal Judicial Officer.³

The Court also said the experience of the candidates gained while working as law clerks with any sitting judge or judicial officer would be considered while calculating their total number of years of practice.⁴

Brief History of Debate

The debate started on the issue of whether the candidates appearing for the judiciary exams should have prior experience at the Bar to qualify as judges or whether such a brief period is insufficient to become an effective judge.

In *All India Judges' Association v. Union of India (1993)*⁵, the Supreme Court upheld the three-year requirement. In 2002, the concept of mandatory three-year practice for the candidates of judiciary exams was amended by the Madhya Pradesh High Court in its judicial service rule. However, in the same year following the Shetty Commission, the Court eradicated the practice requirement, stating that it will discourage law graduate judiciary aspirants from pursuing a judicial career.

Recently, the Supreme Court has reserved its decisions, reinstating the minimum three-year practise at the bar, and expressed concern over the appointment of new law graduates as judges, poses challenges due to their lack of courtroom exposure, signaling a possible reconsideration of the practice requirement.

³ Singh R, 'Supreme Court Reinstates 3-Year Bar Experience for Civil Judges: What It Means for Judiciary Aspirants' (*Bar and Bench - Indian Legal news*, 25 May 2025) <<https://www.barandbench.com/columns/supreme-court-reinstates-3-year-bar-experience-for-civil-judges-what-it-means-for-judiciary-aspirants>> accessed June 2025

⁴ Bureau TH, (n 2)

⁵ *All India Judges' Association v. Union of India (1993)*, AIR 1993 SC 2493

Impact of Ruling on Judicial Aspirants

The step of mandating three years of practice at the Bar was taken with an intent to address the complexities faced due to the appointment of newly inexperienced law graduates as judicial judges and to ensure practical experience for the judicial aspirant.

But the ruling has various setbacks and have potential to affect thousands of aspirants who want to make a career in the Judiciary. This may result in significant judicial vacancies and may lead to pendency of cases and increase the backlog as well as the burden on the lower-level courts, such as District, and Subordinate Courts.

By introducing the new criteria, it may discourage the aspirants, especially from low-income, unprivileged sections and marginalized communities of society, and may result in less participation from such candidates and reduce the level of competition.

The ruling advocates that aspirants aiming for a judicial career may have to leave paid jobs in corporate law firms and companies to join litigation practice, often not paid by senior advocates, for the purpose to accomplishing the three-year requirement. As I have witnessed while interning at the High Court of Judicature at Allahabad, junior advocates are not being paid any salary for their work.

Not just the marginalized communities but women judicial aspirants are also affected. The rate of women participants in the judiciary has significantly increased from the past few years, as this is not just a job but a stable path for women in Indian society, as there are some parts of India where women are expected to marry early and to take care of family and responsibilities. This could be balanced approach for them by making a balance in both the work and home. But after this ruling, this may make it uncertain and difficult for women to have support from their families.

Reasonable Outcome of the Ruling

Various High Courts are in support of the Supreme Court's ruling, often it happens that the cases, when appealed in high courts, are not well reasoned, irrespective of the decision being delivered correctly or incorrectly. This may be because of the workload, pressure, and most importantly, inexperience of practical exposure to the courtroom.

The plausible outcome of this ruling could be an improvement in the ability of judges to make a decision efficiently. Exposure to different jurisdiction courtrooms will help to gain knowledge about the functioning of the respective court. Significantly enhance the skills of drafting, filing documents, and analyzing the case diaries that may result in improved logical and critical thinking.

This practice will not just be limited to legal knowledge but social as well. Interacting with clients will help to closely understand the requirements of the client and will improve the communication skills.

Although three-years practise is short time period to understand the complexity of the working court, it helps to enhance the skills and basic requirements of practical experience. The need for establishing a well-structured training program for judiciary aspirants, emphasizing practical experience, should also be considered. The above-mentioned important points could be plausible outcome of the three-year practise.

Conclusion

The Supreme Court, in a recent judgment, '*All India Bar Association v. Union of India (2025)*,' reinstated three years of mandatory practice at the Bar as a prerequisite for judicial aspirants, with an intent to ensure practical exposure to the courtroom. This ruling has a significant impact on the judicial aspirants who want the judiciary as a career. Especially those coming from marginalized backgrounds and women might be discouraged because of financial implications and social constraints from engaging in unpaid litigation work. This may affect the performance of the judiciary, significantly the judicial vacancies and backlog of cases, and increase the burden of the court. Ultimately, a balanced approach that integrates both experience and inclusivity will be critical to ensuring that justice is not just well-delivered but also fairly accessible.