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STUDENT NOTE

The Three-Year Practice Requirement for Judicial Service: Merits, Challenges, and the Way Forward

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Abstract

The Supreme Court's 2025 decision in *All India Judges Association v. Union of India* reinstated the mandatory requirement of three years of advocacy practice for candidates seeking appointment as Civil Judges (Junior Division). This marked a significant shift in India's judicial recruitment policy after more than two decades during which fresh law graduates could directly appear for judicial service examinations. The decision has generated widespread discussion among law students, young advocates, judges, and legal scholars. While supporters argue that practical courtroom experience improves judicial competence, critics believe that the rule may create financial and social barriers for aspiring judges. This Student Explainer examines the constitutional framework governing subordinate judicial appointments, the evolution of judicial recruitment, the reasons behind the Supreme Court's decision, and its likely impact on the future of judicial services in India. It also suggests reforms to ensure that the objective of improving judicial quality is achieved without compromising fairness and equal opportunity. Draft Manuscript The quality of a nation's judiciary depends not only on constitutional safeguards but also on the competence, integrity, and experience of the judges who administer justice. Trial courts constitute the foundation of India's judicial system because they are the first point of contact for most citizens seeking legal remedies. Consequently, the process of selecting Civil Judges has always been a matter of considerable public importance.

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In May 2025, the Supreme Court of India revisited this issue in *All India Judges Association v. Union of India* and restored the requirement that candidates must possess at least three years of practice as advocates before becoming eligible for appointment as Civil Judges (Junior Division). The Court observed that practical courtroom exposure equips judicial officers with the maturity, confidence, and professional understanding necessary to discharge judicial functions effectively. The direction applies prospectively and was intended to improve the quality of the subordinate judiciary.¹

The constitutional framework governing appointments to the subordinate judiciary is contained in Articles 233 to 237 of the Constitution of India. Article 233 deals with the appointment of District Judges, while Article 234 provides for the recruitment of persons other than District Judges in consultation with the State Public Service Commission and the High Court. Article 235 vests administrative control over subordinate courts in the High Courts, thereby reinforcing judicial independence. Articles 236 and 237 define important expressions and extend constitutional provisions to certain categories of magistrates. Together, these provisions ensure that judicial recruitment remains independent from executive influence while maintaining institutional accountability.²

The debate regarding prior advocacy experience is not new. Earlier judicial policies recognised that practical legal experience enables judges to understand court procedure, litigation strategy, appreciation of evidence, and professional ethics. However, in 2002, the Supreme Court accepted the recommendation that fresh law graduates could also be recruited to the judiciary, provided they underwent rigorous judicial training. This approach was based on the belief that structured institutional training could compensate for the absence of prior practice. Over the years, however, several High Courts expressed concerns that newly recruited judges often lacked sufficient courtroom exposure and practical understanding of litigation. After considering these concerns, the Supreme Court revisited the issue in 2025 and restored the mandatory three-year practice requirement.³

Supporters of the judgment argue that courtroom experience is indispensable for anyone who intends to preside over judicial proceedings. An advocate regularly interacts with clients, drafts pleadings, examines witnesses, argues legal issues, and observes how courts function on a daily basis. Such exposure develops professional confidence, ethical responsibility, and practical knowledge that cannot be acquired entirely through classroom education. A judge with prior litigation experience may be better equipped to appreciate procedural complexities, evaluate evidence, manage court proceedings, and deliver reasoned decisions from the very beginning of judicial service.

Another advantage of the requirement is that it strengthens public confidence in the justice delivery system. Litigants often expect judges to possess firsthand knowledge of courtroom practice and advocacy. Practical legal experience may also reduce the learning curve faced by newly appointed judicial officers and improve overall judicial efficiency. By ensuring that candidates possess minimum professional exposure before assuming judicial office, the Court sought to enhance both competence and credibility within the subordinate judiciary.

Despite these advantages, the judgment has attracted substantial criticism. The most significant concern relates to the financial realities faced by young advocates. The initial years of litigation often involve low remuneration, uncertain employment, and dependence upon senior advocates for professional opportunities. Many first-generation lawyers and candidates from economically weaker backgrounds may find it difficult to sustain themselves financially during the mandatory practice period. Consequently, the rule may unintentionally discourage talented graduates from pursuing judicial careers.

Another challenge concerns the verification of genuine legal practice. Mere enrolment with a State Bar Council does not necessarily establish active courtroom practice. Recognising this difficulty, the Supreme Court directed that candidates should produce appropriate certification of actual legal practice, with experience being counted from provisional enrolment rather than from passing the All India Bar Examination. Even so, implementing a uniform and transparent verification mechanism across all States remains an administrative challenge.

The impact of the rule may also differ across regions. Advocates practising in metropolitan cities often receive greater exposure to diverse litigation compared to those practising in smaller districts. Similarly, women advocates, first-generation lawyers, and candidates from rural backgrounds may encounter additional obstacles in securing meaningful litigation experience. These disparities suggest that the effectiveness of the policy depends not only upon the eligibility requirement itself but also upon adequate institutional support.

A brief comparison with other jurisdictions demonstrates that there is no single model of judicial recruitment. In the United Kingdom, judicial appointments generally require substantial legal practice before elevation to the Bench. France follows a career judiciary model in which candidates receive specialised judicial education through a national judicial school. Germany combines extensive legal education with structured practical training before judicial appointments. These examples indicate that while practical experience is valuable, it should be complemented by rigorous judicial training and transparent recruitment procedures.

The objective of the three-year practice requirement is legitimate, but its implementation can be improved. State Governments, High Courts, and Bar Councils should develop uniform guidelines for certifying genuine legal practice. Digital records of court appearances may reduce disputes regarding verification and discourage fraudulent practice certificates. Junior advocates should also receive structured mentorship under experienced practitioners to maximise the educational value of the mandatory practice period. Financial assistance or stipends for deserving young advocates could reduce economic hardship and promote equal opportunity. Finally, State Judicial Academies should continue providing comprehensive induction training so that newly appointed judges can effectively combine practical experience with judicial ethics, case management, and constitutional values.⁴

The restoration of the three-year practice requirement represents one of the most significant reforms in judicial recruitment in recent years. It reflects the Supreme Court's view that practical courtroom exposure is essential for the effective functioning of trial courts and the administration of justice. At the same time, the policy raises important concerns relating to accessibility, financial inequality, and implementation. A balanced approach that combines practical legal experience with transparent verification, institutional support, and rigorous judicial training can strengthen the subordinate judiciary while ensuring that deserving candidates from diverse backgrounds continue to have meaningful access to judicial service.

Footnotes

1. **EDITORIAL REFERENCE.** All India Judges Association v. Union of India, 2025 INSC 735, judgment dated 20 May 2025, Supreme Court of India. https://api.sci.gov.in/supremecourt/1989/60181/60181_1989_1_1501_61910_Judgement_20-May-2025.pdf ↩
2. **EDITORIAL REFERENCE.** The Constitution of India, arts. 233-237, particularly art. 234 on recruitment to the judicial service other than district judges. <https://www.legislative.gov.in/static/uploads/2025/07/c9fe9c9b6840524844316f74bb1c556c.pdf> ↩
3. **EDITORIAL REFERENCE.** All India Judges' Association v. Union of India, (2002) 4 SCC 247. ↩
4. **EDITORIAL REFERENCE.** Law Commission of India, Report No. 116, Formation of an All India Judicial Service (1986); Report No. 117, Training of Judicial Officers (1986); and Report No. 118, Method of Appointment to Subordinate Courts/Subordinate Judiciary (1986). https://lawcommissionofindia.nic.in/cat_supreme_court_and_high_court/ ↩

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