

Mandatory Three-Year Practice Rule: A Roadblock or Reform for Judicial Aspirants in India

SAGAR MISHRA

Abstract

The Supreme Court of India on **20 May 2025**, reinstated the mandatory three-year legal practice requirement for civil judge (junior division) judicial aspirants. This rule brought back by the honourable Supreme Court to improve the quality of judges by ensuring practical legal experience as per recommended by the judges of the various High Courts. This rule created a widespread concern between law graduates and attracts criticism for being exclusionary, arbitrary and unconstitutional. It impacts those students who belongs to underprivileged backgrounds, they see it as a setback. This paper deals with historical background, courts rationale, arguments, constitutional implications, socio-economic impact, expert opinions, recommendations of three-year rule and the lived experiences of the judicial aspirant, who faces family, societal and financial pressure. Especially the female candidates from underprivileged area who faces intense family and societal pressure especially related to early marriage. This paper also tries to understand that whether this rule is truly a reform or just an unnecessary roadblock for talented fresh law graduates. This research paper also concludes reform-oriented recommendations to balance experience and inclusiveness.

Key words:

All India Judges Association, Lower judiciary, Judicial aspirants Fresh law graduates, Article 233, Article 234¹, Civil judge, Judicial reform, Merit and Experience.

Introduction

Judicial services is one of the most respected and aspirational career paths in the legal profession and also in the life of the law students. The judiciary play a crucial role in

¹ Indian Constitution 1950, Art. 233 & 234

protecting rights, justice and rule of law. Becoming a judge is a dream of thousands of judicial aspirants or fresh law graduates who pass out recently from their law college and

this dream motivates them to pursue intense study and preparation. For many law graduates, especially the first-generation law graduates, Judicial services is just not a career but an opportunity for social transformation, economic stability and personal dignity.

From 2002 to till May 2025, several states allowed fresh law graduates to directly appear for the Civil Judge (Junior Division) examination. But in May 2025 the honourable Supreme Court of India ruled that all judicial aspirants must complete three years of mandatory legal practice before being eligible for this exam. This decision of the Supreme Court led debates all across the nation between the legal communities. It also raises concern about the constitutional validity of this decision which violates the article 14 and 19 (1)(g).²

Some believes that it is a positive step which strengthen the aspirants and give them a real court room experience which needed before becoming a judge. While other sect thinks that it is a barrier for students who belongs to underprivileged backgrounds and also for those who doesn't have financial stability. This paper explores both sides of the debates.

Research methodology:

This research adopts a **doctrinal and analytical approach** to examine the constitutional, legal, social and economic impact of the three-year practice requirement for fresh law graduates to sit in the judiciary exam. The methodology involves a thorough review of **primary legal sources**, including constitutional provisions, case law, and government notifications, as well as **secondary sources** such as legal commentaries, academic journals, and expert opinions.

² Indian Constitution 1950, Art. 14 & 19(1) (g)

Review of Literature

The rule that makes it compulsory to have three years of legal practice before giving the judiciary exam has become a debatable topic in India. Many people - like experts,

teachers, judges, and students - have shared their opinions. Some believe this rule will help improve the quality of judges, but many others think it will stop talented students from poor, rural, or first-generation backgrounds from becoming judges.

An article in Law School Policy Review called "**Benchmarks for the Bench**" said that practicing in court can help future judges gain real experience. However, it also warned that this rule could be a big problem for students who can't afford to work for free for three years - especially girls and students from small towns.

A report by **Bar & Bench** raised an important point that, should the Bar Council bring this rule back without support? It mentioned that in many courts, new lawyers don't earn any money at all in the beginning. Because of this, students from poor or non-lawyer families may have to drop their dream of becoming judges.

Even **The Hindu** wrote an article asking whether the rule is truly useful. It pointed out that the rule could harm women more, especially in states like UP and Bihar, where girls often face marriage pressure after graduation. If they are asked to wait three more years before they can even apply, many might lose their only chance to become judges.

The Supreme Court Observer explained the story behind the Court's decision. It said that even though the Supreme Court wanted to improve the quality of judges, it did not consider that many High Courts had different views. For example, the Delhi High Court thought one year of practice was enough, some High Courts suggested two years, and states like Rajasthan and Sikkim didn't support the rule at all.

Many law teachers and experts have said that there is no clear proof that working for three years as a lawyer actually makes someone a better judge. They believe that other options, like

doing internships, working as a law clerk, or training under judges, could be fairer and more useful than forcing everyone to practice for three years.

All these views from different sources show that the rule was intended as a reform, but it could also become a roadblock for many aspirants unless the system becomes more supportive. The idea of the rule may be good in theory and in practice but it is unfair to a large number of hardworking students, especially those with no support system. Almost all the articles agree that if such a rule has to be followed, the system must give support such as financial, emotional, and academic to the candidates who need it the most.

Historical background

The idea of requiring legal practice before entering into the judiciary is not new in India. As previously it was discussed and implemented after 1993, when concerns raise about the lack of practical courtroom experience among the newly appointed civil judges.

Previously, in landmark case of **All India Judges Association v. Union of India (1993)**³ the Supreme Court of India mandated a minimum of three years' practice for lower judicial appointment to improve the quality of the lower judiciary. This is done because in this case

suggestions were made that judicial officers should not be completely fresh graduates but they must acquire some amount of legal courtroom experiences that was considered necessary to handle the complexities of trials and the court management.

In 1995, response to the previous judgment of the Supreme Court the **Bar Council of India** introduced the **Bar Council of India Training rules, 1995** which include rule 7⁴ mandating three years of practice before applying for judicial service. However, this rule was not uniformly implemented over all states and high courts, over time it was diluted and eventually ignored by many states in their recruitment process.

³ All India Judge's Association & Ors. v. Union of India & Ors., (1993) 4 SCC 288

⁴ See Bar Council of India Training Rules, 1995, r. 7.

Shetty Commission set up in 1996 submitted its report in 1999⁵ recommended to remove the mandatory practice of three-years to attract the fresh law graduates to apply their judicial mind and bring about new changes. In 2002⁶, the Supreme Court of India relaxed the previous judgment and allowed some relaxation permitting fresh law graduates to

appear for judicial exams. It was held that talented students should not be barred simply because they had no courtroom experience. This led various states such as Uttar Pradesh, Rajasthan, Bihar and Madhya Pradesh allowing direct entry of fresh law graduates into judicial services from law colleges.

In May 2025, The Supreme Court of India reviewed the issue in another petition filed by All India Judges Association⁷. Considering the petition, this time the Supreme Court reviewed **rules 7 of the BCI Training Rules** and made the three-year practice requirement mandatory for all states, also the Supreme Court stated that the practical experience is essential for maintaining the quality and efficiency of the judicial system. As the newly appointed judges in the lower division court lack the ability and credibility to deal with the courtroom management and complexities of trials.

All India Judges' Association and Ors. v. Union of India and Ors. (2025)

“Restored the Requirements of three years minimum Practice as an advocate for Entry – level Judicial Appointments, applicable only to future recruitments. A Certificate from a senior advocate, duly endorsed, will serve as a proof of experience.”

- Chief Justice of India BR Gavai, Justice AG Masih and Justice K Vinod Chandran.

In the landmark case of **all India judges' association vs union of India (2025)** the supreme Court of India reinstated the mandatory three-year practice to be eligible for the Civil Judge (Junior Division) which raises concern and attract criticism from various legal academics all over nation. The question is raise about the Constitutional of validity of the judgment as it

⁵ See Justice K. Jagannatha Shetty, Report of the First National Judicial Pay Commission 42 (1999).

⁶ All India Judge's Association and Ors. v. Union of India & Ors., (2002) 4 SCC 247

⁷ All India Judge's Association and Ors. v. Union of India & Ors., 2025 INSC 735

violates the Article 14 (Equality before law) Article 16 (Equality in terms of public employment) and Article 19 (1) (g) (Right to occupation).⁸ Several persons claimed that the criteria of three years mandatory practice deprived the fresh law graduates from appearing in exam and put restriction on their occupation which affects the students belongs to underprivileged background.

Courts Rationale:

The Supreme Court reasoned that the fresh law graduates from law colleges lack practical skills as it is required more than a theoretical knowledge, law is about practical exposure, hand-on experience and not about theoretical exposure only. Court emphasized that fresh law graduates lack the ability to manage the courtrooms, evaluate evidence and facilitates justice despite of their academic success and upheld the constitutional validity of this rule and disagreed with the arguments above.

The court accepted that the mandatory three-year practice rule may delay the careers of some aspiring judges but the court found this delay justified by the need to maintain judiciary's quality and public trust. This judgment tried to balance between protecting individual rights and addressing judiciary's institutional needs. Court states that threeyear mandatory practice enhance the candidate competency, maturity and understanding of court procedures and methods which is essential for judicial duty. According to Supreme court of India the recruitment of "raw graduates" as Judicial Officers without any training or background of lawyering has not proved to be a successful experiment.

The Court further added that from the first day of his/her assuming office, a Judge has to decide, among others, questions of life, liberty, property and reputation of the litigants. From this the court conclude that the selection of fresh law graduates not desirable for such crucial position.

⁸ Indian Constitution 1950, Art. 14, 16 & 19(1) (g)

Views of different High court on three-year practice rule

The Supreme Court before arriving to this decision sought feedback from all the High courts. Their responses are varied significantly: **Delhi high court** recommended for one year practice while **Guwahati, Karnataka, Punjab & Haryana, Gujarat and Jammu & Kashmir & Ladakh High Courts** recommended for 2 years bar practice. These high courts emphasized that bright young candidates should not be excluded by alleged timelines. These high courts also pointed out that states should maintain specific post selection judicial training programs which helps the student in their practical exposure and development which fill the required practical gaps.

Various High courts such as **Allahabad, Patna, Andhra Pradesh, Madras, Kerala, Kolkata, Odisha, Uttarakhand, Manipur** and other supporting the mandatory threeyears bar practice rule. These court emphasized that the competency, maturity and the legal depth only come through experience and exposure to practical real courtroom experiences and not by academic excellence, theoretical knowledge and training alone. The **Rajasthan and Sikkim High Court** argued against any mandatory three-years bar practice. The court emphasized for the merit based requirement and post-selection judicial training period.

Social and economic impact of three-years mandatory practice

The three-year mandatory practice rule has brought significant challenges for judicial aspirants, especially those who belongs to economically weaker, rural, first generational and underprivileged backgrounds. For many law graduates in states like Uttar Pradesh and Bihar pursuing judicial services is not just a career goal but a way out of poverty and social limitation. However mandatory bar practice for three-years after giving 5 years in law colleges without financial supports become a burden rather than an opportunity.

Most junior advocates earn extremely low or no fixed income and district courts making it hard to afford basic necessity during the initial year of practice. In such cases, candidates without family support or alternative income sources often give up their dream of joining the judiciary.

This decision would discourage the female aspirants while these female aspirants join judiciary in greater number. The situation is worse for women belongs to conservative areas of UP and Bihar where they are under pressure to get married by their age of 22-24. If a girl remains unmarried during age of 25-26, it becomes the source of stress for the family, neighbours, relatives start putting questions. This led to families fearing from social dishonour and under this fear family has forced their girls to give up their dreams and settle down for marriage. This rule not only end the academic dreams of the girls but also reinforces the patriarchal system that views women education is a short-term investment rather than a long-term empowerment.

Currently the government focused on the women empowerment and is this the method of women empowerment by introducing three-year mandatory practice which not only prevent them to become judge but also kill their dream and aspiration of becoming a judge. The delayed career due to this rule of three-year mandatory practice will reduce their chances of professional success and aspirations.

This rule also increases the gap between urban and rural students. In cities, students can work as clerks, interns or in law firms while preparing for the judiciary and they have better access to senior advocates, coaching and exposure but students from a small towns or villages do not have such facilities their legal practice might be limited to 2-4 courtrooms with no proper mentorship so even if they do practice for three years the quality of their experience may not match that of students from the bigger cities. This rule also affects the students who already preparing for judicial services from last one or two years as this rule demand for three years mandatory practice, it would ruin their preparation and dedication to judicial services.

Opinions and Reaction

There are number of reactions and opinions of the Judges, Bar council, Academicians, Law colleges, students, media and legal commentators. Several senior judges believes that this rule promotes courtroom experienced gives practical exposure, ethical understanding and better understanding. They emphasize that judging requires maturity, competency and this developed through practice not just with theoretical knowledge and being a good academician. The Bar Council of India supported the judgment given by the Supreme Court

by reviewing its **Bar Council Training Rules 1995**,⁹ they argue that this rule will raise the standard of lower judiciary and ensure only the serious candidates enter into the judicial system.

According to a report by bar bench 70 percent of student criticizes the decision and considered it as a unfair restricting them to enter into judiciary that violates their right too. Academicians and law schools argue that the rule is justified but they feel that it must be supported with systems like stipends, fellowship or structured clerkship to the fresh law graduates aspiring to become judge and start preparation for judicial services. The media and the legal commentators like the Bar Bench; The Hindu and The Economic times has raised the concerns about the lack of transitional measures, exclusion of women and the urban rural divide that is created due to this rule. Reports highlights the hardship faced by the students that already preparing for the judicial services under the previous rule that doesn't requires such mandatory practice provision.

Mandatory Three-year Practice Rule for Judicial Aspirants: A Reform or a Roadblock

Becoming a judge is most important aspect of a judiciary aspirant but the three of mandatory practice by the Supreme Court of India delay this aspect of judicial aspirants, this judgment reverse the 2002 policy that allowed the fresh law graduates to sit for the judicial service exam this decision though rooted in reformative vision for strengthening the lower judiciary but has raised heated debates across the legal community media and academia. Is the rule a shape towards judicial professionalism or a barrier for aspiring candidates from underprivileged backgrounds. This article deals with both perspectives. 1. **Three-years mandatory practice considered as Reform**

The Supreme Court favour mandatory three-year practice rule that fosters judicial maturity and competency in the candidates. The Supreme Court emphasized that fresh law graduates often lack real-world exposures, court decorum, procedural fluency and the nuanced

⁹ See Bar Council of India Training Rules, 1995, *supra* note 4, r.7.

understanding of the litigation that comes only with the practice. It entails that judiciary is not only about theoretical knowledge but it is about practical exposure and hand-on experience. Practice at bar enhance and improves the candidate judgment writing, arguments comprehension and ethical clarity, as this quality is essential for the fresh law graduates entering into the judiciary.

The lower judiciary is the first point of contact between the common people and the justice system. The court stated that ensuring the quality and competency of the civil judge is crucial to maintain the faith of people in justice system. Three-years of active practice helped aspirants understand the dynamics of the courtroom management, the struggles of the litigants and expectations of the lawyers as the skills not always taught in classrooms or law colleges.

The court review rule 7 of the Bar Council of India Training Rules, 1995¹⁰ which had already required three years of practice for entering into the judiciary. It was never revoked by the judiciary, just bypassed after 2002 and fresh law graduates allowed to sit in judicial exam, the court's revival of this rule brings legal consistency and gives statutory force to eligibility norms.

2. Three-years mandatory practice is considered as Roadblock

In the lower district courts the junior lawyers earn low income or even zero income. For students from economically weaker section, this three years mandatory practice without financial support is unaffordable. This makes the judiciary an elite career accessible only to those who can "afford to wait". Many aspirants especially from rural states like UP, Bihar and Jharkhand may be forced to abandon their goals due to financial constraints.

Also states which includes areas with conservative mindset especially UP and Bihar, where girls are expected to get married soon after graduation in the age of 22 to 24, extending the judiciary path by three years mandatory practice put pressure and often forced women to give up their dreams and this rule unintentionally strengthens patriarchal norms and reduces the participation of women in the judiciary.

¹⁰ 10 Supra note 4, r.7.

This rule also put restraints on the law graduates who have no legal backgrounds or access to proper guidance. They find it difficult to gain meaningful courtroom exposure. This role also creates rural and urban inequality as urban students get benefited with structured internship, good mentorship and better atmosphere while students from rural areas have no such exposure. Becoming a judge is the first option for the first generational lawyers but this rule delays their aspiration and dream. Most of them doesn't have stable financial support to sustain for three-years without a job.

The rule reintroduced without transitional phase impacting aspirants already preparing under the previous system which allowed fresh law graduates to sit in judicial exam. Many of them have lost their valuable time and effort invested in preparation. The uncertainty due to reintroduction of mandatory practice has caused mental distress, financial panic and lowered motivation among thousands of sincere candidates. Before introduction the Supreme Court required feedbacks from the various High courts. In these feedbacks, despite variation the Supreme court imposed uniform national rule ignoring state specific realities.

Country is like France, Germany, Japan also not required mandatory bar practice for such term but they provide post selection rigorous judicial trainings to the fresh law graduates which improves their competency and maturity.

Alternative methods and Recommendation

The Supreme Court rationale behind the mandatory three years practice rule was to resolve the problem arising due to the lack of experience by freshly appointed judges but this mandatory provision is not really a good way to address this issue, there are other ways to address this issue like providing post selection rigorous training to qualified candidates and this training period should be increased to enhance competency and maturity. The Supreme Court instead of mandatory three years practice allow the candidates to have one year of practice and one year of post selection rigorous judicial training. It must allow current students enrolled in law colleges a transitional period to appear under the previous rule which allow fresh law graduates to appear in exam. The Supreme court must conform with the

recommendations of the other High courts which see this rule as set back and recommended only mandatory bar practice of one or two years and post selection judicial training.

The Law Commission of India in its 117th report¹¹, recommended the fresh law graduates to attend to judicial services, it emphasizes the need of intensive training for such fresh law graduates entering into the judicial services. The Law Commission is of the opinion that two years of intensive training would outweigh the advantage, if any, of three years at the bar which often enough hardly helps in the matter of equipping oneself. The Shetty Commission and its report dated 11th November 1999, if intensive training is given to young and brilliant law graduates, it may be unnecessary to prescribe three years practice in the Bar as a condition for entering the judicial service. Instead of three years of mandatory practice the Supreme Court must support the recommendations of the other High courts. This balanced approach by the Supreme Court solve the problem and fulfil the need of courts and desires of the judiciary aspirants.

Conclusion

This Supreme Court has positive and legitimate intention behind the decision of mandatory practice of three-years to strengthen lower judiciary and to hire the competent and mature judges on Civil Judge (Junior Division) posts but the court neglect the negative impact of this ruling which directly affect the first generational lawyers, students from underprivileged backgrounds, female aspirants, economically weaker students and pendency of suits in lower judiciary. According to a report there are more 4.53 crores cases pending in these courts and judiciary requires more efficient system and number of judges. The supreme court must have to review its decision and provide justice to these students. If we want a judiciary that is not only competent but also compassionate and representative. We must create a system where both experience and potential are respected. Reforms must not come at cost of equity and it must access for those who are from underprivileged background, backward districts or conservative areas. It must be noted that every problem has a solution same way this rule also has alternative measures

¹¹ 4th Law Commission of India, “117th Law Commission Report on Training of Judicial Officers”1986

the court must do equity and provide justice to the abovementioned section of people affected by this ruling.

By Sagar Mishra

Rama University, Kanpur (209217)