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# **BLOG POST ON- THREE-YEAR PRACTICE RULE FOR JUDICIAL SERVICE: GAME-CHANGER OR ROADBLOCK?**

AUTHORED BY - AVANIJA TYAGI  
(Law Student, Amity University Noida)

*“To judge justly, one must first stand in the well of the courtroom — not merely at the podium of a classroom.”*

India's judicial service exams have long offered a prestigious entry point into the judiciary for young law graduates. For decades, it was common for final-year law students or fresh graduates to appear directly for judicial service examinations in many states. However, a recent ruling by the Supreme Court of India has disrupted this long standing norm, triggering a nationwide debate.

## **SETTING THE CONTEXT:**

The process of recruitment to the judicial services in India, particularly for the post of Civil Judge (Junior Division), has long been characterized by procedural diversity across states. In several jurisdictions, the eligibility criteria have historically permitted fresh law graduates—even those in the final year of their degree programs—to directly appear for competitive judicial service examinations. This model was based on the belief that meritorious young candidates, equipped with academic knowledge and legal reasoning, could be trained post-selection to assume judicial responsibilities.

However, this approach gave rise to significant structural and qualitative disparities within the subordinate judiciary. In contrast to states that imposed prior legal practice requirements—typically ranging from two to three years—others allowed direct entry, often leading to the appointment of judges with little to no exposure to actual courtroom proceedings. The resultant lack of practical familiarity with procedural law, advocacy, and the day-to-day workings of trial courts became a point of concern, particularly as trial courts constitute the foundational tier of India's judicial system.

This divergence also invited constitutional scrutiny, especially in light of **Article 233(2)** of the Constitution of India. This provision mandates that for appointment as a District Judge, a candidate must have been an advocate for at least seven years, and should be recommended by the High Court. Although **Article 233(2)** explicitly pertains to appointments at the district level and above, it sparked a jurisprudential and policy debate—should experiential thresholds not also apply to junior judicial posts, given that trial judges handle sensitive matters ranging from civil disputes to criminal trials with direct public impact?

Concerns around the competence, preparedness, and maturity of newly inducted judges prompted legal scholars, practitioners, and several High Courts to advocate for a uniform minimum practice requirement. They argued that judicial decision-making is not merely a theoretical exercise; it involves nuanced interpretation of facts, application of procedural rules, and most importantly, a deep understanding of the lived realities of litigants. These are competencies best developed not in classrooms, but in courtrooms—through observation, participation, and mentoring.

The lack of uniformity also raised questions about fairness and equal opportunity. In some states, candidates who had practiced law for several years were competing against fresh graduates with limited legal exposure. In others, promising litigators who had dedicated time to the profession were disqualified in favour of candidates with purely academic backgrounds. This created a fragmented system that did not consistently prioritize practical competence, experience, or judicial temperament.

In response to these long-standing inconsistencies and policy concerns, the issue eventually reached the Supreme Court, setting the stage for a significant ruling aimed at bringing coherence, quality, and professional maturity to the process of judicial appointments at the entry level.

### **THE JUDGMENT THAT CHANGED IT ALL!**

In the recent landmark ruling in *All India Judges Association v. Union of India & Ors.* (2025 SCC OnLine SC 401), the Supreme Court of India reinstated the requirement of three years' minimum legal practice as a mandatory eligibility criteria for appearing in judicial service examinations for Civil Judge (Junior Division). This judgment, delivered on 20th May 2025 by a bench comprising Chief Justice B.R. Gavai, Justice A.G. Masih, and Justice K. Vinod Chandran, revisited the earlier 2002 direction issued by the Supreme Court in the same case,

which had introduced this requirement but was later relaxed by several states.

The facts of the case trace back to concerns raised over the declining quality of trial court judges, largely attributed to the direct recruitment of fresh law graduates with little to no courtroom experience. The petitioners argued that trial courts form the foundation of the justice delivery system and that judges must possess not just academic knowledge but also practical insight into litigation—which can only be acquired through active practice at the Bar.

The central legal issue before the Court was whether allowing law graduates with no practical experience to sit for judicial service exams undermines the quality and independence of the lower judiciary. The Supreme Court, agreeing with the petitioner's concerns, held that practical exposure to court proceedings is indispensable for anyone who seeks to adjudicate matters affecting people's lives and liberties.

Accordingly, the Court directed that all states must implement the requirement of three years' legal practice before permitting candidates to appear for civil judge recruitment examinations. Significantly, it also clarified that this three-year period would be counted from the date of provisional enrollment with a State Bar Council, not from the date of passing the All India Bar Examination (AIBE), thus aligning the rule with practical realities of legal careers in India.

This judgment marks a significant shift in judicial recruitment policy and has reopened the broader debate on the balance between academic qualifications and professional experience in shaping a competent judiciary.

### **IMPLICATIONS ACROSS THE LEGAL SPECTRUM**

The Supreme Court's decision to reinstate the three-year legal practice requirement for civil judge (junior division) aspirants is not merely an administrative directive; it signals a deeper shift in the Court's expectations of judicial competence and institutional integrity. By reinforcing the need for prior courtroom experience, the judgment underlines the evolving understanding that a strong and independent judiciary must be grounded not only in academic knowledge but in practical legal acumen.

One of the most immediate implications is that fresh law graduates will no longer be eligible to directly enter the subordinate judiciary. This change compels law students to recalibrate their



career timelines, and it significantly alters the dynamics of judicial preparation across the country. While many perceive this as a necessary step to elevate the quality of the trial judiciary, concerns have also been raised about its potential exclusionary effect—particularly on students from marginalized or economically weaker backgrounds, who often rely on direct recruitment for early career stability.

Institutionally, the judgment places a renewed onus on Bar Councils, law schools, and State Judicial Academies to support junior advocates during this transitional period. Without financial and mentorship safeguards, the profession risks alienating talented candidates who may be unable to sustain themselves during the mandatory litigation phase. The Court's clarification that the three-year period begins from the date of provisional enrolment with the Bar Council—and not the clearing of the All India Bar Examination—provides some relief in this context, allowing young advocates to gain practical exposure sooner.

Importantly, this ruling has revived broader discussions on judicial service reform in India. It presents an opportunity to introspect on the current state of trial courts, the support systems available to junior lawyers, and the overall pipeline for nurturing judges of integrity, empathy, and legal depth. The long-term impact of this reform will ultimately depend on how well the legal system adapts to accommodate this requirement—not just by mandating experience, but by meaningfully investing in the early careers of those expected to one day interpret the law from the Bench.

### **REACTIONS FROM THE LEGAL COMMUNITY- *that speaks it all!***

The Supreme Court's judgment in *All India Judges Association v. Union of India & Ors.* has elicited a wide spectrum of responses from across the legal fraternity. While many senior advocates, former judges, and legal academics have welcomed the decision as a much-needed step towards enhancing the credibility of the subordinate judiciary, a significant segment of young lawyers and judicial aspirants have voiced apprehensions regarding its practical consequences.

**Senior advocates and judicial reformists** have largely endorsed the ruling, stating that trial judges serve as the first interpreters of justice and therefore must possess real-time experience of litigation before assuming the bench. Speaking on similar lines, Justice (Retd.) Deepak Gupta remarked in a recent interview that “a judge without litigation experience is like a pilot

who has never flown an aircraft.” For many, the ruling is a long-overdue correction in a system that had increasingly prioritized examination-based entry over professional maturity.

**Senior Advocate Dushyant Dave**, reflecting on the verdict, stated, *“This is a much-needed course correction. Judicial officers must understand not only the law but the realities of its application in courtrooms. That kind of maturity can’t come straight from textbooks.”*

Adding to this, **Senior Advocate Indira Jaising** emphasized the need to balance reform with support: *“While I welcome the emphasis on experience, we must also ask what infrastructure exists to support young lawyers from marginalized communities in those three years. If the intent is capacity-building, then the Bar and the State must share responsibility.”*

**Senior Advocate Arvind Datar** echoed the reformist perspective, saying, *“Trial judges are the foundation of our justice delivery system. They carry the greatest burden and make the first call in matters that deeply affect lives. That responsibility should rest with someone who has observed and experienced the courtroom process firsthand.”*

***“Experience in the courts teaches what textbooks cannot. Judges must learn the rhythm of the courtroom before they can command it.”***

— *Fali S. Nariman, speaking at legal forums about early judicial appointments.*

These remarks from leading voices within the Indian legal community reflect a growing consensus that while academic brilliance is important, the nuance, empathy, and discretion required of a judge are honed only through consistent, lived exposure to the practice of law. The ruling, therefore, marks not only a procedural reform but a philosophical recommitment to the principle that justice must be administered by those who understand both the letter and the lived reality of the law.

Conversely, **law students and recent graduates** preparing for judicial service exams have expressed frustration and concern. For many aspirants from modest backgrounds, the now-abolished direct entry system offered the shortest and most affordable path into a stable legal career. Critics of the ruling argue that without institutional support—such as stipends for junior advocates or state-sponsored litigation fellowships—the three-year mandate may disproportionately disadvantage those unable to sustain an early practice financially.

Legal educators have also weighed in, noting that the decision places a renewed burden on law schools to better prepare students for actual courtroom practice. Clinical legal education, internship requirements, and practical training modules may now need to evolve, ensuring that

fresh graduates can meaningfully transition into litigation and not be left to navigate the complexities of early practice on their own.

Despite these differing viewpoints, the ruling has undeniably stirred a vital conversation about the **minimum qualifications required to uphold the dignity and efficiency of the judicial system**. Whether the reform delivers on its promise will depend not just on the eligibility rule itself, but on how effectively legal institutions, bar councils, and state governments respond to the evolving needs of the profession.

## WHAT THE WORLD GETS RIGHT: JUDICIAL RECRUITMENT BEYOND INDIA

The Supreme Court's reinstatement of the three-year practice requirement invites a valuable comparative analysis. Around the world, most mature legal systems mandate practical experience as a prerequisite for judicial office—highlighting that India's latest reform is not only constitutionally sound but also globally aligned.

In the **United Kingdom**, for instance, a candidate must have at least **5–7 years of post-qualification legal experience** to be eligible for judicial appointments. This applies across different levels, from magistrates to the higher courts. The UK Judicial Appointments Commission places a strong emphasis on litigation experience, ethical competence, and decision-making ability in actual practice. Similarly, in the **United States**, judges—especially at the state trial court level—are either elected or appointed, but in nearly all cases, prior experience in litigation is not just expected but seen as indispensable. Most U.S. judges have 10 or more years of legal practice before ascending to the bench.

In **civil law countries like Germany**, the pathway differs structurally, yet the emphasis on rigorous post-law school training remains. German judicial aspirants undergo a mandatory **two-year legal traineeship (Referendariat)** followed by a state examination. Although they may be appointed at a younger age, their practical training is both extensive and state-supported—offering financial stability and structured mentorship.

These global models underscore two important truths: first, that **judicial office is universally viewed as a culmination of legal practice, not its beginning**; and second, that where practical

experience is made mandatory, it is often accompanied by institutional support—be it through stipends, mentorship, or structured training programs.

India's decision to prioritize legal practice before judicial entry, therefore, resonates with these international norms. However, for the reform to succeed and be equitable, **the ecosystem must evolve to support aspiring judges during their years of mandatory practice.** Without this, the rule—however well-intentioned—may unintentionally erect economic and structural barriers that limit access for deserving candidates from underprivileged backgrounds.

### **GROUND REALITIES: ASPIRANTS AND ADVOCATES REACT TO THE SUPREME COURT'S MANDATE**

To gauge public sentiment and professional opinions on the Supreme Court's recent judgment mandating three years of legal practice for candidates aspiring to join the civil judiciary, a survey was conducted among law students, practicing advocates, judicial aspirants, and legal educators. The responses reveal a nuanced and multifaceted perspective on this significant judicial reform.

A substantial **62%** of respondents supported the judgment, emphasizing that practical courtroom experience is essential for cultivating judicial maturity and ensuring that trial judges are well-equipped to handle complex legal matters. Many senior advocates and legal academics among the participants noted that direct recruitment of fresh law graduates without adequate exposure to litigation risks compromising the quality of justice dispensed at the grassroots level.

However, the survey also reflects concerns raised by nearly **38%** of participants, primarily junior lawyers and students, who view the mandatory practice period as a potential hurdle. Respondents from economically weaker sections underscored the challenge of sustaining a legal practice without sufficient financial backing during those formative years. A significant number expressed apprehension that this criterion might disproportionately disadvantage candidates who lack access to mentorship or resources, thereby limiting diversity and inclusivity within the judiciary.

Moreover, several respondents stressed that the judgment's effectiveness hinges on

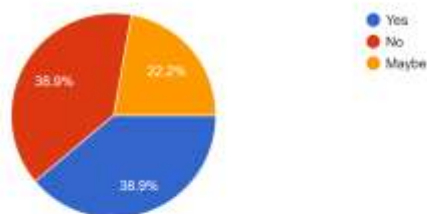
complementary measures, such as structured mentorship programs, stipends for young advocates, and enhanced practical training during law school. Without such systemic support, the three-year practice requirement risks becoming an exclusionary barrier rather than a pathway to judicial excellence.

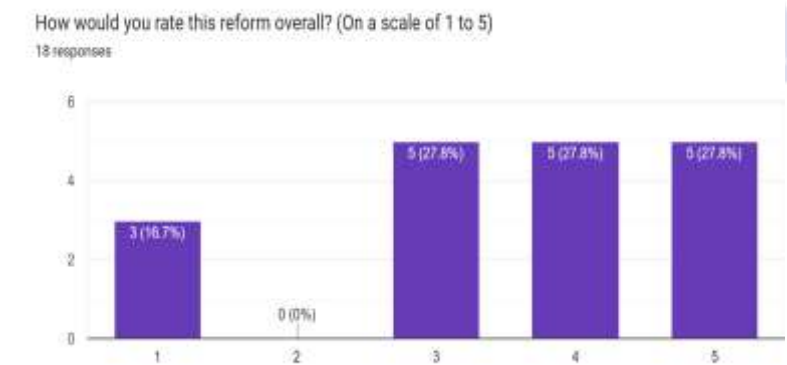
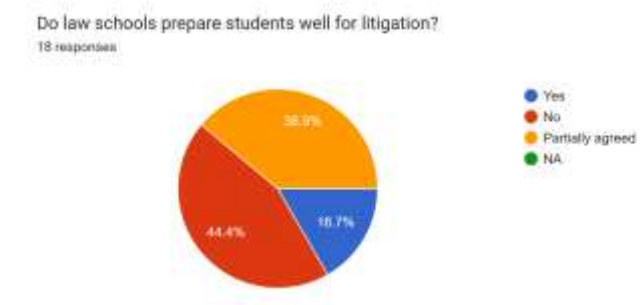
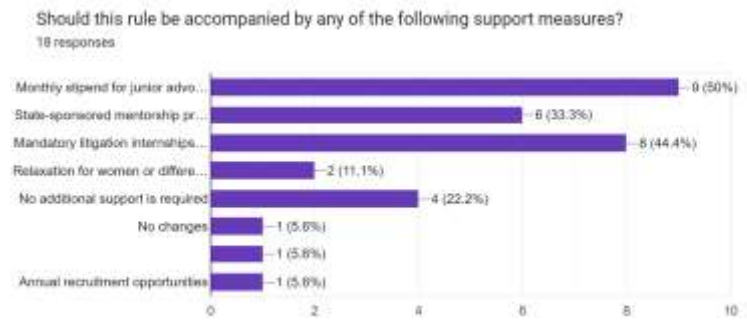
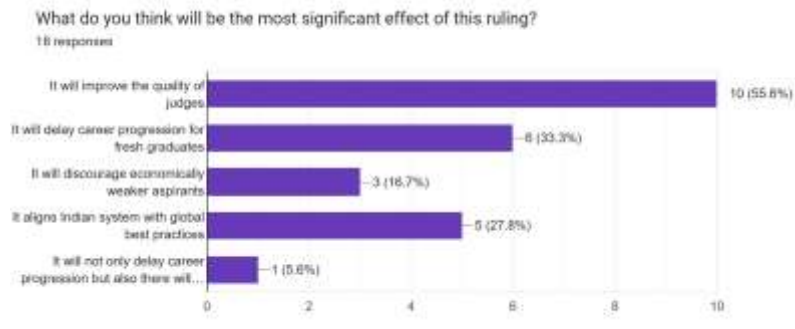
The survey responses shed light not just on opinions, but on the lived realities and aspirations of those directly impacted by the Supreme Court’s ruling. Many respondents—particularly law students and early-career advocates—voiced concerns about the financial hardship of sustaining themselves during the mandatory three-year practice period. Without stable income or institutional support, several aspiring judicial officers from smaller towns and underprivileged backgrounds feel the rule might unfairly disadvantage them. A recurring theme in the feedback was the absence of structured mentorship, guidance, and affordable litigation exposure, which are crucial for navigating the early years at the Bar.

In response to these challenges, participants offered thoughtful, constructive suggestions. Many called for the introduction of state-funded stipends or fellowships for junior advocates who intend to appear for judicial service. Others recommended the creation of formal mentorship programs by Bar Councils and Legal Services Authorities, where senior advocates can guide and support aspiring judges. Several respondents also proposed practical legal training modules to be incorporated into LL.B. curriculums, aimed at better preparing graduates for litigation life before they attempt the judicial exam. These suggestions reflect a common hope: that reform should not only raise standards, but also ensure that pathways to the judiciary remain inclusive, supportive, and equitable.

**Visual Verdict: Survey Results on the Supreme Court’s Judicial Reform**

Do you agree with the Supreme Court’s Judgement?  
18 responses





The data represented through these charts offers more than just percentages—it reflects the pulse of India’s aspiring legal minds and professionals. While a majority of participants agree with the principle that practical courtroom experience is essential before stepping into the role of a judge, a considerable number raised meaningful concerns about the feasibility of such a mandate for those without financial security or mentorship. The visual insights make one thing

clear: the legal community is not opposed to reform, but hopes that it is implemented with empathy, inclusivity, and support mechanisms that account for the realities of young lawyers. The survey thus not only validates the spirit behind the Supreme Court's judgment but also highlights the urgent need for systemic reforms that walk alongside such decisions—ensuring that merit, not means, determines one's place on the Bench.

### **Beyond the Statistics: *Real Stories from Aspirants***

A judiciary aspirant, while responding to the recent Supreme Court judgment in *All India Judges Association v. Union of India* (decided on 20 May 2025), offered a balanced and thought-provoking reflection.

“Describing the ruling as a “watershed moment in India's judicial reforms,” he acknowledged its intent to raise the standards of the subordinate judiciary by requiring a minimum of three years of legal practice before appearing for the Judicial Services Examination. However, he emphasized that such reform is not without personal and social ramifications—particularly for women aspirants. Drawing from observation and societal experience, he noted, “Traditionally, a significant number of female candidates aim to become judges early in their careers, often by the age of 24–25, and many families encourage them to settle into stable government positions before marriage.” He expressed concern that this judgment may disrupt that timeline, making it harder for women to navigate societal expectations and professional aspirations simultaneously.

Yet, his support for the Court's rationale was unequivocal. “The quality of justice is directly proportional to the quality of those who deliver it,” he stated firmly. In his view, a candidate who has faced real courtrooms, dealt with clients, and internalized the functioning of law in practice is far more equipped to take on the bench. The judgment, he believes, will move the judiciary away from a culture of mechanical preparation and toward meaningful legal immersion. “The bench must not be an academic extension of the classroom—it must be earned through practice, exposure, and maturity,” he emphasized.

Importantly, he concluded with a constructive outlook, calling for systemic support to ensure the rule does not unintentionally marginalize those it affects most. “The way forward must involve institutional mechanisms to support and encourage women and economically weaker aspirants—such as mentorship programs, scholarships during practice, and a re-evaluation of

*social attitudes toward women in law.*” His perspective underscores the nuanced nature of this judicial reform: while it rightly prioritizes merit and maturity, it must also evolve hand-in-hand with inclusive policies that ensure access to the bench remains equitable and representative.”

~ **HARSHIT SANGWAN**

(Law Student, Amity University Noida)

(LinkedIn Id- 465090192)

Adding to the discourse, Tarun Bhowmick, a practicing advocate with over five years of experience, welcomed the Supreme Court’s decision as a step toward enhancing the competence and credibility of the judiciary. *“It will improve the quality of judges,”* he noted, affirming that real-world exposure to court procedures, client handling, and legal reasoning is critical before assuming the role of a judge. However, he also acknowledged the practical hurdles that fresh law graduates may encounter in securing meaningful litigation experience. *“Upon enforcement of the ruling, the law graduate will have difficulty finding a good advocate to start with,”* he remarked, reflecting a common concern about the lack of structured entry points into the profession. Drawing from his own journey, he recommended that graduates begin their careers in the lower courts to gain essential familiarity with procedural law. Tarun also emphasized the need for robust institutional support to ensure equity in access: *“A fixed stipend for the period of five years from the state judiciary should be introduced so that a law graduate can bear personal as well as tuition expenses.”* His suggestions—*ranging from state-sponsored mentorships and mandatory litigation internships to policy relaxations for women and differently abled aspirants—underscore a critical point: judicial reform must be accompanied by inclusive measures that empower aspirants from diverse socio-economic backgrounds to succeed in the evolving legal landscape.*

~ **TARUN BHOWMICK**

**ADVOCATE (+5 years)**

Reflecting a more critical yet empathetic lens, another judiciary aspirant raised valid concerns about the socio-economic impact of the Supreme Court’s judgment. He observed that while the intent behind mandating three years of legal practice is to ensure better judicial acumen, the ground realities for law graduates tell a different story. *“After investing five to six years in legal education, most graduates are eager to attain financial independence—just like their peers from other professions,”* he remarked, highlighting a shared anxiety among young lawyers. According to him, this additional waiting period without guaranteed financial support not only



delays independence but also risks demoralizing aspirants by questioning their dedication and resolve. He further pointed out that *the current state of junior advocacy—marked by poor or no pay—makes it increasingly difficult for fresh graduates to sustain themselves through practice, leading to broader implications for unemployment in the legal field.* While he acknowledged the need to produce competent judges, he emphasized that this reform should not come at the cost of accessibility and inclusion. As solutions, *he proposed reducing the mandatory practice period, introducing a regulated stipend system for junior advocates, and even re-evaluating the duration of legal education to make the career trajectory more viable for young aspirants.* His view underscores a recurring theme in the debate: *systemic change must be accompanied by supportive infrastructure to be truly effective.*

~ ANIKET CHATURVEDI

(Law Student, Amity University Noida)

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### ***FROM MANDATE TO MISSION: Why the 3-Year Rule Needs More Than Just a Gavel?***

The Supreme Court's judgment in *All India Judges Association v. Union of India* (2025), mandating three years of legal practice before eligibility for judicial service exams, has ignited a nationwide debate—and rightly so. While its intent to elevate the judicial standard is laudable, the transition from academic theory to courtroom reality demands more than just a policy change—it demands systemic support.

Drawing from the views of judiciary aspirants, seasoned advocates, and the voices captured in my recent survey, one message is clear: **reform cannot be effective unless it is inclusive.** Aspirants expressed concerns about delayed financial independence, limited paid opportunities at the Bar, and societal pressures—especially among women and first-generation lawyers. Practicing advocate Tarun Bhowmick, among others, *stressed the importance of providing fixed stipends and state-supported mentorships to make litigation a viable path.* Similarly, aspirants emphasized the need to restructure the legal education timeline or provide interim financial support to bridge the three-year gap.

Senior members of the Bar have largely endorsed the Court's intention but echoed a cautionary note—*the goal of a robust judiciary must not come at the cost of accessibility or diversity.* The

spirit of this judgment lies not in exclusion but in evolution, and that evolution must be powered by policy reforms that support every aspiring judge—not just those with privilege or pre-existing networks.

*This is not just a legal reform. It's a call for collaborative nation-building. The bench deserves the best—but to get there, the path must be paved with both experience and equity.*

## FINAL CALL!!!

### *Beyond the Judgment: A Call for Inclusive Reform in the Justice Pipeline*

As the dust settles on the Supreme Court's bold directive in *All India Judges Association v. Union of India* (2025), it becomes evident that the judgment is not just a rule—it's a responsibility. The introduction of a mandatory three-year legal practice for judicial aspirants is a significant reform, but one that must be matched with equal commitment to accessibility, financial support, and institutional mentorship.

From the survey I conducted, it's clear that the legal community is not resistant to reform—but it demands reform that is realistic and inclusive. Aspirants spoke candidly about financial instability, delayed career timelines, and gendered social pressures. Advocates, while agreeing with the rationale behind the ruling, called for structural backing: state-sponsored stipends, litigation internships, and academic-policy realignment.

If the goal is to strengthen the judiciary, we must first strengthen the journey to it. Let this not be a gate that shuts out talent, but a threshold that challenges and prepares it. Legal excellence should never come at the cost of diversity or equity.

As law students, practitioners, educators, and policymakers, it is time we ask: Are we building a bench that is not just competent, but also representative? The judgment has set the direction—now the real work begins.

### **REFLECTING FORWARD-**

*“Justice must not only be delivered by the learned, but also by those who have truly lived the law.”*

~ AVANIJA TYAGI  
(Law Student, Amity University Noida)