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Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

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JUDICIAL SERVICE REFORM AND CONSTITUTIONAL MANDATE: A COMMENTARY ON ALL INDIA JUDGES ASSOCIATION V. UNION OF INDIA (2025)

AUTHORED BY - NIKITA DUBEY

Final-year B.A. LL.B (Hons.), Guru Ghasidas Central University, Chhattisgarh

I. Introduction

The Supreme Court in this case revisited longstanding concerns raised in a PIL filed by the All India Judges Association in 1989¹. The central issue was whether certain reforms in judicial service such as restoring the LDCE quota, modifying eligibility requirements, and mandating prior legal practice for new recruits necessary for strengthening the efficiency of the judiciary.² In its judgment, the Supreme Court ruled in favour of restoring the LDCE quota and re-establishing the Bar practice requirement. It also introduced a new 10% merit quota for promotion from Civil Judge (Junior Division) to Senior Division.³ These directions mark a significant shift in policy, aiming to promote merit-based progression, instill judicial maturity in new entrants, and standardize judicial service rules across states.⁴

This commentary contends that while the judgment is well-intentioned and rooted in legitimate concerns about judicial competence, it falls short in addressing the complexities of modern legal practice and equitable access to the judiciary. The Court's emphasis on traditional courtroom experience and rigid eligibility criteria risks narrowing the entry and overlooks the evolving nature of legal education and professional engagement. The following sections scrutinize the Court's reasoning, highlight its normative assumptions, and evaluate the broader implications for the inclusivity and future-readiness of India's lower judiciary.

¹ *All India Judges Association and Others v. Union of India*, 2025 INSC 735, Supreme Court of India.

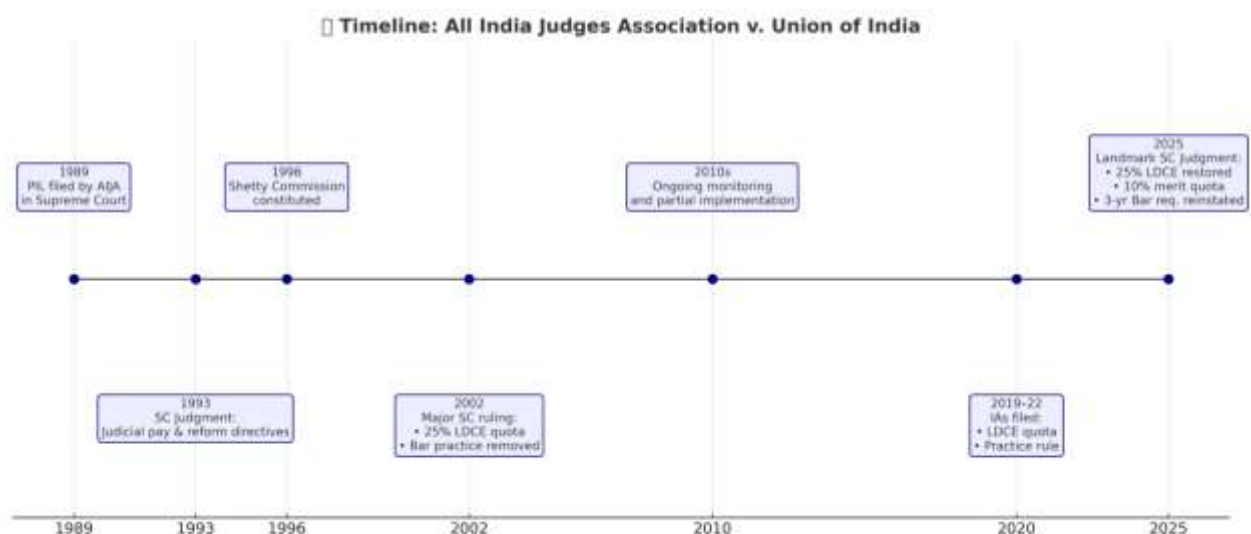
² LiveLaw Desk, "Supreme Court Restores 3-Year Practice Requirement for Civil Judges, Expands Merit-Based Quota," *LiveLaw.in*, 20 May 2025, <https://www.livelaw.in/supreme-court/2025-livelaw-sc-601-all-india-judges-association-v-union-of-india-292800>.

³ Arjan A., "All India Judges Association vs Union of India: Case Analysis," *Testbook.com*, 21 May 2025, <https://testbook.com/recent-judgements/all-india-judges-association-vs-union-of-india>.

⁴ Legal Bites, "Case Summary: All India Judges Association v. Union of India (2025)," *Legal Bites*, <https://www.legalbites.in/landmark-judgements/case-summary-all-india-judges-association-2025>.

II. Facts of the Case

The origin of this case dates back to 1989, when the **All India Judges Association (AIJA)** filed a **public interest litigation (Writ Petition (C) No. 1022 of 1989)** before the Supreme Court of India. The PIL sought reforms in the service conditions, pay structure, and promotion mechanisms for the subordinate judiciary across all states.⁵ In a series of rulings over the decades, the case transformed into a continuing mandamus, with the Court actively supervising reforms.



One of the most consequential outcomes was the constitution of the Shetty Commission in 1996 to recommend uniform policies regarding judicial salaries, recruitment, and training:⁶

“We have also emphasised earlier the necessity of entrusting the work of prescribing the service conditions for the judicial officers to a separate Pay Commission exclusively set up for the purpose. Hence we reiterate the importance of such separate Commission and also of the desirability of prescribing uniform pay scales to the judges all over the country. Since such pay scales will be the minimum deserved by the judicial officers, the argument that some of the States may not be able to bear the financial burden is irrelevant.” — Shetty Commission Report, 1999⁷

In the **2025 judgment**, the Supreme Court addressed a cluster of Interlocutory Applications (IAs) filed between **2019 and 2022**, reflecting renewed concerns among judicial officers

⁵ *All India Judges Association and Others v. Union of India*, 2025 INSC 735, Supreme Court of India.

⁶ Government of India, Ministry of Law and Justice, *Report of the First National Judicial Pay Commission (Shetty Commission)*, 1999.

⁷ Shetty, Justice K. Jagannatha, chair. *Report of the First National Judicial Pay Commission*. Government of India, 1999.

regarding stalled reforms.⁸ These applications were primarily brought by judicial officers' associations from states like West Bengal, Maharashtra, Delhi, and others, raising challenges over key aspects of judicial promotions and entry qualifications.⁹

The major issues included:

- The reduction of the LDCE quota for promotion to the District Judge cadre from 25% (as earlier mandated in the 2002 judgment) to 10%, which petitioners claimed stifled merit-based progression.¹⁰
- The requirement of five years of service as a Civil Judge (Senior Division) to be eligible for LDCE was seen as unrealistic, as officers often qualified for regular promotion before completing this period, making the LDCE quota unusable in practice.¹¹
- The removal of the three-year mandatory Bar practice requirement for entry into the Civil Judge (Junior Division) cadre, as allowed in the 2002 judgment, was argued to have led to a decline in practical competence and court-craft among newly appointed judges.¹²

The petitioners contended that these structural changes had adversely impacted both judicial efficiency and morale, by limiting avenues for early-career progression and diluting practical readiness at the point of entry into the judiciary. On the other hand, the Union of India and several state governments submitted diverse views- some supported reinstating earlier standards, while others expressed administrative and operational challenges, such as lack of eligible candidates or implementation delays.¹³

In response, the Supreme Court framed eight core issues dealing with promotion policies, merit-based quotas, minimum practice requirements, and their practical implications.¹⁴ The Court's 2025 judgment thus represents a decisive step in resolving longstanding institutional tensions between efficiency, seniority, and merit in India's lower judiciary.

⁸ Supreme Court of India, *All India Judges Association v. Union of India*, 2025 INSC 735, para 3–6.

⁹ *Ibid.*, para 4–5.

¹⁰ Supreme Court of India, *All India Judges Association v. Union of India*, (2002) 4 SCC 247.

¹¹ *All India Judges Association v. Union of India*, 2025 INSC 735, para 26–29.

¹² LiveLaw Desk, “SC Restores 3-Year Practice Requirement for Civil Judges,” *LiveLaw.in*, 20 May 2025, <https://www.livelaw.in/supreme-court/2025-livelaw-sc-601-all-india-judges-association-v-union-of-india-292800>.

¹³ *All India Judges Association*, 2025 INSC 735, para 22–23, 30–38.

¹⁴ *Ibid.*, para 7–8.

III. Critical Analysis

Recognition of Merit in Judicial Promotion

Traditionally, judicial promotions were anchored in the seniority-cum-merit model, often delaying advancement for otherwise capable judges who lacked seniority. As per the Bar Council of India Resolution on Minimum Practice Requirement for Judiciary “Practical experience in courts instills discipline, ethics, and the courtroom conduct necessary for anyone aspiring to sit on the bench. Without this, the system suffers.” This structure often discouraged capable judges who lacked seniority, creating bottlenecks in advancement. and bred stagnation in the subordinate judiciary.

The **restoration of the 25% Limited Departmental Competitive Examination (LDCE) quota** for District Judges and the creation of a **new 10% merit-based promotion quota** from Civil Judge (Junior Division) to Senior Division directly challenge this status quo.¹⁵ By providing an institutionalized avenue for faster career advancement by acknowledging long standing plight of Judges in lower judiciary. While deliberation over this issue All India Judges Association Representative have stated *“Our officers often wait 10 to 15 years for promotion despite consistent excellence. Introducing a merit quota would not only retain talent but also restore morale within the judiciary.”*¹⁶

This aligns with the **Shetty Commission’s recommendations**, which advocated for increased professional mobility and incentives for high-performing officers.¹⁷ Moreover, the judgment smartly addresses concerns about inaccessibility to LDCE due to the earlier requirement of five years in the Senior Division. It now allows eligibility through **either three years in Senior Division or seven years of cumulative service**, thereby broadening access while preserving rigor.¹⁸

Reinstatement of 3-Year Practice Requirement

The **reinstatement of the mandatory three-year Bar practice requirement** for entry into the Civil Judge (Junior Division) cadre reverses the Supreme Court’s 2002 position, which had

¹⁵ Ibid., paras 24–28.

¹⁶ All India Judges Association Statement “Judicial Officers Seek Merit-Based Promotions to Avoid Seniority Logjam.” LiveLaw, 10 Aug. 2021, www.livelaw.in/news-updates/judicial-promotion-merit-quota-demand-181009.

¹⁷ Government of India, Ministry of Law and Justice, *Report of the First National Judicial Pay Commission (Shetty Commission)*, 1999.

¹⁸ *All India Judges Association*, 2025 INSC 735, para 42.

allowed fresh law graduates to directly enter the judiciary.¹⁹ In the 2025 ruling, the Court justifies the reversal by citing evidence of **judicial immaturity, behavioural issues, and procedural unfamiliarity** among younger recruits.²⁰

While the motive- judicial maturity and professionalism is reasonable, this policy change has **regressive implications**:

- **Exclusionary Impact:** Young graduates from rural or economically marginalized backgrounds often rely on early judicial recruitment. A three-year delay introduces financial and social barriers that disproportionately affect **first-generation lawyers, women, and aspirants** without family connections in law.²¹
- **Narrow View of Legal Training:** The Court’s assumption that legal maturity only flows from court practice ignores the evolution of **legal education**. Many premier institutions now offer **clinical legal education, moot courts, simulations, and internships** that often impart better skills than early-stage litigation does.²²
- **Alignment with Global Standards:** Internationally, jurisdictions like the **UK, Canada, and Germany** allow entry into judicial or quasi-judicial roles directly from law schools—backed by structured training programs and robust assessments.²³ Rather than closing access, India could improve **judicial academies** and probation modules to groom new recruits.

In effect, the Court may have traded professional flexibility for a narrowly framed eligibility filter, potentially excluding capable and diverse candidates. A more nuanced solution like structured probation, courtroom simulations, or mentored training would have better balanced competence with inclusivity.

Ambiguity in the Definition of ‘Three Years of Practice’

The judgment restores the **requirement of three years’ practice** at the Bar but **fails to define** what constitutes valid “practice,” creating legal and logistical ambiguities.²⁴ While the Court

¹⁹ *All India Judges Assn. v. Union of India*, (2002) 4 SCC 247.

²⁰ *All India Judges Association*, 2025 INSC 735, paras 63–72.

²¹ Indian Express Editorial, “SC Ruling on 3-Year Practice Requirement Could Shrink Access to Judiciary,” *The Indian Express*, 20 May 2025, <https://indianexpress.com/article/opinion/columns/supreme-court-three-year-practice-judiciary-access-10020087/>.

²² Gopalakrishnan, Ramesh. “Clinical Legal Education in India: Rethinking Practice Readiness.” *NUJS Law Review*, vol. 13, no. 2, 2024.

²³ Baldwin, Robert, et al. *Judicial Training and Performance: Comparative Insights from UK and EU*, Oxford University Press, 2021.

²⁴ *All India Judges Association*, 2025 INSC 735, paras 85–88.

argues that real-world exposure enhances judicial competence, it stops short of prescribing **uniform assessment criteria**, which opens the door to inconsistent interpretations:

- **Is Mere Enrollment Sufficient?**

One interpretation might consider **continuous Bar Council enrollment** for three years as proof of practice. However, enrollment doesn't necessarily reflect active legal engagement—candidates may be studying, working in non-legal fields, or even inactive while enrolled.²⁵

- **Should Court Appearances Be Mandatory?**

Some suggest requiring **certified cause lists, appearance records, or affidavits** from seniors. But this creates:

- Disadvantages for **junior lawyers** in non-litigation roles or remote locations.
- especially for junior lawyers in semi-formal or rural practices..
- Risk of **false certifications** or arbitrary rejections.

- **Non-Litigation Legal Work**

Legal work has evolved beyond courtrooms. Should roles in **legal aid clinics, LPOs, research wings, or advisory departments** not count as valid practice? The judgment does not address this, leaving out a vast class of **substantively engaged legal professionals**.²⁶

- **Lack of Statutory or Regulatory Backing**

At present, no central or uniform rule exists defining how “practice” is to be measured. Since Article 309 empowers state legislatures or executives to frame service rules, any meaningful implementation of the Court’s directives will depend on corresponding updates to state judicial service regulations, states and High Courts may interpret the requirement differently. This is especially important for clarifying “3 years of practice”, since the Constitution empowers states to define service qualifications but they must now align with the Court’s directions. This could result in:

- **Inconsistent eligibility standards**
- **Legal disputes**
- **Unfair exclusions** during recruitment²⁷

In sum, while the judgment reflects a welcome move towards merit-based reform and professional maturity, it lacks clarity in defining key eligibility criteria. The absence of

²⁵ Ibid., para 85.

²⁶ Ibid., para 88.

²⁷ Ibid., para 89.

uniform guidelines for evaluating “legal practice” could lead to inconsistencies across states. To ensure the reforms are meaningful, a balanced and inclusive framework must accompany their implementation.

IV. Conclusion and Recommendations

The 2025 judgment in *All India Judges Association v. Union of India* marks a significant turning point in the landscape of judicial service reform in India. By restoring the 25% quota for Limited Departmental Competitive Examination (LDCE) and mandating a three-year Bar practice requirement for Civil Judge (Junior Division) recruitment, the Supreme Court underscores its commitment to promoting *institutional efficiency, merit-based progression, and judicial maturity*. The newly introduced 10% merit quota for promotion from the junior to the senior division reinforces this shift toward a performance-oriented judicial structure and reflects a conscious effort to align the subordinate judiciary with broader standards of professional accountability.

However, this well-intentioned reform comes with critical gaps that warrant immediate attention. Most notably, the absence of a precise and inclusive definition of “legal practice” creates uncertainty for candidates and recruitment bodies alike. In today’s evolving legal ecosystem—where competent legal professionals increasingly contribute from non-litigation domains such as legal research, corporate compliance, government advisory, and public interest law—the Court’s litigation-centric standard risks *excluding a wide pool of qualified aspirants*. Without clarity on what constitutes valid practice or how it should be documented, the risk of arbitrary interpretations and unequal enforcement across states remains high.

To realize the full potential of this judgment, it is imperative that the judiciary and executive collaborate to build a uniform, transparent, and inclusive regulatory framework. This must include: (i) a clear statutory definition of “legal practice” that encompasses substantive non-litigation roles; (ii) a standardized documentation system for verifying practice experience; and (iii) flexible pathways such as probationary training, mentorship programs, and performance reviews that balance merit with accessibility. If operationalized with sensitivity and foresight, this judgment can serve not as a gatekeeper, but as a gateway to a more *capable, diverse, and modern lower judiciary*.