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BRIDGING THE BENCH AND BAR : THE CASE FOR MANDATORY JUDICIAL PRACTICE

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ABSTRACT

This article critically examines the recent judicial mandate requiring a minimum of three years of legal practice for entry-level judges in India, highlighting the growing emphasis on bridging the gap between legal theory and practical experience. Tracing the evolution of this debate through landmark judgments and reports such as the All India Judges Association cases, the Law Commission's 117th Report, and the Shetty Commission recommendations, the paper underscores the judicial rationale for reinstating mandatory bar practice. It evaluates the implications of this policy on aspiring judicial candidates, particularly those from economically disadvantaged backgrounds, corporate legal sectors, and women balancing career breaks. While acknowledging the drawbacks, the article also explores the significant advantages of experiential learning in developing judicial competence, ethical conduct, and courtroom confidence. The analysis concludes that despite its challenges, the new mandate is a prudent move toward enhancing the quality, sensitivity, and preparedness of the Indian judiciary.

INTRODUCTION:

There has been a massive transformation in legal studies over the decades. Once more emphasis was given to theoretical aspect which led to a disconnect between doctrinal understanding and the practical skills essential for effective judicial functioning.

As Napoleon Bonaparte correctly stated **“The practise of law sharpens the mind by making it narrow”**. At present, law remains one of the few fields where having practical knowledge is not only an advantage but also prerequisite. The ability to apply legal principles in practical situations be it court proceedings, client interactions, legal draughting and negotiations is what really defines competence in the field, even though theoretical understanding provides the base. A successful legal career requires practical understanding, critical reasoning and well familiar with procedural laws, which is quite dissimilitude with most

academic fields where success is largely relied on classroom performance.

Now, shedding light to the indispensable role of practical experience in the legal profession, the recent ruling where a bench led by Chief Justice of India BR Gavai found that it was harmful to bring in new law graduates with no prior litigation understanding. Hence Supreme Court mandated three years of legal experience in order to be eligible for entry-level judicial service. The fundamental reason here is the hiring of recent law graduates as judicial officers without a single day of bar practise has been allowed for the last 20 years, which has not been a successful endeavour, according to the affidavits of nearly all High Courts. Chief Justice Gavai, who wrote the ruling noted that the appointment of such recent law graduates had resulted in numerous issues. Additionally the court stated that when determining the candidates total number of years of practise, their experience working as legal clerks for any judge or judicial officer of the court in which the

candidate is practising or an advocate with ten years of experience who has been duly endorsed by the Principle Judicial Officer must both certify the candidate's professional experience as a lawyer.

EVOLUTION AND LEGAL DECISIONS :

The evolution of this ruling is far from the present , in **All India Judge's Association v Supreme Court ,1992 SCC(1) 1992** it was held that in order to be eligible for judicial service , one must have practised law for at least 3 years . It did however choose also make clear that a state may choose to impose a higher standard such as five years of practise. For instance , the rule 10(1) of kerela stipulated that an advocate must be under 35 years old on January 1st of the year that applications are being accepted and must have practised at the bar for at least 5 years .The Court further clarified that the 3 year minimum practise requirement became operate on August 24,1993 .⁵⁴⁷

The Supreme Court pointed out in **All Indian Judges Association v Union of India (1993)4 SCC 288**⁵⁴⁸ that although many states required at least three years of legal practice to become a lower court judge ,some permitted recent law graduates with no prior legal experience .Since new judges must deal with important matters like life, liberty, property and reputation right away , the Court deemed this strategy to be foolish . They might not be prepared for such responsibility if they never been in an actual court. The court ordered all states to require three years of legal practise as a prerequisite for entry-level judicial positions , firmly stating that it is necessary for judges to carry out their duties effectively.

The Supreme Court re-examined and rendered a historic ruling in 2025 on a crucial matter: should applicants for the position of Civil Judge (Junior Division) be required to have at least three years of experience as active solicitors?

In the **Third All India Judges Association (AIJA) case ,AIR 2002 SC 165**⁵⁴⁹, the Court had already eliminated this requirement. There have been compelling arguments on both sides of this issue for years. In its 117th Report, which was released in 1986, the Law Commission of India endorsed letting recent law graduates join the judiciary. It did, however, also recognise the issue of their inexperience in the courtroom and suggested comprehensive training courses to close that knowledge gap. Likewise, the Shetty Commission, a powerful body on judicial reforms came to the conclusion that focused institutional training following selection would be adequate and that three years of legal practice was not necessary. In the 2002 Third AIJA case, the Supreme Court had concurred with this line of thinking. The Supreme Court has since reversed this earlier opinion and reinstated the requirement of at least three years of legal practice. The Commission came to the conclusion that focused institutional training following selection would be adequate and that three years of legal practice was not necessary. The Court underlined that cases that directly affect people's lives, liberties, and property are handled by civil judges. The Court asserts that such duties necessitate not only academic understanding but also practical experience managing court cases and comprehending the inner workings of the legal system. Essentially, the current ruling emphasises the value of practical legal experience prior to assuming judicial duties, whereas previous reforms tended to welcome recent law graduates with strong academic and practical training from law schools.

Even after the judgement there was no standardised tenure as 3 year judicial practise , some states had gone beyond 3 years and prescribed near about 4-7 years of judicial experiences. The 1992 judgement didn't make three – year judicial practise compulsory but instead highlighted the significance of practical knowledge. So states had the option to

⁵⁴⁷ All India Judge's Association v Supreme Court ,1992 SCC(1) 119

⁵⁴⁸ All Indian Judges Association v Union of India (1993)4 SCC 288

⁵⁴⁹ All India Judges Association v Union of India, AIR 2002 SC 165

implement this rule or opt for direct placement from reputed law universities .

According to Articles 233 and 234 of the Indian Constitution, the Governor of the state appoints District Judges and other judicial officials after consulting the High Court. The state legislature and government have the authority to establish regulations for their service. Therefore, a crucial question emerges: Given that this is primarily a state matter, does the Supreme Court have the power to establish or dictate the terms for these appointments?

DRAWBACKS:

Now this judgement involves several negative implications

- It has a detrimental effect on economically weaker section of the country as they don't have the means to learn under a senior advocate , moreover even if they get opportunity as far as the scenario goes most advocates doesn't offer reasonable or sometimes no stipend at all and the outcome of this entire scenario the aspirants have no choice other than opting for other profession
- Those who graduated a few years ago and have been studying diligently for the judicial exams have been particularly hard hit by this ruling. They put their faith in the previous system, quit their jobs, saved money, and prepared for years, only to be informed that they are no longer qualified. Many people find it difficult to transition to the legal profession, particularly since entry-level positions frequently pay little to nothing. It's a financial and emotional setback in addition to a career one.

The Supreme Court could have allowed those who were already getting ready to apply under the previous regulations by providing a two- to three-year transition period. That would have been a reasonable approach to safeguard their work while still advancing toward the new benchmark.

- The India Justice Report states that women comprise approximately 36% of subordinate

courts, 9.3% of Supreme courts, and 13.4% of high courts as stated by The Hindu on May 27,2025. However, many women may experience difficulties as a result of the new rule, which calls for three years of legal practice, particularly those who take breaks from their careers for family obligations or maternity leave. Despite their skill and diligence, this rule may inadvertently make it more difficult for them to join the judiciary. It has the potential to reverse some of the gains made in enhancing gender parity in the legal system.

ADVANTAGES:

Well, as every coin has it's two sides this ruling has it's own pragmatic points such as

- It transforms theory into practical knowledge it's one thing to read the law; it comes to life when you see how courts operate. Laws like the CrPC, CPC, IPC, and Evidence Act cease to be abstract when you watch how cases are handled; they begin to make sense.
- You bet better at writing and thinking like a Judge Knowing the law is only one aspect of judging, another is understanding how to apply it. Writing concise, well-reasoned decisions and legal documents is a skill that can be developed with practice.
- You acquire professionalism in the real world being in the presence of courts exposes you to the unwritten rules, such as appropriate behaviour, how to act morally under duress, and how to project the maturity required of someone who will eventually don the robe.
- The confidence in interviews will increase as practical experience gives you an advantage when the interview panel asks you a practical question. Because you have firsthand experience with these circumstances rather than having only read about them in a book, you will be able to respond with assurance.

CONCLUSION:

To sum up, the Supreme Court's decision to reinstate the mandatory requirement of a minimum of three years' experience at the Bar before eligibility for appointment as a Civil Judge (Junior Division) is a judicious and

forward-looking measure. While it may appear at first glance to be a roadblock for fresh law graduates who aspire to enter the judiciary immediately upon completion of their degrees, it is, in essence, a thoughtful step aimed at strengthening the foundational quality of the lower judiciary.

The move is grounded in the rationale that practical legal experience significantly contributes to a judge's ability to comprehend the nuances of legal proceedings, courtroom dynamics, and the real-life implications of judicial decisions. Lawyers who have spent time practicing in trial courts not only refine their legal reasoning and advocacy skills but also develop a keen understanding of procedural law, evidentiary standards, and client interactions. These are insights that purely academic training cannot fully impart.

Judges who enter the bench with some years of advocacy behind them are more likely to display a balanced temperament, greater emotional intelligence, and the ability to navigate complex human and social issues with sensitivity. Such exposure also fosters patience, resilience, and humility—qualities indispensable to judicial conduct. Consequently, their judgments are more grounded, equitable, and considerate of both legal principles and human realities.

Moreover, this policy is likely to enhance public confidence in the judicial system. When litigants perceive that judges are seasoned legal professionals with real-world experience, it reinforces the legitimacy and authority of the court. This trust is particularly vital at the lower judiciary level, which forms the first point of contact for most citizens seeking justice.

Therefore, although the three-year requirement may temporarily delay the entry of aspiring judges into the judicial service, it ultimately raises the bar for judicial competence and preparedness. It ensures that those who preside over trials are not only academically qualified but also practically equipped to dispense justice effectively. In the long term, this reform

promises a more robust, credible, and efficient judiciary that serves the interests of justice and the public good.