
PRACTICE, PRESCRIPTION & PURPOSE: THE 3-YEAR RULE FOR JUDICIAL ENTRY

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ABSTRACT

This paper examines the institutional, constitutional, and socio-legal dimensions of the mandatory "three-year practice rule" for entry-level judicial recruitment in India. Reenforced by the Supreme Court in All India Judges Association v. Union of India (2025), the mandate aims to enhance judicial quality, reduce the learning curve, and safeguard procedural fairness. However, the rule introduces significant systemic barriers, driving direct and indirect discrimination against fresh graduates, first-generation lawyers, economically weaker sections, rural aspirants, and women. Critics highlight a distinct empirical gap linking chronological time at the Bar to judicial competence. To resolve the tension between functional effectiveness and equitable access, this paper proposes a multi-layered policy framework: short-term administrative guidelines and gender-mitigating exemptions, medium-term standardized apprenticeship schemes at judicial academies, and long-term structural reforms that broaden the definition of legal experience to preserve both technical excellence and demographic diversity on the grassroots bench.

Key Words: - 3 Year Rule, Practice, Court, Judiciary, Judicial Precedents, Bar, Jurisprudence, Socio-Legal Barriers, Legal Practice, Legal Framework, Gendered Effects

I. INTRODUCTION

“Law without lived practice is like a map with no roads: Promising on paper, empty in reality.” The Supreme Court in May 2025, laid down the “3-year practice rule”. Law without lived experience is like a compass without terrain: precise in theory, but blind to the realities it must navigate. Recent judicial orders and policy shifts in India mandating a minimum of three years’ practice as an advocate before eligibility for certain entry-level judicial posts have revived this question: should the path to the bench be paved strictly by years at the bar, or calibrated to ensure both competence and equitable access?

This paper will elaborate upon the practice requirement for three years along with the nature of practice included within it, process of certification, and acceptance of the same by courts. The legal history of the practice requirement as well as relevant case laws will also be addressed. Then, its social and gendered impact on candidates belonging to rural areas, first-generation and economically underprivileged backgrounds will be critically examined, followed by an overview of the present state of law and some recommendations for the future.

II. WHAT IS THE “3-YEAR PRACTICE” RULE

"Three-year practice" criteria imply that the candidates should have at least three consecutive years of practice as an enrolled advocate in order to become eligible for certain judicial appointments. Normally, it relates to entry-level judicial positions within the subordinate judiciary, like direct recruit civil judge (junior division), judicial magistrate, and similar trial court positions depending on the language used in the notice of recruitment or the court order. This criterion is not mandatory across India, hence, in some states, it was a practice that newly graduated lawyers were allowed to apply immediately after completing their education, whereas certain court decisions have reinstated the need for three-year experience criterion for certain recruitment sessions.

The practical application of this rule is focused on the practice count since the date of enrolment with the respective State Bar Council, although there has been disagreement between courts and authorities on whether practice by way of pupillage, judicial duties, work as an in-house counsel, academic legal practice, and even practice overseas should be included. Certification and

evidence needed for the rule are ID card, certificate of enrolment, cause list, affidavit or certification from senior advocates.

Judicial competence and institutional integrity have been used to justify the rule by both the courts and those supporting it. The judicial justification is based on the assumption that familiarity with past practices will enable aspirants to gain knowledge on courtroom interactions, issue-framing, dealing with parties, and judicial responsibilities. Advocates argue that such experiential grounding reduces the initial learning curve for new judges, enhances the quality of orders, and better protects litigant interests. Critics counter that the number of extended years of practice alone do not guarantee competence and that the rule risks excluding capable candidates especially women, rural aspirants, and first-generation lawyers leading to rise in broader inequality and access concerns.

III. DETERMINING THE 3-YEAR PERIOD

A pivotal dimension of this evolving landscape is the standardization of qualifying legal experience, as consolidated by the Supreme Court of India in *All India Judges Association v. Union of India* (2025). In re-establishing the mandatory three-year practice rule for entry-level judicial aspirants, the Court introduced an inclusive yet strictly monitored framework for early-career litigation. The judgment establishes that this three-year timeline triggers from the date of provisional enrolment with a State Bar Council rather than the clearance of the All India Bar Examination (AIBE) safeguarding candidates against administrative delays. Recognizing the diversified nature of modern legal training, the Court explicitly ruled that "law clerkships and assisting seniors will count as experience." This broadens eligible practice to include judicial clerkships, working under senior advocates, tribunal practice, legal aid work, and active in-house counsel roles. Conversely, purely academic research, pre-enrolment internships, and unregistered foreign practice are excluded. To prevent paper-only enrolments, the Court instituted a dual-layered verification mechanism. Candidates must secure an experience certificate from an advocate with a minimum of 10 years of standing, which must then be endorsed by a Principal Judicial Officer or court designee. This must be substantiated by a rigorous documentary portfolio, including a sworn affidavit of practice and certified copies of cause lists demonstrating actual courtroom appearances. While continuity remains paramount, the judgment injects necessary institutional empathy into the rules. It provides structural flexibility for career

interruptions, particularly for women managing childcare responsibilities, while leaving the impact of pursuing full-time LL.M. or Ph.D. programs subject to individual state notifications. Ultimately, while independent courtroom exposure remains the jurisprudential benchmark, this framework legitimizes collaborative and structured legal training as a valid foundation for the bench.

IV. HISTORICAL AND JURISPRUDENTIAL TIMELINE

India's entry-level judicial recruitment has changed over time due to conflicting views between academic qualifications and practical courtroom experience. The selection for judges by each state has traditionally used competitive exams or interviews. There have been differing eligibility requirements over the years among which it was allowed for new graduates to enter the judiciary immediately versus requiring some form of prior experience as a member of the Bar, proposed for the 1st time in by the 14th Law Commission in its 1958 Report. In *All India Judges Association (AIJA) v. Union of India* (1993) it was provided constitutional backing to the law commission's suggestion of requiring candidates to have three years' practice at the Bar before being eligible for appointment, stating that "mandatory (minimum) period of three years practicing is an important safeguard to maintain the quality of appointees to each level of the judiciary." After receiving the Shetty Commission's report on July 24, 2002, the Supreme Court of India reversed this decision and ruled that there would be no mandatory three-year practice requirement, and directed that all qualified applicants for a judicial position be trained at one of India's numerous institutional training academies. On May 20, 2025, the Supreme Court of India issued a ruling via a three-judge bench that reinstated the mandatory three-year practice requirement, noting that using candidates without any legal experience to fill vacancies within the local judicial system puts an undue burden on the welfare of the judiciary in the states. This sudden reversal created many of the types of barriers with which many candidates will struggle during their experiences as low-income applicants, particularly women, from 2025 through 2026. The Supreme Court allowed for clarification by hearing applications for review of its decision in open court. The Court established flexibility while maintaining the core requirement of the practice. Flexibility was sought by the Court through additional directives, including nationwide extensions of application deadlines imposed by the Court for the case of *Bhumika Trust v. Union*

of India (2026), so as to provide a more understanding and inclusive model of the judiciary that incorporates both necessary experience training and demographic equity as determining factors.

V. EMERGENCE AND JUDICIAL JUSTIFICATION FOR THE 3-YEAR RULE

The institutionally required mandatory legal practice reflects the complex functional demands of the judiciary and balances strict professional standards with constitutional rights to public employment. The courts repeatedly hold that experience in previous litigation will greatly improve the quality of judges by providing them with refinements in their ability to reason through legal issues and allowing them to base their order-writing in real, utilitarian terms as opposed to mere abstract legal concepts. Exposure to baseline realities of legal practice will shorten the time it takes judges to learn their job and will enable them to manage a high volume of cases more quickly with less institutional guidance. Additionally, experience will protect the litigants; therefore, a judge who is experienced in trial will be better able to ensure that procedural justice is followed, that technical mistakes which cost litigants will be minimized, and that judicial decisions are made in a timely manner. In addition to improving the efficiency of administrative processes, the mandatory legal practice requirement maintains the institutional integrity of the judiciary by ensuring that all judges who ascend to the bench have a proper understanding of courtroom decorum and the nuanced interaction between the bar and the bench. The courts seek to balance individual aspirations against objective criteria when considering the constitutionality of the two Articles 14 and 16 that guarantee equality and employment to all persons and therefore, the courts find that requiring a minimum amount of legal work experience to be appointed as a judge is a reasonable classification that advances the public interest of having a competent and effective judiciary at the ground level. The institutionally required mandatory legal practice reflects the complex functional demands of the judiciary and balances strict professional standards with constitutional rights to public employment. The courts repeatedly hold that experience in previous litigation will greatly improve the quality of judges by providing them with refinements in their ability to reason through legal issues and allowing them to base their order-writing in real, utilitarian terms as opposed to mere abstract legal concepts. Exposure to baseline realities of legal practice will shorten the time it takes judges to learn their job and will enable them to manage a high volume of cases more quickly with less institutional guidance. Additionally, experience will protect the litigants; therefore, a judge who

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VI. ARGUMENTS AND DISAGREEMENTS AGAINST THE RULE

An important justification of a compulsory legal practice requirement is based on the complex, practical demands of the judicial office, and balancing those with strict standards of professional conduct and the constitutional rights to public employment. Courts generally hold that having prior experience as a litigator increases the quality of judges, improves a judge's ability to reason correctly, and ensures that the judge's orders will be based on practical realities, as opposed to merely legal principles. Overall, judges with prior experience deliver a much more efficient learning curve, enabling new judges to handle large caseloads as quickly as possible, with minimal need for support from the courts. Also, having a minimum level of experience protects the interest of litigants. Judges who have been involved in the trial process are able to ensure that litigants receive procedural fairness, limit the number of expensive mistakes, and expedite the progress of litigation. In addition to improving the efficiency of the Courts, this requirement contributes to the dignity of the judicial system by requiring that those who are appointed to the bench, have a basic understanding of appropriate courtroom behaviour and the subtlety of the bar-bench relationship. When evaluating these restrictions in light of the constitutional rights of individuals to equality and employment, as set out in Articles 14 and 16, the courts have balanced individual aspirations against objective standards of eligibility when making their decisions. The courts have ruled that establishing a minimum length of legal practice is a reasonable classification which is in the best interest of the public for purposes of having a

competent, non-partisan judiciary. The legal framework seeks a deliberate equilibrium: it treats practical courtroom exposure as an essential component of the right to a fair trial, while remaining mindful that the implementation of these standards must not become so rigid that it systematically excludes marginalized or non-traditional candidates from entering the judicial fold. As a result, the intention of the legal system is to achieve a measured balance between providing practical exposure to a courtroom as part of the right to a fair trial, while being careful not to implement the criteria for practical exposure so closely that marginalized or non-traditional candidates will always be excluded from the ability to enter the justice system.

VII. JURISPRUDENTIAL OPINIONS AND SCHOLARLY VIEWS

India's entry level judicial appointments depend on having effective judges and equitable access to judicial positions. The proponents of a mandatory period of judicial practice contend that essential judicial skills, like assessing the demeanour of witnesses or managing heavy trial court dockets, cannot be evaluated using written exams only. The courts maintain that there are inherent powers in the grounds of the courts for setting the entry requirements tight enough to prevent a lower court judge, from making procedural mistakes that result in limiting the rights of litigants. On the other hand, those against having a mandatory judicial practice argue from a rights perspective and a formalist perspective that having a mandatory period of practice violates a candidate's right to equal opportunity in public employment as provided for in Article 16. Structural and feminist perspectives highlight that a mandatory judicial practice is an indirect source of discrimination that disproportionately impacts economically disadvantaged candidates and female candidates who are subjected to systemic socio-cultural barriers to their advancement, as well as interruptions to their careers while serving at the trial court level. Academia also indicates that chronological time at the Bar does not guarantee competence, and therefore advocates for the modernization of the institutional academies that provide a high level of training as an alternative to mandatory judicial practice.

VIII. SOCIO-LEGAL EFFECTS OF THE RULE

The three-year mandatory practice rule creates extensive social and legal impact on the lower court system, and is affecting population groups that are already at risk, such as first-time professional class individuals, as well as diversity within the profession as a whole. Rural candidates that don't have an existing network of clients or lawyers to rely on in their

community, along with urban living costs, travel costs, and low starting salaries for junior attorneys, face significant financial barriers to entry into the practice of law. Many talented graduates in rural areas end up leaving the profession too early because they cannot afford the financial burden of establishing an active practice when they are first starting out. First-time lawyers also encounter similar types of barriers due to the lack of mentors, or people they know in the legal field to turn to for support, that are typically found in traditional family or other networks within the workplace. As such, these individuals have an incredibly difficult time gathering the requisite litigation experience that they will need in order to be successful in the practice of law. While this requirement may provide some short-term function to the system by decreasing errors and trial delays, the long-term systemic costs of this to the justice system are burdensome. By decreasing the number of individuals available to enter the practice of law, it reduces the diversity of individuals who will enter the practice of law and enhances the development of certain types of experience at the expense of developing a more diverse group of individuals. Consequently, through this shift the judiciary risks a homogenization of jurisprudence, where presiding officers may lack a shared understanding of diverse grassroots realities.

IX. GENDERED EFFECTS OF THE RULE

The mandatory practice requirement poses severe gender-oriented vulnerabilities for judicial recruitment with respect to discrimination against women lawyers. Because statistically, women find themselves experiencing career interruptions due to caregiving and family responsibilities more often than men, a rigid three-year litigation rule disproportionately affects women attorneys at an ideal time in their careers. The already substantial systemic barriers presented by variable economic constraints, as well as numerous safety-related barriers that exist in trial courts (including long hours and unpredictable hours in addition to the lack of safe transportation options), compound linearly the challenges that women junior associates face in maintaining an early litigation practice. Studies have identified indirect discrimination against women advocates related to judicial recruitment as a classic form of indirect discrimination. Scholars consistently articulate the need for comprehensive empirical research to quantify and assess the actual attrition rate of women lawyers compared to that of male attorneys; otherwise, the subordinate judiciary will become overly male-dominated. There are several proposed structural amendments

to the legal framework that would help to create mitigative opportunities for women lawyers related to judicial recruitment, including statutory exceptions related to caregiving responsibilities, crediting part-time or flexible hours worked toward the eligibility total, and recognizing without penalizing applicants for interruptions to their professional lives due to caregiving responsibilities. Finally, implementing child-care friendly recruitment processes and environments within the courthouse will preserve gender pluralism and provide opportunities for skilled women lawyers who are interested in pursuing careers as judges to pursue that path without being forced out of judicial careers as a result of structural barriers.

X. PROPOSED SOLUTIONS AND POLICY OPTIONS

To address the tensions in the mandatory three-year practice rule, India's judicial recruitment system needs a multi-layered policy change that combines institutional skill with fair and inclusive access.

In the short term, administrative and judicial reforms should focus on clarity and structure. The judiciary must set clear, consistent guidelines to define "active practice." This should move away from arbitrary measures to a clear standard, like counting practice from the date of enrollment or checking supervised practice. To avoid excluding non-litigating talent, there should be reasonable exceptions that allow partial credit for work in legal aid, tribunal roles, in-house corporate counsel jobs, clinical legal education, and recognized public service. It's also essential to address the rule's gendered effects. This means recognizing part-time or broken practice periods in a fair way, allowing specific exemptions related to childcare, and fast-tracking female applicants to counteract the loss of women in trial courts. Moreover, using a centralized digital system to verify practice records will remove institutional barriers and ensure full transparency in the application and certification process.

In the medium term, legislative and structural changes are needed to make these adjustments permanent. Parliament and regulatory bodies must offer clear legal guidelines by changing relevant state judicial service rules to establish uniform eligibility criteria. To help new graduates gain experience, state judicial academies should provide standardized induction training. This should include a required, supervised mentorship or apprenticeship lasting six to twelve months, allowing recruits without three years of litigation experience to undergo thorough judicial training on the job. Additionally, the state should start monitoring judges by regularly collecting

data on their performance, case disposal rates, and ruling reversals to ensure future policies are based on solid evidence rather than hearsay.

In the long term, reforms should reshape judicial entry to align with a modern legal environment. The concept of "experience" should expand to include legal research, policy drafting, alternative dispute resolution (ADR), and public interest work, as these are valuable for judges just like traditional trial court litigation. At the same time, improving district court infrastructure will make the profession more accessible, creating well-resourced practice opportunities for rural lawyers. Ultimately, by promoting flexible and diverse routes to becoming a judge, the Indian judiciary can build a bench that is both highly skilled and genuinely reflects the public it serves.

XI. CONCLUSION

The argument over the three-year practice rule reveals a fundamental tension in democratic governance. This tension is the need for experienced clinical practice balanced against the constitutional obligation to ensure fair, diverse and representative access to the judiciary. While the need for efficiency and a streamlined administrative process is legitimate for an overburdened court system, it should not be at the expense of stringent exclusionary policies that directly impact first-generation professionals, economically disadvantaged candidates, and women lawyers. But to return to judicial eligibility, we must escape from preconceptions about judicial competence and focus on the specific inadequacies in current recruitment policies. The future of Indian legal system should not be a binary choice between quality of institutions and inclusivity. Instead, a united judicial and legislative front must be established to develop a balanced and evidence-driven policy framework. This framework should include modernisation of training academies, expansion of the definitions of legal experience and proactive measures to dismantle socio-economic barriers. Such structural supports are critical to maintaining the technical excellence of the local judiciary at the same time as maintaining democratic access to justice.

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