
CASE COMMENT: ALL INDIA JUDGES ASSOCIATION V. UNION OF INDIA: EXPERIENCE MANDATES AND THE CHALLENGE OF GENDER INCLUSIVITY IN THE JUDICIARY

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INTRODUCTION

The Supreme Court's decision in *All India Judges Association v. Union of India*¹ is significant in discussing judicial reform and diversity. The Court brings back the rule that candidates must have at least three years of practice at the Bar to be eligible for appearing in judicial examination, with the objective of ensuring judges have real courtroom experience and are able to perform their function in a more efficient and cohesive manner. However, this reform creates indirect barriers that may harm gender inclusion in the judiciary. It may go against the right to equality under Article 14² and the protection against discrimination under Article 15(1)³ of the Constitution of India. The Court brought back this rule to ensure better judicial competence. Still, it did not consider how this requirement could exclude many women and first-generation lawyers, especially those from poor or marginalised backgrounds. It also ignores *Article 39A*⁴, which promotes equal justice and legal aid, and *Article 16(1)*⁵, which promises equal opportunity in public jobs. An opportunity for direct entry into the judiciary has offered a rare chance for professional growth and social progress, particularly for women and marginalised groups. But the legal profession, especially in courts, still poses serious problems for women. These include unfriendly work environments, lack of guidance, biased attitudes, and deeply rooted gender stereotypes. Additionally, social expectations and family structure make it even harder for women to continue long-term legal practice.

This ruling may act as a barrier to the entry of women in the judiciary and mitigate the progress made toward inclusion. It also risks going against India's global promise under the "*Convention*

¹ All India Judges Association v. Union of India (2025) SCC Online SC 1184

² Constitution of India 1950, art 14

³ Constitution of India 1950, art 15(1)

⁴ Constitution of India 1950, art 39A

⁵ Constitution of India 1950, art 16(1)

on the Elimination of All Forms of Discrimination Against Women (CEDAW) ”⁶. This case comment looks closely at the Supreme Court’s judgment on setting experience-based rules for becoming a judge. It delved into the consequences of this rule of mandatory three-year practice and its effect on the gender representation in the Judiciary. It also examines the judgement by analysing the idea of skill and competency and ideas of a diverse judiciary when reforms unintentionally exclude underrepresented groups, especially women.

FACTS

Several interlocutory applications filed in an ongoing writ petition that was first instituted in 1989 regarding service conditions, recruitment, and promotion policies within the judicial services throughout India gave rise to the case of “All India Judges Association v. Union of India”⁷. Before the Supreme Court, the main concerns were the recruitment and promotion process for District Judge (Higher Judicial Service) and Civil Judge (Junior Division) positions.

One of the main questions to be addressed was whether the minimum three-year bar practice requirement, which the Court had waived in its 2002 judgement, All India Judges’ Association v. Union of India.⁸ Should be reinstated as a prerequisite for the position of Civil Judge (Junior Division). The petitioners and several High Courts said that bringing back this requirement was essential to make sure new judges have enough practical experience to do their job well.

The applications also sought clarity on the quota for Limited Departmental Competitive Examinations (LDCE), calculating vacancies for such promotions, and introducing merit-based mechanisms in promotions within the subordinate judiciary.

After receiving detailed responses from various State Governments, High Courts, and other stakeholders and hearing the amicus curiae, the Court delivered a thorough judgment. Among other directions, it restored the requirement of a minimum of three years’ practice at the Bar for eligibility to the post of Civil Judge (Junior Division), increased the LDCE quota for District Judges from 10% to 25%, and introduced measures aimed at strengthening the merit-based promotion framework. While enhancing the calibre of judicial officers, the decision has invited

⁶ Giovanna Gilleri, ‘Human Rights’ Harmful and Harmless Gendered Outlaws’ in Tamsin Phillipa Paige and Claerwen O’Hara, *Queer Encounters with International Law* (1st edn, Routledge 2024) <<https://www.taylorfrancis.com/books/9781032643106/chapters/10.4324/9781032643106-11>> accessed 18 June 2025.

⁷ All India Judges Association v. Union of India (2025) SCC Online SC 1184

⁸ All India Judges’ Association v. Union of India (2002) 4 SCC 247

critical scrutiny for its potential impact on gender inclusivity, particularly about barriers women and first-generation lawyers face in entering and advancing within the judiciary.

ISSUE RAISED

- Should the quota for promotion through LDCE to Higher Judicial Service (District Judge cadre) be restored to 25% (from 10%)?
- To what extent should the minimum qualifying experience for LDCE be reduced, and to what extent.
- Should a quota be reserved for meritorious civil judges (junior division) for accelerated promotion to civil judge (senior division)?
- If such a quota is introduced, what percentage of posts and minimum experience should be required?
- Should the LDCE quota be calculated based on cadre strength or yearly vacancies?
- Should a suitability test be introduced for promotion under the 65% merit-cum-seniority quota to the Higher Judicial Service?
- Should the minimum 3 years' bar practice requirement for the civil judge (junior division) exam be restored?
- If restored, whether the practice duration should count from provisional enrolment or AIBE qualification.

ARGUMENT FROM THE PETITIONER

The appellants, including the All India Judges Association and other interested parties, contended that eliminating the minimum three-year bar practice requirement for admission to the Civil Judge (Junior Division) cadre had decreased the calibre and effectiveness of the subordinate judiciary. They argued that to give newly appointed judicial officers the necessary courtroom skills, procedural knowledge, and professional maturity, they must gain practical legal experience in the Bar. The appellants argue that theoretical legal understanding is insufficient and that new judges must interact with lawyers and watch real court proceedings

first. They believe that bringing back the three-year practice requirement gives applicants this hands-on experience before they become judges. The appellants made a strong case for reinstating the 25% quota for the Limited Departmental Competitive Examination (LDCE) about promotions to the Higher Judicial Service. They emphasised that the original goal of this quota was to give deserving Senior Division Civil Judges the chance to advance more quickly to the District Judge cadre. The appellants noted that the 10% quota cut had reduced the intended incentive for excellence in the subordinate judiciary and given fewer opportunities to worthy officers. Restoring the quota to 25%, they contended, would encourage officers to set higher goals and support the development of the District Judiciary.

The appellants further argued that it was excessive. They countered the goal of offering an accelerated promotion route by requiring a minimum of five years of service as a Civil Judge (Senior Division) to be eligible to appear in the LDCE. The LDCE was rendered unnecessary in many States when officers were eligible for regular promotion to the District Judge cadre before completing five years of service in the Senior Division. They advocated for a reduction in this qualifying period, arguing that the goal of merit-based early promotion would be better served by three years of service as a Civil Judge (Senior Division) or seven years of total judicial service, including Junior Division service.

Finally, because differences have resulted in inefficiencies and inequities in judicial appointments and career advancement across the country, the appellants stressed that in addition to structural reforms to recruitment and promotion, there must be consistency in rules and procedures across States. They urged the Court to provide thorough guidelines to guarantee that the Indian judiciary upholds fair and uniform standards that preserve competence and integrity.

ARGUMENT FROM THE RESPONDENT

The Union of India, several State Governments, and High Courts were among the respondents who overwhelmingly favoured restoring the three-year bar practice requirement for civil judges (junior division). They maintained that for new judges to manage court procedures efficiently, suitably communicate with advocates and litigants, and render wise decisions, they must have practical experience at the Bar. They underlined that pre-service training or book knowledge alone cannot replace the maturity and courtroom skills acquired via hands-on experience.

There was disagreement among the respondents regarding the LDCE quota. Some states and High Courts backed raising the quota to 25%, pointing out that it would encourage more deserving officers to apply for accelerated promotions. Others favoured keeping the 10% quota in place, pointing to worries about open positions brought on by certain States' inability to find qualified applicants.

To make LDCE promotions meaningful, many respondents supported lowering the five years of Civil Judge (Senior Division) service required to qualify for LDCE eligibility to three or seven years of judicial service. Some States and High Courts disagreed, emphasising the importance of having enough experience before being promoted to a district judge.

To encourage uniformity and transparency, most respondents supported basing the quota on cadre strength rather than annual vacancies when determining LDCE vacancies. Using objective standards like ACRs, judgment quality, and viva voce performance, they also favoured the introduction or improvement of suitability tests for the 65% merit-cum-seniority promotions.

JUDGEMENT

The Supreme Court, through a five-judge Constitution Bench, delivered a comprehensive judgment addressing the issues of recruitment and promotion in the judicial services. The Court restored the minimum three years' Bar practice requirement for eligibility to the post of Civil Judge (Junior Division), holding that practical experience at the Bar is essential for ensuring the quality and competence of the judiciary at the entry level. It directed State Governments and High Courts to amend their recruitment rules accordingly and clarified that the period of practice would count from the date of enrolment at the Bar Council. The Court also raises the LDCE quota for District Judge (Higher Judicial Service) promotion from 10% to 25%, highlighting the importance of rewarding merit and offering better opportunities for faster promotion. It also reduced the minimum qualifying service for LDCE eligibility from five years to three years as Civil Judge (Senior Division) or a cumulative seven years' judicial service to make the LDCE route viable.

The Court directs that LDCE vacancies should be calculated based on the total number of positions (cadre strength) instead of yearly openings. This helps maintain fairness and consistency across different states. The Court also approves a suitability test for promotions

under the 65% merit-cum-seniority quota, saying that transparent and fair assessments are needed to ensure only capable officers get promoted to the Higher Judicial Service. The Court emphasises that experience is essential for judicial quality, but also tells High Courts and States to carry out supporting reforms to fix existing inequalities. It stresses that these new rules should not become obstacles to inclusivity, especially for women in the judiciary.

ANALYSIS OF JUDGMENT

The Supreme Court affirms its ongoing effort to enhance judicial competence and efficiency through this ruling. By reinstating the three-year Bar practice requirement for entry into the Civil Judge (Junior Division), the Court aims to ensure that new judges gain courtroom experience before taking up their roles. The Court held that not even the classroom study or induction training could replace exposure and the seasoning obtained by experiencing the real law practice. This is in sync with the judiciary's broader mission of improving the quality of justice delivery at the grassroots level.

Though the Court's focus on experience responds to apprehensions over judicial standards, its ruling seems to downplay its likely exclusionary implications, particularly on gender diversity.⁹ And first-generation lawyer representation. The Court has recognised submissions about the diversity effect but has left it to State and High Courts to fashion solutions, like systematic internships or clerkships, without offering specific guidelines or measures of protection. This threatens to perpetuate structural disadvantages experienced by women and other marginalised groups who might struggle with prolonged litigation practice owing to structural, social, and economic constraints.

The Court's ruling to revive the LDCE quota to 25% and lower the qualifying service seeks to enhance meritocracy in the judicial services.¹⁰ This change could aid the identification and rewarding of talented officers through quicker career progression. In like manner, providing a merit-cum-seniority promotion suitability test is a step in the direction that a selective appointments system calls for. However, such reforms could have been better supplemented

⁹ Sonalde Desai and Lester Andrist, 'Gender Scripts and Age at Marriage in India' (2010) 47 Demography 667.

¹⁰ LIVELAW NEWS NETWORK, 'Supreme Court Increases LDCE Quota For Promotion Of Civil Judges, Reduces Qualifying Service' (20 May 2025) <<https://www.livelaw.in/supreme-court/supreme-court-increases-lcce-quota-for-promotion-of-civil-judges-reduces-qualifying-services-292779>> accessed 18 June 2025.

with firmer accompanying policies to guarantee access, like clear instructions in mentoring, anti-harassment policies, or flexible entry streams for underprivileged groups.

The judgment properly centres on judicial competence but identifies the conflict between discipline and representation in updating judicial appointments. Experience-based mandates alone may entrench obstacles instead of opening doors to a more representative and diverse judiciary without concomitant structural changes.

CONCLUSION

The Supreme Court's order in *All India Judges Association v. Union of India* (2025) is a serious effort to realign the recruitment and promotion standards of judicial service on the dimensions of competence, experience and merit. The court reinstates the three-year bar practice requirement and reinforces the LDCE route to equip judges at all levels to meet the demands of delivering justice. The ruling also highlights how the court balances judicial efficiency with inclusiveness. Experience-based qualifications while ensuring quality could also inadvertently place barriers for women and other underrepresented groups, especially in the absence of concomitant reforms to remove discriminatory disadvantages from the legal profession. The ruling, even if well-meaning, is likely to retard developments at the entry point in the diversification of the bench, unless complemented by forward-looking initiatives like formal apprenticeships, gender-focused workplace reforms, and mentorship programs that place court practice firmly within reach of everyone. Conclusively, the case calls for judicial reforms that harmonise excellence with equity so that the objective of a competent judiciary does not compromise the creation of a bench that mirrors the diversity of the society it serves.