
BHUMIKA TRUST V UNION OF INDIA AND OTHERS: THE SCALING DOWN OF THE 3-YEAR PRACTICE RULE AND ITS IMPACT ON THE LEGAL PROFESSION

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Research Question

Does the scaling down of the mandatory 3-year period to 1 year serve as a balancing tool for the twin concerns of competency and career security?

The 3-year practice rule: a historical overview

The introduction of the 3-Year Practice Requirement originates from the Second AIJA Case. The Hon'ble Court, in this case, had directed all States to prescribe 3 years' practice as a lawyer as an essential qualification for recruitment at the lowest rung of the judicial service, with the object of securing competent, independent and honest judicial officers and strengthening the administration of justice and public confidence therein. ¹

9 years later, based on the recommendations of the Shetty Commission that was constituted in 1996, the Hon'ble Supreme Court held that the mandatory 3-year requirement was not attracting the most qualified candidates to the judicial service and thus, the Hon'ble Court decided to strike down the mandatory 3-year practice rule as one of the criteria for eligibility. Even so, the Court emphasised the importance of adequate training, recommending a training period of not less than 1 year and, preferably, 2 years, to equip such recruits for the discharge of their judicial responsibilities. ²

But given the strange trajectory of the evolution of this rule, it is now wonder that it was again legitimized in 2025 in the Sixth AIJA Case, where the Court held that candidates seeking appointment as Civil Judge (Junior Division) must have practised as an advocate or law clerk

¹ *All india judges assn v Union of India* 1993 SCC OnLine SC 249.

² *All india judges assn v Union of India* 2002 SCC OnLine SC 387.

for at least three years.³ This judgement, however, was again challenged on grounds that this mandatory practice period for eligibility to be appointed as judicial officers of the lowest rung, has discouraged talented graduates from entering the judiciary, particularly women and graduates from leading law schools.

Thus, the Supreme Court, while hearing these challenges against the Sixth AIJA Case, in a 2026 petition filed by the Bhumika Trust, decided to scale down the 3-year practice rule to 1 to ensure compatibility of interests of both sides of the case: the ones that see experience as a precursor to competence and the ones that view a swift entry to the Judiciary as a precursor to a valuable career pathway.⁴

Before critically evaluating *Bhumika Trust v Union of India*⁵, in detail, let us first dwell into the facts and circumstances in which the judgement was delivered.

Bhumika Trust v Union of India⁶: Case analysis

The 2025 judgement that mandated the 3-year practice rule, created a turmoil in the country. Leading National Law Institutes and several High Courts openly opposed the decision and demanded that the rule be struck down. Young Law Graduates & Aspirants argued that the rule violated Articles 14 and 16 of the Constitution of India, creating structural and indirect discrimination against fresh graduates, women candidates, and persons with disabilities without the appropriate exercise of intelligible differentia. NALSAR University of Law, Hyderabad in its report to the Supreme Court of India, also raised concerns of access and equity. According to this premier institute, the most fundamental concern with respect to the rule is that it acts as an economic barrier. Since the average stipends earned by junior advocates in their formative years in India is typically less than Rs. 10,000-15,000 per month (despite Bar Council of India's 2024 guidelines), those law graduates who seek to join the judiciary are placed in a very difficult position because of this rule as three years of inappropriately remunerated practice is not a viable proposition for an average middle class family in India.⁷

³ *All india judges assn v Union of India* 2025 INSC 735.

⁴ *Bhumika Trust v Union of India* 2026 SCC OnLine SC 1687.

⁵ 2026 SCC OnLine SC 1687.

⁶ 2026 SCC OnLine SC 1687.

⁷ 'NALSAR University of Law, Hyderabad makes recommendations on the mandatory 3-year practice rule' (*SCC OnLine*, 17 April 2026) <<https://www.sconline.com/blog/post/2026/04/17/nalsar-three-year-practice-rule-judicial-services-india/>> accessed 24 August 2026

While hearing these concerns being raised in review petitions challenging the three-year practice rule for entry-level judges, the Supreme Court, by a 2:1 majority, retained its 2025 decision requiring prior professional exposure before entry into the subordinate judiciary but **significantly altered** how that requirement would operate.

Mandatory practice period and Competency

Under Article 233(2), 7 years' practice was prescribed for appointment as a District Judge, while Articles 217(2)(b) and 124(3)(b) contemplated 10 years' practice as an advocate for appointment as a Judge of the High Court and this Court respectively. While experience has been regarded as the cornerstone of any Judicial post, it has been noted that a mandatory period of practice has not been statutorily recognized for the post of a Civil Judge (Junior Division).⁸

Thus, the underlying objective for court's interference in mandating the 3-year practice rule is to ensure that judicial servants are competent and have the necessary courtroom experience to deliver the most effective judgements. The most often raised concern with respect to this position is whether experience makes a Judge more competent.

"Courtroom Most Profound Classroom" remarked by Justice Vinod Chandran in his dissenting opinion for *Bhumika Trust v Union of India*, is essential to understand the relationship between experience and how it affects competency.⁹

No premier institute of law is capable of providing students with the practical knowledge of how a real-life courtroom works. While the lack of practical knowledge can be overlooked for a Junior Advocate who is constantly being supervised by either a Senior Advocate or a Judge himself, it is pertinent to note that the lack of courtroom experience and the resulting lack of practical knowledge cannot be extended to a presiding Judge whose decision/verdict affect not just the parties of the case but also the overall legal atmosphere in the country.

Concerns of fresh law graduates

While the abovementioned concerns of competency represent the side the debate that support the 3-year practice rule, the other side of the debate has long contended that experience does not translate into competency. Additionally, the mandatory practice period elongates the

⁸ The Constitution of India.

⁹ *Bhumika Trust v Union of India* 2026 SCC OnLine SC 1687.

process of becoming a Judge and puts particularly those law graduates whose entire focus during their law school was to pursue a judicial career in a very difficult position.

Imagine a student who graduated from law school with the sole aim of joining Judicial services and catered all his co-curriculars, extra-curriculars and internships for the same purpose. Then suddenly the rule for mandatory practice comes into effect, subjecting him to a 3-year delay. This has detrimental effects not just for his career but also for his mental and financial well-being.

The New Norm

The Hon'ble Supreme Court in *Bhumika Trust v Union of India*, has modified and scaled down the mandatory 3-year practice rule to a 1-year practice rule followed by Judicial Training and clerkship, by a 2:1 majority.

This new norm for 1-year of mandatory practice period to enter judicial services through the post of Civil Judge (Junior Division), as the majority opined, ensures that a judicial service which demands adequate maturity and practical exposure is maintained which remains sufficiently attractive to the most capable young lawyers.

This is to say that the judgement has adequately addressed and balanced the twin concerns of ensuring competency in judicial services and maintaining equality of opportunity in Judicial appointments.