

Article on Bar Council of India's latest Press Release for Judicial Exams Eligibility

In a recent press release dated 02.01.2021., BCI (Bar Council Of India) has recommended a new framework for eligibility provisions to appear for the Judicial Service Examinations. Now, the students enrolling themselves for the Judicial Service Examinations would be mandated to have minimum 3 yrs. Of experience at the bar. If the students do not fulfil the certified eligibility criteria they are not eligible to appear for Judicial Service Examinations and no excuses shall be entertained by the BCI and State Councils.

This regulation is proposed to be brought into force to shed light upon the fact that the fresh law graduates appearing for the exam throughout the territory of India are inexperienced and devoid of practical exposure. They have not practiced at the bar as an advocate, hence, are incapable and inept in handling matters at the court. They cannot render efficient services which results in delay of court proceedings in the sub-ordinate Judiciary. This causes hindrance in the delivery of justice. It was also stated that such inconvenience has resulted in impolite and impractical behaviour of Judicial Officers towards members of the Bar and litigants.

The official notification and statement are as follows:

“Presently, fresh law graduates are being allowed to sit for Judicial Service Examination throughout the territory of India without having any practical experience at the Bar. Judicial Officers not having practical experience at the Bar are mostly found to be incapable and inept in handling matters.....The inexperience at the Bar is one of the primary and major reasons for delays in the disposal of cases in the sub-ordinate Judiciary.”

This is the view/opinion of BCI and State Councils.

History of the Exam:

All India Judges Association and ... vs Union of India (UOI) And Ors. on 8 February, 2001:

The writ petition was filed to get rid of the eligibility requirement of minimum 3yrs. of service at the bar for graduates. The court accepted the recommendations of the Shetty Commission, on the analogy that in the time being the best candidates in the legal profession would not be encouraged to join the field of law

due to such criterion. Fresh law Graduates can appear for the exam and once selected they can avail 1-2 years training under the bar council.

The Bar councils thinks the altar, thus, filed an application before the SC (Supreme Court) to seek modification of the order.

Recently, a plea was filed in the Supreme Court to quash the prerequisites of 3 years' practice as an advocate for being eligible for Civil Judge Exam in Andhra Pradesh by Regalagadda Venkatesh. The Bar Council is also filing an application to get itself impleaded as a party in this case.

Thus, the dispute for and against the requisites of eligibility criteria for bar examination continues, it is up to interpretation of one whether it is to be considered apt or not.

Effect of Eligibility Criterion:

As a law aspirant, I can say that fresh law graduates are ready to appear for the bar examination immediately after attaining their bachelorette degree. Thus, the bench includes young lawyers from the age group of 26-27 years in most states and is 33 years in Kerala. If the recommendation by BCI is approved, then the age criterion will increase by a huge gap and that is unjust for all aspirants of law especially women.

[According to a 2019 report of the Ministry of Statistics and Programme Implementation, the average of women's marriages in India is 22.1 years; and, some women continue to study, prepare, and work after marriage but the percentage of such women is pretty low.](#) Not all females are privileged to get access to education and set a path for themselves after a certain age, thus, this measure will result in elimination of women from the judiciary and shatter their dreams. Female candidates already face a lot of struggle due to gender-gap, sexism, etc. this will become one more hurdle in their career. There has not been a single Female Chief Justice of India and only 2 seats are reserved in the Honourable Supreme Court, patriarchy; male dominance thrives and success of women is a mere trial and error. This can change if they are encouraged, inspired and looked up to.

Hence, the implementation of the prerequisites of eligibility criterion is a huge setback and in my opinion, instead of taking the hard way, we can just seek the easy way, i.e., training in the bar council with disciplined measures and protocols.

[The changes should be in the training module, there should be a change in the structure of the training program designed by the Judicial Training Institutes across the country, for the selected candidates. More comprehensive and realistic](#)

training sessions should be designed for the candidates so that they learn to deal with different types of matters, and solve them effectively and efficiently. This will solve the issue of judicial officers being incapable of handling the matters, and will also not limit the participation of aspiring candidates.

Therefore, the motive behind the plea stands strong but it will crumple soon once implemented. Foreseeing this, BCI and State Councils should try to overcome the issue of incompetence with a better solution. Prerequisites of eligibility criterion for appearing in Judicial Service Examinations is definitely not the 'perfect/it' approach.

This is the current status of eligibility criterion for enrolling in Judicial Service Examinations.

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