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A STUDY ON THE CHALLENGES AND IMPACTS ON THE JUDICIAL SYSTEM ON RECRUITING YOUNGER CIVIL JUDGES IN INDIA

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ABSTRACT

This study addresses the multifaceted issues surrounding the recruitment of younger civil judges in India, shedding light on the potential challenges and far-reaching impacts on the judicial system. The infusion of younger talent into the judiciary can bring fresh perspectives, energy, and innovative approaches, but it also raises concerns about a possible lack of experience and expertise in handling complex legal matters. To explore these dynamics comprehensively, the study examines various facets. While recruiting younger judges brings fresh perspectives and the potential for innovative approaches, it also raises concerns about a potential lack of experience and expertise in handling complex legal matters. The study reveals varying perceptions among different segments of the population, such as urban residents, females, and those from the public sector, emphasizing the importance of considering diverse viewpoints in recruitment and training processes. The sample size was 200. To address these challenges, the study suggests implementing specialized training programs, mentorship initiatives, transparent recruitment processes, and ongoing support mechanisms. Additionally, it underscores the significance of embracing technology, promoting diversity, fostering a culture of continuous learning, and engaging with the public to ensure a responsive and effective judiciary in India. Ultimately, it aspires to contribute to a more adaptive, inclusive, and effective judicial system in India.

KEYWORDS: Younger civil judges, Recruitment, innovative approach, Mentorship, Judiciary.

INTRODUCTION:

The Indian judiciary is one of the pillars of the country's democratic framework, entrusted with the crucial responsibility of upholding the rule of law and ensuring justice for its citizens. It is a complex and hierarchical system designed to interpret and enforce the laws of the land. At its core, the judiciary plays a pivotal role in safeguarding the rights and liberties of the Indian population, ensuring that justice is accessible, impartial, and equitable. Civil judges are a vital component of the Indian judiciary, holding a unique position within the legal system. Their primary role is to adjudicate civil cases, which encompass a wide range of

disputes related to property, contracts, family matters, and other non-criminal issues. Civil judges are responsible for presiding over these cases, conducting trials, and delivering judgments based on the evidence presented and applicable laws. In ancient and medieval periods, judicial roles were often intertwined with monarchy, relying on royal decrees and customary laws. During British colonial rule, the Indian Civil Service dominated judicial appointments. However, with India's independence in 1947, a shift towards merit-based appointments began, reinforced by the adoption of the Constitution in 1950. The Constitution established principles of judicial independence and separation of powers.

Subsequent legal developments, like the collegium system, have given senior judges of the Supreme Court a significant say in appointments. Despite debates and challenges, this system has endured, reflecting a commitment to an independent and diverse judiciary. Recent discussions about transparency and competitive exams for lower court judges highlight ongoing efforts to refine and modernize the recruitment process. Recruiting younger civil judges in India is influenced by several key factors. Firstly, the eligibility criteria and age limits set by different states play a significant role, as they determine the pool of potential candidates. Age relaxation policies for specific categories of candidates, such as Scheduled Castes (SC), Scheduled Tribes (ST), Other Backward Classes (OBC), and women, also impact the recruitment process. Additionally, the perceptions and attitudes of stakeholders, including senior judges and the public, can affect the willingness to embrace younger judges. Concerns about a potential lack of experience and expertise in handling complex legal matters, along with the need for specialized training and mentorship, further influence recruitment decisions. Balancing the infusion of fresh perspectives with the preservation of institutional knowledge and historical understanding of legal precedents is a challenge that recruitment policies must address to ensure a well-rounded and effective judiciary. The aim of the study on recruiting younger civil judges in India is to comprehensively examine and understand the challenges and impacts associated with the recruitment of younger judges within the Indian judicial system.

OBJECTIVES:

1. To examine the existing procedures and criteria for recruiting civil judges in India to understand how they accommodate or hinder the recruitment of younger candidates
2. Investigate the specific challenges that younger civil judges encounter in their roles.
3. Analyze how the inclusion of younger civil judges affects the efficiency and effectiveness of the judicial system.
4. To study the policies and reforms that can enhance the recruitment of younger civil judges in India, addressing challenges and maximizing the positive impacts.

REVIEW OF LITERATURE:

(White, B 2022) "Challenges and Reforms in the Civil Justice System" White, B. 2022 A comprehensive review of recent challenges and reforms in the civil justice system, including interviews with civil judges involved in implementing reforms. Ongoing challenges, such as backlog reduction and technology integration, drive continuous reforms in the civil justice system. (Anderson, J. 2021) "Effective Caseload Management Strategies for Civil Judges" Anderson, J. 2021- An analysis of case management techniques used by civil judges and their impact on court efficiency. The study found that Effective caseload management significantly improves the efficiency of civil courts. (Green J 2021) "Environmental Law and the Role of Civil Judges" Green, J. 2021 Legal analysis of environmental cases and interviews with civil judges to explore their role in interpreting and enforcing environmental laws and regulations. Civil judges play a pivotal role in shaping environmental law through their decisions. (Harris, R. 2021) "Technological Advancements in Civil Courts" Harris, R. 2021 An assessment of the adoption and impact of technological advancements in civil courts, incorporating data analysis and surveys of court personnel. Technology integration transforms case management and enhances the efficiency of civil courts. (Patel, R. 2020) "Gender Diversity and Decision Outcomes in Civil Cases" Patel, R. 2020 A statistical analysis of court cases to examine how the gender diversity of judges impacts decision

outcomes in civil litigation. The study found there is a greater gender diversity among civil judges that leads to more diverse decision outcomes. (Smith 2020) "The Evolving Role of Civil Judges", Smith, A. 2020 – A qualitative analysis of court records and interviews with civil judges to explore the evolving nature of their roles. The study found that Civil judges' responsibilities have expanded beyond traditional adjudication to include mediation and dispute resolution. (Baker, S 2020) "Mental Health and Well-being of Civil Judges" Baker, S. 2020 A survey-based study assessing the mental health challenges faced by civil judges, with a focus on stressors and coping mechanisms. Civil judges often experience high levels of stress and require support mechanisms. (Adams, G. 2020) "Civil Judges and Legal Education" Adams, G. 2020 A survey-based study exploring the influence of legal education and training on the decision-making and effectiveness of civil judges. Legal education plays a crucial role in shaping civil judges' skills and approach to cases. (Clark D 2019) "Judicial Accountability and Civil Judges" Clark, D. 2019 A comparative analysis of mechanisms for judicial accountability in different legal systems, focusing on the role of civil judges. The study ensures that judicial accountability is crucial for maintaining public trust in civil judges and the justice system. (Kim, H. 2019) "International Perspectives on Civil Judges" Kim, H. 2019 A qualitative analysis of legal systems in different countries, including interviews with civil judges, to explore variations in their roles and responsibilities. Civil judges' roles differ significantly across international legal systems. (Walker 2019) "Civil Judges and Dispute Resolution in Family Law Cases" Walker, A. 2019 A mixed-methods study involving case analysis and surveys of civil judges to examine their unique challenges and approaches to dispute resolution in family law cases. Civil judges employ specific strategies in handling family law cases to promote dispute resolution and protect the well-being of involved parties. (Garcia, L. 2019) "Promoting Alternative

Dispute Resolution in Civil Cases" Garcia, L. 2019 Review of court policies and procedures related to alternative dispute resolution methods, along with interviews with civil judges. The findings of the study are Civil judges actively promote alternative dispute resolution to alleviate court congestion. (Brown 2019) "Efficiency vs. Fairness: Balancing Act for Civil Judges" Brown, M. 2019 Surveying civil judges and legal professionals to examine the strategies employed to balance case efficiency with fairness. The study found Civil judges often face challenges in balancing efficiency with the need for fair outcomes. (Jackson, L. 2018) "Civil Judges' Decision-Making: A Comparative Analysis" Jackson, L. 2018 A cross-jurisdictional comparative study examining the decision-making processes of civil judges, involving case analyses and interviews. Comparative analysis reveals variations and commonalities in civil judges' decision-making across different jurisdictions. (Turner, M 2018) "Civil Judges and Public Opinion" Turner, M. 2018 An analysis of media coverage, public perception surveys, and interviews with civil judges to explore the impact of public opinion on judicial decision-making. Public opinion and media scrutiny influence civil judges' decisions and reputation. (Johnson 2018) "Judicial Independence and Civil Justice". Johnson, P. 2018 – A comparative study of judicial systems in various countries, assessing the impact of judicial independence on civil justice. Judicial independence is essential for civil judges to ensure impartial decision-making. (Wilson, K 2018) "Ethical Dilemmas in Civil Adjudication" Wilson, K. 2018 Analysis of ethical cases and interviews with civil judges to identify common ethical dilemmas they face. The study finds that Civil judges encounter complex ethical dilemmas that influence their decision-making. (Martin, K 2017) "Aging Judiciary and Succession Planning" Martin, K 2017 A study examining the challenges posed by an aging judiciary and the implementation of succession planning strategies for civil judges. An aging judiciary necessitates proactive succession planning to maintain efficiency and

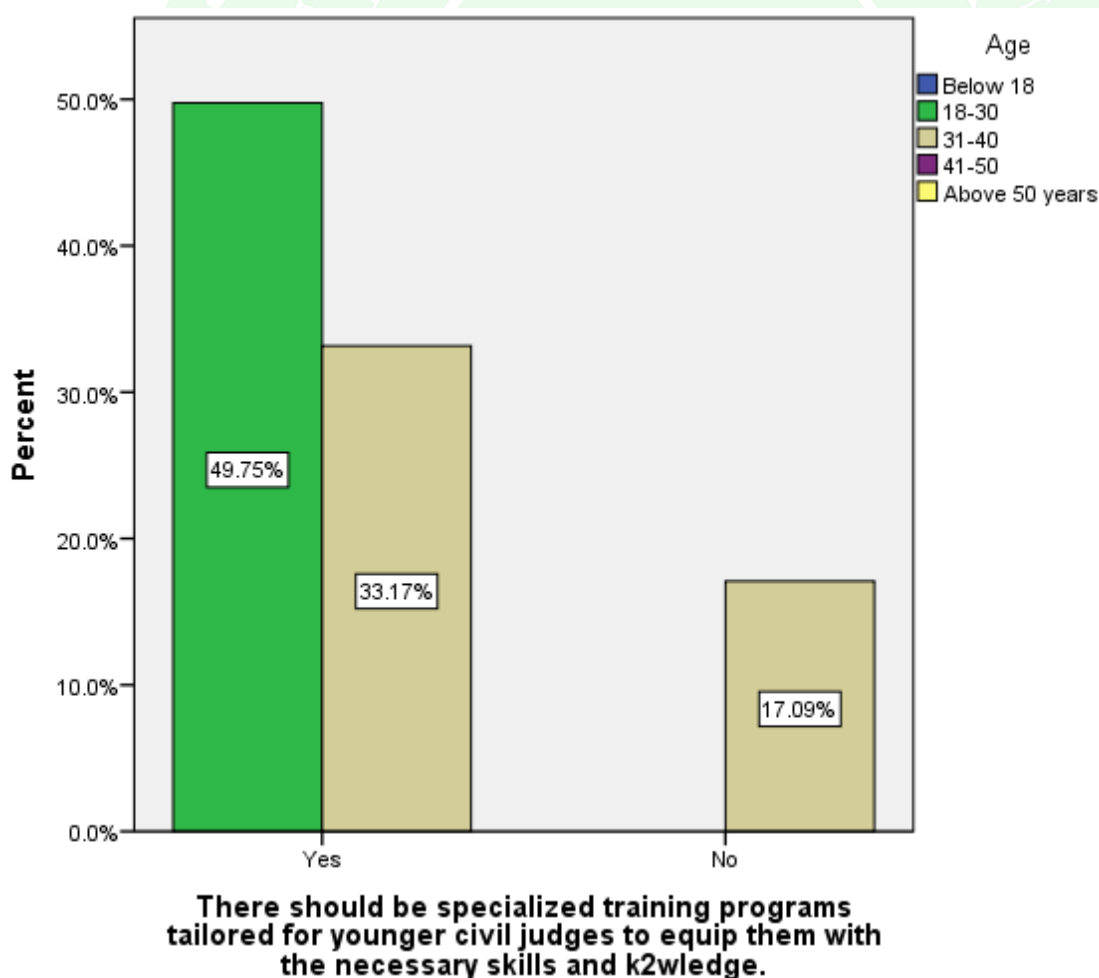
effectiveness. (Martinez S 2017) "Civil Judges as Gatekeepers of Access to Justice" Martinez, S. 2017 Interviews with civil judges and legal experts to explore their role in facilitating access to justice for marginalized populations. The study found that Civil judges play a crucial role in ensuring access to justice for vulnerable groups. (Thomas 2016) "The Role of Precedent in Shaping Civil Case Decisions" Thomas, E. 2016 – A legal analysis of court decisions to explore how civil judges use legal precedent in their decision-making processes. Civil judges rely on legal precedent to guide their decisions.

An empirical research method is used for the purpose of the study. A total of 226 Samples have been collected out of which all the samples have been collected by a convenient sampling method. The Samples were collected Online through a structured questionnaire. Books, journals, newspapers and many websites have been referred to. The independent variables are Age, Gender, and Educational qualification, Area of residence and Occupation. Uses of resistance of technology. The dependent variables efficiency of recruiting younger civil judges.

METHODOLOGY :

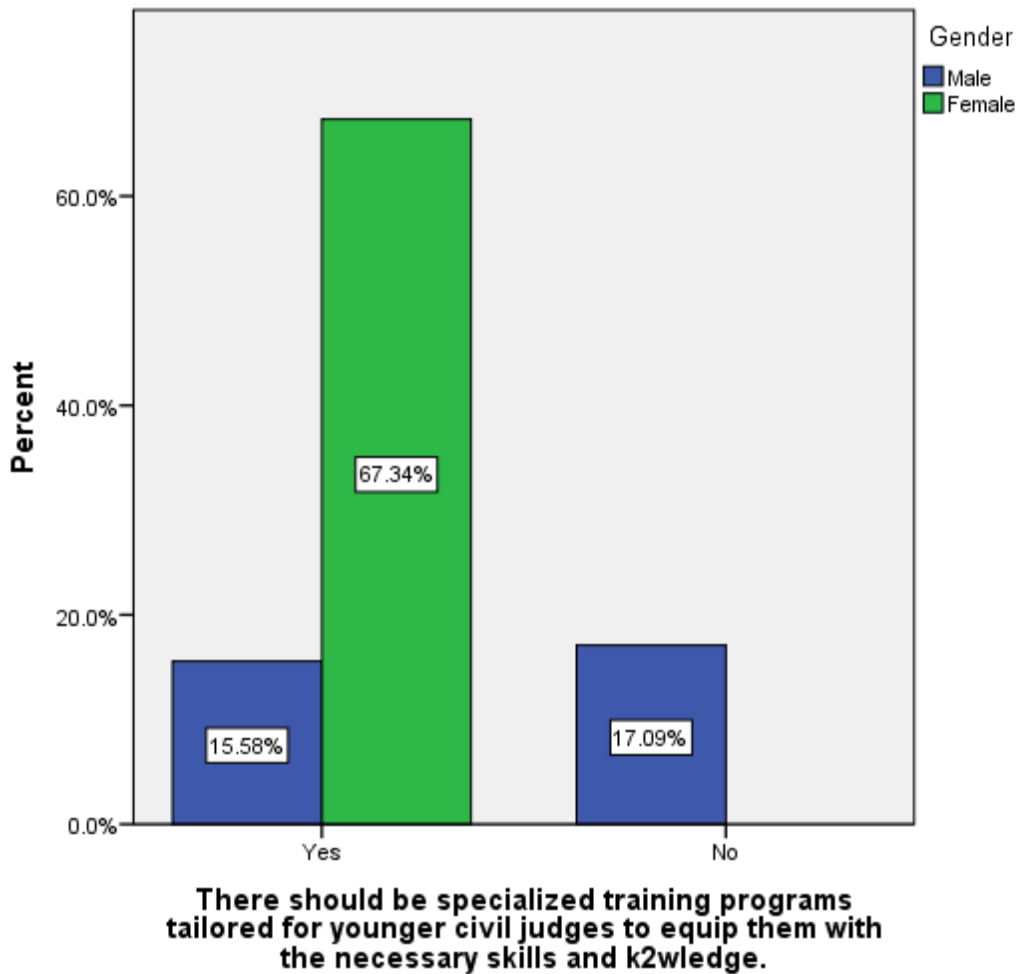
ANALYSIS:

FIGURE 1:

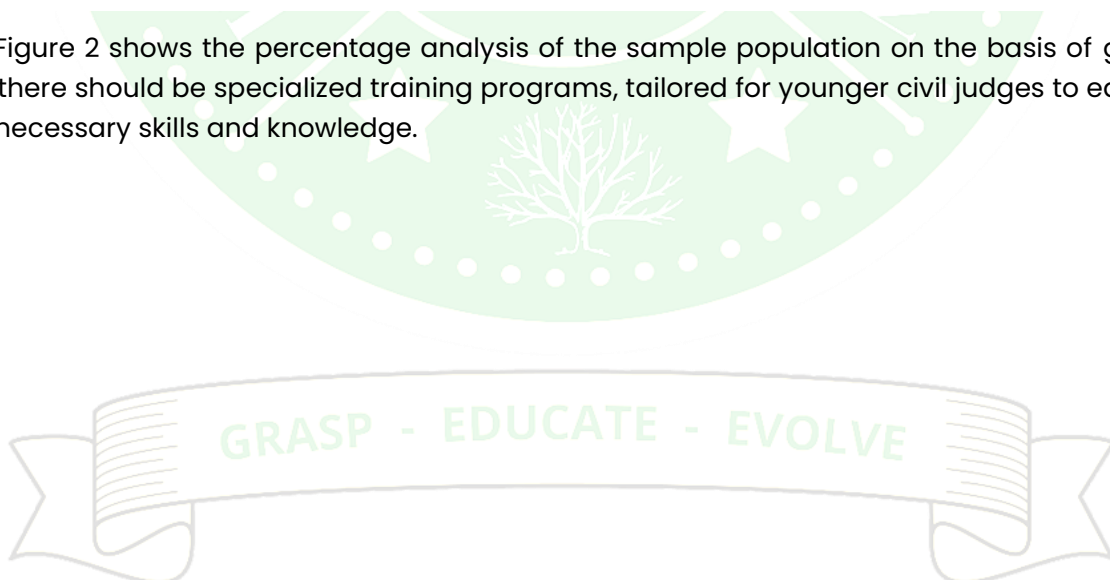


LEGEND: Figure 1 shows the percentage analysis of the sample population on the basis of age on whether there should be specialized training programs, tailored for younger civil judges, to equip them with the necessary skills and knowledge.

FIGURE 2:

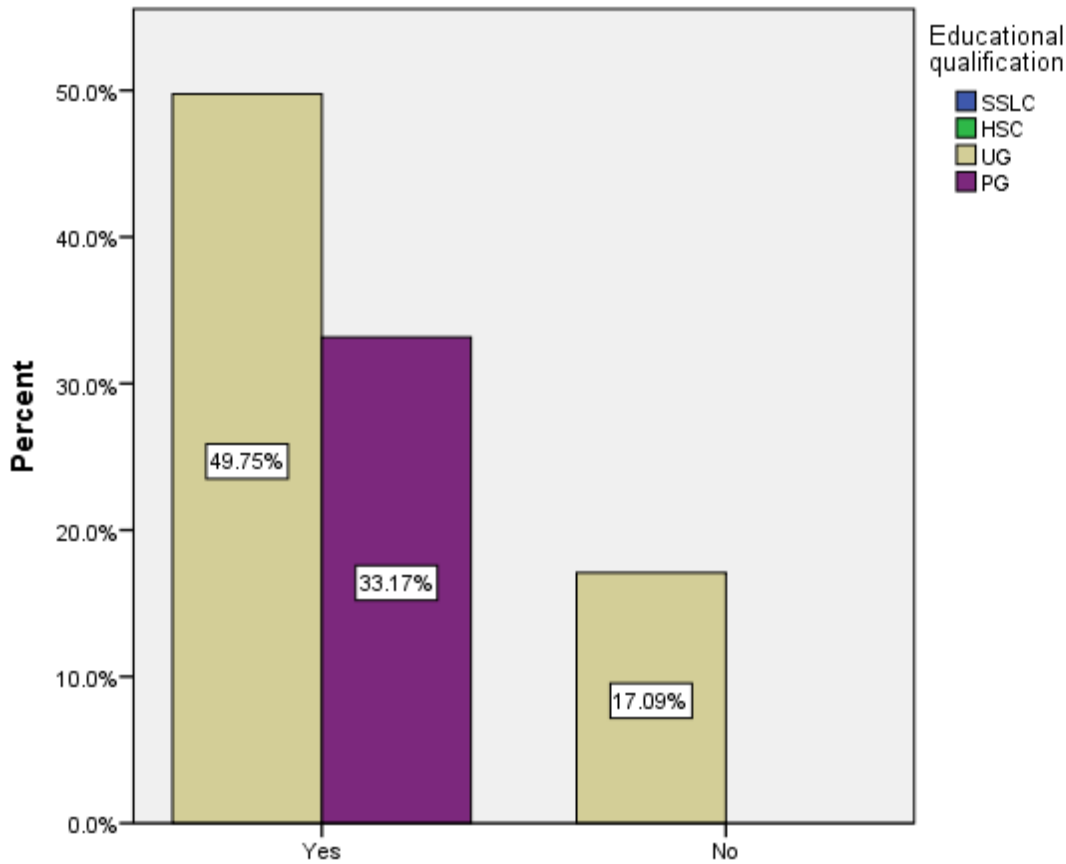


LEGEND: Figure 2 shows the percentage analysis of the sample population on the basis of gender on whether there should be specialized training programs, tailored for younger civil judges to equip them with the necessary skills and knowledge.



FIGURE

3:



There should be specialized training programs tailored for younger civil judges to equip them with the necessary skills and knowledge.

LEGEND: Figure 3 represents the percentage analysis of the basis of educational qualification on whether there should be specialized training programmes, tailored for younger sibling judges to equip them with the necessary skills and knowledge.

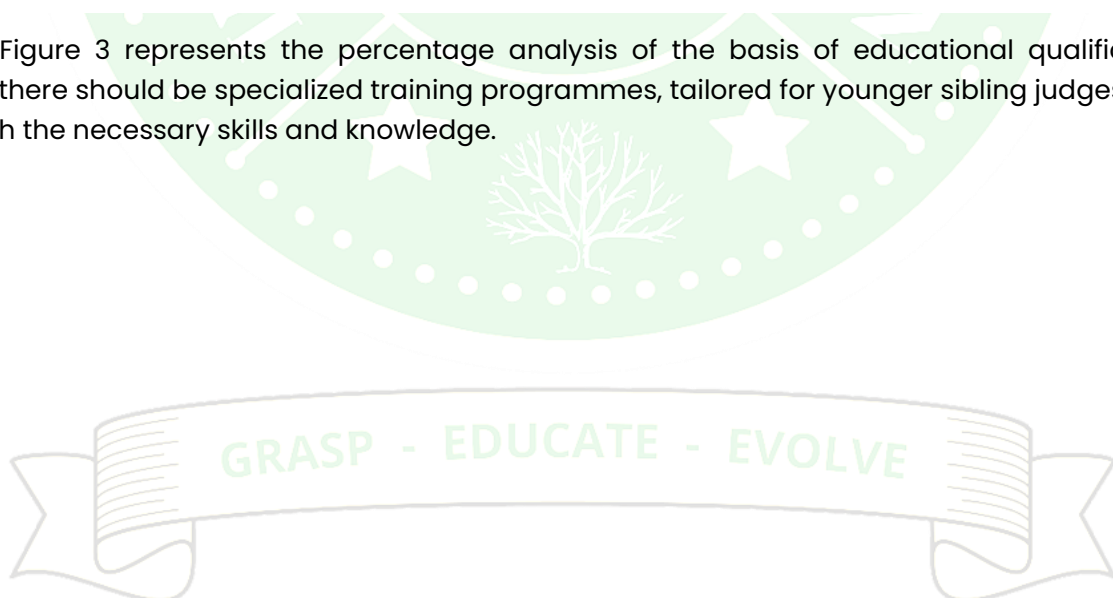
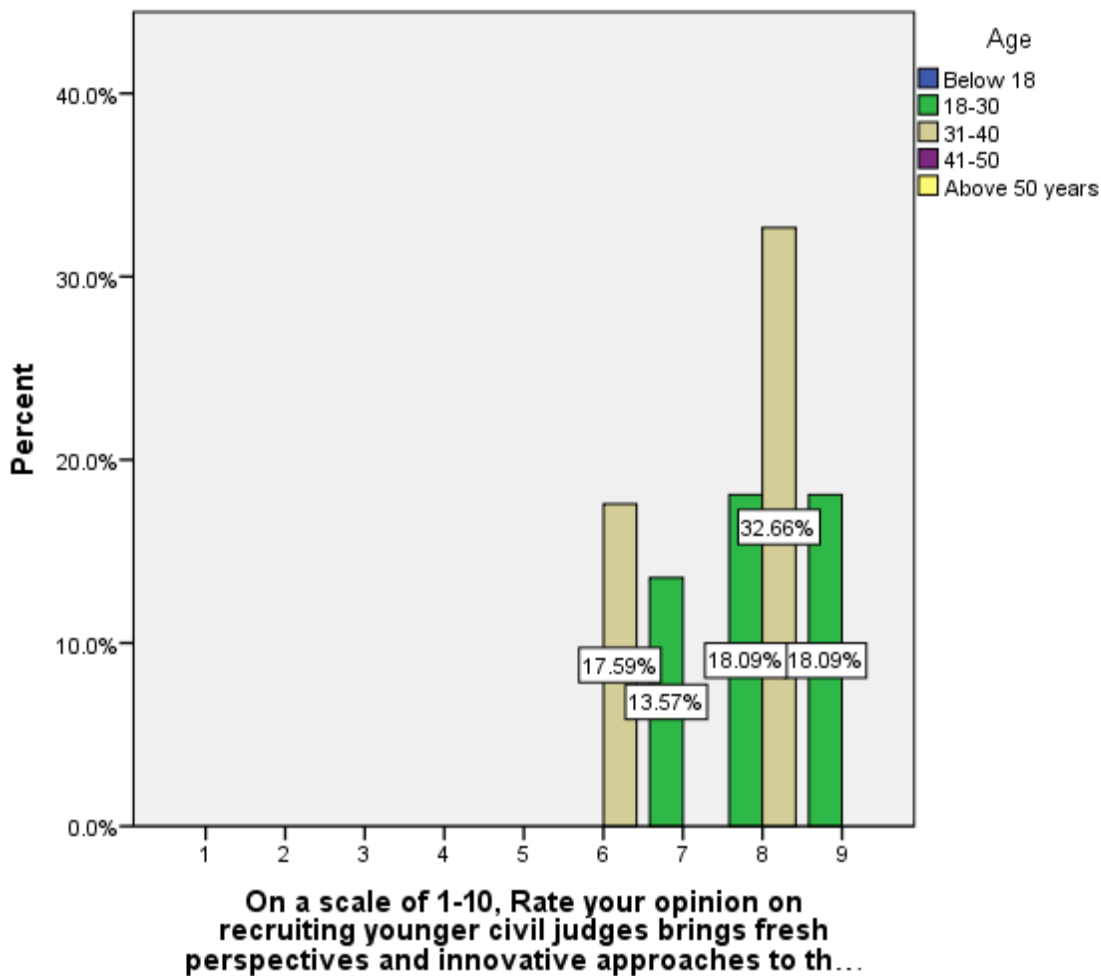


FIGURE 4:



LEGEND: figure 4 represents the percentage analysis on the basis of the age category. Upon the opinion, recruiting younger civil judges brings a fresh perspective and innovative approaches to the judicial system.

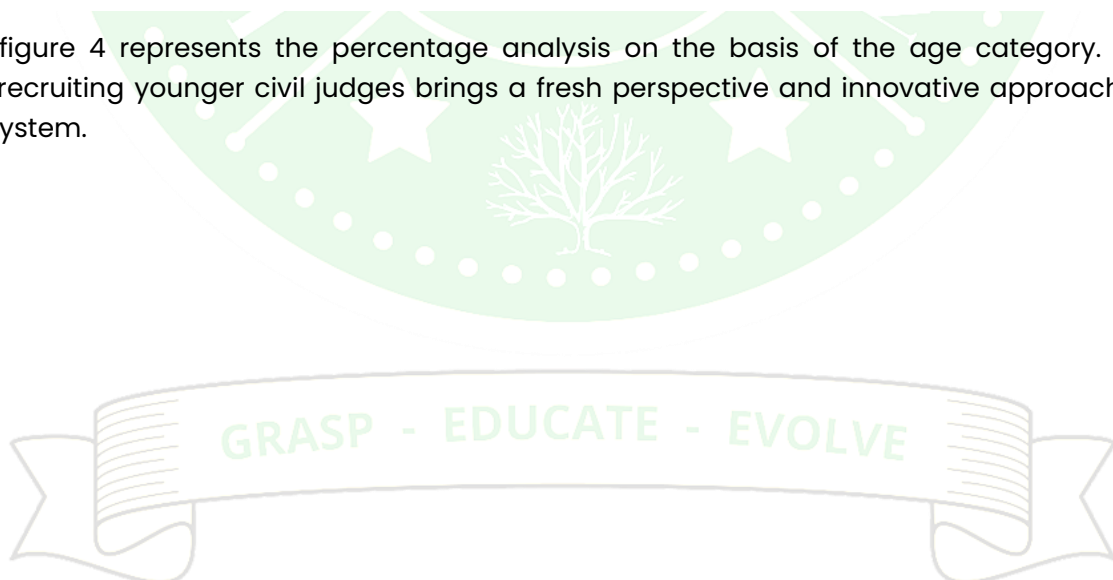
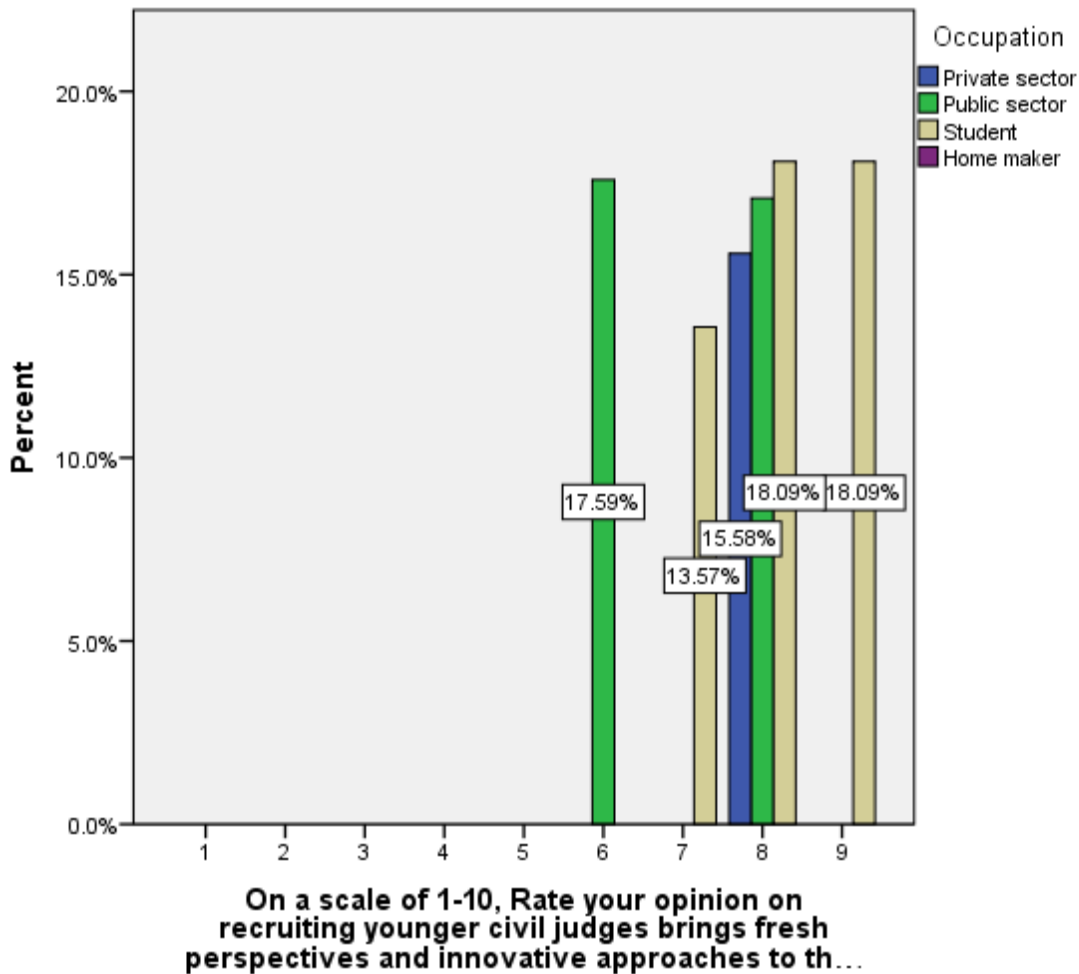


FIGURE 5:



LEGEND: Figure 5 represents the percentage analysis on the basis of Occupation upon the opinion, recruiting younger civil judges brings a fresh perspective and innovative approaches to the judicial system.

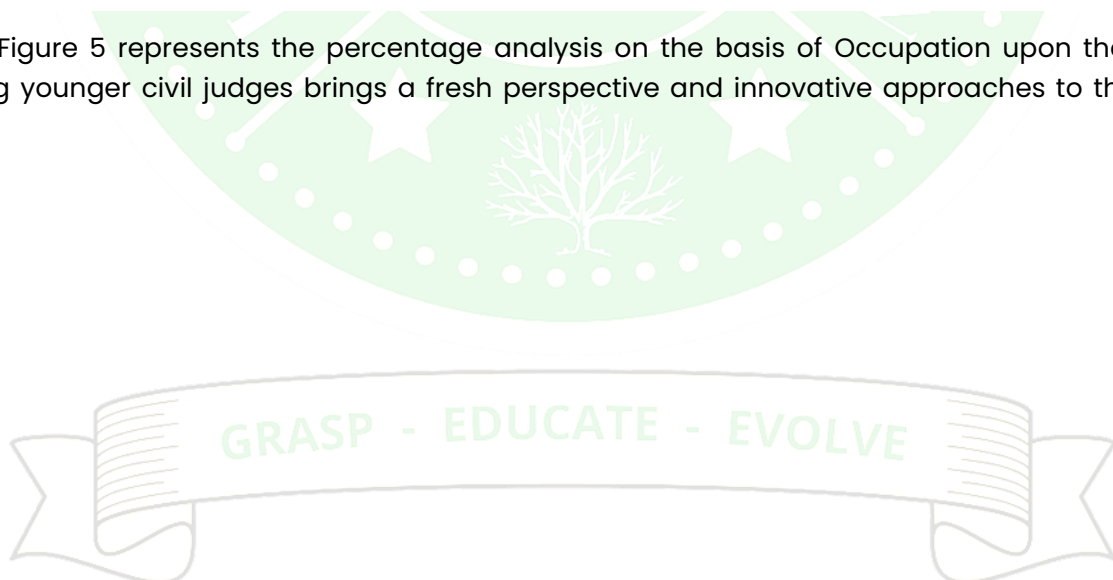
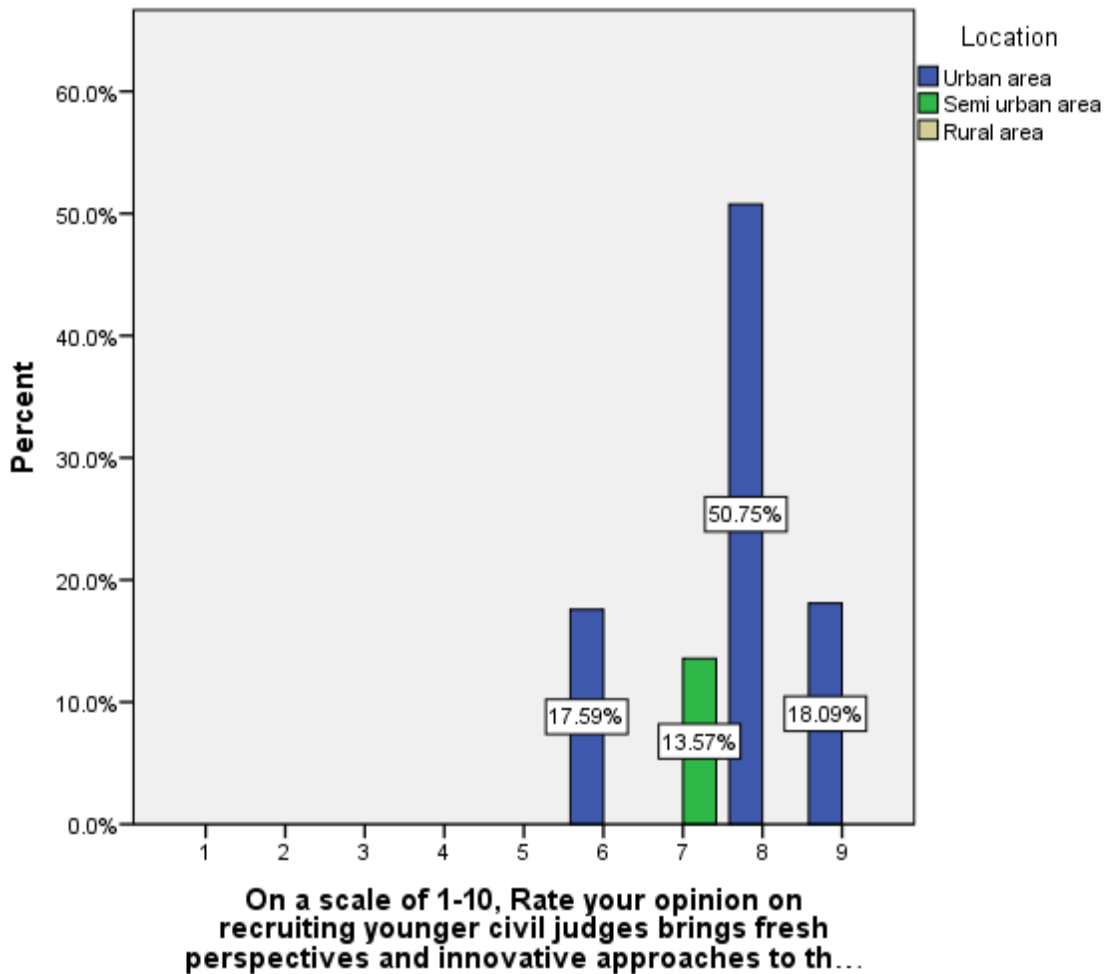


FIGURE 6:



LEGEND: Figure 6 represents the percentage analysis on the basis of Location upon the opinion, recruiting younger civil judges brings a fresh perspective and innovative approaches to the judicial system.

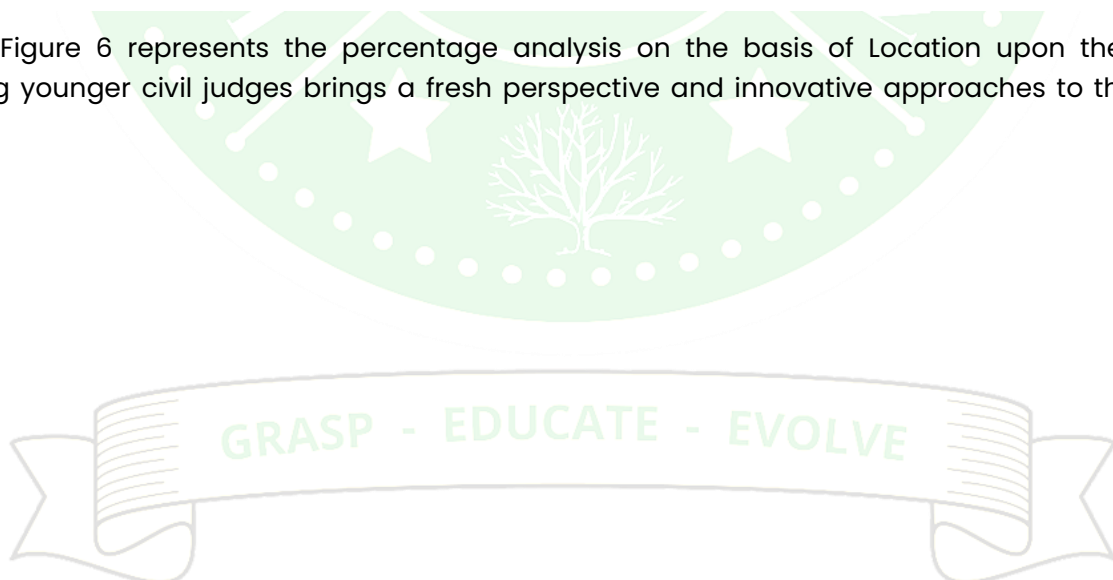
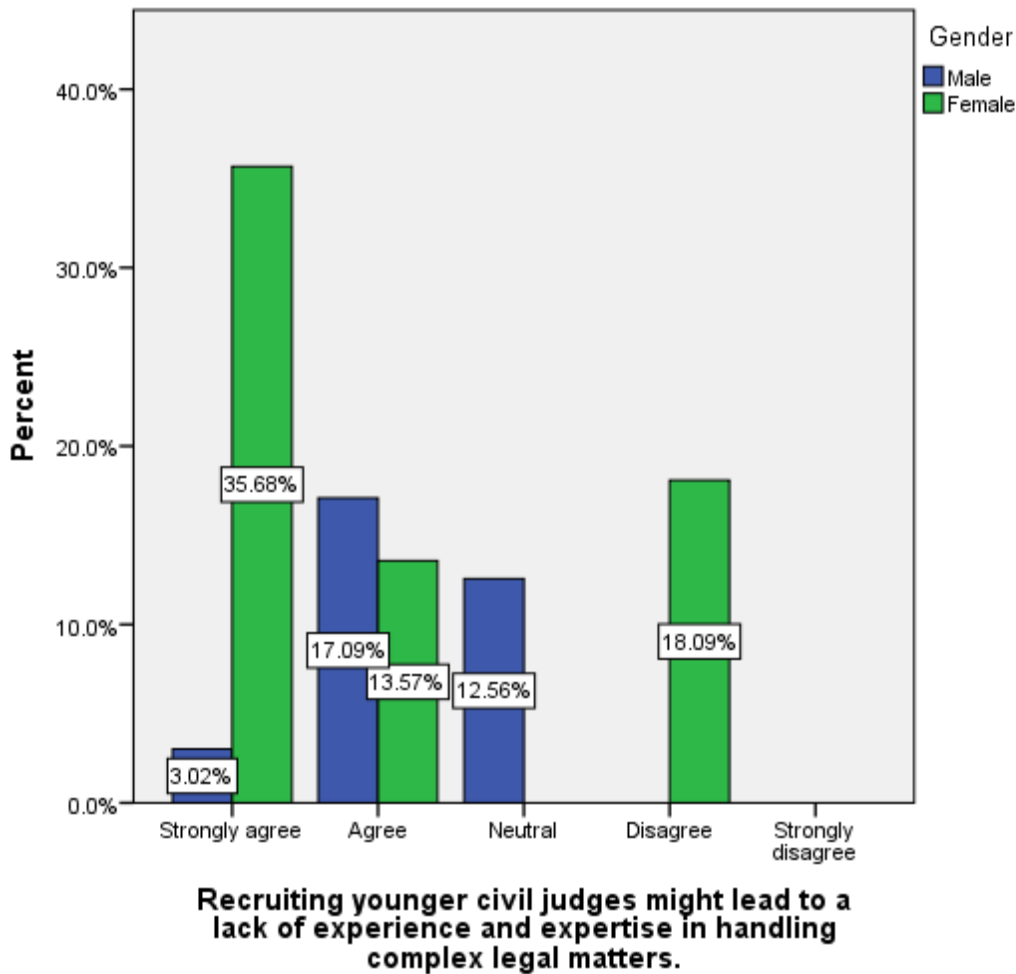


FIGURE 7:



LEGEND: figure 7 represents the percentage analysis on the basis of gender, upon the opinion of the sample population on recruiting younger civil judges, my lack of experience and expertise in handling complex legal matters.

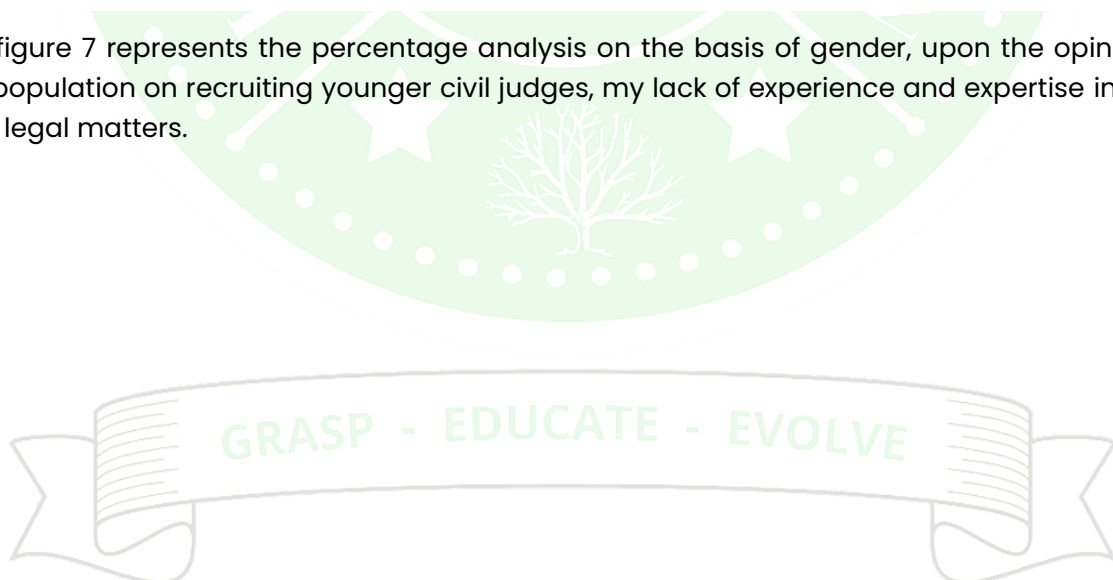
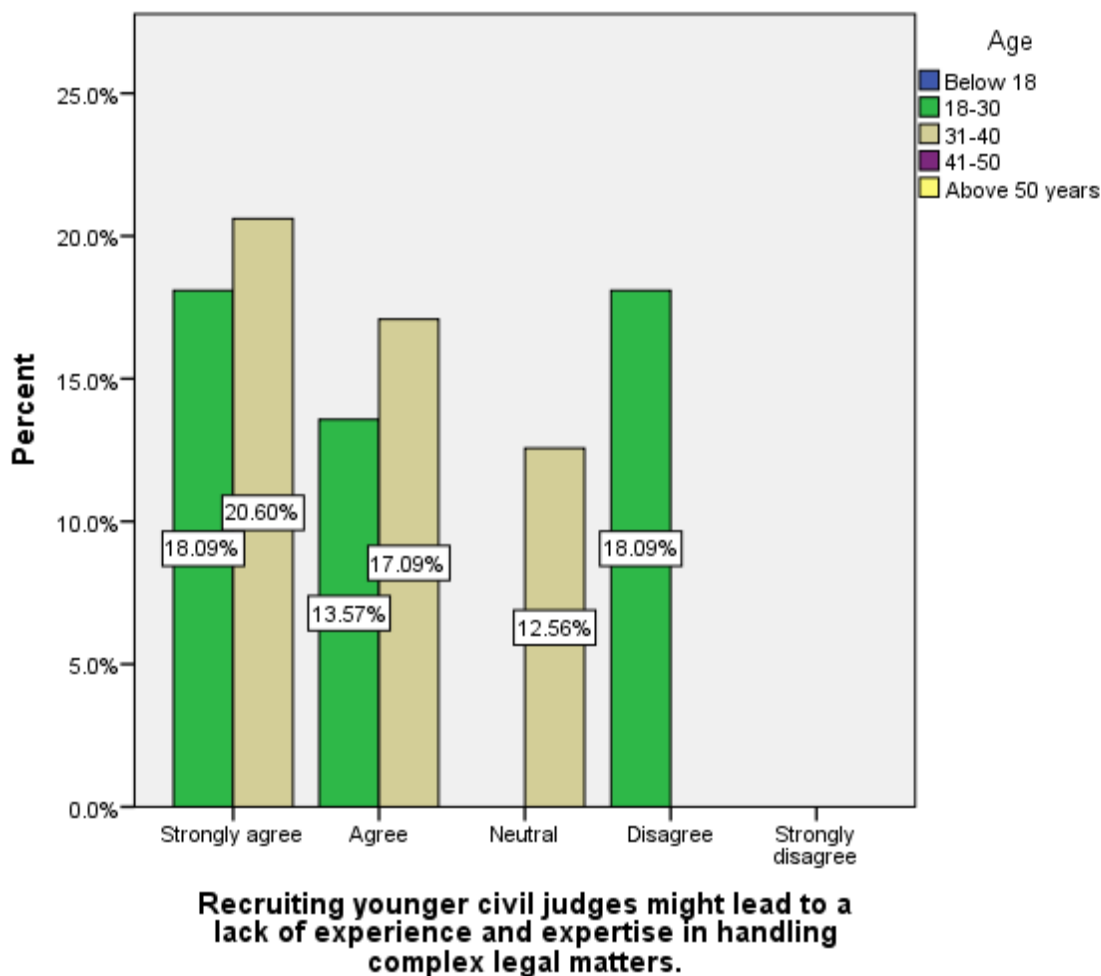


FIGURE 8:



LEGEND: figure 8 represents the percentage analysis on the basis of age category. Upon the opinion on recruiting, young civil judges might lead to a lack of experience and expertise in handling complex legal matters.

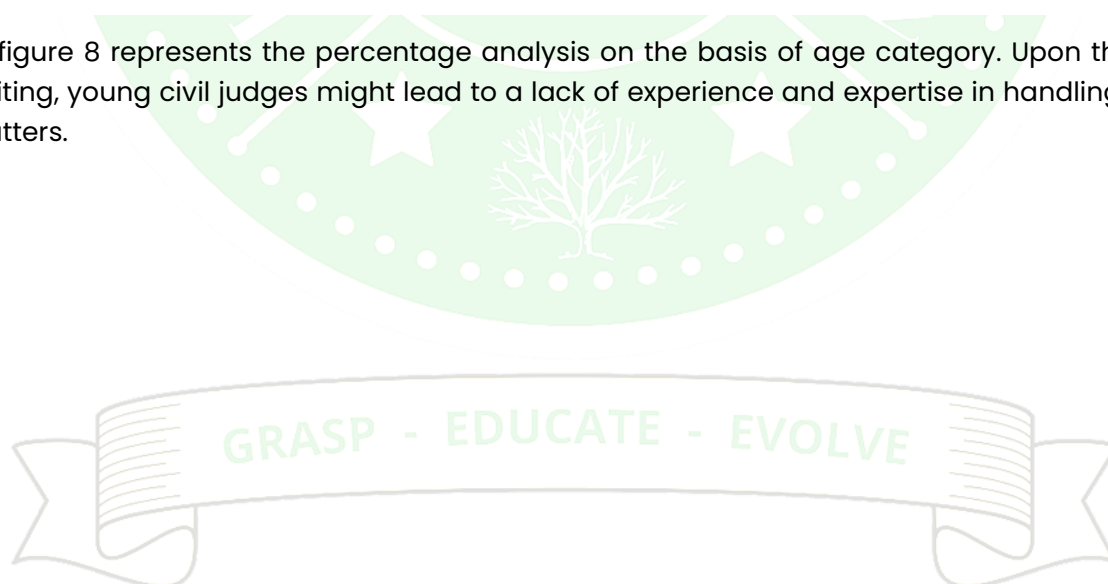
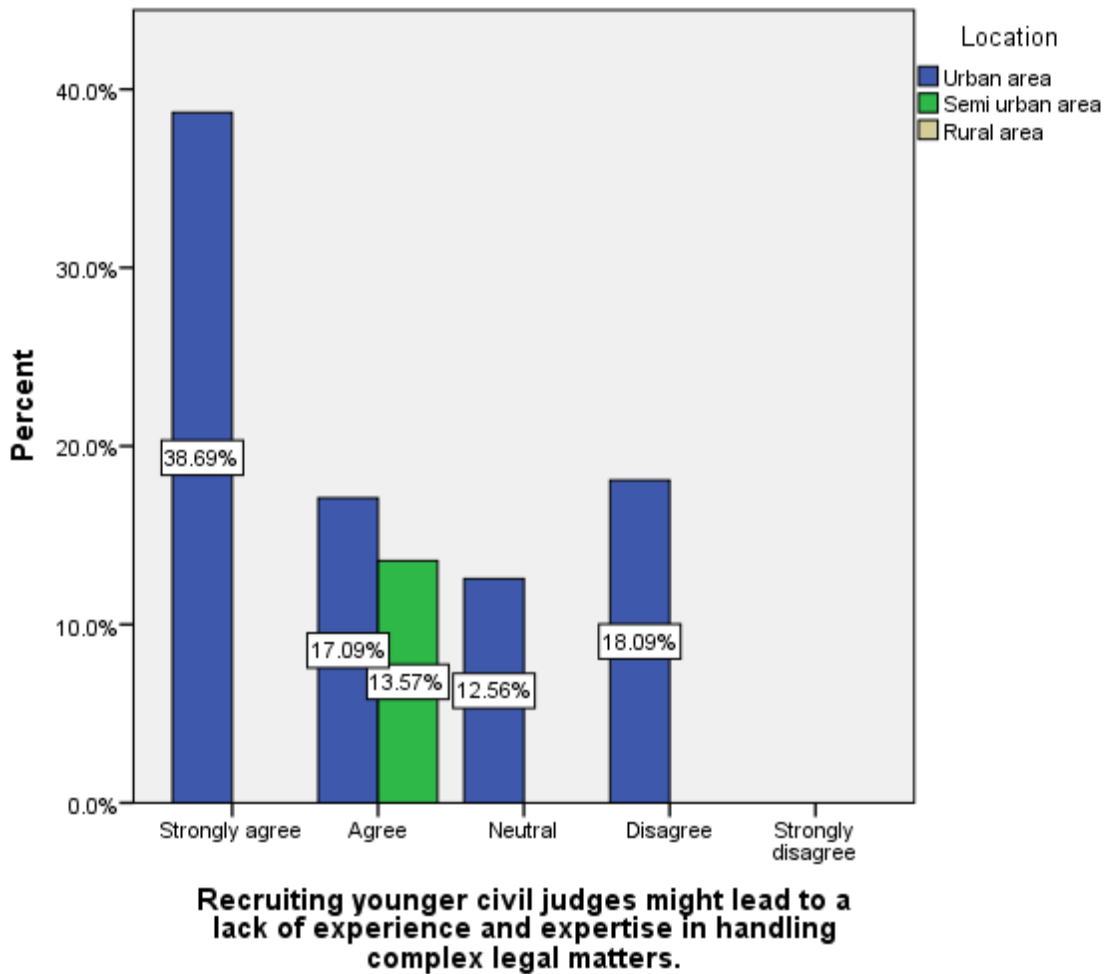


FIGURE 9:



LEGEND: figure 9 represents the percentage analysis based on location. Upon the opinion of the sample population on recruiting younger civil judges might lead to a lack of experience and expertise in handling complex legal matters.

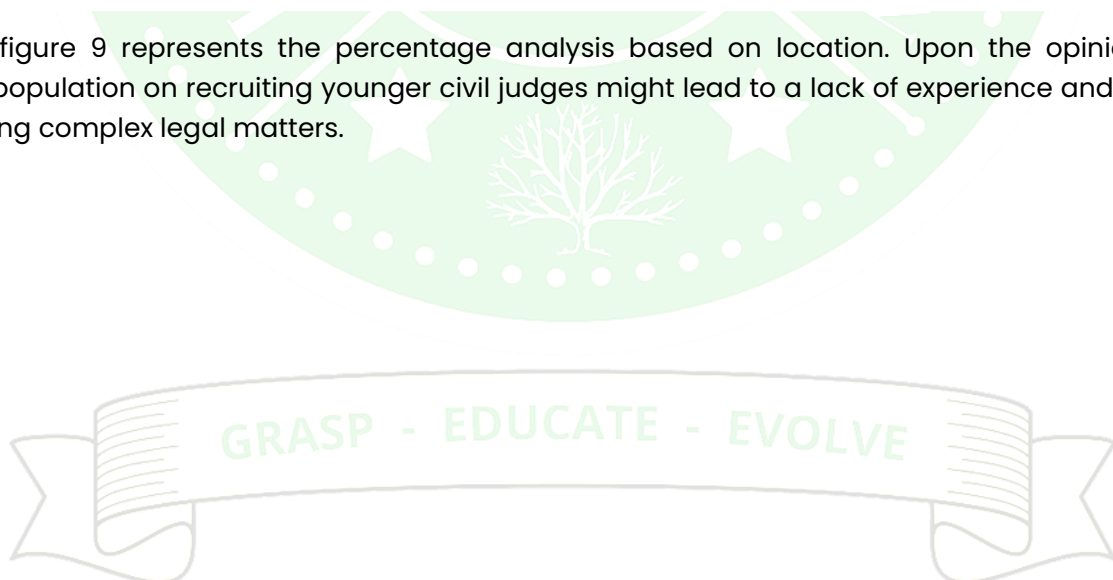
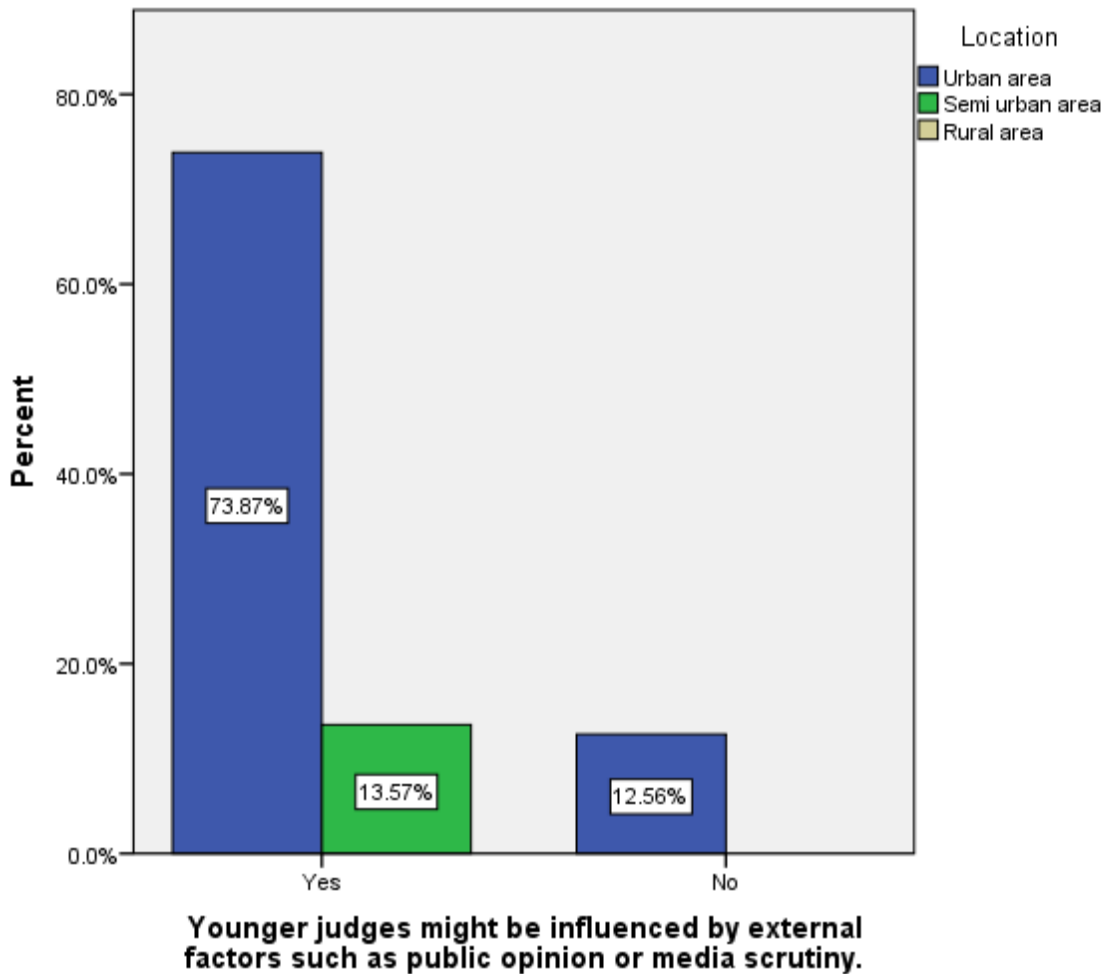


FIGURE 10:



LEGEND: figure 10 represents the percentage analysis on the basis of location. Upon the opinion of the sample population on younger judges might be influenced by external factors such as public opinion or media scrutiny.

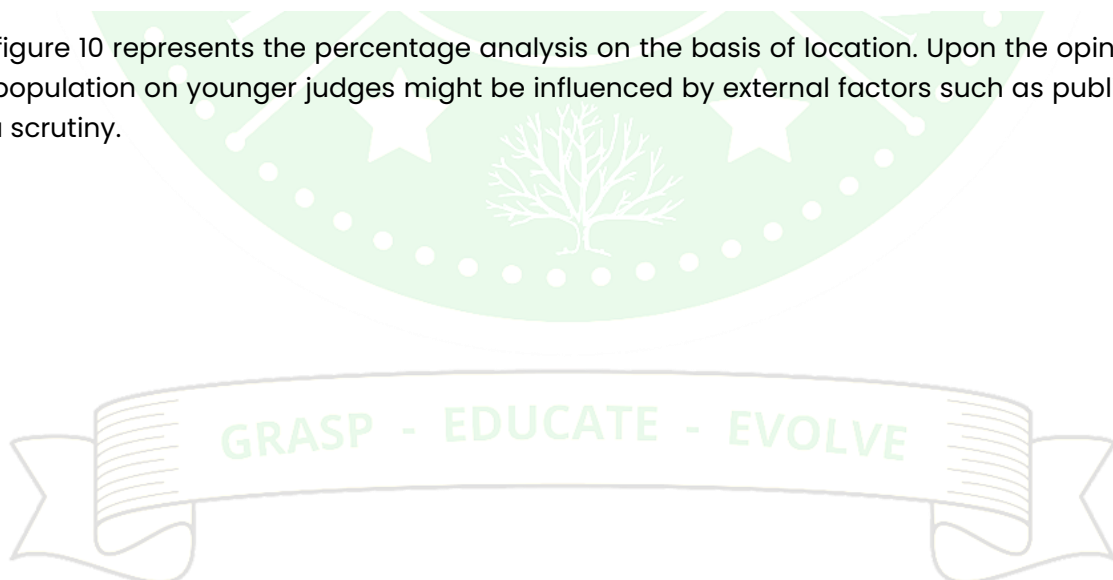
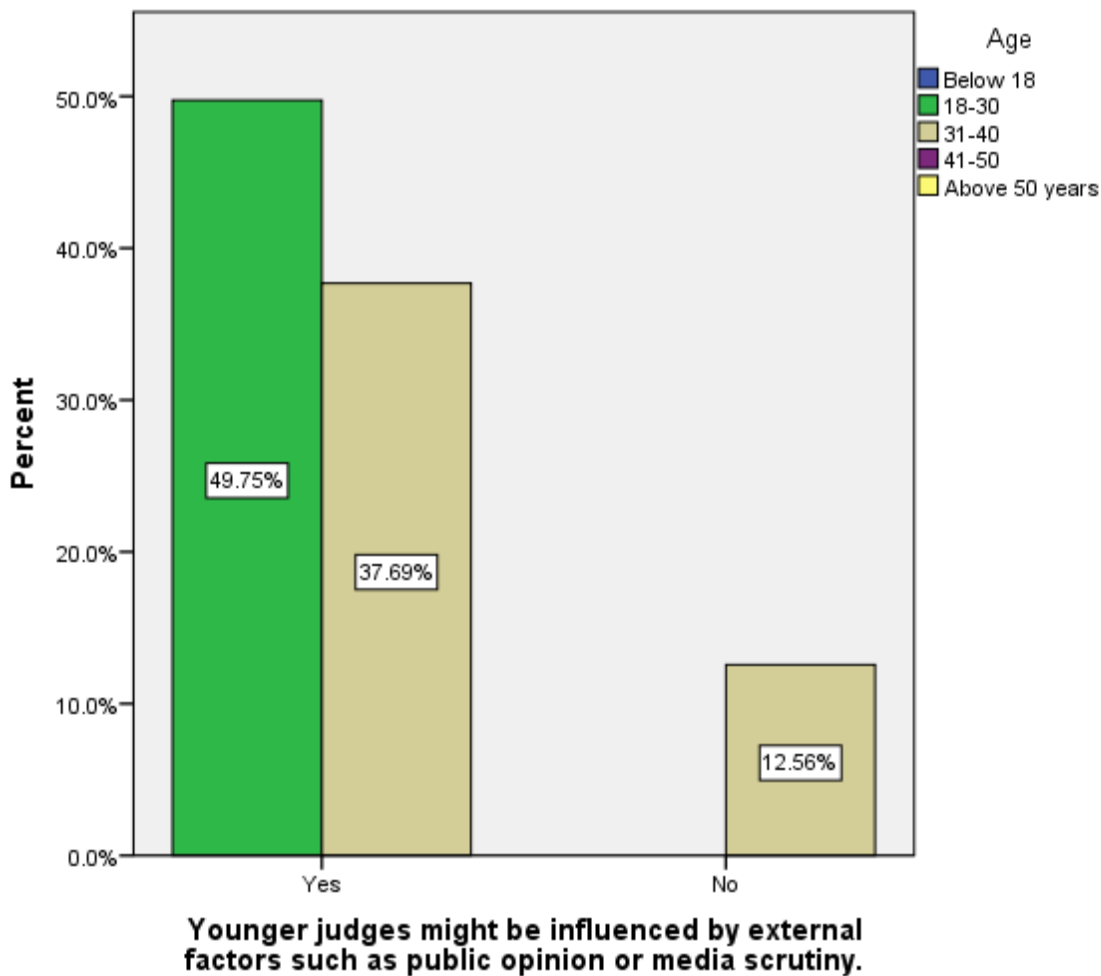


FIGURE 11:



LEGEND: figure 11 represents the percentage analysis based upon age category, upon the opinion of the sample population, that younger judges might be influenced by external factors such as public opinion or media scrutiny.

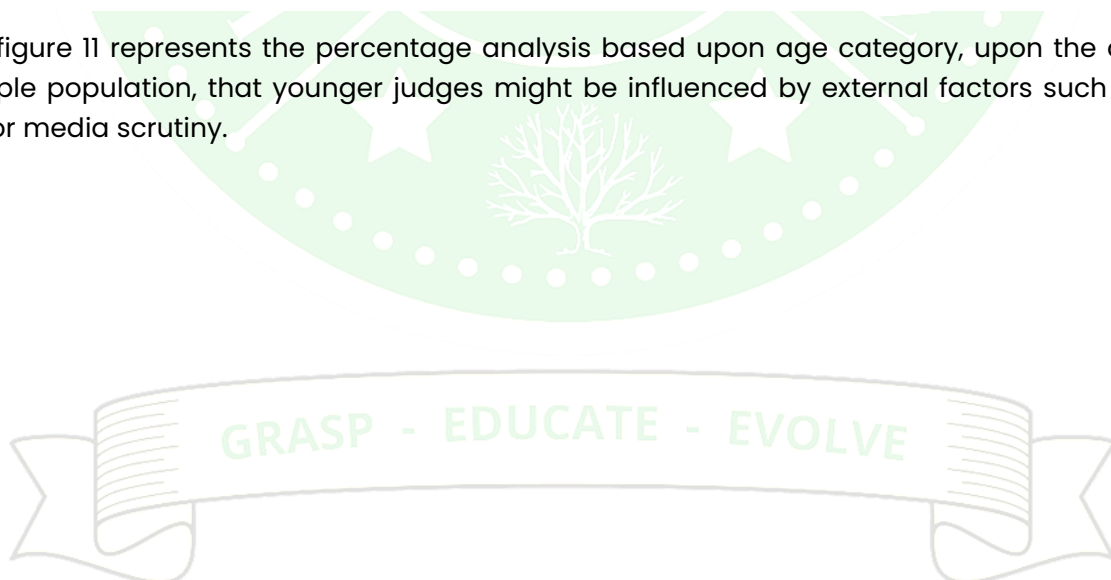
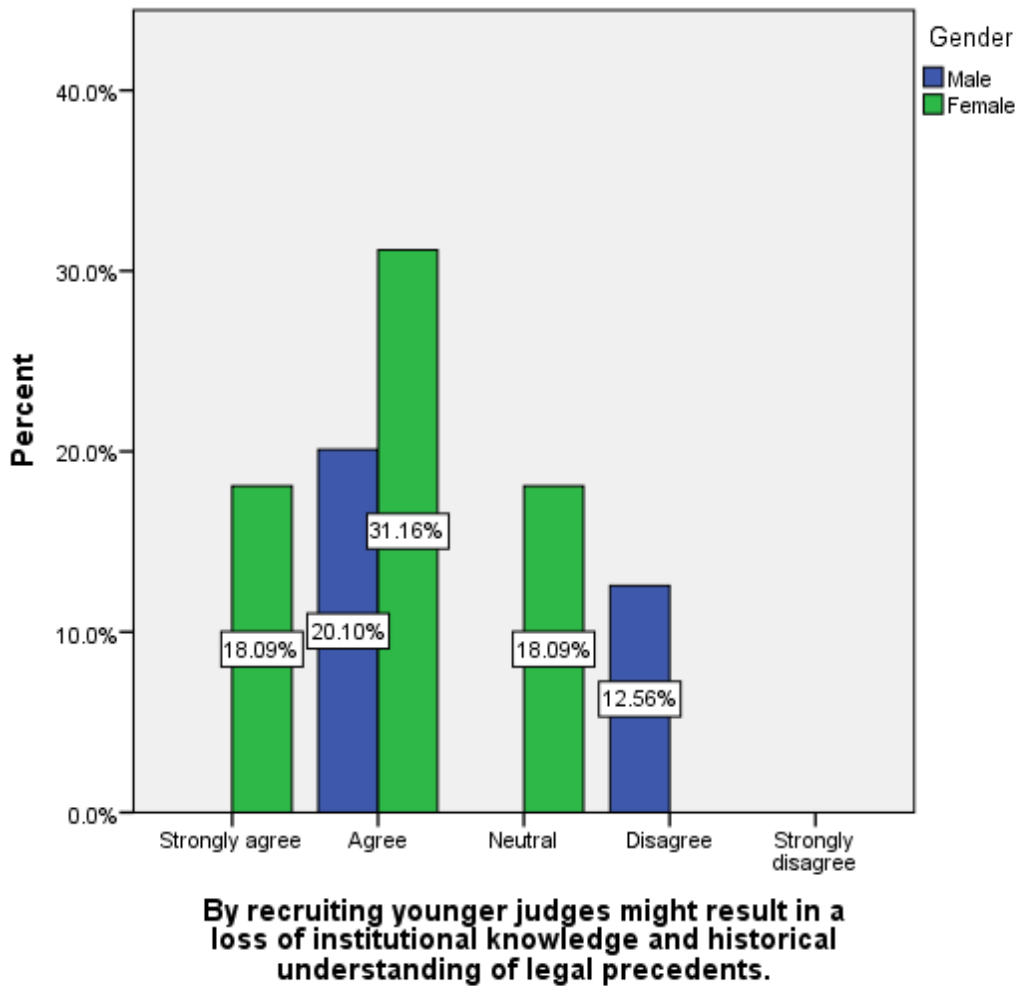


FIGURE 12:



LEGEND: Figure 12 represents the percentage analysis on the basis of gender on the public opinion on by recruiting young judges might result in a loss of institutional knowledge and historical understanding of legal precedents.

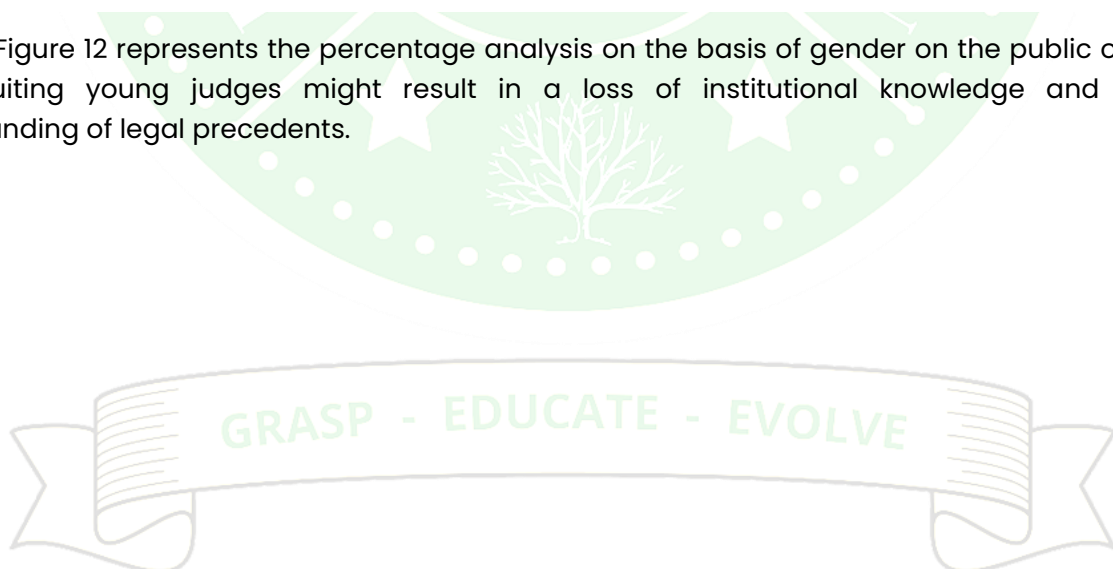
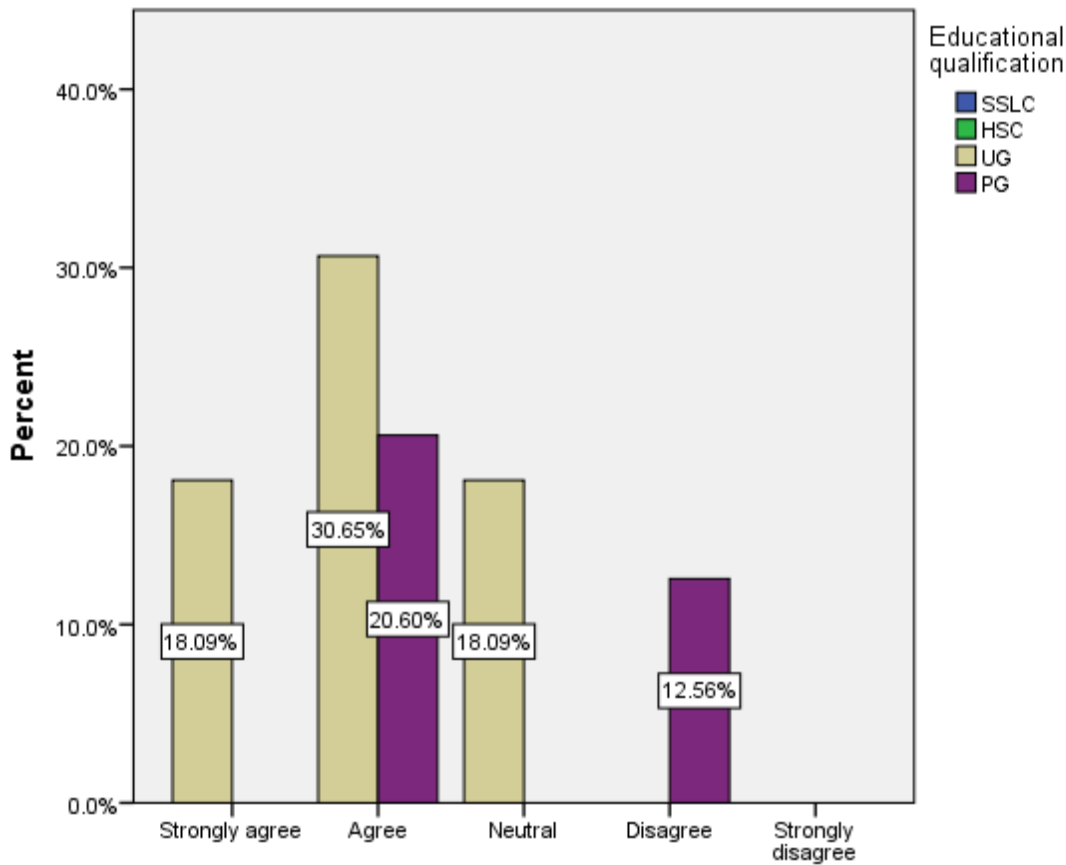


FIGURE 13:



By recruiting younger judges might result in a loss of institutional knowledge and historical understanding of legal precedents.

LEGEND: Figure 13 represents the percentage analysis on the basis of educational qualification on the public opinion on by recruiting young judges might result in a loss of institutional knowledge and historical understanding of legal precedents.

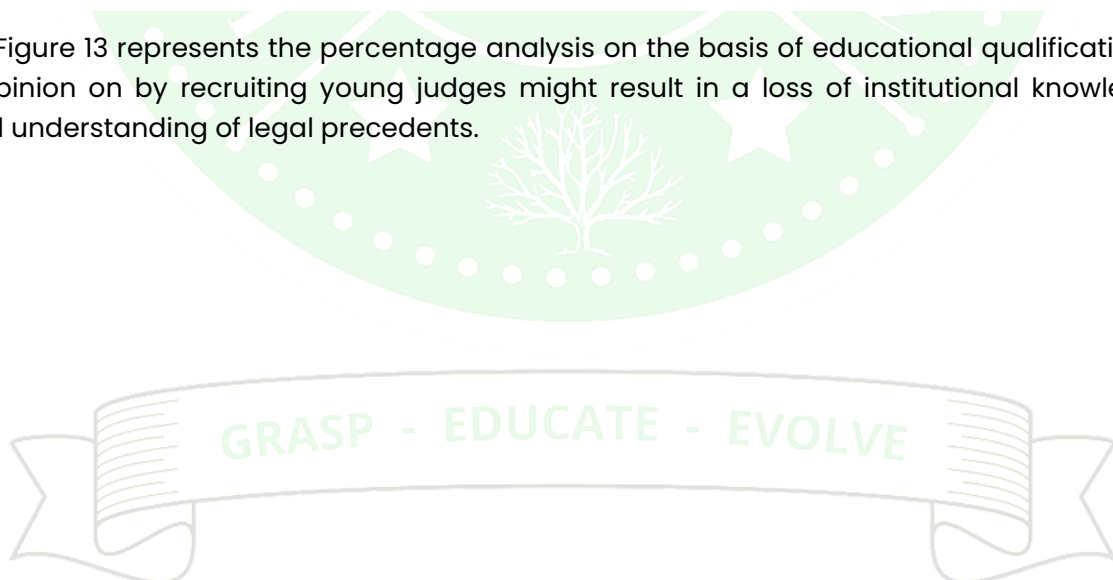
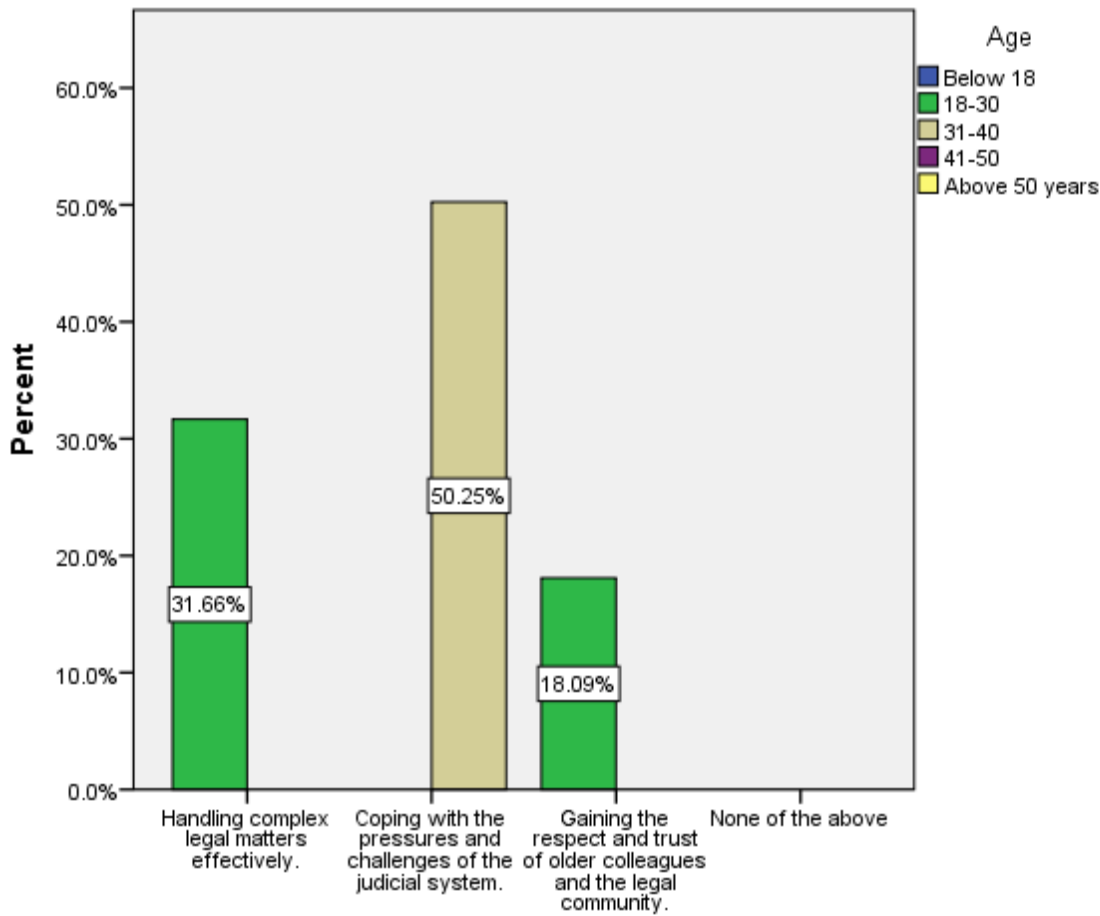


FIGURE 14:



The major concern about lack of experience whi...

LEGEND: Figure 14 represents the percentage analysis on the basis of age category upon the opinion of the sample population that the major concerns about lack of experience while recruiting younger civil judges.

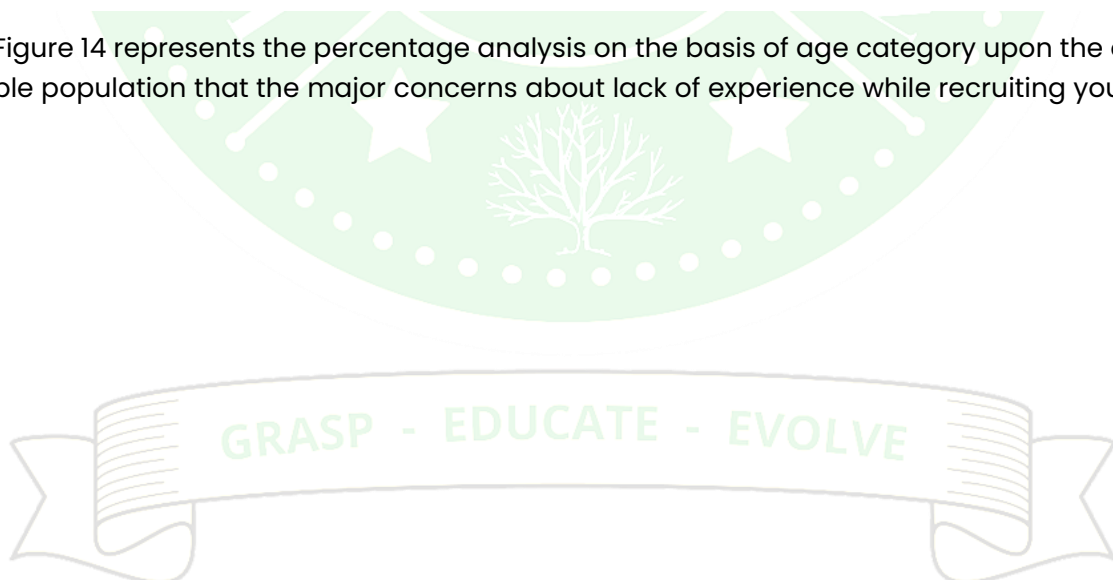
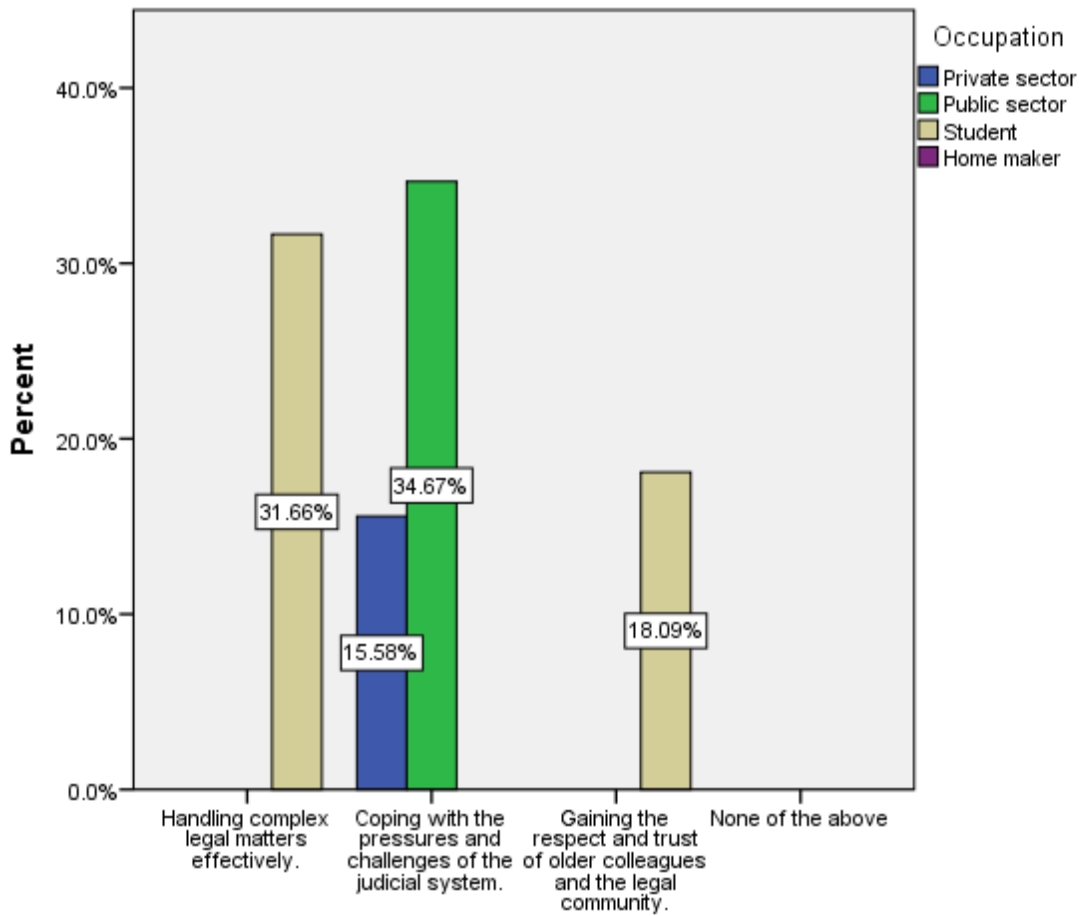


FIGURE 15:



The major concern about lack of experience whi...

LEGEND: Figure 15 represents the percentage analysis on the basis occupation upon the opinion of the sample population that the major concerns about lack of experience while recruiting younger civil judges.

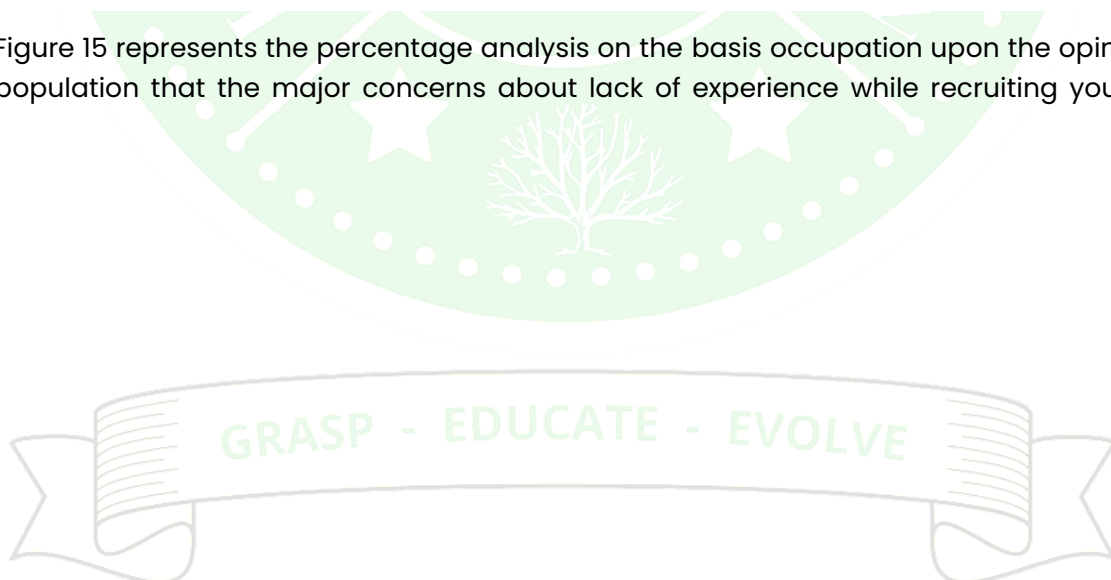
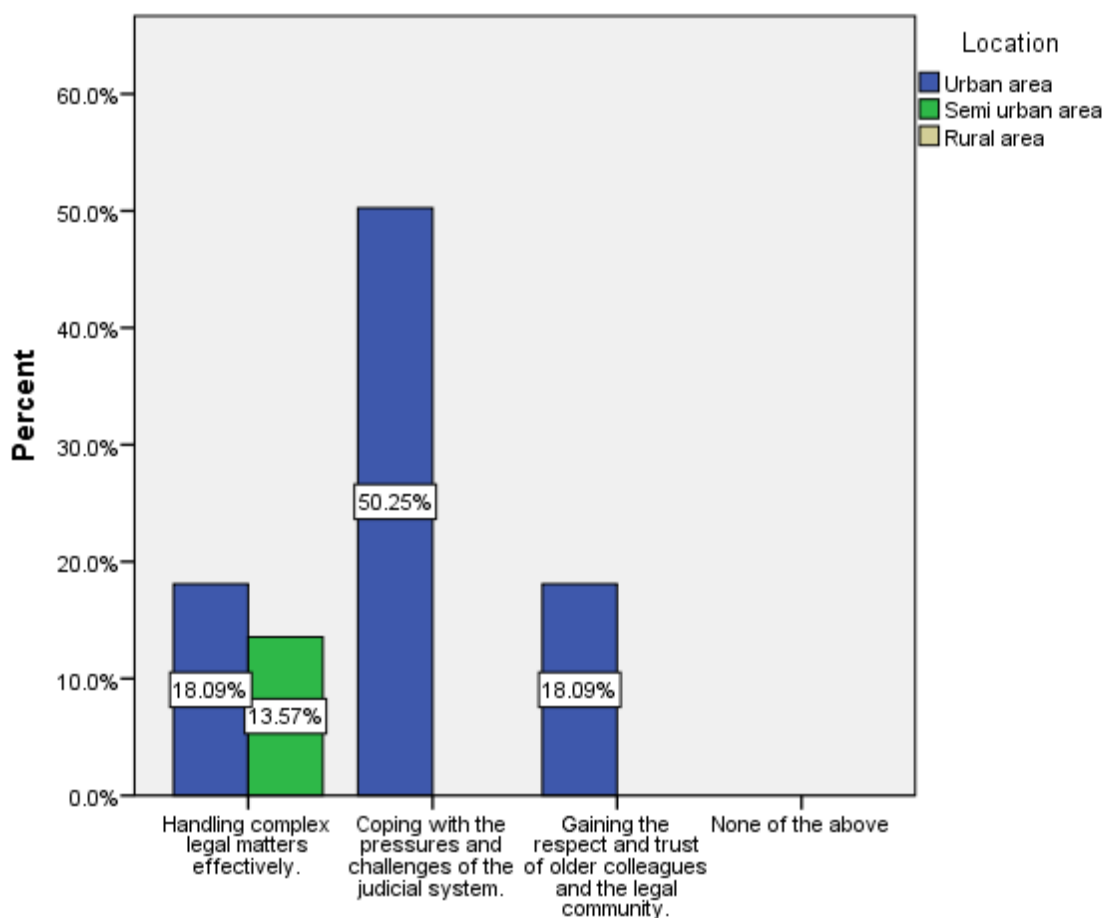


FIGURE 16:



The major concern about lack of experience whi...

LEGEND: Figure 16 represents the percentage analysis on the basis of location upon the opinion of the sample population that the major concerns about lack of experience while recruiting younger civil judges.

RESULTS:

In figure 1, a higher percentage of the sample population belonging to the age category of 18 to 30 years (49.75%) have agreed that there should be specialized training programs, tailored for younger civil judges to equip them with the necessary skills and knowledge. In figure 2, a higher percentage of the sample population of females (67.34%) have agreed that there should be specialized training programs, tailored for younger civil judges to equip them with the necessary skills and knowledge. In figure 3, A higher percentage of sample population belonging to the category of under graduate (49.75%), have agreed that there should be specialized training programs, tailored for younger civil judges to equip them

with the necessary skills and knowledge. In figure 4, A higher percentage of sample population belonging to the age category of 31 to 40 years (32.66%) rated 8 on the scale of 1-9 upon the opinion, on recruiting younger civil judges brings fresh perspective and innovative approaches to the judicial system. In figure 5, a higher percentage of the sample population belonging to the public sector (17.59%), have rated six and eight upon the rating scale 1 to 9 on the opinion that recruiting younger civil judges brings fresh perspective and innovative approaches to the judicial system. In figure 6 higher percentage of sample population belonging to urban areas (50.75%) have rated eight upon the rating, scale 1 to 9 on the opinion that recruiting younger civil judges brings fresh

perspective and innovative approaches to the judicial system. In figure 7, a higher percentage of the sample population of females (35.68%) have strongly agreed to the statement that recruiting young judges might lead to a lack of experience and expertise in handling complex matters. In figure 8, a higher percentage of the sample population belonging to the age group of 18 to 30 years (18.09%) have disagreed with the statement that recruiting younger civil judges just might lead to a lack of experience and expertise in handling complex legal matters. In figure 9, a higher percentage of the sample population belonging to the urban area (38.69%) have strongly agreed to the statement recruiting younger civil judges just might lead to a lack of experience and expertise in handling complex legal matters. In figure 10, a higher percentage of the sample population belonging to the urban area (73.87%) have agreed that younger judges might be influenced by external factors, such as public opinion or media scrutiny. In figure 11, a higher percentage of the sample population belonging to the age category of 18 to 30 years (49.75%) have agreed to the statement that younger judges might be influenced by external factors such as public opinion or media scrutiny. In figure 12, a higher percentage of the sample population of females (31.16%), have agreed to the statement that by recruiting younger judges might result in a loss of institutional knowledge and historical understanding of legal precedents. In figure 13, higher percentage of sample population belonging to the category of undergraduates (30.65%), have agreed to the statement that by recruiting younger judges might result in a loss of institutional knowledge and historical understanding of legal precedents. In figure 14, a higher percentage of the sample population belonging to the age category of 18 to 30 years (31.66%) have chosen that handling complex. Legal matters effectively is one of the major concerns of lack of experience while recruiting young civil judges. In figure 15, a higher percentage of the sample population belonging to the public sector (34.67%) have chosen that

coping with the pressures and challenges of the education system is one of the major concerns about lack of experience while recruiting younger civil judges. In Figure 16, a higher percentage of the sample population belonging to the urban area (50.25%) have chosen coping with the pressures and challenges of the judicial system is the major concern about the lack of experience while recruiting younger civil judges.

DISCUSSION:

In figure 1, a higher percentage of the sample population belonging to the age category of 18 to 30 years (49.75%) have agreed that there should be specialized training programs, tailored for younger civil judges to equip them with the necessary skills and knowledge. Implementing specialized training programs tailored for younger civil judges in India is crucial to equip them with the essential skills and knowledge required for their roles. These programs should encompass advanced legal education, case management techniques, training in judicial ethics, communication skills, technology integration, and sensitivity to social issues. Practical elements such as mock trials and mentorship can provide hands-on experience and guidance. Continuing education and a culture of research and publication can further enhance their capabilities. These initiatives not only benefit younger judges by preparing them for the complexities of the job but also contribute to a more efficient and equitable judicial system, ultimately upholding the principles of justice and the rule of law in India. In figure 4, A higher percentage of sample population belonging to the age category of 31 to 40 years (32.66%) rated 8 on the scale of 1-9 upon the opinion, on recruiting younger civil judges brings fresh perspective and innovative approaches to the judicial system. Recruiting younger civil judges in India indeed injects fresh perspectives and innovative approaches into the judicial system. Younger judges often bring a contemporary understanding of societal issues, a familiarity with evolving technology, and a readiness to adapt to changing legal landscapes. Their

diverse backgrounds and experiences can lead to more inclusive legal interpretations and a greater sensitivity to social issues. This synergy of experienced senior judges and the energy and creativity of younger ones can enrich the judiciary, potentially enhancing its efficiency, responsiveness, and relevance to the dynamic needs of Indian society. It can ultimately contribute to a more agile and effective justice delivery system in India. In figure 7, a higher percentage of the sample population of females (35.68%) have strongly agreed to the statement that recruiting young judges might lead to a lack of experience and expertise in handling complex matters. Recruiting young judges does indeed pose the risk of a potential lack of experience and expertise in handling complex legal matters. Experience plays a crucial role in comprehending intricate legal nuances and making well-informed judgments. To mitigate this challenge, it's essential for the judicial system to provide robust training and mentorship programs tailored to the specific needs of younger judges. By investing in their professional development and fostering a culture of continuous learning, it is possible to strike a balance between the fresh perspectives young judges bring and the expertise required to handle complex cases effectively, ultimately strengthening the overall judicial system. In figure 8, a higher percentage of the sample population belonging to the age group of 18 to 30 years (18.09%) have disagreed with the statement that recruiting younger civil judges just might lead to a lack of experience and expertise in handling complex legal matters. This suggests that younger individuals themselves may have confidence in their ability to contribute effectively to the judicial system, possibly due to their fresh perspectives, energy, and adaptability. However, it's essential for the judicial system to strike a balance by providing the necessary training and support to ensure that these younger judges can indeed handle complex legal matters with competence over time. In figure 10, a higher percentage of the sample population belonging to the urban area

(73.87%) have agreed that younger judges might be influenced by external factors, such as public opinion or media scrutiny. This perception may arise from the belief that younger judges, being more connected to the urban environment, could be more susceptible to external influences. Ensuring the independence and impartiality of judges, regardless of their age or background, is a crucial aspect of maintaining the integrity of the judicial system. This perception underscores the importance of ongoing efforts to uphold the principles of judicial independence and impartiality in the recruitment and training of judges. In figure 12, a higher percentage of the sample population of females (31.16%), have agreed to the statement that by recruiting younger judges might result in a loss of institutional knowledge and historical understanding of legal precedents. This perspective may reflect concerns about the potential impact of younger judges on the continuity of legal traditions and the preservation of historical legal knowledge. Balancing the infusion of fresh perspectives with the retention of institutional knowledge is a challenge that requires careful consideration in judicial recruitment and training processes to maintain a well-rounded and effective judiciary. In figure 14, a higher percentage of the sample population belonging to the age category of 18 to 30 years (31.66%) have chosen that handling complex and legal matters effectively is one of the major concerns of lack of experience while recruiting young civil judges. Experience plays a crucial role in understanding intricate legal nuances, applying legal precedents, and making informed decisions in complex cases. To address this concern, it's essential to implement comprehensive training and mentorship programs tailored to the specific needs of younger judges. By providing them with the necessary support and guidance, the judicial system can help mitigate the potential challenges associated with a lack of experience, ensuring that younger judges develop the expertise required to handle complex legal

matters effectively over time. In figure 15, a higher percentage of the sample population belonging to the public sector (34.67%) have chosen that coping with the pressures and challenges of the education system is one of the major concerns about lack of experience while recruiting younger civil judges. This perspective may stem from the belief that judges with experience in the public sector, particularly in roles related to education, might have a more comprehensive understanding of the legal issues and complexities associated with the education system. Addressing this concern would require ensuring that younger judges receive appropriate training and support to navigate such challenges effectively, regardless of their previous professional backgrounds. In Figure 16, a higher percentage of the sample population belonging to the urban area (50.25%) have chosen coping with the pressures and challenges of the judicial system is the major concern about the lack of experience while recruiting younger civil judges. The judicial system often deals with complex legal cases, heavy workloads, and high expectations of impartiality and competence. Younger judges may initially face challenges in managing these pressures, making informed judgments, and gaining the respect of more experienced colleagues. To address this concern, it's essential to provide comprehensive training, mentorship, and ongoing support to help younger judges adapt to the demands of the profession and develop the expertise needed to handle complex legal matters effectively over time.

LIMITATION:

There were certain limitations for me while conducting the study. The questions were quite complicated for the respondents to understand as it was in nature of collecting opinion rather than the practice. There may be errors which might have taken place because the research is completely based on general conception or common awareness. Which may not be factually appropriate, so that we can not arrive at an accurate presumption. There are

limitations to conduct an analysis of the result also, because it failed to reach all over the population.

CONCLUSION AND SUGGESTION:

In conclusion, the study on the challenges and impacts of recruiting younger civil judges in India highlights a dynamic landscape within the judiciary. While the recruitment of younger judges brings fresh perspectives and the potential for innovative approaches, it is not without its concerns. The primary concern revolves around the potential lack of experience and expertise in handling complex legal matters. However, these challenges can be addressed through specialized training programs, mentorship initiatives, and ongoing support mechanisms. The study also reveals varying perceptions among different segments of the population, such as urban residents, females, and those from the public sector. These differing perspectives underscore the importance of considering a wide range of viewpoints in the recruitment and training processes. To enhance the recruitment and development of younger civil judges in India, several key suggestions emerge from this study. First and foremost, the establishment of specialized training programs tailored for younger judges is paramount. These programs should encompass legal knowledge enhancement, case management skills, technology integration, and a strong focus on judicial ethics. Additionally, mentorship initiatives should be introduced, wherein experienced judges can guide and support their younger counterparts, helping them navigate complex legal matters effectively. Transparent recruitment processes, continuing education opportunities, and a commitment to diversity and representation within the judiciary are also essential. Furthermore, encouraging judges, including younger ones, to engage in continuous learning, research, and publication fosters a culture of growth and knowledge sharing. Embracing technology and public engagement, along with periodic policy reviews, are crucial steps in maintaining a relevant and

efficient judiciary. Finally, addressing public perceptions and establishing robust support systems to help younger judges cope with the pressures of the judicial system are key to ensuring the success of these initiatives.

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