
JUSTICE B.R. GAVAI AS THE 54TH CHIEF JUSTICE OF INDIA: CONTINUITY, CHANGE AND CONSTITUTIONAL EXPECTATIONS

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ABSTRACT

"The judiciary must reflect the soul of the Constitution-rooted in equality, tempered by justice, and led by those who carry both experience and empathy." - Justice D.Y. Chandrachud, former Chief Justice of India.

The appointment of Justice B.R. Gavai as the 54th Chief Justice of India marks a moment of deep symbolic and institutional significance. As the first Buddhist and only the second Dalit to hold the post, his elevation signals a quiet but important shift toward a judiciary that better reflects the diversity of the society it serves.

This article explores how Justice Gavai balances continuity with the pressing need for reform. From his early days at the Nagpur Bench to his current leadership of the Supreme Court, his journey reflects a steady commitment to constitutional principles, professional integrity, and judicial restraint. His initial decisions-like reinstating the three-year advocacy rule-underscore a drive to improve standards and uphold courtroom experience for new judges.

Amid systemic challenges like a growing backlog and persistent judicial vacancies, his approach remains grounded and reform-minded. By examining key judgments and institutional shifts under his tenure, this article highlights a leadership style defined less by disruption and more by quiet resolve-where constitutional tradition meets thoughtful change.

INTRODUCTION: A NEW CHAPTER IN CONSTITUTIONAL STEWARDSHIP.

The appointment of Justice B.R. Gavai as the 54th Chief Justice of India is a significant moment in the country's judicial system. Marking a watershed moment, the appointment of Justice Gavai to the Supreme Court in November 2022 stands as a hallmark to his astonishing legal wisdom. It is a testament to his remarkable legal acumen and a beacon of hope for a more inclusive judiciary. Now, as he becomes only the second Dalit to occupy the office of Chief Justice of India, his rise symbolizes a powerful step toward a more inclusive and diverse judicial system. This is the evidence of inarguably slow, but changing judiciary that can better reflect the society it serves, and of a nation that is moving closer to fairness and equality amid its highest echelons.

Justice Gavai's term is poised to be marked by a blend of continuity and change. He inherits the mantle of safeguarding the constitution and maintaining judicial balance, with a need of new reforms. His preliminary moves, such as the 3-year advocacy rule, signal the determination to set the ball rolling for a more efficient and professional Supreme Court of India. This blog explores these dual themes- how Justice Gavai will both preserve judicial legal and introduce changes that reflect the contemporary challenges. Justice Gavai's tenure is likely to have a profound impact on the evolution of India's judicial landscape while upholding his foundational values.

NAGPUR TO THE APEX: MAPPING JUSTICE GAVAI'S JUDICIAL JOURNEY.

The Foundations of a Legal Luminary

Born on November 24, 1960, in Amravati, Maharashtra, Justice Bhushan Ramakrishna Gavai embarked on a remarkable legal career. Following his graduation in law from Nagpur University, and enrolled as an advocate on March 16, 1985, and later focused on the Nagpur Bench, representing various municipal corporations and universities. His commitment and legal acumen in the legal field fetched him the position of an Additional Judge of the Bombay High Court in 2003 and as a permanent judge in 2005. After serving with distinction for over 16 years, Justice Gavai's promotion to the Supreme Court of India on May 24, 2019, further solidifies his legacy in the Indian judiciary.

Representation and Symbolism in the Judiciary

Justice Gavai's ascent to the position of Chief Justice of India holds profound historical significance, as he is the first Buddhist and only second Dalit to hold this esteemed position, following Justice K.G. Balakrishnan. His elevation underscores the commitment to inclusivity and representation within the Indian judiciary. Rooted in the Ambedkarite background, with his father, R.S. Gavai, being a prominent social activist and politician, lends further depth to his journey, underscoring the progress made towards a more representative judiciary in India.

FIRST MOVES: THE 3-YEAR ADVOCACY RULE AND INSTITUTIONAL DISCIPLINE.

The Reform: What Is The 3-Year Rule?

In a landmark judgement delivered on May 20, 2025, the Supreme Court of India reinstated a significant eligibility criterion for judicial appointments, stipulating that candidates must have minimum of three years of legal practice experience to be eligible for entry-level positions, such as Civil Judge (Junior Division).¹ This ruling, delivered by the bench comprising Justice B.R. Gavai, Justice A.G. Masih, and Justice K. Vinod Chandran, overturns a 2002 decision that permitted the direct induction of law graduates without prior courtroom or legal experience into the judicial service. The bench emphasized the importance of practical courtroom experience for effective judicial functioning, stating, "Neither knowledge based on law books nor pre-service training can substitute for first-hand experience of court proceedings."

Rationale and Reactions

The rationale underlying the reinstatement of the 3-year practice rule is centered on augmenting the quality and preparedness of the judicial officers. The court noted the absence of practical experience among fresh law graduates raised concerns about their readiness to address complex legal issues. Senior counsel Siddharth Bhatnagar, acting as amicus curiae, highlighted instances where candidates have obtained eligibility through formalities, without genuine practice. The reinstatement was supported by most of the state governments and high courts, although Sikkim and Chhattisgarh dissented. The legal community's reaction to the ruling has been

¹ <https://timesofindia.indiatimes.com/city/nagpur/3-year-bar-practice-must-for-judgeship-aspirants-rules-sc/articleshow/121300297.cms>

mixed, with some viewing it as a necessary measure to promote professional discipline, while others have expressed apprehensions regarding a potential barrier for the new entrants to the judiciary.

Larger Significance

This reinstatement marks a broader disciplinary shift in the judiciary's approach under CJI Gavai, prioritising practical experience in ensuring the competence and effectiveness of judicial officers. This move is consistent with the leadership of Chief Justice Gavai, who has emphasized the importance of real-world legal exposure in maintaining the integrity and competence of the Judiciary.

GAVAI'S JURISPRUDENTIAL LEANINGS: A PREVIEW FROM THE BENCH.

Key Judgements and Legal Reasonings

Justice B.R. Gavai's judicial approach is marked by a strong adherence to constitutional principles, procedural fairness, and the protection of individual rights. His notable judgement in the 2023 demonetisation case (*Vivek Narayan case v. Union of India*), where the Supreme Court upheld the centre's 2016 demonetisation scheme. Justice Gavai's reasoning emphasised the proportionality and reasonableness of the measure, highlighting the importance of deference to executive economic decisions within constitutional bounds.

In another significant judgement, Justice Gavai delivered a strong critique of arbitrary demolitions, often referred to as 'Bulldozer Justice.' He unequivocally condemned the practice of demolishing properties without due process, which violates the fundamental principles of natural justice and the rule of law. By reinforcing the fundamental right to shelter, the judgment established the essential protection of shelter as a fundamental right which demanded executive activities to comply with constitutional standards and the maintenance of rule of law.

Justice Gavai's court decisions demonstrate his sophisticated legal perspective which enables him to safeguard constitutional values alongside operational realities.

Initial Footprints: Constitutional Reflections

During his developing term as Chief Justice of India, Justice B.R. Gavai has demonstrated

judicial character grounded in constitutional decency and institutional stability. In the recent hearing on the constitutional validity of the Waqf (Amendment) act, 2025, he emphasised the importance of judicial restraint in reviewing legislative actions, which highlights that intervention should be reserved for situations where there's a truly compelling case, reflecting a careful and thoughtful approach to judicial oversight. "All three wings are equal, but the constitution is supreme", he stated at a recent public address, thereby reaffirming the basic structure doctrine as essential to India's constitutional identity.

These initial pronouncements reflect a leadership approach that prioritises constitutional fidelity, measured judicial activism, and the reinforcement of institutional legitimacy through a rigorous adherence to procedural norms and discipline.

Balancing Continuity and Constitutional Change

Institutional Roadblocks and Reform Needs

Justice B.R. Gavai assumes office at a critical juncture in the Indian judiciary. The backlog is staggering: over 5 crore pending cases nationwide—including approximately 82,887 before the Supreme Court as of August 31, 2024, across just 34 judges—highlighting the urgent need for reform². Equally pressing is the issue of judicial vacancies, with nearly 20% of sanctioned posts lying vacant³.

These systemic challenges aren't new, but they are growing harder to manage with each passing year. They demand not just administrative resolve, but a steady, long-term vision that can bridge the gap between courtroom ideals and on-ground realities. Justice Gavai inherits a judiciary in transition—one that has made meaningful strides under the leadership of his predecessor, particularly through the digitisation efforts led by the E-Courts Project and the National Judicial Data Grid (NJDG). While implementation, especially in lower courts, has not been without its setbacks, the broader shift toward digital infrastructure has introduced a much-needed layer of accessibility and transparency.

The challenge before Chief Justice Gavai, then, is twofold: to maintain the stability of these ongoing reforms and to push the conversation forward, particularly in areas where inertia has

² <https://thecentralwire.com/news/india-today/supreme-court-backlog-crisis-2024/>

³ Judicial vacancies account for around 20% of sanctioned posts — *The Hindu*, review of judiciary statistics, 2024.

long prevailed. His role becomes not just that of an adjudicator but also of a quiet reformer—someone who can reinforce the institutional momentum without unsettling its foundations.

Key Constitutional Matters on the Horizon

Alongside these institutional demands, the Court under Justice Gavai's leadership is poised to take up matters that carry profound constitutional significance. Among the most anticipated is the judicial review of the **Wakf Amendment Act, 2025**, which raises pressing questions about federalism, legislative competence, and the contours of executive authority. How the Court approaches such matters will not only influence legal doctrine but could also set broader precedents for Centre–State relations in sensitive domains.

These aren't just technical legal issues—they're questions that strike at the heart of the constitutional balance. The manner in which they are heard, reasoned, and resolved will likely shape the narrative around Justice Gavai's legacy. In many ways, this period offers a window into how the Supreme Court might continue navigating the tension between constitutional fidelity and contemporary demands.

THE ROLE OF THE CJI: COLLEGIUM, REFORM AND PUBLIC TRUST.

Collegium Expectations

As Chief Justice B.R. Gavai's tenure draws attention to the Supreme Court's collegium role in judicial appointments. Although the collegium has initiated measures to ensure transparency, such as 'Publicly disclosing judges' assets and appointment details. Justice Gavai's position on further reforms remains to be seen.⁴

Justice Gavai has highlighted the significance of judicial diversity, promoting inclusivity in appointments to ensure the judiciary reflects societal complexities and enhances the representation of marginalised communities within the higher judiciary.⁵

⁴ <https://www.scconline.com/blog/post/2024/11/24/know-thy-judge-justice-br-gavai-judgements-career-supreme-court-legal-news/>

⁵ <https://timesofindia.indiatimes.com/city/nagpur/in-a-short-span-cji-gavai-sets-pace-for-key-judicial-reforms/articleshow/122097974.cms>

Public Perception and Judicial Legitimacy

For the judiciary, unquestionable is maintaining public trust. Justice Gavai speaks of the need for a judiciary that is empathetic towards society and aligned with fundamental values, so it keeps public trust and institutional legitimacy.

CONCLUSION: A CJI BETWEEN LEGACY AND REFORM.

Justice B.R. Gavai's elevation as the 54th Chief Justice of India carries both symbolic and substantive weight. It's not just about seniority or merit—though he certainly brings both—but also about what his elevation quietly represents: a step toward a judiciary that reflects the diversity of the society it serves. He takes the helm at a time when the courts are under pressure—from growing case backlogs to rising public expectations for greater transparency and access to justice. In this context, Justice Gavai's leadership feels measured and grounded. He seems less concerned with making headlines and more focused on preserving the core values of the institution—stability, fairness, and respect for the Constitution. His background and approach suggest a judge who understands the weight of the office, not just in terms of authority, but in terms of responsibility. While his time as Chief Justice may be short, that doesn't make it any less significant. Sometimes, impact isn't about sweeping reforms—it's about the tone set, the values reinforced, and the example left behind. In the end, Justice Gavai's tenure may be remembered not for dramatic shifts, but for the quiet strength of his stewardship—one that balanced continuity with a readiness to adapt, and tradition with a clear sense of purpose.

"Some legacies are written not in noise, but in quiet resolve."