



KAMARAJ IAS ACADEMY
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Representation of Women in Judiciary

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Why is in news?

Justice Fathima Beevi, the first Indian woman to become a Supreme Court judge, died at the age of 96 in Kollam, Kerala. With her appointment to the SC in 1989, Justice Beevi became the first Muslim woman judge of the Supreme Court, as well as the first woman Supreme Court Justice in Asia.

Representation of women in India's Supreme Court:

Since 1989, **only 10 women** have made it to the Supreme Court.

Currently, there are only three female judges of the 33 Supreme Court judges – Justices Hima Kohli; Bela Trivedi; and BV Nagarathna.

While **Justice Nagarathna is in line to become the first-ever female Chief Justice of India** on September 25th, 2027, her **tenure will be only 36 days**.

However, the appointment of Justices Kohli, Nagarathna, and Trivedi to the top court in 2021 created history, as this marked the first time that so many females were appointed to the SC in one go.

Additionally, this was significant as for the first time we had four female judges in the SC at once, the highest number so far.

Apart from this, there have been only eight other female judges in the history of India's apex court. They include Justices Sujata Manohar, Ruma Pal, Gyan Sudha Misra, Ranjana Desai, R. Banumathi, Indu Malhotra, and Indira Banerjee and Fathima Beevi.

This means that among the **total 268 judges in the Supreme Court's history, only 11 have been women**. In other words, **only 4.1% of all Supreme Court judges have been women**, while the remaining 96% are men.

Situation in High Courts:

Presently, India has **25 high courts** with a total sanctioned strength of 1,114 judges.

However, according to the Department of Justice's website, only 782 judges are working while the remaining 332 judges' posts are vacant. Among these, **only 107 judges, or 13% of all HC judges, are female**.

Currently, **none of the country's 25 HCs have a female chief justice**, barring the Gujarat High Court, where the collegium appointed Justice Sunita Agarwal in July this year because there weren't any women HC CJs in the country.

Situation for the lower judiciary:

A 2018 study by the **Vidhi Centre for Legal Policy** found that while **representation of women in the lower judiciary is relatively higher at 27%**, it hit a glass ceiling in higher appointments — as district judges and

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subsequently at the high court level.

In its 2018 study on the representation of women in the lower judiciary, Vidhi found that there were 15,806 judges in the lower judiciary between March and July 2017.

The report found that **only in three of the smallest states** — Goa, Meghalaya, and Sikkim, with a collective total of a mere 103 judges — did the percentage of women judges cross 60%.

Barring Telangana and Puducherry, the percentage of women judges remained below 40% for all other states, regardless of geography, cultural considerations, or other differences.

Though **there is no reservation for women in the higher judiciary, several states have provided quotas for women in the lower judiciary**, including Andhra Pradesh, Assam, Bihar, Chhattisgarh, Jharkhand, Karnataka, Odisha, Rajasthan, Tamil Nadu, Telangana, and Uttarakhand, which provide **between 30% and 35% of the total seats** for which recruitment is done through direct appointment.

More recently, another study titled the **India Justice Report (IJR) 2022** revealed that “**only 13% of High Court judges and 35% of Subordinate Court judges are women.**”

At the level of district courts, **Goa had the highest, or 70%, of women judges**, while Meghalaya (62.7%), Telangana (52.8%), and Sikkim (52.4%) came close behind, the report said

Reasons for the lack of female representation:

Patriarchy in Society: The patriarchal nature of society is the main cause of the underrepresentation of women in the judiciary. That include an **entrenched “old boys’ club mentality”**, which makes it harder for women to lobby for judicial posts.

Hostile environments: Courtrooms frequently have hostile environments for women. Other traumatic experiences that are frequently related by many women lawyers include harassment, a lack of respect from the bar and the judiciary, and being told what to say and what not to say.

Opaque Collegium System: Because entry-level positions in the lower judiciary are filled through entrance exams, more women tend to do so. The collegium system used by the higher judiciary, however, has a history of being more opaque and therefore more likely to reveal bias.

No Women’s Reservation: The High Courts and Supreme Court do not have reservation policies for women, which are common in lower levels of the judiciary in many states. As a result of this reservation, states like Assam, Andhra Pradesh, Telangana, Odisha, and Rajasthan now have 40–50% female judicial officers.

Family Responsibilities: The promotion of female judges from the lower courts to the higher courts is also influenced by factors related to age and family obligations.

Lack of role models and mentorship: Without female political leaders to look up to and learn from, it can be difficult for women to envision themselves in those roles.

Unequal access to resources: Women tend to have less access to financial resources and networks that can be used to run for office.

Bias in the political process: Research has shown that women face bias in the political process, from the media to the voting booth, which can make it harder for them to win elections.

Not Enough Women in Litigation: Given that judges in the high courts and Supreme Court are largely comprised of lawyers who were elevated from the bar to the bench, it is important to note that the number of women attorneys

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is still low, which limits the pool from which women judges can be chosen.

Judicial Infrastructure: The lack of judicial infrastructure is another barrier that prevents women from entering the field of law. Obstacles include small, crowded courtrooms, and a lack of restrooms, and childcare facilities.

Eligibility criteria: A major barrier to women's recruitment as district judges are the eligibility criteria to take the entrance exams. Lawyers need to have **seven years of continuous legal practice** and be in the age bracket of 35-45. This is a disadvantage for women as many are married by this age and have to take career gaps due to childbirth.

Benefits of diversity and gender representation:

Accountability: The entry of women judges into spaces from which they had historically been excluded has been a positive step in the direction of judiciaries being perceived as being more transparent, inclusive, and representative.

Accessibility: By their mere presence, women judges enhance the legitimacy of courts, sending a powerful signal that they are open and accessible to those who seek recourse to justice.

Improved decision making: They could contribute far more to justice than improving its appearance: they also contribute significantly to the quality of decision-making, and thus to the quality of justice itself.

Gender bias: By elucidating how laws and rulings can be based on gender stereotypes, or how they might have a different impact on women and men, a gender perspective enhances the fairness of the adjudication.

Balanced service: Improving the representation of women could go a long way towards a more balanced and empathetic approach in cases involving sexual violence.

Cultural perspective: Representation of women in the Judiciary brings in different life experiences and cultural practices which can be a key factor in understanding the nuances of the society and thus help in providing a more holistic approach towards decision making.

Way ahead:

There should be a fixed number of seats, **reserved for women candidates**, in all colleges and universities **providing law courses**.

Making work environment safer and **proper implementation of Vishakha Guidelines** even at lower levels (small firms).

Underlining the **need for more women representation in the profession**, the CJI called for reservation of girls in legal education.

There is a requirement to **enhance transparency** in the judicial system. This will create more opportunities for women to prove their mettle and create a level playing field.

Also, there is a need to impart objectivity and **decrease the amount of discretion** in the judicial processes including the bail-granting process, to safeguard the reputation of the judiciary in the country.

There is a **need to maintain and promote Gender Diversity in Higher Judiciary** with a fixed percentage of its members as women judges that will lead to the evolution of a gender-neutral judicial system of India.

There is a need to create awareness and mobilise political will among women.