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Status of Women in Indian Judiciary

KAMESHWAR MAHTO¹

ABSTRACT

This abstract provides a quick overview of the current situation of women in Indian judiciary. It strives to draw attention to the developments made, difficulties encountered, and ongoing initiatives to advance gender equality and inclusivity within the Indian judicial system.

The Indian judiciary, which is an essential component of the nation's democratic structure, is fundamental to sustaining the rule of law and dispensing justice. In the Indian judiciary, women have historically been underrepresented, which reflects larger societal gender inequities. To overcome this disparity and build a more open and gender-responsive judicial system, however, deliberate attempts have been made recently.

The abstract focuses at the advancements made in increasing the participation of women in the Indian judiciary. It talks about how women are becoming more prevalent in the legal profession and in legal education, which has gradually opened the door for them to enter the judiciary. Important turning points in the direction of gender parity include the appointment of women as Chief Justices in several High Courts and their presence on the Supreme Court bench.

Despite these developments, issues still exist. The abstract explores the prejudices and obstacles that women in the Indian judiciary still have to deal with. It deals with challenges including gender stereotypes, implicit bias, and cultural expectations that can prevent women from advancing professionally and getting access to important decision-making positions. Additionally, it looks at the difficulties in balancing professional and personal obligations and the need for infrastructure and regulations that can help.

The abstract also emphasises the continuous initiatives to advance gender equality within the Indian judicial system. To address gender prejudices and promote an inclusive workplace, programmes like mentorship programmes, gender sensitization committees, and sensitization campaigns have been put in place. In order to guarantee equal opportunities and fair representation for women in the judiciary, it emphasises the significance of a comprehensive approach combining institutional improvements, policy interventions, and cultural transformation.

Overall, this abstract recognises both the problems that still need to be overcome and the success accomplished in increasing women's participation in the Indian judiciary. It highlights the importance of making consistent efforts to rectify gender inequities and

¹ Author is a student at Sai Nath University, Ranchi, India.

develop a judicial system that represents the diversity of the society it serves. The research findings mentioned in this abstract highlight the importance of a fair and inclusive court in a democratic society and add to the larger conversation on gender equality and women's empowerment in the Indian judicial system.

I. INTRODUCTION

Historically, women were not seen as qualified for careers in law. Women enter this field to work today as a result of the growth of society over time. However, there are still too few women in the judiciary, especially at the higher levels of the system. According to the India Justice Report (IJR) 2022, there are more women judges at the district court level than at the high court level and Supreme Court, with 35.1% of all district court judges being female, compared to only 13.2% of judges in all high courts nationwide and 12.5% of the judges on the Supreme Court are women. The history of the Supreme Court that all-women benches were formed. This third all-women bench heard transfer petitions, matrimonial disputes, and bail matters. The following are the protections and rights guaranteed to Indian women under the Indian constitution. The significance of women's representation in the judiciary, such as diversity, a balanced justice delivery system, clear visibility of women, building public trust, role models, etc. The issue of women's underrepresentation in the judiciary is complicated and involves several variables. It's vital to emphasise that improvements have been made recently, but there are still issues that prevent more women from holding positions of. There is a need to move forward and improve the authority in the judiciary representation of women in the judiciary.

II. WHAT IS THE STATUS OF REPRESENTATION

- **Supreme Court-** The Supreme Court of India is the highest judicial authority in the nation. It is the country's last court of appeals. There is still a chance at progress in the status of women in the Indian judiciary, amid recent improvements. 12.5% of the judges on the Supreme Court are women. The Supreme Court currently has only three women judges, and the country will get its first woman chief justice only in 2027. 5 of the 11 women who have served on the Supreme Court were appointed in the last three years.
- **High Courts-** The highest judicial court in a state is the High Court. Currently, India has 25 high courts established in different states of the country. 13.2% of judges in High Courts are woman. There is no woman judge in five high courts in Uttarakhand, Patna, Meghalaya, Manipur, and Tripura. Sikkim, Telangana, and Delhi are the only states with over a fourth of women in the high courts. Only 17 of the 37 women proposed by the

Supreme Court collegium were appointed as judges in high courts, while the remaining appointments are still pending with the government, according to Chief Justice of India N.V. Ramana, who called the situation "unfortunate". For the high courts, Collegium has so far recommended 192 people. 37 of them in all, or 19%, were female.

- **Subordinate Courts-** The state judiciary consists of a high court and a hierarchy of subordinate courts, also known as lower courts. About 35.1% of judicial officers in subordinate courts are women. Goa, with 70%, has the highest percentage of women judges at subordinate courts. In the subordinate courts, women are not represented by at least seven states compared to the national average, that are Gujarat, J&K, Uttar Pradesh, Madhya Pradesh, Himachal Pradesh, Bihar, and Jharkhand.
- **Bar Council-** Only 2% of the elected members of the State Bar Councils are female. There are no female members of the Indian Bar Council. Only 15% of the 1.7 million advocates are female.

III. WHY IN NEWS CURRENTLY

Recently, the Supreme Court had an all-women bench, which was only the third time (2013, 2018, 2022) in the history of the Supreme Court that all-women benches were formed. This third all-women bench heard transfer petitions, matrimonial disputes, and bail matters.

IV. WOMEN'S CONSTITUTIONAL RIGHTS

The following are the protections and rights guaranteed to Indian women under the constitution:

- The state shall not discriminate against any citizen of India on the ground of sex [Article 15(1)].
- The state is empowered to make any special provision for women. In other words, this provision enables the state to make affirmative discrimination in favour of women [Article 15(3)].
- No citizen shall be discriminated against or be ineligible for any employment or office under the state on the ground of sex [Article 16(2)].
- Traffic in human beings and forced labour are prohibited [Article 23(1)].
- The state to secure for men and women equally the right to an adequate means of livelihood [Article 39(a)].
- The state to secure equal pay for equal work for both Indian men and women [Article 39(d)].

- The state is required to ensure that the health and strength of women workers are not abused and that they are not forced by economic necessity to enter avocations unsuited to their strength [Article 39 (e)].
- The state shall make provision for securing just and humane conditions of work and maternity relief [Article 42].
- It shall be the duty of every citizen of India to renounce practices derogatory to the dignity of women [Article 51-A (e)].
- One-third of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women [Article 243-D (3)].
- One-third of the total number of offices of chairpersons in the Panchayats at each level shall be reserved for women [Article 243-D (4)].
- One-third of the total number of seats to be filled by direct election in every Municipality shall be reserved for women [Article 243-T (3)].
- The offices of chairpersons in the Municipalities shall be reserved for women in such manner as the State Legislature may provide [Article 243-T (4)].

V. SIGNIFICANCE OF WOMEN'S REPRESENTATION

1. **Diversity:** The judiciary needs more diversity, particularly when it comes to the representation of women. Because women judges have a unique set of experiences and influences that form their thinking and are reflected in their judgmental reasoning, this makes the gender point of view relevant. A more diverse range of life experiences and cultural practises are brought by women's representation in the judiciary, which can be crucial in grasping the intricacies of society and fostering a more comprehensive approach to decision-making.
2. **Balanced justice delivery system:** The legal system will be significantly improved by the presence of women judges and advocates.
3. **Visibility of Women:** Women in the judiciary increase women's visibility and foster a sense of community among all genders. This can make the legal system more inclusive and representational of society as a whole.
4. **Role models:** Young girls and women can be encouraged to seek careers in law and leadership by female judges who can act as positive role models for girls.
5. **Modernization and reforms:** Changing the long-established demographics of a court

can make the institution more.

6. **Building Public Trust:** Women judges can contribute to enhancing the trusted status of courts and building public confidence in the legal system.

VI. REASONS FOR LOW REPRESENTATION IN WOMEN JUDICIARY

1. **Systemic and historical biases:** Historically, men have dominated the legal profession, and biases and misconceptions from the past have made it difficult for women to enter and progress in the judiciary. Opportunities for women to advance to powerful positions have been hampered by discriminatory practises and gender-based presumptions.
2. **Patriarchy in Social:** The underrepresentation of women in the judiciary is mostly due to the patriarchal nature of society. Women frequently face discrimination in courtrooms. In addition to harassment, a lack of respect from the bar and the judges, and being taught what to say and what not to say, many female lawyers regularly discuss other painful experiences.
3. **No Women Reservation:** Unlike lower levels of the judiciary, which frequently have reservations for women in various states, the High Courts and Supreme Court do not. States like Assam, Andhra Pradesh, Telangana, Odisha, and Rajasthan now have 40–50% female judicial officers as a result of this reservation. Although the widespread backing of all major political parties, the bill to grant women a 33% reservation in the state and federal legislatures has not yet been passed.
4. **Not Enough Women in Litigation:** It is significant to highlight that the number of women lawyers is still low, which restricts the pool from which women judges may be appointed. This is due to the fact that judges in the high courts and Supreme Court are primarily made up of lawyers who were promoted from the bar to the bench.
5. **Family Responsibilities:** Age-related and familial factors play a role in the promotions of female judges from the lower courts to the higher courts
6. **Unfair access to resources:** Women typically have less access to networks and financial resources that can be used to run for office.
7. **Judicial Infrastructure:** Another factor keeping women out of the legal profession is the absence of judicial infrastructure.
8. **No Serious Attempt:** In the past 70 years, no significant effort has been taken to ensure that women have adequate representation in the upper courts or on the Supreme Court.

There are not many women judges in India, despite the fact that women make up around 50% of the country's overall population and are easily available for advancement in the bar and judicial services.

VII. CHALLENGES OF WOMEN IN THE JUDICIARY?

Women in the judiciary face several challenges that can impact their professional growth and representation. While progress has been made in many countries to increase gender diversity in the legal field, significant barriers still exist. Here are some common challenges faced by women in the judiciary:

- 1. Gender bias:** In many legal systems, there is still discrimination against women and gender conventions, which can impair women's credibility, ability, and judgement. Because of conventional gender norms and expectations, women may experience bias or unfair treatment.
- 2. Work-life balance:** Women who are required to balance their professional obligations with the needs of their families and carers may find it difficult to handle the demanding nature of judicial work, which includes long hours and hefty caseloads. Women may find it especially difficult to reconcile their professional and personal lives, which may result in career stagnation or decisions to leave the judiciary completely.
- 3. Male-dominated appointment structure:** There are currently many qualified female applicants for the position of judge, but the key issue is the Supreme Court's male-dominated collegium structure.
- 4. Lack of Support and Networking:** In the judiciary, where mentoring and support systems are essential for advancement in their careers, women may encounter few of these resources. For women, managing the difficulties they face and looking for help may be more difficult when there aren't any female mentors or role models.
- 5. Harassment and Discrimination:** Similar to other professions, women in the judiciary may encounter harassment, discrimination, and violence based on gender. Such occurrences may negatively affect their ability to advance in their careers, their general wellbeing, and their level of job satisfaction.
- 6. Domestic duties:** Many women's rights activists declined judgeships in the past even though they had been offered them because of their home responsibilities.
- 7. Stereotypes & lack of infrastructure:** Gender stereotypes, social attitudes, and a lack of infrastructure are among the challenges that women face when trying to enter and

succeed in the legal profession, according to the former Chief Justice Ramana. Women are discouraged from entering the field for a variety of reasons, including clients' preferences for male lawyers, an unpleasant atmosphere in courtrooms, a lack of infrastructure, packed courtrooms, a shortage of women's restrooms, etc. Only around 22% of the 6,000 trial courts lacked women's restrooms, according to the survey.

8. **Glass ceiling:** Women frequently experience a "glass ceiling" in the legal profession, which prevents them from rising above a particular level. This may be as a result of institutionalised biases, a lack of mentorship opportunities, or discriminatory practises that obstruct their advancement.

Globally, efforts are being made to address these issues, including the implementation of gender equality measures, the creation of mentoring programmes, the promotion of diversity in judicial appointments, and the development of work-life balance policies. By taking these steps, the judiciary hopes to become more diverse, equal, and to honour and respect the contributions of women.

VIII. WAY FORWARD

- Judicial benches must encourage young female lawyers' participation in the court to break the myth or perception against female lawyer abilities and capabilities.
- female lawyers the former Chief Justice of India urged 50% reservation in the upper courts.
- Women are promoted to higher court positions at a higher rate than men.
- Affirmative action at the bar would ensure that more women served as senior lawyers, increasing participation.
- A workplace where women can thrive and where men at all levels play a significant role in ensuring that women have a positive work environment and that all gender issues are taken into account.
- It is essential to bring about institutional, social, and behavioural change among India's population through increasing awareness and emphasising inclusivity.
- If a court's long-standing dynamics are changed, it might be more willing to think of itself in a new way and more likely to undergo additional modernization and reform.
- Given its role as a defender of equality and a field dedicated to protecting rights, the legal profession ought to be a representation of gender equality.

- Reorient the educational system such that it emphasises work-life balance concepts like the need for men and women to properly share household and child-rearing duties.

IX. CONCLUSION

In conclusion, the legal field was viewed as unsuitable for women. Women entered this field of employment today as a result of the growth of society over time. However, there are still too few women in the judiciary, especially in the higher levels of the system. For judicial decisions to be fair and appropriate, these viewpoints must at most be representative of both men and women on the bench. It's crucial to remember that having women in the judiciary goes beyond simply ensuring that their perspectives are relevant when issues involving women are resolved. More than that, in fact. It involves incorporating the gender perspective and giving women equal visibility. Institutional changes as well as social changes are needed to get rid of the bias and establish a truly impartial judiciary. The representation of women in the judiciary has steadily increased. But discrimination against women still prevails in the legal system, notwithstanding recent improvements.

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