



Representation of Women in Judiciary

For Prelims: Chief Justice of India, United Nations General Assembly, Sustainable Development Goals, United Nations, Supreme Court Collegium

For Mains: Reasons for Low Women Representatives, Significance of High Women Representation and way ahead, Issues Related to Women, Gender.

Why in News?

Recently, the [Chief Justice of India](#) raised concerns about the **lack of women among High Court judges**.

- He made this remark while addressing an event on the occasion of the **International Day of Women Judges (10th March)**.

What is the International Day of Women Judges?

- **About:**
 - [United Nations General Assembly Resolution 75/274](#) designated **10th March** the International Day of Women Judges **in 2021**.
 - India was **among the nations that sponsored the resolution**, which was moved by Qatar.
- **Significance:**
 - The day **aims to recognise the efforts and contributions** being made by women judges.
 - The day also **empowers young women and girls** who aspire to become judges and leaders in the community.
 - Combating gender disparity in the judicial services will also **help achieve the [Sustainable Development Goals of the United Nations](#)**.
 - **SDG Goal 5:** Achieve gender equality and empower all women and girls.

What is the State of Women in Judiciary?

- In high courts, the percentage of **women judges** is a **mere 11.5%**, while in the **Supreme Court** there are **four sitting women judges out of 33 in office**.
- The situation of **women lawyers in the country** is not any better. Out of 1.7 million advocates registered, **only 15% are women**.

What are the Reasons for Low Women Representatives?

- **Patriarchy in Society:**

- The **primary reason for underrepresentation** of women in judiciary is deeply ingrained patriarchy in society.
 - Women often have to face **hostile atmospheres within courtrooms**. **Harassment, lack of respect from members of the bar and bench**, the silencing of their opinions, are some of the other traumatic experiences often recounted by many women lawyers.
- **Opaque Collegium System Functioning:** More women tend to enter the lower judiciary at the entry level because of the method of recruitment through an entrance examination.
 - However, the higher judiciary has a collegium system, which has tended to be more opaque and, therefore, more likely to reflect bias.
 - Recently, the [Supreme Court Collegium](#) recommended **192 candidates for the High Courts**, out of these, 37, that is 19%, were women. But Unfortunately, so far only **17 of the 37 women recommended were appointed**.
- **No Women Reservation:** Many states have a reservation policy for women in the lower judiciary, which is missing in the **High Courts and Supreme Court**.
 - States such as **Assam, Andhra Pradesh, Telangana, Odisha and Rajasthan have benefited from such reservation** as they now have 40-50% women judicial officers.
 - However, the [Bill for giving 33% reservation to women in Parliament](#) and state legislatures has not been passed till date, despite all major political parties publicly supporting it.
- **Familial Responsibilities:** Factors of age and family responsibilities also **affect the elevation of women judges from the subordinate judicial services** to the higher courts.
- **Not Enough Women in Litigation:** Since lawyers elevated from the bar to the bench form a significant proportion of judges in the high courts and Supreme Court, it is worth noting that the number of women advocates is still low, reducing the pool from which women judges can be selected.
- **Judicial Infrastructure:** Judicial infrastructure, or the lack of it, is **another barrier to women in the profession**.
 - Small courtrooms which are crowded and cramped, absence of restrooms, and childcare facilities are all barriers.
- **No Serious Attempt:**
 - No serious attempt has been made **during the past 70 years to give adequate representation to women** either in the high courts or in the Supreme Court.
 - In India, women constitute about **50% of the total population and a large number of women** are available in the Bar and in the judicial services for elevation but, in spite of that, the **number of women judges is small**.

What is the Significance of High Women Representation?

- **Motivates More Women to Seek Justice:** Higher numbers, and greater visibility, of women judges can **increase the willingness of women to seek justice** and enforce their rights through the courts.
 - Though not true in all cases, having a judge who is the same gender as litigant, **can play a role in setting the litigant's mind at ease**.
 - For instance, think of a [transgender](#) woman as a judge listening to the case of other trans women. That would inspire confidence in the litigant, as well.
- **Different Point of Views:** It is **definitely valuable to have representation of various marginalities** in the judiciary because of their different lived experiences.
 - **Diversity on the bench would definitely bring in alternative** and inclusive perspectives to statutory interpretations.
- **Increase Judicial Reasoning:** Increased judicial diversity **enriches and strengthens the ability of judicial reasoning** to encompass and respond to varied social contexts and experiences.
 - This can **improve justice sector responses** to the needs of women and marginalized groups.

Way Forward

- There is a need to bring **about institutional, social and behavioral change** among India's

populace by sensitising and giving emphasis on inclusivity.

- The need of the hour is to **correct the patriarchal mindset in recommending and approving the names** of those who are to be elevated as high court judges and come out with more representation to worthy women lawyers and district judges for elevation.
 - **Unless women are empowered**, justice cannot be done to them.
- It is high time that all those who matter in the appointment of judges to the high court and the Supreme Court, **realize the need of giving adequate representation to women** in the judiciary.
 - In fact, the **superior judiciary should also have horizontal reservation** for women such as subordinate judiciary without diluting merit.

Source: TH

PDF Reference URL: <https://www.drishtiias.com/printpdf/representation-of-women-in-judiciary>

