



Women in Judiciary

For Prelims: Chief Justice of India, Supreme Court

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

Why in News?

Recently, the [Supreme Court](#) has recently appointed a female all-woman bench for the third time in its history.

- The first time the Supreme Court had an all-woman bench was in 2013, and the second occasion came in 2018.

What is the State of Women in Judiciary?

- During the last 70 years, **no significant attempt has been made to provide adequate representation for women** in the High Courts or Supreme Court.
- There have been only **11 women judges on the Supreme Court** since its inception, and no women [Chief Justices](#).
- Just 83 of the 680 judges in the high courts are women.
- Only 30% of subordinate judges are female.

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.
- **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.
- **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.

Why is High Women's Representation Important?

- The presence of women as judges and lawyers, **will substantially improve the justice delivery system.**
- Women **bring to the law a different perspective**, one that is built upon their experience.
- They also have a **more nuanced understanding of the differing impacts** that certain laws may have on men and women.
- Women judges enhance the legitimacy of courts, sending a powerful signal that they are open and accessible to those who seek recourse to justice.
- The judiciary must be better represented by women in order to take a balanced and empathic approach to cases surrounding sexual violence.

Way Forward

- 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 bring about institutional, social and behavioral change** among India's populace by sensitising and giving emphasis on inclusivity.
- The legal profession, as a gatekeeper of equality and as an institution committed to the preservation of rights, should be emblematic of gender equality.
- **Changing the long-established demographics of a court can make the institution more amenable** to consider itself in a new light, and potentially lead to further modernization and reform.

UPSC Civil Services Examination Previous Year Question (PYQ)

Q. Discuss the desirability of greater representation to women in the higher judiciary to ensure diversity, equity and inclusiveness. **(2021)**

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