

## Under-representation of women in judiciary

### Why in News?

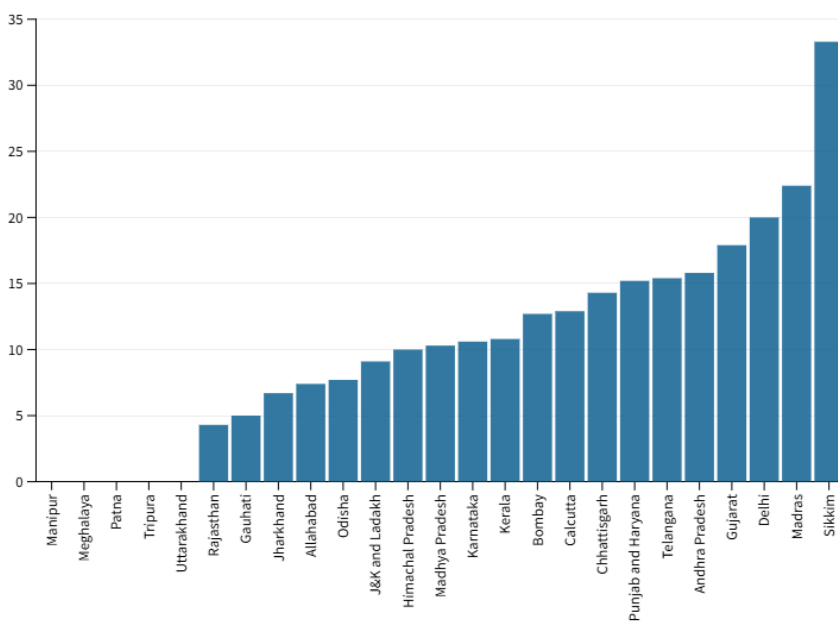
The absence of women in the judicial system almost always revolves around entry-level measures that are aimed at ensuring that more women enter the profession as lawyers/judges.

### What are the reasons for the under representation of women in Judiciary?

#### Status of women in Judicial System

- Supreme Court of India's "State of the Judiciary" report (2023)
  - Women representation in the district judiciary - 36.3%
  - Women representation in the High Court - 13.4%
  - Women representation in the Supreme Court - 9.3%
  - No Woman Chief Justice of India yet.

Share of judges in High Courts who are women (%)



- **Under Representation at Entry** - Women are drastically under-represented as senior advocates, advocates-on-record, and Bar Council representatives.

*Data published by the Department of Legal Affairs in 2022 show that approximately 15.31% of all enrolled advocates are women.*

- **Entry Barrier** - Direct recruitment continues to be a challenge for female aspirants

due to the conditions like minimum period of 'continuous' practice for elevation to the Bench.

- **Funnel Effect** - Low presence at the entry level make only smaller pool of candidates who may be able to establish themselves in the system and be considered for elevation.
- **Retention Barrier** - Even those women who have been included are unable to rise to positions of power.
- **Unsupportive Environment** - Continued career growth becomes difficult in the face of a discouraging and unsupportive environment which fails to take into account their specific needs.
- **Gender Bias** - Unconscious gender bias in courts results in women judges being sidelined in administrative duties.

*None of the High Court Building Committees aside from Delhi, Allahabad and Himachal Pradesh currently has even a single woman judge as a member.*

- **Lack of women perspectives** - Due to inadequate representation in High Court Registries and judicial academies, women's perspectives and experiences for policy-making are not fully taken into account.
- **Transfer policies** - Insensitiveness of transfer policies to the women's role as primary care taker, makes it harder for them to continue in the realm.
- **Limited Sanitary Facilities**- Multiple courts, including prominent High Courts, lack adequate washrooms even for women judges, let alone for female staff, lawyers, or litigants.

*A survey in 2019, by the Vidhi Centre for Legal Policy highlighted that nearly 100 district courts have no dedicated washrooms for women.*

- **Inadequacy of Short-term measures** - Ad hoc decisions such as the construction of a single toilet block or a temporary waste disposal bin being insufficient to address women's needs.
- **Family Responsibilities** - Domestic duties of house management, children and elderly care makes it difficult for women to join after pregnancy.
- **Public Private Divide** - public sphere does not cater to the specific needs of women upon their transition from the private sphere to the public.
- **Resource Crunch** - Limited availability of resources make ineffective the efforts taken by courts to improve women representation.

### **What are the impacts of under representation of women in Judiciary?**

- **Bias in Court Decisions** - A lack of women judges can lead to biases in court decisions, particularly in cases involving gender-based issues.
- **Deficiencies in Legal Reasoning** - A lack of diversity among judges can result in a narrow understanding of social issues.
- **Legitimacy of the Judiciary** - When the judiciary does not reflect the gender

composition of society, it can raise questions about its legitimacy and fairness.

- **Impact on Future Generations** - The lack of female role models in the judiciary can negatively affect young women's aspirations and self-perception.
- **Reinforcement of Stereotypes** - The absence of women in judicial roles can reinforce societal stereotypes about women's capabilities and roles in leadership positions.

### **What can be done to improve women representation judiciary?**

- Make the provision to ensure representation in higher judiciary be mentioned in Memoranda of Procedure.
- Implement inclusive policies to enable their entry and retention.
- Ensure the continued support and encouragement and retention of women in the judiciary.
- Provision of family-friendly amenities including feeding rooms and crèches.
- Employment of a feminist lens to recognise the differential needs of women and diminish the impacts discriminatory policies.
- Infrastructural amenities, gender-sensitive recruitment and transfer policies, and adequate training and support are crucial to ensure that the judiciary lives up to its promise of empowering women.

### **References**

[The Hindu | Under-representation of women](#)

