

The Retrospect and Prospect of Women in Indian Judicial System

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Abstract: *The Indian judiciary has long been recognized as a predominantly male domain. Nevertheless, there has been a notable transformation in the portrayal of women inside the Indian judiciary in recent times. Women judges have a key role in upholding justice and promoting equality for all individuals throughout the nation. Despite encountering several challenges such as gender bias, societal norms, and patriarchal structures, these women have successfully overcome these barriers and made significant contributions to the Indian legal system. This essay will examine the remarkable narratives of these women, the obstacles they encountered, and their triumphs in their pursuit of becoming accomplished judges. Participate in our commemoration of the authority and tenacity of women in the Indian judiciary.*

Keywords: Women, Indian judiciary, justice, court of law, female judges, future prospect

I. INTRODUCTION

An Overview of the Historical Experience of Women in the Indian Judiciary

The Indian judiciary possesses a lengthy and illustrious historical background; yet, it is only in the contemporary era that women have commenced to achieve noteworthy advancements within this domain. The judicial system of India, like to that of numerous other nations, has always exhibited a male-centric composition. Women were not actively encouraged to pursue professions in the field of law, and those who did encountered substantial obstacles and prejudice. Cornelia Sorabji became the inaugural female to gain admission into the legal profession in India in the year 1892. Due to her gender, she was prohibited from practicing law in the courts of British India, despite her notable achievements. The inclusion of women in the legal profession in India occurred in 1923 through the enactment of the Legal Practitioners (Women) Act. Despite this, women faced significant challenges in gaining recognition and respect in the field. During the initial stages, female lawyers were not afforded an equitable opportunity to achieve success. Numerous legal companies declined to employ them, frequently resulting in their exclusion from significant legal matters. Nevertheless, as time progressed, women gradually dismantled these obstacles and made noteworthy contributions to the Indian Judiciary. In contemporary times, a considerable number of female judges, lawyers, and legal scholars have attained notable accomplishments within their respective domains.

Although there has been some advancement, there remains a significant amount of work to be accomplished in order to attain gender equality within the Indian Judiciary. Discrimination and biases persist against women, necessitating more representation across all tiers of the judicial system. Nevertheless, the historical trajectory of women in the Indian Judiciary is a source of optimism and motivation for forthcoming cohorts of women who aspire to achieve success within this domain.

Trends and numbers pertaining to the representation of women judges in India

The justice system in India has historically exhibited a male-dominated composition, resulting in a prolonged struggle for women to overcome gender barriers. Nevertheless, there has been a notable increase in the representation of women judges in recent years.

As of December 2020, the composition of the Supreme Court of India consists of 25 judges, with only one being female. In High Courts, the representation of women judges is approximately 11-12%, indicating a slightly improved situation. Nevertheless, these figures remain insufficient given that women constitute nearly 50% of the nation's populace.

The situation is more favorable at lower courts, where there is a greater representation of female justices. Based on a

report published by the Vidhi Centre for Legal Policy, it has been observed that women constitute approximately 28% of the total number of judges serving at the district level.

Although there has been a rise in figures, there remains a significant distance to cover in attaining gender parity within the Indian justice system. There is a pressing demand for increased female representation in the legal profession, and the system must enhance its support for women's career advancement. The inclusion of women judges is of paramount importance in guaranteeing equitable access to justice for all individuals. It is imperative to address the issue of the glass ceiling and foster inclusivity within the judiciary.

Challenges faced by women in the Indian Judiciary system

The Indian Judiciary system, often regarded as a highly esteemed and influential branch of the government, has historically exhibited a male-centric composition. The obstacles encountered by women inside this system are substantial and frequently disheartening. One of the primary obstacles lies in the entrenched patriarchal ideology that has pervaded Indian society over an extended period of time. Women are frequently perceived as possessing emotional intelligence and lacking the ability to make difficult decisions, hence encountering challenges in attaining respect and acknowledgment within the judicial system.

Women encounter an additional obstacle in the form of insufficient assistance from their male counterparts. Female judges frequently encounter exclusion from significant deliberations and are not afforded equal prospects for career progression in comparison to their male counterparts. This phenomenon can be attributed to the underrepresentation of women in positions of authority, hence impeding their ability to fight for their own interests and the interests of other women. Additionally, it might be ascribed to the systemic prejudice that exhibits a preference for men over women.

Moreover, women who opt to embark on a professional path within the justice system may encounter societal expectations to conform to conventional gender norms, such as assuming the duties of a homemaker or carer. The presence of a challenging work-life balance can impede individuals' advancement in their professional trajectory. Notwithstanding these obstacles, numerous women have successfully overcome the barriers and achieved notable advancements inside the Indian Judiciary system. By enacting rules that foster gender equality and promoting women's pursuit of careers in the judiciary, there is optimism that a greater number of women will be able to overcome obstacles and contribute positively to the system.

Initiatives taken to promote the participation of women in the Indian Judiciary

India has implemented various measures to promote the participation of women in the Indian Judiciary. Both the government and the judiciary in India have implemented a range of measures aimed at promoting gender equality in the judiciary, thereby facilitating women's access to judicial positions and their active involvement in the administration of justice.

The establishment of the National Commission for Women is a notable initiative. The commission was founded in 1992 as a legally mandated entity to supervise and provide guidance to the government on all issues pertaining to the position of women in India. The commission has played a crucial role in safeguarding women's rights and promoting gender equality across all domains, including the judiciary. The administration implemented an additional measure by introducing a reservation system for women in the judiciary. The implementation of the reservation policy in 1993 has resulted in a substantial increase in the representation of women judges. According to the most recent data, the proportion of women in the judiciary in India is approximately 28%.

The judiciary has implemented several measures aimed at promoting female participation in the legal profession. The Bar Council of India has implemented a range of initiatives and programs aimed at offering financial support to women aspiring to pursue a profession in the field of law. Furthermore, numerous law schools and universities have initiated the provision of scholarships to female students as a means of fostering their inclination towards pursuing a career in the legal field. In general, these initiatives have played a significant role in dismantling the barriers that have historically hindered women's advancement in the Indian Judiciary. Nevertheless, the legal profession still has a considerable distance to cover in order to attain full gender equality. The establishment of an inclusive and gender-neutral legal system in India necessitates ongoing efforts by the government, judiciary, and legal community.

The contribution of female judges in advancing gender equality

The significance of female judges in advancing gender justice is a pivotal element in dismantling the barriers to advancement within the Indian court. Given the limited representation of women in the judiciary, their presence and contribution have the potential to greatly impact the advancement of gender equality and justice. Female judges contribute a distinct viewpoint to the judicial system, as they have personally experienced gender-based prejudice and bias. This enables individuals to cultivate empathy and comprehend the challenges faced by women who approach them in pursuit of legal redress. Furthermore, their existence conveys a compelling message to society that women possess the ability to occupy positions of authority and accountability inside the legal system. Furthermore, female judges can also contribute to the transformation of the legal system's functioning. For example, it is possible to promote a justice system that prioritizes the needs and rights of the victim over those of the accused, so adopting a victim-centric approach. Additionally, they can advocate for alternate methods of resolving conflicts that prioritize gender sensitivity and support survivors. In summary, it may be argued that women judges possess a significant responsibility in advancing gender justice within the Indian court. The appointment of a greater number of women to the bench and the provision of opportunities for them to contribute their distinct perspective and experience to the legal system are of utmost importance. It is only through this approach that we can aspire to dismantle the glass ceiling and attain genuine gender parity inside the judiciary.

An investigation of the Influence of Women in the Indian Judiciary: Case Studies and Illustrative Instances

An examination of several case studies and instances reveals the significant influence of women in the Indian Judiciary. An exemplary instance can be observed in the case of Justice Fathima Beevi, who became the inaugural female judge to be appointed to the Supreme Court of India in 1989. Her nomination facilitated the entry of other women into the judiciary and served as a catalyst for many individuals to pursue a career in law.

Justice Ruma Pal, who held the position of a judge in the Supreme Court of India from 2000 to 2006, is another noteworthy instance. Throughout her term, she delivered numerous significant rulings, notably the renowned 'Best Bakery case' that addressed the Gujarat riots of 2002. The involvement of women judges in matters pertaining to women's rights has been noteworthy, exemplified by Justice Gyan Sudha Misra's influential ruling in the Vishakha case. This ruling acknowledged sexual harassment in the workplace as a breach of fundamental rights. In contemporary times, female judges have emerged as prominent figures in numerous significant rulings, exemplified by Justice Indu Malhotra's ruling in the Sabarimala case. This ruling granted women of all age groups the right to access the Sabarimala shrine located in Kerala. Women's involvement in the Indian Judiciary has had a significant impact, resulting in increased gender diversity and the issuance of more progressive rulings. It is imperative to acknowledge and commemorate the significant achievements made by these women as they persistently challenge the barriers to advancement within the Indian Judiciary.

An analysis of the Indian Judiciary in relation to other nations

In recent years, India has achieved notable advancements in terms of women's representation inside the judiciary. Nevertheless, in comparison to other nations, it becomes evident that India still has a considerable distance to cover. Australia, Canada, and the United States have a significantly larger proportion of female judges compared to India. Since 1981, the United States has had three women serving on the Supreme Court, so enhancing the prominence of women in the judiciary.

In comparison, it is noteworthy that India experienced the appointment of its inaugural female Supreme Court judge in 1989, and the process of augmenting the representation of women judges across all tiers of the judiciary has been a protracted endeavor. Although there has been some advancement, it is crucial to acknowledge that there is a substantial disparity in gender representation within the Indian court. There exists a necessity to promote increased female representation within the legal profession and ensure equitable access to opportunities for their professional advancement. This objective can be accomplished by using strategies such as mentorship programs, structured training programs, and robust support networks. By implementing measures to promote equal opportunities for women to excel in the legal field, we may strive towards dismantling the barriers that hinder women's advancement and attaining enhanced gender equality within the Indian court.

The imperative for increased female representation in the Indian Judiciary

In recent years, there has been a rise in the involvement of women in different capacities within the Indian Judiciary. However, there is still a significant distance to cover. The judiciary has a notable lack of female representation, as seen by the fact that approximately 30% of judges are women. This has underscored the necessity for increased female representation in the Indian Judiciary, not just to rectify the gender disparity but also to introduce a wide range of viewpoints and backgrounds.

The underrepresentation of women in the court can be attributed to various factors, such as cultural and societal biases, limited access to opportunities, and gender-based prejudice. Nevertheless, measures are being implemented to tackle these obstacles. The government has implemented a range of initiatives aimed at promoting the pursuit of legal careers among women, including the provision of scholarships and financial aid for legal studies. Furthermore, numerous organizations are actively striving to establish a judiciary that is more inclusive and varied. Awareness campaigns, training programs, and mentorship initiatives are being implemented. Efforts aimed at promoting increased female participation in the legal and judicial professions. The aforementioned action represents a commendable stride in dismantling the barriers to advancement and attaining parity between genders within the Indian Judiciary.

The presence of a judiciary that effectively reflects and serves all segments of society is of utmost importance. A judiciary that is varied and inclusive has the potential to introduce a range of perspectives and experiences, so enhancing the quality of decisions and fostering a more equal justice system. Hence, it is imperative to promote and provide assistance to a greater number of women in their involvement within the Indian Judiciary.

Recommendations for women aspiring to pursue a career as a judge in India

Overcoming the barriers that impede progress inside the Indian court system is a challenging endeavor, although it remains attainable. Below are few recommendations for women who wish to pursue a career as a judge in India.

1. Education is crucial - Obtain your law degree from a prestigious university and aim for exceptional academic performance.
2. Acquire practical experience and exposure to court processes by engaging in an internship at a law firm or serving as an assistant to a practicing lawyer.
3. In order to pursue a career as a judge in India, it is important to successfully complete the competitive examinations administered by either the state or central government. It is imperative to adequately prepare for these examinations and ensure that one remains well-informed about contemporary events and legal advancements.
4. Networking - Establish a robust network of legal professionals, participate in legal conferences, seminars, and workshops to establish useful connections and acquire valuable knowledge about the legal field.
5. Exhibit perseverance - The path to becoming a judge is extensive and demanding, but perseverance is crucial. Persist in your efforts, maintain concentration on your objective, and do not allow obstacles to deter you.
6. Remain current - Ensure that you are well-informed on the most recent legal advancements, and be ready to acquire knowledge and adjust as the legal system progresses.

Overcoming the barriers that prevent women from progressing in the Indian justice system is a challenging task. However, with appropriate education, experience, preparation, networking, determination, and dedication, women can certainly achieve significant success.

II. CONCLUSION

Future prospect of women in the Indian Judiciary

Ultimately, the Indian Judiciary has made significant progress in promoting gender diversity, while there is a considerable distance to cover. The increasing number of women pursuing a career in law is anticipated to result in a substantial rise in the representation of women within the Indian Judiciary in the foreseeable future. The recognition of the endeavors undertaken by the Indian Judiciary to foster gender diversity and inclusivity holds significant importance. Nevertheless, it is imperative to implement further policies and programs that would effectively facilitate and empower women in attaining senior roles within the court.

Recognizing the obstacles that women encounter in the Indian Judiciary, such as gender bias, stereotyping, and harassment, is crucial. In order to provide a secure and all-encompassing working environment for women in the judiciary, it is imperative to tackle these concerns. In general, the prospects for women in the Indian Judiciary appear

favorable. The increasing participation of women in the legal profession, along with the implementation of laws and programs that foster gender diversity and inclusivity, holds the potential to cultivate a court that really reflects the demographic composition of the Indian people.

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