

The Study on Issue of Women's Representation in the Indian Judiciary

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Abstract: Gender in India has been the subject of numerous disputes throughout the years. A significant aspect is the societal positioning of women, encompassing their education, health, economic status, and gender equality, among other factors. It can be inferred from these deliberations that women have consistently had a contradictory position inside our emerging nation.

The representation of women in the Indian Judiciary has once again become a subject of debate, lacking precise numerical data. The representation of women in the legal system has been significantly lower. The Supreme Court of India has had the highest number of women, with a total of nine judges. The research study encompasses the analysis of statistical data pertaining to the Vidhi legal policy. The lower or subordinate judiciary is composed of the District Courts and the courts that are subordinate to them. The aforementioned courts are subject to administrative oversight of the High Courts. The study highlights that in India, each judicial district is equipped with a District Court, which is subordinate to civil and criminal courts with original jurisdiction. Additionally, the study reveals that a significant majority of judges in the subordinate judiciary across India, specifically 71%, are male.

Motivation/Background: The Supreme Court of India has had the highest number of women, with a total of nine judges. The representation of women in the legal system has been significantly lower.

Method: The primary focus of the research is on women, specifically their representation in the Indian Judiciary, particularly in the High Courts and the Supreme Court. What factors have contributed to the relatively low representation of women? In recent years, what has been the numerical representation of women on benches in High Courts and Supreme Courts?

Findings: Women were assigned to domestic roles and compelled to conform to the male-dominated patriarchal society, which has consistently been widespread in our nation. Indian women, who actively participated with men in the nationalist movement, were deprived of the opportunity to access unrestricted public spaces. They assumed the role of homemakers, primarily tasked with constructing a resilient household to provide support for their male counterparts who were tasked with establishing the just emancipated nation.

Conclusion: Women were relegated to a subordinate position within society. The literacy rate among females at the national level was very low, standing at 8.6%. In the age group of 11-14 years, the Gross Enrolment Ratio (GER) for girls was recorded as 24.8% at the primary level and 4.6% at the upper primary level. The education of women and their access to organized schooling were hindered by persistent social and cultural hurdles that were difficult to overcome.

Keywords: Law Ministry Reports; Judiciary; Bench; High Court; Supreme Court

I. INTRODUCTION

The aim of this study is to evaluate the representation of women within the legal profession. The project aims to get accurate statistics on the status of women in the Indian Judiciary. The research study examines the quantitative representation of women in Indian High Courts and Supreme Court, specifically focusing on how it aligns with the research topic's hopes and expectations.

Scope of Research

The research topic encompasses an examination of the representation of women in the Indian Judiciary, with a focus on reevaluating the factors contributing to the underrepresentation of women in Indian benches.

Objectives of research

- To provide thorough responses to the study issues, the following objectives have been derived.
- To examine the historical impact of women in the Indian judiciary.
- To ascertain the underlying cause for the relatively low level of female representation within the legal profession.
- To examine the evolving pattern of female involvement in the Indian judiciary.
- To conduct a thorough analysis of the representation of women in the Indian Judiciary in the current period.
- To determine the quantitative representation of women in the Indian Judiciary.
- To assess the quantitative data about the representation of women in the Indian Judiciary.
- To examine the expansion or contraction of women's representation in Indian parliaments.
- To ascertain the current trend of women's participation in Indian Courts.

II. BACKGROUND

The quintessential representation of women in the judiciary may be traced back to the ancient Greek and Roman mythology. Themis, a spouse of Zeus, was the Greek deity associated with justice and was seen as the embodiment of divine harmony, legislation, and tradition. Dike and Astrea, the two daughters of the individual in question, were regarded as deities of justice and were portrayed as bearing scales in both poetic and mythological narratives. Justitia, often known as Lady Justice, is a later figure who was the Roman Goddess of Justice.

Justitia is commonly depicted with a collection of scales that are traditionally suspended from her left hand. These scales serve as a tool for her to assess the strength of both the support and opposition in a given case. In her right hand, she frequently carries a double-edged sword, symbolizing the potency of Reason and Justice, which can be employed in favor of or against any faction. It is intriguing to observe that contemporary portrayals of justice in courts worldwide commonly feature a female justice with a sword and scales, frequently blindfolded to represent the impartial and equitable enforcement of the law, devoid of corruption, greed, bias, or favoritism.

The incorporation of the Lady Justice iconography with scales in our courtrooms has not been adhered to. However, upon examining Indian mythology, it becomes evident that the goddess Bagla Mukhi Devi is venerated in Pitambara Peeth, located in Datia town near the city of Gwalior in Madhya Pradesh. According to local folklore, individuals in the judicial stream specifically seek the blessings of this deity in order to administer justice in a manner that is both impartial and equitable.

It is noteworthy that the architects of our Supreme Court building structured the structure in a manner that evokes the concept of justice scales, with the Central Wing of the building aligning with the central beam of the Scales. The architectural design of the highest court of justice in India seems to reflect the scales of justice, which are reminiscent of the scales held by Lady Justice. Therefore, it may be legitimately inferred that the representation of female judges in Indian Courts is extensive and significant

Regarding women in physical form, Justice Fatima Beevi became the first woman to be nominated to the Supreme Court in 1987. In subsequent years, Justice Sujata Manohar was appointed in 1994, and Justice Ruma Pal was appointed in 2000. Currently, the Supreme Court is comprised solely of female judges, namely Justice Gyan Sudha Misra. There is a total of 52 female judges serving on the benches of High Courts nationwide, with 7 of them being located in the Delhi High Court.

According to statistics, the Delhi Higher Judicial Service currently has approximately 45 women, while the Delhi Judicial Service has 91 women. This accounts for 29% of the total number of women in positions within both cadres. Although the judgments delivered by the four women judges in the Supreme Court do not show any clear trend in terms of gender justice, it is undeniable that there have been instances where groundbreaking concepts in women's rights have been addressed by the benches in which they served. Justice Sujata Manohar was a member of the three-judge panel in the significant Vishaka case, which addressed the prevalent issue of workplace sexual harassment for the first time. It can be inferred that she played a crucial role in assisting her brother judges in gaining a comprehensive understanding

of a crucial area of law that had previously been overlooked by parliamentarians. This was because there was no specific legislation in place to address the punishment of sexual harassment in the workplace at that time. In a similar vein, Justice Ruma Pal, a judge renowned for her resolute nature, demonstrated her judicial prowess in the case of A. The concepts of 'mental cruelty' in a marriage and 'cruelty as a reason for divorce' were thoroughly expounded upon by Jayachandra and Vinita Saxena. She made another noteworthy contribution in the case of R.D. Upadhyaya addresses the delicate matter of the well-being of children from women who are awaiting trial or convicted, who are frequently compelled to reside with their moms within the prison.

Based on the information provided, it can be inferred that when confronted with cases such as rape or marital cruelty, female judges tend to handle them similarly to their male counterparts. However, when confronted with a previously unexplored legal domain, particularly in relation to gender justice, they are not reluctant to deviate from the traditional approach. Adding another dimension to the women in judiciary are the Mahila Courts. In Delhi, Mahila Courts were established in 1994, and at present there are 11 Mahila Courts functioning in the capital. At the session level, Mahila Courts deal with cases of kidnapping, procuring minor girls for the purpose of prostitution, rape and of cruelty by husbands or in-laws. The metropolitan magistrates in these courts are assigned cases relating to molestation, rape, kidnapping, as also of domestic violence. These are courts that truly deal with persons living on the margins of the society and the women judges manning them are the foot soldiers who play a pivotal role in the judicial delivery mechanism at the lowest level. These brave women, who sit day in and day out, and hear cases of abuse and severe mistreatment, and to their credit, do not allow themselves to be prejudiced while attempting to do justice in the most neutral and unpartisan manner, are rendering yeoman service to the institution

Law Ministry Reports

Table: 1

Groups	Department of Legal Affairs (Including Legislative Department)	
Group A	97	15
Group B	250	93
Group C	135	4
Group D	172	15
Total	654	127

Representation of Female Employees in Legislative Department (As On 01-01-2017)

Table: 2

GROUP	Total No. of Employees	No. of Female Employees	Percentage (%)
GROUP 'A'	70	15	21.4
GROUP 'B'	110	34	30.9
GROUP 'C'	114	12	10.5
TOTAL	294	61	20.7

Numerical Figure of Female Judges in India

Female Judges of the Supreme Court of India

In the walk of 71 years of Indian Independence, the apex court, the Supreme Court of India has crowned only 7 female Judges. The Supreme Court collegium has recommended the name of senior advocate Indu Malhotra as the first woman lawyer to be unswervingly appointed as a judge of the apex court, Supreme Court of India

End to end, Uttarakhand High Court Chief Justice K.M. Joseph, who was part of the bench which in 2016 had quashed the imposition of president's rule in the state, has also been cleared for elevation to the apex court.

At a meeting held on January 10, the collegium also recommended the name of Justice Sheo Kumar Singh-I, presently an additional judge, for appointment as a permanent judge of the Allahabad High Court.

Justice Joseph was appointed as permanent judge of the Kerala high court in 2004 and later reassigned to Uttarakhand high court where he anticipated charge in 2014 as chief justice.

Malhotra, who was nominated as a senior advocate in 2007, would be the first woman lawyer to be directly appointed as a judge of the top court, instead of being preeminent from a high court.

She will be the seventh woman judge since independence to make it to the Supreme Court. At present, Justice R. Banumathi is the unique woman judge in the apex court.

Since Independence, only six women judges have made it to the apex court as judges and the first appointment was of Justice M. Fathima Beevi in 1989, 39 years after the setting up of the Supreme Court in 1950.

Justice Fathima Beevi was raised to the apex court after her retirement as judge of the Kerala high court. After aiding the top court till April 29, 1992, she was later selected as the governor of Tamil Nadu.

The subsequent woman judge in the Supreme Court was Justice Sujata V. Manohar who started her profession as a judge from the Bombay high court and rose to become the Chief Justice of the Kerala high court. She was elevated to the apex court where she remained from November 8, 1994 till August 27, 1999.

Justice Ruma Pal followed Manohar after a gap of almost five months and became the longest- serving woman judge from January 28, 2000 to June 2, 2006.

After her retirement, it took four years to employ the next woman judge. Justice Gyan Sudha Misra was elevated to the Supreme Court from the Jharkhand high court where she was the chief justice. Her tenure in the apex court was from April 30, 2010 to April 27, 2014.

During her stint, she was joined by Justice Ranjana Prakash Desai, who served the apex court between September 13, 2011 to October 29, 2014. These two judges also created a history by holding the court together as an all-women bench for a day in 2013.

Justice Banumathi, who at present is the only sitting woman judge, had joined on August 13, 2014 and would retire on July 19, 2020.

In the 67-year history of the Supreme Court, there have been only two occasions when it has had two sitting women judges together, the first being Justices Misra and Desai and later Justices Desai and Banumathi.

The collegium is headed by Chief Justice Dipak Misra and has the four senior-most judges of the apex court – Justices J Chelameswar, Ranjan Gogoi, Madan B Lokur and Kurian Joseph – as its other members.

Count of Female Judges at the Supreme Court of India

Table 3: clearly shows that there have been only ‘Seven’ female judges in the Supreme Court of India till now.

Sr. No.	Name	Date of appointment	Date of retirement	State/union territory
1	Fathima Beevi (1 st Female Judge of Supreme court)	October 6 1989	April 29 1992	Kerala
2	Sujata V. Manohar	November 8 1994	August 27 1999	Maharashtra
3	Ruma Pal	January 28 2000	June 2 2006	Calcutta
4	Gyan Sudha Misra	April 30 2010	April 27 2014	Jharkhand
5	Ranjana Prakash Desai	September 13 2011	October 29 2014	Bombay
6	R. Banumathi	August 13 2014	July 19 2020	Delhi
7	Indu Malhotra	April 27 2018	April 23 2021	Delhi

Female Judges of the High Courts of India Allahabad High Court
(List of Female Judges Arranged According to Date of Initial Appointment)

Table 4: Projects the cumulative number of female judges at 'Allahabad High Court' as 'Six' in figure.

Sl. No.	Name of the judge	Source of recruitment	Date of appointment as addl. Judge	Date of appointment as pmt. Judge	Date of retirement
1.	Kumari Bharati Sapru	Bar	05/10/2005	10/08/2007	28/07/2020
2.	Kumari Naheed Ara Moonis	Bar	13/04/2009	24/12/2010	07/12/2021
3.	Smt. Sunita Agarwal	Bar	21/11/2011	06/08/2013	29/04/2028
4.	Smt. Vijay Lakshmi	Service	03/02/2014	01/02/2016	28/10/2018
5.	Smt. Sangeeta Chandra	Bar	15/11/2016	23/03/2018	22/04/2030
6.	Smt. Rekha Dikshit	Service	15/11/2016	23/03/2018	09/08/2021

Telangana & Andhra Pradesh High Court

(List of Female Judges Arranged According to Date of Initial Appointment)

Table 5: projects the cumulative number of female judges at 'Telangana & Andhra Pradesh High Court' as 'Three' in figure.

Sl. No.	Name of The Judge	Source of Recruitment	Date of Appointment as Addl. Judge	Date of Appointment as Pmt. Judge	Date of Retirement
1.	Kumari Javalakar Uma Devi (AP)	Service		17/01/2017	25/09/2021
2.	Smt. Telaprolu Rajani (AP)	Service		17/01/2017	05/11/2020
3.	Smt. Kongara Vijaya Lakshmi (AP)	Bar		21/09/2017	19/09/2022

Calcutta High Court

(List of Female Judges Arranged According to Date of Initial Appointment)

Table 6: projects the cumulative number of female judges at 'Calcutta High Court' as 'Three' in figure.

Sl. No.	Name of the judge	Source of recruitment	Date of appointment as addl. Judge	Date of appointment as pmt. Judge	Date of retirement
1.	Smt. Nadira Patherya	Bar	--	22/06/2006	18/11/2018
2.	Smt. Samapti Chatterjee	Bar	30/10/2013	14/03/2016	12/12/2020
3.	Miss Asha Arora	Service	30/03/2015	06/10/2016	01/10/2019

Additional Judges

Table 7: projects the cumulative number of female additional judges at 'Calcutta High Court' as 'Three' in figure.

Sl. No.	Name of the judge	Source of recruitment	Date of appointment as pmt. Judge	Date of retirement
1.	Smt. Moushumi Bhattacharya	Bar	21/09/2017	20/09/2019
2.	Smt. Shampa Sarkar	Bar	12/03/2018	11/03/2020
3.	Smt. Amrita Sinha	Bar	02/05/2018	01/05/2020

Judges Transferred from the Calcutta High Court

Table 8: projects the cumulative number of female judges at 'Calcutta High Court' as 'Eight' in figure.

Sl no.	Name of the judge	Date of appointment as addl. Judge	Date of appointment as pmt. Judge	Date of retirement	Remarks
1.	Kumari Indira Banerjee	Bar	05/02/2002	23/09/2019	CJ, Madras

Bombay High Court

(List of Female Judges Arranged According to Date of Initial Appointment)

Table 9: projects the cumulative number of female judges at 'Bombay High Court' as 'Seven' in figure.

Sl. No.	Name of the judge	Source of recruitment	Date of appointment as addl. Judge	Date of appointment as pmt. Judge	Date of retirement
1.	Smt. Mridula R. Bhatkar	Service	10/02/2009	23/12/2011	27/05/2019
2.	Smt. Sadhana Sanjay Jadhav	Bar	23/01/2012	16/12/2013	13/06/2022
3.	Smt. Revati Prashant Mohite Dere	Bar	21/06/2013	02/03/2016	16/04/2027
4.	Smt. Anuja Prabhudessai	Service [Goa]	03/03/2014	02/03/2016	07/02/2024
5.	Dr. (Smt.) Shalini Shashank Phansalkar - Joshi	Service	01/01/2015	17/11/2016	05/02/2019
6.	Smt. Swapna Sanjiv Joshi	Service	28/03/2016	13/03/2018	25/08/2021
7.	Kumari Nutan D. Sardessai	Service [Goa]	28/03/2016	13/03/2018	18/08/2020

Additional Judges

Table 10: projects the cumulative number of additional female judges at 'Calcutta High Court' as 'Two' in figures.

Sl. No.	Name of the judge	Source of recruitment	Date of appointment as addl. Judge	Date of retirement
1.	Smt. Bharati Harish Dangre	Bar	05/06/2017	04/06/2019
2.	Smt. Vibha Vasant Kankanwadi	Service	05/06/2017	04/06/2019

Chhattisgarh High Court

(List of Female Judges Arranged According to Date of Initial Appointment)

Additional Judges

Table 11: projects the cumulative number of additional female judges at 'Chhattisgarh High Court' as 'Two' in figures

Sl. No.	Name of the judge	Date of birth	Source of recruitment	Date of initial appointment	Date of retirement
1	Smt. Vimla singh kapoor	16/11/1959	Service	18/06/2018	17/06/2020
2	Smt. Rajani dubey	30/06/1964	Service	18/06/2018	17/06/2020

Delhi High Court

(List of Female Judges Arranged According to Date of Initial Appointment)

Table 12: projects the cumulative number of female judges at 'Delhi High Court' as 'Eight' in figures.

Sl. No.	Name of the judge	Source of recruitment	Date of appointment as addl. Judge	Date of appointment as pmt. Judge	Date of retirement
1	Kumari gita mittal	Bar	16/07/2004	20/02/2006	08/12/2020
2	Kumari hima kohli	Bar	29/05/2006	29/08/2007	01/09/2021
3	Ms. Mukta gupta	Bar	23/10/2009	29/05/2014	27/06/2023
4	Shrimati pratibha rani	Service	17/10/2011	16/10/2014	24/08/2018
5.	Smt. Sangita dhingra sehgal	Service	15/12/2014	02/06/2016	19/06/2020
6.	Smt. Anu malhotra	Service	--	08/11/2016	26/11/2022
7.	Smt. Rekha palli bar	Bar	--	15/05/2017	08/03/2025
8.	Smt. Prathiba m.singh	Bar	--	15/05/2017	19/07/2030

Gauhati High Court

(List of Female Judges Arranged According to Date of Initial Appointment)

Table 13: projects the cumulative number of female judges at 'Gauhati High Court' as 'One' in figure.

Sl. No.	Name of the judge	Source of recruitment	Date of initial appointment	Date of retirement
1.	Smt. Rumi kumari phukan	Service	07/01/2015	06/01/2019

Gujarat High Court

(List of Female Judges Arranged According to Date of Initial Appointment)

Table 14: projects the cumulative number of female judges at 'Gujarat High Court' as 'Three' in figures.

Sl. No.	Name of The judge	Source of recruitment	Date of appointment as addl. judge	Date of appointment as pmt. judge	Date of retirement
1.	Smt.H.N.Devani	Bar	08/10/2004	09/08/2007	26/03/2020
2.	Miss Bela Mandhurya Trivedi	Service	17/02/2011	06/02/2013	09/06/2022
3.	Miss Sonia Giridhar Gokani	Service	17/02/2011	28/01/2013	25/02/2023

Patna High Court

(List of Female Judges Arranged According to Date of Initial Appointment)

Table 15: projects the cumulative number of female judges at 'Patna High Court' as 'Two' in figures.

Sl. No.	Name of the judge	Source of recruitment	Date of appointment as addl. Judge	Date of appointment as pmt. Judge	Date of retirement
1.	Smt. Anjana Mishra	Bar	15/05/2014	20/04/2016	29/02/2020
2.	Smt. Nilu Agrawal	Bar	15/04/2015	20/04/2016	21/06/2019

Punjab & Haryana High Court

(List of Female Judges Arranged According to Date of Initial Appointment)

Table 16: projects the cumulative number of female judges at ‘Punjab and Haryana High Court’ as ‘Five’ in figures.

Sl. No.	Name of the judge	Source of recruitment	Date of appointment as addl. Judge	Date of appointment as pmt. Judge	Date of retirement
1.	Smt. Daya chaudhary [h]	Bar	05/12/2007	28/11/2009	09/01/2021
2.	Kumari ritu bahri [h]	Bar	16/08/2010	23/02/2012	10/10/2024
3.	Mrs. Rekha mittal [p]	Service	15/06/2012	19/12/2014	16/01/2021
4.	Smt. Lisa gill [p]	Bar	31/03/2014	19/12/2014	16/11/2028
5.	Miss jaishree thakur [p]	Bar	25/09/2014	20/05/2016	23/07/2023

Judges Transferred from The Punjab & Haryana High Court

(List of Female Judges Arranged According to Date of Initial Appointment)

Table 17: projects the cumulative number of female judges transferred from ‘Punjab and Haryana High Court’ as ‘Two’ in figures.

Sl. No.	Name of the judge	Source of recruitment	Date of appointment as addl. Judge	Date of appointment as pmt. Judge	Date of retirement
1.	Smt. Sabina [p]	Service	12/03/2008	23/02/2010	19/04/2023 Transfer to rajasthan
2.	Nirmaljit kaur [p]	Bar	10/07/2008	29/06/2012	27/01/2021 Transfer to rajasthan

Rajasthan High Court

(List of Female Judges Arranged According to Date of Initial Appointment)

Table 18: projects the cumulative number of female judges ‘Rajasthan High Court’ as ‘Two’ in figures.

Sl. No.	Name of the judge	Source of recruitment	Date of appointment as addl. Judge	Date of appointment as pmt. Judge	Date of retirement
1.	Smt. Sabina [p]	Service	12/03/2008	23/02/2010	19/04/2023 Joined on 11/04/2016 [phc: p & h]
2.	Nirmaljit kaur [p]	Bar	10/07/2008	29/06/2012	27/01/2021 Joined on 09/07/2012 [phc: p & h]

Sikkim High Court

(List of Female Judges Arranged According to Date of Initial Appointment)

Table 19: projects the cumulative number of female judges ‘Sikkim High Court’ as ‘One’ in figure.

Sl. No.	Name of The Judge	Source of Recruitment	Date of Appointment as Addl. Judge	Date of Appointment as Pmt. Judge	Date of Retirement
1.	Smt. Meenakshi Madan Rai	Service	--	15/04/2015	11/07/2026

V. COMPARATIVE ANALYSIS OF LAW MINISTRY REPORTS

5.1. Quantitative Assessment

The data presented indicates a decline in the representation of women on benches, with the Delhi High Court having the largest number of female judges at 'Eight', followed by the second-High Court of India, Bombay High Court of India, with 'Seven' female judges.

There are still numerous High Courts in Calcutta that feature three female judges.

The Gujarat High Court.

The judges at Rajasthan High Court, Patna High Court and Chhattisgarh High Court remain at a much lower figure 'Two.'

The lowest women held position remain at Sikkim High Court and Guwahati High Court, with numerical denomination of 'One' only.

The numerical presentation revealed in the aforementioned Tables very clearly establishes the fact that women have very less hold on the benches of Indian Judiciary.

The reasons behind such less women figure in Indian Judiciary has been evaluated in the subsequent Chapter of the same.

VI. SIGNIFICANCE OF WOMEN IN THE PROSECUTION

6.1 Vidhi Legal Policy

The present study conducted by Vidhi Legal Policy examines the ratio of female judges to male judges in the lower judiciary, with a focus on analyzing the findings across different states and districts. The findings present a concerning scenario: the representation of women in lower court judges in India is remarkably low, amounting to only 28%. The report posits that the significance of women judges lies in their presence, citing multiple reasons.

- It grants decision-making authority to previously marginalized segments of society.

The presence of a diverse bench is crucial in ensuring a just and unbiased judiciary.

A diverse range of perspectives enhances the representativeness and democratic legitimacy of courts, allowing them to comprehend the practical consequences of their decisions

The inclusion of women judges facilitates the provision of mentorship opportunities for other women aspiring to pursue a career in law.

- It enables women seeking justice to encounter reduced social disapproval, particularly when reporting instances of violence and abuse.

Notwithstanding these factors, the researchers observe that the level of women's representation within the judiciary is unsatisfactory. To provide an example, the Supreme Court has exclusively consisted of seven female judges. India's 24 High Courts have a modest representation of women judges, amounting to slightly over 10%. The lower or subordinate judiciary is composed of the District Courts and the courts that are subordinate to them. The aforementioned courts are subject to administrative oversight of the High Courts. The study highlights that in India, each judicial district is equipped with a District Court, which is subordinate to civil and criminal courts with original jurisdiction. Additionally, the study reveals that a significant majority of judges in the subordinate judiciary across India, specifically 71%, are male.

6.2. The dearth of women in the lower judiciary is a matter of great concern

The proportion of women judges in the southern states of Andhra Pradesh and Telangana was 37% and 44% respectively. Kerala had 67% male judges, while Karnataka had 70% male judges. Tamil Nadu had a total of 607 male judges and 357 female judges, excluding 12 judges for whom information was not available.

Goa, Meghalaya, and Sikkim, the smallest states, had a very high proportion of female judges, with 66% (29), 74% (31) and 65% (11) respectively, resulting in a total of 103 women judges.

The research proposes that decomposing data into numerical values can facilitate the identification of factors that influence gender composition and perhaps assist policymakers.

Researchers have observed that certain states, including Andhra Pradesh, Assam, Bihar, Chhattisgarh, Jharkhand, Karnataka, Odisha, Rajasthan, Tamil Nadu, and Telangana, have implemented a quota for women in the lower court, in

contrast to the upper judiciary. The quota for women in these posts varies from 30% to 35%, and their appointment is achieved through direct recruitment.

VII. AN ASSESSMENT OF FACTORS CONTRIBUTING TO THE UNDERREPRESENTATION OF WOMEN IN THE JUDICIARY

7.1. Prejudices in the Promotion Process

One contributing factor to the underrepresentation of women in both the lower and higher judiciary is the historical underrepresentation observed in prior years.

The study shows that if there were a smaller number of female Civil Judges (Junior Division) in 1995 compared to the present, there would be a reduced number of women judges currently holding higher positions in the lower court. This is because higher positions are primarily filled through promotion from Civil Judges (Junior Division).

Additionally, it highlights the possibility of prejudice within promotional procedures. In the absence of any form of bias, it may be assumed that the representation of women judges will remain consistent across all levels of the judicial hierarchy, assuming that both men and women possess equal merit. Although the necessary historical data to evaluate this is not easily accessible, some female judges and lawyers have documented instances of bias in their selection and advancement.

Here are some tables from the study that illustrate the declining number of women judges as one ascends in the judiciary.

7.2. The concept of the Number Game

Another intriguing association observed is that the figures are contingent upon the number of women who take judicial examinations, which is correlated with the number of women who successfully complete their legal education, which in turn is contingent upon the

The quantity of women who opt to pursue a legal education. This pertains to the quantity of women who are capable of successfully finishing basic and secondary school, and eventually, the correlation with the sex ratio in the state or district.

Nevertheless, this chain is not infallible. The analysis revealed a moderate association of 0.44 between the sex ratio and the representation of women in the lower judiciary. However, it is important to note that there were other instances where this correlation did not hold true. Despite Kerala having the highest sex ratio compared to other states, the representation of women in the lower judiciary is only 33%. According to the report, states such as Punjab, Sikkim, Meghalaya, and Tamil Nadu exhibit a lower sex ratio compared to Kerala, yet demonstrate a greater proportion of women judges in subordinate courts.

7.3. Prejudice

Although there is a dearth of measurable evidence on this matter, several legal professionals, including Indira Jaising and Meenakshi Arora, have addressed the issue of gender-based bias experienced by female litigators. The authors have also addressed the prevalent phenomenon of the 'old boys' club mindset, which poses challenges for women in their pursuit of judicial positions.

Clients, as well as infrastructure and job advantages for women in the judiciary, also exhibit these biases. The provision of incentives and work settings for women in the judiciary is a crucial aspect to consider. Sexual harassment and inadequate enabling infrastructure, encompassing amenities such as toilets and maternity leave, are additional factors that lead to a significant attrition rate among female lawyers. Consequently, a considerable number of women opt to pursue careers in the business sector instead. The convergence of these several circumstances leads to a notable disparity in the representation of women in bar appointments. According to experts, over the course of its 68-year history, the Supreme Court has witnessed the promotion of only one woman from the bar to the bench, with the most recent case occurring in January 2018. Moreover, women who manage to reach the judiciary often face more severe judgments. According to the report, an unidentified retired female Supreme Court judge stated that her rulings were deemed valid only if they were supported by a bigger panel of judges. Another female judge stated that a male judge consistently challenged her deductions on matters.

An optimistic perspective

Emphasizing the necessity for enhanced data collection methods to effectively tackle the matter at hand, the study concludes with a favorable outcome. It highlights recent advancements that suggest a gradual shift in the situation. According to the source, in the year 2017, the Chief Justices of all four High Courts in Delhi, Calcutta, Bombay, and Madras were women, marking a significant milestone.

Numerous politicians and judiciary members have expressed the imperative for achieving fair gender representation within the judiciary. In a recent address on National Law Day, President Ram Nath Kovind acknowledged the existence of a gender imbalance and called upon political leaders to implement quotas for women in the court

VIII. CONCLUSION & SUGGESTIONS

Women are not inherently born, but rather developed. India serves as an exemplary case study to illustrate the assertion made by Simone de Beauvoir. In light of the global commemoration of International Women's Day, it is pertinent to undertake an examination of the current status and role of women in India, drawing a comparison to the period seven decades ago when the nation had recently achieved independence. Women in our country have seen several transformations, including their involvement in nationalist movements, their exclusion from the home sphere, and their current revival as super-women.

Gender in India has been the subject of numerous disputes throughout the years. A significant aspect is the societal positioning of women, encompassing their education, health, economic status, and gender equality, among other factors. It can be inferred from these deliberations that women have consistently had a contradictory position inside our emerging nation.

Women were assigned to domestic roles and compelled to conform to the prevailing male-dominated patriarchal structure in our nation, a pattern that has persisted throughout history. Indian women, who actively participated with men in the nationalist movement, were deprived of the opportunity to access unrestricted public spaces. They assumed the role of homemakers, primarily tasked with constructing a resilient household to provide support for their male counterparts who were tasked with establishing the just emancipated nation. Women were relegated to the status of subordinate citizens. The literacy rate among females at the national level was very low, standing at 8.6%. In the age group of 11-14 years, the Gross Enrolment Ratio (GER) for girls was recorded as 24.8% at the primary level and 4.6% at the upper primary level. The education of women and their access to organized schooling were hindered by persistent social and cultural hurdles that were difficult to overcome.

REFERENCES

- [1] 'Women account for less than 28% of total judges in country' available at "<https://timesofindia.indiatimes.com/india/women-account-for-.html>"
- [2] 'List of High Court Judges | Department of Justice | Ministry of Law and Justice' available at "doj.gov.in"
- [3] Supra note no. 2
- [4] 'WOMEN IN THE INDIAN JUDICIARY-Justice Hima Kohli' available at "<https://sowlindia.com/upload/SpeechJusticeHimaKohli.pdf/html>"
- [5] 'List of High Court Judges | Department of Justice | Ministry of Law and Justice' available at "doj.gov.in"
- [6] Supra note no. 5
- [7] '67 years of Supreme Court, 6 women judges - Livemint' available at "<https://www.livemint.com/html>"
- [8] 'Missing Gender Diversity in the Indian Judiciary - Factly' available at "<https://factly.in/missing-gender-diversity-indian-judiciary/>".