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**DAILY EDITORIAL
ANALYSIS**

TOPIC

**UNDER REPRESENTATION OF WOMEN
IN JUDICIARY**

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UNDER REPRESENTATION OF WOMEN IN JUDICIARY

Context

- The under-representation of women in judiciary, that is expected to embody fairness and equality, highlights a significant gap in achieving true gender parity. Despite various efforts, women continue to face substantial barriers in entering and advancing within the judiciary.

Women in the Judiciary in India

- Women judges bring diverse perspectives and experiences, which can enhance public trust in the judiciary and improve the quality of judicial decisions. Their presence is also linked to efforts to combat corruption and uphold human rights.
- As of recent available data, women constituted only about 13.4% of judges in the **High Courts** and a mere **9.3% in the Supreme Court of India**.
 - ♦ It is even more pronounced in certain states, where some High Courts have either no women judges or just one.
- While the **district judiciary** shows a more encouraging figure of **36.3% women judges**, the higher echelons of the judiciary remain predominantly male.
- Further, the representation of women is **uneven across High Courts**, with States which include Bihar, Chhattisgarh, Jharkhand, Manipur, Meghalaya, Odisha, Tripura and Uttarakhand having either no women judges or just one woman judge.

Global Perspective & Trends

- **Overall Representation:** On average, women make up just over 25% of the world's judicial officers.
 - ♦ However, this figure varies widely by region and country. In some areas, women constitute less than 10% of the judiciary.
- **Progress in OECD Countries:** In many OECD countries, women now make up more than 54% of professional judges.
 - ♦ It is partly due to the growing number of women entering the legal profession and judiciary over recent decades.

Challenges

- **Barriers To Entry Level:** Measures such as recruitment quotas, have been implemented in some states, resulting in over 50% of successful candidates in the civil judge (junior) division being women.
 - ♦ However, these measures alone are insufficient. The **Judicial Service Rules** in many states require a minimum period of continuous practice for elevation to the Bench, a criterion that disproportionately affects women who often juggle family responsibilities without adequate support.
- **Retention:** Women who manage to enter the judiciary often encounter a discouraging environment that fails to accommodate their specific needs.
 - ♦ The lack of maternity benefits, minimum stipends, and supportive infrastructure such as childcare facilities further complicates their career progression.
- **Vicious Cycle:** With fewer women in senior positions, there are limited role models and mentors for aspiring female judges.
 - ♦ It perpetuates a male-dominated culture, making it harder for women to break through the glass ceiling.

Other Challenges

- The lack of supportive infrastructure, gender stereotypes, and social attitudes further hinder their progress.
- Additionally, the requirement for continuous practice for elevation to the Bench poses a significant challenge for women who juggle family responsibilities.

Suggested Reforms

- **Government and Judicial Initiatives:** The government and judiciary have recognised the need for greater gender diversity.
 - ♦ The **Chief Justice of India** has voiced **support for 50% representation of women** in the judiciary, emphasising that it is a matter of right, not charity.
 - ♦ Efforts are being made to ensure social diversity in judicial appointments, with recommendations to consider women candidates for higher judiciary positions.
- **Retired Supreme Court judge Justice Hima Kohli** has advocated for several measures to support women in the legal profession that are **essential to dismantle systemic barriers** and promote an environment that fosters equality, ensuring that women not only enter the legal profession but also thrive within it. These include Flexible Working Hours; Parental Leave; Mentorship and Skill Development; Addressing Gender Bias; and Infrastructure Improvements etc are vital.

Way Forward

- Addressing the under-representation of women in the judiciary requires a multifaceted approach. Policy reforms that ensure equitable working conditions, such as maternity benefits and flexible working hours, are crucial.
- Additionally, creating a supportive environment that encourages the retention and promotion of women is essential that includes mentorship programs, gender sensitivity training, and infrastructural support.
- The judiciary must reflect the diversity of the society it serves. Ensuring greater representation of women in the judiciary is not just a matter of fairness but also essential for delivering justice that is truly inclusive and representative of all segments of society.

Source: TH

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Mains Practice Question

[Q] Despite strides in gender equality, the judiciary in India continues to be a male-dominated space. Discuss the factors contributing to this under-representation and analyse its impact on the administration of justice.

