

The under-representation of women in the judiciary

Context

There is a need for **women-centric perspectives** which would pave the way for greater participation of women in the judiciary.

Introduction

The absence of women in the judicial system, which is glaring and widely discussed, is the major cause of concern. Measures are required to ensuring more women enter the profession as lawyers or judges. While it is crucial to recognise that there has been insufficient measure taken so far to ensure the continued support and encouragement and retention of women in the judiciary.

Status of Women in The Judiciary?

- Representation of Women in District Judiciary:

The Supreme Court of India's "State of the Judiciary" report (2023) showed 36.3% of women in the district judiciary, which is encouraging for women. In 14 States, more than 50% of candidates successfully recruited into the civil judge (junior) division were women.

- Representation of women at higher levels:

However, at the higher levels, the representation of women in the judiciary is too short. As of January 2024, only 13.4% of judges in the High Courts and 9.3% judges in the Supreme Court are women.

Further, the representation of women is marginal 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.

Status Of Women in The Bar?

Overall Representation:

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

Under-representation in senior positions:

Although comprehensive data in this regard has not been made public by all State Bar Councils, women are drastically under-represented as senior advocates, advocates-on-record, and Bar Council representatives.

CHALLENGES

- The under-representation of women in the judiciary is a part of a vicious cycle, they are excluded while unable to rise the power to address these concerns.
- Several States have taken commendable steps in ensuring that women enter the lower levels of the judiciary but direct recruitment to be a challenge for female aspirants.
- However, when women enter to the system, continue career growth becomes difficult at discouraging and unsupportive environment which fails to take into account their specific needs.
- The transfer policies which are often harsh and demanding, leaving little room for negotiation towards women's continued responsibilities as foremost caretaker in the household.

Way Forward

- Reservation for women in judiciary by bringing a legislation to ensure 50% reservation for women in all levels of judiciary.
- Encourage more women to take up the lawyer profession.
- A mandatory training of all lawyers on gender sensitisation.
- Concretise the data on women representation in judiciary.
- Transparency in selection process.

Conclusion

While there has been some improvement in the representation of women in the judiciary in recent times, there is still a long way to go to empower the women in judicial arena and ensures equality in representation of women in judiciary .it is essential to ensure gender parity and enhance speedy justice delivery.

