



Jus Corpus Law Journal

Open Access Law Journal – Copyright © 2024 – ISSN 2582-7820
Editor-in-Chief – Prof. (Dr.) Rhishikesh Dave; Publisher – Ayush Pandey

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

The Status of Women Judges in the Indian Judicial System: A Gender-Based Study

Pravesh Shekhar^a Gopal Nath Karna^b

^aRashtriya Raksha University, Gandhinagar, India ^bSardar Patel University of Police, Security and Criminal Justice, Jodhpur, India

Received 09 March 2024; Accepted 11 April 2024; Published 15 April 2024

The current research paper explores the critical issue of the gender gap towards female judicial magistrates within the intricate fabric of the Indian legal framework. Despite the estimable rise in the number of women in the legal occupation, female judges encounter significant challenges in career advancement and remain underrepresented in the upper echelons of the judiciary. This disparity seems primarily embedded in institutional biases, societal stereotypes, and a lack of supportive policies. The underrepresentation of women in the judiciary can negatively impact the legal system's efficacy, leading to a lack of diversity and limited perspectives. This paper thoroughly examines the extent and nature of gender exclusion towards female judicial officers in India and the implications for the judiciary's functioning. It highlights the crucial importance of creating an inclusive and supportive environment for women in the legal profession by implementing gender-sensitive policies and raising awareness about gender biases and stereotypes. The research also underscores the critical role of women in shaping the legal system's future and the need for their fair representation in the highest levels of the judiciary. This paper sheds light on women's exclusive status in the judiciary and the government's steps to address the issue. The paper concludes by providing a range of policy recommendations aimed at addressing gender discrimination towards female judicial officers and promoting gender equality in the Indian justice system.

Keywords: *women, career, judiciary, environment, policies, gender.*

INTRODUCTION

The judicial system of India is one of the four fundamental pillars that uphold the essence of democracy. It serves as a lighthouse to steer and regulate our actions, categorising them into lawful and unlawful domains. Throughout its illustrious history, India has been a melting pot of dialogues concerning gender issues, particularly about the social status of women, their education, healthcare, economic status, gender parity, and other allied matters. The vexed issue of gender parity in the Indian judicial system has reemerged as a matter of intense debate, yet an accurate quantification of the representation of women in the legal fraternity has eluded researchers. The participation of women in the judicial network has remained sparse, despite their growing presence in the legal profession. The salience of judicature establishments in both democratic and non-democratic facets of India's democratic framework is burgeoning, thereby rendering it increasingly imperative to incorporate women in these consequential and ostensible decision-making organisations. Nonetheless, a minuscule cohort of women are presiding as adjudicators in the apex echelons of the judicial system, constituting a disproportionately paltry fraction of the aggregate.

REPRESENTATION OF WOMEN JUDGES IN THE DISTRICT-LEVEL JUDICIARY

According to the Indian Constitution's Article 235, the High Court of each State exercises administrative control over its district and subordinate judiciary¹. This constitutional provision is pivotal in ensuring the smooth functioning and efficacy of the judicial system at the grassroots level. Furthermore, the State Government, in consultation with the High Court, lays down the Rules and Regulations governing the recruitment, promotion, reservation, and retirement of Judicial Officers in the State Judicial Service. These powers are granted under the proviso to Article 309² read with Articles 233³ and 234⁴. The primary objective of such regulations is to maintain a competent, impartial, and diverse judiciary that caters to the needs of the populace. However, the exact nature and extent of collaboration between the High Courts and the State

¹ Constitution of India 1950, art 235

² Constitution of India 1950, art 309

³ Constitution of India 1950, art 233

⁴ Constitution of India 1950, art 234

Public Service Commissions vary across different States. In some States, the High Courts bear the sole responsibility of recruiting judicial officers, while in others, they collaborate with the State Public Service Commissions to streamline the recruitment process. The appointment and reservation of judicial officers in the district and subordinate judiciaries do not fall under the purview of the central government.⁵ It is noteworthy that across all 37 states, including Union Territories, the cumulative workforce of female judicial officers in the district and subordinate judiciaries constitutes 35.56 percent of the 19205 total working strength of judicial officers as of 05.12.2022. The tabular representation, WJ01 depicts the current status of women judges in the district and subordinate tiers across all 37 states in India. It reveals that only 15 states have achieved more than 40 per cent representation of women judges out of their total strength, while 4 states have no women judges at these levels of the judiciary. The state of Goa has emerged as the leader with the highest number of female judges, comprising 70 percent or 28 out of a total of 40, followed by Meghalaya at 62.75 percent, Nagaland at 62.50 percent, and so forth. This analysis brings to light the significant progress made towards gender parity in the Indian judicial system, particularly in the district and subordinate tiers, where women judges have gained a substantial foothold. The efforts made by the State Governments, in collaboration with the High Courts, to promote gender diversity in the judiciary have borne fruit, and the increasing representation of women in these positions of power is a reflection of this success. However, the data also highlights the persistent gaps that exist in certain regions of the country, where the representation of women judges remains disproportionately low. The absence of any women judges in certain states is a concerning issue and demands immediate attention from the authorities. It is imperative to undertake a comprehensive review of the existing recruitment policies, reservation systems, and retirement norms to promote greater inclusion and diversity in the district and subordinate judiciaries.

⁵ 'Justice-I' (Department of Justice) <[306](https://doj.gov.in/justice-i/#:~:text=Under%20the%20Constitution%20of%20India,purview%20of%20the%20State%20Governments.> accessed 25 February 2024</p></div><div data-bbox=)

S/NO	STATE/UT	TOTAL WORKING STRENGTH OF JUDICIAL OFFICERS	WORKING STRENGTH OF WOMEN JUDICIAL OFFICERS	PERCENTAGE SHARING
1	Andaman and Nicobar	13	0	0
2	Andhra Pradesh	534	261	48.88
3	Arunachal Pradesh	33	10	30.30
4	Assam	426	200	46.95
5	Bihar	1351	327	24.20
6	Chandigarh	30	11	36.67
7	Chhattisgarh	436	180	41.28
8	D & N Haveli	2	0	0
9	Daman & Diu	4	0	0
10	Delhi	682	279	40.91
11	Goa	40	28	70
12	Gujarat	1154	228	19.76
13	Haryana	465	178	38.28
14	Himachal Pradesh	165	55	33.33
15	Jammu and Kashmir	223	71	31.84
16	Jharkhand	508	133	26.18
17	Karnataka	1132	403	35.60
18	Kerala	469	205	43.71

19	Ladakh	9	3	33.33
20	Lakshadweep	3	0	0
21	Madhya Pradesh	1527	533	34.91
22	Maharashtra	1940	597	30.77
23	Manipur	42	19	45.24
24	Meghalaya	51	32	62.75
25	Mizoram	41	21	51.22
26	Nagaland	24	15	62.50
27	Odisha	768	341	44.40
28	Pudducherry	11	5	45.45
29	Punjab	589	270	45.84
30	Rajasthan	1256	504	40.13
31	Sikkim	21	12	57.14

32	Tamil Nadu	1068	426	39.89
33	Telangana	410	216	52.68
34	Tripura	109	38	34.86
35	Uttar Pradesh	2481	792	31.92
36	Uttarakhand	270	106	39.26
37	West Bengal	918	330	35.95
	TOTAL	19205	6829	35.56

Fig WJ01

REPRESENTATION OF WOMEN JUDGES IN HIGH COURTS OF INDIA

The selection process for judges to occupy positions in the esteemed Supreme Court and High Court in India is regulated by the constitutional provisions outlined in Articles 124⁶, 217⁷, and 224⁸. It is noteworthy that these articles do not bestow any preferential treatment on individuals based on their caste or any other societal classification. However, the government has directed the Chief Justices of the respective High Courts to duly consider meritorious candidates hailing from Scheduled Castes, Scheduled Tribes, Other Backward Classes, Minorities, and Women when submitting proposals for judicial appointments. This directive is aimed at upholding social diversity and inclusivity in the appointment of judges to the High Courts. It is imperative

⁶ Constitution of India 1950, art 124

⁷ Constitution of India 1950, art 217

⁸ Constitution of India 1950, art 224

to maintain an elevated legal lexicon and employ sophisticated phrasing when discussing such critical matters of constitutional law. In several Indian states, the lower courts have instituted a horizontal reservation for women, reserving up to thirty percent of available positions for them⁹. It is noteworthy that more than thirty percent of the lower bench in these states is currently occupied by competent women, indicating that their selection is based solely on merit and qualifications. This data serves as a refutation of the misguided assertion made by certain parties that the underrepresentation of women in the judiciary is due to their lack of talent and inadequate skills. The paucity of female judges within the collegium of high courts can be attributed to the inadequate representation of women, which perpetuates gender disparities in the judicial system. It is crucial to acknowledge that upholding gender equality and promoting diversity in the legal profession should be a paramount concern for a just and equitable society. Utilising a sophisticated legal lexicon is vital when discussing issues of such importance in the realm of constitutional law. The representation of women judges in High Courts across India is a matter of pressing concern, as evidenced by the data presented in Table Fig. WJ02. Shockingly, this table demonstrates that no state in India has achieved a satisfactory level of female representation in the High Courts, despite the country's 75 years of independence. This persisting gender disparity is unacceptable and must be urgently addressed. The lack of female representation in the High Courts is underscored by the fact that, since its inception, only five female Chief Justices have been appointed. At present, the number of female judges across all High Courts in India is a mere 101, constituting a paltry 9 percent of the total 778 available positions. This highlights a significant gap in the representation of women in the judiciary, and the legal system must undertake decisive action to address this issue. Gender equality is a fundamental principle of a democratic society and is enshrined in India's Constitution. The judiciary must reflect the diversity of the population it serves, including women who comprise roughly half of the country's population. The underrepresentation of women in the High Court impairs the credibility and legitimacy of the judiciary, and it is incumbent upon the legal profession to adopt affirmative action measures to enhance the representation of women in the

⁹ Shreya Sharma, 'India needs more women judges, but judiciary has a long way to go' *The Print* (01 June 2022) <<https://theprint.in/campus-voice/india-needs-more-women-judges-but-judiciary-has-a-long-way-to-go/976666/>> accessed 25 February 2024

judiciary. The development of a more inclusive and diverse judiciary requires the implementation of policy initiatives that actively promote the recruitment and retention of women in the legal profession. This includes targeted outreach programs aimed at encouraging women to pursue legal careers, as well as measures to address systemic barriers to their advancement in the legal profession. By prioritizing gender diversity, the Indian judiciary can take crucial steps towards creating a more equitable and just legal system.

S/NO	HIGH COURT	APPROVED JUDGES OF THE HIGH COURT	WORKING STRENGTH OF HIGH COURT	WOMEN JUDGES OF THE HIGH COURT	PERCENTAGE SHARING
1	Allahabad	160	100	7	4
2	Andhra Pradesh	37	30	2	5
3	Bombay	94	66	9	10
4	Calcutta	72	54	8	11
5	Chhattisgarh	22	14	1	5
6	Delhi	60	45	10	17
7	Gauhati	24	24	4	17

8	Gujarat	52	28	6	12
9	Himachal Pradesh	17	10	2	12
10	J&K and Ladakh	17	15	2	12
11	Jharkhand	25	21	1	4
12	Karnataka	62	49	5	8
13	Kerala	47	37	6	13
14	Madhya Pradesh	53	31	3	6
15	Madras	75	54	9	12
16	Manipur	5	3	0	0
17	Meghalaya	4	3	0	0
18	Odisha	33	22	1	3
19	Patna	53	34	0	0

20	Punjab & Haryana	85	66	13	15
21	Rajasthan	50	26	2	4
22	Sikkim	3	3	1	33
23	Telangana	42	33	9	21
24	Tripura	5	3	0	0
25	Uttarakhand	11	7	0	0
	TOTAL	1108	778	101	9

Fig WJ02

REPRESENTATION OF WOMEN JUDGES IN THE SUPREME COURT OF INDIA

The issue of gender parity in the upper echelons of the judiciary is a matter of profound significance and import. The apex court of India, with a sanctioned strength of 34 judges, including the Chief Justice, suffers from a paucity of female judges. With only three women on the bench out of a total of 27, this conspicuous underrepresentation of women in the highest court of the land is a cause for grave concern. The dearth of female judges in the Supreme Court is emblematic of the structural impediments that women encounter in the legal profession, including, but not limited to, gender bias, workplace discrimination, and limited access to opportunities for professional growth. These challenges must be urgently and earnestly addressed, not only to ensure gender parity in the judiciary but also to foster a more inclusive and equitable legal system. The esteemed justices Kohli, B.V. Nagarathna, and Trivedi, the trio

of female judges presently serving on the Supreme Court¹⁰, have demonstrated their exceptional legal acumen and expertise, and have earned their rightful place on the bench. Their presence in the highest court of the land serves as a source of inspiration to aspiring female lawyers and law students nationwide, who seek to shatter the proverbial glass ceiling and leave their indelible mark in the legal profession. It is heartening to observe that Justice Nagarathna is poised to etch her name in the annals of history in 2027, as she will become the first woman to assume the mantle of Chief Justice of India.¹¹ This landmark accomplishment will constitute a significant stride towards gender diversity in the judiciary and will also bear testimony to Justice Nagarathna's remarkable legal career and steadfast commitment to the tenets of the rule of law.

EXAMINING THE EXCLUSIVENESS OF FEMALE JUDGES' ROLES AS JUDICIAL OFFICERS

The issue of gender disparity within the judiciary is a pressing concern that warrants our immediate attention. The dearth of female judges across all levels of the legal system raises legitimate concerns about the fairness and impartiality of the judiciary, as well as the potential repercussions on women's rights and interests. Addressing this issue requires the implementation of robust measures that promote gender diversity and equal representation within the legal system. Such measures may include targeted recruitment initiatives, mentoring and networking programs, and comprehensive training and development programs designed to equip female legal professionals with the skills and expertise needed to ascend to positions of leadership within the judiciary. It is only through such concerted efforts that we can hope to create a legal system that truly reflects the diversity and richness of our society and upholds the principles of justice and equity for all. The statistical data presented in Figure No. WJ03 highlights the evident gender disparity prevalent in the Indian judiciary system. The figures illustrate that the ratio of males to females in the lower and subordinate judiciary is alarmingly skewed, with a ratio of 12376 males per 6829 females. This lopsided ratio is indicative of the

¹⁰ 'Chief Justice & Judges' (*Supreme Court of India*) <<https://main.sci.gov.in/chief-justice-judges>> accessed 27 February 2024

¹¹ Ayeshee Bhaduri, 'Justice BV Nagarathna poised to be first woman Chief Justice in 2027' *Hindustan Times* (26 August 2021) <<https://www.hindustantimes.com/india-news/justice-bv-nagarathna-poised-to-be-first-woman-chief-justice-in-2027-101629965238618.html>> accessed 27 February 2024

systemic exclusion of women from the judicial system and raises serious concerns about gender equality in the legal profession. Moreover, the data demonstrates that gender disparity persists even at the higher levels of the judicial hierarchy. The ratio of males to females in the corresponding High Courts is 677:101, which is still disproportionately skewed towards male representation. Such imbalances in the composition of the higher judiciary serve as a stark reminder of the systemic challenges faced by women in accessing leadership positions in the legal profession. The situation is further exacerbated at the apex level, where the gender ratio in the Supreme Court stands at a staggering 8:1 in favour of male representation.

S/NO	STATE/UT	RATIO OF MALES PER FEMALE IN LOWER & SUBORDINATE JUDICIARY	RATIO OF MALES PER FEMALE IN CORRESPONDING HIGH COURTS	RATIO OF MALES PER FEMALE IN SUPREME COURT
1	Andaman and Nicobar	13:0	Same as Calcutta H.C	8:1
2	Andhra Pradesh	91:87	14:1	
3	Arunachal Pradesh	23:10	Same as Gauhati H.C	
4	Assam	113:100	5:1	
5	Bihar	1024:327	34:0	

6	Chandigarh	19:11	Same as Punjab and Haryana H.C		
7	Chhattisgarh	64:45	13:1		
8	D & N Haveli	2:0	Same as Bombay H.C		
9	Daman & Diu	4:0	Same as Bombay H.C		
10	Delhi	13:9	7:2		
11	Goa	3:7	Same as Bombay H.C		8:1
12	Gujarat	463:114	11:3		
13	Haryana	287:178	Same as Punjab and Haryana H.C		
14	Himachal Pradesh	2:1	4:1		
15	Jammu and Kashmir	152:71	13:2		

16	Jharkhand	375:133	20:1
17	Karnataka	729:403	44:5
18	Kerala	264:205	31:6
19	Ladakh	2:1	Same as J&K H.C
20	Lakshadweep	3:0	Same as Kerala H.C
21	Madhya Pradesh	994:533	28:3
22	Maharashtra	1343:597	19:3
23	Manipur	23:19	3:0
24	Meghalaya	19:32	3:0
25	Mizoram	20:21	Same as Gauhati H.C
26	Nagaland	3:5	Same as Gauhati H.C
27	Odisha	427:341	21:1

28	Pudducherry	6:5	Same as Madras H.C	
29	Punjab	319:270	53:13	
30	Rajasthan	94:63	12:1	
31	Sikkim	3:4	2:1	
32	Tamil Nadu	107:71	5:1	
33	Telangana	97:108	8:3	
34	Tripura	71: 38	3:0	
35	Uttar Pradesh	563:264	93:7	
36	Uttarakhand	82:53	7:0	
37	West Bengal	98:55	23:4	
	TOTAL	12376:6829	677:101	8:1

Fig WJ03

INDIA'S JUDICIARY: HOW THE MEDIA IDENTIFIES WOMEN JUDGES

1. The recent remarks by Kiren Rijju in Parliament, as per the Hindustan Times e-paper dated March 17, 2023, have brought to light the state of gender representation in India's judicial system. While Rijju acknowledged the progress made in appointing 11 women judges to the

Supreme Court, he expressed concern over the under-representation of women at the level of subordinate judges, with only 30 percent of such positions currently being held by women. Furthermore, the Ministry of Law and Justice's recent admission to Parliament that no women are serving as chief justices in any of the high courts across the country highlights the persistent gender disparity within the upper echelons of the Indian judiciary. These revelations underscore the need for continued efforts towards promoting gender diversity and inclusivity in the legal profession, and the pressing need to address the existing gender gap in the country's judiciary¹².

2. The limited representation of women in the higher judiciary can be attributed to the opaque functioning of the collegium system, which tends to be more susceptible to bias. While women have made significant strides in entering the legal profession and occupying positions in the lower judiciary, their progress towards the upper echelons of the judiciary remains stunted. One of the factors contributing to this is the recruitment process, where women tend to enter the lower judiciary through an entrance examination. However, the same cannot be said about the collegium system, which operates in a more opaque manner.¹³

3. According to a report published by *The Week*, Justice Chandrachud has emphasised the need to establish a level-playing field for women to enter and flourish in the legal profession between 2000 and 2023. He further stated that there is no quick-fix solution to ensure that women become apex court judges by 2023 unless such measures are taken. Therefore, it is imperative to create a robust framework and groundwork for a more diverse and inclusive profession today, to pave the way for a future that is truly inclusive and diverse. The Chief Justice of India (CJI) also highlighted that recent recruitment statistics in the district judiciary of India reveal that in several states, over 50 percent of recruits are women.¹⁴

¹² Sweta Mudaliar, 'No Woman Chief Justice at any High Courts in Country: Govt to Parliament' *Hindustan Times* (17 March 2023) <<https://www.hindustantimes.com/india-news/no-woman-chief-justice-at-any-high-courts-in-country-govt-to-parliament-101679026694054.html>> accessed 27 February 2024

¹³ 'Woman in Judiciary' (*Drishti IAS*, 01 December 2022) <https://www.drishtias.com/daily-updates/daily-news-analysis/women-in-judiciary-1/print_manually#:~:text=There%20have%20been%20only%2011,of%20subordinate%20judges%20are%20female.>> accessed 27 February 2024

¹⁴ 'CJI's Response on Why There Are Less Women Judges in India' *The Week* (04 March 2023) <<https://www.theweek.in/news/india/2023/03/04/cjis-response-on-why-there-are-less-women-judges->

[in-india.html#:~:text=He%20said%20the%20cause%20of,their%20daughters%2C%22%20he%20said.>](#)
accessed 27 February 2024

ANALYSIS

The representation of women judges in the district-level judiciary

The issue of representation of women judges in the district-level judiciary in India is a multifaceted concern that demands a comprehensive review of the existing recruitment policies, reservation systems, and retirement norms to promote greater inclusion and diversity in the judiciary. The efforts made by the State Governments, in collaboration with the High Courts, to promote gender parity in the judiciary have yielded positive results, and the increasing representation of women in these positions of power is a testament to this achievement. However, the persistence of disparities in certain regions of the country underscores the need for urgent attention from the authorities. It is incumbent upon the relevant stakeholders to undertake a meticulous and systematic review of the existing policies and mechanisms to identify and address any systemic barriers that may impede the equitable representation of women in the judiciary. In doing so, it is imperative to adopt a gender-sensitive and intersectional approach that recognises and accommodates the unique challenges faced by women, particularly those from marginalised communities. Furthermore, it is crucial to acknowledge that achieving gender parity in the judiciary is not merely a matter of symbolic representation but a fundamental issue of access to justice and the rule of law. The underrepresentation of women judges in certain regions of the country can have significant implications for the effective functioning of the judicial system, particularly in addressing gender-based violence and other issues affecting women. In light of these considerations, it is incumbent upon the relevant authorities to adopt a proactive and comprehensive approach to address the persistent gaps in the representation of women judges in the district-level judiciary. This may include the revision of existing policies and mechanisms, the introduction of targeted affirmative action measures, and the creation of a supportive and enabling environment for women judges to thrive and contribute to the effective functioning of the judicial system.

The representation of women judges in the High Court level judiciary in India

The dearth of female representation in the High Courts of India is a matter of grave concern, and it behooves the legal profession to undertake prompt action to rectify this issue. The persisting gender disparity is a blot on the credibility and legitimacy of the judiciary, which is a cornerstone of any democratic society. The implementation of policy initiatives that actively promote the recruitment and retention of women in the legal profession is imperative to mitigate this situation. To this end, targeted outreach programs aimed at encouraging women to pursue legal careers and the introduction of measures to address systemic barriers to their advancement in the legal profession are of paramount importance. It is indisputable that promoting gender diversity is an essential aspect of creating a just and equitable legal system. The current underrepresentation of women in the judiciary underscores the need for affirmative action measures that enhance the representation of women in the legal profession. Such measures are necessary to address the inadequate representation of women, which perpetuates gender disparities in the judiciary. The implementation of these measures can be a crucial step towards rectifying this situation. In conclusion, it is incumbent upon the legal profession to take immediate action to promote greater inclusion and diversity in the judiciary. The implementation of policy initiatives aimed at promoting the recruitment and retention of women in the legal profession is a crucial first step. The judiciary must reflect the diversity of the population it serves, including women who comprise roughly half of the country's population. By prioritising gender diversity and taking decisive action, the Indian judiciary can create a more equitable and just legal system that upholds the fundamental principles of democracy and equality enshrined in the Constitution.

The representation of women judges in the Supreme Court of India

The lack of gender diversity in the Supreme Court of India is a pressing issue that needs immediate attention. The underrepresentation of women judges in the highest court of the land is not only a matter of grave concern but also a reflection of the systemic barriers that women face in the legal profession. To promote gender parity in the judiciary, it is essential to address the underlying structural impediments, including gender bias and workplace discrimination. The presence of the esteemed female justices on the Supreme Court bench, including Justices

Kohli, Nagarathna, and Trivedi, serves as an inspiration to aspiring female lawyers and law students who seek to break the glass ceiling and make their mark in the legal profession. The appointment of Justice Nagarathna as the first woman Chief Justice of India in 2027 will constitute a significant milestone towards achieving gender diversity in the judiciary and will reflect her exceptional legal acumen and steadfast commitment to the rule of law.¹⁵ To create a more inclusive and equitable legal system, it is incumbent upon the legal profession to take decisive action and implement policy initiatives that promote greater inclusion and diversity.

HURDLES CONFRONTED BY WOMEN IN THE INDIAN JUDICIAL SYSTEM

During a conversation, Dr Justice D.Y. Chandrachud highlighted the challenges encountered by female district judges, particularly the lack of accessible restrooms. These judges are required to leave their residences by 8 am. They can only use the restroom upon their return at 6 pm, often encountering inconvenience due to the distant locations of available facilities.¹⁶ Adding to the concern, 73.4 percent of District Court complexes lack sanitary pad vending machines, depriving women, including those employed at these complexes, of essential resources for managing menstrual health. This not only poses a matter of convenience but also raises questions about fundamental human rights.¹⁷ Disturbingly, data from iJuris reveals that only 13.1 percent of District Court facilities offer childcare rooms or facilities, with states like Uttar Pradesh, Andhra Pradesh, and Uttarakhand needing more such services. The disparity is further emphasised in Rajasthan, where out of 340 District Court complexes, only two provide childcare facilities. These findings underscore a clear discrepancy in promoting equal opportunities for women within court complexes, highlighting the need for urgent attention and improvement.¹⁸

CONCLUSION

¹⁵ Bhaduri (n 13)

¹⁶ 'Felicitation function in honour of Hon'ble Dr. Justice D.Y. Chandrachud, Chief Justice of India' (YouTube, 14 November 2022) <<https://www.youtube.com/live/MPru9khjjok?si=ljO4jLzK-DyXPG7X>> accessed 27 February 2024

¹⁷ Centre for Research & Planning, *State of the Judiciary: A Report on Infrastructure, Budgeting, Human Resources, and ICT* (November 2023)

¹⁸ National Judicial Data Grid (as on 25 September 2023) iJuris.

In India, the presence of women in the judicial system cannot be denied, but it is evident that their representation is not as clear-cut as it should be. Although policies have been formulated and are periodically reviewed, there is no denying that a lot more needs to be done to ensure that women are provided with equal opportunities and their status is uplifted in the Indian Judicial System. It's essential to recognise that ensuring women's representation in the judiciary goes beyond simply considering their perspectives on issues directly impacting women. It also requires promoting their visibility and embracing a gender-inclusive approach. Institutional and societal changes must be made to eliminate bias to build a genuinely neutral judiciary. While there has been progress in increasing the number of women serving on juries, there is still a persistent exclusion of women within the judicial system.

SUGGESTION

The under-representation of women in the Indian judiciary is a pressing issue that requires attention, and exploring effective solutions to promote gender diversity in the appointment and selection of judges is crucial.

1. In India, the government, in collaboration with appropriate stakeholders such as judges, other judicial officers, the National Commission for Women (NCW), and various state commissions for women, can suggest and establish courts in each district exclusively staffed and served by women, similar to the idea of women police stations. This step would not only improve female representation in the judiciary but also boost the confidence among women and provide a more supportive environment for legal practice.
2. The government's acceptance of the plan to establish a Women's Court can have a highly positive impact on the Indian judiciary, women police stations, and women prisons, among other elements of the criminal justice system. Multiple advantages can be observed as a result of these organisations working together seamlessly. Effective transfer of cases from women's police stations to women's courts can be one such benefit. In addition, the women's court setting will make female witnesses and victims feel safer and more comfortable, which may reduce the likelihood of witness hostility.

3. many states in India provide free coaching or financial assistance to candidates who qualify for the Union Public Service Commission (UPSC) Civil Services Examination or the First Stage (Preliminary) of the State Civil Services Examination. It can be recommended that governments provide similar assistance to judicial service applicants, especially women, and such a scheme can be run in every state of the country, especially for women. Such a program will help recruit women into judicial services and will encourage higher participation.

4. Reforming the collegium system of recruiting judges at the higher echelons of the judiciary can also be a promising strategy to promote gender diversity. This can involve adopting a more transparent and merit-based approach that considers the qualifications and experience of female candidates for judicial positions, with the inclusion of diverse and inclusive selection panels.

5. Bar Council of India (BCI) Rule 25 specifies that law students must complete an internship in addition to their coursework. A three-year study requires a twelve-week internship, while a five-year course requires a twenty-week internship. Apart from providing them with real-world experience, these internships also help in improving their academic growth. Regarding remuneration, there is no regulation for these internships. Lower-middle-class students, and especially women, who struggle with unpaid internships tend to lack professional expertise and a lack of remuneration, which can lead to exploitation and inequality. This problem may be one reason for women's unwillingness to seek careers in the court despite holding a law degree. Therefore, BCI must mandate that internships should not be unpaid.

6. The creation of a more conducive environment for women in the legal profession is crucial, and this can be achieved through initiatives promoting gender sensitivity and providing safe spaces for women.

7. The availability of flexible work arrangements that accommodate the personal and professional responsibilities of female legal professionals can help attract and retain more women in the legal profession.

8. Affirmative action such as horizontal reservation policy for women in the appointment of judges and reforming the collegium system, along with creating an inclusive legal culture that supports women, can promote gender diversity in the Indian judiciary.

These are a few suggestions that can be implemented to carve a better and smoother path for women who want to be judges as their career option. There are many suggestions already suggested through many research papers, committees, government bodies, etc., and there are still many things going on for the betterment of women. Now, it is high time for India to conduct more groundwork research, and it is needed to explore the effectiveness of strategies already initiated and to identify other potential solutions to address the one-gender underrepresentation in the Indian justice system.