



DAILY EDITORIAL ANALYSIS

TOPIC

**INDIA NEEDS MORE WOMEN
JUDGES IN THE SUPREME
COURT**

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INDIA NEEDS MORE WOMEN JUDGES IN THE SUPREME COURT

Context

- **Only one woman judge** serves among the **Court's full strength of 34 judges** as of now, raising questions about inclusivity, equity, and the broader implications for justice delivery.

Women in Supreme Court of India

- The Supreme Court has appointed **only 11 women judges**, amounting to a mere **3.8% of the total 287 judges**, since its inception in 1950, and it has never had more than four women judges serving simultaneously.
 - ♦ The first woman was **Justice Fathima Beevi in 1989**.
- The last significant step came in 2021 when three women were appointed together, briefly pushing women's representation above 10%.
- Notably, women from **Scheduled Castes, Scheduled Tribes, or other marginalized communities** have been entirely excluded.
- Justice B.V. Nagarathna is currently the sole woman judge on the bench, and is expected to become India's first woman Chief Justice in 2027.

Representation in High Courts and Lower Judiciary

- According to the Department of Justice, women constitute **only about 14% of High Court judges** across India.
- The numbers are slightly better in the **lower judiciary**, where women make up **approximately 30% of judicial officers**.

Why Women Representation Matters?

- **Enhancing Judicial Sensitivity and Perspective:** Women judges bring lived experiences that enrich judicial reasoning, especially in cases involving:
 - ♦ Gender-based violence;
 - ♦ Workplace harassment;
 - ♦ Family law and custody disputes;
 - ♦ Reproductive rights;
- **Legitimacy and Public Trust:** A judiciary that visibly includes women signals fairness and inclusivity.
 - ♦ It strengthens public confidence in the legal system and affirms the constitutional promise of equality of status and opportunity for all citizens.
- **Correcting Historical Exclusion:** The chronic underrepresentation reflects systemic barriers in legal education, practice, and promotion.
- **Government's Role in Promoting Diversity:** The Constitution does not mandate reservation for women in judicial appointments.
 - ♦ But, the government has urged High Courts to consider social diversity, including gender, when recommending candidates.

Challenges to Inclusion

- **Problem with the Collegium System:** The **Collegium system**, comprising the Chief Justice of India and four senior-most judges, decides appointments. But, its functioning is **opaque and inconsistent**.
 - ♦ While caste, region, and religion are sometimes considered, **gender is not institutionalized as a criterion**.
 - ♦ Resolutions explaining appointments have also been irregular, adding to the lack of transparency.

- **Exclusion from the Bar:** Only **one woman — Justice Indu Malhotra —** has been directly appointed from the Bar to the Supreme Court, while **nine men** have **made it through this path**.
- **Limited Pipeline:** Fewer women reach senior positions in the legal profession, reducing their visibility for elevation.
 - ♦ Justice Nagarathna will serve only for **36 days as a Chief Justice in 2027**, underscoring the limitations created by delayed appointments.
- **Workplace Bias:** Gender stereotypes and lack of institutional support discourage women from pursuing judicial careers.

Way Forward

- **Institutionalize diversity:** Gender, caste, religion, and region must be formal criteria in judicial appointments.
- **Direct appointments from the Bar:** More women Senior Advocates should be considered.
- **Early appointments:** Appoint women at younger ages to allow longer tenures and pathways to seniority.
- **Transparency in selection:** Collegium deliberations need to be made public with clear justifications.

Conclusion

- The Supreme Court of India has long championed gender equality in its judgments. But, it falls short in embodying those very principles within its own structure.
- Correcting the severe gender imbalance is not just about fairness to women in the legal profession — it is about ensuring that the Court truly represents the people it serves.

Source: TH

Daily Mains Practice Question

Q. Discuss the significance of increasing the representation of women in the Supreme Court of India. How might greater gender diversity influence judicial decision-making and public perception of the judiciary?