



## EDITORIAL: THE HINDU

**GENERAL STUDIES 2: POLITY**  
**TOPIC: JUDICIARY**

**DATE: 10.03.2025**

### Closing the gender gap in the higher judiciary

#### Progress and Challenges for Women in the Legal Profession in India

- **Progress Over the Last Century:**
  - Women in law have made significant progress over the last 100 years.
  - The first woman lawyer was allowed to practice in 1924.
  - More women lawyers are being designated as Senior Advocates.
  - Women judges are present in the lower judiciary, which is a step forward in representation.
- **Inequality in the Higher Judiciary:**
  - Women still face barriers in higher judiciary positions.
  - Women make up only 14.27% of judges in High Courts (109 out of 764).
  - Some High Courts have just one woman judge, and three have none.
  - The largest High Court has only 3 women judges, making up just 2% of the total judges.
  - Women are appointed later than men, reducing their chances of becoming senior judges.
  - Only one High Court has a woman Chief Justice.
- **Representation in the Supreme Court:**
  - Women's representation in the Supreme Court is lower, with only two women judges currently.
  - One of them will retire in June 2025, leaving only one.
  - In the last 75 years, only one woman has been elevated directly from the Bar, compared to nine men.
  - Since 2021, 28 Supreme Court judges were appointed, but none were women.



- **Barriers to Women's Appointments:**

- Reasons given for low numbers of women judges include:
  - Lack of eligible women candidates.
  - Fewer senior women lawyers.
  - Assumptions that women don't want to be judges.
- The real issue is systemic gender inequality in the legal profession.
- Women judges face higher scrutiny and must prove themselves more than men.

- **Issues with the Appointment Process:**

- The collegium system, responsible for judge appointments, is opaque and lacks transparency.
- There are no clear criteria for eligibility or merit.
- The collegium is mainly composed of men, leading to bias in selections.
- Even when women are recommended, their appointments are often blocked by the government.
- Since 2020, nine women's names were recommended for High Court positions, but five were rejected.

- **Need for Gender Equality in the Judiciary:**

- More women in the judiciary will make courts more inclusive and representative.
- A gender-balanced judiciary will enhance public trust and ensure fair judgments.

## Steps to Improve Gender Diversity in the Judiciary

1. **Transparent Appointment Process:**

- The collegium should have clear criteria for judicial appointments.
- Lawyers should be able to express interest in being considered for appointments.
- Selection processes should follow clear timelines and ensure integrity.

2. **Focus on Gender Diversity:**

- Ensure at least one-third of judges in High Courts and the Supreme Court are women.



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- Consider gender diversity along with other forms of representation (state, caste, religion).

### 3. Merit-Based Selections:

- Appointments should be based solely on merit, while ensuring gender diversity.
- A gender-balanced judiciary will increase public trust.

### Conclusion:

- Women's appointments should become common, not extraordinary.
- Achieving gender balance in the judiciary will ensure a system that upholds constitutional values and represents all citizens fairly.

Source: <https://www.thehindu.com/opinion/op-ed/closing-the-gender-gap-in-the-higher-judiciary/article69310095.ece>

