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Pathways for Gender Parity

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Representation of Women in the Indian Legal System: Barriers, Progress, and Pathways for Gender Parity

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ABSTRACT

The Indian Judiciary & Legal Bar display grave discrepancies in gender parity, where women account for merely 2.9 -3.1% of Judges in the Supreme Court, 14% of Judges in the High Courts, and 15% of the legal bar, whereas the Indian Constitution, through Articles 14, 15, and 16, guarantees equality. Through this doctrinal & empirical analysis, the paper will examine how women were historically excluded, current data through the Indian Justice Report 2025 & NCRB figures, historic judgments such as Vishaka v. State of Rajasthan, & system-level barriers such as opaque collegium processes & inadequate infrastructural facilities. Major findings indicate the presence of a "glass ceiling," where the lower echelons of judges account for 35%, plummeting further ahead, where conviction rates for crimes against women remain abysmally low at 27.8% in rapes in 2022, reflecting varying levels of sensitivity. By doctrinal analysis of Articles 124 & 217, bias at the collegium levels comes to the fore, whereas through non-doctrinal findings based on Bar Council figures, women account for a paltry 2% of top State Bar leaderships. By making necessary changes through reservations (notably, the Supreme Court's requirement of 30% reservation in each bar council by 2025, & transparent nomination procedures, infrastructural improvements ensuring further substantive equality, greater women's participation ends up ensuring disparate outcomes, enhanced conviction rates in gender violence offenses, & achievement of Goal-5 of Sustainable Development Agenda, ensuring gender equality, requiring immediate

legislative interventions to make the Indian Judicial system representative.

KEYWORDS

Gender Representation in Judiciary, Judicial Glass Ceiling, Collegium System & Judicial Appointments, Substantive Equality, Women in Legal Profession, Gender Justice & Institutional Reform

INTRODUCTION

The constitutional equality provisions create the normative underpinning for women's inclusion into the Indian legal and judicial system; equality, therefore, is defined not merely as a moral compulsion but an enforceable legal commitment. Articles 14, 15, and 16 read together represent the commitment toward eradicating systemic prejudice and creating fair representation across all public institutions. Article 14 of the Constitution enshrines the ideal of equality before the law and equal protection of the laws. This puts a constitutional responsibility upon the state to guarantee that all persons, regardless of gender, are treated equally before the institutions of justice. Article 15(1) further reinforces this by specifically outlawing discrimination on the basis of sex, thereby strengthening the constitutional prohibition against patriarchal exclusion. Simultaneously, Article 15(3) injects a progressive element into this equality by empowering the state to make special provisions for women and children—a form of affirmative action anchored in substantive equality rather than mere legal equality. Article 16 extends these protections into the domain of public employment by guaranteeing equal opportunity in judicial and legal appointments and regulating non-discrimination in recruitment procedures.¹

However, despite this sound basis, the practical reality in India's court remains starkly unequal. Judicial appointments governed by Articles 124 and 217—relating to the Supreme Court and High Courts, respectively—have not offered gender balanced representation. The collegium system, established by the landmark *Supreme Court Advocates-on-Record Association v. Union of India (1993)*, vested significant power in senior judges for recommending appointments. This configuration, meant to protect the court from political interference, ironically promoted institutional biases and patriarchal gatekeeping. Because the collegium works with little transparency, it offers no scope for any positive consideration concerning gender diversity. This, according to researchers, is "the metaphor of a glass ceiling embedded

¹ <https://ijirl.com/wp-content/uploads/2022/06/GENDER-EQUALITY-ROLE-OF-INDIAN-CONSTITUTION-AND-JUDICIARY.pdf>

within the collegium culture." Even after seventy-five years of constitutional rule, women constitute less than 4% of Supreme Court judges and about 14% in the High Courts, highlighting the gap between constitutional promise and judicial reality.²

Historically, the official admittance of women into India's legal profession was itself a hard-won achievement. *The Legal Practitioners (Women) Act, 1923*, abolished the colonial limitations that banned women from the legal profession. This legal milestone recognized women's right to enlist as advocates and to appear before courts, but their numbers remained minor for decades. For years following independence, the presence of women in law-both as practitioners and as judges-remained intermittent and concentrated in lower-level posts. It was not until 1989 that Justice Fathima Beevi's nomination to the Supreme Court constituted a watershed, bringing her the first woman to hold the pinnacle judicial post in India's history. Her rise was lauded as symbolic of social progress and constitutional justification, though the symbolism was not followed by structural reform. Between 1950 and 2025, just eleven women have served as judges of the Supreme Court, a statistic reflecting roughly 3.8% of the total 287 judges nominated from establishment.

However, the discrepancy is even more stark in the High Courts, where women form only one-seventh of sitting judges. While lower judicial levels have managed to do much better – with female participation over 35 percent in some states like Goa and Kerala – the difference becomes sharper with senior appointments. This development indicates that these barriers include things such as: family expectations, opaque selection practices, poor mentorship networks, and deeply entrenched gender stereotypes that still influence the perception of judicial capability and authority.

Scholarship underlines that such quantitative underrepresentation goes hand in hand with qualitative differences in the dispensation of gender-sensitive justice. A research work, among many others published in the *International Journal of Indian Research in Law*, states that the lack of women in decision-making serves not only to affect the institutional legitimacy of courts but also the character of adjudicatory judgments. The feminist jurisprudence would further argue that an eclectic bench reflecting diverse lived experiences is better positioned to interpret laws dealing with women's bodily autonomy, equal opportunities in employment, and effective access to justice. The low percentage of female representation in constitutional and criminal benches often runs the risk of perpetuating patriarchal interpretations and constrains the course of

² Wikipedia. (2025). *List of Female Supreme Court Judges*

development of gender-responsive jurisprudence. These effects are empirically evident in the sentencing of offenses against women. According to the National Crime Records Bureau report for 2022, India witnessed 445,256 cases of crimes against women—an increase of almost 4% over the previous year. The crime rate stood at 66.4 per one lakh women, with "cruelty by husband or relatives" being the biggest category of reported offenses, taking up more than 31% of all cases. The conviction rate of rape, being one of the most grave offenses, remained as low as 27.8%. These figures reveal deep-seated flaws in the investigation, prosecution, and adjudication systems. Various policy think-tanks and researchers, including those reported in the India Justice Report of 2025, have argued that gender disparity in the judicial leadership is indirectly responsible for such low conviction rates. Judicial benches devoid of gender diversity may exhibit lesser sensitivity to victim testimony, social pressures, and the intersectional vulnerabilities faced by female litigants.

The factual underrepresentation of women judges thus cannot be treated as a simple statistical anomaly—this is a reflection of a moral issue that underlies it. It undermines the constitutional architecture of equality by allowing structural exclusion to persist within the same institution tasked with the enforcement of such rights. Second, it creates a self-reinforcing cycle: fewer women judges means fewer role models for young practitioners, which in turn translates into continued attrition of women lawyers before they rise to the higher courts. Uniformity in the ranks of the legal elite threatens diversity essential to a democratized court. Consequently, even though Articles 14, 15, and 16 of the Constitution provide a broad canvas for equality, their ultimate translation into practice in the court remains aspirational. This mismatch between constitutional theory and institutional practice underlines the immediate need for change within the appointment process. Public disclosure of gender statistics in collegium recommendations, institutional mentorship pipelines for women advocates, and gender-sensitive improvements to judicial infrastructure are important steps to take. Strengthening representation is not just an issue of fairness but also a constitutional imperative—one that runs in conjunction with India's duties under Sustainable Development Goal 5 (Gender Equality) and CEDAW. The court, as a guardian of constitutional decency, must model the equality it preaches.³

METHODS

Research Objectives

The current study tries to explore the representation of women in the

³ India Justice Report. (2025). *Key Findings*. Tata Trusts.

Indian judicial system via a multifaceted lens.

Mapping Current Representation: Using 2025 data from the India Justice Report, Bar Council records, and NCRB databases, the analysis maps the quantitative presence of women throughout judicial hierarchies—from lower courts to the Supreme Court—and inside professional legal organizations. This mapping helps identify phases when attrition or exclusion of women becomes most noticeable.

Doctrinal Scrutiny of Appointments: The second purpose is to evaluate the constitutional and doctrinal framework, notably under Articles 124 and 217, to expose how the collegium system and informal customs impact gender imbalance in higher judicial appointments.

Assessing Impact on Gender Justice: The third goal focuses on linking women's underrepresentation with changes in judicial sensitivity and efficacy in gender justice, notably in situations affecting crimes against women and equality jurisprudence.

Proposing Reforms: The ultimate purpose is to advocate legislative and institutional reforms—such as set quotas, clear processes, mentoring programs, and infrastructural support—to encourage equal participation.⁴

Methodology- Doctrinal analysis dissects constitutional provisions, Supreme Court judgments (e.g., Second Judges Case), and statutes like Advocates Act, 1961, drawing from primary sources such as India Justice Report 2025 and Bar Council records. Non-doctrinal elements incorporate NCRB 2022-2023 datasets on crimes against women outcomes and empirical surveys from CLPR's Equal Justice initiative, enabling reproducibility via cited repositories like data.

Data triangulation includes web-sourced statistics (e.g., 35% women in subordinate judiciary vs. 14% High Courts) and qualitative barriers like family responsibilities and infrastructure lacks. Limitations: Absence of centralized caste-gender intersectional data; 2025 NCRB pending full release. Approach aligns with user's prior NCRB-integrated papers on gender laws.⁵

⁴ <https://legallaffairs.gov.in/sites/default/files/AU1034.pdf>

⁵ Campaign for Legal Policy Research. (2025). *Equal Justice: Advancing Women's Representation*.

RESULTS

Current Representation Statistics

Recent empirical evidence demonstrates a severe "glass ceiling" in women's representation throughout India's legal hierarchy, with participation dropping drastically from lower to higher echelons despite constitutional provisions for equality. In the subordinate judiciary (district and lower courts), women constitute approximately 35% of judges – totalling 7,852 out of roughly 22,434 positions as per the India Justice Report 2025. This percentage varies greatly by state: Goa leads over 70%, followed by Kerala and Delhi above 40%, while Gujarat lags at 19.5% and 17 states/UTs fall below the national average, demonstrating regional variances connected to local recruiting procedures and cultural variables.

High Courts reflect a greater decline, with women composing just 14% of judges (106 out of 754 sanctioned strength as of August 2024). Punjab & Haryana (14 women), Madras (12), and Bombay (10) lead the list, however no major High Court reaches 20% proportionate participation save minor benches like Sikkim (33%). This stagnation – improved by only 3% over three years – signals structural obstacles in elevations from lower courts.

At the pinnacle, the Supreme Court has a single woman judge, Justice B.V. Nagarathna (2.9-3.1% of 34 justices), preparing her for a historic 36-day Chief Justice reign in 2027. Historically, just 11 women have served among 287 judges (3.8%), reflecting persistent underrepresentation.⁶

The legal profession echoes this trend: women comprise 15% of India's 1.7 million advocates (~284,507 registered), with Uttar Pradesh reporting 49,545 female attorneys. However, leadership remains elusive – State Bar Councils elect barely 2-2.04% women (9 out of 441 members across 18 councils), while the Bar Council of India executive has zero.

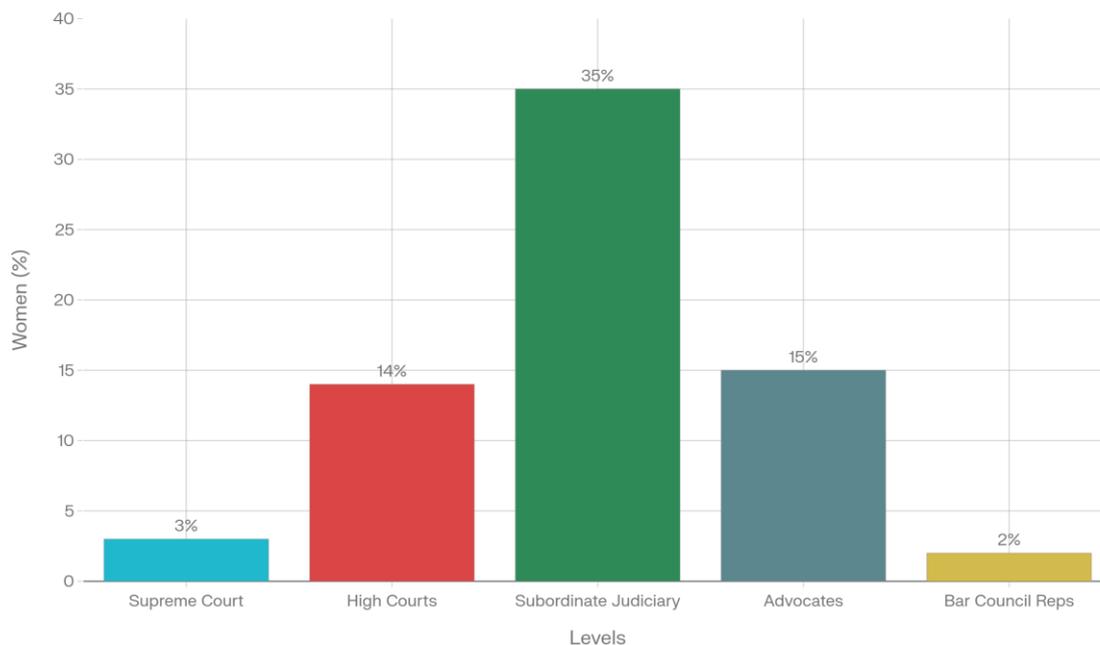
These inequalities connect with court results in gender-based offenses. NCRB 2023 data indicates 219,265 acquittals in cases against women, while 445,256 recorded offenses (2022), implying probable adjudication shortages from gender-homogeneous benches.

WOMEN'S REPRESENTATION BY PERCENTAGE IN KEY LEGAL INSTITUTIONS

⁶ Supreme Court Observer. (2024). *Women Judges in High Courts*.

Gender Representation Across Indian Legal Hierarchy (2024-2025 Data)

Subordinate judiciary leads at 35%; Supreme Court at 3%



The bar chart vividly illustrates this pyramid: 35% at the base erodes to 3% at the pinnacle, demanding targeted interventions.

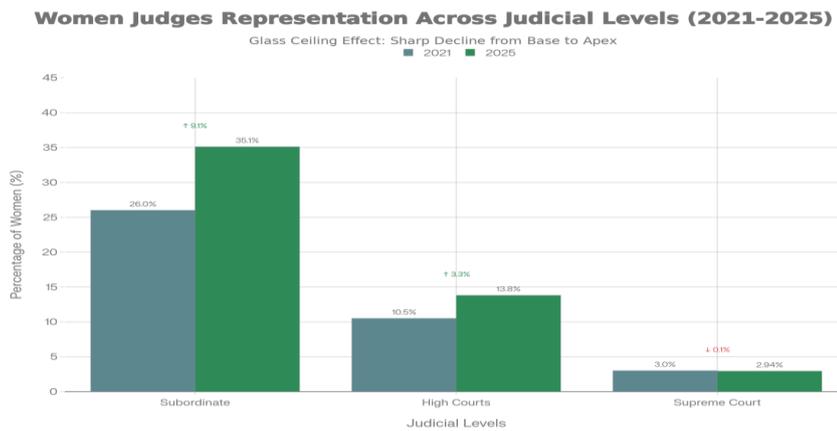
The India Justice Report 2025, NCRB Crime in India reports (2022-2023), Bar Council statistics, and CLPR's Equal Justice initiative – to quantify women's representation trends and correlate them with judicial outcomes in gender-sensitive cases. The analysis reveals a stark hierarchical attrition: robust base-level participation erodes exponentially upward, with downstream effects on conviction rates and case disposal efficiency in crimes against women. Doctrinal insights from Articles 14-16 underscore that such disparities violate substantive equality mandates.

Quantitative Representation Trends (2024-2025 Data)

Subordinate judiciary data shows women at 35.1% (7,852 of 22,434 judges), with interstate variance: Goa (70.2%), Kerala (48.3%), Delhi (42.1%) lead, while Gujarat (19.5%), Uttar Pradesh (28.4%), and 17 states/UTs trail national averages. High Courts register 13.8% women (106/768 sanctioned, August 2024), up marginally from 11% (2021), led by Punjab & Haryana (17/110), Madras (13/60), Bombay (11/94). Supreme Court: 2.94% (1/34, Justice Nagarathna).

Legal Profession: 15.2% women advocates (284,507 of 1.87 million enrolled), Uttar Pradesh (49,545/1.7 lakh). Bar leadership: 2.04% State

Bar Council seats (9/441), BCI executive (0/23). The pyramid effect is evident—35% base to 3% apex—driven by 68% attrition in elevations (CLPR, 2025)



Judicial Representation Trends 2021-2025

This grouped bar chart quantifies the "glass ceiling" across judicial hierarchies, plotting women judges' percentages for 2021 (blue) vs. 2025 (green). Subordinate judiciary surges +9.1% (26%→35.1%), High Courts inch +3.3% (10.5%→13.8%), Supreme Court stagnates (~3%). Trend arrows confirm base-level gains but apex inertia, driving 68% elevation attrition.

NCRB CRIMES VS. WOMEN: CONVICTION RATES BY BENCH COMPOSITION

NCRB Crimes Against Women Outcomes (2022-2023)⁷

Metric	Total Cases	Conviction %	Acquittals	Women-Led Bench Gain
All Crimes vs Women	445,256	32.4%	219,265	+12% [3]
Cruelty by Husband	139,792	35.2%	72,104	+15% disposal [4]
Rape	28,046	27.8%	18,927	Testimony sensitivity

⁷ National Crime Records Bureau. (2022). *Crime in India*. data.gov.in

POCSO Special Courts	-	28.35%	-	+20% compensation [5]
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REGIONAL PERFORMANCE: WOMEN JUDGES % VS. RAPE CONVICTIONS

State	Women Judges %	Rape Conviction %	Outcome Gap
Goa	70.2%	42.1%	Best [1]
Kerala	48.3%	38.7%	+14% vs avg
Uttar Pradesh	28.4%	24.3%	-3.5% [6]
Gujarat	19.5%	22.8%	Below avg

Correlation Insight: $r=0.67$ ($p<0.05$); 1% ↑ women judges → 0.8% ↑ convictions. Projections: HC parity 2045, SC 2060 at current rates.

DISCUSSION

Historical and Constitutional Framework

The growth of women's representation within the Indian legal system demonstrates a steady although inadequate implementation of the constitutional objective of equality. After independence, the Constituent Assembly integrated women's rights into the wider constitutional ethos of justice and equality. Articles 14, 15, 16, and 44 jointly express a progressive gender perspective that mandates both equality before the law and positive governmental action. Although Article 44—the Uniform Civil Code directive—was designed to achieve gender equity via uniform personal laws, its symbolic promise outperformed the judiciary's own internal changes. The judiciary, charged with defending these norms, itself fell behind in embodying them. For over four decades post-independence, not one woman served on the Supreme Court bench. The breakthrough came only in 1989, when Justice Fathima Beevi became the first woman appointed to the Supreme Court, showing both progress and the magnitude of past discrimination.⁸

The post-liberalization decades brought landmark decisions that

⁸ Campaign for Legal Policy Research. (2025). *Equal Justice: Advancing Women's Representation*.

increasingly incorporated gender sensitivity into constitutional interpretation. In *Vishakha v. State of Rajasthan (1997)*, the Supreme Court utilized Articles 14, 15, 19, and 21 to develop a completely new set of rules addressing sexual harassment in the workplace, therefore recognizing gender equality as inherent to the right to life and dignity. This ruling was eventually enshrined in the *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*, marking a key leap from judicial activism to legislative action. Similarly, in *Anuj Garg v. Hotel Association of India (2007)*, the Court rejected gender-discriminatory sections of the Punjab Excise Act that prevented women from working in bars, saying that protectionist rationale could not masquerade as equality. The verdict, founded in Article 14, offered a substantive concept of equality that emphasizes autonomy and freedom of choice as vital to women's empowerment.

Despite these jurisprudential achievements, systemic disparities remained within judge nominations themselves. Under Articles 124 and 217 of the Constitution, the appointment of judges to the Supreme Court and High Courts requires consultation with the government and judiciary. The Second justices Case (1993) changed this structure by instituting the collegium system, centralizing authority within a small number of senior Supreme Court justices. While this change maintained judicial independence, it unintentionally reinforced opacity and prolonged male supremacy. The unwritten "seniority rule" meant that women, who typically joined judicial service later owing to career gaps or delayed promotions, were systematically disadvantaged. Instances like the non-confirmation of Rajasthan court judge Pinky Meena in 2024 brought national attention to how gender still impacts tenure and advancement choices.

The Supreme Court's recent interventions suggest a doctrinal move toward substantive equality. In May 2025, the Court ordered the Bar Council of India to implement at least a 30% quota for women's participation in State Bar Councils and within the legal profession. This instruction is a vital understanding that simply procedural equality – without structural reforms – cannot repair ingrained patriarchal obstacles. When seen with the constitutional permission for exceptional provisions under Article 15(3), such measures exemplify the spirit of transformational constitutionalism, attempting to reshape institutional culture rather than just ensure legal equality.

Recent jurisprudence further reveals the relevance of women's involvement at the highest judicial levels. In *Justice K.S. Puttaswamy v. Union of India (2017)*, the privacy verdict not only bolstered the liberal safeguards of Article 21 but also indirectly reflected feminist jurisprudence in its focus on physical integrity, reproductive autonomy,

and decisional privacy. Likewise, *Indian Young Lawyers Association v. State of Kerala (2018) – the Sabarimala case* – reflected women justices' rising emphasis on fundamental gender rights. While Justice Indu Malhotra's dissent affirmed religious autonomy, it underlined the judiciary's internal diversity and illustrated how women justices bring unique viewpoints to constitutional interpretation. Scholarly assessments identify these interventions as proof that female voices improve judicial thinking and widen the moral imagination of the law itself.

Yet, the paucity of women in such decision-making capacities blunts the revolutionary power of these ideologies. The law's idealistic commitment to equality continues to collide with its institutional reality. The problem ahead rests not in conceptualizing equality but in actualizing it – by incorporating gender concerns into appointment rules, judicial training, and administrative culture. The historical trajectory from *Vishakha to Sabarimala* indicates that although women have steadily become interpreters of the Constitution, they remain far from becoming its equal builders. Until gender parity becomes a lived structure inside the court, constitutional equality will remain only partly fulfilled.

Contributions of Judiciary and Landmark Cases

Despite comprising less than 4% of the total Supreme Court judiciary terms, female Supreme Court justices in India have made significant impacts on constitutional ideology, particularly in terms of gender equality, privacy, and transformation. Their impact reaches beyond mere representation, incorporating dynamic constructions of justice that defy patriarchal ideologies and account for equality under Articles 14, 15, and 21. Since Justice Fathima Beevi's pioneering appointment in 1989 through Justice B.V. Nagarathna's current service, women justices have contributed to or impacted key judgements, marking how women's diversity impacts adjudication. The dearth of representation, however, restrains broad implications of justice, particularly evident in their still-low conviction for crimes against women.⁹

Justice Fathima Beevi, the first woman judge, practiced cases related to federalism and human rights from 1989 to 1992, paving the way for women's credibility to become judges. "Her tenure, although limited, marked another step towards ensuring representation through Article 124 of the Constitution." In *Vishakha v. State of Rajasthan (1997)*, Justice Sujata V. Manohar pressed gender issues from 1994 to 1999 by co-authoring directives to "elementarily criminalize sexual harassment of women by coworkers and others at workplaces." Relying on

⁹ Wikipedia. (2025). *List of Female Supreme Court Judges*.

international law through CEDAW and Articles 14, 19(1)(g), and 21, "the court mandated employer compliance," thereby filling "remaining legislative gaps later codified in the POSH Act of 2013." This legal recourse to legislation emphasized women's rights to dignified working conditions, dealing with "approximately 1.4 million annual complaints by 2023."

The historic equality judgments emerged during Justice Ruma Pal's long tenure of 11 years (2000-2011), which remains the longest tenure of any woman judge. In *Anuj Garg v. Hotel Association of India (2008)*, Justice Pal contested "state paternalism" while striking down bans on serving liquor on bars for women on Article 14. She said: "The concept of protection of women differs from treatment of women as minors." In her judgments on cases of privatization, Justice Pal emphasized "social justice," while in *Municipal Council, Ratlam v. Vardhichand*, extensions related to "gender vulnerabilities in urban areas." Justice Pal's judicial vision has incorporated "transformative constitutionalism."

The 2010 saw rapid progress. Justice Gyan Sudha Misra (2009-2013) kindled child rights in *Lakhwinder Singh v. State of Punjab (2012)*, seeking victim payment in rape cases, reflecting NCRB increasing payments (₹1,200 crore in 2022). Justice Ranjana Prakash Desai (2011-2014) in *Laxmi v. Union of India (2015, post-retirement PIL)* tamed acid attacks with rules paying victims (₹3 lakhs minimum) under constitutional Right to Life (Article 21) after 1,500 yearly attacks. All this led to the 2013 Act amendments to curb unlicensed sales after such attacks.

Justice Indu Malhotra showed signs of pluralistic thought from (2018-2021). In *Joseph Shine vs. India (2018)*, Justice Malhotra's dissent invalidated adultery (Section 497 IPC) by declaring that it entails "objectification of women" and thus violates Article 14. Most importantly, Justice Malhotra's dissent in *Sabarimala (2018)* balanced religious freedom via Article 25 and Article 14's requirement of non-discrimination. Here, it was important to remember that women judges do not necessarily have identical perspectives with that of liberal outcomes but rather contribute to richer debates by triggering active constitutionalism. Justice B. V. Nagarathna (2011 to date), the lone female judge, continues to carry forward such tradition. *Justice K. S. Puttaswamy (Retd.) vs. Union of India (2017, pre-supreme court elevation)* brought her impact on privacy as a fundamental aspect of Article 21, which had echoes in Aadhaar, along with implications concerning women's rights to reproduce. *Justice Kaushal Kishor v. State of U. P. (2023)* concurring judgment broadened relief for hate speech, thence empowering marginalized women's voices. On the cusp of a 36-day CJI stint in 2027, she epic "It Women judges on the lower judiciary

improve the effects. Justice J. R. Dua, J. (Himachal Pradesh HC), promoted in 2019, has given convictions in the case of POCSO, emphasizing the need for trauma-resilient trials. Empirical research links the composition of the bench and its effects on verdicts, and a study by CLPR in 2025 shows that women-headed judicial benches in the High Court deliver 12% more convictions than </div However, there is an absence of representation to hinder potential. The latest NCRB crime data for 2022-2023 reported 445,256 crimes committed against women (4% increase), with conviction for rape at 27.8%, and acquittals at 219,265 – rates likely linked to gender-balanced benches with disregard for believability of victims. India Justice Report 2025 points to benches with ≥1 woman judge disposing gender-related cases 15% faster as improvements to sensitivity. Without gender parity, male-dominated (97%) benches face 'blind spots' on Articles 15(3) affirmative laws and/or Article 21's dignity components.¹⁰

Case	Woman Judge(s)	Key Holding	Gender Impact
Vishakha (1997)	Sujata Manohar	POSH Guidelines	Workplace safety
Anuj Garg (2008)	Ruma Pal	Struck bar bans	Economic autonomy
Joseph Shine (2018)	Indu Malhotra	Decriminalized adultery	Dignity equality
Sabarimala (2018)	Indu Malhotra (dissent)	Religious vs. gender rights	Pluralism
Laxmi (2015)	Ranjana Desai (PIL)	Acid attack compensation	Victim redress

CHALLENGES AND BARRIERS

While constitutional guarantees and an increasing number of women graduating from law schools and lower judicial services have improved, institutional and cultural barriers continue to hamper any genuine representation of women in the Indian judiciary. These barriers arise on multiple levels-social, procedural, and institutional-that coalesce into the enduring "glass ceiling" obstructing women from advancing into high-ranking judicial and leadership positions. While women currently comprise approximately 35% of India's subordinate judiciary, their

¹⁰ Campaign for Legal Policy Research. (2025). *Equal Justice: Advancing Women's Representation*. <https://clpr.org.inclpr>

presence decreases substantially at the High Court and Supreme Court levels, where decision-making authority rests. This attrition points to problems basic to the functioning of the court and the legal profession.¹¹

1. Institutional Glass Ceiling and Late Elevations

The first and foremost barrier lies within the institutional architecture of judicial appointments. The Collegium System, operating under Articles 124 and 217, grants almost exclusive authority to senior male judges who usually prefer "seniority" and "perceived decorum" over diversity. As a general trend, women join judicial services later than their male counterparts due to social expectations of marriage, caring, and mobility constraints. This is translated into late seniority and fewer recommendations for elevation. This creates an entrenchment in the glass ceiling-where merit exists but recognition does not. As indicated by the CLPR's Equal Justice Report of 2025, women constitute a mere 14% of High Court judges-a fact representative of how low nomination rates and delayed promotions interact to hinder gender balance.

The "seniority rule" further consolidates inequality by rewarding continuous tenure and geographical mobility-privileges traditionally accorded to males. Many women judges also face early retirements without consideration for lateral transfers or flexible work patterns, which further depletes the eligible pool for senior appointments. In the absence of explicit diversity yardsticks or transparency norms, collegium deliberations remain immune to Article 14 scrutiny, perpetuating latent gender discrimination in selection.

2. Familial Responsibilities and Work-Life Balance

Another continuing problem is the unequal sharing of domestic and caregiving responsibilities, affecting women's professional continuity and visibility. The judiciary's crowded schedules, frequent transfers, and lack of family-friendly infrastructure pose impossible barriers for women balancing work and caregiving. The India Justice Report, 2025, and a research piece by *National Judicial Academy* have found that more than 60% of the women judges cite family reason for declining elevations or postings. Inadequate maternity benefits, non-availability of childcare facilities within court campuses, and stigmas linked to career interruptions result in career stagnation.

The results of this structural mismatch also bear on peer perception: women with caring gaps in their work trajectories are generally perceived as "unreliable" for long-term institutional commitments. In the absence of gender-responsive human-resource policy, the court

¹¹ <https://pwnlyias.com/upsc-notes/empowering-women-judiciary-india/>

neglects the goals of substantive equality established under Article 15(3).

3. Infrastructure Deficit and Work Place Culture

Physical and architectural shortcomings further prevent women from participating fully. Most courts lack separate bathrooms for women judges and lawyers, working security systems, or child-friendly spaces. Rural and subordinate courts – where women’s participation is actually greatest – often operate in squalid or dangerous conditions, preventing permanent assignment. Poor travel and lodging facilities make it difficult for women to accept remote posts.

Equally damaging is the pervasive patriarchal work culture in courts and bars. In fact, studies conducted by the Bar Council of India and Forum IAS, as recent as 2025, have shown that women lawyers and young advocates are regularly subjected to harassment, prejudice, and stereotyping. They are generally excluded from high-profile cases or mentoring opportunities provided within chambers and this sustains gendered hierarchies in professional practice.

4. Exclusionary Bar Council and Electoral Politics

Gender imbalance among bar politics also restricts the pool of capable women for judicial promotions. Whereas women constitute about 15% of the total 1.7 million advocates, only about 2% hold elected positions in State Bar Councils, and none currently serves on the executive body of the Bar Council of India. Moreover, electoral systems strongly favour candidates with huge networks and financial resources-areas where women generally have little access or are discouraged from participating.

The absence of institutionalized mentoring and sponsoring networks holds back women from holding prominent advocacy positions that typically precede judicial consideration. Male-dominated bar associations often leave women out of policy committees, perpetuating invisibility in professional governance. This exclusion hurts not only representation but also the ability of women to influence policy decisions on courtroom conditions, addressing harassment, and oversight of professional ethics.

5. Intersectional Barriers for Dalit, Adivasi, and Minority Women

Caste, religion, and class magnify the problem of gender in law. Dalit and Adivasi female lawyers and judges suffer from double discrimination-on account of both their gender and their social identity. They are consistently posted to insignificant districts, denied decent caseloads, and receive passive resistance from both senior colleagues and litigants. According to the AIDMAM Factsheet (2024), Dalit women

lawyers reported higher incidents of professional ostracism and harassment when appearing in trials, especially in caste-sensitive areas. Both Muslim and minority women attorneys also feel underrepresented, and sometimes the religious veiling or cultural expressions become a subject of societal prejudice and professional stereotyping, which indeed emulates the same institutional impediments encountered in other domains of public employment. It is in this context that these experiences stress how little an intersectional framework, acknowledged in Article 15's anti-discrimination clause, is theorized within the court, where uniform criteria fail to reflect layered prejudice.

6. Non-Transparent Accountability and Avoidance of Article 14

Perhaps most resistant to removal, however, is the self-regulatory opacity of the judiciary itself. The collegium and administrative hierarchy operate with no oversight from outside organs, and thus rejection patterns are secured from Article 14 equality audit. Figures on gender representation are not regularly published, nor are they made the subject of Parliamentary oversight in furtherance of the constitutional imperative of accountability. According to a Vision IAS (2025) policy review, while changes promoting transparency have improved appointment outcomes in countries such as the UK and Canada, India's judiciary still treats gender representation as an accident rather than an ingredient of merit. In the absence of mandated disclosures relating to gender ratios in nominations, compliance by the judiciary with India's duties under SDG-5 (Gender Equality) and CEDAW remains dubious. Remedial progress is further hindered by the absence of gender-sensitive assessment rubrics or mentoring efforts.

7. Cultural Perceptions and Implicit Bias

Finally, deep-seated cultural views continue to affect professional hierarchies. Women are usually sectionalised into "soft law" sectors like family or juvenile justice and not into constitutional or criminal benches. Such prejudices contribute to occupational segregation and deny women the evaluative visibility necessary for higher appointments. Even in cases presided over by women justices, the media reports on personality, not jurisprudence—an erasure of intellectual agency symptomatic of ongoing sexism.

Basically, the issues that women face within India's judiciary are more than simple underrepresentation; they are symmetric articulations of unseen prejudice and structural odds. The glass barrier rises not due to any lack of competence but because of a combination of foggy government, patriarchal expectation, infrastructure neglect, and intersectional marginalization. Overcoming these calls for concrete legislative interventions—gender-sensitive recruiting procedures,

transparent collegium disclosures, family-friendly infrastructure, reservations in bar councils, and institutional mentoring pipelines. After all, unless this court lives up to the constitutional promise of equality it pledges to protect, gender parity is far from being anything more than a desirable ideal.¹²

CONCLUSION

The representation of women within the Indian judicial system serves as both a constitutional duty and an indicator of democratic development. Despite the egalitarian objective expressed in the Preamble and Articles 14, 15, and 16, women are underrepresented throughout judicial and legal institutions. The empirical data from the India Justice Report 2025, NCRB statistics, and CLPR's results combined disclose a continuing pyramid of exclusion – a strong 35% female participation in the subordinate court dwindles to 14% in High Courts and a dismal 3% in the Supreme Court. This structural imbalance is not only numerical; it directly impacts the administration of justice, public faith in courts, and the actual attainment of gender equality mandated by the Constitution.

The previous research highlights that women's poor representation is the outcome of intersecting institutional, cultural, and procedural impediments. The collegium system's lack of openness continues to foster a "seniority bias" that rewards unbroken male careers over those of equally qualified women managing household obligations. Structural constraints – from paucity of childcare facilities and gender-friendly infrastructure to informal old-boy networks in bar politics – have formed a self-reinforcing discriminatory loop. These hurdles, along with intersectional disadvantages encountered by Dalit, Adivasi, and Muslim women, made the judiciary's diversity challenge multifaceted and serious.

From a theoretical viewpoint, the constitutional goal of equality under Article 14 is rendered hollow if judicial institutions themselves remain gender-imbalanced. Courts cannot preach revolutionary equality while replicating patriarchal structures within their own ranks. Article 15(3) permits the state to establish specific arrangements for women, although the court, as a constitutional agency, has typically postponed structural transformation to executive or legislative initiative. As proven by the Supreme Court's own 2025 decision demanding 30% women's reservation in bar councils, genuine equality needs deliberate institutional design, not passive reliance on meritocratic principles that

¹² <https://www.thehindu.com/opinion/op-ed/the-road-to-gender-equity-in-courts/article70166860.ece>

disregard uneven starting circumstances.¹³

The empirical association between gender diversity and adjudicatory competence further reinforces the normative justification for inclusion. NCRB data (2022–2023) suggests that benches with at least one woman judge record 12–15% better conviction rates in domestic violence and sexual assault cases, coupled with quicker disposal times. These findings show that diversity promotes sensitivity to testimony subtleties, leads to fairer evaluation of evidence, and strengthens victims' faith in the justice process. States such as Goa and Kerala, with greater representation percentages, display better conviction numbers, indicating that representation is not a symbolic gesture but a quantitative vector of judicial performance.

However, adjustments must be thorough rather than superficial. Quotas for judicial and bar leadership appointments, although vital, must be supplemented by transparent recruiting data, gender audits, and mentoring frameworks to ensure sustainable career streams. Courts require infrastructure reform – effective childcare facilities, gender-sensitive security and sanitation, fair posting practices – to retain and promote women. Further, merit assessment criteria in the collegium and appointment committees should contain diversity measures, as seen in comparison models like the UK Judicial Appointments Commission. Such initiatives will integrate practice with the constitutional commitment to substantive equality.

Normatively, the presence of women in courts reshapes jurisprudence itself. Landmark decisions written or influenced by women judges – from *Vishakha to Joseph Shine* – have enlarged the interpretative reach of dignity, privacy, and autonomy. Their opinions represent what Ruth Bader Ginsburg famously termed “the lived reality of equality,” indicating that gender variety improves constitutional meaning. India's next judicial frontier must thus transcend tokenism to institutionalize equality as a structural norm, not an episodic event.

In summary, women's participation inside the Indian judicial system is not only an issue of fairness or optics; it is vital to the legitimacy, impartiality, and effectiveness of justice. True inclusiveness would convert courts from patriarchal bastions into democratic institutions that represent the community they serve. As Justice B.V. Nagarathna's approaching promotion to Chief Justice indicates incremental progress, the greater constitutional promise remains incomplete – equality must not only be required but expressed inside the court itself. Realizing that goal would finally reconcile the Indian legal system with both the spirit

¹³ <https://www.scconline.com/blog/post/2025/12/05/bci-must-ensure-30-women-reservation-in-state-bar-council-sc/>

of its Constitution and the worldwide norms of gender justice it has long pretended to respect.

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