

GENDER GAP IN JUDICIARY

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INTRODUCTION

The modern era of rapid technological advancements and globalization have transformed people's lifestyles and challenged stereotypical gender roles throughout the world. Women in India are triumphing in various fields such as the IT sector, pedagogy sector, hospitality sector, and many more. However, when it comes to the legal profession, there is a gloomy gender gulf in the industry. Indian Judiciary remains a field where female representation is at its poorest. When it comes to the representation of women in the legal profession, India ranks among the lowest in the world. Women are underrepresented in the legal profession, whether in corporate law or litigation and on the bench. Even though the Supreme Court was founded in 1950, there have only been 11 female judges appointed to the court, the first of them being Justice M Fathima Beevi, appointed in 1989, approximately 4 decades after the formation of the Supreme Court. By the time we get our first female chief justice in 2027, the apex court will have been in existence for 77 years. In India's High Court, there are just 78 female judges out of 685 in total. The lower-level courts have the most female judges of the three levels of the judiciary. One reason for this could be that to reach the lower levels of the judiciary, one is required to pass an entrance exam, but as the system progresses upward, the selection process becomes increasingly opaque. The collegium system governs the appointment of judges in the higher-level judiciary, which may be one of the reasons for women's discrimination and exclusion from the higher-level judiciary. There is no reservation policy for women at the upper level of the judiciary. It is widely observed throughout India that the number of law students includes a significant proportion of female students, but after law school concludes and careers begin, women in the legal profession become less visible. Women are frequently entangled in complex familial connections and are socially and culturally impacted as a result. Another reason why women do not enter the judiciary is that article 233 of the Indian Constitution states that appointment as a district judge requires at least seven years of experience as an advocate, which the Supreme Court maintained as a continuous seven years.

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A recent example of the traditionally drawn male-centric environment in the courts is that Justice Rekha Palli had to reiterate several times that she did not want to be addressed as "sir" while hearing in the court, to which the lawyer responded that it was due to the chair she was seated in. The male-dominated justice and legal system have deep roots dating back to ancient times. The king's justice system has traditionally been a king's domain, and their wives or any other woman were rarely present at these hearings. Women have never been thought of as capable of delivering justice. The justice system changed but the same customs continued to be followed as time passed. The lack of women resulted in a lack of passion to protect women's rights. Fighting against men, dealing with criminals, clients, and handling and processing cases have always been considered a man's job. The gender disparity in the country's courts has widened as a result of our society's set gender norms and defined gender roles.

Increasing women's participation serves as a basic human right. Equal representation of women is a social need. It is necessary as it ensures greater sensibility to citizens' needs and women's empowerment. However, the effort to increase the number of women in the judiciary is about more than equal rights and representation. It's also about diversifying the bench to improve decision-making and, as a result, the quality of justice. The addition of female judges can increase the legitimacy and public trust in the legal system. Changing the courts' long-established demographics can make the institution more acceptable. Women in the judiciary can bring a unique and broader viewpoint to the table. Matters involving women, such as sexual harassment, dowry, cruelty, marital rape, and other matrimonial cases, can be handled more delicately. Women from various backgrounds can assist with a variety of issues. They can incorporate their personal experiences into the decisions they make, giving the cases a more gender-sensitive viewpoint. They can efficiently deal with the difficulties that women face in modern life, such as sexual harassment at work and gender biases at the workplace.

Many judgments and perceptions can further detract from the predicament of the female victim. For example, the Chattisgarh High Court held that sexual intercourse between a husband and wife within a marriage, even if done without the wife's agreement, is not rape. Another example is the Madras High Court ordered an accused of statutory rape of a minor girl to marry the victim to obtain release, and a judge in the Madhya Pradesh High Court ordered an accused of sexual assault to have the victim tie him a rakhi as a condition of his bail order. These rulings could be contested and regarded differently by a female judge. The introduction of women judges can drastically alter discriminatory orders and observations against women. Equal

representation of women is critical for ending discriminatory legislation, analyzing laws that have different impacts on men and women, and ending patriarchy and patriarchal judgments. It is encouraging to note that the number of women in the legal profession is steadily expanding around the world and that the necessity for women judges has been recognized. The recent appointment of 9 new judges to the Supreme Court, including 3 women - Justice Hima Kohli, Justice B.V. Nagarathna, and Justice Bela M.Trivedi has been lauded and finally, India will have her first female CJI in 2027 in the form of Justice B.V. Nagarathna on the principle of seniority. But we still have a long way to go. Having said that, what is more, sorry is the fact that women are not a minority, they compose approximately half of the total population nevertheless, women all over the world have to fight for their rights and representation.

