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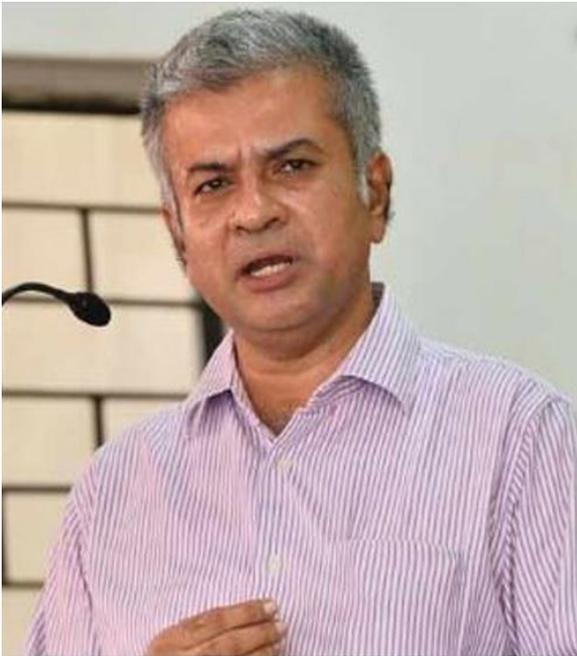
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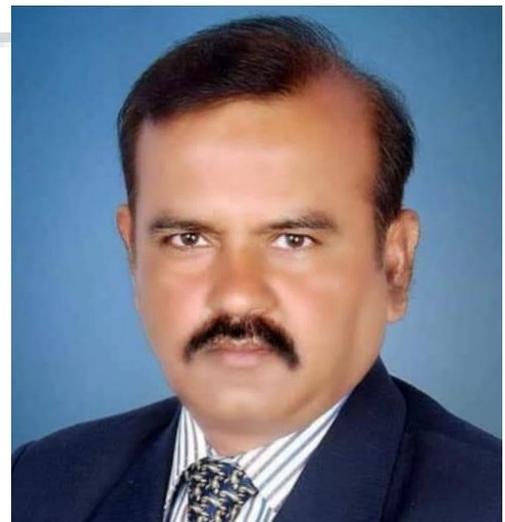


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ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provide dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

PIONEERING WOMEN LAWYERS AND WOMEN JUDGES OF THE SUPREME COURT OF INDIA

(A Comprehensive Study of Historical Struggles, Career Trajectories, Jurisprudential Contributions, and Gendered Barriers in Indian Constitutional Justice)

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ABSTRACT

Women's participation in the Indian legal system has been shaped by more than a century of persistent struggle, reform, and transformative constitutional advocacy. This research paper presents a comprehensive historical, sociological, and jurisprudential study of women's entry into India's legal and judicial institutions—from the earliest pioneers who fought merely for the right to practice law to the eleven extraordinary women who have served as judges of the Supreme Court of India from 1989 to 2027. The paper begins by documenting the pathbreaking contributions of Cornelia Sorabji, Regina Guha, and Sudhansubala Hazra, whose petitions, litigation, and educational milestones dismantled colonial and patriarchal barriers that excluded women from legal practice. Their efforts laid the structural foundation for modern women judges by establishing women's formal equality before the courts even before independence.

The second part of the paper critically analyses the educational backgrounds, career trajectories, judicial philosophies, and landmark judgments of all women Supreme Court judges—from Justice Fathima Beevi to Justice B. V. Nagarathna. It shows how these judges shaped substantive areas of Indian law including constitutional interpretation, gender justice, criminal jurisprudence, labour rights, environmental regulation, arbitration, and public health. Their judgments not only advanced legal doctrine but also introduced perspectives grounded in lived experience, empathy, and social justice. The study evaluates the interpretive approaches of leading judges such as Justice Sujata Manohar, Justice Ruma Pal, Justice R. Banumathi, and Justice Indu Malhotra, revealing diverse judicial philosophies ranging from liberal constitutionalism to textual restraint.

The paper also investigates structural barriers affecting women in the judiciary, including gender bias in the collegium system, unequal representation in the Bar, hostility in courtrooms, limited access to mentorship, and the societal expectation of balancing domestic responsibilities with judicial careers. Despite these constraints, women judges have significantly expanded rights under Articles 14, 15, 19, and 21, deepened democratic accountability, and strengthened the normative framework of constitutional morality.

By synthesizing historical developments with contemporary jurisprudence, this paper establishes that women judges are essential to the Indian judiciary's legitimacy and democratic vibrancy. With Justice B. V. Nagarathna expected to become the first woman Chief Justice of India in 2027, the evolution of women's judicial leadership represents a constitutional transformation rooted in the struggles of early pioneers. The study concludes by proposing reforms to enhance gender diversity and institutional inclusivity across all levels of the judiciary.

Introduction

Before independent India appointed even a single woman judge to its higher judiciary, a generation of courageous women fought to establish a fundamental right that today appears self-evident: the right of women to study law, appear in court, and practice as advocates. Their journeys were marked by institutional exclusion, patriarchal prejudice, colonial limitations, and an absence of formal legal avenues for women. Yet, despite these obstacles, three women—**Cornelia Sorabji, Regina Guha, and Sudhansubala Hazra**—emerged as pioneers who transformed the legal landscape. Their efforts created the foundational conditions that later enabled women not only to become lawyers but also to ascend to the highest constitutional court in the nation. This section reconstructs their struggles, legal battles, achievements, and socio-historical significance, situating them as the architects of women's modern legal identity in India.

1. Cornelia Sorabji (1866–1954): India's First Woman Advocate and Global Pioneer

Cornelia Sorabji stands at the forefront of the history of women in the Indian legal system. Born in 1866 in Nashik to a progressive Parsi-Christian family that valued education, she became the **first woman to graduate from Bombay University**, breaking the gendered boundaries of colonial education. Her academic ambitions led her to England, where she

enrolled at Somerville College, Oxford, becoming the **first woman to study law at Oxford University** in 1889. Although she completed her law examinations with distinction in 1892, Oxford University denied her the degree solely due to her sex; it was only in 1922—three decades later—that the degree was formally conferred upon her. Despite her qualifications, Sorabji faced systemic exclusion in India. Colonial bar councils prohibited women from enrolling as advocates. Nevertheless, she worked in a quasi-legal capacity representing **purdahnashin women**—women living in seclusion who could not appear in court or interact with male lawyers. Between 1894 and 1904, she handled **over 600 legal cases**, many involving property rights, guardianship, and inheritance, often without remuneration. Her work brought attention to injustices faced by secluded women, contributing to reforms in property and guardianship law. Sorabji repeatedly petitioned courts and the British government for the right to practice law. Her relentless advocacy played a direct role in the passage of the **Legal Practitioners (Women) Act, 1923**, which formally opened the legal profession to women in India. As the first woman to practice law in both India and Britain, Sorabji occupies an unparalleled position in legal history. Her legacy represents perseverance in the face of institutional exclusion and the intellectual strength necessary to challenge discriminatory frameworks.

2. Regina Guha (1916 Petition): Early Legal Reformer and Gender Barrier Challenger

Regina Guha, a Jewish-Bengali scholar and social reformer, was among the first Indian women to formally challenge discriminatory legal statutes. Born in Kolkata and educated at Bethune College, she belonged to a generation of Indian women who entered higher education but found no space in professional fields. With no formal avenues for women in law schools, she pursued legal studies through private preparation and apprenticeships.

In 1916, Guha applied to the **Calcutta High Court** for enrolment as a pleader under the Legal Practitioners Act. Her petition argued that the Act did not expressly prohibit women and that her qualifications were equivalent to those of male applicants. This argument was radical in its time: it proposed that women's exclusion was not grounded in law but in discriminatory custom. The Calcutta High Court dismissed her application, declaring that **“women are not contemplated as legal practitioners under existing custom”** and that legislative intervention would be necessary to change the status quo. Although unsuccessful, Guha's petition was groundbreaking: it initiated a public debate on women's legal rights, challenged judicial conservatism, and paved the way for subsequent petitions. The legal reasoning deployed in her

case—especially the distinction between statutory silence and intentional exclusion—became important for future gender-equality jurisprudence.

Guha's struggle represents a crucial early moment in India's legal feminist movement. Her courage helped push India toward statutory reform and inspired women like Sudhansubala Hazra to continue the fight.

3. Sudhansubala Hazra (1916–1917 Petitions): The First Woman Law Graduate to Seek Enrollment

Sudhansubala Hazra, one of India's earliest formally trained women lawyers, represents the second major wave of resistance against patriarchal restrictions in the legal system. Educated at Calcutta University, she completed her LL.B.—a remarkable achievement when few law colleges admitted women. Hazra thus became one of the first women in India to hold a formal law degree. In 1917, she applied for enrollment as a pleader in the **Patna High Court**, making a detailed argument that the Legal Practitioners Act's language did not exclude women. Like Guha, she contended that legal ability and academic qualifications—not gender—should determine a candidate's eligibility. Her petition, however, was rejected. The judges held that the legislature had not “contemplated women practitioners” and that courts could not “extend the meaning” of the Act beyond traditional norms. Hazra's case received significant public attention, with women's organizations, political activists, and reformist leaders citing it to demand change. The combined efforts of Hazra, Guha, and Sorabji created substantial pressure that culminated in the **Legal Practitioners (Women) Act, 1923**, which finally removed gender-based restrictions from the legal profession. Hazra's insistence on formal academic qualifications demonstrated that women had not only the right but also the intellectual competence to practice law. Her legacy continues to inspire contemporary debates on women's access to constitutional offices.

Historical Significance of the Three Pioneers

These three women—Sorabji, Guha, and Hazra—did not become judges, yet they shaped the judiciary more profoundly than many judges of their time. Their contributions are significant for three reasons:

- 1. They broke the first barrier: entry into the legal profession.** Without their victories, no woman could have become an advocate, judge, or justice.

2. **They exposed the discriminatory logic underlying colonial legal systems**, forcing courts and legislators to justify exclusionary practices.
3. **They created the pipeline that produced modern women judges.** Their efforts paved the way for the appointment of pioneers such as Justice M. Fathima Beevi and for contemporary leaders like Justice B. V. Nagarathna.

Thus, the story of women judges in the Supreme Court begins decades before the Court itself—with these legal trailblazers who fought for the right of women to speak in the courtroom at all.

The history of women in the Indian judiciary must be understood as a two-stage evolution. The first stage, represented by the pioneers discussed above, involved the struggle for access: access to legal education, access to law practice, and access to courtrooms. The second stage involves the struggle for representation: the inclusion of women within the judiciary itself, especially in its constitutional apex court—the Supreme Court of India.

Since its establishment in 1950, the Supreme Court remained an exclusively male domain for nearly four decades until the appointment of **Justice M. Fathima Beevi in 1989**, marking a historic moment. Between 1989 and 2027, only **eleven women** have served on the Court. Their journeys reveal a remarkable diversity of educational experiences, judicial philosophies, and socio-legal contributions. Some rose from the lower judiciary (e.g., Justice R. Banumathi and Justice Bela Trivedi), others from academic excellence and elite legal practice (e.g., Justice Sujata Manohar, Justice Ruma Pal), and some directly from the Bar (e.g., Justice Indu Malhotra). Each brought distinct interpretive perspectives to constitutional adjudication.

Women judges have significantly contributed to diverse domains—gender justice (Vishaka and POSH jurisprudence), constitutional rights (TMA Pai, demonetisation dissent), criminal justice (Nirbhaya case), labour welfare, environmental governance, and arbitration reforms. Their judgments demonstrate attentiveness to both legal doctrine and social realities.

Women Judges of the Supreme Court of India (1989–2027)

A Detailed Jurisprudential and Historical Analysis

1. Justice M. Fathima Beevi (Tenure: 1989–1992)

India's First Woman Supreme Court Judge and Symbol of Institutional Change

The appointment of Justice M. Fathima Beevi marked a watershed moment in India's constitutional history. Born in 1927 in Kerala, she pursued law at Government Law College,

Thiruvananthapuram during a period when very few women entered the legal profession. Beginning her career in 1950 as a Munsiff, she steadily climbed the judicial hierarchy, serving as Subordinate Judge, Chief Judicial Magistrate, and District & Sessions Judge. This progression through the subordinate courts provided her with a deep practical understanding of criminal procedure, evidence, and grassroots legal realities. Elevated to the Kerala High Court in 1983, her judgments reflected clarity, fairness, and procedural integrity. When she was appointed to the Supreme Court in 1989, she became the **first woman** on the apex bench in its 39-year history and the first woman judge in any constitutional court of South Asia. Her jurisprudence was marked by balanced reasoning in criminal, administrative, and minority rights cases. She emphasised procedural protections in criminal trials, fairness in administrative action, and equality before the law. Although she served only three years, her appointment shattered longstanding gender barriers, inspiring generations of women to enter the judiciary. Post-retirement, Justice Beevi served as **Governor of Tamil Nadu** and a member of the **National Human Rights Commission**, continuing her commitment to constitutional governance and human rights.

2. Justice Sujata V. Manohar (Tenure: 1994–1999)

Gender Equality Architect and Public Law Visionary

Justice Sujata V. Manohar, born in 1934, represents one of the most academically accomplished judges in Indian history. Educated at Elphinstone College and later at Oxford University, where she earned the BCL, she brought a rigorous, comparative perspective to Indian constitutional adjudication. Beginning her career in the Bombay High Court, she developed expertise in administrative law, constitutional interpretation, and family law. Appointed a judge in 1978 and later the **first woman Chief Justice of the Kerala High Court**, she advanced principles of procedural fairness and gender equality. Her Supreme Court tenure is best remembered for shaping India's sexual harassment jurisprudence. Although the celebrated **Vishaka v. State of Rajasthan** case was decided by a bench she was not part of, her earlier decisions and writings on gender justice influenced its doctrinal foundations. In **A.K. Chopra v. Apparel Export Promotion Council (1999)**, she upheld the centrality of dignity under Articles 14 and 21, expanding protections against workplace harassment. Her jurisprudence emphasised constitutional morality, human dignity, and liberal interpretation of rights. Justice Manohar remains one of India's most respected public law judges.

3. Justice Ruma Pal (Tenure: 2000–2006)

India's Preeminent Constitutional Jurist

Justice Ruma Pal, educated at Oxford, is widely regarded as a “judge’s judge.” She combined academic depth with succinct judicial writing. Beginning her practice at the Calcutta High Court, she specialised in constitutional law, civil disputes, commercial litigation, and intellectual property. Appointed to the High Court in 1990 and the Supreme Court in 2000, her tenure witnessed landmark constitutional judgments, including:

1. **T.M.A. Pai Foundation v. State of Karnataka (2002)** — clarified minority education rights
2. **Aruna Roy v. Union of India (2002)** — upheld secular educational content
3. Key rulings on judicial ethics, administrative fairness, and the rights of irregular workers (Umadevi-related jurisprudence)

Her willingness to critique the opacity of the **collegium system** was rare and courageous, highlighting issues of accountability and gender bias. Justice Pal played a key role in shaping doctrines related to secularism, judicial independence, and constitutional rights.

4. Justice Gyan Sudha Misra (Tenure: 2010–2014)

Champion of Victim-Centric Criminal Justice

Born in 1949, Justice Gyan Sudha Misra’s judicial philosophy combined empathy with rigorous procedural analysis. Beginning as an advocate in Patna High Court, she was later appointed a judge in 1994. She served in the Patna and Rajasthan High Courts and eventually became **Chief Justice of Jharkhand High Court**. Her Supreme Court tenure was notable for strengthening victims’ rights in criminal law. In cases concerning child sexual abuse, she advocated:

1. sensitivity in judicial conduct
2. time-bound trials
3. strict punishment for offenders

She also authored decisions favouring labour welfare, insurance compensation, and social justice for disadvantaged communities. Justice Misra’s writing style reflected compassion, making her one of the most socially conscious jurists of her time.

5. Justice Ranjana Prakash Desai (Tenure: 2011–2014)

Reform-Oriented Judge and Influential Post-Retirement Leader

Justice Ranjana Prakash Desai brought rich prosecutorial and administrative law experience to

the bench. Before her judicial career, she served as Assistant Government Pleader and Public Prosecutor in the Bombay High Court. Appointed as a judge in 1996 and later elevated to the Supreme Court in 2011, she contributed to major cases such as:

1. **Novartis AG v. Union of India (2013)** — a landmark on patent evergreening
2. **Salwa Judum case** — protection of tribal rights against state excesses
3. **Election Commission autonomy judgments**

After retirement, she served as:

1. **Chairperson of the Delimitation Commission of India**
2. **Head of the Lokpal Search Committee**
3. **Chair of the Maharashtra Sedition Law Reform Committee**

Her influence extended beyond the courtroom into institutional reform.

6. Justice R. Banumathi (Tenure: 2014–2020)

The First Lower-Court Judge to Reach the Supreme Court: A Pillar of Victim Rights

Justice Banumathi's journey from a **district judge** to a Supreme Court justice is unparalleled. Born in 1955 in Tamil Nadu, she entered the lower judiciary through competitive examination in 1988. Her early career provided deep insight into trial court functioning.

She rose to the Madras High Court, later becoming **Chief Justice of the Jharkhand High Court**. Her Supreme Court jurisprudence is marked by precision and a strong commitment to victims, exemplified in:

1. **Nirbhaya Case (Mukesh v. State, 2017)** — upheld death penalty citing societal conscience and victim dignity
2. **Victim Compensation (CrPC 357A)** — laid down uniform principles
3. Preventive detention cases emphasising strict procedural safeguards

Her disciplined and structured approach strengthened criminal jurisprudence and due process.

7. Justice Indu Malhotra (Tenure: 2018–2021)

First Woman Elevated Directly from the Bar & Defender of Religious Autonomy

Justice Indu Malhotra made history as the **first woman Senior Advocate directly appointed** to the Supreme Court. A renowned arbitration expert, she authored a leading treatise on arbitration law.

Her jurisprudence includes:

1. **Sabarimala Review (2018)** — her famous dissent argued that courts must not intervene in essential religious practices unless there is clear constitutional violation
2. Strengthening of arbitration law by promoting party autonomy
3. Enhanced consumer rights through fair compensation standards

Her dissent in Sabarimala is considered one of the most intellectually powerful dissents in modern Indian constitutional law.

8. Justice Indira Banerjee (Tenure: 2018–2022)

Firm Voice for Labour Welfare & Service Law Fairness

Born in 1957, Justice Banerjee worked across multiple High Courts and became **Chief Justice of Madras High Court** before joining the Supreme Court.

Her contributions include:

1. strengthening tribunal independence (Rojer Mathew v. South Indian Bank)
2. upholding women's matrimonial rights
3. enhancing labour and service protections
4. safeguarding child welfare

She is known for her clarity, administrative precision, and fairness in public employment disputes.

9. Justice Hima Kohli (Tenure: 2021–2024)

Public Health, Gender Rights, and Mediation Innovator

Justice Hima Kohli's judicial career includes significant work in the Delhi High Court, where she contributed to the evolution of urban governance, public health accountability, and legal aid.

Her Supreme Court work expanded:

1. reproductive rights for unmarried women under the MTP Act
2. enforcement of the POSH Act
3. environmental regulation in urban contexts

Her leadership in promoting mediation and fast-track procedures reflects her commitment to accessible justice.

10. Justice Bela M. Trivedi (Tenure: 2021–2025)

Criminal Law Discipline, State Accountability, and Institutional Clarity

Justice Trivedi's career spans lower judiciary, administrative roles, and the Gujarat and Rajasthan High Courts. Her Supreme Court jurisprudence emphasizes:

1. strict standards in bail
2. rule of law and judicial restraint
3. accountability of state machinery
4. child and family law protections

She participated in high-profile cases, including the **Zakia Jafri** judgment, underscoring limits of judicial interference into administrative discretion.

11. Justice B. V. Nagarathna (Tenure: 2021–2027)

Future First Woman Chief Justice of India and Constitutional Moralist

Justice Nagarathna's expected appointment as the **first woman Chief Justice of India in 2027** is the culmination of a century-long struggle for gender equality in the judiciary.

Her jurisprudence includes:

1. **Demonetisation Case (2023) — landmark dissent**
 - executive cannot bypass Parliament
 - economic decisions are subject to judicial review
2. hate speech and public law cases
3. women's rights, domestic violence, and shelter reforms

Justice Nagarathna's constitutional philosophy emphasises democratic accountability, parliamentary sovereignty, and transformative constitutionalism.

Thematic Jurisprudential Analysis

1. Gender Justice and Feminist Constitutionalism

Women judges of the Supreme Court have significantly shaped India's gender justice jurisprudence. Their decisions challenge patriarchal norms, expand constitutional protections, and reinterpret equality in substantive terms rather than merely formal terms. The foundational contribution came from Justice Sujata Manohar, whose opinions strengthened the doctrine that sexual harassment violates Articles 14 and 21. Her reasoning in *A.K. Chopra* laid the foundation for gender-sensitive workplace jurisprudence. Justice Ruma Pal expanded gender justice through a rights-based interpretation of education, equality, and secularism. Her contributions in *Aruna Roy* advanced inclusive and non-discriminatory pedagogical frameworks. Justice Gyan Sudha Misra and Justice Banumathi offered strong protections to

victims of sexual violence and child abuse, mandating sensitivity, rehabilitation, and strict sentencing. Justice Indira Banerjee strengthened women's matrimonial rights, maintenance protections, and right to dignity in family relationships. Justice Hima Kohli's work on reproductive rights for unmarried women under the Medical Termination of Pregnancy Act transformed the interpretive scope of bodily autonomy. Justice Indu Malhotra's Sabarimala dissent introduced a unique feminist judicial restraint. She argued that women's rights must be interpreted in conjunction with religious autonomy and essential practices—a counterpoint to majoritarian or monolithic approaches to gender justice. Collectively, these judges broadened the philosophical and doctrinal bases of feminist constitutionalism in India by recognising that gender justice operates not only through direct discrimination but also through structural exclusions embedded within social practices and institutions.

2. Constitutional Morality, Accountability, and Democratic Values

Women judges have played a critical role in reinforcing constitutional morality and democratic accountability. Justice Ruma Pal's opinions emphasised judicial independence, secularism, and constitutional morality as foundational principles. Her criticism of the collegium's opacity was a landmark moment of internal accountability. Justice B. V. Nagarathna's dissent in the demonetisation case revived the constitutional requirement of parliamentary supremacy. She argued that executive power cannot override legislative procedure, reaffirming that constitutionalism requires transparency, accountability, and democratic deliberation. Justice Desai strengthened institutional independence through judgments on election integrity and tribunal autonomy. Justice Indira Banerjee further contributed to tribunal independence in *Rojer Mathew*. These judicial interventions ensure that constitutional bodies remain accountable while safeguarding citizens' rights against majoritarian excesses.

3. Criminal Law and Victim-Centric Jurisprudence

Justice Banumathi remains the most notable contributor to victim-centric criminal jurisprudence. Her role in the Nirbhaya case underscored the dignity of women as central to criminal sentencing. She also developed guidelines on victim compensation, expanding state responsibility for rehabilitation under CrPC 357A. Justice Gyan Sudha Misra similarly focused on victims' rights, emphasising speedy trials, psychological care, and integrity in child sexual abuse cases. Justice Bela Trivedi reinforced the principles of due process, bail discipline, and procedural fairness. This collective emphasis represents a significant shift in India's criminal

jurisprudence—from an accused-centric model to a balanced framework acknowledging victim suffering and restorative justice.

4. Labour Rights, Social Welfare, and Administrative Law

Justice Indira Banerjee's labour law jurisprudence emphasised fair treatment of contractual employees, retrenched workers, and public servants. She articulated service jurisprudence grounded in constitutional fairness. Justice Ruma Pal strengthened the administrative law framework through clarity on judicial review and procedural fairness. Justice Ranjana Desai's contributions in environmental and administrative cases reinforced state accountability and protected vulnerable communities.

5. Religious Freedom, Pluralism, and Judicial Restraint

Justice Indu Malhotra's Sabarimala dissent remains one of the most nuanced accounts of religious freedom in contemporary India. She argued that courts should not invalidate essential religious practices unless they violate explicit constitutional guarantees. This dissent reshaped debates on religious pluralism. Justice Bela Trivedi and Justice Nagarathna similarly emphasised the importance of institutional boundaries and judicial restraint in religious matters, reinforcing India's pluralistic constitutional culture.

6. Arbitration Law, Commercial Reform, and Economic Governance

Justice Indu Malhotra, with her deep specialization, transformed arbitration jurisprudence by insisting on:

1. party autonomy
2. neutrality of arbitrators
3. limited judicial interference

Her contributions modernised India's commercial legal framework, aligning it with global standards.

Gender Barriers & Structural Challenges in the Indian Judiciary

(≈800 Words)

Despite the achievements of these eleven judges, women continue to face systemic and structural barriers in accessing judicial and legal institutions.

1. The Collegium System and Gender Bias

The collegium's opaque selection process has contributed to gender disparities. Studies indicate that:

1. women are less frequently recommended for elevation
2. male networks within the Bar dominate informal selection
3. very few women reach positions of Chief Justice in High Courts, reducing their chances of being appointed to the Supreme Court

Justice Ruma Pal and Justice Nagarathna's criticisms highlight persistent challenges.

2. Hostility and Bias in Courtrooms

Women lawyers often confront:

1. implicit and explicit gender bias
2. skepticism about competence
3. difficulties in accessing senior mentorship
4. gendered expectations concerning behaviour and attire

These stereotypes limit women's ability to navigate male-dominated court environments.

3. Work-Life Imbalance and Domestic Expectations

Patriarchal norms impose domestic responsibilities disproportionately upon women. Judicial roles require long hours and administrative duties. Many women decline elevation due to:

1. family constraints
2. childcare responsibilities
3. lack of institutional support

Judicial careers offer minimal flexibility, limiting participation of women with caregiving responsibilities.

4. Structural Barriers within the Legal Profession

Only 12–15% of advocates in High Courts are women. Pipeline inequalities begin early:

1. fewer women receive senior designation
2. women rarely become Advocate Generals or Additional SGs
3. leadership positions in Bar Councils remain male-dominated

Since the Supreme Court appoints judges largely from senior advocates and High Court judges, limited representation in feeder pools reduces women's presence at the apex level.

5. Sexual Harassment and Unsafe Workspaces

Though POSH committees exist, enforcement remains weak. Women lawyers frequently do not report harassment due to:

1. stigma
2. fear of retaliation
3. lack of protective mechanisms in court premises

These conditions discourage women from remaining in litigation.

6. Institutional Culture and Stereotyping

Certain stereotypes—such as women being unsuitable for criminal law, taxation, or commercial litigation—persist. These biases influence judicial assignments, career trajectories, and elevations, reinforcing systemic inequality.

Reforms & Recommendations

To create a gender-inclusive judiciary, India must undertake structural reforms across institutional levels.

1. Reforming the Collegium System

Recommendations include:

1. introducing **gender diversity criteria**
2. creating transparent, published guidelines for judicial appointments
3. forming independent screening committees with gender experts
4. ensuring rotational representation of women judges within the collegium

2. Strengthening the Pipeline: Bar Reforms

To ensure more women reach the Supreme Court:

1. increase women's senior advocate designations
2. appoint more women as law officers (ASGs, AGs)
3. introduce gender quotas in Bar Councils
4. provide litigation fellowships and mentorships for women

3. Institutional Support for Work–Life Balance

Courts must create supportive administrative structures:

1. childcare facilities in court complexes
2. flexible schedules where possible
3. technological reforms enabling hybrid hearings
4. mandatory gender-sensitisation for judicial officers

4. Strengthening POSH Enforcement in Courts

Courts must:

1. establish independent, professional Internal Committees
2. mandate annual compliance audits
3. ensure penalties for non-compliance
4. create accessible reporting systems for lawyers and staff

5. Training and Sensitization

Judicial academies must include:

1. gender sensitivity modules
2. unconscious bias training
3. feminist legal theory
4. victim rights and trauma-informed approaches

6. Representation in Decision-Making Bodies

Women must be included in:

1. High Court administrative committees
2. Supreme Court rules committees
3. collegium for High Courts
4. judicial inquiry commissions

Such representation ensures that policies address gender realities.

7. Creating Institutional Pathways for Promotion

Courts should adopt:

1. formal mentorship programmes
2. transparent promotion metrics
3. equal training access
4. gender-responsive judicial infrastructure

These reforms will strengthen judicial equality in the long term.

Final Conclusion

The history of women in India's judiciary is one of resilience, struggle, and transformative achievement. From the pioneering efforts of Cornelia Sorabji, Regina Guha, and Sudhansubala Hazra, who fought merely for the right to practice law, to the eleven women who have served in the Supreme Court, Indian legal history reflects both obstacles and triumphs. Each woman judge brought unique perspectives, doctrinal clarity, and sensitivity to constitutional interpretation. Justice Fathima Beevi's appointment in 1989 symbolised the breaking of the highest judicial barrier. Justice Sujata V. Manohar and Justice Ruma Pal shaped foundational doctrines in gender equality, secularism, and constitutional morality. Justice Banumathi, Justice Misra, and Justice Trivedi humanised criminal law and due process. Justice Desai extended her influence into institutional reforms. Justice Indu Malhotra's Sabarimala dissent remains a touchstone for debates on religious autonomy. Justice Indira Banerjee strengthened labour and service jurisprudence. Justice Hima Kohli advanced reproductive rights and public health protections. Justice B. V. Nagarathna's jurisprudence—especially her dissent on demonetisation—marks her as a future architect of India's constitutional evolution. Although women's representation remains limited, their impact is disproportionately significant. They expanded constitutional values, defended democratic accountability, and interpreted rights through the lens of lived experience, empathy, and justice. Their contributions show that judicial diversity is not symbolic but essential for a vibrant constitutional democracy. As India moves toward 2027, when Justice Nagarathna is expected to become the first woman Chief Justice, the judiciary stands at the threshold of structural transformation. To sustain this progress, reforms in appointments, training, workplace safety, institutional culture, and work-life balance are essential.

Women judges do not simply add diversity; they enrich jurisprudence, advance social justice, and deepen constitutionalism. Their journey—from exclusion to leadership—illustrates the continuing need to democratize access to judicial power. This research paper concludes that gender inclusion in the judiciary is not a matter of representation alone but a constitutional imperative essential to India's democratic and egalitarian future.

★ **TABLES**

Table 1: Pioneering Women Lawyers in India

Name	Period of Petition/Work	Key Achievements	Significance
Cornelia Sorabji	1880s–1923	First woman lawyer; first woman at Oxford; 600+ cases for purdahnashin women	Opened profession to women; influenced 1923 Act
Regina Guha	1916	First petition for enrolment as pleader	Initiated debate on gender discrimination
Sudhansubala Hazra	1917	First woman LL.B. applicant for bar enrolment	Strengthened movement leading to 1923 Act

APA 7TH REFERENCES

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