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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

WOMEN IN INDIAN JUDICIARY

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Abstract

The Indian Judiciary has had a long and rich history, but it is only in the recent past that women have begun to make significant strides in the field. The Indian legal system, like that of many other countries, has historically been male-dominated. Women were not encouraged to pursue careers in law, and those who did faced significant challenges and discrimination. The first woman to be admitted to the legal profession in India was Cornelia Sorabji in 1892. Despite her accomplishments, she was not allowed to practice law in the courts of British India because of her gender. It wasn't until 1923 that the legal profession was opened up to women in India, with the passage of the Legal Practitioners (Women) Act. Even then, it was an uphill battle for women to be taken seriously in the field. In the early years, women lawyers were not given a fair chance to succeed. Many law firms refused to hire them, and they were often excluded from important cases. However, over time, women began to break down these barriers and make significant contributions to the Indian Judiciary. Today, there are many women judges, lawyers, and legal scholars who have achieved great success in the field. Despite the progress that has been made, there is still much work to be done to achieve gender equality in the Indian Judiciary. Women continue to face discrimination and biases, and there is a need for greater representation at all levels of the legal system. However, the history of women in Indian Judiciary provides hope and inspiration for future generations of women who aspire to succeed in the field.

Key words: Gender Equality, Rights, Women, Judiciary.

INTRODUCTION

For decades, the Indian judiciary has been known to be a male-dominated arena. However, in recent years, we have witnessed a significant shift in the representation of women in the Indian judiciary. Women judges are playing a crucial role in ensuring justice and equality for all citizens of the country. Despite facing numerous obstacles like gender bias, social norms, and

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patriarchy, these women have managed to break through the glass ceiling and leave a mark in the Indian judicial system. In this article, we will take a closer look at the inspiring stories of some of these women, the challenges they faced, and how they overcame them in their journey of becoming successful judges. Join us as we celebrate the power and resilience of women in the Indian judiciary. Although the Indian judiciary has a long and rich history, women have only just started to make notable advancements in the area. Similar to many other nations, the Indian judicial system has always been controlled by men. Women were discouraged from pursuing legal professions, and those who did encountered severe prejudice and obstacles. Cornelia Sorabji became the first Indian woman to be admitted to the law profession in 1892. Despite her achievements, her gender prevented her from practicing law in British Indian courts. Women were not allowed to practice law in India until 1923, when the Legal Practitioners (Women) Act was passed. Women still had a long way to go before they were given any real consideration in the area. Women lawyers were not given an equal opportunity to flourish in the early years. They were frequently left out of significant cases and rejected by several law firms. But as time went on, women started to overcome these obstacles and significantly impact the Indian judiciary. There are a lot of successful female judges, attorneys, and legal experts in the area today.

Even with the advancements, much more has to be done to guarantee gender equality in the Indian judiciary. Biases and prejudice against women persist, and more representation is required in the judicial system at all levels. However, for next generations of women who want to excel in the area, the history of women in Indian judiciary offers inspiration and optimism. Women Judges In India: Trends And Figures For years, women in India have struggled to break through the glass ceiling in the historically male-dominated justice system. But the number of female judges has significantly increased in recent years. Only one of the Supreme Court of India's 25 judges is a woman as of December 2020. In High Courts, where between 11 and 12 percent of judges are female, the situation is marginally better. Nevertheless, given that women comprise over half of the nation's population, these figures remain low. In lower courts, where there are more female judges, the situation appears more optimistic. Approximately 28% of district-level judges are female, according to a research by the Vidhi Centre for Legal Policy. Even while the number has increased, gender equality in India's judicial system is still a long way off. The legal system must support women's professions more and encourage more women to pursue jobs in the field. It's time to remove the glass ceiling and increase the judiciary's inclusivity because women judges are essential to guaranteeing that everyone has access to

justice.

THE CHALLENGES WOMEN FACE IN THE INDIAN JUDICIARY SYSTEM

The Indian judiciary system has traditionally been controlled by men, despite being regarded as one of the most esteemed and potent arms of the government. Women in this system confront enormous and frequently demoralizing obstacles. Due to policies like recruitment quotas that have been put in place in several jurisdictions, women make up more than half of the successful applicants in the junior civil judge division.

But these actions by themselves are not enough. Women, who frequently balance family obligations without sufficient assistance, are disproportionately impacted by the Judicial Service Rules, which in many jurisdictions demand a certain amount of continuous practice before one may be promoted to the bench. When women do make it into the court, they frequently find themselves in a depressing setting that does not meet their unique requirements. Their job advancement is further complicated by the absence of minimum stipends, maternity benefits, and supported infrastructure like daycare centers. As fewer women hold high-level jobs, prospective female judges have fewer mentors and role models. It reinforces a culture that is controlled by men, which makes it more difficult for women to overcome the glass ceiling. The demand for continual practice for elevation to the Bench offers a considerable obstacle for women who balance family duties; also, social views, gender preconceptions, and a lack of supportive infrastructure further impede their advancement.

CASE STUDIES AND EXAMPLES SHOWING THE IMPACT OF WOMEN IN THE INDIAN JUDICIARY

Numerous instances and case studies demonstrate the influence of women on the Indian judiciary. Justice Fathima Beevi, the first female justice nominated to the Supreme Court of India in 1989, is one such instance. Her appointment encouraged many women to pursue careers in law and cleared the path for more women to join the judiciary. Justice Ruma Pal, who presided over the Supreme Court of India from 2000 to 2006, is another noteworthy example. She rendered a number of historic rulings during her time there, including the well-known "Best Bakery case," which addressed the 2002 Gujarat riots. In instances pertaining to women's rights, female judges have also been crucial. For example, Justice Gyan Sudha Misra's

historic ruling in the Vishakha case acknowledged sexual harassment in the workplace as a violation of basic rights. Women judges have recently played a leading role in a number of significant rulings, including the ruling in the Sabarimala case by Justice.

To encourage women to enter the Indian judiciary, India has implemented a number of programs. To guarantee that women in India have equal opportunity to serve as judges and take part in the administration of justice, the government and judiciary have taken a number of actions. Judicial & Government Initiatives: The need for more gender diversity has been acknowledged by the government and courts. The Indian Chief Justice has expressed support for 50% female participation in the courts, stating that it is a question of right rather than charity. Recommendations to provide women candidates for higher court posts are part of the efforts being undertaken to guarantee social diversity in judicial appointments. Justice Hima Kohli, a retired Supreme Court justice, has pushed for a number of laws to help women in the legal field. These laws are necessary to break down structural barriers and create an atmosphere that encourages equality, which will guarantee that women not only enter but also succeed in the legal field. These include addressing gender bias, improving infrastructure, mentoring and skill development, flexible work schedules, parental leave, and more. The establishment of judicial reservations for women was another move by the administration. The number of female judges has grown dramatically since the 1993 implementation of the reservation policy. According to the most recent figures, women make up around 28% of India's judges.

TIPS TO BECOME A JUDGE IN INDIA FOR ASPIRING WOMEN

Although it is difficult, it is not impossible to qualify for the Indian judicial system. These are some recommendations for Indian women who want to become judges. Aim for academic achievement and finish your legal degree from a recognized university. To obtain real-world experience and exposure to court procedures, work as an assistant to a practicing attorney or as an intern in a legal firm. In India, passing the competitive tests administered by the state or federal government is a prerequisite for becoming a judge. In addition to studying hard for these tests, be careful to keep up on legal and current events. To develop important contacts and learn more about the legal field, cultivate a strong network of judges and attorneys and go to legal seminars, conferences, and workshops.

Being a judge is a difficult and drawn-out process, but perseverance is essential. Don't allow setbacks deter you from working hard and being focused on your objective. Keep yourself

updated on the most recent legal developments, and be ready to pick up new skills and adjust when the law changes. Although breaking the glass ceiling is never simple, women may undoubtedly leave their imprint on the Indian judicial system if they have the necessary training, experience, planning, networking, perseverance, and dedication.

WHAT ARE THE MAIN REASONS FOR THE WOMEN UNDERREPRESENTATION IN THE HIGHER JUDICIARY?

Judicial Service Rules require 'continuous' practice for elevation to the Bench, which is difficult for women who need to balance family responsibilities without maternity benefits or minimum stipends. The transfer policies are inflexible and don't consider women's roles as primary caretakers in their households, leading to many dropping out from career advancement opportunities. Many courts, including High Courts, lack basic facilities like dedicated washrooms for women, adequate sanitary facilities, and proper waste disposal systems.

There's a shortage of essential support facilities like feeding rooms and crèches, and where they exist, they have restrictive policies (like Delhi High Court's crèche only accepting children under six). Women judges are often sidelined in administrative duties, as evidenced by their absence from most High Court Building Committees. Limited women representation in High Court Registries and judicial academies means women's perspectives aren't considered in policy-making and gender-sensitization training. With fewer women in the Bar (only 15.31% of enrolled advocates), there's a smaller pool of candidates who can establish themselves and be considered for elevation to higher positions. The traditional male-dominated court system hasn't adequately adapted to accommodate women's transition from the private to public sphere, resulting in an environment that's not conducive for women to thrive.

WHAT SYSTEMIC AND POLICY GAPS HINDER WOMEN'S PROGRESSION IN THE JUDICIARY?

Some states' efforts to recruit women at lower judiciary levels, direct recruitment remains challenging due to rules requiring 'continuous' practice periods, which disadvantage women who need career breaks for family responsibilities. The lack of maternity benefits and minimum stipends makes it difficult for women advocates to maintain continuous practice and meet eligibility requirements for elevation to the Bench. Current transfer policies are rigid and fail to consider women's roles as primary caregivers, creating barriers for career advancement and

often forcing women to choose between family responsibilities and career growth. There's a significant gap in policies mandating basic infrastructure requirements for women, such as adequate washrooms, sanitary facilities, and hygienic waste disposal systems in courts. While some courts have introduced family-friendly amenities like crèches, the policies governing these facilities are often restrictive (like age limits) and resources are limited, making them ineffective for working mothers. There's a lack of comprehensive policies addressing the retention and career progression of women in higher judiciary positions, creating a "reverse funnel effect" where fewer women reach senior positions.

The role of women judges in promoting gender justice is a crucial aspect of breaking the glass ceiling in the Indian judiciary. With women constituting only a small percentage of the judiciary, their presence and contribution can make a significant difference in promoting gender equality and justice. Women judges bring a unique perspective to the bench, having faced gender discrimination and bias themselves. This allows them to empathize and understand the plight of women who come before them seeking justice. Their presence also sends a powerful message to society that women are capable of holding positions of power and responsibility in the legal system. Moreover, women judges can also help in changing the way the legal system operates. For instance, they can encourage a more victim-centric approach to justice, where the focus is on the needs and rights of the victim rather than on the accused. They can also promote alternative dispute resolution mechanisms that are more gender-sensitive and survivor-friendly. In conclusion, women judges have an important role to play in promoting gender justice in the Indian judiciary. It is essential that more women are appointed to the bench and given the opportunity to contribute their unique perspective and experience to the legal system. Only then can we hope to break the glass ceiling and achieve true gender equality in the judiciary.

CONCLUSION

The path taken by women in the Indian court is evidence of their tenacity, willpower, and unwavering commitment to equality. Women in the Indian legal system have overcome significant social and professional barriers, starting with Cornelia Sorabji's historic 1892 admission into the field and continuing with the increasing number of female judges today. Significant progress has been accomplished over the years, despite obstacles including gender prejudice, a lack of infrastructure, and cultural expectations still impeding women's progression

in the court. The necessity for gender diversity in the legal profession is becoming more widely acknowledged, as seen by the growing number of female judges at all judicial levels. A more equal system has been made possible in large part by the measures taken by the Indian government, such as judicial reserves for women and laws designed to promote inclusive behavior. In addition, the effect of pioneering female judges such as Justice Fathima Beevi, Justice Ruma Pal, and Justice Gyan Sudha Misra shows how strong women are in forming important decisions that advance equality, justice, and women's rights. Notwithstanding the advancements, more work must be done to remove structural obstacles, promote a more encouraging atmosphere, and guarantee more gender parity in the court at all levels. In India, it may be difficult for women to become judges, but it is not impossible. Women can inspire future generations, break down barriers, and guarantee a more inclusive legal system for everyone if they have the necessary knowledge, tenacity, and commitment. In conclusion, even if there is still more to be done, the history and prospects of women in the Indian court are incredibly promising, pointing to a time when gender equality would be a fundamental aspect of Indian law.

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