



A Study on Women's Presence and Participation in Indian Judiciary

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ABSTRACT

The study examines the presence and participation of women in the Indian Judiciary, with a focus on representation, challenges, and impact. Despite constitutional guarantees of equality and gradual hike in women's entry into the legal related profession, their representation remains significantly low. The research adopts a descriptive design and relies on secondary data including journal articles, reports and official statistics.

The findings reveal that women constitute a relatively higher proportion in the subordinate judiciary yet their presence declines sharply in the High Court and Supreme Court, reflecting a 'leaky pipeline' phenomenon. Structural barriers, gender bias, lack of mentorship and the opaque collegiums system have been identified as key challenges limiting women's advancements. The study also concludes that gender diversity in the judiciary is essential for ensuring fairness, inclusivity and institutional legitimacy. The study recommends structural reforms, transparent appointment process and supportive institutional mechanisms to strengthen women's representation in the Indian Judiciary.

Keywords: Women in Judiciary; Gender Bias; Leaky Pipeline; Opaque collegiums

I. INTRODUCTION

The judiciary is one of the largest and most influential legal systems worldwide. It is mainly responsible for upholding the law, protection of fundamental rights and ensuring justice. In India judicial system, it consists of subordinate courts, high courts and the supreme courts. Women involved in the judiciary is an important indicator of gender equality within the legal system. Women judges can play a significant role in addressing women issues. The inclusion of women in the judiciary is essential to ensure that judicial decision reflect the diversity of the society they serve. Historically the participation of women is limited due to the cultural, social, structural and institutional barriers. Structural barriers such as entrenched gender bias, limited access to mentorship and insufficient intuitional support, continueto impede their advancement (Ghosh,2020). However gradually women entered the legal profession and judicial system. Despite the reorientation of women in higher judicial position remains comparatively low. Discussion regarding gender diversity in the courts goes beyond the numbers.



It intersects with issues of substantive equality, the legitimacy of the judiciary, and the injection of alternative voices in judicial deliberation (Kenney, 2013). Comparative politics has shown through research that women judges are more inclined to place the issues of gender justice, empathy, and representation at the forefront of judgments, thus shaping legal interpretation and jurisprudence (Boyd, Epstein, & Martin, 2010). In India, where gender, caste, and class inequalities intersect, the absence of women in the higher judiciary was a serious concern. It noted that the judiciary not only resolved disputes but also played a key role in shaping social reforms, interpreting fundamental rights and protecting marginalized groups. Therefore, study examines the presence and participation of women in the judiciary. This paper mainly to support to build a more inclusive and equitable judicial system in India.

II. REVIEW OF LITERATURE

Ritika Kumar (2024), studied about the need for restructuring hierarchical arrangements within judicial institutions to ensure greater mobility and representation of women as decision making authorities. She was observed that the denial of adequate representative opportunities to women had limited inclusivity in the judicial system. This study also explored about the historical legacy of gender discrimination and inadequate representation of women in the judiciary with particular reference to structural biases in appointments and transfer across various high courts in India.

Uttam Kumar Jha (2025) et.al., study explored the underrepresentation of women in the higher judiciary of India despite standing constitutional guarantees of equality and judicial independence. They observed that the supreme court had appointed limited number of women judges and similar patterns of exclusion were seen in various high courts. In this study they used qualitative interviews, judge biographical data, archival evidence and secondary data on appointments and collegium recommendations to assess impediments and avenues to women's judicial progression. The study highlighted that the marginalization undermines the judiciary's credibility, limited the democratic accountability and development of gender sensitive judgement. This study suggests measures such as mentorship program, open evaluation procedures and institutional reforms to promote inclusivity.

Anushka Singh (2022), examined the contradiction between the traditional reverence of women and their actual marginalization in society in India. It studied that the historical gender roles had confined women to domestic responsibilities, creating long-standing societal biases about their position. This study identified was the lack of adequate representation of women in the judiciary, which limited diverse perspectives in decision-making. It concluded that increasing women's participation in litigation and judicial positions could help challenges stereotypes, promote gender equality and bring border social change.

Durga Naik (2022) et.al., study highlighted that women's representation in the judiciary was important for promoting inclusivity and ensuring fair and representative decision-making. Although there had been historical inequality in judicial representation, efforts had been made to address this imbalance. The study referred to the recognition of International Day of Women Judges by the United Nations General Assembly as evidence of growing global commitment toward gender equality in the judiciary.

Najiya (2024) et.al., examined the role of female judges in the Indian court and studied about how women had shaped the constitutional framework. The study found that certain challenges such as underrepresentation, gender bias etc. it showed that gender balance and a gender equitable work environment in the judiciary is beneficial and important for improving fairness, legitimacy and quality of the judiciary, reducing barriers in women's contact to justice, and bringing women's voice and perspective to the bench. It concludes that create a thorough framework for gender equality in judicial decision-making and track the results of gender equality programs in the judiciary.



III. METHODOLOGY

3.1. OBJECTIVE

- To study the current level of women representation in the Indian judicial system.
- To study the Challenges of women representation in the Indian Judiciary.
- To study the impact of women presence on the functioning and sensitivity of the judicial system

3.2. NEED AND SIGNIFICANCE OF STUDY

The importance of this research is found in both its scholarly and policy significance. Scholarly, the research informs feminist legal thought, judicial scholarship, and gender studies as it considers how cultural practices and institutional forms shape gendered trajectories in high-profession careers. The research builds on the framework of "feminist institutionalism," which considers how informal norms and practices recreate gendered hierarchies in formal institutions (Mackay, Kenny, & Chappell, 2010).

The significance of the study is to address issues of gender imbalance and institutional bias within the judiciary. A diverse and inclusive judiciary contributes to fair and representative decision-making, enhance trust and strengthens the legitimacy of the justice delivery system. It also evaluating the effectiveness of policies and initiatives introduced by institutions. The main aim of the study to promoting inclusivity, fairness and instructional effectiveness within the judicial system

3.3. SCOPE OF THE STUDY

The study is confined to analyzing women's representation within the judicial system of India. It covers different levels of the judiciary to understand the extent and pattern of gender representation. It will contribute to improving existing policies and formulating more effective strategies to promote gender equality in judicial institutions. It will also give a valuable resource for policymakers and researchers thereby it strengthening the overall fairness, credibility, representation and effectiveness of the judicial system.

3.4. UNIVERSE: Universe of that data includes the entire judiciary system where women's representation is there: The supreme court, High court and the subordinate courts.

3.5. SAMPLING TECHNIQUE: As the study is based on secondary data the relevant information regarding the study is taken from purposive selection of sources.

3.6. RESEARCH DESIGN: The study adopts a descriptive research design.

3.7. METHOD OF COLLECTION : The study entirely relies on secondary data collection methods.

IV. RESULTS AND DISCUSSIONS

1) Current level of women representation in the Indian judicial system.

The analysis of Indian justice report 2025 highlighted that women comprise only about 14% of judges in the High Courts and approximately 3.1% in the Supreme Court of India. High court in Manipur, Tripura and Uttarakhand continue to report no women judges as of early 2026. Although there has been a noticeable rise in the number of women entering the legal profession, their representation within the higher levels of the judiciary continues to remain significantly low. Women have relatively stronger presence in the lower judiciary, where they make up nearly 38% of the total judicial workforce. Despite this, their progression to higher judicial positions has been limited. As of February 2026, there are 116 women out of 781 sitting judges across High Courts (14.8%). In district courts it is 38% approximately the women representation.



Since 1950, only 11 women have been appointed as judges to the Supreme court. Out of a total of 287 judges appointed since independence, women constitute roughly 3.8%, highlighting a persistent gender imbalance. At present, B.V. Nagarathna is the sole woman serving on the Supreme Court Bench, which has a sanctioned strength of 34 judges. The most recent appointments of women to the Supreme Court took place in 2021, when the collegiums headed by N.V. Ramana recommended three women judges simultaneously. This marked a significant moment, as it was the first time that women's representation in the Supreme Court exceeded 10%.

2) Challenges of women representation in the Indian Judiciary.

- One of the Key challenges faced by the women's representation in the judiciary of India arises from structural eligibility conditions. Under Article 233 of the Indian Constitution, a minimum of 7 years of continuous legal practice is required for appointment as a District Judge. Additionally, most states prescribe a minimum age of 35 years for entry at this level, while appointments to the higher judiciary are subject to upper age considerations. These requirements often overlap with critical life stages for women, including marriage and family responsibilities, thereby limiting their participation and progression.
- Another important problem is the "leaky pipeline" phenomenon, which refers to the gradual decline in women's representation as they move from lower to higher levels of judiciary. While women constitute a considerable proportion in the subordinate courts, their presence diminishes significantly in the High court and the Supreme Court.
- The lack of transparency in the appointment process to the higher judiciary further intensify gender disparities. Unlike the lower judiciary, where recruitment is based on standardized examinations and clearly defined criteria, appointments to the higher judiciary are governed by the collegiums system, which has been criticized for its opaque nature. The absence of clearly articulated selection standards and the reliance on professional networks may disadvantage women candidates.

3) Impact of women presence on the functioning and sensitivity of the judicial system

- Women Judges bring different life experiences, which enrich judicial deliberations and decision making, improving the quality of justice.
- Women litigants and victims, particularly in sensitive cases, often feel more secure and confident approaching courts where they see female representation.
- Women's representation promotes the use of gender-neutral language, reducing the prevalence of male-centric, biased narratives in judgments.
- Women in higher judicial positions act as influential role models, inspiring more women to enter and advance in the legal profession. Their visibility challenges gender stereotypes and reinforces the idea that women are equally capable of holding positions of power and leadership.

V. CONCLUSION

The study highlights that while there has been gradual progress in the inclusion of women in the Indian judiciary, significant gender disparities persist, particularly in higher judicial positions. Although women have established a notable presence in the subordinate courts, their representation in High Courts and the Supreme Court remains disproportionately low, indicating systemic barriers to advancement. The challenges faced by women in the judiciary are deeply rooted in structural, institutional, and socio-cultural factors, including gender bias, lack of transparency in appointments, and limited professional support systems. These barriers contribute to the "leaky pipeline" phenomenon, where women's representation diminishes at higher levels of the judicial hierarchy.

At the same time, the study underscores the crucial role played by women judges in enhancing the quality, inclusivity, and sensitivity of judicial decision-making. Their presence not only strengthens public confidence in the justice system but also promotes gender-responsive jurisprudence and broader social equality. Therefore, achieving greater gender diversity in the judiciary is not merely a matter of representation but a necessity for ensuring fairness, legitimacy, and effectiveness in the administration of justice.



Comprehensive reforms, including transparent selection processes, mentorship opportunities, and institutional support, are essential to create a more inclusive and equitable judicial system in India.

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