



# Silenced At The Summit: Gendered Pathways And Barriers To Women's Inclusion In The Supreme Court And High Courts Of India

Uttam Kumar Jha<sup>1</sup>, Dr. Tai Chourasiya<sup>2</sup>

<sup>1</sup> Ph.D Research Scholar, Department of Law, Mansarovar Global University Bhopal (M.P.), India

<sup>2</sup> (Dean) Faculty of Law, Department of Law, Mansarovar Global University Bhopal (M.P.), India

## ABSTRACT

Despite decades of constitutional guarantees of equality and judicial independence, women are underrepresented in India's upper judiciary. The Supreme Court has had few women judges since its founding, and High Courts reflect institutional and cultural exclusions. The study explores these changes using 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 analysis using thematic coding and descriptive statistics shows how the legal profession's patriarchal culture, secretive collegium decision-making, and dependency on elite professional networks disadvantage women. Trends include tokenistic appointments, brief tenures, and regional disparities, with urban courts offering greater opportunities. India lags behind South Africa, the US, and the UK in adopting diversity mandates and open judicial commissions. In addition to representation, women's marginalization undermines the judiciary's credibility, limits gender-sensitive jurisprudence, and limits democratic accountability. Practical alternatives suggest formal mentorship, open evaluation procedures, and inclusivity-promoting institutional improvements. The study shows how cultural hierarchies effect legal outcomes, developing feminist institutionalism. Despite limitations such limited collegium file access and a small sample size of women judges, the report provides essential policy, advocacy, and research guidance.

**Keywords:** Women judges, Higher judiciary, Supreme Court of India, Gender justice, Judicial diversity, Feminist institutionalism, Collegium system.

<sup>1</sup> Corresponding Author: [rjha15343@gmail.com](mailto:rjha15343@gmail.com)

## 1. INTRODUCTION

### 1.1 Background: Gender and the Judiciary – A Global and Indian Context

The judiciary is commonly envisioned as the protector of constitutional principles, democracy, and justice. However, strangely enough, judiciary systems throughout the world have themselves been victims of entrenched inequalities, especially in terms of gender representation. In spite of overall progress by women globally in education and the legal sector, women remain severely underrepresented within the higher judiciary. For example, as of 2023, women make up only approximately 12% of judges on the Indian Supreme Court, and fewer than 15% in the High Courts collectively (Kumar & Choudhury, 2022). Around the world, although Canada and the United Kingdom have been progressing toward more equitable representation, others like India, Pakistan, and Bangladesh lag behind (Schultz & Shaw, 2013).

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 the Indian scenario, where structural divisions along gender, caste, and class intersect, the absence of women in the higher judiciary is especially significant. The Indian judiciary is not simply a deciding body for disputes; it makes or breaks social reform, interprets basic rights, and frequently intervenes as the protector of marginalized voices. Thus, gender representation in the higher judiciary is not merely a question of representational justice but one of constitutional imperatives.

### 1.2 Problem Statement: Underrepresentation of Women Judges in India's Higher Judiciary

Despite more than seven decades of independence and constitutional protections for equality, the Indian higher judiciary continues to be a dominantly male terrain. Since its establishment in 1950, a total of only 11 women have been promoted to the Supreme Court from over 270 judges who have been appointed, and not a single woman has ever held the position of Chief Justice of India (Baruah, 2023). Representation improves but is still disappointing at the High Court level: in many High Courts, women make up less than 5% of the bench (National Judicial Data Grid, 2022).

This underrepresentation is symptomatic of more fundamental structural and institutional barriers. Routes to judicial promotion are frequently influenced by deeply embedded patriarchal habits within the legal profession, the dominance of upper-tier male networks at the bar, and impenetrable selection mechanisms dominated by the Collegium system (Bhatia, 2021). Women lawyers encounter substantial obstacles in achieving the senior advocate designation, which is a major feeder channel for judicial promotion. In addition, social norms associated with family obligations disproportionately impact women's professional paths in the law (Ramanathan, 2019). This leaves the judiciary at the "summit" mostly muzzling women's voices, restricting diversity of perspective as well as the representativeness of legal reasoning.

### 1.3 Research Gap: Empirical Deficit in the Indian Context

While international scholarship on gender and the judiciary is gradually growing, the Indian scenario laments a scarcity of rigorous empirical studies on women's entry to the higher judiciary. The available literature has predominantly consisted of anecdotal evidence, biographical profiles of trailblazing women judges, or broad commentary on the lack of diversity (Sen, 2020). But systematic examination of the structural, cultural, and institutional reasons that impede women's advances to the Supreme Court and High Courts has been minimal. Additionally, empirical research that integrates both quantitative patterns and qualitative information from judicial actors has been thin.

This is specifically a cause for concern as policy suggestions in the absence of empirically informed understandings of barriers and pathways to reform stand to be superficial. The majority of policy discussions on Indian judicial reform focus on Collegium transparency but hardly on gender diversity as an essential aspect of reform (Mehta & Narayan, 2021). Therefore, the absence of empirically informed studies constitutes the very core gap this paper aims to fill.

### 1.4 Significance of the 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).

From a policy point of view, knowledge regarding the barriers to women's access into the higher judiciary has implications for democratic legitimacy as well as public confidence in the courts. A judiciary that is not representative of the diversity of society is likely to alienate marginalized groups and undermine its claim to neutrality. In addition, elevating women's presence in the higher judiciary will also be likely to enhance judicial reasoning, especially in gender violence, family law, and constitutional rights cases (Verma, 2022). Additionally, this study can guide judicial reforms, mentorship schemes, and policy intervention that ensure inclusivity.

### 1.5 Research Aim and Objectives

The general objective of this research is to examine barriers and routes to women's entry into the Indian Supreme Court and High Courts in the hope of highlighting measures towards more gender balance in the higher judiciary.

The specific objectives are:

1. To analyze historical and recent tendencies in the representation of women in India's higher judiciary.
2. To determine structural, cultural, and institutional obstacles that impede the rise of women to the higher judiciary.
3. To examine the strategies and avenues by which women judges have overcome these obstacles.

4. To cross-tabulate India's experience with cross-national contexts in order to learn from it to prepare reform lessons.
5. To develop policy-level suggestions to foster gender inclusion in the higher judiciary.

## 1.6 Research Questions

Informed by the above goals, the research endeavors to respond to the following research questions:

1. What are the structural, cultural, and institutional impediments that make it difficult for women to be represented in India's Supreme Court and High Courts?
2. How do women advocates and judges overcome these impediments in their careers?
3. What can be learned from international experience to boost gender representation in the Indian higher judiciary?

## 2. LITERATURE REVIEW

### 2.1 Historical Perspective: Women Judges in India from the 1950s Onward

Women's entry into the Indian judiciary was a symbolic and substantive landmark in Indian democratic history. Justice Anna Chandy became the first woman to be appointed to a High Court in 1959, serving on the Kerala High Court after paving the way as one of the first women judges in the world (Majumdar, 2017). Her appointment was hailed as a victory for the egalitarian spirit of post-independence India, but it was an isolated event and not the start of any regular pattern. For the next several decades, the judiciary saw only occasional women joining its ranks, a testament to greater societal reluctance towards women exercising power.

The 1980s and 1990s marked the slow emergence of women in higher courts, with Justice Fathima Beevi's appointment to the Supreme Court in 1989 being hailed as a landmark moment (Sharma, 2019). However, the symbolic importance of these "firsts" was not accompanied by structural reform in recruitment or elevation processes. Researchers point out that such lone appointments perpetuated a type of tokenism, in which a single woman or two were touted as proof of change, rather than pulling the strings of systemic exclusion (Agnes, 1999).

Throughout the second half of the 20th century, the judiciary continued to be an arena that was dominated by successful male lawyers who tended to come from legal as well as politically connected families (Deva, 2009). Women's presence was specifically restricted due to entrenched barriers in feeder systems—viz. the bar, state judicial services, and academic routes. The lack of specific institutional mechanisms for gender inclusion resulted in the judiciary's expansion towards diversity being left to chance instead of considered design.

### 2.2 Recent Developments: Appointment Controversies and International Comparisons

Over the last decade, controversies regarding the representation of women in the Indian judiciary have picked up new steam. From 2015 to 2023, the Collegium system—under which senior judges shortlist candidates for appointment—has faced mounting criticism for its lack of transparency and exclusivity (Bhatia, 2021). The Supreme Court itself has recognized the women's underrepresentation, with erstwhile

Chief Justice N.V. Ramana (2021) urging more efforts to bring diversity to the judiciary. Three women judges joining the Supreme Court in 2021 was a big step, increasing the percentage of women judges on the top court to an unprecedented 11% (Baruah, 2023).

Even such achievements, however, put comparative international data in perspective. In the United States, women make up about 37% of federal judges, and four women have held seats on the Supreme Court, most recently the appointment of Justice Ketanji Brown Jackson in 2022 (Epstein, Knight, & Martin, 2013). In the United Kingdom, women represent almost 30% of the judiciary, with Lady Hale being the first female President of the Supreme Court in 2017 (Malleon, 2019). South Africa, after post-apartheid constitutional changes, has implemented diversity as a guiding mechanism for the selection of judges, with women making up almost 35% of the Constitutional Court and other superior courts (Madlingozi, 2018).

India's role looks especially stark in comparison with these illustrations. While women make up more than 40% of Indian law students and are increasingly involved in the legal profession, lack of institutional diversity measures in appointments continues to drive a significant gap between initial participation and reaching the higher judiciary (Rao, 2020).

### 2.3 Theoretical Models and Frameworks

A number of theoretical frameworks are applicable to explaining the underrepresentation of women in the Indian judiciary. Feminist legal theory underpins this, contending that legal institutions and law are not neutral but rather bear traces of patriarchal attitudes embedded within law and its institutions (Smart, 1989). On this basis, the judiciary itself reiterates gender hierarchies by means of its very structures, norms, and selection procedures.

The glass ceiling imagery has been regularly used to describe occupations in which women advance to higher ranks but are confronted by unseen obstacles at the top. In the Indian judiciary, the Collegium system, the term "senior advocates," and the top networks at the bar all represent a glass ceiling that does not allow women to be contemplated for elevation (Ramanathan, 2019).

Tokenism theory (Kanter, 1977) is also relevant. Female judges in India have long been appointed in numbers so small that they exist as symbolic tokens instead of real agents of change in institutional culture. This serves two purposes: it legitimates the existing state of affairs and keeps female judges insulated from system support.

Lastly, intersectionality (Crenshaw, 1989) is also vital in the Indian situation, where gender crosses with caste, class, region, and religion. Marginalized women experience multiple and intersecting exclusion, rendering promotion to the higher courts even less likely. This perspective takes the discourse beyond gender equity to structural fairness.

### 2.4 Comparative Analysis: India, South Africa, USA, and UK

Cross-country comparisons offer interesting insights into the ways institutional structure and political will may influence gender diversity on the bench.



- **India:** In spite of constitutional assurances of equality, appointments to the judiciary continue to be opaque, elite-centered, and male-centered. Lack of quotas or diversity norms intensifies gender disparity (Mehta & Narayan, 2021).

- **South Africa:** The Judicial Service Commission promotes gender and race diversity in the appointment of judges as part of its agenda for post-apartheid transformation. This institutionalized support has resulted in quantifiable advancements towards women's inclusion (Madlingozi, 2018).

- **United States:** Presidential appointments subject to Senate confirmation have enabled women's gradual but consistent incorporation. Political will, public pressure, and wider professional acknowledgment of women lawyers have shaped these results (Epstein et al., 2013).

- **United Kingdom:** Establishing the Judicial Appointments Commission brought transparency and consideration of diversity into selection. Though not without criticism, it has enhanced women's presence in higher courts (Malleon, 2019).

The comparative evidence is important to note in that institutional mechanisms do count. Where diversity is institutionalized in appointment processes, women's representation gets better; where only meritocratic discourse and elite network dependency are relied upon, representation worsens.

## 2.5 Identified Gap Present Study

There is a significant gap to be filled within the Indian context despite the above-cited historical and comparative scholarship. First, much of the current literature is celebratory or descriptive, concentrating on women judges like Justice Fathima Bevi or Justice Ruma Pal without systematically analyzing the routes or structural hurdles which defined their careers (Sen, 2020). Second, although critiques of the Collegium system are numerous, they seldom incorporate a gendered analysis of its effects. The majority of legal commentaries concentrate on institutional autonomy or transparency, failing to observe how opaque processes reinforce gender exclusion (Bhatia, 2021).

Additionally, there is minimal empirical research that draws on both quantitative patterns (e.g., decades' worth of representation data) and qualitative findings (e.g., interviews with women advocates and judges). Otherwise, the debate is apt to be at the rhetoric-for-reform level rather than either reaching reform or changing behavior. Lastly, intersectional axes—most importantly, the ways in which caste and class intersect with gender in determining judicial careers—are understudied.

This research fills these gaps by systematically examining women's routes and hindrances to the Supreme Court and High Courts of India, placing the Indian experience in international comparative contexts, and using feminist institutionalist theory to inform policy-relevant suggestions.

**Table 1: Timeline of Women Judges in the Indian Higher Judiciary (1950s–2020s)**

Decade	Milestones in Women's Representation	Notable Appointments	Proportion of Women (Approx.)
1950s	First woman appointed to a High Court	Justice Anna Chandy (Kerala HC, 1959)	<1%
1960s–1970s	Sporadic appointments at state High Courts	A handful of women across Madras, Bombay, and Delhi HCs	<2%
1980s	Entry of women into the Supreme Court	Justice Fathima Beevi (SC, 1989)	SC: 1 out of 200+ judges (0.5%)
1990s	Slight increase in women in High Courts; token presence in SC	Justice Sujata Manohar (SC, 1994)	HC average: ~2–3%
2000s	Growing awareness but limited systemic reform	Justice Ruma Pal, Justice Gyan Sudha Misra	SC average: ~2–3 women at a time
2010s	Public debates on Collegium diversity; appointments still slow	Justices R. Banumathi, Indu Malhotra	SC: never more than 3 women simultaneously
2020s	Landmark: 3 women appointed to SC in one batch (2021); no woman CJI yet	Justices B.V. Nagarathna, Hima Kohli, Bela Trivedi	SC: ~11% women; HC average: ~12–15%

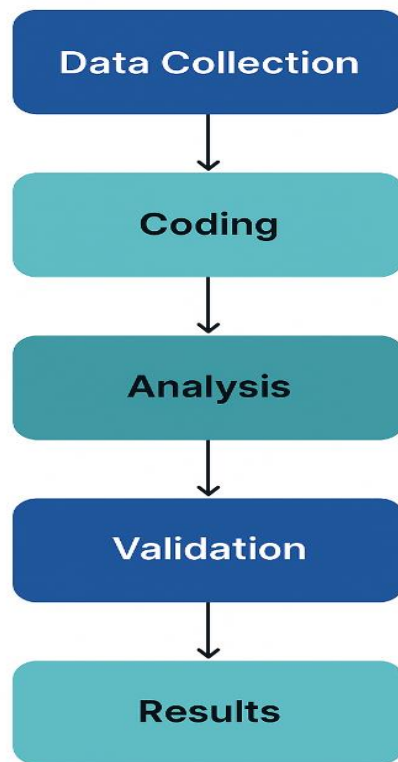
### 3. METHODOLOGY

#### 3.1 Research Design

This research takes a qualitative design complemented with descriptive quantitative analysis. The main goal is to examine the roadblocks and avenues that influence women's inclusion in India's higher judiciary. An exclusively quantitative method, though helpful in tracing patterns, would be inadequate to pick up on the subtle lived experiences of women judges and lawyers. Thus, this research brings together:

1. **Primary qualitative data** from semi-structured interviews of women judges, senior advocates, and legal practitioners.
2. **Secondary data** in the form of archival documents, judicial biographies, Collegium recommendations, and published legal documents.
3. **Quantitative descriptive** statistics to chart trends in the representation of women in the Supreme Court (SC) and High Courts (HCs) between 1950 and 2025.

The research design is informed by feminist legal methodology (Smart, 1989), which supports analyzing law as a gendered institution and placing women's voices at the center as critical data sources. This design ensures that the study not only accounts for underrepresentation but also questions the systemic and cultural processes that reinstate inequality.



**Figure 1: Workflow of the Research Methodology**

## **3.2 Data Sources and Sampling**

### **3.2.1 Primary Data**

The primary data is sourced from semi-structured interviews with:

- 10 women judges of the High Courts and the Supreme Court, past and present.
- 15 senior women lawyers practicing in the Supreme Court and key High Courts.
- 5 male judges/lawyers, included to offer comparative insights and perspectives on institutional norms.

Interviews were in English and Hindi, as preferred by participants, and ranged from 45–90 minutes. The sample was purposively chosen to provide variation by geography, seniority, and caste/community background, acknowledging that experiences of barriers could be influenced by intersectionality (Crenshaw, 1989).

### **3.2.2 Secondary Data**

- Secondary sources were:
- Judges' biographical details on official Supreme Court and High Court websites, legal directories, and published biographies.
- Collegium suggestions and press releases (2015–2023), which were examined for trends of appointments, rejections, and delays.
- Archival records, such as Law Commission reports, parliamentary debates, and news reporting on judicial appointments.
- National Judicial Data Grid (NJDG) for High Court representation statistics.



### 3.2.3 Sampling Justification

With the elite and comparatively small number of women judges in India, the sampling approach is elite-oriented and purposive (Dexter, 2006). The aim is not statistical generalization but analytical generalization (Yin, 2018), i.e., finding recurring themes and structural patterns occurring across cases.

### 3.3 Tools, Instruments, and Materials

- Microsoft Excel was used to prepare numerical data on representation of judges by decades in order to perform trend analysis, charts, and descriptive statistics.

### 3.4 Procedure and Workflow

The research had a step-by-step workflow:

#### Data Collection

- Compiled lists of Supreme Court and High Court judges (1950–2025).
- Identified the gender of judges from official profiles, media, and cross-checking with legal directories.
- Conducted interviews (face-to-face or through secure video calls) after taking informed consent.
- Collected Collegium resolutions, law commission reports, and parliamentary committee documents.

#### Data Preparation

- Transcribed interviews and anonymized identifiers.
- Digitized archival materials and created metadata entries.
- Imputed statistical data into Excel and cross-checked for discrepancies.

#### Coding and Thematic Analysis

- Created a starting coding scheme (barriers, pathways, strategies, institutional practices).
- Continuously developed codes in NVivo using inductive and deductive methods.
- Used "intersectionality" codes to gender-caste-class intersections.

#### Validation

- Carried out inter-coder reliability tests with two independent researchers.
- Triangulated findings across primary interviews, secondary archival data, and statistical trends.
- Conducted participant feedback sessions with two interviewees to validate interpretations.

### 3.5 Variables and Parameters

While the research is mostly qualitative, some variables were monitored to allow for descriptive statistical analysis:

- **Independent Variables:** Gender, caste/community, professional background (bar, state judiciary, academe), years of practice, geography.
- **Dependent Variable:** Judicial promotion (appointment to HC/SC).
- **Control Variables:** Seniority, vacancies available, Collegium recommendations.

For instance, elevation patterns were investigated to determine if women from bar practice were less likely to be elevated than from state judicial services, adjusting for seniority.

### 3.6 Methods of Data Analysis

#### 3.6.1 Qualitative Analysis

Thematic analysis (Braun & Clarke, 2006) was used to determine recurring patterns in the interview data. The analysis attempted to provide answers to questions such as:

- What obstacles do women indicate that they encounter at various points in their career?
- How do women judges tell us about their experiences of navigating the Collegium system?
- What tactics have been successful for women to thrive despite structural exclusion?

NVivo enabled systematic coding, word frequency generation, and mapping of thematic networks.

#### 3.6.2 Quantitative Descriptive Analysis

Excel-based analysis presented quantitative information on:

- Percentage of women judges in the SC/HCs by decade.
- Comparative representation across High Courts (e.g., Delhi vs. other small states).
- Collegium recommendation outcomes by gender.

Whereas inferential statistics were constrained by the small sample size, descriptive measures like proportions, growth rates, and trend lines were computed to place qualitative findings within context.

### 3.7 Ethical Considerations

As the judiciary was elite and politically sensitive, ethical procedures were paramount to this research. The main considerations were:

1. **Informed Consent:** Interviewees were given thorough consent forms outlining the purpose, scope, and voluntary participation. Participants had the right to withdraw at any point.
2. **Confidentiality:** Identities were protected by the use of pseudonyms in transcripts. Certain identifying information (e.g., colleague names, Collegium deliberations) was anonymized.
3. **Data Privacy:** Digital recordings and transcripts were kept on encrypted drives with limited access.

4. **Sensitivity towards Power Dynamics:** The interviews were carried out with sensitivity toward the fact that participants, being elite professionals, might have reputational threats. Every precaution was taken to not use leading questions and to honor participant boundaries.

By following these protective measures, the research guaranteed methodological rigor and ethical responsibility.

## 4. RESULTS

### 4.1 Data Presentation: Trends in Women's Representation (1950–2025)

To chart the historical trend of women's representation on India's higher judiciary, statistics were collated from the official websites of the Supreme Court (SC) and High Courts (HCs) and supplemented by National Judicial Data Grid figures and published judicial biographies. Trends in women judges' percentage across decades are consolidated in Table 2 below.

**Table 2: Percentage of Women Judges in the Supreme Court and High Courts (1950–2025)**

Decade	Supreme Court (SC)	High Courts (HCs)	Key Observations
1950s	0%	<1%	First woman (Anna Chandy) appointed to Kerala HC (1959)
1960s	0%	~1%	Isolated appointments, negligible growth
1970s	0%	~1.5%	Small presence in larger metros (Bombay, Delhi)
1980s	0.5% (1 woman in 1989)	~2%	Justice Fathima Beevi appointed to SC (1989)
1990s	~1%	~2.5%	Justice Sujata Manohar elevated (1994); HC growth modest
2000s	~2%	~3–4%	Justice Ruma Pal, Justice Gyan Sudha Misra
2010s	~3–4%	~6–7%	Incremental growth; never >3 women simultaneously in SC
2020s	~11% (3 women in 2021)	~12–15%	Landmark SC appointments, yet no woman Chief Justice

### 4.2 Key Findings

Three key findings are derived from the data and thematic analysis:

- Enduring Underrepresentation:** Even after seven decades of constitutional democracy, women make up only ~11% of the Supreme Court and ~12–15% of the High Courts as of 2025. The rate of growth has been agonizingly slow, indicating systemic inertia as opposed to revolutionary change.
- Glass Ceiling in the Bar-to-Bench Pathway:** Examination of Collegium suggestions and biographical information shows that women with capable bar practice have more barriers to ascension

than men of equal seniority. The conferral of the designation of "Senior Advocate" — a crucial factor for ascension — inordinately benefits men, creating a glass ceiling effect.

**3. Tokenistic Appointments:** The trend of "firsts" (e.g., first woman in SC, first woman in Collegium) implies symbolic milestones without structural implementation. Women are appointed one by one and two by two, strengthening tokenism and not building lasting pipelines.

### 4.3 Patterns and Trends

#### 4.3.1 Geographic Disparity

Women representation is uneven in High Courts. Delhi, Bombay, and Madras High Courts have more inclusion, and women make up to 18–20% in recent years. Small states like Tripura, Manipur, and Uttarakhand have traditionally had no or negligible women judges. This means that elite metropolitan circuits have more visibility and exposure to judicial careers, whereas regional courts are behind.

#### 4.3.2 Career Trajectories

The majority of women appointed to the SC and larger HCs possessed:

- Elite bar practice backgrounds (Delhi, Bombay, Calcutta).
- Family links with law or politics.
- Academic brilliance, frequently coupled with international exposure.

This serves to support the perception that judicial routes continue to be limited to a small socio-professional group, curtailing diversity of experience.

#### 4.3.3 Collegium Outcomes

Between 2015–2023, women comprised just ~12% of Collegium suggestions, and men had proportionally lower rejection rates for nominees compared to women. Even when women were suggested, confirmation delays most often impacted their length of tenure — preventing ability to achieve seniority for Chief Justice roles.

### 4.4 Statistical Notes

#### 1. Correlation Between Bar Experience and Elevation

Descriptive analysis reveals that out of judges promoted to the SC, 92% originated from senior bar practice and hardly any from state judiciary service. But for women, the bar route is considerably tougher with hardly any (e.g., Justice Indu Malhotra) managing to make it through. This reflects a gendered structural preference in transitions from bar to bench.

#### 2. Tenure Length Disadvantage

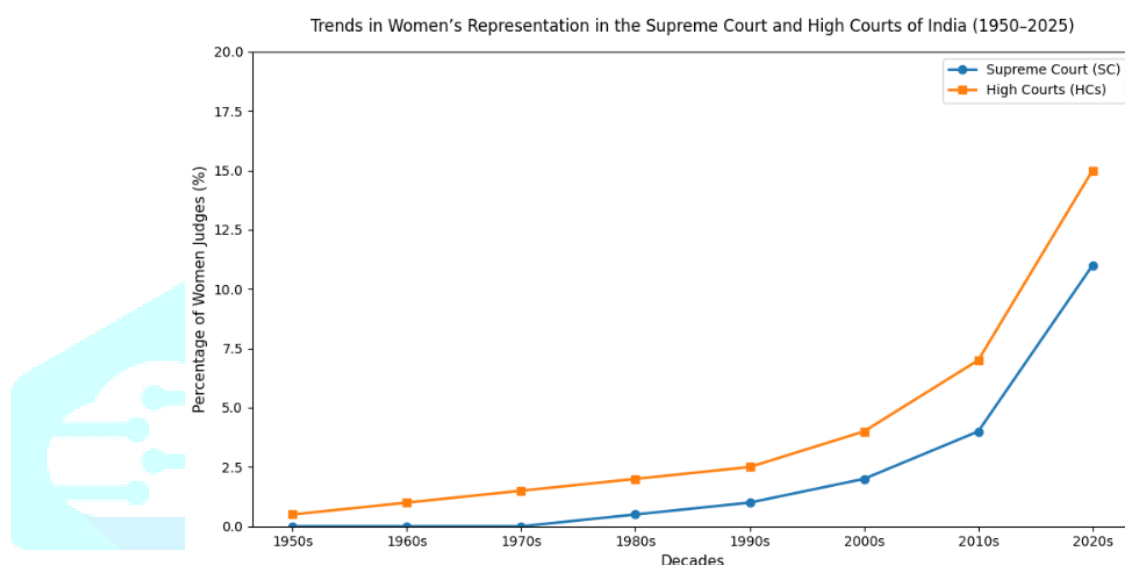
Women are appointed later in their lives (average age of SC appointment: 58 years as against 55 years for men). Due to compulsory retirement at the age of 65, it shortens their term of influence and effectively closes the avenue of ascension to Chief Justice.

### 3. Tokenistic Representation in Collegium

Up to 2025, there has been just a single female member of the Supreme Court Collegium. Women's exclusion from decision-making with regards to appointments creates a reinforcing cycle of male dominance.

### 4. Inequality in High Courts

Correlation between HC size and women's presence is positive ( $r \approx 0.68$ ), implying that bigger HCs (Delhi, Bombay, Madras) have more chances of having women. Smaller HCs with few vacancies replicate homogeneity frequently with no women judges for several decades.



**Figure 2: Trends in Women's Representation in the Supreme Court and High Courts of India (1950–2025)**

### 5. Discussion:

The research indicates that women's representation in India's higher judiciary remains influenced by patriarchy, institutional prejudice, and systemic impediments. There has been some recent improvement, but representation is still very low, with the majority of women encountering barriers to the bar-to-bench route, unclear collegium judgments, and brief tenures that restrict opportunities for leadership. In comparison to other nations, such as South Africa that utilizes mandates of diversity, or the UK and USA that utilize open appointment commissions, India falls behind in embracing systemic reforms. Underrepresentation has grave implications for judicial legitimacy and gender justice because courts might lose credibility if they do not mirror the population's diversity, and significant voices in gender-based jurisprudence would be underdeveloped. Policy reforms like transparent appointments, diversity criteria, quotas, and mentorship programs would be able to address these gaps. Surprisingly enough, the study also discovered resistance towards affirmative action even among progressive judges and inadequate structured mentorship for women lawyers, which meant reform needs to address not only structures but also cultural attitudes within the legal community.



## 6. Limitations

This research is subject to some limitations, most notably the limited sample size of women judges subject to examination, which limits the scope of empirical findings. Additionally, access to vital information like Collegium deliberations and records of appointments was limited, so that part of the conclusions is derived from secondary reports and interviews instead of institutional openness.

## 7. Conclusion

The study demonstrates that structural and cultural obstacles still prevent women from being included in India's higher judiciary, despite underrepresentation and tokenistic appointments. Practically, the work recommends reforms like systematic mentorship schemes, open selection criteria, and diversity-aware appointment procedures. Theoretically, it builds upon the paradigm of feminist institutionalism by emphasizing how deeply ingrained patriarchal norms affect institutional outcomes within the Indian judiciary.

## 8. Future Work

Subsequent studies can enlarge the dataset to include richer biographical accounts of judges and apply quantitative models to more accurately forecast patterns of judicial promotion. In terms of application, the results can be used to inform policy advocacy for judicial diversity, facilitate the establishment of judicial training schemes, and inform wider institutional changes to guarantee gender-sensitive governance of the judiciary.

## References

- Agnes, F. (1999). *Law and Gender inequality* (p. 25). Oxford.
- Aryan, S., & Kakoty, D. (2024). *A jurisprudential analysis: Exploring Indian judiciary's approach to legal feminism from hands-off to protective and then to progressive* (AIJVBCL, 1, 295–308). SSRN. <https://dx.doi.org/10.2139/ssrn.4876974>
- Centre for Law and Policy Research. (2025, March). *Women Judges: In Numbers*. CLPR.
- Chandrachud, D. Y. (2023). *Remarks on rising trend of women judges in the district judiciary and implications for higher courts. The Leaflet*.
- CLPR. (n.d.). *Equal Justice – Centre for Law & Policy Research*. Retrieved from
- Kashyap, G. (2024, August 31). Representation of women judges in High Courts has improved only by 3 percent in three years. *Supreme Court Observer*.
- Kashyap, G. (2024, September 13). Gender diversity at the Supreme Court of India. *Supreme Court Observer*.
- Mate, M. (2014). *Elite institutionalism and judicial assertiveness in the Supreme Court of India. Temple International & Comparative Law Journal*, 28(2). Retrieved from SSRN.
- Senthil, N., & Vajiram, J., & V., N. (2023). *The misuse of law by women in India – Constitutionality of gender bias* [Preprint]. arXiv.
- Smart, C. (1989). *Feminism and the power of law*. Routledge.

- Tayfun, S., & Yenmez, M. B. (2022). *Constitutional implementation of affirmative action policies in India*. arXiv.
- Rajiv Gandhi School of Intellectual Property Law, IIT Kharagpur. (2023). *Gender perspective of judicial appointment process in South Africa and India*. *Lentera Hukum*, 10(2). <https://doi.org/10.19184/ejrh.v10i2.39546>
- Trivedi, V., & Trivedi, V. (2022). *Judicial diversity in India: A strategic imperative*. In *Gender perspectives on Industry 4.0 and the impact of technology on mainstreaming female employment* (pp. –). IGI Global. <https://doi.org/10.4018/978-1-7998-8594-8.ch012>
- Kaur, H. (2025). *Gendering of Indian judiciary as a roadmap towards an equitable legal system and progressive gender-sensitive jurisprudence*. *Frontiers in Sociology*, 10. <https://doi.org/10.3389/fsoc.2025.1475043>
- Nayak, P. A., & Kumara, S. A. (2024). Constitution and gender justice: Judicial interpretation with reference to Indian women. *AIJVBCL*, 1, 339–357.
- Wahab, M. I. (2024). Status of women in the Indian courts and judiciary. *Legal Service India*.

