

EQUAL JUSTICE: SECURING EQUAL INCLUSION OF WOMEN IN THE HIGHER JUDICIARY

CONCEPT NOTE

In 2025, India's higher judiciary faces a significant gender disparity, with only **6.06%** of judges in the Supreme Court being women. **Across the 25 High Courts, the representation of women judges stands at 14.4%.** Notably, the High Court of Gujarat is the only High Court to have a woman Chief Justice. Historically, only 3.3% of judges appointed to the Supreme Court have been women, with only one, Justice Fathima Beevi, being a Muslim woman. No woman has held the position of Chief Justice of India. **Justice B V Nagarathna will make history as the first woman to serve as Chief Justice of India for a brief tenure of 36 days.**

Out of the 25 High Courts in India, only 7 have 20% or more women judges (Delhi, Gujarat, Madras, Manipur, Punjab & Haryana, Sikkim, and Telangana). In 9 High Courts (Allahabad, Bihar, Chhattisgarh, Himachal Pradesh, Jharkhand, Kerala, Madhya Pradesh, Odisha, and Rajasthan) the percentage of women judges falls even below 10%. **The three High Courts of Meghalaya, Tripura, and Uttarakhand currently do not have a single woman judge on their Bench.**

There are further barriers for women from the Bar. **Despite a 1:2 ratio for Bar selection to the Bench, only 49.8% of women judges are from the Bar,** suggesting the disadvantage that women from the Bar face in elevation to the higher judiciary. Women from marginalised backgrounds, including Dalit and Adivasi women lawyers, minority religion women lawyers, and women lawyers from other disadvantaged groups remain significantly underrepresented in the judiciary.

Appointments to the Supreme Court and High Courts in India are governed by the collegium system. **The present collegium system emerged after the Second Judges Case of 1993** when the judiciary asserted its primacy in the appointment process. Under the present system, for appointments to the Supreme Court, the Collegium comprises the Chief Justice and the four senior-most judges of the Supreme Court, and for appointments to the High Court, the Collegium consists of the Chief Justice and two senior-most judges of the High Court.

This system, however, is non-transparent. While the Supreme Court commenced publishing all resolutions of the Collegium since 2017 on its website, these resolutions only disclose post-decision reasoning, elucidating the reasons for selecting or rejecting a candidate. The process of selecting names for consideration, the criteria for selection, and the selection itself remain opaque. **The Collegiums are predominantly composed of men**, with minimal effort expended in identifying meritorious women lawyers for elevation. Even when names of women are recommended by the Collegium, women are disproportionately denied confirmation by the government. **These systemic barriers, including the opaque selection process, inherent gender biases within the legal profession, and inadequate institutional support, impede women's access to the higher judiciary, exacerbating the challenges faced by women from marginalised communities.** Women's equal representation in the judiciary ensures courts represent citizens and make sound judgments. Having an equal number of women on the Bench enhances court legitimacy and embeds inclusivity and representativeness in the judiciary.

To address these concerns, the Centre for Law and Policy Research (CLPR) is leading a research initiative titled **"Equal Justice: Securing Equal Inclusion of Women in the Higher Judiciary."** This initiative aims to examine systematic gender disparities in judicial appointments and propose legal and policy reforms for establishing an ecosystem that supports women's leadership and intersectional representation in the judiciary.