NATIONAL SOCIAL WATCH

Position of Women in Indian Judiciary An Analysis

Internship Research Paper 2012

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I. Introduction

Legal profession is of a very high importance in our country and an integral part of our judicial system. Today, in our country legal profession is no more a simple court affair and therefore, has become one of the most growing and profitable profession. Thus, leading to the demand of highly competitive law graduates even in the corporate sector. It also has a very good feature of self-employment and therefore, an individual can make his own path in this profession.

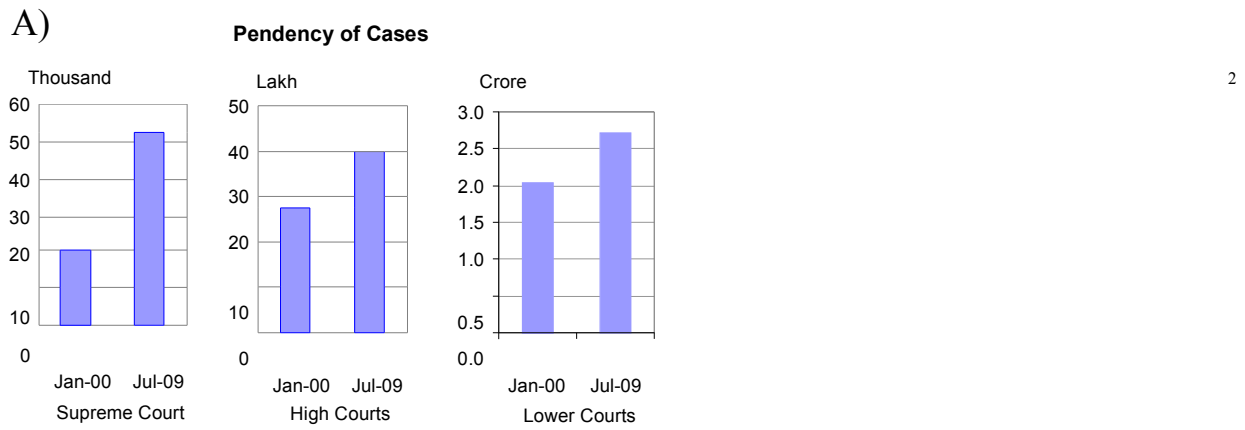
Like other countries, our country also has hierarchy of courts. These are as follows:

- National Level – Supreme Court of India
- State Level – High Courts
- District Level – Subordinate Courts (Civil and Criminal)

Every year thousands of cases are registered as well as are pending in our Indian Courts. Over the years, their numbers are increasing, due to which there is a delay in judgement. To support this statement, here are some data:

Number of Cases Pending in Supreme, High and District Courts:[1]

A)



The above table shows that about 55,000 cases are currently pending in the Supreme Court, 42 Lakhs in the High Courts and 2.8 Crores in the Subordinate Courts. It also shows that in the last ten years, pendency has increased by 148% in the Supreme Court, 53% in the High Courts and 36% in the Subordinate Courts. **Thus, during the last decade the total pendency of cases across all Indian Courts has increased by 38%.**[2]

[1] http://www.prsindia.org

[2] http://www.prsindia.org/administrator/uploads/general/1310014291~~Vital%20Stats%20-%20Pendency%20of%20Cases%20in%20Indian%20Courts%2004Jul11%20v5%20-%20Revised.pdf (accessed on 7th July 2012)

Filing and Resolution of Cases[3]

Category	Supreme Court (Jan-Dec 2010) (Thousand)	High Courts (Oct 2009 –Oct 2010) (Lakh)	Subordinate Courts (Oct 2009-Oct 2010) (Crore)
Pending (Start of year)	56	40	2.7
Fresh Cases Filed	78	19	1.8
Cases Resolved	79	17	1.7
Pending (end of year)	55	42	2.8

Note: Data spans duration of one year. However, due to lack of availability of information, the time periods are slightly staggered. Periods under consideration are: Supreme Court (Jan - Dec 2010), High Courts and Subordinate Courts (Oct 2009 – Oct 2010)

The above table shows that every year, there is an increase not only in pendency of cases but also in the number of fresh ones thus, creating a huge backlog.

Some of the reasons for this increase as given by the Union Law Minister **are (i) increase in institution of fresh cases, (ii) inadequate number of Judges and vacancies, (iii) inadequate physical infrastructure and staff and (iv) frequent adjournments[4].**

Since, the beginning of legal profession, women have always been a part of it, even though their numbers were less in a male dominated profession. Though today, times have changed; women in good numbers are participating in every kind of profession whether its defence, law etc. Therefore, I am doing this research in order to analyse the actual position of women in Indian judiciary.

II. Study

- Aims and Objectives

  - The aim of this study is to understand the position of women in terms of their numbers in Indian Judiciary.
  - To analyse the female students who are appearing for law exams.
  - To understand the reason behind their less numbers.
  - Whether there is any improvement in terms of their numbers?

[3] http://www.prsindia.org/administrator/uploads/general/1310014291~~Vital%20Stats%20 %20Pendency%20of%20Cases %20in%20Indian%20Courts%2004Jul11%20v5%20-%20Revised.pdf(accessed on 7th July 2012)

[4] http://www.prsindia.org/administrator/uploads/general/1310014291~~Vital%20Stats%20 %20Pendency%20of%20Cases %20in%20Indian%20Courts%2004Jul11%20v5%20-%20Revised.pdf(accessed on 7th July 2012)

- Methodology:
  The following means were used to gather data for this research:

  - From secondary sources through websites like http://indiancourts.nic.in and http://www.prsindia.org.
  - Through inputs from my Supervisor Dr. Bhaskara Rao, Research Director, National Social Watch and Mr. Subhash Chandra Birla, Advocate, Supreme Court of India.

III. Findings

The data which was collected is as follows:

A. Number of female judges in India (Supreme, High and District Courts)
B. Number female lawyers in the country
C. Number of female students preparing for law exams.

A. Number Of Female Judges In Courts In India

- Female Judges In The Supreme Court

The Supreme Court of India is the highest judicial forum and final court of appeal as established by Part V, Chapter IV of the Constitution of India. The Supreme Court of India held its inaugural sitting on 28 January 1950 and since then has delivered more than 24,000 reported judgments.

According to the Constitution of India, the role of Supreme Court is of a federal nature and guardian of the Constitution. The Supreme Court is meant to be the last highest appellate court which takes up appeals against judgments of the High Courts of the states and union territories.

Number of Supreme Court Judges[5]
From (Table 1) we can see that out of a total of 26 Judges, 2 (**7%**) are female and 24 (**93%**) are male.

(Table 1)

	Number of Females	Number of Males	Total
Supreme Court	2	24	26

[5] http://indiancourts.nic.in/sitesmain.htm

- ## Female Judges In High Courts

The High Courts are the principal civil courts of original jurisdiction in the state along with District Courts which are subordinate to the High courts. There are 21 High Courts at the State level which have jurisdiction over a state, a union territory or a group of states.

High Courts are instituted as constitutional courts under Part VI, Chapter V, Article 214 of the Indian Constitution. The work of most High Courts consists of Appeals from lower courts and writ petitions in terms of Article 226 of the Constitution of India.

Number of High Court judges[6]

From (Table 2) we can analyse that out of 605 judges 52 (8.5**%**) are female and 553 (**91.4%**) are male.

(Table 2)

Name of the High Court	Number of Females	Number of Males	Total
1. Andhra Pradesh	1	29	30
2. Allahabad	4	60	64
3. Mumbai	6	52	58
4. New Delhi	7	27	34
5. Kolkata	4	41	45
6. Gujarat	2	25	27
7. Himachal Pradesh	0	11	11
8. Gauhati	3	20	23
9. Chhattisgarh	0	13	13
10. Jammu & Kashmir	0	6	6
11. Jharkhand	1	10	11
12. Karnataka	2	37	39
13. Kerala*	2	29	31
14. Chennai	7	47	54

[6] http://indiancourts.nic.in/sitesmain.htm

15. Madhya Pradesh	2	32	34
16. Orissa	1	13	14
17. Patna*	4	33	37
18. Punjab & Haryana	4	36	40
19. Rajasthan	2	22	24
20. Sikkim	0	2	2
21. Uttarakhand	0	8	8
Total	52	553	605

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- ## Female Judges In District Courts

The **District Courts** of India are established by the State governments in India for every district or for one or more districts together taking into account the number of cases, population distribution in the district. They administer justice in India at a district level. These courts are under administrative control of the High Court of the State to which the concerned district belongs. The decisions of District Court are subject to the appellate jurisdiction of the High Court.[7]

Number of Judges in District Courts[8]

The data in (Table 3) is of total 42 Districts, as gathering the data of 600 districts is very difficult in a short period of time. Therefore, I have gathered data for 30 districts, as it gives us a general idea about the number of female judges in District Courts. From (Table 3) we can see, that out of 963 judges, 277 (**28%**) are female and 686 (**72%**) are male.

(Table 3)

Name of the District Court	Number of Females	Number of Males	Total
1. Allahabad (UP)	8	51	59
2. Bilaspur (Chhattisgarh)	12	21	33
3. Chandigarh	4	16	20
4. Tis Hazari (Delhi)	45	95	140
5. Patiala House (Delhi)	14	19	33
6. Kakardooma	15	58	73
7. Rohini	10	40	50
8. Dwarka	10	50	60
9. Saket	29	40	69
10. Etawah (UP)	4	23	27
11. Ambala	6	14	20

[7] http://india.gov.in/howdo/otherservice_details.php?service=24(accessed on 11th July 2102)

[8] http://indiancourts.nic.in/sitesmain.htm (accessed on 11th July 2102)

12. Bhiwani	5	17	22
13. Faridabad	8	29	37
14. Fatehabad	3	5	8
15. Gurgaon	8	29	37
16. Hisar	4	19	23
17. Jhajjar	2	12	14
18. Jind	3	9	12
19. Kaithal	3	9	12
20. Karnal	8	15	23
21. Kurukshetra	5	8	13
22. Narnaul	3	12	15
23. Panchkula	6	6	12
24. Panipat	9	8	17
25. Sonepat	7	10	17
26. Rewari	5	10	15
27. Rohtak	6	10	16
28. Sirsa	5	7	12
29. Yamunanagar	6	13	19
30. Ludhiana	24	31	55
Total	277	686	963

B. Female Lawyers In India[9]

The data in the above table is of year 2007. I wasn't able to find the latest data as gathering the data for the total number of lawyers is very difficult as their number changes largely every year. Also as I was short of time, due to which I couldn't file an RTI to Bar Council of India.

From (Table 4) we can see that out of 955013 only 98556 (**10%**) are females while males are 856457 (**90%**).

(Table 4)

States	Male	Female	Total
1. Andhra Pradesh	58147	9605	67752
2. Assam, Nagaland etc	9703	2022	11725
3. Bihar	89594	3043	92637
4. Chhattisgarh	10000	4949	14949

[9] http://www.lawyersclubindia.com/experts/Total-Number-of-Advocates-in-India-38456.asp (accessed on 11th July 2102)

5. Delhi	30000	8549	38549
6. Gujarat	38586	9208	47794
7. Himachal Pradesh	4680	741	5421
8. Jammu & Kashmir	2832	597	3429
9. Jharkhand	5407	485	5892
10. Karnataka	37861	6756	44617
11. Kerala	30000	6437	36437
12. Madhya Pradesh	60000	9208	69208
13. Maharashtra & Goa	78522	5636	84158
14. Orissa	31000	6993	37993
15. Punjab & Haryana	42411	4265	46676
16. Rajasthan	35000	5823	40823`
17. Tamil Nadu	46575	5902	52477
18. Uttarakhand	359	76	435
19. Uttar Pradesh	195780	6000	201780
20. West Bengal	50000	2261	52261
Total	856457	98556	955013

Note: the above table is the statement of total number of advocates (men & women), enrolled with the state bar councils as on 31/03/2007

c. Female Students Appearing for Law Exam

From (Table 5) we can see that in **CLAT** out of 23881 students, 11224 are females, which are **46%** of the total students and 12657, are males which are **54%** of the total students. In **AILET** out of 10741 students, 5252 are females which are **48%** of the total students and 5489 are males, which are **52%** of the total students. This shows that the position of females who are appearing for law exam in terms of number is not that bad. They are almost half of the total number of students.

(Table 5)

Name of the Exam	Number of Females	Number of Males	Total
1. CLAT[10]	11224	12657	23881

[10] http://www.clat.ac.in/(accessed on 11th July 2102)

2. AILET (NLU Delhi)[11]	5252	5489	10741

IV. Conclusion

- From the tables A, B and C (Judges of the Supreme Court, High Courts, District Courts and the Lawyers) we can see that numbers of females are very less as compared to males.
- We can also state that female lawyers and judges are mostly from Metropolitan or Developed States or States with huge population like Uttar Pradesh. Though on the other, hand states like Himachal Pradesh, Uttarakand, Chhattisgarh, Jammu & Kashmir and Sikkim, which are not so developed have very less female lawyers and **ZERO number of female judges**.
- Though in Table C (Number of Students appearing for Law exam) **the number of female students is almost half of the total number.**
- This shows that at the lower level i.e. studying or preparing for law exam, there is not so much of disparity between males and females, but as we move up in the ascending order from law students to lawyer and then judges, the disparity increases at an amazing level.
- Some of the reasons for this disparity are that many females feel that legal profession involves cheating, hence instead of practicing litigation, most of the females move towards the corporate sector.
- The other reason is very general which in short term is the Society. Even after so many years of Independence, our society is still backward, especially in villages. Most of the females are only allowed to study till graduation, after which they are married and are forced to not to follow their profession. Hence, that's why the disparity between male and females is more in lawyers and judges as compared to law students.
- Though we cannot deny that the position of women in legal and judicial profession has become better, as in 2009, there were only 45 female High Court Judges and Zero female judges in the Supreme Court.[12] Now there are 52 female High Court Judges and 2 female judges in the Supreme Court.
- Hence we can't deny that there is no improvement, there is an improvement but it's increasing at a slow pace.

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[11] http://www.nludelhi.ac.in/(accessed on 11th July 2102)

[12] http://articles.timesofindia.indiatimes.com/2009-08-03/india/28198811_1_woman-judge-women-judges-high-courts (accessed on 11th July 2102)