

MISSING SOULS OF THE JUDICIARY- Bhawna Shah¹**ABSTRACT**

“LAW AND JUSTICE ARE NOT THE SAME. WHEN THEY AREN'T, DESTROYING THE LAW MAY BE THE FIRST STEP TOWARD CHANGING IT.”

During the past years, there has been an ongoing debate around the involvement of women in various political decision-making zone, highlighting the fact that the variables incurring in feminine delineation are far distinct from their social-cultural or economic status.

If we follow up the facts and the figures, the gender ratio around the globe is 101.69% Males per 100 females, from which if we move forward with the report of "Census Bureau Analysis of Data" from the 'American Community Survey'- More than 1 in 3 lawyers are Women. From this analysis, the fact is understandable that there is no problem like participation of women in the Initial stages, so the question arises that then what is the obstacle that is indirectly controlling the participation of women in higher judiciary.

Though this point is noteworthy because it is the general view of expectation from the public side that whosoever holds the position in the highest judicial platform must have formal pedagogy to supplement their professional skills.

If we specifically talk about India, the situation will directly drag us to the connotation that women are 'missing souls' in the higher judiciary. According to a recent report, in the list of supreme court Judges, only one woman has been nominated here, which disturbs the balance. Moving forward with this ratio, there are many states in India like Uttarakhand, Meghalaya, and Tripura, where there is no female judge.

KEYWORDS: *REPRESENTATION; JUDICIARY; FAMILY; SOCIO-CULTURAL; EVIDENCE*

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Whenever it comes to 'Representation of women' in any quarter, there are more reactions than Actions. And at this moment, we cannot ignore the fact that there is more demand for actions as Actions brings changes in society and not- reaction.

Here specifically mentioning, delineation of women in the judicial sector is inferior.

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If we pay attention to the current scenario as to the second stage, the inclusion of women in this Arena is an issue of merit and their credibility to work. The empirical studies from various authors in the comparative study of 18 American Latin countries portray a translucent picture, where they exclude women from decision-making; the reason behind this is not their Academic qualification precisely.³

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² Census bureau analysis of data, American Community Survey.

³ The Representation of women in the judicial branch, Santiago Basabe Serrano, <https://doi.org/10.18042/cepc/rep.185.09>.

⁴ <https://www.hindustantimes.com>.

⁵ <https://main.sci.gov.in>.

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Now it is pretty sure that there are loopholes that require an appropriate variable to solve this puzzle: but first, we need to understand, what's the rudimentary that resulted in this shortage. Following are the reasons for the addressed problem-

1) Factors of age and Family Responsibility-

In a country like India or even in any country, if we look into the books, from the very past time, women are seen to be responsible for their family responsibilities, we can say that domestic formalities fall on the part of women. On the other hand, studies show that there is a higher percentage of women among the youngest judges, while there are more among the oldest judges,

This study ensures the presence of a gap that needs to be restricted as it is true that age is the dignified factor that directly increases family responsibilities over career preferences.

2) Women judges are not immune from the leaking pipeline-

It is unexpected but still happens with many that women who choose to work after marriage have to take Maternity leave or any leave due to which she fails to maintain consistency in their work schedule. Though she is very hardworking has to come across uncertainties, which lose her confidence. And if she follows the rule of life- to never give up, the environment surrounded by the irritated behaviour of her clients with fewer contacts makes it more complex and widens more gap between her and her career.

Till the time she is, untied with the bundle of domestic responsibilities covering her bright path, it becomes very late for her to join and start again.

3) It's a problem It's a reality-

This reason is the forfeiture of the problem stated above-

If she still tends to survive at the last stroke, till the time-chances for her to reach the high court or supreme court is desolating every minute when she was on leave, overall it is too late for her to grab the opportunities that require consistent time devotion.

4) Unpaid care work-

According to the report of the International Labour Organisation-

Women are engaged 4.1 times more in unpaid care work when compared with men in Asia and the Pacific. It is an issue that needs to be taken care of seriously as if no actions get hold of, the results will be freezing, leading to grievous and unsustainable global crisis breeding with gender equalities in the life cycle of work.⁶

5) The Paucity of personal hygiene for women-

The availability of washrooms and nursing spaces creches for breastfeeding mothers are scarce even in such professional places.⁷ This scarcity may be customary in several spots but raises important questions- like why at such a professional place, where it seeks to spread gender neutrality, contradicts their statements by their actions?

People are easily attracted to the negative side, whereas it takes time and effort to drag them towards the positive side.

This fact is accurate - As the plethora of times we read the hyper statements like the ' Male-Dominated ' profession or society, now this is the problem and mindset of people thinking down is the, cause because there is nothing in this that a judge can do alone.

Now keeping in mind every problem I stated above - if we compare that miserable part with the literal reality, we will observe that -

Anybody Man or Woman- nominated to become a judge at the higher courts, must have come over, definite guidelines embedded in the constitution in Article 217, which talks about the appointment of judges it states -that anyone offered a judgeship is either already a district judge or an advocate. There is no doubt that their working pattern must have been quite rough without any inconsistencies.

So how is a person who is a woman judge who can handle her district post will all responsibilities while being a district judge or an advocate cannot do if she is the judge of a high court?

Now putting light on the veracious evidence that is the 2020 news reports estimates 'that women make up only 15% of all enrolled advocates in the country'.⁸

⁶ <https://www.ilo.org>.

⁷ Article 14, criminal justice and police accountability project, www.article14.com.

⁸ The Firm Women, <https://www.barandbench.com>.

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Creating a link between the 'cause' of the problems mentioned above and the 'effect'-the report estimates. The middle point is the loophole that is breathing inside the minds of the society as it drags the vision to the orthodoxical view, where women should come first in line to offer sacrifices in the form of choosing either their career or the family responsibilities. No doubt that women are Master in multi-tasking because from the very beginning stage are taught and are involved in different activities, which makes them distinct from others. This Multi-tasking skill developed in women helps in enhancing the sensitivity of the judgment. Through this action, they strengthen the Judiciary and help gain public trust.

'They say-Every problem takes birth with its possible solution' it depends upon us, that we will choose to act or react. In literal terms, it's not like people are not aware of this issue.

In place of taking action, they only react and mock the world. Because the head of this issue is the patriarchal mindset, isn't it true? that we have become more addicts of social sites, we express how bad we feel, that even after all the availability of resources, someone has to give up, but in reality, no one prefers to take action by supporting women and creating probable conditions for them to work rather than making an obvious situation where women must quit. Here all we need is to understand and then act. It is not like every woman is married and gets pregnant at the same time. Here need is to make her feel secure about her career. Overall it depends upon the system and the mindset of the people, How they look at the development, and the specific efforts they are devoting towards the complex pattern of life in converting them into the suitable ones.

And the mandatory step that is the need of the hour is the Reservation for women judges and promoting them to participate and reach SC and HC without giving up in between. Every single day matters, Because the echo of the Absence of women in courtrooms represents the depleting rate in the future which is against the supremacy of Women, As no doubt our Mothers are the best example reflecting how to synchronise, Directing, Planning, along with other performing their work efficiently, so there shouldn't be any mark which shows that women's are lagging in this sector of LAW and there should not be a miscarriage of justice against women.



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