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India Needs More Women Judges in the Supreme Court

Context

- The **Supreme Court of India**, as the highest judicial authority in the country, carries not only the responsibility of interpreting constitutional provisions but also of **embodying the principles of equality and inclusion enshrined in the Constitution**.
- However, **its own institutional history reveals a striking underrepresentation of women**.
- The **retirement of Justice Sudhanshu Dhulia** in August 2025 and the subsequent **appointments of Justices Vipul Pancholi and Alok Aradhe, without the inclusion of a woman**, has once again drawn attention to the **persistent gender imbalance in the Court**.
- At present, **Justice B.V. Nagarathna is the only woman among a full strength of 34 judges**, raising critical questions about the process and criteria of judicial appointments.

Historical Trends in Women's Representation

- Since its establishment in 1950, **the Supreme Court has had only eleven women judges**, constituting roughly **8% of the 287 judges** appointed to date.
- This small proportion highlights the **slow pace of gender inclusion**. The appointment of Justice **Fathima Beevi in 1989 was a landmark moment**, but subsequent progress has been limited.
- The **Collegium decision in August 2021**, which **elevated three women judges** simultaneously, briefly **increased women's representation above 10%**.
- This was unprecedented, **but the momentum was not sustained**, and subsequent appointments reverted to established patterns of exclusion.
- The **demographic profile of these eleven judges also reveals further gaps**. No woman judge has ever been appointed from the Scheduled Castes or Scheduled Tribes, and only Justice Fathima Beevi has represented a religious minority.
- Moreover, **the pathway of direct elevation from the Bar**, often regarded as an important route into the higher judiciary, **has overwhelmingly benefited men**.
- **While nine male lawyers have been appointed** directly to the Supreme Court since 1950, **only one woman, Justice Indu Malhotra, has achieved this distinction**.

Structural Barriers to Advancement

- Another notable trend is the **relatively late age at which women judges are appointed** to the Court. This restricts their tenure and limits their ability to attain seniority.
- For example, **several women judges have served for fewer than three years**, diminishing their influence in the Court's institutional processes.
- This has **also affected their opportunities to participate in the Collegium**, which plays a decisive role in appointments.
- **Justice Nagarathna is expected to become the first woman Chief Justice of India in 2027**, but her term will last only 36 days, an appointment more symbolic than substantive in institutional impact.
- **These patterns suggest that structural barriers**, rather than individual merit, have constrained women's advancement.
- The **absence of systematic efforts to address these barriers perpetuates a cycle of underrepresentation**.

The Collegium System and Gender Blindness

- The **process of judicial appointments through the Collegium system has long been criticised** for its opacity.
- While the Memorandum of Procedure outlines the broad framework, where the Chief Justice of India, in consultation with the four senior-most judges, makes recommendations that are forwarded to the executive, **the actual criteria guiding selection remain unspecified**.
- Although caste, religion, and regional representation are occasionally cited, **gender has not been institutionalised as a factor**.
- **Attempts at transparency have been inconsistent**. During the tenure of Chief Justice Dipak Misra, Collegium resolutions with stated reasons were made public, but this practice has not been consistently followed by his successors.
- The **absence of clarity creates a system in which gender considerations remain at the margins**, dependent on the priorities of individual decision-makers rather than embedded within institutional policy.

Implications for Judicial Diversity

- The **limited representation of women in the Supreme Court has implications** beyond numbers. Judges inevitably bring their personal and professional experiences into judicial reasoning.
- **Women judges**, by virtue of their perspectives, **may highlight issues that might otherwise be overlooked**, particularly in cases concerning gender justice, family law, or social policy.
- However, **the underrepresentation of women constrains the diversity of viewpoints** that can enrich judicial deliberations.
- Moreover, **the absence of women from leadership positions, such as the Collegium or the Chief Justiceship, weakens the ability of the judiciary** to present itself as fully representative of Indian society.
- While the Court has advanced progressive jurisprudence on gender equality in various judgments, **its own institutional practices lag behind its pronouncements**.

Conclusion

- The **analysis of women's representation in the Supreme Court of India** reveals **structural and procedural gaps** that perpetuate gender imbalance.
- The **issue is not simply about fairness to women candidates but about the institutional legitimacy** of the judiciary itself.
- A **representative bench, inclusive of women from varied backgrounds, would strengthen public confidence** in the judiciary and ensure a broader range of perspectives in judicial decision-making.
- **Without systemic reforms** to address these structural barriers, **the Supreme Court's commitment to gender equality risks remaining more rhetorical** than real.

India Needs More Women Judges in the Supreme Court FAQs

Q1. How many women have been appointed to the Supreme Court of India since its inception?

Ans. Since 1950, only eleven women have been appointed to the Supreme Court of India.

Q2. Who is the only woman currently serving as a judge in the Supreme Court?

Ans. Justice B.V. Nagarathna is the only woman currently serving as a judge in the Supreme Court.

Q3. Why are women judges often unable to attain seniority in the Supreme Court?

Ans. Women judges are often appointed at a later age, which limits their tenure and opportunities for senior positions.

Q4. What are the main issues with the Collegium system of judicial appointments?

Ans. The Collegium system lacks transparency, has undefined criteria for selection, and does not institutionalise gender as a factor.

Q5. Why is the presence of women judges important for the Supreme Court?

Ans. Women judges bring diverse perspectives and experiences that can enrich judicial reasoning and enhance public confidence in the judiciary.

Source: [The Hindu](#)

Sickle Cell: The Battle for Disability Justice

Context

- The **Rights of Persons with Disabilities (RPWD) Act, 2016** was introduced to safeguard dignity, equality, and inclusion for persons with disabilities in India, in line with the United Nations Convention on the Rights of Persons with Disabilities.
- However, **the revised guidelines issued in March 2024** to assess the disability status of individuals with sickle cell disease (SCD), beta thalassaemia, and related blood disorders highlight the **persistent tension between intent and implementation**.

- While **recognition of SCD under the Act represents progress, the exclusion of such conditions from employment reservations** and the rigid certification process, **undermine the law's transformative potential.**

The Legal Framework and Its Limits

- The **RPWD Act categorises persons with benchmark disabilities** those with at least 40% impairment, as eligible for benefits such as free school education, development assistance, and quotas in public sector employment.
- Yet this **framework rests heavily on biomedical measurement**, which often fails to reflect lived experiences.
- The **guidelines for SCD continue to rely on impairment scoring**, privileging visible or easily quantifiable conditions while overlooking chronic, fluctuating, and invisible disabilities.
- This **narrow approach conflicts with the Act's stated goal** of recognising disability as not merely a medical condition but as a product of social and structural exclusion.
- By **failing to extend the 4% reservation in public sector jobs to individuals with SCD**, the government has effectively **diminished the value of acknowledging the condition under the Act.**
- The result is a form of symbolic recognition that does not translate into tangible protections.

The Nature of Sickle Cell Disability and Barriers in Certification

• The Nature of Sickle Cell Disability

- SCD is a lifelong, painful, and disabling blood disorder that **disproportionately affects marginalised Adivasi and Dalit communities.**
- Though **its symptoms may not always be outwardly visible, the disease entails recurrent pain crises, anaemia,** organ damage, and frequent hospitalisation from childhood onwards.
- These **episodes interrupt education, limit livelihood opportunities,** and shorten life expectancy.
- The **social stigma surrounding the disease further compounds the challenges faced by affected individuals,** making them vulnerable to discrimination in schooling, employment, and healthcare access.

• Barriers in Certification

- **Certification is the gateway** to most entitlements under the RPWD Act.
- However, **obtaining a disability certificate for SCD patients is fraught with difficulties.**
- Diagnosis **requires confirmatory tests from government or accredited laboratories,** followed by evaluation by a district medical authority.
- The **scoring system assigns points based on complications** such as transfusion frequency, neurological impact, or degree of pain.
- This **mechanistic approach often excludes individuals whose disability manifests episodically** or whose symptoms are primarily invisible.

Socioeconomic Consequences and the Way Forward

- **Socioeconomic Consequences**

- The inadequacies of the current framework have **direct implications for education, employment, and poverty alleviation.**
- **Children with SCD often miss school due to hospitalisation**, while young adults face disrupted career trajectories and recurrent job losses because of painful episodes.
- Despite this, **the denial of job reservations under the RPWD Act deprives them of opportunities** for stable livelihoods.
- **Economic exclusion is reinforced by gaps** in social protection.
- While **income tax deductions and enhanced pension schemes** exist for persons with certified disabilities, **many SCD patients remain unable to access them** due to restrictive scoring and certification hurdles.
- This **perpetuates a cycle of vulnerability** in which health burdens and social disadvantage feed into one another.

- **The Way Forward: Towards a More Inclusive Framework**

- Several reforms are essential if the RPWD Act is to fulfil its promise of equality.
- First, **job reservations should be extended to individuals with SCD** and other chronic blood disorders, recognising the condition as a significant lifelong disability.
- Second, **the certification process must be reformed** to account for fluctuating and invisible disabilities.
- Instead of rigid scoring systems, **assessments should adopt a rights-based approach** that considers the broader socioeconomic impact of chronic illness.
- Third, **outreach and support mechanisms must be strengthened** for marginalised communities, ensuring that access to certification and entitlements does not depend on geographical or financial privilege.
- **These measures would align with the Act's original spirit:** moving away from a narrow medical lens and acknowledging disability as a product of social exclusion and systemic barriers.

Conclusion

- **The recognition of sickle cell disease under the RPWD Act marks an important step**, but without substantive rights and protections, it risks becoming a hollow gesture.
- **By excluding SCD from employment reservations** and relying on inaccessible certification processes, **the state undermines the very principles of dignity, equality, and inclusion** that the Act was meant to uphold.
- **Disability must be understood not only as an impairment but as a lived experience** shaped by social, economic, and structural inequities.

- **For India's disability rights framework to be truly inclusive, it must embrace chronic and invisible conditions** such as SCD, ensuring that recognition translates into real, enforceable rights.

Sickle Cell: The Battle for Disability Justice FAQs

Q1. What is the purpose of the RPWD Act, 2016?

Ans. The RPWD Act, 2016 aims to protect the rights of persons with disabilities, promoting dignity, equality, and inclusion in society.

Q2. Why are individuals with sickle cell disease (SCD) disadvantaged under the Act?

Ans. They are disadvantaged because SCD is not included in public sector job reservations, and the disability certification process often fails to capture the condition's fluctuating and invisible impact.

Q3. How does SCD affect the daily lives of individuals?

Ans. SCD causes recurrent pain, fatigue, organ damage, and frequent hospitalisation, which disrupt schooling, employment, and life opportunities.

Q4. What are the barriers to obtaining disability certification for SCD patients?

Ans. Certification requires confirmatory tests and evaluation by medical authorities, which are often inaccessible to marginalised communities, and the scoring system does not account for episodic or invisible symptoms.

Q5. What reforms are suggested to make the RPWD Act more inclusive for people with SCD?

Ans. Reforms include extending job reservations to individuals with SCD, adopting a rights-based certification process, and improving access for marginalised communities.

Source: [The Hindu](#)

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