

## HSL614 Development Economics Assignment (Nitin Gautam HES207035)

Judicial diversity is often discussed for demographics characteristics such as gender, race, religion, socio-economic background, etc. Diversity is requisite for fair and impartial judiciary. Indian judiciary has predominance of “upper-caste male judges” and there exists a severe under-representation of lower caste and female. Through “Four judges Cases”, top judiciary has instituted a collegium mechanism of self-appointment of Supreme court and high court judges. SC has made appointment procedure aristocratic and appointed judges are mostly descendants or “kith and kin” of previous SC judges. Though appointment at lower level occurs through direct appointment and written examination based on merits.

In India, female representation in the judiciary is abysmal. Since its inception, fewer women had been appointed as judges in Supreme court and High courts. Despite this discrimination, little efforts have been made to correct this under-representation. Reforms were brought in lower judiciary to increase female representation through reservation policies. Therefore, there is a need to address gender diversity in judiciary and make appointment process merit-based, fair, and non-discriminatory. Similar corrections need to be made in other demographics characteristics too i.e., caste and socio-economic background.

### Research

Clean\_judges.csv contains demographic data about lower judiciary. This dataset is used to carry out analysis and find out changes in judicial representation across states and time. Year 2018 is used as basis for tables and plots. No data is available for states & Union Territory i.e., Ladakh, Andaman & Nicobar, Arunachal Pradesh. Data discrepancies create abrupt jumps or falls in percentage representation.

### State-wise Gender composition

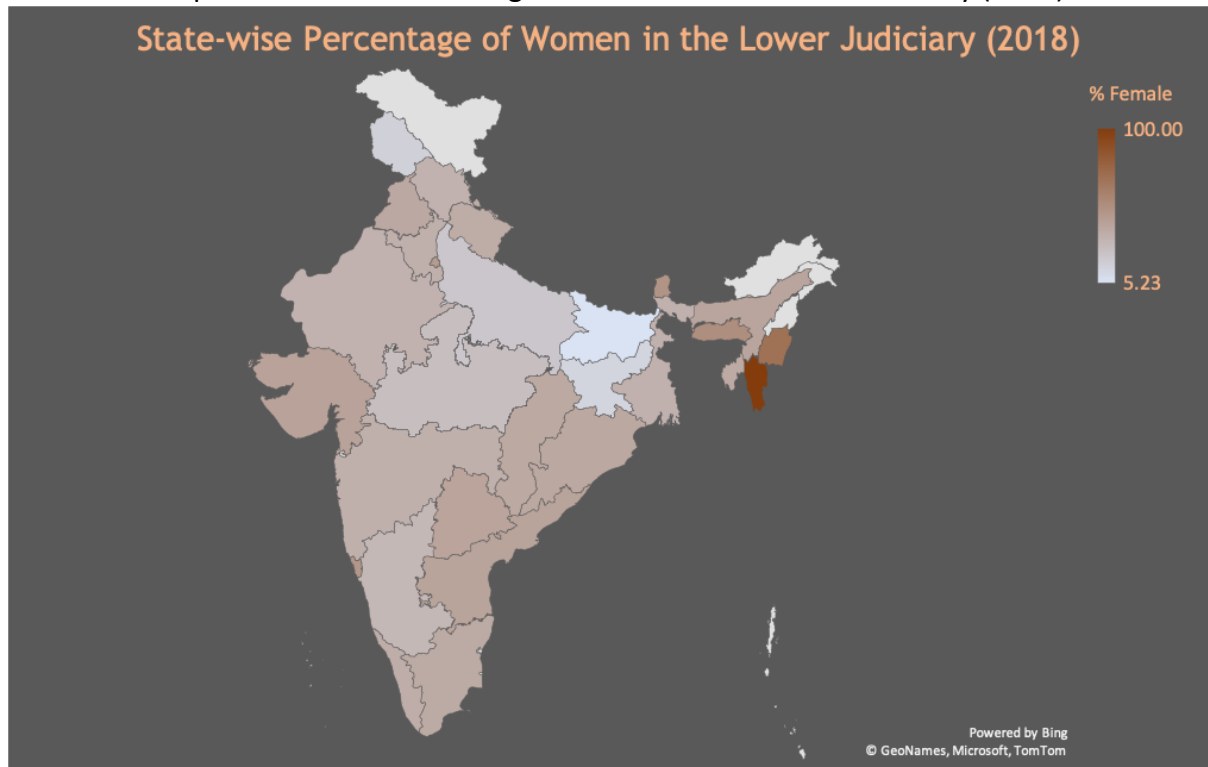
Table 1: Gender composition of men and women across all states in India (2018)

Gender of Judges	Total Number	Percentage
Male	12430	67.75
Female	5398	29.42
Unclear	518	2.82
Total	18346	100

Table 2: State-wise Gender Composition of the Lower Judiciary (2018)

States	Male	% Male	Female	% Female	Total judge	Unclear
Maharashtra	2408	65.68	1258	34.32	3666	58
Andhra Pradesh	324	58.80	227	41.20	551	3
Karnataka	480	70.18	204	29.82	684	27
Kerala	266	64.25	148	35.75	414	4
Himachal Pradesh	117	66.86	58	33.14	175	4
Assam	169	59.72	114	40.28	283	4
Jharkhand	288	86.23	46	13.77	334	0
Bihar	670	94.77	37	5.23	707	2
Rajasthan	853	67.17	417	32.83	1270	9
Tamil Nadu	434	62.18	264	37.82	698	6
Orissa	190	61.09	121	38.91	311	0
Jammu and Kashmir	144	83.72	28	16.28	172	3
Uttar Pradesh	3197	78.53	874	21.47	4071	7
Haryana	234	65.73	122	34.27	356	2
Uttarakhand	156	63.41	90	36.59	246	4
West Bengal	353	66.48	178	33.52	531	6
Gujarat	468	57.92	340	42.08	808	358
Chhattisgarh	71	61.74	44	38.26	115	0
Mizoram	0	0.00	2	100.00	2	1
Tripura	61	62.24	37	37.76	98	0
Meghalaya	21	46.67	24	53.33	45	5
Punjab	176	61.54	110	38.46	286	2
Madhya Pradesh	928	73.83	329	26.17	1257	0
Sikkim	13	50.00	13	50.00	26	2
Manipur	6	30.00	14	70.00	20	2
Delhi	126	54.55	105	45.45	231	4
Chandigarh	10	66.67	5	33.33	15	5
Telangana	252	59.02	175	40.98	427	0
Goa	15	51.72	14	48.28	29	0

Map 1: State-wise Percentage of Women in the Lower Judiciary (2018)



From Table 1, the overall representation of women in the lower judiciary is 29.42% (2018) which is low. From the state-wise data in Table 2, it is evident that female representation is above 50% in smaller states i.e., north eastern states and Goa. Except Assam, Delhi, and Telangana, the percentage of women judges remains below 40% for all other states.

States like Andhra Pradesh, Assam, Bihar, Chhattisgarh, Jharkhand, Karnataka, Odisha, Rajasthan, Tamil Nadu, Telangana and Uttarakhand provide for reservation – about 30-35% of total seats through direct appointment. Direct recruitment is carried out at the entry level positions of Civil Judges (Junior Division) and the higher-ranking posts of District Judges. From Table 2, it is evident that proportion of women in states with reservation varies widely. Telangana has above 40% representation of women judges while states like Bihar and Jharkhand are too low of the India's average.

Table 3: Percentage of Women representation in Lower judiciary from 2010 to 2018

states	2010	2011	2012	2013	2014	2015	2016	2017	2018
Maharashtra	20.76	19.44	25.65	27.10	22.93	25.48	30.81	34.24	33.78
Andhra Pradesh	27.40	29.49	27.14	26.17	35.78	30.51	40.32	38.47	40.97
Karnataka	39.47	36.71	28.25	30.34	31.14	31.82	29.62	32.42	28.69
Kerala	19.83	17.14	18.98	24.80	28.23	27.08	31.39	31.45	35.41
Himachal Pradesh	10.00	0.00	28.89	11.11	22.83	16.67	33.91	35.24	32.40
Assam	61.11	30.77	46.67	31.86	45.96	35.57	39.34	37.74	39.72
Jharkhand	18.18	4.76	8.73	0.81	6.61	3.34	10.36	18.40	13.77
Bihar	0.00	2.97	0.00	0.88	2.78	4.23	5.79	3.96	5.22
Rajasthan	12.90	19.23	33.15	16.33	28.27	26.21	29.52	42.55	32.60
Tamil Nadu	33.33	28.92	34.54	32.27	27.59	35.81	38.75	36.82	37.50
Orissa	20.45	26.58	37.33	16.27	21.32	35.34	26.29	42.26	38.91
Jammu and Kashmir	33.33	14.29	28.57	13.48	15.38	14.13	19.50	15.63	16.00
Uttar Pradesh	5.88	21.59	21.17	13.86	13.22	21.01	20.99	20.40	21.43
Haryana	10.00	27.78	37.45	32.49	28.00	34.09	41.03	37.46	34.08
Uttarakhand	21.05	26.53	28.57	34.92	45.40	39.06	46.76	45.00	36.00
West Bengal	16.67	13.89	39.29	31.69	28.25	23.19	35.36	29.86	33.15
Gujarat	29.65	37.19	36.56	31.90	27.93	30.37	31.37	31.81	29.16
Chhattisgarh	33.33	22.22	30.00	30.77	29.73	26.32	33.33	37.79	38.26
Mizoram	0.00	100.00	0.00	50.00	60.00	66.67	53.85	40.00	66.67
Tripura	0.00	10.71	33.33	7.69	19.51	28.38	33.33	30.43	37.76
Meghalaya	100.00	100.00	0.00	76.92	100.00	73.68	61.29	54.55	53.33
Punjab	56.00	30.19	40.94	40.00	36.73	41.09	43.58	42.01	37.80
Madhya Pradesh	28.24	14.29	18.43	23.21	23.42	17.63	18.25	21.65	26.13
Sikkim	100.00	0.00	52.94	44.44	100.00	82.35	56.82	16.67	50.00
Manipur	0.00	0.00	33.33	40.00	20.00	43.33	25.00	43.48	63.64
Delhi	0.00	0.00	50.00	58.82	36.61	26.47	33.33	31.28	45.06
Chandigarh	0.00	66.67	18.18	38.10	39.29	20.00	25.00	57.89	33.33
Telangana	21.24	31.69	24.06	25.76	42.86	27.04	45.95	35.92	40.60
Goa	47.37	53.33	66.67	43.75	60.00	45.45	53.49	46.67	41.18

From Table 3, it is visible that women representation has increased in almost all states, except Bihar, Jammu & Kashmir, Jharkhand and Karnataka.

Table 4: Tier Wise representation of women in lower Judiciary (2018)

State	Tier	Total Number of Judges	Percentage of Women Judges
Andhra Pradesh	District and Session Judge	247	29.87
	Civil Judge (Senior Division)	76	39.47
	Civil Judge (Junior Division)	77	46.96
Jharkhand	District and Session Judge	58	1.72
	Civil Judge (Senior Division)	21	18.18
	Civil Judge (Junior Division)	44	58.38
Telangana	District and Session Judge	51	27.45
	Civil Judge (Senior Division)	50	54.00
	Civil Judge (Junior Division)	159	27.45
Uttar Pradesh	District and Session Judge	1895	11.13
	Civil Judge (Senior Division)	697	20.27
	Civil Judge (Junior Division)	387	42.04
West Bengal	District and Session Judge	119	24.37
	Civil Judge (Senior Division)	18	33.33
	Civil Judge (Junior Division)	95	48.42

In table 4, female representation at different level of lower judiciary is shown.

Lower judiciary consists of 3 tiers of judges in civil courts – 1<sup>st</sup> Civil judge (Junior Division), 2<sup>nd</sup> Civil judge (Senior Division), top tier 3<sup>rd</sup> District judge. Dataset does not contain separate District and session judge figure; hence District and session judge is used.

Highest tier of district judges is recruited through

1. Promotion based on merit cum seniority from Civil Judges (Senior Division)
2. Promotion based strictly on merit through competitive exams among Civil Judges (Senior Division)
3. Direct recruitment, from advocates with a minimum of 7 years practice through exams that the High courts conduct.

Proportional rise of female judiciary is not observed in promotion to higher tier of lower judiciary(in excel file), hinting at potential bias in promotional processes. Table 4 shows that across all states in table, there is fall in female representation as tier rises.