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EDITORIAL ANALYSIS

Breaking the Last Glass Ceiling: On Women in the Higher Judiciary

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Breaking the Last Glass Ceiling: On Women in the Higher Judiciary

 **The Indian Express** 18 June 2026 **GS2**

Source: ujyari.com — researched, fact-checked & UPSC-mapped



INTERVIEW ANGLE

"Women are barely 4% of Supreme Court judges. Is the Collegium system part of the problem, and how would you increase gender diversity on the higher bench?"

Source: [Original editorial](#)  [The Indian Express](#)

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WHY THIS MATTERS NOW

The elevation of Justice V. Mohana to the Supreme Court, only the second woman in the Court's history to be raised directly from the Bar after Justice Indu Malhotra, has rightly been welcomed. Yet the very fact that such an appointment remains rare enough to merit headlines reveals how far the higher judiciary still is from reflecting the society it serves. As women's share of law graduates and the subordinate judiciary rises, their near-absence at the apex (<https://ujyari.com/vocab/apex/>) demands scrutiny of the process that produces judges.

THE CRUX IN 60 WORDS

Justice V. Mohana's direct elevation from the Bar is historic but exceptional. Women remain about 4% of Supreme Court judges and under 15% of High Court judges. The opaque Collegium, governed loosely by Articles 124 and 217, offers no diversity commitment or transparent criteria. Symbolic appointments cannot replace systemic reform of how the higher judiciary is built.

THE ISSUE, DECODED

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ELEMENT	WHAT IT IS	WHY IT MATTERS
Articles 124 and 217	Constitutional provisions for appointing Supreme Court and High Court judges	The formal source of appointment power, with the President acting on consultation
The Collegium	Judge-led body that effectively selects higher-judiciary judges	Operates without published criteria, making diversity considerations invisible
Direct elevation from the Bar	Appointment of a distinguished advocate straight to the Supreme Court	A route that has produced very few women, Justice Mohana being only the second
Representation gap	Women near 4% of SC and under 15% of HC judges	Apex bench does not reflect the gender profile of the legal profession or society

THE ANALYSIS: WHY THE PIPELINE NARROWS AT THE TOP

- 1 The funnel tightens at every rung.** Women are a growing share of law students and the subordinate judiciary, but the proportion falls sharply at the High Court level and again at the Supreme Court.
- 2 The Bar route disadvantages women.** Direct elevation rewards decades of high-profile litigation practice, an arena where women have historically faced fewer briefs, smaller networks and structural hurdles.
- 3 Opacity** (<https://ujivari.com/vocab/opacity/>) **entrenches the status quo.** Without published criteria, the Collegium's choices cannot be tested against any diversity benchmark, so under-representation reproduces itself.
- 4 Symbolism is mistaken for progress.** Celebrating individual appointments can mask the absence of any systemic mechanism to ensure them.

DATA AND INSTITUTIONS VAULT

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establishment and composition of the Supreme Court and appointment of its judges.

appointment and conditions of office of High Court judges.

evolved through the Three Judges Cases (1981, 1993, 1998); it is a judicial innovation, not a constitutional text.

the National Judicial Appointments Commission was held unconstitutional in 2015 (Fourth Judges Case), preserving the Collegium.

*(2018) was the first woman elevated directly from the Bar; **Justice V. Mohana** is the second.*

THE DEBATE

The argument for active diversity: A judiciary that mirrors society commands greater legitimacy and brings a wider range of experience to the bench, strengthening gender-justice adjudication. Transparent diversity goals widen the talent pool rather than shrink it.

The argument against: Purists insist appointments must rest solely on merit and seniority, warning that engineering diversity could politicise selection and erode judicial independence.

The balanced verdict: Diversity and merit are not rivals. The real problem is an opaque process that obscures both. Transparent criteria and [deliberate](https://ujjiyari.com/vocab/deliberate/) pipeline-building can expand the pool of qualified women without diluting standards, and would actually strengthen, not weaken, the bench's legitimacy.

HOW TO THINK ABOUT THIS (TRANSFERABLE SKILL)

Distinguish representation from inclusion. A single high-profile appointment is representation; a process that reliably produces diverse appointments is inclusion. When evaluating any institution's diversity claims, ask whether the outcome is the product of a system or an exception. Exceptions reassure; systems reform.

DIAGRAM-IN-WORDS

Law schools (rising women) -> subordinate judiciary (substantial women) -> High Courts (under 15%) -> Supreme Court (about 4%)

Reform widens each upward arrow: transparent criteria -> pipeline support -> direct elevation of eminent women -> a representative apex bench

THE WAY FORWARD

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- 1 **Publish transparent appointment criteria** so that diversity, alongside merit, becomes a visible and testable consideration.
- 2 **Build the pipeline deliberately** by mentoring and elevating women in the subordinate judiciary and the Bar.
- 3 **Widen direct elevation from the Bar** to consider more distinguished women advocates for the higher bench.
- 4 **Improve enabling conditions** including infrastructure, sittings practice and chambers culture that disadvantage women advocates.
- 5 **Track and report diversity data** annually to make under-representation a measured, accountable concern.

THE TAKEAWAY BOX

Use in GS2 polity answers on judicial appointments, the Collegium, and representation as a constitutional value.

“Counting individual appointments as victories is the surest sign that the system has not changed.”

Article 124 (SC), Article 217 (HC), Three Judges Cases, NJAC struck down in 2015, Justice Indu Malhotra as first woman elevated from the Bar.

Equity versus formal equality in institutional design, and the responsibility of self-selecting bodies to reflect the public they serve.

Connects to past GS2 questions on judicial appointments and the independence-versus-accountability debate.

The Collegium versus NJAC debate, judicial reforms, and women’s representation in legislatures and the bureaucracy.

Sources: *Indian Express* (<https://indianexpress.com/section/opinion/editorials/>), *The Hindu* (<https://www.thehindu.com/opinion/editorial/>)

Source: Breaking the Last Glass Ceiling: On Women in the Higher Judiciary — Ujiyari.com | Free UPSC & State PCS Editorial Analysis

KEY ARGUMENTS AT A GLANCE

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Symbolic milestones in elevating women judges cannot substitute for systemic reform of an opaque appointment process that keeps women a token presence on the higher bench.

✓ SUPPORTING

- Justice V. Mohana is only the second woman raised directly from the Bar to the Supreme Court, after Justice Indu Malhotra, underlining how rare such elevations remain.
- Women constitute roughly 4% of Supreme Court judges and under 15% of High Court judges, despite rising numbers in law schools and the lower judiciary.
- The Collegium's opaque, seniority-anchored process offers no transparent criteria or affirmative consideration for diversity, so under-representation perpetuates itself.

⚠ COUNTER

Some argue that judicial appointments must rest on merit and seniority alone, and that engineering diversity risks compromising independence and quality.

→ WAY FORWARD

Publish transparent appointment criteria, actively build a pipeline of women advocates and judges, expand consideration of distinguished women jurists from the Bar, and improve enabling conditions across the judicial career ladder.


MAINS ANSWER FRAMEWORK

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QUESTION

"Gender diversity in the higher judiciary is a constitutional value, not merely a matter of representation." Critically examine the structural barriers to women's elevation and suggest reforms. (250 words)

INTRODUCTION

The elevation of Justice V. Mohana, only the second woman raised directly from the Bar to the Supreme Court after Justice Indu Malhotra, is a welcome milestone. But a milestone that is still being counted in single digits exposes how shallow the progress on judicial gender diversity remains.

BODY

Articles 124 and 217 of the Constitution govern appointments to the Supreme Court and High Courts, but the operative process is the Collegium, an opaque, judge-led mechanism with no published criteria. Women form roughly 4% of the Supreme Court and under 15% of High Court judges, even as they are a rising share of law graduates and the subordinate judiciary.

The pipeline narrows sharply at every step upward, reflecting both structural barriers, such as fewer years of high-profile Bar practice and limited networks, and the absence of any institutional commitment to diversity in the selection process. Diversity on the bench is not cosmetic.

A judiciary that reflects the society it judges enhances both the legitimacy of its verdicts and the range of lived experience brought to adjudication, particularly in matters of gender justice. The answer is not to dilute merit but to widen the funnel: transparent criteria, deliberate pipeline-building, greater consideration of eminent women advocates for direct elevation, and enabling conditions across the career ladder.

CONCLUSION

Counting individual appointments as victories is the surest sign that the system has not changed. A higher judiciary that needs to celebrate the second woman elevated from the Bar in its history has structural work still to do.


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