

SUPREME COURT WOMEN LAWYERS ASSOCIATION (SCWLA)

Registered Under Society Registration Act XXI of 1860
Chamber No. 82, Old Lawyers Chambers, Supreme Court Compound,
Supreme Court of India, New Delhi-110001
Contact Number: 9873061188

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To,

**Mr. Justice Sharad A. Bobde
Hon'ble Chief Justice of India
5, Krishna Menon Marg
New Delhi -110001**

**SUBJECT- URGENT CONSIDERATION FOR
APPOINTING LADY JUDGES TO HIGH COURTS**

Respected Lordship,

I would firstly like to extend my gratitude for evincing an unflinching interest in the welfare of advocates by commissioning a brand new building apart from the already existing allotted building for chambers of advocates. I deeply thank My Lord to have taken immediate cognizance of the situation with your unrelenting magnanimity. The speedy action taken by you on receipt of my last communication addressed to you has prompted me to write to you yet again. I'm convinced that as the leader of the Judiciary Milord is well aware about the gaping vacancies in both the lower and higher judiciary and also the widening gap in the gender ratio on the bench. The problem of vacancies is acute, as even in the Hon'ble Supreme Court, three Hon'ble Judges have retired since March 2020 but no new names have been proposed for elevation to remedy the vacancy arising out retirement of the Hon'ble Judges.

Milord, as the President of the Supreme Court Women Lawyers Association I'm in receipt of numerous representations from different women lawyer groups and associations. All these communications advert to the gaping disparity with measly number of women as Judges in the High Courts all across India. Recently, the Attorney General for India, in a matter being heard by a three-judge bench led by Justice Khanwilkar, admitted and acknowledged the problem with limited women being appointed to the Bench. The statistics referred to him on total number of lady judges in the High Courts projected a deeply concerning state of things.

While, I'm certain that Milord who is certainly effulgently energetic would have taken note of the suggestions made by the learned Attorney General with respect to annual data collection of the number of lady judges- in High Courts, Lower Courts, Tribunals and data collection of the number of lady senior counsel designates by the High Courts, I would further like to supplement the learned Attorney General and make a few suggestions, that they are as follows-

- (I) The Supreme Court Bar has wonderful, morally incorruptible, talented ladies, who have reached the pinnacle of success as Advocates and Advocates on Record, they have requisite experience of 20 years and have a fruitful practice. Experienced, integrity driven and tenacious women practicing in the Supreme Court of India should be considered by Milords for appointment to all High Courts.

This consideration for sending reputed advocates as judges should be irrespective of any objection made by the different High Court Bar Associations once Milords is satisfied of their merit and integrity.

(II) Milords, in my professional experience I have had the pleasing opportunity of visiting colleges as an ad-hoc lecturer and on invitation as Guest lecturer, I have always posed this question to my student audience- as to how many students would be willing to join the judiciary soon after law college. I have always been delighted with the number of enthusiastic young girls who are strongly committed to the idea of serving in the Judiciary. I urge you to initiate a reformative approach with the able assistance of National Law Universities and leading Private law colleges, namely that mandatorily every law college having over 200 students batch strength shall provide coaching and guidance for the judiciary in the 4th and 5th year for women law students, preferably free of cost or with a minimum fee-cap. This move will ensure safety of women who are collegially located in far off & desolate areas as they will not have risk travelling to institutes and spending humongous amounts of money as tuition fee.

(III) Milords, I have after due consideration arrived at the conclusion that if women are to be at the helm of affairs in the lower judiciary, they need to be provided adequate facilities- in terms of cleanliness of court complexes and

additional staff which can ensure a better, quicker and efficient judgment delivery system. For a cleaner and safer environment for all women in the lower judiciary, A District Court needs to imperatively have an reasonably equipped infirmary, an ambulance, cleaner washrooms, a creche, digitalization of records and new computers, desktops and software equipments conversant with the latest quandary of the world- Covid-19. Furthermore, a judge of the lower court needs to have adequate staff, I'm completely in agreement with the inability to proceed beyond the sanctioned staff strength and I suggest to you that the youth aspiring to be advocates can play an instrumental part in this. Every Law School should mandatorily introduce a new course subject called "Judicial Assistance" that would make it necessary for each law student of the 4th /5th year to assist a Judge of the lower court for a total of 50 credit hours per year. Such a subject would be graded like any other credit subject and the grade can be partly predicated on the kind of assistance that was provided to the Judge. This suggestion, if implemented correctly may palpably reduce the backlogs of cases. As every law student in today's India is well versed with technological advancements, the pupil can offer excellent research skills and even help with typing dictated judgments or draft orders. This would reduce the burden of the poor judge who has very limited staff, almost most of whom are peon's, stenographers, assistants and clerks can't assist her/him in legal research work.

(IV) Lastly, Milords I would only reiterate the necessity to externally and internally sensitize presiding Judges of Hon'ble High Courts and District Courts to use temperate & neutral language, to avoid histrionics and to eschew making personal comments on the bodily characteristic or personal character (not professional integrity) about parties appearing before them. Judges should be sensitized to the extent that they don't pass blatant orders as passed by a Ld. Judge in Madhya Pradesh High Court while granting bail to a rape accused or like a Ld. Judge of the Karnataka High Court making an intriguing comment about the chastity or purity about a victim of sexual abuse.

I'm absolutely hopeful that Milords would certainly set the ball rolling in the cause of advancing gender neutrality on the bench across the all Indian Judicial diaspora.

In anticipation of your esteemed response.

Sincere Regards

Most Respectfully

Mahalakshmi Pavani
Senior Advocate
President, SCWLA

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CC:- Copy to Sri.K.K.Venugopal
Learned Attorney General for India.