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ABOUT US

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WOMEN, JUSTICE AND DEMOCRACY: A COMPARATIVE ANALYSIS OF FEMALE JUDICIAL LEADERSHIP

AUTHORED BY - DHANYAKESARI RAO GURPUR

INTRODUCTION

This paper explores the underrepresentation of women in higher judiciary¹ by examining the legal careers of two prominent judges: Ruth Bader Ginsburg of the United States Supreme Court and Ruma Pal of the Supreme Court of India. Both women achieved the highest positions in their respective judiciaries. The paper analyses their personal narratives, landmark judgments, and efforts to challenge societal norms.

This study utilizes a comparative case study design. Previous studies primarily focus on quantitative data, such as the number of women judges, without delving into the lived experiences and challenges these women face. This paper addresses this gap by providing a qualitative analysis which provides practical insights into barriers female justices face to reach the pinnacle of their career. The study is limited by its focus on only two female judges, which restricts the scope of generalizability to wider trends.

1. Ruth Bader Ginsburg- Champion of women's rights.

Born in 1933, in Brooklyn, New York, Joan Ruth Bader later known as Ruth Bader Ginsburg was to a great extent shaped by her parents during the Great Depression. Her father had an impecunious existence and mother laboured in a garment factory. Ruth's mother made it very clear to her that only her scholastic abilities would make a paradigm shift in her life. All the way through Ruth's high school years, her mother fought with cancer, but lost her life the day before her daughter graduated in flying colours at James Madison High school.²

¹ Statista, 'Gender Distribution of Justices in the Supreme Court of the United States from 1789 to 2023', 2023. <https://www.statista.com/statistics/1327328/supreme-court-justices-gender/>; Ministry of Statistics and Programme Implementation, 'Women and Men in India 2023' 2023. https://mospi.gov.in/sites/default/files/reports_and_publication/statistical_publication/Women_Men/mw2/DecisionMaking.pdf. Accessed 15 Dec 2024.

²Ginsburg, Ruth Bader, Mary Hartnett, and Wendy W. Williams. My Own Words. New York: Simon & Schuster, 2016. ISBN 978-1501145247; "Ruth Bader Ginsburg." Oyez, www.oyez.org/justices/ruth_bader_ginsburg. Accessed 5 Jan 2025.

Ruth went in for higher studies at Cornell University. Perhaps at that point, without her mother she felt the need for emotional bond and also a companion to emulate similar values. Another law student Martin D Ginsburg came into her life. In 1954 Ruth again outdid her class and also got married Martin. Early on, life was demanding as she had a baby girl and before long Martin was mobilized into the military in 1954. Once relieved, the duo went to Harvard University and Ruth enrolled as a law student.³

The dean of law school disapproved of women, that they were taking up places befitting men alone. In a class of 500, Ruth had only seven other women with her. In these antagonistic environs, Ruth did extremely well and became a member of the prestigious Harvard Law Review. On her warpath, came her husband's diagnosis of cancer. Undaunted Ruth attended her classes as well as Martin's, typed both their papers, took care of Martin and their child. Martin pulled through and got back to his feet, completed his course, took up a job doing tax laws in a New York law firm. As she wanted to stay close to him, Ruth moved to Columbia University in her final year of law school. She did well there too and won a seat on Columbia's Law Review. This made her the first law student, male or female to serve on both the Harvard and Columbia Law Reviews.⁴

While seeking out for a legal job, three arrows staged lightning strikes against her. In her words, she was *"a Jew, a woman, and a mother—that was a bit much."* In the due course she had a clerkship in hand, with Judge Edmund L. Palmieri of the United States District Court for the Southern District of New York. This didn't come up-front either. The chair of the Columbia Law School clerkship committee Professor Gerald Gunther, twisted some arms.⁵

Ruth kept alive close ties with Columbia Law School all through her career. She became the first female tenured professor at the Law School when she graduated.⁶

³ McCaffrey, Paul. Ruth Bader Ginsburg: U.S. Supreme Court Justice. New York: Chelsea House Publishers, 2010. ISBN 978-1-4381-3475-8. Ginsburg's academic success at Cornell, finishing first in her class, was impressive, particularly given the social expectations placed on women at the time. difficulties many women encountered in balancing familial responsibilities with academic and professional ambitions during the mid-20th century.

⁴ "Ruth Bader Ginsburg." HISTORY, A&E Television Networks, <https://www.history.com/topics/womens-history/ruth-bader-ginsburg>. Accessed 4 Jan 2025. Despite the adversity, her academic excellence and resilience in overcoming personal and professional obstacles made her a trailblazer.

⁵ "At the U.S. Supreme Court: A Conversation with Justice Ruth Bader Ginsburg." Stanford Lawyer, Fall 2013, no. 89, <https://law.stanford.edu/stanford-lawyer/articles/legal-matters/>. last accessed 1 Jan 2025.

⁶ "The Academic Side of RBG." Columbia Law School, 2021, www.law.columbia.edu/news/archive/academic-side-rbg. last accessed 3 Jan 2024. She introduced Columbia's first Sex discrimination law course and seminar to

In the 1970s, Ginsburg steered the American Civil Liberties Union (ACLU) in several significant legal battles. Several of these, led the Supreme Court, to bring about a number of legal prohibitions against sex discrimination in the United States. This helped lay the base for women's rights advocacy in future. By 1974, the Women's Rights Project and ACLU affiliates took up over 300 sex discrimination cases.⁷

One such case is *Reed v. Reed*, the four key points of Ruth's remarkable advocacy in the case can be summarized into - using the Fourteenth Amendment's Equal Protection Clause, challenging Gender Stereotypes, focusing on the Impact of Discrimination on both men and women and the Civil Rights Movement. The most noted one amongst the four the Fourteenth Amendment's Equal Protection Clause, stated that no person shall be denied equal protection of the law. Ruth argued that it applied to women by her signature statement "the last she checked, women were people."⁸

In the landmark Supreme Court case *Weinberger v. Wiesenfeld* (1975) Ruth placed her argument stating that the exclusion of widowers from survivor benefits in Social Security constituted gender discrimination. The Court unanimously ruled in favour of the widower, declaring the gender-based distinction in survivor benefits as unconstitutional. The decision created a new class a new class of Social Security survivor benefits for widowers, ensuring equal treatment for all surviving parents. This effectively pierced through gender stereotypes.⁹

President Carter appointed Ruth to the US Court of Appeals for the DC Circuit in 1980, where she spent 13 years. The rock-solid respect she gained there played a pivotal role in President Bill Clinton subsequent nominating her to the Supreme Court in 1993. This made her only the second woman nominated to the Supreme Court.¹⁰

empower future female advocates. Her penchant for justice makes her fight the university when it lays of 25 female maids but not a single male janitor.

⁷ "ACLU Statement on the Passing of Justice Ruth Bader Ginsburg." ACLU of Northern California, 2020, www.aclunc.org/news/aclu-statement-passing-justice-ruth-bader-ginsburg; "Raising the Bar: Ruth Bader Ginsburg and the ACLU Women's Rights Project." *The Texas Journal of Women & the Law*, vol. 11, 2002, pp. 157-180.

⁸ "Reed v. Reed at 40: Equal Protection and Women's Rights." *Journal of Gender, Social Policy & the Law*, vol. 20, no. 2, 2011, Article 1. Available at: <http://digitalcommons.wcl.american.edu/jgspl/vol20/iss2/1>. last accessed 2 Jan 2025.

⁹ "Weinberger v. Wiesenfeld." *Oyez*, www.oyez.org/cases/1974/73-1892. Accessed 15 Jan 2025.

¹⁰ Shapiro, Alexandra A.E. "Reflections on Justice Ruth Bader Ginsburg and Her Approach to Criminal Law and Procedure." *Stanford Law Review*, vol. 89, Fall 2013, pp. 1-20.

Ruth stood in front of the Senate Judiciary Committee and answered challenging questions from senators about various legal issues. Her extensive knowledge of the law and her personal account of triumph over sexual discrimination in her career impressed the committee members. She won a near-unanimous vote of 96–3.¹¹

Justice interrupted¹² describes the phenomena of interruptions in SCOTUS. It is the most influential paper written on the Supreme Court. They analysed audio recordings of the court from the year 1946 and draw a causal inference that female justices in SCOTUS are more likely to be interrupted by male justices and lawyers. Justice Ruth who became a justice of the SCOTUS too had to circumnavigate these interruptions by using strategic techniques to convey her point.

Justice Ruth Bader Ginsburg is generally considered to have been liberal at the Supreme Court. When it came to capital punishment, Justice Ruth left no room for unfairness. In all of her long career, and the myriad cases she heard, there have been only 3 cases where she sentenced them to a death penalty, which reveals her jurisprudence and a concern to uphold the highest standards of justice.¹³

Justice Ruth struck down the Virginia Military Institute's male-only admission policy as a violation of the Fourteenth Amendment's Equal Protection Clause in the landmark case of *United States v. Virginia* (1996). It marked a significant victory for gender equality and spelt out a distinct approach to jurisprudence of gender discrimination. It balances the need to pull apart bigoted hurdles with the awareness that not all gender-based differences are inherently suspect. Justice Ruth opted for a less stringent standard in *Virginia*. She emphasized the requirement for an "exceedingly persuasive justification" for any gender-based classification.¹⁴

¹¹ McCaffrey, Paul. *Ruth Bader Ginsburg: U.S. Supreme Court Justice*. New York: Chelsea House Publishers, 2010. ISBN 978-1-4381-3475-8.

¹² Tonja Jacobi & Dylan Schweers, 'Justice, Interrupted: The Effect of Gender, Ideology and Seniority at Supreme Court Oral Arguments' (2017) 103 *Virginia Law Review* 1379. When asked how many women judges would be enough on the bench Justice Ruth simply says when there are nine.

¹³ Haring, Sidney L. and Kirchmeier, Jeffrey L., *Celebrating the Jurisprudence of Justice Ruth Bader Ginsburg: Scrupulous in Applying the Law: Justice Ruth Bader Ginsburg and Capital Punishment* (September 1, 2004). *New York City Law Review*, Vol. 7, p. 241, 2004, Available at SSRN: <https://ssrn.com/abstract=1282277>. last accessed 6 Jan 2025.

¹⁴ Maltz, Earl M. "The Road to *United States v. Virginia*: Ruth Bader Ginsburg and the Battle Over Strict Scrutiny." *Journal of Law and Policy*, vol. 20, no. 2, 2011, pp. 1-30. She put the onerous task of demonstrating the legitimacy of such classifications on the government.

Justice Ruth was responsible for a huge number of dissenting opinions while at the Supreme Court. Soft Dissent meant that Justice Ruth had a tangible yet narrow disagreement with the majority's interpretation of the law, bringing forth a distinctive conclusion. In the *Muscarello v. United States*, the federal criminal code imposed an imprisonment term upon a person "who uses or carries a firearm" during and in relation to a drug trafficking crime. Justice Ruth differed from the majority who said that the term also included possessing or conveying them in a vehicle, she said that the word "carry" meant bearing them in any manner that they could be used as weapon. The legal analysis is same but the conclusions by majority and Ruth were different.¹⁵

Whereas profound dissent meant, Ruth differed from the majority not only in the conclusion but also the legal analysis. Her profound dissent is seen while championing the underprivileged, which is exemplified in her dissents in cases like *Shelby County v. Holder* on voting rights and *Ledbetter v. Goodyear Tire & Rubber Co.* on employment discrimination. It can also be seen in her focus on equality and autonomy. This is seen in her forceful defence of women's reproductive rights in *Gonzales v. Carhart*, where she framed abortion as a crucial aspect of women's "ability to determine her life's course, and thus to enjoy equal citizenship stature". Her dissents in *Ledbetter* spurred legislative action, leading to the enactment of the Lilly Ledbetter Fair Pay Act and the ongoing efforts to restore the Voting Rights Act, respectively. This was one of those examples where her profound dissent was strategic and forward-looking.¹⁶

Justice Ruth Bader Ginsburg, was seen as a culturally iconic woman contesting societal norms in a male-dominated field. Her waves went beyond the courtroom. She was seen on T-shirts and tattoos. A species of praying mantis was named after her. The "Notorious RBG" label symbolises Ginsburg's transformation into a beacon of hope and resilience in the fight for equality.¹⁷

Justice Ruth inspired innumerable lives. Brenda Feigen, underlines how her "laser focus" on feminist jurisprudence. Deborah Jones Merritt points that her legal work always people-centric

¹⁵ Gan, Orit. "I Dissent: Justice Ginsburg's Profound Dissents." Rutgers University Law Review, vol. 74, 2022, Available at SSRN: <https://ssrn.com/abstract=3951840>. last accessed 5 Jan 2025. Dissent could be seen as either "soft" or "profound", based on the nature and extent of deviation from the widely held opinion.

¹⁶ Ibid.

¹⁷ Carmon, Irin, and Shana Knizhnik. Notorious RBG: The Life and Times of Ruth Bader Ginsburg. New York: Harper Collins, 2015.

and not just theoretical. Daphna Renan, who clerked for her in 2006, recalls how her then 83-year-old Justice spoke of the need for "women of Lockwood's sense and steel" to continue the fight for equality. Justice Ruth's impact on the American judiciary and the progress of gender equality is irrefutable and thorough.¹⁸

Justice Ruth Bader Ginsburg succumbed to recurrent pancreatic cancer in 2020, at the age of 87. Ginsburg's final wish was to not be replaced until after the presidential election, fearing her replacement by President Trump would impact the court's balance.¹⁹

2. Ruma Pal- A vocal critic of all that is wrong.

Born in 1941, in Assam, India, Ruma Pal was to a great extent shaped by her parents during the pre and early Indian Independence. Her father had a transferrable job in the postal and telegraph department which led her to attending schools in six cities and eventually winding up her schooling in Nainital. Her mother found her upbringing to be too westernized and sent her to study at Visva Bharati at Shantiniketan. This was a life changing experience, with a profound influence of Rabindranath Tagore still being there even though he was not physically alive. Music, freedom and culture marked the day at Shantiniketan. She topped the exams at Shantiniketan.²⁰

When she lost her father she moved to Nagpur, to stay with her brother. It was her brother who persuaded her to pursue law. She approached the Nagpur Law College. The Principal of Nagpur Law College tried to talk Ruma out of it. She was the only female applicant. He tried convincing her brother to talk her out of studying law as well, in vain. As legally, admission to Ruma Pal could not be turned down, the principal had to take her in. Gender bias did not stop there, when Ruma sat on a bench, all the boys vacated the bench and cramped up benches away from her.

¹⁸ "In Memoriam: Justice Ruth Bader Ginsburg." Harvard Law Review, vol. 134, no. 3, Jan. 2021, pp. 882-895. <https://harvardlawreview.org/print/vol-134/memoriam-justice-ruth-bader-ginsburg/>. last accessed 7 Jan 2025. As Feigen explains, Ruth's early legal victories, such as *Reed v. Reed*, recognised key legal principles that laid the footing for future challenges.

¹⁹ Westfall, Sandra Sobieraj. "Inside Ruth Bader Ginsburg's Quiet Final Days: 'She Was Making Plans to Live.'" People, 2020, <https://people.com/politics/ruth-bader-ginsburg-inside-quiet-final-days-cover/>. last accessed 2 Jan 2025. Her last words suggest that even on her death bed that she was concerned about the potential impact her successor might have on the Supreme Court and the direction of the court's decisions.

²⁰ S J A N U J S. "Exclusive Interview with Justice Ruma Pal, Former Judge, Supreme Court of India." S J A N U J S, 2019, <https://www.sjanujs.org/post/exclusive-interview-with-justice-ruma-pal-former-judge-supreme-court-of-india>. last accessed 20 Dec 2024. Her schooling in Shantiniketan laid the foundation for her belief system. The progressive schooling gives her a profound sense of equality which enables her to fight for her rights and that of others in the coming years.

eventually she was given a separate table and chair near the teacher so that there was space for the boys to sit. She graduated first class from Nagpur and moved to Oxford to do a BCL from St. Anne's College.²¹ She married Samaraditya Pal, who was an advocate.²²

After her BCL at Oxford, she returned to Calcutta, India and tried for a teaching job at the University. She was denied the job citing lack of teaching experience. While actively looking for a job, a solicitor's firm even told her that they had a rule against hiring women. In the due course she joined the chambers of Sidhartha Shankar Ray, who later became the chief minister of West Bengal. When she saw the initial political overtures at his law chambers, Ruma decided to quit and built her own practice. As a practicing woman lawyer, she faced harsh remarks. She was once told that she won a case because of her pretty face. At another time, at the Howrah court a crowd gathered and said "Come and see a girl argue". Undaunted by all these, Ruma became one of the leading lawyers of Calcutta High Court. When in her late forties, she was offered a judgeship at the High Court and she gladly accepted it.²³ Aged forty-seven at that time, she says that she was getting tired of the physical and mental stress of running a successful practice. Thus, in August 1990, she became a judge of the Calcutta High Court already sure about the kind of judge she did not want to be.²⁴

In 2000, CJI A.S. Anand was to administer the oath to three new judges Doraiswamy Raju,

²¹ <https://www.barandbench.com/interviews/conversation-justice-ruma-pal-premium-content>. One the last day of her law college one person walks up to her and tells her that she should go to Oxford for further studies. When choosing the college, she incidentally picks Anne's because it is on the top of the list.

²² Dakshayani Velayudhan Digital Archive for Constitutionalism and Gender Rights. DVDA, www.dvda.in/799-2/. last accessed 1 Jan 2025. Vidhi Centre for Legal Policy. "Women and the Republic - Episode 8: Justify (ft. Justice Ruma Pal)." YouTube, 2020, <https://youtu.be/w3bTtaw3J0?si=EbpcS6OxMLfMHITs>. She believes that the Collegium system should be more transparent. She specifically suggested doing away with the interviews of High Court judges who are being considered for elevation to the Supreme Court. Pal believes that the Chief Justice of the High Court has already recommended names based on certain criteria, and it would be a futile exercise to interview. On the matter of increasing diversity of judges, she highlights the need for appointing for women judges. There is a reference to Justice who had said that there would be enough women on the bench when there were nine.

²³ Justice Rumapal Women's Day Speech March 8, 2019 | Part 2." Live Law, <https://www.youtube.com/watch?v=iVJRlkzw71o&list=PLyG6V9wApKdjeM58S7mqxTWQ2UEMwyDoe&index=3>. last accessed 7 Jan 2025. She said that while the legal profession presented many obstacles to all the gender-based discrimination added to them. When she started practicing law, she continued to encounter gender discrimination in three forms. First, from clients often had a prejudice against women lawyers. They believed women were not capable of understanding complex legal issues or holding their own against male lawyers. Second from male lawyers who often underestimated her abilities, she recounted an instance when a senior lawyer, upon seeing a draft prepared by her, asked if she had prepared it or if it had been prepared for her. Finally, she found that she was often people who attributed her success to a judge being kind to a woman. In the Calcutta High Court, she did not face any discrimination because the previous female judges had paved the path for her acceptance.

²⁴ Agrawal, Anuj. "The Calcutta Seniors Part III: Justice Ruma Pal." Bar and Bench, 2014, <https://www.barandbench.com/interviews/calcutta-seniors-part-iii-justice-ruma-pal>. last accessed 1 Jan 2025.

Ruma Pal and Y.K. Sabharwal. For reasons that remain unclear the male judges were sworn-in in the morning while Ruma Pal could take the oath only in the evening. That was because she was informed late about the change in the swearing-in date. The male judges had, however, received the information in time. The unfortunate delay in informing Justice Ruma about the postponed swearing-in date is the reason that she did not have the seniority to become the Chief Justice of India. This questionable act raises the question of whether it was a mere coincidence or an act with intention.²⁵

Justice Ruma argues that true "judicial action" lies in decisions that uphold universally accepted criteria for dealing with this issue. Courts sometimes fail to recognize the offense of violence against women due to judicial biases rooted in gender. She cites cases where judges disbelieved rape victims because of their caste or profession. Women often encounter procedural obstacles when seeking justice. While the Supreme Court has laid down guidelines to assist victims, including legal representation and compensation mechanisms, implementation remains slow and inadequate. The landmark *Vishaka* case exemplifies judicial success in recognizing sexual harassment as a form of violence against women and establishing guidelines for its prevention. Her analysis underscores the complexities of seeking justice for violence against women in India.²⁶

Justice Ruma provides for a profound dissenting opinion in the *T.M.A. Pai Foundation* case centres on the protection of minority rights in education. She argues that the majority opinion's application of Article 29(2) to minority institutions is an intolerable encroachment on the fundamental right guaranteed under Article 30(1). Pal contends that forcing minorities to comply with Article 29(2) to receive aid would effectively deny them the very benefit they sought by establishing their institutions. This, she argues, amounts to an unconstitutional waiver of a fundamental right. She also dismisses the analogy of Article 28 that is drawn. She concludes by characterizing Article 29(2) as an individual right, not a class right, meaning the state cannot dictate the percentage of seats for non-minority students in minority institutions.²⁷

²⁵"Gender Injustice in the Judiciary." Forward Press, 2015, <https://www.forwardpress.in/2015/05/gender-injustice-in-the-judiciary/>. last accessed 1 Jan 2025.

²⁶Pal, Ruma. *Redress for Violence Against Women in India: The Successes and Failures of Judicial Action*. 2007.

²⁷Kumar, Virendra. "Minorities' Right to Run Educational Institutions: 'T.M.A. PAI Foundation' in Perspective." *Journal of the Indian Law Institute*, vol. 45, no. 2, 2003, pp. 200–38. JSTOR, <http://www.jstor.org/stable/43953411>. last accessed 10 Jan 2025. Justice Pal's dissent in the *T.M.A. Pai Foundation* case can be characterized as profound because she fundamentally disagreed with the majority's interpretation of the relationship between Articles 29(2) and 30(1). Her dissent went beyond the immediate issue of admissions and addressed the broader question of minority rights. She employed strong language and presented

Justice Ruma Pal stood out for her independent judicial approach, diverging from the norm that prioritized the wife's convenience in matrimonial transfer petitions. Unlike the standard practice noted by CJI U.U. Lalit, she refused such petitions solely based on gender, emphasizing fairness and equality before the law. Her decisions challenged gender stereotypes, reflecting a progressive, merit-based perspective that balanced both parties' circumstances.²⁸

Justice Ruma, one of the longest-serving women SC judges, was the 1st woman who was part of the Collegium system for three years until her retirement in 2006.²⁹

Justice Pal highlights the challenges to judicial independence in India. She draws attention to examples of situations where the executive branch has attempted to interfere with the judiciary, such as through the supersession of senior judges and the transfer of judges to other High Courts. She is critical of the trend of tribunalization of justice in India and its bearing on judicial independence. This is evident given the act of transferring judicial powers to tribunals, which are often manned by members of the executive branch. She contends that this destabilizes the separation of powers and erodes the independence of the judiciary.³⁰

Justice Ruma's identification of the seven sins of judges is a powerful critique of the judiciary. These acts if left unimpeded, can seriously undermine the integrity and independence of the judicial system. This translates into a need for transparency and accountability. One must not lose sight of the fact that the judiciary as an organ of the State is not above the law, being accountable provides the foundation for public trust. Furthermore, the issue of nepotism and favouritism strikes at the heart of judicial independence. If judges are perceived as being influenced by personal relationships or biases, it undermines the very foundation of a fair and impartial justice system.³¹

a well-reasoned argument that challenged the majority's logic and interpretation of the Constitution. She used terms like "erroneous," "anomalous result," and "intolerable encroachment" to describe the majority's position, highlighting her strong disagreement. Her reasoning drew upon the historical context of minority rights.

²⁸ Sharma, Padmakshi. "Wife's Convenience General Rule in Transfer Petitions; Only Judge I've Seen Refuse This Ground Is Justice Ruma Pal: CJI UU Lalit." Live Law, 4 Nov. 2022, <https://www.livelaw.in/top-stories/wifes-convenience-general-rule-in-transfer-petitions-only-judge-ive-seen-refuse-this-ground-is-justice-ruma-pal-cji-uu-lalit-213248>. last accessed 2 Jan 2025.

²⁹ "SC Collegium Gets a Woman Member After 13 Years – Justice Banumathi." The News Minute, 2019, <https://www.thenewsminute.com/news/sc-collegium-gets-woman-member-after-13-years-justice-banumathi-112470>. last accessed 2 Jan 2025.

³⁰ Lecture delivered at V. M. Tarkunde Memorial Lecture in IIC, New Delhi on 10th November 2011. Published in The Radical Humanist magazine on December 2011, Vol. 75, No. 9, pp. 6–15.

³¹ Ibid. The 7 sins of judges as described by Justice Ruma Pal in her lecture are-turning a Nelsonian eye to the injudicious conduct of fellow judges, hypocrisy in enforcing the law for others while breaking it themselves,

She advocates for a nuanced understanding of the separation of powers doctrine in the Indian context. She acknowledges the functional overlap between the branches of government, arguing that this interplay contributes to a system of checks and balances rather than negating the principle of separation of powers. However, she expresses concern about the dominance of the executive branch within this framework, particularly given its relationship with the legislature in a parliamentary system. She underscores the essential role of judicial review in upholding the Constitution and ensuring that all branches operate within its limits.³²

Justice Ruma, who retired as number two in the hierarchy, had talked about the proceedings of the collegium system in a lecture after her retirement and presented a nuanced critique of the existing system of appointment of judges. *“Consensus within the Collegium is sometimes resolved through a trade-off resulting in dubious appointments with disastrous consequences for the litigants and the credibility of the judicial system. Besides, institutional independence has also been compromised by growing sycophancy and ‘lobbying’ within the system.”*³³

Justice B. V. Nagarathna a presiding female Supreme Court Judge honoured former Justice Ruma Pal on the eve of Centennial Seminar of ITBA in 2024 and said, *“The greatest thing that happened at the golden jubilee of the Supreme Court was the gift from Calcutta High Court to the Supreme Court in the form of Justice Ruma Pal. The conviction, courage, and independence matter the most for any judge, and she has exemplified that in her orders and judgements is her whole career.”*³⁴

3. Conclusion

Gender inequality denotes resources, opportunities and power vested in one gender and denied to the other. Furthermore, unconscious bias adds to one gender being disadvantaged. A brief look into the lives of two high-ranking women go-getters, show how women face and overcome

secrecy in the functioning of the courts, plagiarism and prolixity in judgments, judicial and administrative indiscipline stemming from judicial arrogance, intellectual arrogance in deciding cases without being bound by precedent and nepotism or showing favour and affection in judicial decisions.

³² Pal, Ruma. "Concept of Separation of Powers in the Indian Constitution." Oxford Handbook of the Indian Constitution, 2016.

³³ Singh, Gyanant Kumar. "The Greatest Enemy of India's Judiciary Isn't the Government but Its Own Secretive System." Scroll, <https://scroll.in/article/816765/the-greatest-enemy-of-indias-judiciary-isnt-the-government-but-its-own-secretive-system>. last accessed 3 Jan 2025.

³⁴ Chatterje, Shrabana. "Justice Ruma Pal Honoured for Her Immense Contribution to Indian Judicial System." The Hindu, 2024, <https://www.thehindu.com/news/national/west-bengal/justice-ruma-pal-honoured-for-her-immense-contribution-to-indian-judicial-system/article68644955.ece>. last accessed 1 Jan 2025. Justice Ruma commends the abilities of Justice Nagarathna and wishes to see her as the 1st female Chief Justice of India (CJI) given that female justices including herself have reached very close to reaching this goal but not been able to cross the line to become the CJI.

inequality and bias.

Families of Ruth and Ruma meaningfully guided them. While Ruth's mother steered her to shine at school, Justice Pal's brother led her to pursue law. Experiences in their early lives made them irrepressible. Both stood out in their studies. Yet, academia did not want them studying at their law colleges only because the institutions could not fathom having a woman studying in their campus. Undisturbed, the ladies went ahead to study in the most prestigious of institutions and did very well.

Both attended institutions where they were among a small number of women. This shared experience speaks to the historical underrepresentation of women in legal education and the systemic barriers they faced in accessing elite legal institutions.

When they got their career breaks it was like victory at the end of a fierce battle. They broke the proverbial glass ceiling and got into a world where women were unheard of. They were committed to equality not just in the interest of women, but those of men as well.

Ruth grew up in the midst of the Great Depression and saw hardships in her early childhood and early family life. Pal's chronicle appears to show her in a typical middle-class family in her younger days, particularly influenced by her stint at the Shantiniketan which shaped her with its absolute parity and freedom. This difference reflects the influence of culture and social norms on gender roles and career paths.

If one ponders over their career paths, Ruth transitioned from being a judiciary clerk to advocacy and then Judiciary. However, Pal strengthened by Shantiniketan strove right into advocacy and then onto the bench.

Both judges consistently delivered well-reasoned and impactful judgments, dissenting to advocate for a more equitable interpretation of the law. While Ruth gave several strong dissenting opinions, Ruma gave one profound dissenting judgement. This variation should be viewed in light of the nature of Indian courts.

Ruth faced interruptions during hearings at the Supreme Court. Pal held the court under her gavel. This points to variations in courtroom cultures and their acceptance of women as Judges.

Ruth focused on due process and individual rights. Pal was persistent on judicial independence. These priorities stem from their belief system.

Ruth was apprehensive about political influence in judicial appointments. Pal critiqued the collegium system in India. This shows the differing systems and the challenges of ensuring a fair, impartial, and representative judiciary.

An alternative explanation would be for the argument to be based on historical context where Ruth rose to prominence in the USA during the evolving landscape of the Civil Rights Movement. Pal navigated her career in post-independence India, where social and legal contexts regarding women's roles were distinct.

Both the ladies were legends in their own rights. Many women emulated them, invigorated by their accomplishments. Perhaps, “Be the change that you want to see”, aptly fits both of them. Their parallel journeys offer valuable lessons on resilience, determination, and the pursuit of justice in the face of systemic barriers.

