

# Caste Dominance and Inclusion in the Indian Judiciary: Structural Continuities, Representation Deficits, and Pathways to Reform

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## **Abstract**

*With main focus on the higher courts, this paper identity caste dominance and inclusionary trends in the judiciary. Although social justice and substantive equality are imagining India's constitutional framework, that judiciary's makeup however reflects the long-standing caste advantaged structures. This paper studies the structural elements influencing judge appointment's, the effects of less diversity on institutional legitimacy, and the regulating discussions neighbouring reform by drawing on institutional reports, socio legal and scientific research. It makes the case that caste underrepresentation in the higher judiciary is a subject of constitutional ethics and democratic support rather than just representational issues.*

**Keywords:** . Caste dominance, Indian judiciary, representation deficit, collegium system, judicial reform

## **Introduction**

Indian high courts holding a superior constitutional power. The supreme court of India and the High courts are vital role in determining social change meanwhile they fundamental arbiter of rights and defenders of constitutional principle. Still, they are improving concerns over

whether the judiciaries makeup perfectly represents the social diversity of the nation it represents.

Representation in institutions of power takes on special significance in a society that has historically been organized according to caste hierarchies. Many academics characterize the result of

opaque selection procedures and the lack of official reservation in higher judiciary appointments as structural continuance of upper-caste supremacy. This article places such dominance in the context of larger discussions about institutional autonomy, merit, and constitutional fairness.

### **Historical Underpinnings: Institutional Development and Elite Continuity**

The majority of court appointments at Independence were from upper caste, wealthy, English-educated legal circles. Higher judicial appointments were not covered by formal affirmative action frameworks, in contrast to public employment and educational institutions where reservations were incorporated into the constitution to address historical exclusion.

Judicial independence was given top priority in early institutional construction, especially in reaction to colonial executive authority. The collegium system's development over time further shielded appointments from overt political interference. Scholars contend, however, that social dominance was not always protected by political isolation.

Formal equality frequently coexists with structural inequality, especially in caste-stratified civilizations, according to socio-legal researcher Marc Galanter. In a similar vein, Upendra Baxi stressed that

courts are inextricably linked to power systems and are a part of social realities.

Therefore, it is appropriate to think of caste supremacy in the judiciary as institutional legacy influenced by access to professional networks, top advocacy positions, and elite schooling rather than as overt exclusion.

### **Representation at All Judicial Levels**

#### **Subordinate Judiciary**

State authorities administer judicial service exams at the district level in accordance with the reservation frameworks that apply to public employment. Consequently, compared to the higher judiciary, the representation of Scheduled Castes (SC), Scheduled Tribes (ST), and Other Backward Classes (OBC) is somewhat larger.

Although there is diversity within states, data from the National Judicial Data Grid and independent evaluations like the India Justice Report show that underprivileged communities are present in lower courts in quantifiable numbers.

Vertical mobility from lower courts to the High Courts is still restricted, though. Disparities at higher levels are reinforced by the structural separation between direct bar appointments and judicial functions.

## **Higher Judiciary**

Reservation procedures do not apply to appointments to the Supreme Court or High Courts. The underrepresentation of SC/ST judges in relation to population numbers is a persistent empirical finding in civil society reports. Accurate measuring is made more difficult by the lack of publicly accessible caste-disaggregated data.

However, there is still a disproportionate number of upper-caste justices in the higher judiciary, according to anecdotal and incomplete data. Although they are symbolic, the occasional appointment of Dalit or tribal justices does not yet signify systemic change.

## **Reproduction in Society and the Collegium System**

The collegium system concentrates appointment authority in senior judges in order to maintain judicial independence. Although it shields courts from overt presidential meddling, detractors contend that its opacity restricts diversity and accountability.

As per sociology, informal networks are often used for elite reproduction. Senior advocates who recognise before constitutional benches have a heavy chance of being promoted. Caste opportunity, urban location, and institutional lineage have a historical influence of admission to elite practice.

Pierre Bourdieu's concept of social capital benefit passed via networks and identification is exhibited in this situation. Without overt unfairness, caste highlights supremacy in the Indian deciding by overlapping with this social capital.

## **Caste and Judicial Reasoning**

The question of whether judicial discussion is influenced by less diversity in another area of scholarly research. Even though judicial independence is still a primary presumption, informative frameworks are inevitably shaped by lived experiences.

Studies identify a ruling on caste-based atrocity laws and reservation policy main to judicial mistrust about broad affirmative action on occasion. As per to academics like Gautam Bhatia, India's constitutional understanding veers between formalist and revolutionary impulses.

Courts were to a key social transformation, according to B.R. Ambedkar's revolutionary ideology. However, problems about projects blind spots in judgement surface when historically underrepresented communities are underrepresented on judicial benches.

Significantly, this argument does not claim that judges intentionally exhibit bias. Instead, it acknowledges that in

situations including systematic discrimination, institutional homogeneity may limit informative possibility.

### **Constitutional Morality, Democracy, and Legitimacy**

The basis of judicial legitimacy is not only doctrinal reasoning but also public trust. In many societies, diversity in representation improves institutional legitimacy. The moral authority of a court's rulings could be weakened if it is seen as socially aloof from marginalized communities.

The pressure between representation and merit is a common topic in change related conversations. Those who oppose reservations in the higher judiciary invoke meritocratic principles. However, academics contend that access to "merit" itself is determined by social conditions. The distribution of mentorship, educational prospects and professional publicity is uneven. Consequently, rather than merit and inclusivity, the dispute is between focus and socially contextualized classifications of merit.

### **Reform Proposals and Policy Debates**

More reform pathway has been evolved in academic and policy discussions:

1. Appointment transparency involves disclosing demographic information and clearly stated

requirements.

2. Collegium Diversity Guidelines: Unofficial pledges to increase social representation.

3. Strengthening Subordinate-to: Increasing Judicial Mobility - Establishing more transparent

pathways for promotion.

4. Mentoring and Institutional Support: Giving first-generation lawyers more options.

Even though caste specialised recommendations have not been several, the Law Commission of Indias previous institutional considerations acknowledge the importance of the systematic judicial reform.

Conversations about reform need strike a careful constitutional balance between the social accountability and judicial independence.

### **Conclusion**

In place of open exclusion caste supremacy in the Indias judiciary is a consideration of structural continuity. Regardless of making revolutionary constitutional judgments the higher court continues to be socially more limited than the society it operates.

Participation more than just a formality it brings institutional organizations into the

line with democratic acceptance and constitutional morality. Public trust depth of interpretation and representation are all stronger by a judiciary that reflects India's societal capital variety.

Transparent proof-based reform that recognises social context without sacrificing institutional authority is the way for future progress. Only then will the court be able to fully recognize the social, economic, and political justice promised by the constitution.

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