

# **A Study on Women Legal Professionals in the District Court of Lucknow, Uttar Pradesh, India**

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**Abstract:** *The legal profession in India has historically been predominantly male. The inclusion of women in the legal system was only feasible after extensive and prolonged legal disputes, and even then, their representation in the courts remained negligible until the conclusion of the twentieth century. The advent of globalization in the twenty-first century has presented Indian women with supplementary prospects in the realm of legal education and training. The advent of technology has not only brought about a transformation in the court atmosphere, but it has also effectively eradicated the medieval male chauvinism prevalent within the profession. This paper undertakes a critical analysis of gender bias, sexual morality, and criminal discourse within the court premises, utilizing data collected from the District Court in Lucknow, Uttar Pradesh, India. Additionally, it examines the role and status of women as legal professionals, wives, mothers, and daughters-in-law within the disintegrating joint family structure.*

**Keywords:** legal profession, women, judicial systems, court of law, India

## **I. INTRODUCTION**

The feminist movement has emerged as a result of an ideological framework, with the objective of delineating, establishing, and safeguarding equitable political, economic, and social entitlements for women. This encompasses ensuring equal access to education, occupation, profession, and other forms of employment that have historically been predominantly occupied by men since ancient times. The concept was coined by Charles Fourier, a French philosopher, in 1837. However, its historical context encompasses the narratives of women's ongoing battles for equal rights, such as the right to property and the ability to vote, throughout history.

Feminism can be categorized into three distinct periods. The initial stage of the movement spanned from the 19th to the early 20th century, focusing on matters pertaining to gender equality, labor conditions, and educational opportunities for women and girls. The second wave, commencing in the 1960s and persisting until the 1980s, focused on the disparities experienced by women and their societal position. From the late 1980s to the early 2000s, the third and final phase is regarded as a continuation of the second phase and a feminist reaction to the perceived shortcomings of the previous 'waves'.

The origins of feminism can be traced back to the period of colonization in the Americas, during which a significant influx of individuals from impoverished, lower socioeconomic backgrounds, and criminal histories arrived to the continent. These migrant groups were situated outside the socio-cultural norms of Europe, leading to increased opportunities for open and unrestricted interactions between different genders. As a result, men and women, who were often unfamiliar with each other, lived together in isolated and lawless colonies. Over time, women residing in such a societal context started to exercise agency in selecting their marriages or partners, a circumstance that was previously inconceivable in more traditional European societies. This liberty was frequently accompanied by economic autonomy, since women were required to be self-sufficient in an inhospitable and isolated region, and progressively obtained property and education. At first, women began pursuing vocations in medical and teaching. Nevertheless, during the 1880s, they also engaged in legal practice within the United States. During the onset of the First World War in 1914, Britain saw a dearth of human resources on the domestic front, particularly in its factories that were engaged in war-related activities. Consequently, a significant proportion of women began to replace men in factories, while the males joined the military as soldiers. This significantly bolstered the feminist call for women's suffrage in Britain, leading to the enactment of the Representation of the People Act 1918 in 1918. This legislation granted voting rights to women

who were at least 30 years old and met the minimum property requirements. The year 1917 marked the initial entry of women into the legal profession in Britain, highlighting the significant connection between the feminist movement and the advancement of women's fundamental rights and liberation from traditional societal obligations.

The emergence of feminism in India may be traced back to the latter half of the twentieth century, specifically to the establishment of the Women's India Association (WIA) in 1917. This association was founded by Annie Beasant, Margaret Cousins, and Dorothy Jivarajadasa with the primary objective of advancing the suffrage movement (Cousins, 1947). During the same decade, a small number of Indian women became eligible to pursue a career in law in India. Following the founding of the Allahabad High Court, the legal profession in Uttar Pradesh was predominantly male-dominated throughout the initial years. The Allahabad High Court granted Cornelia Sorabji the distinction of being the inaugural female practitioner. Nevertheless, the level of women's involvement in the legal profession within the state continued to be relatively low, with a significant rise observed solely in the final decade of the twentieth century. The alteration in the arrangement of the occupation highlighted several concerns, including as contemporary nature, career advancement, and disparity in earnings. Inevitably, women who entered the field encountered the conventional attitude prevalent in Indian homes, which presented numerous hurdles for both unmarried and married women aspiring to pursue the industry. Furthermore, the new immigrants' demoralization was significantly influenced by their caste and religious identity, in addition to their marital status. Gender discrimination and sexual harassment exacerbated the challenges and hardships faced by individuals within the legal system, particularly in subordinate courts. Nevertheless, despite these obstacles, the increasing educational attainment of Indian women has emerged as a catalyst for the professionalization of the conventional Indian woman. Her pursuit of identity and awareness for gender equality is evident in both society and the lower courts, despite the various hurdles she faces.

## II. REVIEW OF LITERATURE

The study of women in the legal profession continues to face significant limitations due to the scarcity of literature pertaining to this topic. Despite the abundance of research on gender-specific matters, such as women in different occupations, there is a noticeable lack of literature specifically addressing women in the legal profession. Hence, this study mostly relies on existing literature pertaining to relevant subjects, which provides valuable insights into the topic. In her unpublished thesis entitled "An examination of the development and structure of the legal profession at Allahabad, 1866-1935," Buckee conducted a comprehensive analysis of the legal profession in the United Provinces of India, taking into account its social and historical background. This study was submitted to the London University. While her research primarily centers on caste composition, it also provides insights on the representation of women in the legal profession. In contrast, Paul (1991) focuses only on the legal profession in South India. However, it is possible to establish connections between his research and the examination of women in the legal profession in Uttar Pradesh.

The scholarly contributions of Gooptu (2007) and Vadagama (2011) provide significant insights into the challenges encountered by Cornelia Sorabji, the inaugural female lawyer in Uttar Pradesh. Consequently, these works prove to be highly beneficial for examining the experiences of women in the legal field inside Uttar Pradesh. In her study on the challenges and opportunities faced by women professionals from various cultural backgrounds, Sen (1999) also examines the difficulties and achievements of female legal practitioners in India. In addition, the Bar Council of Uttar Pradesh, located in Allahabad, maintains a comprehensive database of registered legal professionals in Uttar Pradesh. This database serves as a valuable resource for researchers. In its centenary year publication (1966), the High Court of Judicature in Allahabad provides valuable insights into the historical evolution of the legal profession in Uttar Pradesh, including details about women lawyers.

### Women in profession

In Indian tradition, the role and status of women have been a topic of contention. Although they have been theoretically assigned a prominent position in society, the current situation has consistently deviated significantly from the theoretical ideal. For a significant period, women were noticeably absent from modern occupations. The status of women in various regions of the country has been influenced in distinct ways by the economic circumstances, religious customs, and cognitive frameworks of the populace. Against this historical context, the Indian independence movement emerged as a significant catalyst for the advancement of women in India, given that a majority of its leaders had

received their education in the Western liberal education system. The contemporary feminist movement in post-independence India emerged with a strong foundation in the ideas of equality. It aimed to challenge and challenge gender-based structures, particularly the sexual division of labor, which were perceived as oppressive and submissive to women. This display of vulnerability and powerlessness introduced a fresh perspective to Indian feminism, articulating emotions that had previously remained unarticulated. Simultaneously, the emphasis on women in the workforce symbolized a repudiation of the traditional role of a wife and mother, substituting it with the portrayal of a financially self-reliant woman. Additionally, it symbolized the emergence of class awareness coupled with a desire to organize and mobilize women, as well as an increasing engagement of feminists in workplace politics. The predominant occupation for women in rural India is agriculture and home industry, whereas the majority of urban women secure employment in the services sector. The majority of these women, hailing from middle and upper middle class backgrounds, seek employment in order to augment their family's income and enhance their standard of living. Nevertheless, a distinct cohort of exceptionally educated and skilled women is also emerging in several professional domains such as civil service, law, medicine, engineering, academia, and filmmaking. According to Sen (1991), these women are driven by their aspirations and the aspiration to showcase their abilities.

### **Empowering Women in the Legal profession**

Journalism, academics, and medicine were the initial professions to experience the impact of feminism. In subsequent years, the impact of feminism on traditionally male-dominated professions such as surgery, civil services, law, management, entrepreneurship, and politics became increasingly evident. In recent years, there has been a significant economic imperative placed upon families across many social groups, particularly those belonging to the orthodox, backward, and conservative segments. The focus of the struggle has shifted away from external impediments. The prevailing public sentiment has shifted away from hostility, so creating a multitude of options for women in contemporary society. Nevertheless, the enduring psychological challenges and the ongoing conflict between familial and occupational responsibilities persist throughout their lifetimes.

Many women who are employed, professional, and focused on their careers encounter significant obstacles when it comes to leaving their homes. Women face various challenges, including long commutes, crowded bus rides, extended working hours in courtrooms, enduring derogatory remarks from male colleagues within the court premises and on public transportation, and experiencing eve-teasing. These issues are compounded by their personal and familial challenges, as well as the demands of their work schedules, working hours, and work timings. The emergence and increasing presence of women in the legal field has been a significant societal transformation in recent times, frequently referred to as "revolutionary" (Abel, 1988) within the last nine decades. The arrival of women in the legal field has sparked considerable debate among scholars and political advocates regarding the potential impact of women on the structure and implementation of substantive law, as well as the manner in which law is applied (Kay and Gorman, 2008). India was under British colonial rule until 1947, during which the British made periodic changes to the administrative system and institutions based on their own convenience. The Indian Penal Code (IPC), Criminal Penal Code (Cr PC), and Civil Procedure Code (CPC) were introduced, together with the creation of the Rule of Law and the institution of the Indian Civil Services. The British government similarly developed the court system and the legal profession in a similar manner. The emergence of legal professionals in Indian society gave rise to a novel middle class. Following the uprising of 1857, Queen Victoria assumed control from the East India Company, leading to the creation of three High Courts in Calcutta, Bombay, and Madras. This marked the introduction of a completely new administration in India. A new High Court was established in Allahabad in 1866, serving the United Provinces of Agra and Oudh. The Judicial Commissioner's Court in Oudh continued to operate until 1925, subsequently underwent a transformation into the Chief Court of Oudh, and ultimately merged with the High Court in 1948. Within the judicial system, legal practitioners were required to possess a minimum level of educational attainment, although they were obligated to successfully pass the mandated examination. It was anticipated that the practitioners would adhere to professional ethics, conduct, and dress code. During the twentieth century, there was a notable prevalence and prevailing influence of men within the legal profession in India. During this period, women were not granted admission to the esteemed legal schools in the United States. According to Auerbach, women, who are a distinct minority group that makes up the majority of the population, faced widespread sex discrimination for many years. Additionally,

premier legal schools completely excluded them (quoted in Paul, 1991). The Inns of Court in England enforced exclusionary measures until the enactment of the Sex Disqualification (Removal) Act in 1919. However, it is worth noting that a number of female candidates, both in England and India, made public appeals for the liberalization of the legal profession (Paul, 1991).

Dr. Hari Singh Gaur, a trailblazer in India's women's legal profession movement, proposed an amendment to the resolution passed by the Central Legislative Assembly of India. The proposal aims to eliminate the sex disqualification imposed on women. The objective of this measure was to ensure the inclusion of women on the electoral roster for the Legislative Assembly elections on February 1, 1922. Additionally, the government expressed its satisfaction in eliminating the sex barrier that previously disqualified women from being registered as legal practitioners in the courts of this nation (ibidem).

Dr. Singh provided a concise account of the movement's brief history to the House. Ms. Regina Guha successfully completed her B examination in 1916. L. She obtained her degree from the University of Calcutta and submitted an application to the Calcutta High Court to become a legal practitioner. A special Bench was convened by the judges. According to the Legal Practitioner Act, anyone who has the necessary qualifications is eligible to apply for this enrolment. Additionally, according to the General Clauses Act, the term 'a person' is understood to encompass both males and females. As a result, there were no legal obstacles to admitting a legally competent law graduate to the High Court in Calcutta. Nevertheless, in 1916, the Mother of Parliaments had not yet enacted the Removal of Sex Disqualification Act. However, it did so three years later, in 1919. The esteemed members of the Calcutta High Court made an observation regarding the validity of the statement that the term 'person', as understood in its etymological sense and within the framework of the Indian Legal Practitioners Act, rendered a woman qualified for registration as a legal practitioner. Nevertheless, the judges maintained that the aforementioned action had not been previously undertaken and expressed their unwillingness to introduce a novel approach (Proceedings of the Government of the United Provinces in the Judicial Civil Department, September 1922, File no. 104/1922, p. 2). The enrolling of Regina Guha as a pleader was denied by a full Bench ruling of the High Court on August 29, 1916 (Paul, 1991). In 1921, after a span of five years, Ms Sudhansu Bala Hazra, a woman from Orissa, submitted a formal request to the Patna High Court. The judges reiterated that there were no legal obstacles to the inclusion of Ms. Hazra as a legal practitioner. However, considering the precedent set by the Calcutta High Court in 1916, which established that such inclusion was restricted to individuals of the male gender, they were unable to deviate from this restriction. The judges of the Patna High Court held the perspective that the inclusion of a 'female' in the definition of a 'person' as stated in section 6 of the Legal Practitioner Act of 1879 was not deemed appropriate. However, concurrently, a knowledgeable judge of the aforementioned court expressed the view that the responsibility of determining whether women who have obtained a legal degree should be granted eligibility for admission lies with the legislative body. Simultaneously, Ms Cornelia Sorabji, a female law graduate, submitted an application to the Allahabad High Court, which kindly granted her admission as a fully qualified legal practitioner. The aforementioned position has now become atypical. According to the Proceedings of the Government of the United Provinces in the Judicial Civil Department (September 1922, File no. 104/1922, p. 3), although women who graduated from law school were allowed to practice law in Allahabad in the same way as males, they did not have the same privilege in Calcutta or Patna.

Dr. Hari Singh Gaur, a barrister and advocate for women's rights, proposed that the government eliminate the sex barrier that prevented women from being admitted as legal professionals in Indian courts. Dr. Gaur retracted the amendment after receiving assurance from Sir William Vincent, the Home Member, that the Government of India would seek input from local governments, High Courts, Oudh Bar Association, general public, and professional bodies (Paul, 1991).

The Allahabad Bar Library expressed its viewpoint that the advancement of women's education had not reached a level that warranted the acceptance of the proposal. However, the Oudh Bar Association expressed support for the proposal. It was an extremely groundbreaking viewpoint in support of female legal professionals. The primary argument supporting the plan was the abstract contention that there was no valid reason for gender-based bias, citing the fact that women had been granted admission to the Bar in England and other European nations, and suggesting that India should emulate their approach. Women were indeed granted admission to the English Bar, and it is theoretically impossible for any Indian High Court to deny a lady Barrister the opportunity to appear before it. The presented argument posited that

female practitioners would provide significant assistance to pardanashin (vein clothed) women who were involved in legal proceedings, particularly in the Court of Wards Matters. Nevertheless, there was an abundance of counterarguments against both. Numerous individuals contended that the level of women's education was inadequate to warrant the proposed alteration, and that the potential number of women desiring to pursue education was expected to be so minimal that the matter held no significance beyond academic curiosity. The idea faced opposition from individuals who argued that it was premature, as long as the existing societal conditions remained unchanged (Proceedings of the Government of the United Provinces in the Judicial Civil Department, September 1922, File no. 104/1922, p. 3). Following an evaluation of these responses, the Government of India enacted the Bill on March 21, 1923, which subsequently became a law on April 2, 1923, and was implemented throughout the entirety of India. As previously mentioned, in the year 1922, the Allahabad High Court granted Ms. Cornelia Sorabji, a duly qualified counsel operating in Allahabad, the opportunity to be registered as an advocate. After the first incident, the Government of India was compelled to enact legislation aimed at eliminating any potential barriers that could hinder women from pursuing a career in the legal profession, as long as they met the requisite educational credentials (Buckee, 1972). Subsequently, a succession of female legal practitioners were officially registered at the High Court of Allahabad. Nevertheless, the number of registrants continued to be limited. In the years 1928, 1931, and 1933, Shyam Kumari Nehru, Leena Clarke, and Begum Menakhi Amina Farrukhi were officially registered. The level of enthusiasm exhibited by the legislators in facilitating women's participation in the legal profession appeared to be predominantly cosmetic. The presence of female practitioners in the bar rooms elicited a combination of tenderness and curiosity. The chances of women attaining a respectable position in the profession, which had been fiercely competitive and predominantly male for many years, were definitely bleak (Paul, 1991).

Years	Total registered practitioners	Women practitioners	Percentage
1962-1997	136,635	4,265	3.12
1998-2005	91,509	7,346	12.3
1962-2005	228,144	11,611	5.08

**Table 1: Evolution of Women's Representation in the Legal Profession throughout Time**

Uttar Pradesh is a state of notable importance in the realm of legal studies in India, owing to its distinction as the state with the highest count of registered legal practitioners nationwide. Nevertheless, the representation of women legal practitioners in the courts of Uttar Pradesh remains limited. From 1962 to 1997, a span of 35 years, the number of registered women legal practitioners was only 4,265, which accounted for only 3.12% of the overall legal workforce of 136,635. From 1998 to 2005, a span of only 8 years, a total of 7,346 women legal professionals were officially registered, accounting for 91,509.

Specifically, this accounts for around 12% of the overall number of legal practitioners, as recorded in the Register of Registered Practitioners. Nevertheless, it is evident from the data presented in Table 1 that the overall representation of women in the legal field continues to be a modest 5.08%.

**Findings of various related studies**

The research findings shed intense light on certain facts pertaining to women legal practitioners in India. It is noteworthy that there has been a significant rise in the representation of women in the legal profession, indicating a positive shift in societal attitudes. Nevertheless, this rise is solely in terms of quantity, rather than quality. The underrepresentation of women professionals in legal proceedings, resulting in poor remuneration, is a concerning reality. The employment satisfaction reported by the majority of female legal professionals, despite the prevailing circumstances, appears to be merely a facade, since many of them would not want their children, particularly girls, to pursue a career in the legal profession.

Furthermore, the challenges of marriage and family-raising appear to pose significant obstacles for female legal professionals. While many women initially choose to pursue a career in the legal profession, the majority of them choose to leave either immediately or shortly after getting married. The fact that just a small number of women are able to persist beyond the age of forty is quite astonishing. This is the phase in which legal professionals have gained expertise and are at the pinnacle of achievement.



Clearly, the demands of family obligations following marriage are preventing women legal professionals from reaping the rewards of their diligent efforts during their early years in the field. The issue of gender discrimination encountered by female legal practitioners in the workplace is a matter of significant concern. It is noteworthy that the questionnaire did not include a specific question on sexual harassment, taking into account the sensitivities of women. Additionally, the questionnaire was designed to encompass gender-based bias, including sexual harassment. This demonstrates that even the legal profession, which strives to ensure justice for all, is not exempt from prejudice and mistreatment, frequently of a sexual nature, directed towards its female colleagues. Indeed, as previously stated, among the 101 female legal professionals contacted, 8 declined to take part in the study, expressing negative remarks regarding the researcher's intentions. This fact serves as a somber reminder of the feelings of unease and suspicion that women, especially in the esteemed profession of law, experience towards males, despite its significant authority and status.

### III. CONCLUSION

As elucidated in the preceding analysis, there exist three domains that necessitate prompt consideration to guarantee a productive engagement of women inside the legal vocation. The primary objective is to enhance the level of involvement of female legal professionals, specifically by guaranteeing a sufficient number of cases and a financially lucrative career for them. Once women lawyers' practice experiences qualitative improvement, such as an increase in the number and quality of cases, as well as higher earnings, the second issue of family pressure to opt out after marriage is anticipated to diminish. This improvement would significantly influence the attitudes of husbands and in-laws.

The third and essential concern pertains to gender-based prejudice, encompassing instances of sexual harassment. Indeed, the fear of experiencing such harassment is expected to be a significant factor influencing women's decision to leave the field, either independently or due to the influence of their family members. Gender bias is a pervasive issue that extends beyond the confines of the legal field. Nevertheless, when comparing the legal profession to other professions that are perceived as more secure for women, such as school teaching and medicine, it becomes evident that the former is more susceptible to instances of harassment. However, although a rigorous implementation of the anti-harassment regulations would contribute to creating a more favorable environment for women in the legal profession, the resolution of this issue will ultimately depend on a significant enhancement in the professional conduct of female lawyers. The prioritization of enhancing the quality of women lawyers' practice is of utmost importance for future scholars in this discipline.

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