

Study on Enhancing the Status of Women in the Legal Profession in Post-Independence India

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Abstract: *This study examines the phenomenon of women's empowerment within the judiciary sector through their engagement in legal practice within the workplace. Women epitomize sacrifice, love, forgiveness, gentleness, and tolerance. She is a compassionate and nurturing mother who consistently bestows favors upon her children. The primary objective of this article is to promote inequality. Women's empowerment has become a prominent concern in the 21st century. The issue of women's empowerment is currently gaining significant attention in India. The Indian Constitution prohibits any form of gender-based discrimination. The inclusion of women in the legal system was only facilitated through prolonged legal disputes, and even during this period, their representation in the courts remained limited until the conclusion of the 20th century. Women actively engage in challenging prevailing customs and societal norms as a means to effectively enhance their overall well-being.*

Keywords: women empowerment, legal profession, legal system

I. INTRODUCTION

Women hold a distinctive place in contemporary society, and their significant role in advancing social growth and advancement is undeniable. The significance of their involvement in constructing the national character is evident in nearly all regions around the globe. The Indian populace historically identified their nation as Bharat-Mata, although they lacked a comprehensive comprehension of its true importance. Bharat-Mata refers to the maternal figure of every Indian, whom we are obligated to safeguard and honor.

Approximately half of the global population consists of women. Presently, women in India exhibit equitable representation in various domains such as education, sports, politics, media, the arts and culture, the service industry, science and technology, among others. Indira Gandhi, who served as India's prime minister for a total of fifteen years, holds the record for being the longest-serving woman prime minister in history. The Indian Constitution ensures gender equality and grants the State the power to enforce affirmative action programs to address the long-standing socio-economic, educational, and political disadvantages faced by women.

Fundamental Rights encompass various entitlements, such as the assurance of legal equality and equal safeguarding under the law, the proscription of prejudice against any individual based on religion, race, caste, sex, or place of birth, and the guarantee of equal employment opportunities for all citizens. The significance of Articles 14, 15, 15(3), 16, 39(a), 39(b), and 39(c) of the Constitution is noteworthy in this context.

India boasts the second-largest legal profession globally, with a workforce exceeding 6,000 legal professionals. The primary service providers in this sector are small or family-run firms and individual attorneys. The majority of these firms specialize in domestic law and the adversarial litigation system prevalent in the country. Rather than being perceived as mere services, legal services were initially regarded as a "noble profession," resulting in the establishment of stringent and restrictive regulatory frameworks.

The rationale for these regulations have been attributed to public policy and the preservation of the profession's dignity. According to Joshi (2020), the judiciary has upheld these ideals, as exemplified by Justice Krishna Iyer (2009) who stated that "Law is not a trade, not briefs, not merchandise, and therefore the realm of commercial competition should not taint the legal profession."

However, it has been established by courts that "Legal Service" refers to the provision of services to clients over a period of time. Furthermore, courts have declared that lawyers bear responsibility towards their clients in the event that

their services are of inferior quality. The term "Service" is defined in Section 2(U) of the Competition Act of 2002, as stated in the Consumer Protection Act of 1986. Therefore, it can be argued that legal services are currently encompassed within trade-related regulation, despite the need for sufficient space for consumerism and market forces.

What is women empowerment?

The recognition of women's empowerment as a fundamental characteristic for a progressive and prosperous nation has gained prominence. According to Kofi Annan, the former secretary-general of the United Nations, the empowerment of women is a highly effective tool for development. Similarly, APJ Abdul Kalam, the former president of India, was renowned for his statement that the empowerment of women contributes to the advancement of a strong family, a well-functioning society, and ultimately a prosperous nation.

Women's empowerment refers to the capacity of women to exercise agency in shaping their own lives and professional endeavors, while also ensuring equitable treatment across several domains such as personal, social, economic, political, and legal arenas, among others. The coexistence of women and men in contemporary workplaces can be attributed to the increasing empowerment of women.

Women's empowerment is essential for the future development of any nation as they navigate the challenges of managing their families while simultaneously working and contributing to their families' needs. It is imperative to acknowledge the significant role that a mother, sister, or daughter plays within a family unit. The phenomenon of women empowerment extends beyond urban areas, as women residing in remote towns and villages are progressively asserting their agency and expressing their perspectives within society. Women are currently asserting their socio-political rights, including but not limited to the right to work, right to education, and right to make decisions. The Parliament of India has enacted several legislations aimed at safeguarding women from diverse manifestations of injustice and prejudice. Women's empowerment is essential for the future success of any nation as they strive to juggle family management, job, and contributing to their families' needs. It is imperative to acknowledge the significant role that a mother, sister, or daughter plays within a family unit.

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Women empowerment following the law are enacted:

Equal Remuneration Act-1976;

Dowry Prohibition Act-1961;

Immoral Traffic (Prevention) Act-1956,

Medical termination of Pregnancy Act-1971;

Maternity Benefit Act-1961;

Commission of Sati (Prevention) Act-1987;

Prohibition of Child Marriage Act-2006;

Pre-Conception & Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act-1994; and

Sexual Harassment of Women at Work Place (Prevention, Protection and) Act-2013.

The Juvenile Justice (Care and Protection of Children) Bill, 2015 was enacted by the government in response to the Nirbhaya case, which involved the rape and brutal murder of a paramedical student in Delhi. The current legislation represents a notable deviation from the previous Juvenile Justice (Care and Protection of Children) Act, 2000, as it entails a reduction in the minimum age for juvenile offenses from 18 to 16 years.

The most efficacious solution to eradicate such malevolent entities is to empower women through the guarantee of the Right to Equality as stipulated in Article 14 of the Constitution of India.

As per the stipulations outlined in the Constitution of India, it is a legal imperative to ensure gender equality for women across all domains, akin to the status enjoyed by their male counterparts.

The Role of Women in Professional Spheres

Debates have arisen regarding the position of women in Indian tradition. Despite being theoretically granted a prominent position in society, the actuality has consistently diverged significantly from the ideal. Over an extended duration, women were noticeably underrepresented in the bulk of contemporary professions. The positioning of women in different regions of the nation has been influenced by a range of factors, including the economic circumstances, religious customs, and thought patterns of the people.

Against this historical context, it is evident that India's quest for independence had a significant role in advancing the rights of women in the country, 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 expression of powerlessness and susceptibility bestowed upon Indian feminism a fresh perspective by articulating emotions that had previously remained unexpressed. Simultaneously, the prioritization of women in the workforce indicated a departure from the traditional role of a wife and mother, in favor of a woman who possesses the ability to sustain herself economically. Furthermore, it demonstrated the rise of consciousness regarding social class, as well as a determination to bring together and mobilize women, and the increasing impact of feminists in the realm of office politics.

Although the majority of women in metropolitan areas are working in the services sector, women in rural India are predominantly engaged in agricultural and domestic work. A significant proportion of these women, hailing from middle- and upper-class backgrounds, actively pursue employment opportunities with the aim of enhancing their family's socioeconomic status. Nevertheless, there is a growing presence of highly educated and skilled women in several professional fields 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.

The Evolution of the Legal Profession

The phenomenon of globalization has precipitated a transformative shift in the realm of international trade, characterized by heightened engagement and participation of nations, as well as enhanced accessibility to domestic economies. The legal service sector has experienced both quantitative and qualitative implications as a result of this phenomenon. The legal service sector has undergone a significant transformation in the past decade, particularly in the corporate legal arena. Activities such as project financing, intellectual property protection, environmental protection, competition law, corporate taxation, infrastructure contract, corporate governance, and investment law were virtually non-existent prior to the 1990s.

There was a limited number of law firms that has the capability to handle such work. There has been a significant demand for professional services within the legal service sector. Over the past few years, there has been a significant increase in the number of Law Firms operating within house firms and the experience of individual lawyers in delivering legal services within the corporate sector. According to Joshi (2020),

These emerging legal businesses prioritize the development of loan instruments, infrastructure and power contracts, project financing agreements, as well as agreements pertaining to transnational investment, joint ventures, and technology transfer. This demonstrates the increasing inclination of the legal sectors to resolve conflicts via Advanced Debt Recovery Solutions (ADRS) instead of resorting to confrontational litigation.

The phenomenon of globalization has led to a surge in the demand for legal services, both domestically and internationally. Simultaneously, the period of Globalization holds considerable importance for the advancement of the legal profession in India.

Engaging in proficient activities within the legal profession

The legal service sector is distinct from other professional services such as software programming or medical practice. The historic foundation of this system is mostly derived from legislation and the presence of statutory bodies, as well as

a conservative and conventional attitude that hinders the advancement of cross-border service provision. As a result, it is relatively resistant to intrusion.

The legal service industry, even globally, is inevitably limited by jurisdictional constraints, such as the requirement for a degree from the country where the service is to be rendered. Certain aspects of legal services are specifically influenced by local considerations, while others are not. It is important to preserve local factors when they are substantial, and only make exceptions for global market access. Hence, it is imperative to participate in the international community and assume beneficial obligations that foster service trade, while simultaneously safeguarding national interests.

The Essence of the Legal profession

Law holds a significant position in society due to its crucial role in upholding proper etiquette, facilitating the exercise of authority, and addressing diverse challenges. However, comprehending, interpreting, and deliberating upon the law itself necessitates a nuanced understanding. Consequently, a group of highly educated individuals from different eras and periods have dedicated themselves to the practice of law, aiming to ensure its accessibility to its intended recipients. The legal profession encompasses various elements that contribute to the formation of a culture or mindset that gives rise to substantial concerns regarding the significance and necessity of leadership development training for lawyers. To begin with, our industry perceives itself as belonging to the upper echelons of society. Lawyers often have the belief that they possess strong leadership qualities due to their profession. However, it is evident that a considerable number of lawyers have limited exposure to leadership development beyond what they acquire through practical experience. Law students receive minimal or no training in leadership development, and there is a scarcity of continuing legal education courses that specifically address this topic, despite its increasing popularity.

Status of women

The global position and prestige of women have experienced a remarkable increase during the 20th century. It is evident that in previous ages in India, the population was significantly low, resulting in their treatment as commodities that could be purchased and traded. Historically, women in India have predominantly been confined to domestic spheres. They rely on the male population.

In India, the prohibition of several practices such as female infanticide, child marriage, sati (the act of wives self-immolating with their husbands), the dowry system, and everlasting widowhood was enacted. It would be advantageous for the numerous women in the country who are subjected to mistreatment by their partners and do not possess the requisite papers to confirm their marital status. Moreover, this legislation would enable women to pursue child support and custody, while also granting widows the opportunity to assert their inheritance entitlements. Additionally, it would aid in the prevention of child marriages, prostitution, and polygamy. Irrespective of their caste, creed, or religion, all women are obligated to adhere to the requirements outlined in the Act. This tremendously facilitates the empowerment of Indian women to exercise their rights.

The Role of Women in the Legal Profession

The fields of journalism, academia, and medicine were among the initial domains to witness the influence of women. In the following years, feminism started to exert influence on traditionally male-dominated areas such as politics, the legal system, management, and the civil service. It is important to note that families belonging to the orthodox, backward, and conservative strata are not immune to the significant economic challenges that have recently affected society. The introduction and growing presence of women in the legal profession has emerged as a significant societal phenomenon in recent years, often characterized as "revolutionary," over a period of four decades.

Lawyers possess significant authority and sway in social, economic, and political spheres. The field of law, similar to academics, accountancy, architecture, investment banking, and management consulting, is widely recognized for its male-dominated nature. Although there has been a rise in the number of women in law schools and entry-level legal positions in recent decades, the persistent segregation of women in this predominantly male profession continues to result in significant differences in the career paths of male and female lawyers. This disparity remains evident even in diverse national and legal contexts.

Until recently, there was a lack of female representation in law school graduates, legal practitioners, and any occupation related to legal labor, regardless of its broad definition. Modifying the criteria for entry into the legal profession in these countries necessitated a modification in the legal framework, either by legislative enactment or the expansion of

common law. In nations such as New Zealand, women were not legally barred from entering the profession. However, they did not actively participate in the sector. The level of women's involvement in the profession closely mirrors the progress observed in countries with more stringent formal restrictions.

The influence of social obstacles on individuals' entry and engagement in the profession appears to surpass the constraints imposed by legal regulations. The participation of women in the legal profession has undergone significant transformations due to several societal factors, including the international women's movement, the democratization of university education, advancements in birth control methods, and shifts in attitudes towards the family. While there may be cultural or national differences, there is a significant degree of consistency among countries.

II. CONCLUSION

The issue of women's empowerment has emerged as a significant focal point in the 21st century, including both domestic and global spheres. Women's empowerment contributes to the improvement of society and the world, fostering inclusive involvement in the legal area. It refers to enhancing the well-being of both the family and the organizations in which women have a positive impact. Currently, the perception of women lawyers in the public sphere is not favorable.

They are perceived as desiring wealth rather than striving to provide assistance. Women lawyers must assume an equitable and significant part in the advancement of a progressive society. Enhancing the conventional position of female lawyers is an essential initial measure in their daily endeavors. In order to facilitate the active involvement of women in the legal profession. One primary objective is to facilitate a qualitative enhancement in the involvement of female legal practitioners.

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