

Study on Obstacles in Women's Participation in the Legal Profession in India

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Abstract: *This study seeks to elucidate the obstacles encountered by women in various facets of the legal profession, exposing the participation of women in all capacities within the profession, encompassing positions as students, educators, and practitioners. Moreover, it emphasizes certain significant challenges that women face in the field. The author has conducted thorough research on numerous figures and publications to fully understand and assess the participation of women in the legal profession.*

Keywords: obstacles, Women advocates, sexual stereotypes, male-dominated, work life balance

I. INTRODUCTION

Rousseau's Social Contract (1762) and the French Revolution played crucial roles in the establishment of the present civic society notion. Nevertheless, the scope of this phenomenon was confined to the male population, and the ambitious legislative endeavors undertaken during the nineteenth century proved ineffective in rectifying this inequity. In contrast, women experienced a systematic deprivation of fundamental civic rights and were legally positioned as subordinate to their male counterparts, regardless of their roles as fathers or spouses. Women faced exclusion from higher education and professional prospects as a result of the prevailing notion that their innate qualities made them unfit for such jobs, despite their exceptional qualifications for significant positions within the realm of home affairs. The advent of the early women's movement in the late nineteenth century was a significant development that played a crucial part in pushing for women's civil rights and later facilitating their entry into legal professions. The phenomena of women's access to legal professions was initially noted in European and later Western nations after World War I. However, in countries that had a prolonged transition towards an industrialized economy and a modern state, the process of providing women this access was further delayed. In the year 1936, the first female holder of a legal degree was granted in Venezuela. Therefore, the progress of developing nations across the globe was constrained until the latter portion of the 20th century.

The major objective of this study is to examine the obstacles faced by women in the legal field in India, while considering the pertinent contextual details. In order to ascertain the pattern of women's participation and develop a complete understanding of it, it is imperative to conduct an analysis of the existing data and statistics. The complexity of the issues faced in this field is extensive, involving the responsibilities of a law student, a law instructor, and a lawyer, from educational, intellectual, and professional standpoints. Furthermore, the aim of this study is to evaluate the feasibility of the concepts and recommendations proposed by legal experts and experts in other fields to achieve gender equality in the legal field.

PARTICIPATION OF WOMEN IN LEGAL SYSTEM

Feminism in India originated in the second decade of the twentieth century with the establishment of the Women's India Association (WIA) in 1917, which aimed to support the suffrage movement. Within the same decade, a limited cohort of Indian women attained the eligibility to embark on a professional path in the field of law within India.

The objective of this amendment was to eradicate the practice of sex disqualification on the basis of gender, representing a noteworthy achievement in the historical context of India. The goal was to incorporate women into the electoral registry for the Legislative Assembly elections scheduled on February 1, 1922. In addition, the Government conveyed its contentment in eradicating the gender obstacle that formerly hindered women's eligibility to pursue careers as legal professionals in the nation's courts.

Expanding upon the limitation that exclusively males are eligible for registration as advocates, commencing with the Regina Guha case in India, it was ascertained that the judiciary was unable to depart from this principle. This was corroborated by the legal precedents set by the instances of *Bebb v. Law Society* and *Bradwell* in other countries.

In the immediate aftermath of the establishment of the Allahabad High Court, the legal profession in Uttar Pradesh had a notable male predominance. The honor of becoming the inaugural female practitioner was conferred to Cornelia Sorabji by the Allahabad High Court. During the historical era in which female law graduates were granted official registration and participation in the legal profession in Allahabad, women residing in Calcutta or Patna were not afforded the same privilege as their male counterparts. Consequently, the level of female participation in the legal field within the state remained comparatively limited, experiencing a notable increase exclusively during the latter half of the twentieth century.

The Government of India was obligated to implement legislation in reaction to this scenario with the objective of eradicating any barriers that may impede women from pursuing a career in the legal profession, provided they possess the necessary educational qualifications. As a result, the Indian government implemented the Legal Practitioners (Women) Act, 1923, which is currently in force in India. This regulation unequivocally prohibits any manifestation of gender-based prejudice in the admissions process.

Throughout history, there has been a notable disproportionate representation of women in the fields of law, legal professionals, and other vocations associated with legal work in India, irrespective of the particular definition employed. The notion experienced a significant shift throughout the 1970s as a result of the integration of women into higher education and the simultaneous expansion of universities' engagement in the instruction of legal practitioners.

HISTORICAL TRACE OF OBSTACLES FACED BY WOMEN IN THE LEGAL FIELD

The restructuring of the legal profession has presented numerous obstacles faced by female lawyers in society, including issues related to modernity, mobility in the profession, and financial disparities. Women who began working in the sector faced the traditional mindset of their families, which posed several obstacles for both unmarried and married women who wanted to enter the field. The process of demoralization experienced by the recent immigrants was shaped not only by their marital circumstances, but also by their caste and religious affiliations. Individuals encountered additional difficulties due to occurrences of gender bias and sexual harassment within the court premises, specifically in the lower courts.

Recently, there has been a change in attention from exterior barriers to psychological issues and the enduring struggle between family and work that continues to exist throughout individuals' lives. Most employed, professional, and career-oriented women face significant challenges, and being away from their households presents a more serious barrier. Women face several challenges such as long-distance commuting, congested bus travel, prolonged working hours in courts, encountering insulting remarks from male coworkers on court premises and public transit, and experiencing incidents of eve-teasing. These factors add to their individual and familial challenges, as well as their work schedules, working hours, and work timings.

THE SIGNIFICANCE OF WOMEN IN LEGAL EDUCATION AS LAW STUDENTS

The proportion of students pursuing higher education serves as an indicator of the commencement of development within a certain industry, such as the legal profession. The present trajectory commences with a state of total exclusion and culminates with the achievement of parity with regards to the representation of male and female law students. In specific cases, such as in France and New Zealand, there has been a significant imbalance in the presence of female law students in comparison to their male counterparts.

Female students frequently have academic credentials that are on par with, or even beyond, those of their male peers within the realm of law. Numerous expert investigations have demonstrated that there are notable commonalities in women's propensity to seek law education across various countries.

While efforts have been made to remove institutional barriers to legal education, women continue to face disadvantages as a result of being rejected and marginalized. Their classroom contributions are occasionally overlooked, leading to a detrimental effect on their professional self-assurance. The traditional curriculum of law schools, the patriarchal structure of legal institutions, and the dominant ideology of male teachers rejecting the experiences and opinions of

women all contribute to a pervasive sense of alienation. A comprehensive analysis of syllabi in public schools highlights a conspicuous lack of feminist critique within the fundamental courses. Furthermore, the scarcity of esteemed law schools within the nation, coupled with the limited access for women to travel extensive distances in order to acquire legal education, predominantly confined to the privileged class or individuals fortunate enough to have a family member who is a lawyer, serves as a deterrent for their pursuit of legal education. The social position of women significantly impacts their ability for a successful career in law. As a result, women frequently abstain from pursuing law degrees because they believe that they may not attain substantial success due to cultural, familial, and marital expectations. Furthermore, it is important to note that the implementation of the system necessitates a substantial investment of time in order to cultivate a favorable standing or attain a successful professional trajectory within the legal domain.

In the realm of legal academia, women play a significant role as law teachers.

Women's obstacles in the legal academics sector, particularly as law tutors, might be seen as a reflection of the challenges faced by female law students. Insufficient recognition is being given to the efforts of these individuals, leading to their social isolation, marginalization, and undervaluation of their achievements. A significant proportion of female tutors typically hold jobs in the lower levels of the academic hierarchy, so enabling their male counterparts to occupy higher-ranking posts within the institutional barriers known as the Glass ceiling. Despite the potential for improved remuneration and elevated social standing that law professors typically experience, women aiming to attain prominent positions in this domain have faced considerable obstacles. Women tend to prefer joining law faculties that have lower reputations and market value in comparison to male law professors.

Women persistently encounter the challenge of wage inequality, whereby their salary is limited to that of males within a primarily male faculty, hence impeding their access to employment opportunities. Furthermore, in areas where there is a greater percentage of women, economic earnings tend to be lower. Moreover, women who have achieved success frequently encounter situations where they are assigned less prominent and less financially rewarding roles in comparison to their male colleagues. The reason for this is that they allocate a greater amount of time and energy towards improving their teaching abilities, resulting in a reduced availability of time to engage in supplementary pursuits that could enhance their earnings and reputation. The fundamental reason for this phenomenon can be attributed to the limited participation of males in family care, even in contemporary society. This perception of women's role in family care is rooted in the patriarchal ideology that assigns men the primary responsibility of providing financial support for the family.

It has been found via subsequent study that the construction of new law schools, such as New Law Universities (NLUs), during the later half of the twentieth century does not result in equitable representation of women academics in comparison to their male counterparts. The current analysis of faculty listings in renowned law schools around the country indicates a significant underrepresentation of women in top-level positions. Despite the advantages these schools offer to female law students, they do not provide adequate support for women in law faculties. The dearth of full-time law professors at new law universities (NLUs) serves as an indication of the restricted prospects available to women within the realm of legal academia.

The matter of disparity warrants consideration due to the significance of women's representation in the context of the changing demographics of female law students, irrespective of their choice to pursue a career in the legal field. The female faculty members recognized the existence of gender-related barriers, including restricted availability of mentors, demanding work settings, and the constant requirement to showcase their skills and gender identities.

FEMALES IN THE LEGAL FIELD AS ATTORNEYS

The Chambers & Partners, a well-regarded ranking agency for lawyers and businesses, has observed a steady rise in the presence of female lawyers within the legal field in India. In particular, there has been an increase in the proportion of women included in the list, rising from 12.5 percent in 2010 to 17.34 percent in 2015. The primary impetus behind the need for women attorneys is the aim to improve the diversity ratio, particularly in response to the order for corporations to augment their recruitment of women lawyers. Based on a study undertaken by a legal talent recruitment firm, it has been demonstrated that women experienced an average wage growth of 26 percent throughout their transfer between firms, in contrast to the 36.25 percent increase encountered by their male counterparts. Financial services firms,

pharmaceutical companies, and venture capital funds have issued immediate directives for legal professionals. In order to maintain the participation of women employed within conglomerates, it is imperative to provide adaptable working arrangements.

Furthermore, it is crucial to tackle the concerns related to Long-Hours Culture and the Dual Burden of Profession and Family that women face. As a result of these circumstances, numerous women opt not to pursue a profession in law subsequent to marriage. Moreover, after establishing their professional careers, individuals are frequently considered to be of an age that precludes them from entering into matrimony. Hence, women are deterred from pursuing a profession in law. Tata Sons has a gender pay disparity of 66% in their workforce, with women predominantly holding high-ranking jobs. The organization has enacted a range of strategies to provide assistance to female legal professionals, including the provision of flexible working schedules, remote work opportunities (specifically for individuals with infants), and late-night transportation services. The objective of these projects is to foster a harmonious equilibrium between professional and personal life for female lawyers and respond to their safety apprehensions.

Studies suggest that the era of the concept of "Credibility theft" has passed, as female lawyers now have the same level of respect for their work as their male colleagues, who previously managed to avoid recognition for the same ideas presented by female lawyers. From a corporate standpoint, the crucial matter at hand is the rejuvenation of women's mindset. Most women are hesitant to select a career that will not afford them the same amount of prominence as their male colleagues. The predominant defeatist mentality among female lawyers in the early stages of their professional journeys, when they believe they lack the ability to become partners in a law firm or attain success, as a result of their dependence on male lawyers for direction in their legal careers, poses a notable problem. The concept that the legal profession can exhibit self-centeredness and severity opposes the intrinsic characteristics of females, who are frequently regarded as possessing a feminine sense of purity and the sacredness of their gender. Therefore, this viewpoint serves to strengthen the notion that women's societal responsibilities serve as a barrier to their involvement in the field of law.

THE OBSTACLES ENCOUNTERED BY WOMEN WITHIN THE LEGAL SPHERE

Although the number of women in the legal profession has been steadily rising, their proportion in the overall population of legal practitioners remains lower. While there is a significant number of individuals pursuing legal school, the rates of individuals being admitted to the bar and actively engaged in the profession are quite poor. A noteworthy observation is that the representation of women on Bar Councils nationwide is limited to a mere 10-15% of the total number of enrolled advocates.

The professional life of a lawyer encompasses various significant aspects, including but not limited to sexual harassment in the workplace, the judicial handling of domestic violence and marital rape, sexual interactions between attorneys and clients, the perpetuation of sexual stereotypes, and the presence of bias and prejudice in both the judicial system and other practice environments. The aforementioned difficulties hold particular significance for female lawyers and women at large. The aforementioned concerns of female lawyers may have motivated intentional endeavors to identify issues pertaining to the established framework of the legal profession, such as work-family conflict, the rigidity of the established practice model, flexibility in work schedules (including part-time work), temporary or contractual recruitment of lawyers, and alternative avenues for career progression. Furthermore, empirical studies have provided evidence that women form the working class in the legal services sector, where the distribution of responsibilities and customers is determined by strategic decision-making seeking to protect personal interests. Within this specific market, women exhibit a greater propensity to be driven towards regions that exhibit lower degrees of exposure, profile, and financial incentives.

Regarding males, there is a stronger tendency and support to prioritize work that offers greater prestige and improved prospects for the growth of legal expertise and client engagement. This is especially vital for creating a customer base and guaranteeing future opportunities.

II. CONCLUSION

Without a question, women in the legal profession have faced and suffered from instances of gender-based bias. The domain of law has significantly influenced feminist movements, as female attorneys have played a major role in effecting transformative changes within the legal framework and societal conventions. The composition of law schools

in India has primarily comprised male students, but the gender distribution of the training professionals has remained constant. Nevertheless, the main reason that perpetuates the dominant influence of males in this industry is the insufficient presence of female law graduates who aspire to pursue a career in this domain. The alteration of the patriarchal perspective of the legal profession can be expedited through the establishment of law schools and the active engagement of women in this domain. By implementing this approach, it is anticipated that the current obstacles will gradually decrease. The legal profession endeavors to achieve gender equality and eliminate gender bias.

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