

# The Elevation of Women's Empowerment within the Legal Profession in Independent India

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**Abstract:** *Women hold a distinct position in modern society, and their impact on the progress and advancement of society is undeniable. The significance it plays in shaping national character is significant in nearly all regions of the globe. Indians historically referred to their homeland as Bharat-Mata, although they ultimately failed to comprehend its genuine significance. Every Indian mother, known as Bharat-Mata, deserves protection and respect. Roughly half of the global population is comprised of females. In contemporary India, women are present in several domains such as education, sports, politics, journalism, arts and culture, service sector, science, and technology, with equal representation. India was governed by Indira Gandhi, who held the record for being the longest-serving female prime minister in history. Served as Prime Minister for a year and a half.*

*The Constitution of India not only ensures gender equality, but also grants the state the authority to enact affirmative action measures aimed at addressing the socio-economic, educational, and political disparities faced by women. The paper thus evaluates the phenomenon of women empowerment in legal profession tracing from pre independence to post independence era.*

**Keywords:** women empowerment, legal profession, fundamental rights, Indian independence

## I. INTRODUCTION

One of the fundamental rights encompasses the assurance of equal treatment under the law and equal safeguarding under the law, as well as the prohibition and assurance of non-discrimination against individuals of any nation based on their religion, race, sex, gender, or place of birth. Ensuring equitable access to work opportunities for all individuals. In this context, the significance of Articles 14, 15, 15 (3), 16, 39 (a), 39 (b), and 39 (c) of the Constitution is noteworthy. India boasts a staggering 6,000,000 legal professionals, making it the second largest in the world. The primary providers of legal services are small or family businesses and individual lawyers. The majority of these firms specialize in domestic law and adversarial litigation. Legal services are not treated as mere services, but rather as a fundamental profession. This has resulted in the implementation of a more rigorous and stringent regulatory framework. According to Joshi (2020), the norm is based on public policy and the importance of maintaining the dignity of the legal profession. Judicial Justice Krishna Iyer (2009) argues that commercial competition should not be used to belittle the legal profession.

Nevertheless, the court has established a precise definition of "legal services" as the provision of services to the client over a period of time. Furthermore, the court holds the view that lawyers bear responsibility for the client if their services are deemed exceptional. The definition of "Services" is provided in Section 2(U) of the Competition Act 2002 within the Consumer Protection Act of 1986. Hence, it can be posited that legal services are presently influenced by trade-related legislation. It is imperative to ensure sufficient room for market forces.

Empowering women has been acknowledged as a crucial factor for a nation's growth and prosperity. According to former UN Secretary-General Kofi Annan, the empowerment of women is an exceptionally potent instrument for fostering development. APJ Abdul Kalam, the former President of India, made a notable statement asserting that the empowerment of women is vital in fostering the growth of a strong family unit, a prosperous community, and ultimately a thriving nation.

The concept of women's empowerment pertains to the capacity of women to exercise agency in shaping their own lives and workplaces, while also ensuring equitable rights across several domains such as personal, social, economic,

political, and legal spheres. As a result of women's emancipation, women now collaborate with males in the professional sphere. The advancement of women is crucial for the future prosperity of any country as they strive to juggle the responsibilities of family management, employment, and meeting their family's requirements. One should not underestimate the significance of a mother, sister, or daughter inside a family. The phenomenon of women's empowerment extends beyond urban areas, as it is now evident in society, even among women residing in remote cities and rural villages. Females are currently advocating for socio-political rights, such as the right to employment, access to education, and participation in decision-making processes. The Parliament of India has enacted numerous legislations to safeguard women from various forms of injustice and prejudice. In order to ensure the future development of any nation, it is imperative to prioritize women's empowerment, which entails striking a delicate equilibrium between work and familial responsibilities. One should not underestimate the significance of a mother, sister, or daughter inside a family.

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The legal recognition of women's rights is acknowledged:

The Equal Pay Act of 1976.

The Prohibition of Marriage Act for the year 1961.

The Immoral Traffic (Prevention) Act of 1956,

The Fertility Act of 1971.

As per the Maternity Relief Act of 1961,

The Sales Commission (Prevention) Act of 1987.

The Law on Child Marriage Act of 2006;

The legislation introduced in 1994 is the Preconception and Prenatal Diagnostic Techniques (Regulation and Prevention of Misuse) Act.

The legislation in question is the Sexual Harassment of Women at Work (Prevention, Protection and) Act of 2013.

The Juvenile Justice (Care and Protection of Juveniles) Act, 2015 was recently enacted by the government in response to the Nirbhaya case, which involved the rape and horrific murder of a medical student in Delhi. This legislation represents a notable deviation from the Juvenile Justice (Care and Protection of Children) Act, 2000, which lowered the minimum age for sentencing juveniles from 18 to 16.

The most efficacious approach to eradicate such malevolent entities is to enhance the agency of women by ensuring their equitable entitlements, as stipulated in Article 14 of the Constitution of India. In accordance with the stipulations outlined in the Indian constitution, it is a legal imperative to ensure gender equality in all aspects of society, for women on par with men.

### **Female professionals**

The position of women within Indian culture has been a subject of contention. While theoretically occupying a prominent position in society, the actuality diverges significantly from the ideal. Women have historically been underrepresented in the majority of contemporary occupations. Various factors such as economic situations, religious practices, and cognitive processes exert distinct influences on the positioning of women across different social strata within a society.

Given this context, the independence movement in India played a significant role in advancing women's participation in the workforce, as a considerable number of its leaders possessed a liberal education rooted in Western ideals. The contemporary feminist movement in post-independence India originated by challenging gender hierarchies, such as caste, gender segregation, and the subordination of women, with the aim of promoting equality.

The expression of hitherto unexpressed emotions in Indian feminism was given a new sense of subjectivity with the inclusion of a voice that conveyed weakness and vulnerability. Simultaneously, the emphasis on women in the workforce signifies the repudiation of the traditional expectation of becoming a wife and mother, in favor of women

who possess the ability to sustain themselves economically. Furthermore, it demonstrates the emergence of class awareness and the increasing impact of feminists in the realm of office politics, as well as the aspiration to bring together and rally women.

Urban women predominantly engage in the service sector, whereas women in rural India primarily focus on agricultural and domestic labor. A significant proportion of these women, hailing from medium and upper socioeconomic backgrounds, are actively seeking employment opportunities in order to enhance their family's quality of life. Nevertheless, certain women with advanced education and exceptional abilities have arisen in several professional fields such as civil service, law, medicine, engineering, academia, and filmmaking. The motivation of these women stems from a strong inclination to articulate their interests and abilities. Monday, 1991.

### **The revolution of the legal profession**

The phenomenon of globalization has brought about significant transformations in the realm of international trade, characterized by heightened governmental engagement and enhanced accessibility to local economies. The legal services industry has had several effects, encompassing both quantitative and qualitative dimensions. In the past decade, there has been a significant transformation in the legal services sector, particularly in areas such as corporate law, project finance, intellectual property protection, environmental protection, competition law, corporate taxation, infrastructure contracts, governance, and investment laws. These areas were previously untapped until the 1990s.

There is a scarcity of law firms capable of performing such tasks. The legal services market exhibits a substantial need for professional services. Over the past few years, there has been a significant increase in the amount of legal services provided by private attorneys to law firms operating in the business sector. Joshi (2020)

This newly established legal business specializes in the creation of loan instruments, infrastructure and energy agreements, project financing agreements, transnational investment agreements, joint ventures, and technology transfer. This exemplifies the increasing inclination of the legal sector to resolve disputes using Advanced Debt Recovery Resolutions (ADRS) rather than engaging in confrontational litigation. The need for legal services has surged domestically and internationally as a result of globalization. The era of globalization is crucial for the advancement of legal professionals in India.

### **Work in legal profession**

The legal services industry can be distinguished from other professional services such as software or medical practice due to its unique nature. The traditional foundation is not only derived from the presence of laws and legal structures, but also from conservative and traditional ideologies that impede the advancement of cross-border service provision, albeit being somewhat shielded from invasion.

The legal services sector, even on a worldwide level, is inevitably limited by jurisdictional constraints, such as the requirement to acquire a degree from the nation where the service is rendered. Certain components of the legal service are susceptible to local concerns, while others remain unaffected. It is crucial to preserve local factors in areas where they hold significance, and only make exceptions for the purpose of accessing global markets. Therefore, it is necessary to contribute to the international community and assume the unique duty of fostering service-based trade, while also safeguarding national interests.

### **The essence of the legal profession**

Law is assigned a certain duration due to its significance in upholding order, exerting power, and resolving diverse issues. However, it is crucial to acknowledge that law is a subject that requires careful comprehension, interpretation, and deliberation. The League of Champions, comprising individuals from diverse age groups, has historically made significant endeavors to build and provide access to this course for both established and contemporary individuals.

Various facets of the legal profession's culture or mindset prompt significant inquiries regarding the significance or necessity of leadership development for lawyers. Initially, our industry positions itself as part of the privileged segment of society. Lawyers perceive themselves as effective leaders. However, it is a fact that the majority of lawyers have limited or no ongoing legal education in leadership development, resulting in a significant lack of training in leadership

development beyond what they study in traditional educational settings. What is the current trend in the field of education?

### **Women's status and position**

The status and position of women worldwide had a significant increase over the 20th century. It is evident that in historical India, the value of commodities was significantly low, leading to their classification as commodities that could be exchanged for monetary gain. Traditionally, women in India resided within the confines of their households for an extended period. They rely on males.

In India, the practice of female infanticide, child marriage, sati (the immolation of women and husbands), as well as the concepts of virginity and perpetual widowhood, have been prohibited. The provision of adequate documentation to establish marital status will prove advantageous to several women around the country who experience spousal violence. Additionally, it will enable women to pursue child support and custody, as well as assert their entitlement to widow inheritance rights. It will also aid in the prevention of child marriage and polygamy. All women, irrespective of their gender, creed, or religion, are obligated to adhere to the provisions outlined in the Act. The empowerment of women in India to exercise their rights has proven to be highly beneficial.

### **Contribution of Women in the legal profession**

Women's influence was initially observed in the fields of journalism, academia, and medical. During subsequent years, many traditionally male-dominated domains, like politics, the legal system, administration, and public service, started to experience the impact of feminism. Families affiliated with the orthodox, backward, and conservative social classes are not immune to the economic necessities that impact contemporary society. An often cited "revolutionary" social occurrence in the last forty years is the establishment and expansion of women in the legal field.

Legal professionals wield significant authority and exert substantial influence within the realms of society, economy, and politics. Professions such as law, academia, accountancy, architecture, investment banking, and management consulting are commonly recognized as being predominantly male-dominated. Although women have been increasingly represented in law schools and law degrees have improved in recent decades, the structural segregation of women in this predominantly male profession has resulted in significant disparities in the career trajectories of male and female lawyers, even across different nationalities. The concept of legal culture. Narrating the narratives of women is straightforward.

There is a lack of female representation in law school graduates, paralegals, and all other occupations associated with the legal field. In these nations, modifications in the criteria for the implementation of laws necessitate alterations in the legal framework through the formulation of statutes or common law. Unlike other nations such as New Zealand, where women have never faced legal restrictions on entering the field, this country has not. Consequently, women's involvement in the industry is influenced by the advancements made in countries with more stringent formal barriers.

The presence of social obstacles to access and involvement in the profession is likely to be more pronounced than the restrictions established by legal frameworks. Similarly, the legal profession has witnessed significant transformations in women's involvement due to shifting societal circumstances, including the emergence of the worldwide women's movement, the democratization of higher education, and advancements in birth control technologies and family perspectives. Indeed, while there may be certain cultural or national disparities, there is a significant degree of homogeneity across the entire nation.

### **The pre-independence Indian legal profession**

The organization of the legal profession in pre-independence India differed from its contemporary state. Indeed, the contemporary legal profession originated and evolved within the context of the British era. During the Hindu and Muslim era, the Court's authority was derived from the monarch. The king is regarded as the principal authority of justice. The status of the royal court surpasses that of other courts. The King's Court served as the supreme court of adjudication.

He had sole authority in significant instances. His advisers requested the king to listen to and make a decision on the situation. Nevertheless, the king were not reliant on their counsel. The monarch exercised legislative authority by

issuing decrees. Lawyers were not present in the past as they are in the present. It is generally recommended that decisions should not be made by a single individual, hence a panel of two judges is always favored.

The legal profession remained unregulated even during the Muslim era. The king is regarded as the principal authority of justice. He is seen as the earthly faithful of God, and his responsibility is to ensure compliance with His commandments. The primary responsibility of the king was to administer justice. He can carry out his responsibilities either himself or by delegating them to his subordinates. The king served as the primary arbiter of the emperor and upheld the divine conscience.

Prior to the establishment of British authority in India, the responsibility for administering justice in North India rested with courts that were created by the Mughal emperor or the head of the government. Furthermore, the zamindars of significant size also possessed courts to handle both civil and criminal matters. A collective of individuals known as Deputy exists. They served as spokesmen for directors rather than legal professionals.

The inclusion of women in the legal profession in pre-independence India has experienced a complex and tumultuous initiation, commencing with a formerly esteemed occurrence. In 1916, a Special Bench of the Calcutta High Court, consisting of five judges, rendered a decision in the Regina Guha case. The court determined that the term "person" as employed in different provisions of the Civil Procedure Act, 1879, specifically referred to women rather than men. Consequently, the exclusive eligibility for subordinate court arbitrators is limited to males.

In the matter of Sudhansu Bala Hazra, the Full Bench of Patna High Court once again affirmed the aforementioned perspective. Both the Supreme Court and the 1868 Articles of Incorporation Act have affirmed that phrases that refer to the male gender also encompass women. The court asserts that the legislature did not possess the intention to modify the existing policy or fundamentally alter the longstanding legal principle that forbids women from participating in the court system. Curiously, the judges who authored these opinions were in complete agreement that their responsibility as judges was solely to articulate the law, and that any alteration in the law was prudent or suitable.

Subsequent to these significant occurrences, the Indian legislature enacted the Legal Practitioners (Women) Act 1923, which eliminated disqualification and stipulated that "no woman shall be refused entry or registration to the practice of law solely based on her gender."

### **Legal profession post-independence**

Following India's independence and the enactment of the Indian constitution in 1950, Indian women were granted essential and constitutional entitlements to safeguard their position and role in society. These include the right to equality, protection against gender-based prejudice, and the freedom to pursue any occupation. The architects of the Indian constitution regarded the empowerment of women in society as crucial for progress.

Until two decades ago, the legal profession in India was not favored by women due to issues such as the absence of workplaces that catered to women, inadequate remuneration, and limited career opportunities compared to men. Fortunately, the current situation is favorable in the workplace.

Given that embracing the idea of women's empowerment within the legal community, particularly in law firms, is the most efficient approach to surmounting numerous challenges, it is imperative to prioritize the provision of adequate support for female lawyers. This includes addressing potential conflicts that may arise between male lawyers and female clients in certain instances. It is imperative to ensure that our female legal professionals are assigned to tasks that align with their individual strengths and abilities. Within the firm, women lawyers are designated as autonomous members of the internal complaints committee in accordance with the provisions outlined in the Sexual Harassment of Women at Workplace (Prevention, Prevention and Redressal) Act, 2013, as observed in certain multinational corporations with branches or representative offices in India.

The number of women pursuing a career in law is on the rise, as seen by the increased presence of women in senior management positions inside prominent firms. The visibility of women's involvement in the legal profession is currently limited but steadily expanding, and their influence in the judiciary should not be overlooked.

## **II. CONCLUSION**

The issue of women's empowerment has emerged as a significant priority in the 21st century, both domestically and globally. By empowering women, we can contribute to the improvement of society and the world, as well as promote



their equal involvement in the legal profession. This, in turn, leads to increased happiness for families and organizations that support women. Presently, the perception of female lawyers in the public sphere is not a falsehood.

They are perceived as individuals who seek wealth rather than serving others. In a society that is progressing, it is crucial for women lawyers to have an equitable and significant role in development. Enhancing the conventional standing of women lawyers is the initial measure in their day-to-day work. However, in order to guarantee the successful involvement of women in the legal profession, the first step is to enhance the quality of participation among women legal professionals.

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