

The Involvement of Women in the Legal Profession – Issues and Challenges in India

Devendra Singh¹, Divya Barola², Ranjita Ghotekar³

Assistant Professor¹, 3rd Year LLB², Advocate³

Nalanda Law College, Gorai, Borivali (W), Mumbai, Maharashtra, India

Abstract: *This study article aims to shed light on the challenges faced by women in several aspects of the legal profession, revealing the involvement of women in all roles within the profession, including as students, teachers, and professionals. Additionally, it highlights certain key obstacles that women encounter in the profession. The author has extensively researched many figures and papers to comprehensively comprehend and analyze the involvement of women in the legal profession.*

Keywords: women lawyers, sexual stereotyping, male-dominated, extended work hours

I. INTRODUCTION

The concept of contemporary civic society was established by Rousseau's Social Contract (1762) and the French Revolution. However, it was limited to the male gender, and the ambitious legislative initiatives of the nineteenth century failed to address this disparity. In contrast, women were subjected to a systematic denial of essential civic rights and were legally positioned as subordinate to their male counterparts, whether they were fathers or spouses. They were denied access to higher education and professional opportunities due to the belief that women's inherent nature rendered them unsuitable for such roles, while being highly qualified for important positions in domestic life.

The late nineteenth century witnessed the emergence of the early women's movement, which played a pivotal role in advocating for women's civil rights and subsequently facilitating their access to legal professions. While this phenomenon was observed in European and subsequently Western nations following World War I, the process of granting women access to legal professions was further postponed in countries that had a protracted transition towards an industrialized economy and a modern state. In Venezuela, the inaugural female recipient of a law degree was conferred in 1936. Consequently, the development of third world countries was limited until the latter half of the twentieth century.

This study primarily focuses on the challenges encountered by women in the legal profession in India, taking into account the relevant background information. To analyze the available data and statistics in order to determine the pattern of women's participation and have a comprehensive understanding of it.

The challenges encountered in the discipline are multifaceted, encompassing the roles of a law student, a law instructor, and a lawyer, from educational, academic, and professional perspectives. Moreover, the objective of this study is to assess the viability of the ideas and suggestions put forth by legal professionals and specialists in other domains in order to attain gender equality within the legal sphere.

II. WOMEN IN THE LEGAL PROFESSION IN INDIA

The emergence of feminism in India may be traced back to the second decade of the twentieth century, when the Women's India Association (WIA) was founded in 1917 to advocate for the suffrage struggle. During the same decade, a small number of Indian women became eligible to pursue a career in law in India.

Dr. Hari Singh Gaur, a prominent figure in the movement advocating for the inclusion of women in the legal profession, proposed an amendment to the resolution passed by the Central Legislative Assembly of India. This amendment aimed to eliminate the practice of sex disqualification against women, marking a significant milestone in India's history. The objective was to include women on the electoral register for the Legislative Assembly elections on February 1, 1922. Additionally, the Government expressed its satisfaction in eliminating the gender barrier that previously prevented women from being eligible to work as legal professionals in the country's courts.

Reiterating the restriction that only males can be registered as advocates, beginning with the Regina Guha case in India, it was determined that the courts were unable to deviate from this rule. This was supported by the cases of *Bebb v. Law Society* and *Bradwell* in other nations.

Illinois. Following the founding of the Allahabad High Court, the legal profession in Uttar Pradesh was predominantly male-dominated during the immediate term. The Allahabad High Court granted Cornelia Sorabji the distinction of being the inaugural female practitioner. During the period when a female law graduate was officially registered and engaged in the legal profession in Allahabad, on par with their male counterparts, women residing in Calcutta or Patna did not possess this privilege. Therefore, the amount of women's involvement in the legal profession inside the state continued to be relatively low, with a significant rise observed solely in the final decade of the twentieth century.

In response to this situation, the Government of India was compelled to enact legislation aimed at eliminating any disabilities that could potentially hinder women from pursuing a career in the legal profession, as long as they met the requisite educational credentials. Consequently, the Indian government enacted the Legal Practitioners (Women) Act, 1923, which is now in effect throughout India. This legislation explicitly forbids any form of gender-based bias in the process of admission.

Historically, women in India were underrepresented in law graduates, legal professionals, and other occupations related to legal work, regardless of the specific definition used. This concept underwent a transformation in the 1970s following the inclusion of women in higher education and the concurrent growth of universities' involvement in the teaching of legal professionals.

III. CHALLENGES ENCOUNTERED BY WOMEN IN THE LEGAL PROFESSION THROUGHOUT HISTORY

The alteration in the legal profession's structure brought up a multitude of challenges encountered by female lawyers within society, encompassing aspects such as modernism, professional mobility, and financial inequality. Women entering the industry encountered the conventional thinking of their families, which presented numerous hurdles for both single and married women aspiring to enter the field. The demoralization of the new immigrants was influenced not just by their marital situation, but also by their caste and religious identity. The challenges faced by individuals were further compounded by instances of gender bias and sexual harassment within the court premises, particularly in the lower courts.

In recent years, the focus has shifted from external obstacles to psychological problems and the ongoing conflict between family and work that persists throughout their lives. The majority of employed, professional, and career-driven women encounter genuine difficulties, and being outside their homes poses a more substantial obstacle. Long-distance commuting, crowded bus travel, extended working hours in courts, exposure to derogatory remarks from male colleagues on court premises and public transportation, and instances of eve-teasing are among the challenges encountered by women. These issues contribute to their personal and familial difficulties, as well as their work schedules, working hours, and work timings.

IV. THE ROLE OF WOMEN IN LEGAL EDUCATION AS LAW STUDENTS

The enrolment percentage of students in higher education signifies the initiation of the growth of a specific sector in any profession, including the legal profession. This progression begins with complete exclusion and culminates in the attainment of parity in terms of the number of male and female law students. In certain instances, such as in the nations of France and New Zealand, there has been a notable disparity in the representation of female law students compared to their male colleagues.

Female students often possess academic qualifications that are comparable to, or even beyond, those of their male counterparts in the field of law. Expert studies indicate that women's inclination to pursue law education exhibits similarities across different countries. Specifically, there exists a heightened focus on compassion (Deborah Rhode) and a commitment to advancing justice (Leny de Groot).

Although institutional hurdles to accessing legal education have been eliminated, women still experience disadvantages due to rejection and marginalization. Their contributions in class are sometimes given less attention, which negatively impacts their professional self-confidence. The conventional curriculum of law schools, the patriarchal framework of

legal systems, and the prevailing ideology of male instructors disregarding the experiences and opinions of women contribute to a prevailing feeling of estrangement. An examination of syllabi in public schools reveals a notable absence of feminist critique within the core curricula.

In addition, the limited availability of reputable law schools in the country and the restricted opportunities for women to travel long distances to obtain legal education, which is primarily accessible to the privileged class or those fortunate enough to have a family member who is a lawyer, deter them from pursuing legal education. This is because the potential for a successful career in law for women is heavily influenced by their social standing. Consequently, women often refrain from pursuing legal degrees due to the assumption that they may not achieve significant success due to societal, familial, and marital expectations. In addition to this assumption, the establishment of the system requires a significant amount of time to establish a reputation or to pursue a prosperous career in the legal field.

V. THE ROLE OF WOMEN AS LAW TEACHERS IN LEGAL ACADEMIA

The challenges encountered by women in the field of legal academics, namely as law tutors, can be regarded as a manifestation of the challenges experienced by female law students. The work of these individuals is not receiving adequate acknowledgment, resulting in their isolation, marginalization, and underestimation of their accomplishments. The majority of female tutors tend to occupy positions within the lower echelons of the academic hierarchy, hence allowing their male counterparts to occupy higher-ranking positions inside the Glass ceiling. Despite the possibility for better wages and high status that law professors enjoy, women aspiring to top positions in the field have encountered significant challenges. They find it more convenient to join law faculties with lower reputations and a lower market value compared to male law professors.

They continue to face a persistent obstacle of wage inequality, and their income can only be equal to that of males in a faculty that is predominantly male, making it difficult for them to enter. Moreover, in regions with a higher proportion of women, incomes tend to be lower. Additionally, accomplished women often find themselves assuming less prominent and less lucrative responsibilities compared to their male counterparts. This is because they dedicate more time and effort to enhancing their teaching skills, leaving them with less time to pursue additional activities that would boost their incomes and prestige. This is primarily due to the lack of male involvement in family care, even in recent times, which is perceived as the women's role, stemming from the patriarchal belief that men are the primary earners for the family.

Subsequent research indicates that the establishment of new law schools, such as NLUs, in the latter part of the twentieth century does not provide equal representation of women academics compared to men. The present examination of faculty listings within prominent law schools around the nation reveals a notable absence of women in the highest-ranking positions. Although these schools are beneficial for female law students, they do not support women in law faculties. The scarcity of full-time law professors in NLUs is indicative of the limited opportunities for women in legal academia.

The issue of inequity needs attention, since the representation of women is crucial in light of the evolving demographics of female law students, regardless of their decision to pursue a career in the legal profession. The female faculty members acknowledged the presence of gender-related obstacles, such as limited access to mentors, challenging work environments, and the need to repeatedly demonstrate their abilities and gender identities.

VI. WOMEN IN THE LEGAL PROFESSION AS LAWYERS

According to the Chambers & Partners, a reputable ranking agency for lawyers and businesses, there has been a consistent increase in the representation of women lawyers in the legal profession in India. Specifically, the percentage of women listed has risen from 12.5 percent in 2010 to 17.34 percent in 2015. The demand for women lawyers is primarily motivated by the objective of enhancing the diversity ratio, particularly in light of the directive for corporations to increase their recruitment of women lawyers. According to research conducted by a recruitment business that specializes in legal talent, it has been shown that women had an average salary increase of 26 percent while transitioning between organizations, in contrast to the 36.25 percent increase observed among their male counterparts. Financial services businesses, medication makers, and venture capital funds have issued urgent mandates

for lawyers. However, in order to retain the involvement of women working in their conglomerates, it is necessary to establish flexible working arrangements.

Additionally, it is imperative to address the issues pertaining to Long-Hours Culture and the Dual Burden of Profession and Family experienced by women. Due to these factors, many women choose not to pursue a career in law after getting married. Furthermore, once they have established themselves professionally, they are often deemed too old for marriage. Consequently, women are dissuaded from pursuing a career in law. As an illustration, Tata Sons has a gender pay gap of two-thirds in their workforce, with women occupying senior positions. The company has implemented various measures to support women lawyers, such as flexible working hours, remote work options (particularly for those with newborns), and late-night car drop-offs. These initiatives aim to promote a healthy work-life balance for women lawyers and address their safety concerns.

Research indicates that the era of the notion of "Credibility theft" has become a thing of the past, as female lawyers now receive equal respect for their work as their male counterparts, who previously managed to evade acknowledgment for the identical ideas put forth by female lawyers. From a corporate perspective, the important issue at hand is the revitalization of women's attitude. The majority of women are reluctant to choose a profession that will not allow them to attain the same level of prestige as their male counterparts. The prevailing defeatist mindset among women lawyers at the beginning of their careers, wherein they assume they are incapable of becoming partners in a firm or achieving success, due to their reliance on male lawyers for guidance in their legal careers, presents a significant issue. The notion that the legal profession can be self-centered and harsh contradicts the inherent qualities of females, who are often perceived as possessing a feminine sense of innocence and the sanctity of their gender. Consequently, this perspective reinforces the belief that women's societal roles prevent them from engaging in the practice of law.

VII. OBSTACLES FACED BY WOMEN IN THE LEGAL DOMAIN

Despite a consistent increase in the number of women in the legal profession, their percentage in the overall population of legal practitioners remains lower. Although the rates of individuals entering legal education are quite high, the rates of individuals being admitted to the bar and actively participating in the profession are comparatively lower. Only 10-15% of the enrolled advocates in the Bar Councils around the country are women, which is a significant fact to consider.

Issues pertaining to sexual harassment in the workplace, judicial treatment of domestic violence and marital rape, sexual relations between attorney and client, sexual stereotyping, and other forms of bias and discrimination in both the courts and other practice settings are integral aspects of a lawyer's professional life. These challenges are particularly relevant for female lawyers and women in general. The aforementioned concerns of female lawyers may have prompted deliberate efforts to identify issues related to the established structure of the legal profession, such as work-family conflict, the inflexibility of the established practice model, flexibility in work schedules (including part-time work), temporary or contractual hiring of lawyers, and alternative pathways for career advancement. Moreover, empirical research has demonstrated that women constitute the working class within the legal services industry, wherein the allocation of tasks and clientele is influenced by strategic decision-making aimed at safeguarding one's own interests. In this particular market, women are more inclined to be motivated to focus on areas that possess lesser levels of visibility, profile, and financial incentives.

In the context of males, there is a greater inclination and encouragement to prioritize work that provides higher prestige and enhanced opportunities for the development of legal skills and client interaction. This is particularly crucial for establishing a client base and ensuring future prospects.

VIII. CONCLUSION

Undoubtedly, women in the legal profession have encountered and endured instances of gender-based prejudice. The field of law has played a pivotal role in feminist movements, with female lawyers playing a crucial role in transforming the legal landscape and societal norms. Law schools in India have predominantly consisted of male students, with the gender composition of the training staff remaining unchanged. However, the primary factor contributing to the ongoing male hegemony in the field is the limited representation of female law graduates aspiring to pursue a career in this area. The transformation of the masculine perception of the legal profession can be facilitated by law schools and the active

participation of women in the field. By doing so, the existing barriers are expected to gradually diminish. The legal profession as a whole strives to attain equal opportunities for women and freedom from gender bias.

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