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REPRESENTATION OF WOMEN IN THE LEGAL PROFESSION IN INDIA DO THEY NEED EMPOWERMENT?

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ABSTRACT

The 21st century has brought to light the significant issue of women's empowerment, which has become extremely prevalent. Recently, in India, the topic has gained a lot of attention. According to the Indian Constitution, all genders should be treated equally. The legal system fought long and hard to grant women access, and their presence was scarce in courts until the turn of the 20th century. Women must contest traditional norms and societal expectations to promote their betterment. "Women empowerment" is a process where women challenge current conventions and societal norms to promote their well-being. The topic of women's empowerment has become a top issue in the 21st century, particularly in India. It wasn't until protracted legal battles that women were finally admitted into the legal system, and even then, their presence in the courts was minimal until the end of the 20th century. Now, as women strive for equality, they fight for their empowerment.¹

INTRODUCTION

Progress and development within our society owes much to the invaluable contributions of women. It's remarkable how significant their role is in molding the national character around the world. For instance, in India, the nation is often referred to as Bharat-Mata, which translates to "Mother India." However, the deeper meaning behind this name has often been overlooked; it serves as a call to

¹ Status of Women in India" by Shobana Nelasco, p.11

protect every Indian mother. Indira Gandhi held the record for the longest service of any female prime minister with her 15-year tenure in India. Equally represented with men throughout India, women make up half of the world's population and can be found across a variety of fields. Among these fields are journalism, politics, the arts and culture, sports, science and technology, education, and the service industry. Not only does the Indian Constitution ensure equality for women, it also empowers the State to implement policies that offer positive discrimination. These are intended to address the accumulated political, educational, and socio-economic setbacks that women in India are far too familiar with.

Fundamental rights include diversity, recognition of equality before the law and equal protection of the law, prohibition of discrimination against all citizens on the basis of religion, race, ethnicity, sex or place of birth, and recognition of equality. For all citizens in employment matters. Articles 14, 15, 15(3), 16, 39(a), 39(b) and 39(c) of the Constitution² are important in this respect.

Men in India have been in the legal profession for a long time. Women's entry into the courtroom as only possible after a long and legal struggle, yet women's participation in the courtroom still low until the end of the twentieth century. However, in the 21st century, the concept of globalization has created many opportunities for Indian women to receive legal education and training. Modernism also softened the court environment but also took control of medieval male chauvinism.

WOMAN IN LAW

The influence of feminism initially affected fields such as journalism, academia, and medicine. However, in later years, feminism expanded its impact to traditionally male-dominated professions including surgery, civil service, law, management, entrepreneurship, and politics. In recent times, many families, particularly those from conservative and traditional backgrounds, have faced significant economic hardships. The struggles they face are not solely external in nature anymore. Furthermore, public perception has become more accepting, and women now have a wide range of choices. However, they still grapple with psychological issues and the ongoing conflict between their family responsibilities and careers throughout their lives. The entrance and increasing presence of

² Constitution of India Gopal Sankaranarayanan

women in the legal industry is a remarkable social transformation that has been referred to as "revolutionary." This influx of women has sparked discussions among scholars and activists about the changes they will bring to the structure, management, and practice of law. It's worth noting that India was under British rule until 1947, which influenced the administrative structure and organizations. Examples include the Indian Penal Code (IPC), Criminal Procedure Code (Cr PC), Civil Procedure Code (CPC), as well as foundational aspects like the Rule of Law and Indian Civil Services. Dr. Hari Singh Gaur, a pioneering advocate for women's access to the legal profession, made history in India when he introduced an amendment to the resolution of the Central Legislative Assembly. The amendment aimed to eliminate discriminatory barriers preventing women from pursuing careers in law. Attorneys wield a good deal energy and have an effect on in social, monetary and political circles. Law is also known to be a male-dominated profession, just like academia, accounting, structure, investment banking, and control consulting. Despite increasing lady illustration in law colleges and entry-degree criminal positions during the last few many years, structural segregation of girls on this male-dominated profession perpetuates large disparities between the career trajectories of male and female legal professionals even across wildly unique countrywide and legal cultures, it is easy to narrate the tale of women inside the criminal profession.³

REPRESENTATION NEEDED

According to a 2013 report encompassing 86 countries worldwide (covering up to 80% of the population), women started pouring into the legal sector during the 2000s. The lowest representation of women in law is in China and India, whereas Latin America, Europe, and the former Soviet Bloc nations have the highest representation. The occupational landscape for lawyers has undergone a significant shift in 52 countries, where over 30% of lawyers are female, according to a recent survey. Early adopters of this change include Venezuela and Uruguay, who achieved this milestone in the early 1980s. Meanwhile, some of the countries with the most significant female representation in law are Bulgaria, Latvia, Poland, and Romania, where women make up at least half of all employed lawyers by the mid-to-late 2000s. In contrast, it took Denmark, Norway, the United States, and Germany until a later time to cross the 30% threshold. Surprisingly, India and China, two of the most populous countries in the world, are among the slowest in incorporating women in the field of law,

³ Anjali Chandal(2015) Women empowerment and constitutional Provisions, legal service India, e- journal

with India having only a 5% female representation and China with only 20%. The Bar Council of India (BCI) held a valedictory ceremony in which CJI Ramana acknowledged that women are still not widely accepted in the legal profession, leading many to struggle while working within it. This admission was made in 2021. On the Supreme Court bench, only 11% are women, despite 75 years of freedom. The Chief Justice acknowledged that certain states may have higher representation due to reserve policies, but overall progress towards gender parity has been slow. It is crucial for the law to actively integrate women into its ranks, according to the Chief Justice's remarks. One would hope for at least 50% female representation at all levels after such a prolonged period of freedom. She is frequently at a disadvantage when she re-enters the workforce. Law companies often hold a bias against women as they fear the possibility of needing time off to start a family. Women are also perceived as incapable of handling "serious" briefs. This perception is further reinforced if they do take a break to raise families. As a result, women are viewed as less devoted and less competent. A feminist judgment study carried out in the UK back in 2010 found that simply adding more women judges to the bench does not necessarily lead to better outcomes for women's rights⁴. However, if the judge happens to be a feminist themselves, then the situation changes significantly and the results can be vastly different. Based on this, it's clear that India needs to not just focus on increasing the number of female judges, but also prioritizing finding judges who are sensitive to gender issues. Females in the legal industry face immense pressure to outdo their male colleagues. Being labeled as aggressive is a common occurrence for women lawyers and judges who struggle to voice their opinions, whereas men who display the same trait are seen as strong. Also, workplace harassment is frequently overlooked due to the unclear nature of the higher judiciary. Women lawyers have been subject to numerous instances of verbal harassment by their male peers, which has gone on unnoticed for far too long.

ISSUES

The absence of lady law teachers who should impart legal training to the normal law college students – With the general public of women being disallowed from gaining a formal education and their roles in society relegated to the family any women accomplishing the corridors of better training would had been an extraordinary event. In as a great deal as a lady coaching a subject like regulation might

⁴ Times of India- By Mita Kapur, Founder, curator and producer of Woman Up! Summit

have been unthinkable. due to the fact had any women taught the laws at that point of time, they would have encounter the supply inside the regulation barring women from practicing regulation since women did now not come beneath the definition of a ‘man or woman’!.They need not have waited until it changed into sought on behalf of Cornelia Sorabji to amend the laws to consist of girls in the definition of time period ‘character’ in order that girls should input the prison profession⁵. And India had to wait until 1951 to get its first legal expert academician in the form of Lolita Sarkar. The lack of law firms willing to employ women lawyers – Since most of the Law firms in the post independence days were run by members belonging to a single family it would have been unthinkable for them to employ a new unknown female lawyer. Women were probably not considered as worthily invested employee asset since they had the responsibility of childbearing and rearing and would sooner or later seek leave of absence for these responsibilities, or would have to shift to their matrimonial homes. Therefore, a women- friendly work culture that one gets to see in present times had not developed. The lack of female role models – A major reason for lack of women in this profession could be the lack of role models be it as Advocates or as Academicians or Corporate Lawyers. But today especially after the introduction of new five year courses in law in which the lawyers are trained in practical legal applications for a particular period even before they enter into the profession, it has become easier for women to decide what career prospect their aptitude agrees with. Instead of seeking for role models they can themselves think about the changes which they wish to see within the legal system.

CONCLUSION

The Indian legal system is indeed not the same as before a decade ago, and the numerous developments occurring inside it as a result of technological advancements and changes in working styles would necessitate a period of absorption before further advancements can be recognized. Developing e-courts in India would growth improve the justice delivery method, and the ease of being willing to debate online from the Advocate’s office may entice Indian women advocates to begin practicing or teaching over the internet. The desire to become a judge continues to entice Advocates and lawyers; however, the number of female Justices has not grown in comparison to male Judges throughout the years. With the reforms and developments it will grow in the near future. Women in

⁵ Leila Seth, On Balance – an Autobiography (Viking Penguin , 2008)

the practice of law, on the other hand, must be more active. They should get together to address workplace challenges of gender discrimination. There are many female lawyers who may lead such organizations, and while numbers alone may not be enough to make a difference, there is power in numbers. Several gender-friendly adjustments to the law have been enacted in recent years by the courts. However, the gender disparities will be removed when the women will take part in the legal profession and will play their parts in the society.

