

SWORD AND SCALES: A WOMEN IN BLACK

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ABSTRACT

Women's sensitivity and unique design have consistently led to their undervaluation. They have always been celebrated as teachers, mothers, doctors, and researchers, and they are best suited for bank jobs, etc. Moments after the aim of the woman drifts to advocacy, she faces the wrath of her family and society with filthy remarks. As usual, justice in our society is still a dream for every woman. So the question of providing justice in itself is questionable. However, men tend to forget that the source of their existence should be re. Ratserveanryean served as platfrumoursr rumours. Why should we limit our discussion to gender equality when working with people of the same sex prevents you from thriving in your career? This paper focuses more on the researcher's personal experiences, and a reality check in the advoThe Constitution established numerous provisions for the betterment of women and cleared the path for gender equality. However, because they lack the necessary efficacy, these laws and articles are mere paper tigers. The causes of gender discrimination in this field will be discussed after that. The difficulties that women encounter and how they resolve them. What is the situation in favour of practising law? What adjustments could be made to improve prospects in the judicial and advocacy fields? Above all, this line of work is perceived as a stigma for women rather than a secure and stable one. This paper will also include the opinions of prominent national figures regarding the role of women in the legal profession, as well as the researcher's perspective as a first-generation advocate in the family and currently active in the field.

Keywords: Constitution, Judiciary, Gender Discrimination, Dignitaries.

INTRODUCTION

I am no longer accepting the things I cannot change... I am changing the things I cannot accept."
Angela Davis.¹

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¹ Angela Y. Davis, good reads, available at <https://www.goodreads.com/quotes/7767240-i-am-no-longer-accepting-the-things-i-cannot-change>

Why should we not embrace change? Living in a constantly changing world and adapting to survive, why should we adhere to the same mindset and old traditions? When it comes to a suitable career for a woman, the answer is none. The birth of a girl child in a family burdens them more with worries about her dowry than her education. I wonder where our society stands today. Some may argue that the government has introduced schemes and jobs focused on women's welfare and prosperity. However, we are discussing the progress of women both in their professional and domestic lives. Upon entering a workplace, women often encounter various remarks and judgments from those around them. This is undoubtedly unjust. Women are divine beings with the ability to create and also to destroy. It is essential to remember that women's rights are human rights, and vice versa. However, these slogans often lack true impact. The journey of a woman from birth to death is filled with challenges at every turn. The upcoming section of this work will focus on a particular incident or profession, as evidenced by the researcher.

Oh! Look at her. Who is this new bird in the jungle? I will show her what practice is all about. It is just the charm of a few days or months; she will never step inside the courts after this! Well, I will make her fall for me and show this whole court that she is with me. I need a female junior; could you join me? I will pay you 5000 bucks and whatnot! These are some of the common expressions that are spoken when a new girl or law intern walks into the court. If these are spoken in a common or native language, it sounds extremely disparaging, but at least they sound a little sophisticated and not obnoxious while reading the same in English. When women in courts are either given the option to hold files and follow behind or are treated like objects to be obeyed, The last but certainly not least Bart the Bar has to offer a woman in black is her character assassination; if she is audacious and talkative enough, she becomes part of the gossip, considered impolite, trailblazer, or flamboyant. In every field, whether you refer to the country as "Bharat Mata" or worship a female goddess, women are frequently personified.

When a girl is born, a family views her as a burden, but these misogynists worship Devi Laxmi for financial gain. What hypocrisy! Why should one move outside bars? Let's talk about the legal profession and its symbol of justice and the law: Justitia, the Lady of Justice, and the goddesses of justice in Roman mythology. A blindfolded woman holding a sword in one hand and a pair of scales in the other is a source of veneration in the Roman Empire. She received her meaning from the Greeks, who worshipped the goddess Themis and her daughter, the embodiment of divine law and custom, and from the Egyptian goddess Maat, who represents

the same.² Some people believe that this is an artistic, symbolic personification rather than a real deity with religious significance. Another question I have is: why aren't men used as symbols of justice? If men have personified her as a goddess and then treated her as a myth again, why not a male figure? You worship a woman, but you can't stand a woman on the same level of success. That is the mindset of our society as a whole. The real question of this research paper is whether women are less respected women or not successful in this profession.

HISTORICAL BACKHISTORY

Every trailblazer has a revolutionary story, and in today's world, you can not achieve anything if you do not stand up for yourself. Women have contributed significantly to the development of the Indian legal profession throughout its long and complex history. In India, women have made great strides in the legal field. Many of them have risen to become prominent lawyers, judges, and legal scholars facing significant challenges. History bears testimony to the fact that women have never been treated equally to men in society. She was not even referred to as a person or second gender by various judges when considering her application for admission to the legal profession.³

It was not until 1846 that all eligible people could practice law, regardless of their nationality or religion. Because women were not mentioned in the statute governing the practice of law, women were still prohibited from entering the field. Right up until the women advocates were officially allowed to practice law.⁴ The credit for triggering the said battle goes to Cornelia Sorabji. This was due to the passing of the Legal Practitioner (Women) Act, III of 1923, which allowed women in India to choose the legal profession and represent themselves in court, lifting the ban on practised pra practised

After completing her Bachelor of Laws, Regina Guha⁵ applied as a lawyer at the Alipore District Court and began her fight for justice. Guha was the first prominent woman among the two discussed in the following section. The application was considered by the court. Regina

² Lady Justice, Historical Society of The New York courts, Available At: <https://history.nycourts.gov/history-new-york-courthouses/lady-justice/> accessed at 1.06.2024

³ Prachi Bhardwaj, The story of three women and their fight to make “women in law” a reality in India, SSC Online, October 11, 2020
Available At: <https://www.scconline.com/blog/post/2020/10/11/the-story-of-three-women-and-their-fight-to-make-women-in-law-a-reality-in-india/>

⁴ Ishita Sharma, Representation of Women in the Indian Legal System: A Historical and Contemporary Analysis, Journal of Legal Studies and Research, Volume 10 Issue 1 – January February 2024

⁵ IBID.

stated that as a result of the Provisions of the Legal Practice, the Act would include women even though they specifically stated that "words including the masculine gender shall be construed to include women." The court replied to civil rights activist and lawyer Eardley Norton that at the time the Legal Practitioners Act was passed, there had never been a case where a woman had been allowed to practice in an Indian court. The Patna High Court upheld the judgment in the Regina Guha case.⁶ where it was held that a woman could not act as a holder of a certificate under the Legal Practitioners' Act on the grounds of her sex, despite the General Clauses Acts of 1868 and 1897.

Another notable case was *In Re: Miss Sudhansu Bala Hazra*⁷, who applied to Calcutta University as a private applicant and wanted to take a preliminary law examination. Her application was initially rejected because she was not a regular student, but eventually, the university granted her permission. In 1921, she obtained her bachelor's degree from Calcutta practising and began practicing at the Patna District Court.⁸

The Sex Disqualification (Removal) Act of 1919 allowed women to practice law in England at that time. At the same time, the Allahabad High Court approved the vakil registration of Cornelia Sorabji. Following the Patna High Court's decision, a concerted campaign was launched to amend the Legal Practitioners Act. Narayan Malhar Joshi proposed an amendment to the Legislative Assembly Election Rules in 1922 to remove discrimination based on sex.

In 1923,⁹ the Legal Practitioners (Women) Act was passed, which repealed the disqualification and stated that "no woman shall be disqualified from admission or enrollment as a lawyer or from the practice of her profession solely on account of her sex." This proposed amendment gave women wings, but they were unaware of the hurdles they would encounter in the open sky.

It took twenty years to educate women and raise them to the level of men. In addition to advocacy, women also found their place in the judiciary. Thus, Justice Anna Chandy of the Kerala High Court became the first woman judicial officer. The only woman judge in the pre-independence era. This was followed by the successful careers of two eminent women lawyers,

⁶ IN RE; Regina Guha v. unknown, 35IND. CAS.925

⁷ 64IND.CAS.636, 28 November 1921

⁸ Jhuma Sen, The Indian Women Who Fought Their Way Into the Legal Profession, The Wire, 13. 02. 2019, Available At: <https://thewire.in/law/women-lawyers-history-india>

⁹ I Chethan. "The Legal Practitioner's (Women) Act, 1923." Eduindex News, 6 July 2021, eduindex.org/2021/07/06/the-legal-practitioners-women-act-1923/. Accessed 19 Apr. 2023.

Leila Seth and Fathima Beevi, who became Chief Justices of the High Courts in Kerala and Himachal, respectively, after joining the legal profession. The researcher recently read their memoirs of, *On Balance* by Leila Seth "on balance". She came across a very beautiful and humble response when she was being considered for promotion to a Judicial Officer. She said, "We have been raised - honour never turn down an honor when it is offered to us."¹⁰ This saying fits very well when you drink the whole ocean and are still thirsty. This is what the researcher's father says when success falls at your feet.

CURRENT STATISTICS AND DATA

The Indian Constitution contains several clauses that support the idea of gender equality, including the Preamble, Fundamental Rights, Directives, and Fundamental Duties. The Constitution grants the state the power to implement positive measures in favor of women in addition to recognizing gender equality. Among other things, fundamental rights ensure that all people have the same opportunities in the workplace and that they are treated equally before the law. They also prohibit discrimination against people based on their race, religion, caste, place of residence, or origin. In this context, the Constitution's Articles 14, 16, 39 (a), 39 (b), 15, 15 (3), 39 (c), and 42 are extremely significant.

"With around 6,000,000 lawyers, India has the second highest number of lawyers in the world. The main service providers are sole traders and small businesses. The majority of them handle both adversarial and domestic legal matters. Legal services are considered a "core profession", which has led to the introduction of a stricter and tougher regulatory framework."¹¹

According to statistics and data from the Ministry of Law and Justice in 2023, which responded to a query on the number of female chief justices, female judicial officers, and registered female lawyers in the country? The response states that as of January 31, 2023, there are 775 judges, 106 women and 66,9 men, in the High Courts, while the permissible number of 1108 judges was not reached. The proportion of female judges is 9.5% overall and 13.6% of the total number of High Court judges. Currently, there are not a single female country's female country's Courts of the country. According to the Bar Council of India, in India, for 15 states, 284507 women are enrolled among the total 1542855 advocates, which is 15.31%. According to information on

¹⁰ Leila Seth forwarded by Vikram Seth, *On Balance*, Penguin Books, 2010

¹¹ Dr. Suman Shrivastav, *Empowering Women in the Legal Profession in Independent India*, IJNRD, vol8 issue 5, May 2023

the website of the Supreme Court of India, 11 women judges have been appointed to the Supreme Court of India since 1990, representing 4% of the total number of judges.¹²

In all High Courts, including the Supreme Court of India, there are 3,149 sen, or Only 3.4% or 106 of them are women.¹³ If we look at the number of Senior Advocates and the designations given to women, the facts and data are extremely clear. In the Supreme Court alone, there are 488 Senior Counsel, and only 1,9 of them are in. Since independence till 2013, it has only been that by the time the n number has only increased by 15. Things are progressing at a snail's pace. When it comes to Chartered High Courts like Bombay, Kolkata, and Madras. The number of senior women lawyers is even less than in the Supreme Court. The breakdown of the numbers is as follows: 4 out of 422 for Kolkata, 8 senior solicitors in Bombay, of which 4% are actively involved, and 10 out of 299 for Madras. Among the 301 senior solicitors in the southern High Courts of the states of Telangana, Kerala, Karnataka, and Andhra Pradesh, only 15 women senior advocates could be identified. In the northern states, on the other hand, there are 782 Senior Advocates in the High Courts of Jammu & Kashmir, Punjab & Haryana, Delhi, Uttrakhand, and Himachal Pradesh.

Allahabad High Courts and only 32 active women Senior Advocates could be identified in them. Followed by the central states, which include Gujarat, Madhya Pradesh, Jharkhand, Chhattisgarh, Rajasthan, and Patna, there are a total of 383 senior advocates, and only 9 seats are occupied by women. The number is surprisingly low and below the benchmark. Finally, in the North Eastern states, there are 213 Senior Advocates in Manipur, Meghalaya, Sikkim, Tripura, Assam, and Guwahati, but only 9 women, and unfortunately, there are no women Senior Advocates in Tripura and Orissa.¹⁴

As per the data of 2024, 11 women, and 34 first-generation advocates are among the 56 senior advocates appointed by the Supreme Court. They were appointed by a lengthy and rigorous

¹² Unstarred Question number 2187 Ministry Of Law And Justice, Government Of India July 29, 2022

¹³ Narsi Benwal, Women's Day 2023: Only 3 Percent Of Senior Advocates In The Supreme Court And High Courts Are Women, Bar And Bench, March 8, 2023,

¹⁴ Narsi Benwal, Women's Day 2023: Only 3 percent of Senior Advocates in the Supreme Court and High Courts are women, bar, and bench, published 8 March 2023, Available At: <https://www.barandbench.com/columns/womens-day-2023-only-101-of-2982-senior-advocates-high-courts-supreme-court-women>

selection committee that considered standing practice, published judgments, academic articles, publication of books and columns, guest lectures, and pro bono work.¹⁵

For law firms, the scenarios are different. According to Vahura, a company specializing in legal consulting, women will account for 40% of all promotions in commercial law firms in 2023, up from 33% in the pre-Covid era. According to Vahura, women make up between 22% and 27% of partners in leading commercial law firms in India. That would mean 4,500–5,000 female partners. According to the report, 42–45% of newly appointed partners in the last three years have been female solicitors. This is unlikely to stop.

At a ceremony to mark the centenary of Dr. Bhimrao Ramji Ambedkar's legal practice, the Chief Justice of India, Dr. D.Y. Chandrachud, expressed concern¹⁶ over the under-representation of women in the higher judiciary. He noted that while women make up a significant percentage of recruits in some states, especially at the district level (often between 70 and 80 percent), they are still underrepresented in the court.

Given equal access to education and opportunity, as well as various protections for women, what could have been the primary cause of the practice of increasing the number of women practising law?

WHAT ARE THE CHALLENGES FOR A WOMAN?

There were occasions when there were very few women at court, making them the target of ridicule and scorn. The only individuals who could send their girls to the courts were those who were either extremely open-minded or highly educated. Surprisingly, the researcher, herself is in this line of work, and despite living in the twenty-first century and having educated family members around her, she still has to deal with the family adage: "*beta judge Banja, vakalat chor de*" (please become a judge and leave the advocate). The good news, however, is that there are currently more girls than boys in the courts. However, they are still not receiving a significant number of cases. This could be due to several factors, including their lack of experience in the field, their lack of prestige, and people's continued distrust of women in high-profile cases. Another common factor contributing to women's poor performance in the field

¹⁵ Utkarsh Anand, 11 women, 34 first-gen lawyers among 56 designated as 'senior advocates' by SC, the Hindustan Times, January 2024, Available At: <https://www.hindustantimes.com/india-news/11-women-34-first-gen-lawyers-among-56-designated-as-senior-advocates-by-sc-101705687170296.html>

¹⁶ Amit Anand Chowdry, Judiciary must be more inclusive, need higher women representation: CJI Chandrachud, the times of India, November 27, 2023

is marital and family problems. As mentioned practising, she wants to continue practicing, she may not be selected, or she may have to leave the profession if she has children. Women over 40 are hard to find. When they are observed, they chastise other young girls or pull them by the legs instead of supporting them. That was a brief overview of the difficulties women face. Let us now delve deeper and look at possible causes of low female participation. Women lawyers should strengthen their demand for 50% reservation in the judiciary, CJI NV Ramana said, and promised them his "full support". CJI NV Ramana had stated, "I don't want you to cry, but in your anger, you must shout and demand that we need 50% reservation."¹⁷

BASIC BARRIERS

Below is the American BaProfessionals' Commission on Women Professionals'¹⁸ basic analysis of how women lack competence and are treated indifferently in the legal profession. No wonder after reading these points, one is left in no doubt about the same scenario and the plight of women in India.

GENDER STEREOTYPES

The difference between the traits associated with women and those associated with professional success, such as assertiveness and competition, has long been a barrier to equal opportunities. Women continue to face a persistent problem and double standards. They risk criticism for being too "soft", "too strident", "too aggressive", or "not aggressive enough" Another difficulty is the fact that female solicitors are not usually held to the same standards of skill and commitment as their male counterparts. Because they have a family to look back on, women tend to justify their under-representation psychologically by claiming that they lack the necessary dedication and competence

Structure Of The Workplace

The fact that workplace policies prevent employees from leading a balanced life is one of the biggest challenges facing the industry. According to a survey of lawyers, almost two-thirds of them are affected by work-life conflict, and most of them believe that this is the biggest obstacle

¹⁷ Government releases data on the number of women lawyers enrolled in the country July 29, 2022, Available At: <https://www.firstpost.com/india/government-releases-data-on-number-of-women-lawyers-enrolled-in-country-10980711.html>

¹⁸ Deborah L. Rhode, The Unfinished Agenda Women And Legal Profession, ABA Commission On Women In The Profession

to career advancement for women. Only 25% of female lawyers surveyed are extremely satisfied with how they divide their time between work and personal commitments. Also, seating is a problem if you work in the legal sector; if you work in the cooperative sector, it's not a problem. However, if you work in the courts, chambers are a problem. Women have little opportunity to sit down and work in peace, and newly qualified barristers cannot afford chambers. So single men have no choice but to take any work that comes their way.¹⁹

Support Network

Another recurring problem is insufficient access to unofficial networks for mentorship, contacts, and client development. Despite recent improvements, many attorneys feel most comfortable assisting those who seem to have similar backgrounds, experiences, and views. Many organizations don't provide mentors with adequate time or rewards.

It might be difficult for female lawyers with large family commitments to find time for casual social events that promote client contacts, collegial support, and mentorship relationships. As a result, they are treated unfairly and feel out of place for the remainder of their careers until they leave these communities.

Gender Bias In The Justice System

It is evident that gender bias exists in several areas: the composition of the judiciary, the bar and court staff, outcomes for male and female litigants, perceptions of those involved in the legal system, and in matters such as bail, sentencing, and custody decisions. Men report seeing and experiencing bias at a much lower rate than women, with the rate for women being between two-thirds and three-quarters. A male lawyer addressed Judge Rekha Palli as "sir", to which she had to reply, "I am not sir." I hope you can understand that. This is just one example of the persistent gender inequality in the legal profession. Even in honorary positions, women lawyers still have to fight for their identity.

At a seminar in Goa, Judge Sujata Manohar shared how she got her start in the legal profession. Bizarrely, she was asked by male colleagues if she wanted to enter the legal profession to find a husband. At that time, there was a dearth of women solicitors in the legal system. What else

¹⁹ IBID.

can be expected if a woman is not treated fairly according to her position? But no! They call her too sensitive.

Sexual Harassment

Research has indicated that there is a significant prevalence of sexual harassment in various firms and chambers when there is a higher proportion of female advocates or solely female advocates and more male colleagues. The profession of advocacy has been viewed as one of the most dishonest ones, with top employees openly engaging in relationships with their subordinate employees, either voluntarily or occasionally, as a result of the female employees' needs. A recent problem arose at the Jalandhar Bar when a young female intern was abducted by her male friend and left unaccounted for outside the courts. Five senior advocates were witnesses to this incident, but none of them sought assistance. Moreover, no female no, bar member was found at the civil hospital for help. People who voice complaints are frequently blacklisted informally and writhumourff as hypersensitive and without humour. If that was a case of a male advocate then there would have been a no-work day in the solidarity and wrong done to him. A woman who is physically attractive and intellectually strong is a sin in a place like the judicial complex. Whether it's a lawyer or a judicial officer, both are subjected to scrutiny. Why only blame men when women in the same profession leave no stone unturned to degrade the character of the other women? When a woman receives appreciation, they use her appearance and body as yardsticks, and they look for ways to undermine her.

Office Bearers Post

When it comes to elections within the organization and a woman considering a candidacy, the Bar expresses itself as follows: First of all, women often worry about what to do when unexpected events occur. Will she leave her house and go to the police station to help men or other people? Secondly, women! She will stand up to men. How dare she? This is where the ego rears its head, and not only do the male members vote against the women out of jealousy, but the female members do the same. Thirdly, female members who stand for election are forced to step out of their comfort zone. She must meet and greet all 3000–4000 members at their births and deaths. If she does not, I promise she will immediately lose 100 votes. She can be a member of the executive team, but she cannot hold the positions of secretary, president, or junior vice president. The Chief Justice of India, Justice DY Chandrachud, noted that women are very poorly represented in the "old boys club" in lawyer elections. Therefore, he demanded

that the current male office bearers should not only encourage women to run for office but also create an environment where women have an equal opportunity to succeed.²⁰ "I urge all women lawyers to assert their position in the Bar, to run for office, and to take HeALTHositions of responsibility.

Mental Health Issue²¹

When depression is not gender-based, it happens for both genders equally, and the reasons can be myriad. It can be a monotonous routine, not getting success in the fi; according to an aide, quite the amount favourable, according to t,o studies when the law is not favourable to one's need, and the number of cases demands such law one feels that he /she is losing. The Delhi High Court Women Lawyer's Forum had a stimulating conversation on happiness and mental health for lawyers on October 2, 2024, in the prestigious High Court of Delhi bar chamber. Judges Anup Jairam Bhambani and Poonam A. Bamba (Retd.), along with Dr. Achal Bhagat,²² provided priceless tips for stress management and improving wellbeing throughout the talk. The discussion raised several questions, but the main question that stuck throughout was whether or not women in the litigation (legal) field are disproportionately affected by mental health issues like depression and generalized anxiety disorders, among other issues because of the many challenges that women face in both their personal and professional lives?

Throughout the entire conversation, the primary areas of contention on the reasons why women experience depression are, first and foremost, the unjustified weight of caregiving responsibilities and the patriarchal mindset. Second, the women's significant hormonal fluctuations and biological makeup. Thirdly, and perhaps most importantly, women in the legal profession are under constant pressure to uphold their credibility in the eyes of their peers.

²⁰ Amisha Shrivastava, 'Old Boys Club': CJI DY Chandrachud Calls For More Women Representation In Bar Associations, Live Law, April 6, 2024

Available At: <https://www.livelaw.in/top-stories/old-boys-club-cji-dy-chandrachud-calls-for-more-women-representation-in-bar-associations-254484>

²¹ Karuna Krishna Thareja, Are Women in Litigation Disproportionately Affected by Mental Health Concerns? Unpacking the Intersection of Women, Litigation, and Mental Health.SCC Times, march 8,2024

Available At: <https://www.sconline.com/blog/post/2024/03/08/are-women-in-litigation-disproportionately-affected-by-mental-health-concerns-unpacking-the-intersection-of-women-litigation-and-mental-health/>

²² Dr Achal Bhagat, MBBS MD (Psychiatry) MRCPsych, is a Senior Consultant Psychiatrist and Psychotherapist practicing in Delhi since 1995 when he started the Department of Psychiatry and Psychotherapy at Indraprastha Apollo Hospital on his return from Oxford....

Available At: <https://www.sconline.com/blog/post/2024/03/08/are-women-in-litigation-disproportionately-affected-by-mental-health-concerns-unpacking-the-intersection-of-women-litigation-and-mental-health/>

Even the slightest error may have a permanent negative impact on a woman's career and cause further stress.

At the third Lady Lawyers Day celebration last year, Justice Prathiba M. Singh spoke about the "perception challenges" that women face, highlighting the fact that they are more likely to be shouted down overcame discussions. She also emphasized that women overcome these challenges with grace and drew attention to the three common forms of treatment that women experience: chauvinistic, patronizing, and encouraging.²³

When it comes to advocacy, a lawyer's weapon and shield in the legal profession is their ability to employ persuasive language. In light of this, the highly regarded senior lawyer Indira Jaising stated that the problem of gender prejudice in the language is more of a superior-inferior paradigm in her letter to Chief Justice D.Y. Chandrachud²⁴. The most frequent places for sexist statements are bars and courtrooms, where the bench occasionally ignores them while the matter is being heard. In this case, the bench falls short of protecting the ladies because they believe they are already overprotected, which is a clear-cut violation of Article 15 of the Indian Constitution. Referring to a female supporter as "that woman," "wife," or "that woman" during arguments when speaking to fellow male advocates as 'my learned friend or saying things like If you are afraid, 'go wear petticoats and bangles'. What are these sexist remarks?

Journal of Legal Research and Juridical Sciences

FAMOUS WOMEN IN THE LEGAL PROFESSION

Famous personalities are famous not because they have done something to show the world. But because they have done something for themselves and for the generation to come. The researcher strongly believes that people who cannot speak for themselves cannot speak for others. This section will have the best of the lady advocates.²⁵ Of the time, who set a benchmark for the generation to come and opened the doors for them to explore more. The reason for quoting these inspirational women is that not all find flaws in the workplace. Rather, they build their castles out of the stones that are pelted at them.

²³ HC Judge Laments 'Huge Disparity' in Legal Profession: Only 15 Percent of Practicing Lawyers are Women” ([indianexpress.com](https://www.indianexpress.com), (10-12-2022))...

²⁴ Indira Jaising, An Open Letter From Indira Jaising to the Chief Justice of India on Women's Day, the Wire, march,9,2019 Available At: <https://thewire.in/law/open-letter-indira-jaising-to-cji-womens-day>

²⁵ Areeb Uddin Ahmed, Afreen Alaam, International Women's Day 2022: Eight Indian women who broke the legal profession's glass ceiling, bar, and bench, 8 March 2022, Available At: <https://www.barandbench.com/columns/indias-first-women-who-broke-social-barriers-in-the-legal-field>

Cornelia Sorabji, a lady legal counsellor in the courts of wards and for women and children, served as a model for the purdahnahsin ladies and assisted over 600 of these women. Recipient of the Kaiser-i-Hind Medal in 1907, she advocated for "Education over legislation," which suggests that knowledge is the key to all shut doors. **Mithan Jamshed Lam**, the first woman advocate to be called to the British Bar, says, 'I felt like a new animal at the zoo, with folks peeping through doorways. As soon as my shadow crossed from the library to the common room, there would be an uncomfortable silence, making me feel even more self-conscious. That's also a common occurrence these days, where a girl is the target of gossip for the people left behind the moment she leaves the room or passes by.'²⁶

I must admit that I was not free from trepidation when I first stepped up to the bench. What was foremost in my mind was a fierce determination to make this experiment a success. I knew I was a test case... if I flattered or failed, I would not just be damaging my career but would be doing a great disservice to the cause of women. The words of the first woman from Kerala to hold a law degree and the first female judge, Hon'ble Justice Anna Chandy, have ignited hope in the women who feel that they cannot excel in the big boys club.

The founder of the magazine, 'The Begum,' later known as Indian Women, Violet Alva, became the first women advocate who argued before the full bench of the High Court. Being a parliamentarian as well, she says, "I do not admit that one who sits in the chair must be impartial. I also welcome the heat in the debate, for without the heat, solutions are not easy, but one must bear in mind that when temper flies in the heat of the debate, one must know that we have given into ourselves a democratic setup.". Her actions also had a greater impact than just her words, and the same needs no evidence.

The first woman to be the justice of the Hon'ble Supreme Court, Justice Fathima Beevi, was a gold medalist at the bar council examination. And one who excelled, whether it was a Supreme Court Judge, a Judicial Member of the Income Tax Tribunal, or a member of the National Human Rights Commission. The only message she offers for the girls is that "I opened a closed –door for women". Followed by the lady with the same charm in the profession, Justice Leila Seth says, I consciously never took on matrimonial and custody cases as these were regarded

²⁶ IBID

fit only for women lawyers. Not only the trailblazer, but she championed the cause of decriminalization.²⁷

Lastly, the women activist and feminist, the first women advocate to be designated as senior advocate by the Bombay High Court, Indira Jaising, while being vocal about feminist lawyering, It doesn't mean that I am only espousing the cause of women, and I am only doing this because I am a woman. Feminism and biological sex should not be conflated with each other.

Apart from the abovementioned lady advocates and judges, there are numerous ladies who have set benchmarks and have shown that just because we bleed doesn't mean we cannot lead in society. Rather, they have proved themselves better than men in the field like Justice Indu Malhotra, Meneka Guru Sawamy, Flavia Agnes (co-founder of MAJLIS), Karuna Nundy (contribution in criminal amendment bill 2013), Kamini Jaiswal, etc.²⁸

FOREIGN NATIONS AND THEIR PRACTICES

Only the best provisions from each of the eleven countries have been included in our Indian Constitution. It's important to examine how some of India's closest neighbours handle women in the legal profession and address gender prejudice in this field.

Similar to the Indian Law Practitioner Act, China also had the Temporary Lawyer Act of 1926, which restricted the practice of law to men. After this ordinance was repealed in 1927, Zheng Yuxiu, the nation's first female lawyer, set a precedent by becoming the country's first female judge.²⁹ There were a lot more girls at the law school than their counterparts because they were committed, diligent, good in the arts and humanities, and performed well in their studies. However, due to the traditional Chinese notion that litigation is more adversarial and that female attorneys are more tender, making them better at paperwork, there is relatively little representation in litigation. The percentage of female judges was 22.7% to 26.5% in 2011 compared to the percentage of prosecutors, which was 21.7% to 26.2% and had grown. According to the report, there are 45,000 female judges, and they prefer working in courts over

²⁷ SUPRA 25

²⁸ Team her circle, Top 11 Indian Female Lawyers Who Are Also Known As Super Advocates, her circle, April 7, 2022, Available At: <https://www.hercircle.in/engage/get-inspired/achievers/11-indian-female-lawyers-in-india-who-are-super-advocates-2581.html>

²⁹ Yuguang Zhang, "The Heroine In The Republic China –Zheng Yuxiu", The Monthly Journal Of Literature And History, 4(2006), 51

legal firms. Their growing population can be attributed to their superior academic performance.³⁰

The situation for female solicitors in Sri Lanka remains unchanged, if not worse. Although there are a lot more ladies in law school—nearly 95%—there are comparatively few of them who practice. Only two female judges sit on Sri Lanka's Supreme Court, three out of twelve at the Court of Appeals, and three out of thirty-one on the Executive Committee of the Bar, according to the statistics. As stated in India, the primary causes of this deprivation are the same and worldwide. Transportation, societal glass ceilings, gender prejudice, work-life balance, etc. The point is, since a kid is the offspring of both parents, why must the woman provide all of the child's care? Why not share parenting? All of this leads to a lack of self-assurance and ability to lead. During a panel discussion on potential remedies, it was proposed that the state bar association prioritize practical training above theoretical courses. For women lawyers to advance, a systematic mentorship plan has to be started. Women should be granted a higher place at the leadership post by BASL. Establishing daycare centres and childcare centres to make them more welcoming to women. Lastly, assist her as hurdles must be overcome on one's own, and spoon-feeding can assist till the child is fed thereafter.³¹

Remarkably, no matter what nation is studied—China, the US, Bangladesh, or India—everything remains the same. Numerous research led to the conclusion that there is a disguised gender bias and a lack of a female-friendly atmosphere in courts, and no woman from Bangladesh has been named the nation's chief justice so far.³² While there are some successful young lawyers, such as advocate Ishrat Hasan, who won the 2020 IBA Pro Bono Award, and barrister Rasan Imam, who is an expert in PILs, thirty per cent of legal scholars are women, which is still higher than the ten per cent of women actively employed in the legal profession, according to a research project called "Women in Justice" conducted by BLAST in partnership with USAID. The percentage of women judges in the country is barely 35%.³³ However, the Bangladesh National Woman Attorneys Association works in more than thirty districts of the

³⁰ Guodong Du, Chinese Female Judges With Numerical Advantage In Chinas Legal Profession, Chinese Justice Observer, May 3, 2018, Available At: <https://www.chinajusticeobserver.com/a/chinese-female-judges-with-a-numerical-advantage-in-chinas-legal-profession>.

³¹ Ranasinghe PKR, Women In The Legal Profession Challenges And Opportunities, Knowex Social Science Journal, Vol No. 2, 69-78, 2020

³² Ridwanul Hoque, Gender And The Legal Profession In Bangladesh: Achievements And Challenges, Journal Of Law And Social Research, No. 3(2012) Pp45-64

³³ Aiman R Khan, The future of Bangladeshi women in law, the Dhaka Tribune, June 28 2022, Available At : https://www.dhakatribune.com/epaper/290028/the-future-of-bangladeshi-women-in-law?_cf_chl_tk=WbGd6V8tvcT10ZEjeTaEJLyhhEt6Fy8bZuDRkPS5dI-1717447045-0.0.1.1-3839

country to promote the welfare of the general public as well as the rights and status of women attorneys.

In contrast to India, Pakistan also possesses The Legal Practitioners (Women) Act 1923, which was enacted precisely a century ago to eliminate the legal ban on women practising law in British India. After a hundred years, Sabahat Rizvi became the first female secretary of the 130-year-old Lahore High Court Bar Association (LHCBA), creating history. Pakistan is one of the few countries having the lowest percentage of female attorneys and judges. According to the 2020–21 study "The State of Women's Representation in Law," just 12% of the 202,236 practising attorneys in the country are women. The situation becomes even worse when one goes up to Pakistan's higher courts, especially the Supreme Court, where there is an astonishingly low number of women practising law (just 4% of them are registered to do so). The 1973 Constitution established the Pakistan Bar Council, the highest governing body of elected solicitors, which has never had a woman elected to its position.³⁴ To address these issues, Pakistan established the National Legal Incubation Centre, which is run by the Pakistan Women Lawyer Council.

These are a few instances of neighbouring countries that border India and highlight the predicament faced by women who work in the legal field. The major sticking issue is that no matter how much support someone gives women until they feel like standing up for themselves, the situation will still stay unchanged.

PERSONAL VIEWS OF THE RESEARCHER

"When you face the worst in your life, you become fearless, and you fear nothing as you have nothing to lose," researchers say.

Before some solutions and suggestions can be given, here are a few words and the researcher's experiences. When one is humiliated at work and not given the respect they deserve, it may be quite draining. Being the family's first-generation lawyer at a time when caste is a significant factor in all competitive exams. The only options left for the children of the business class are to relocate overseas or pursue careers in business. However, the unfortunate truth for girls from middle-class business families is that they are either offered the opportunity to become judges

³⁴ Umer A Ranjha, Making history: Female lawyers finally breaking the glass ceiling, the express tribune, Available At: <https://tribune.com.pk/article/97700/making-history-female-lawyers-finally-breaking-the-glass-ceiling-1>, March 6, 2023

or their parents say, "Beta tumhare shadi kese bade ghar kar denge ke tumeh job krne ke jarurat he nai page." (We'll marry you into a wealthy family, so you won't need to work at all). Who will educate parents on the value of money? Who is going to educate parents on the reality that job satisfaction goes beyond financial gain?

Following her LLM, the researcher administered the Judge Advocate General SSB examination five times. Received three recommendations but was unable to join the army. Why? Because there are only two seats available in the army for women, whereas there are six for their counterparts. Even though she cannot stand as the first line of defence, which does exist now after recent judgments, JAG is an office profession where more girls can be recruited. However, we can see that gender bias also exists here. If the general category is discriminated against in government positions, then nepotism has a severe effect on them in army tests. Not only does it destroy the spirit, but it also leaves little choice but to go to lower courts and deal with the next round of challenges.

When your hopes of passing a competitive exam are dashed, you may want to consider counselling for your future. The big fishes in the pond offer the following advice for your parents. "Don't let her practice in the courts," "She'll be the target of rumours and must have gained a nickname in the courts by now," "No one will marry a girl who is an advocate, an all-rounder, and especially someone who is very outgoing and intelligent," "Don't you care for her respect," "Why did you choose this career for your daughter in the first place?" and "Just send her abroad; she's overqualified for this place," but we all know how things are in other countries. the qualified people work on daily wages.

After the counselling is over and with a great deal of bravery, you appear in court. Welcome to the top reviews in the world." Wow, that's what she's wearing," "That's her body," etc. "Is she a married person or single?" "Kids from a wealthy business family, who commute daily by car." Additionally, half of your companions will be in court if you complete your degree in your hometown. Your previous mistakes, good actions, and bad deeds will be brought up against you in court. Your life will, in essence, be a public record. Character assassination will be the main outcome when they are unable to uncover weaknesses in others and instead look for shortcomings in their background.

You are forced to stay where you are and cannot choose to go. You have destroyed your peace of mind, yet you are stuck here because you have nowhere else to go. Unlike physicians,

teachers, or any other job where you have the choice to change workplaces, there is only one court. In this instance, you either leave the courts and stay home or confront the whole Bar and bench boldly.

You will be partnered with more than one man in the courts even if one is discussing law, and ultimately, it becomes the topic of conversation over a cup of tea in men's bar rooms. The researcher's hometown has selected her as Assistant Defence Counsel. We are grateful for the Hon. Justice U. U. Lalit's plan to designate Legal Aid Defence Counsels in each district. The appointment was through the interview method, and the panel consisted of the DA, CJM of DLSA, Additional Session Judge, and Session Judge. Although the interview was quite transparent, the Bar had to say, 'How did you get here?'. 'She must possess a really strong approach.' However, nobody will be able to judge a person's qualities. The workplace politics that one encounters. Work distribution, the load of the legal system, and backbiting are all extremely taxing and demoralizing. In this kind of environment, even the most stupid individual may start talking. Speaking for oneself makes one ill-mannered, impolite, and conceited. Having your skill disregarded in favour of other things is painful. As mentioned, the courts view your knowledge and looks as sins. No matter how thick-skinned one is, such things affect mental health to some extent. As said, it is not ok to accept what is not acceptable. The researcher has always been adamant and fierce when it comes to her rights.

CONCLUSION AND SUGGESTIONS

Nevertheless, there are blacks and whites in every profession. But this profession is in and of itself white and dark. What can we say to that? There is no need to carry a sword, be a jhansi rani, or be confrontational when defending one's rights. Certain issues are best resolved peacefully, better executed, and, of course, with time. Below are some suggestions that, if implemented by one per cent, can change the current situation.

A closer look at digitalization could be the first step in encouraging more women to appear in court.³⁵ Virtual courts could catalyze the promotion of gender equality and solve the main dispute about why women leave this field of work: work-life balance. They will overcome geographical boundaries and allow for a more flexible form of practice. Not only will it help to preserve and accumulate time for work and personal life, but it will also significantly reduce

³⁵ Shuma Talukdar, A centenary of women practicing law in India, but gender equality is still a distant goal, the leaflet, (August 5, 2023)

the likelihood of derogatory comments and sexual harassment. In this case, their work will speak louder than their sex.

To curb the problem of mental health, the Bar Association and the Bench can jointly organize mental health awareness camps, set up a separate counselling bench in the court as is the case with DLSAs, and form a mental health committee to deal with such issues.

To stop sexual or filthy remarks, a manual should be drawn up on the initiative of the Bar Association and the judiciary, setting out the rules of conduct to create a fairer environment and avoid gender stereotypes.

Opening of crèches for working mothers so that they can manage work and children at the same time.

More initiative by DLSAs for girls, especially for the newcomers, by giving them small cases so that they have something to do.

The Bar Association should conduct more seminars and training programs to nurture the talents of lawyers who show keen research interest.

A dedicated stenographer and accessibility to Supreme Court-certified websites, especially for entry-level and junior practitioners.

A ban on representation by religious affiliation. The calibre of the person/woman should be considered, not their religion.

Career counselling for girls should be conducted as half of them take up studies without knowing the possible opportunities

The complaint Committee should at least not be made up of members of the Bar, but an independent member should be appointed so that a fair decision is made and no favouritism is shown.

Someone has rightly said, "Men build civilization, and women develop culture. In time, civilization perishes, but no power in the world can shake culture."³⁶ However, culture can only develop if an individual has the courage and self-determination to stand up for it and represent

³⁶ Mariam Fozia Rehman, Resilience in robs: women triumph in legal practice, the leaflet, (DELHI March 8, 2024

it. The overall study of this article suggests that women are more inclined to speak their minds for fear of being criticized. If all known women in history had the same opinion, women would not be practising law in courts today and would be raising children instead. The claim that there are fewer opportunities and a larger population is true. But if someone has skills, drive, and hard work, nothing can stop them. After all, women are women for a reason. Although she is viewed as weak, she is only blessed with the gift of procreation and, sadly, not men. Thus, one final recommendation is 'good women never make history'.

