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**5th September 2022**

**Nalanda Law College, Gorai, Borivali, Mumbai**

**ONE DAY**  
**NATIONAL CONFERENCE**  
**on**  
**Focus on Judicial Education**  
**5th September, 2022**



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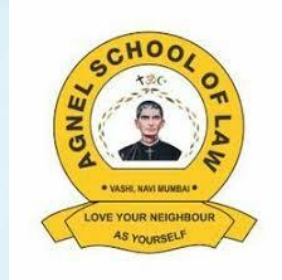
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# Nalanda Law College Gorai, Borivali, Mumbai and Agnel School of Law, Vashi, Navi Mumbai



The IQAC and Research Committee of  
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**5th September 2022**

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# A Comparative Analysis of Feminist Lawyering and Traditional Lawyering in the Indian Perspective

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**Abstract:** *The common code of civil law pertains to the legal entitlements of individuals engaged in litigation, wherein a legal representative act on behalf of the aggrieved party. The absence of societal change may not necessarily be implied by the actions of a civil lawyer. A civil or criminal lawyer might establish new standards of legal analysis by addressing the complaints of parties or by broadening the application of law to the specific circumstances. However, it is important to note that common lawyers primarily serve the private interests of the involved parties, rather than prioritizing public benefit. In the context of typical litigation, the client's interests hold significant importance. Within the adversarial system, a lawyer has the authority to impose a fee in order to advocate for the clients' interests, regardless of whether those interests are detrimental to others or conflict with the broader public interest. This particular approach to legal practice is characterized as client-centered lawyering, which distinguishes it from public-good lawyering. This paper analyses how feminist lawyering is different from traditional lawyering.*

**Keywords:** Traditional lawyering, feminist lawyering, challenges

## I. INTRODUCTION

Feminist lawyering places emphasis on adopting a proactive stance. This field involves both conventional courtroom litigation and the broader scope of critically studying the law, while also establishing connections to the everyday experiences of women. Feminist lawyering distinguishes itself from conventional legal methods by analyzing and tackling the various aspects of issues in order to actualize and give significance to constitutional and legal rights for women. In pursuit of this objective, various strategic lawyering activities are undertaken, encompassing community organization, legal literacy, and education. These activities involve raising awareness, educating and sensitizing both ordinary citizens and bureaucrats about the rights of individuals, fostering critical consciousness, influencing and shaping public opinion, engaging with the media, conducting fact-finding and research, reporting, mobilizing efforts, lobbying, negotiating policies, documenting and reporting instances of abuse, participating in law-making processes, monitoring the enforcement of laws, providing para-legal training, organizing class action movements, designing social campaigns, and engaging in a variety of other activities. In addition to assisting impoverished clients, offering legal aid, and engaging in litigation, which may encompass public interest litigation, depending on the social context, including aligning with political causes for broader social change. This entails collaborating with the judges, police, and the community, implementing legal reforms, and addressing policy and planning matters to effectively address the actual concerns at the grassroots level. The implementation of these techniques incorporates essential elements, including empathy, transparency, non-discrimination, equality, diversity, engagement of individuals impacted, and, notably, the utmost regard for human dignity during the provision of services. Feminist lawyering challenges the prevailing patriarchal paradigm by advocating for an alternative or democratic approach to legal practice. This approach prioritizes alternative lawyering, ensuring the preservation of client voices and dignity, while also addressing broader client issues. Feminist lawyering, in essence, rejects the notion of sacrificing broader political considerations in favor of a temporary solution of securing a legal victory.

**Feminist lawyering is not impartial; rather, it encourages the implementation of positive acts**

Another observation that has arisen from the aforementioned conversation is that the legal system operates under the assumption of impartiality within a society characterized by inequality. This inconsistency has an impact on its ability to deliver justice. Justice, then, remained elusive due to the lack of neutrality in the social order in which the courts and the clients are positioned. In order to uphold justice, it is imperative that the interests of survivors stay at the forefront of the legal conversation. However, the current structure of the legal system places significant emphasis on legal technicalities inside the judicial system. This predicament is encountered by feminists and human rights lawyers. Hence, in order to address these challenges, feminist lawyering endeavors to uphold legal objectivity via the lens of marginalized individuals. The focus lies not on upholding a neutral stance when confronted with injustice, but rather on adhering to the principles of truth. Feminist lawyering prioritizes the survivor-centered approach over the court-centered or technical approach when one party is being controlled and oppressed. A feminist lawyer advocates for the rights of the oppressed by revealing the adverse effects of laws and policies on marginalized communities.

Through a comprehensive examination of power relations and the mechanisms through which power functions, a feminist lawyer amplifies the perspectives of marginalized or ordinary individuals in opposition to those in positions of power. In essence, this practice entails narrating the tale from a lower vantage point. Recognizing the historical misuse of authority to maintain prevailing systems of control, feminist lawyers adopt legalism as an essential means of cultivating legal awareness to combat injustice.

**Feminist lawyering involves active opposition to patriarchal systems unlike of traditional lawyering**

Feminist legal practice does not revolve around a dichotomy between genders. Furthermore, it does not pertain to the pursuit of formal equality. Within a complex and hierarchical social structure, the objective is to critically examine and challenge prevailing patriarchal ideologies that perpetuate prejudice and bias. In a patriarchal society, feminist lawyering aims to dismantle the long-standing barriers of misogyny and sexism that have been established and solidified by the male-dominated society. The objective is to create a society that is characterized by greater diversity, femininity, and inclusivity. The objective is to establish platforms that facilitate the exploration of different perspectives on laws and regulations, as well as to question and contest practices that exhibit prejudice.

Feminist legal scholarship acknowledges the inherent bias within the justice system, which tends to favor the guilty while marginalizing the victim. This legal approach recognizes the imbalanced power dynamics within the relationships. In the context of domestic violence, a feminist lawyer endeavors to tackle a range of complex issues. These include providing guidance to clients in decision-making processes, offering counseling services, assisting in criminal cases, advocating for protection orders, custody orders, and maintenance, as well as representing women in counter proceedings such as divorce and custody disputes. Additionally, feminist lawyers may need to collaborate with non-governmental organizations (NGOs) that support women in community development programs or women's commissions. In certain instances, a comprehensive strategy may be necessary to facilitate the empowerment of women, confront gender-based inequities, and disrupt the perpetuation of violence. In addition to securing a victory, there are often instances where it is necessary to assist the client in overcoming the intricate web of emotional, mental, financial, social, and other challenges she may be encountering. Consequently, the lawyer must address the subjective aspects associated with the circumstance of dealing with violence.

**Feminist legal practice presents distinct challenges**

Being a woman in the predominantly male-dominated legal profession poses challenges for her as a judge, lawyer, or litigant. Numerous scholars specializing in women's studies have observed that courts often present a hostile environment for women<sup>67</sup>. Women face social obstacles that hinder their participation in the legal profession and their access to courtrooms as plaintiffs or those asserting their rights. Sexual harassment incidents are documented within the confines of the judicial system. Some are disregarded. Instances of misogyny and sexism are widespread. The presence of systemic bias against women hinders the upward mobility of women lawyers.

Moreover, there exists a distinct disparity in the stylistic approach between male lawyers and their female counterparts. In other instances, Pierce made observations regarding the presence of double standards and sexist attitudes within law companies. Prominent legal professionals, whom she referred to as "Rambo litigators," exhibited assertive and



confrontational conduct. While guys assume authority in courtrooms, they anticipate that female paralegals will support and validate their elevated position inside the office hierarchy. The emotional work performed by paralegals is anticipated to perpetuate gender disparities inside law firms, perhaps resulting in harassment that negatively impacts the psychological well-being of female paralegals. The male colleagues perceive female attorneys who employ assertive strategies as arrogant or obnoxious, while their lack of toughness renders them ineffectual. Pierce claimed that the gendered allocation of labor confers economic, emotional, and personal advantages upon men. Nevertheless, female legal professionals and paralegals employ innovative approaches to challenge and subvert the prevailing male-centric norms. In the context of India, female lawyers encounter comparable challenges as they contend with assertive male litigators on a daily basis within the courtroom.

Feminist lawyering faces numerous challenges, including the necessity to establish a presence and assert oneself in the predominantly male legal field. Additionally, it entails confronting the prejudiced and biased stereotypes that are prevalent in society and permeate various aspects of daily life, such as families, communities, societies, and the legal system. Female lawyers in India encounter socio-cultural pressures and patriarchal conditioning that force them to make challenging decisions between their professional pursuits and their familial responsibilities. The presence of both visible and invisible barriers, sometimes referred to as the glass ceiling, within businesses, together with the adherence to traditional gender roles, contribute to the phenomenon of women leaving their jobs during their prime years. Additionally, prejudices play a significant role in perpetuating the substantial gender disparity observed in labor participation. Additional concerns encompass insufficient resources when dealing with impoverished clients, inadequate professional remuneration, and the demeanor of court personnel and male attorneys towards female lawyers. Notwithstanding these complexities, feminist lawyering continues to be a captivating domain in which attorneys are actively reshaping the legal system and the surrounding society.

## II. CONCLUSION

The cornerstone of future feminist activism must be firmly grounded on acknowledging the imperative to eliminate the fundamental cultural underpinnings and origins of sexism and other manifestations of collective subjugation. The long-term influence of feminist change is contingent upon the critical examination and modification of prevailing philosophical frameworks.

Unlike of traditional lawyering; feminist lawyering driven by a strong commitment to justice, aims to broaden the legal perspective in order to encompass not only civil and political rights, but also social and economic rights. This is done within the framework of the right to life with dignity for all individuals. Feminist lawyering nevertheless maintains faith in the capacity of ordinary individuals to actively pursue transformation, even during challenging periods. The attitude of defiance exhibited by individuals serves to bolster the resistance against various manifestations of oppression, so fostering a sense of hope and potential for societal transformation. Feminist lawyering aspires to effectuate a legal transformation that envisions the eradication of gender-based oppression. The focus is on implementing good legal reforms that promote and streamline the involvement of women in political and judicial proceedings. The objective is to demonstrate affirmative rights in order to have a beneficial influence on the daily lives of ordinary individuals. Thus, feminist lawyering encompasses more than just litigation, since it involves the creation, implementation, and oversight of laws and policies from a gender-focused perspective. Its purpose is to defend the principles of inclusivity, justice, substantive equality, and liberty as outlined in the constitution. Feminist lawyers employ constitutional reasoning to shape the legal subjectivity in order to broaden the concept of just citizenship and create fresh visions for a just and compassionate world.

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# A Sociological Study on the Role Conflict among Women Lawyers in Mumbai and Thane Districts

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**Abstract:** *The objective of this study is to examine the role conflicts experienced by female lawyers. Female lawyers are obligated to undertake several roles related to confiscation. This research elucidates the challenges encountered by women as a result of role conflict. The current study is an endeavor in this particular direction. This analysis addresses several significant concerns and integrates empirical evidence with theoretical perspectives to examine the current situation or status of women lawyers within society. The study encompasses all facets of the subject and examines the intricacy of challenges faced by female lawyers. This study utilizes empirical data obtained from interviews conducted with 230 female lawyers in the specific areas of Mumbai and Thane districts.*

**Keywords:** role conflict, women lawyers, legal profession

## I. INTRODUCTION

In contemporary times, women have begun to engage in employment across all industries. Working women are obligated to carry out numerous jobs and assume multiple roles, which can clash with one another. Today's women are assuming two distinct roles: one is to carry out the responsibilities of being a wife, mother, or daughter, while the other is to function as a subordinate in the workplace. A challenging scenario emerges when the various positions begin to conflict with each other. The tensions that emerge when a woman assumes numerous roles are contingent upon both the societal framework in which she resides and her biological functions. Amidst numerous conflicting roles, the constraints of time and energy pose a significant obstacle to resolving these conflicts.

When examining gender-related issues, it is crucial to comprehend the type and extent of tensions experienced by women in the workplace as they navigate their domestic and professional responsibilities. Role conflict occurs when an individual experiences tension and strain due to the various dimensions of a role they have assumed. There is a perceived tension among lawyers over the alignment between their ideal job expectations and their actual articulation of their function. There are three distinct approaches to analyzing these conflicts: Organizational conflict, Professional conflict, and Familial conflict. Given that all the lawyers in the sample are involved in private practice, the likelihood of organizational conflicts occurring is quite low. However, it is important to note that all lawyers operate within the established boundaries outlined in the code of conduct for lawyers as mandated by the Bar Council. Bureaucratic governmental institutions sometimes require professionals to adhere to prescribed regulations, perhaps leading to the development of a bureaucratic role-image. The professional dispute may arise.

The aforementioned issues arise due to the lawyer's failure to satisfy professional standards and their lack of proficiency in carrying out their responsibilities. It can also be perceived as being associated with the job satisfaction of professionals, which may be rooted in the ability to apply their knowledge to specific circumstances or contribute to the growing body of knowledge.

The familial conflict holds significant importance in the lives of women who are employed. A significant portion of the examination of work-family conflict is predicated upon the gender composition of professionals. Women's self-perception is mostly shaped by their familial responsibilities, whereas men are more influenced by their professional obligations. When it comes to career and familial responsibilities, it is the woman who must navigate the middle ground. Without making such adjustments, women experience significant conflict. This is due to the significant disparities in societal role definitions and expectations associated with these categories. This study aims to examine the

presence and extent of professional and familial role conflict among female lawyers operating at different levels in Mumbai and Thane districts.

**The notion of role conflict**

Role conflict refers to the subjective experience of grappling with many roles. Conflicts in roles can develop from several factors, but primarily stem from the aspiration for success in life and the problems that exert pressure on one's aspirations and demands, leading to conflicts between them. The influence of personality and interpersonal relationships has a significant part in shaping the outcomes of role conflict. Role conflicts can manifest in various ways. Firstly, there is a divergence of expectations that cannot be satisfied by rejecting any of the available options. Secondly, when doing one's duties, demands from those who send them are incompatible. Lastly, multiple roles frequently intersect.

**Significance of the Research**

The primary objective of this study is to examine the prevailing role conflict experienced by female lawyers. Women lawyers, like other women in the workforce, experience role conflict when carrying out their professional duties. The matter of women's employment is intricately connected to the role of women within the family unit and the disproportionately heavy burden of domestic responsibilities, which serves as an impediment to their participation in the workforce. Women lawyers face a new and tough position due to the process of adapting to new employment and the needs of clients. The dual roles assumed by women in the workforce give rise to paradoxes, resulting in the emergence of role conflict. Consequently, the stress element arises, leading to frequent experiences of guilty conscience and a sense of being torn between her personal life, professional environment, and society. This finally gives rise to numerous issues. The present study encompasses a comprehensive examination of multiple facets pertaining to conflict and issues arising from the execution of dual roles.

**Objectives of study**

The objectives of this study are-

- To analyze the socio-economic situation of female lawyers.
- To ascertain the precise challenges faced by female lawyers in the legal field.
- To evaluate the origins of role conflict within the female legal profession.
- To ascertain the ramifications of role conflict among the female legal profession.

**II. METHODOLOGY**

The research employs the Simple Random Sampling method to determine the appropriate sample size. The present study utilizes a scientifically designed questionnaire as the primary instrument for empirical data collecting. This questionnaire is presented to a sample of 230 female lawyers practicing in Mumbai and Thane districts. The data in the present study is represented using statistical procedures and tables.

**III. FINDINGS AND ANALYSIS**

Women who are employed and encounter challenges in balancing several roles experience repercussions in both their marital relationships and academic pursuits. The issue of striking a balance between familial responsibilities and professional obligations is a matter of significant concern for contemporary women, impacting both genders equally.

**Table 1 Different Levels of Role Conflict of the Respondents**

Level	Frequency	Percentage
Low	57	24.90
Moderate	114	49.81
High	59	25.27
<b>Total</b>	<b>230</b>	<b>100.00</b>



According to the data shown in Table 1, it can be observed that 24.90% of women lawyers experience a low degree of role conflict, while 49.81% experience a moderate level of role conflict. The remaining 25.27% of women lawyers report a high level of role conflict. The majority of women lawyers experience moderate role conflict.

**Table 2 Descriptive Statistics of women lawyers Role Conflict and Age**

Age	Frequency	Percentage
21-25	16	7.95
26-30	24	10.43
31-35	63	27.39
36-40	38	16.52
41-50	42	18.26
51-55	47	20.43
<b>Total</b>	<b>230</b>	<b>100.00</b>

According to Table 2, it can be observed that 7.95 percent of the participants were into the age range of 21 to 25 years. The population of female lawyers within the age range of 26 to 30 years is recorded as 10.43. The role conflict level for women lawyers aged 21 to 25 is 7.95. The majority of role conflicts among women lawyers occur between the ages of 31 and 35. The percentage of years is 20.43.

**Table 3: Descriptive Statistics of women lawyers' Role Conflict and Category**

Category	Frequency	Percentage
SC	53	23.04
ST	86	37.39
OBC	36	15.65
GM	55	23.91
Total	230	100.00

The aforementioned data suggests that 23.04 percent of women lawyers fall under the SC category. In the ST category, the majority of women lawyers are 37.39. The proportion of women in the OBC category is 15.65 percent. The percentage of women lawyers in the GM category is 23.91%.

**Table 4: Challenges Encountered by Women Legal professionals**

Factors	Frequency	Percentage
Physical strains	12	6.70
Mental strains	23	12.85
Financial problems	185	80.45
Extra	10	4.34
<b>Total</b>	<b>230</b>	<b>100.00</b>

According to Table 4, a significant majority of female advocates (80.45%) reported experiencing financial difficulties while working as lawyers. A smaller proportion of 23 female advocates (12.85%) reported experiencing mental strain, whereas 12 women advocates (6.70%) identified physical strain as the primary challenge encountered in their legal practice. Lawyers generally have limited revenues due to customers' preference for senior lawyers based on their legal experience. Additionally, working as a young lawyer in a competitive setting is likely to result in mental and physical stress.

**The major findings**

First and foremost, a significant proportion of the participants in both settings belong to the younger age demographic. The majority of participants in the study reside in metropolitan areas and belong to nuclear family structures. During our analysis of the overall characteristics of female lawyers working in court settings, we saw that the majority of them were between the ages of 23 and 32. Additionally, 70% of these female lawyers were unmarried. The majority of the respondents resided in urban areas, held only an LL.B degree rather than other qualifications such as M.A. or

LL.M, primarily came from nuclear families, identified as Hindus, particularly from the Brahmin and Khatri castes, and reported a total family income exceeding Rs. 60,000 per month. Approximately 50% of the respondents reported an income of around Rs. 5,000 per month.

An examination of the challenges encountered by female lawyers in the legal profession revealed that they encountered obstacles in securing employment, encountered intense rivalry from their male counterparts, were required to work during unconventional hours, and encountered difficulties in visiting correctional facilities. These challenges are more pronounced when women enter the legal profession, since many women lawyers have reported that they have successfully established a sense of equality with their male counterparts. Furthermore, the judges' attitude was determined to be Motivating. Over time, the clients have developed faith in them and are now entrusting their situations to them.

Gender Bias: According to the survey, 50% of the female lawyers believe that there is a slight yet widespread gender bias in the legal profession. Nearly 50% of respondents concur that female lawyers are not regarded as equals by their male counterparts. The majority of these lawyers might be classified as either young practitioners or established legal professionals. Conversely, approximately 50% of them deny the presence of any type of prejudice.

Adverse sentiments were conveyed regarding extended work hours, insufficient time for family, and the challenge of maintaining a harmonious equilibrium between professional and personal spheres.

A significant proportion of female advocates, including 70 percent, encountered financial difficulties, while a minority of 20 percent experienced mental strain during their legal profession. Additionally, 10 percent of women advocates encountered various other challenges.

The survey additionally reveals that junior lawyers encountered significant challenges in establishing themselves within the legal profession due to its highly competitive nature.

The survey additionally reveals that once entering the legal profession, female lawyers have challenges in securing employment, intense competition, the issue of working during non-traditional hours, and the need to visit correctional facilities and lock-ups. The majority of female lawyers in both settings have had comparable challenges in securing employment, balancing their professional and domestic responsibilities, and facing time constraints for case preparation.

Ultimately, there is a growing trend of women joining the legal field, albeit they are not occupying the same hierarchical positions as their male counterparts. Arguments suggesting that the inclusion of women in the legal profession will have an impact should analyze the work environments where gender bias persists through various subtle means, primarily as a result of ingrained patriarchal culture rather than intentional actions.

#### **IV. RECOMMENDATIONS**

The findings of the study indicate that female lawyers encounter financial challenges as a result of their limited income and the highly competitive nature of the legal profession. This issue necessitates attention from both governmental bodies and legal societies.

It is imperative to offer financial assistance to deserving young women lawyers who are unable to do so.

In the absence of familial support, individuals may struggle to satisfy their maintenance expenses.

Government-provided financial aid, such as stipends and scholarships, as well as support from experienced lawyers, would greatly facilitate the pursuit of legal practice by women advocates. Additionally, lawyer's associations could provide assistance to junior women lawyers, enabling them to enhance their skills and increase their income within the legal profession.

#### **V. CONCLUSION**

It might be argued that women encounter a dual role on a global scale. This dual function gives rise to problems between work and family. There exist multiple demands placed upon her by both her family and her professional sphere. The two expectations necessitate the presence of two distinct women within a single individual. In order to effectively carry out her responsibilities, she must adhere to a rigorous schedule that enhances her physical and mental capacity to handle urgent circumstances promptly. In job-family disputes, the family's role takes precedence over the

job's role. Nevertheless, there are certain women who prioritize their employment in order to uphold their great dedication to their work and sustain their economic circumstances.

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# A Study on the Inclusion of Women in the Legal Profession in the District Courts of New Delhi, India

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**Abstract:** *The Legal Profession is an essential component for the judicial system. Since its beginning, the profession has been acknowledged and asserted as a club exclusively for gentlemen. In recent years, there has been a notable transformation within the legal profession, characterized by a substantial increase in the participation and pursuit of legal education by women. However, despite a notable increase in the representation of women in law colleges, there remains a dishearteningly low representation of women in law courts. Hence, it is crucial to comprehend the various components that contribute to this particular situation. Hence, this study aims to comprehend the challenges faced by women in the Indian Courts. Moreover, this study aims to examine the obstacles and hardships encountered by women in the field of litigation. The study focuses on the Courts in Delhi, which is considered to be a favorable working environment for women due to its status as a metropolitan metropolis and reasonably equitable socio-economic conditions. In order to facilitate a comprehensive examination of the grassroots level, the researcher has specifically focused on the District Courts inside the city.*

**Keywords:** District Courts

## I. INTRODUCTION

The bar has consistently served as a vital component in the administration of justice. The Courts would be unable to efficiently administer and give justice without the Profession of Law. India possesses one of the largest populations engaged in the profession of litigation globally. The inclusion and increasing presence of women in the legal profession has been a highly significant development, often referred to as "revolutionary," within the previous 150 years. However, it is regrettable that Women in the Profession continue to be inadequately represented in both the Bar and the Bench. Despite the virtually equal number of male and female law school graduates, the imbalance between men and women in the courts remains alarming. The underrepresentation of women professionals in legal matters, resulting in poor remuneration, is a concerning phenomenon. Furthermore, marriage and family raising sometimes pose significant challenges for women legal practitioners. While a considerable proportion of women first pursue a career in the Legal Profession, a significant number of them ultimately decide to leave the field prematurely. The fact that just a small number of women are able to persist beyond the age of forty is quite astonishing. This stage represents the culmination of experience and achievement for Legal Practitioners.

According to Abe (2011), In India, women were compelled to engage in a persistent struggle in order to achieve liberation from long-standing societal constraints. During the mid-19th century, the legal profession witnessed intense rivalry among the most skilled individuals, particularly due to the limited representation of Indians in the Bar. Although the number of educated women in India was limited, they did claim their right to equality in the field of forensics, allowing them to compete with males. However, the existing legal framework did not grant women the opportunity to enter the profession of law. The target of the attack was the highly secure legal profession, particularly Regina Guha, a woman of Jewish Bengali descent. Guha, who had obtained her Master of Arts degree in 1913 and a Bachelor of Laws degree in 1916 from Calcutta University, applied to become a lawyer in the Court of the District Judge of Alipore. The newspaper's description of Guha's application as the 'latest attempt' may have been a reference to the ongoing global movements of women seeking equal opportunities to enter the male-dominated public sphere as professional citizens.



Concurrently, the emergence of contemporary occupations had a significant impact on the legal field. These measures encompassed revisions in legal education, creation of novel professional associations, and broadening of the concept of legal labor. The conditions were favorable for the rise of women attorneys as professional members of society. In the context of India, the narrative surrounding this emergence is characterized by the complex predicament faced by these women as they simultaneously confront imperialism and advocate for gender equality. The legal profession was inevitably accessible to the public and governed by the 'gentleman's club,' which shown significant reluctance in allowing women to enter. The hesitancy was evident in a sequence of well-known 'person cases' where judges determined that women were not considered 'persons' eligible to enter the legal profession, despite the fact that the relevant legislation in question would employ a gender-neutral 'person' instead of a gender-specific 'he' or 'him.' The Regina Guha case stands as India's inaugural 'persons case.' Following this, The Legal Practitioners (Women) Act was ultimately enacted in 1923, eliminating the disqualification and affirming that "no woman shall be disqualified solely based on her sex from being admitted or registered as a legal practitioner or from practicing as such." Consequently, granting women the legal entitlement to engage in the practice of law. Following the attainment of independence, the Constitution of India unequivocally establishes the principle of equality of individuals before the law. Since 1923, numerous women have entered the profession, although just a minority have received the appropriate acknowledgment they merit.

According to the records of the Supreme Court, the current count of women appointed as Senior Counsel stands at a mere 12. The issue of gender discrimination encountered by female Legal Practitioners in the workplace is a matter of significant concern. The Profession of Law, which seeks to ensure justice for all individuals, is not exempt from instances of prejudice and mistreatment, particularly of a sexual nature, directed towards its female community. The decision to include women in the legal profession, encompassing both the Bar and the Bench, is supported by various justifications beyond the provisions of equality. For instance, the presence of women judges would contribute to a distinct perspective. Women possess a greater capacity to comprehend a wide range of emotional and social intricacies compared to men, resulting in a significant enhancement and feminization of the legal system. The underrepresentation of women judges in the courts, particularly in the Supreme Court, highlights the need for increased female representation in order to bring about change in a predominantly male-dominated culture.

It is imperative to foster a collaborative endeavor aimed at reforming and enhancing the status of female lawyers within the legal profession. Global presence. The establishment of a gender diverse bar has the potential to enhance social justice standards and serve as a standard for other professions. In this study, the researcher aims to examine the present state of women in the field of Litigation. The objective of the researcher is to assess the extent to which our nation has implemented sufficient measures to defend the rights and interests of Women Lawyers. The study additionally seeks to ascertain the reasons behind the persistent presence of gender-based bias and barriers encountered by women within the legal field, despite the passage of several years since achieving independence and the establishment of an independent constitution that guarantees equality and fundamental freedom to engage in legal professions. Moreover, the researcher has chosen Delhi's National Capital Territory as the location for conducting the study. In order to ensure a comprehensive examination of the local level, the study has specifically focused on the district courts inside the city. Delhi, as a metropolitan metropolis, is widely regarded as a favorable setting for women's employment, characterized by reasonably equitable socio-economic conditions. Nevertheless, the findings of the study have shown to be highly alarming and unforeseen.

Findings from various studies on this domain were simultaneously unsettling and optimistic. As anticipated, our findings indicate that a significant proportion of women in the legal profession encountered a range of obstacles over their career, including insufficient assistance from senior male colleagues, disparaging comments, and inadequate infrastructure inside the court complex. The findings from the remaining research provide a sense of optimism, since the female cohort within the profession has a strong desire and enthusiasm to actively contribute to the advancement of their field, provided that the obstacles they encounter are significantly alleviated.

The research findings indicate that while a significant number of women receive encouragement from their families to pursue a career in litigation, they experience dissatisfaction inside the field due to a range of causes.

The primary factor contributing to the widespread unhappiness is the insufficient availability of infrastructural amenities within the court premises. Despite the presence of separate restroom facilities for male and female advocates

in most court complexes, they are in a highly unsanitary condition, which is a highly disheartening observation. This is concerning due to its adverse health effects. It is imperative to adhere to appropriate hygiene and sanitation protocols in restroom facilities, not only for female advocates but also for the general public, given the high volume of visitors to court complexes on a regular basis. In addition, the majority of female advocates surveyed emphasize that court premises lack provisions for day care or crèche services. Married advocates have a significant challenge when they reach a stage in their lives where their biological clock necessitates childbearing, and they must decide between pursuing a family-oriented path or pursuing a career in the "chair". Upon her departure on the "Family way", upon her return, the equations would undergo a transformation, necessitating a complete restart. Hence, achieving the optimal equilibrium between work and family life poses a difficulty for the majority of women. This can be effectively addressed by the provision of day care facilities, crèches, and other amenities within court premises, which serve to foster a harmonious work-life balance.

While a considerable proportion of the female legal practitioners questioned expressed agreement regarding the adequacy of Bar Rooms in the Court Premises, it is worth noting that a notable percentage of women legal practitioners had a contrasting perspective. The significance of the negative answer underscores the existence of district courts that provide sufficient amenities, as well as others that lack such amenities.

In addition to the absence of adequate infrastructure, another factor that contributes to the discontent among females in the litigation profession is the pervasive gender bias within the field. Women are not unfamiliar with instances of gender-based prejudice. During the semi-structured interview, a female practitioner divulged that the office staff had a condescending demeanor towards women, while simultaneously displaying a bias towards male lawyers. Another female attorney has affirmed that during her professional trajectory, she, along with several other female lawyers, had instances of sexual harassment. While the results indicate that a significant proportion of female legal professionals have not encountered any instances of gender-based bias, it is important to note that a considerable number of individuals have indeed experienced such bias, and this disparity is not negligible. The presence of prejudice in a setting where justice is expected is a matter of significant concern. Furthermore, a significant proportion of women have encountered difficulties in their chosen occupation.

Another crucial determinant is the clients' disposition towards the female advocates. This issue can be attributed to the societal tendency to adopt stereotypical attitudes towards girls. Women are frequently perceived as inferior in comparison to their male counterparts. Clients frequently presume that a female solicitor may lack the necessary assertiveness to handle a forceful negotiation or an intricate dispute. The findings of the study pertaining to the attitudes of judges and senior counsels towards pregnant women do not provide a definitive depiction, as a significant proportion of the surveyed women exhibited a lack of awareness regarding this matter. However, the available evidence indicates that the judges and senior counsels exhibit a typical approach towards pregnant women, displaying a lack of sensitivity towards their needs. During the process of data collecting, it was noted that a considerable proportion of Female Advocates lacked access to Chamber services.

## II. CONCLUSION

It is imperative to confront and resolve the persistent obstacles and disparities that women encounter in the legal field. An effective solution to address the issue is to mitigate the barriers encountered by women in the legal profession, which hinder their productivity and dissuade them from pursuing careers in litigation. This can be achieved by ensuring that they have access to the essential infrastructure, thereby enhancing the comfort and convenience of their workplace. The significance of the Indian Bar Council in cultivating a favorable working environment is crucial in tackling the aforementioned issue. According to Section 7 of the Advocates Act of 1961, it is the responsibility of the Indian Bar Council to ensure the protection of lawyers' rights, privileges, and interests. In addition, it is anticipated that the State Bar Councils will protect the interests of advocates on their roster and organize seminars. Hence, it is incumbent upon the Bar Council to assume the principal and paramount responsibility of furnishing the women's society with fundamental infrastructure amenities, encompassing the provision of sanitary and hygienic restroom facilities, bar areas, and similar amenities. It is imperative for the Bar Councils to establish regulations pertaining to the allocation of chambers inside the court complex. This is particularly crucial given that a significant number of Female Advocates lack a single chamber, whilst their male counterparts often own two or more rooms. Therefore, the provision of

chambers for women would create a favorable working atmosphere, thereby resulting in a good influence on their productivity.

In contrast to women lawyers employed in organized sectors such as corporations, who are entitled to specific maternity benefits, women involved in litigation are not afforded the same benefits. Consequently, they are required to commence their employment at an earlier stage in order to satisfy their financial obligations. In this particular scenario, the presence of a day care or crèche facility becomes essential. Therefore, the provision of a crèche facility that is accessible to all individuals within the court precincts would significantly enhance the suitability of the profession for women by promoting a harmonious work-life balance. Without such a facility, women would be compelled to take extended breaks from their legal proceedings, thereby impeding their professional development. Moreover, the assistance provided by their elders throughout this specific phase of their existence would alleviate the difficulties encountered by them.

In order to facilitate the effective functioning of Female Advocates, it is imperative to have supplementary amenities, such as baby changing rooms and a designated area for women to breastfeed their children. It is recommended that the Bar Councils organize seminars aimed at addressing the prevalent concerns of gender inequality and biases within the legal profession. It is imperative to promote a compassionate approach within the male class of the profession towards advocates for pregnant women, while simultaneously ensuring that young female advocates are afforded sufficient opportunities to demonstrate their legal expertise. Senior Advocate Pinky Anand has proposed that the Bar Council of India should provide assistance to aspiring female attorneys during the early stages of their professional journeys by promoting the inclusion of women in diverse professional associations. In order to advance their legal mission, it is imperative for the Bar Council of India and State Bar Councils to implement measures aimed at facilitating the inclusion and advancement of women in the field of litigation. There is a need for more female representation in the District, State, and All India Bar Councils in order to facilitate their ability to express their perspectives and effectively address the problems of female advocates. Sexual harassment constitutes a significant factor contributing to women's voluntary departure from the field, either independently or as a result of familial pressures. Therefore, the establishment of Sexual Harassment Committees inside the judicial system will greatly facilitate the resolution of this issue. The rigorous enforcement of the anti-harassment regulations will contribute to creating a more favorable environment for women in the profession. The study emphasizes that women in Delhi continue to face uneven treatment as partners in the legal field. If this situation occurs in the nation's capital, one might envision the challenges faced by women in other metropolitan and rural regions of the country. The assertion that socio-economic factors, such as literacy and urbanization, are causally linked to the rise in women's involvement in the legal profession is erroneous. Only a limited number of women have achieved fame or found satisfaction in this sector. Alan Kay famously stated that the most effective way to anticipate the future is by creating it. Therefore, based on this optimistic statement, one can anticipate that the future will bring improved circumstances and less biased treatment for female litigants through the combined endeavors of society as a whole, and the professionals involved in the field.

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# A Study on Women Legal Professionals in the District Court of Lucknow, Uttar Pradesh, India

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**Abstract:** *The legal profession in India has historically been predominantly male. The inclusion of women in the legal system was only feasible after extensive and prolonged legal disputes, and even then, their representation in the courts remained negligible until the conclusion of the twentieth century. The advent of globalization in the twenty-first century has presented Indian women with supplementary prospects in the realm of legal education and training. The advent of technology has not only brought about a transformation in the court atmosphere, but it has also effectively eradicated the medieval male chauvinism prevalent within the profession. This paper undertakes a critical analysis of gender bias, sexual morality, and criminal discourse within the court premises, utilizing data collected from the District Court in Lucknow, Uttar Pradesh, India. Additionally, it examines the role and status of women as legal professionals, wives, mothers, and daughters-in-law within the disintegrating joint family structure.*

**Keywords:** legal profession, women, judicial systems, court of law, India

## I. INTRODUCTION

The feminist movement has emerged as a result of an ideological framework, with the objective of delineating, establishing, and safeguarding equitable political, economic, and social entitlements for women. This encompasses ensuring equal access to education, occupation, profession, and other forms of employment that have historically been predominantly occupied by men since ancient times. The concept was coined by Charles Fourier, a French philosopher, in 1837. However, its historical context encompasses the narratives of women's ongoing battles for equal rights, such as the right to property and the ability to vote, throughout history.

Feminism can be categorized into three distinct periods. The initial stage of the movement spanned from the 19th to the early 20th century, focusing on matters pertaining to gender equality, labor conditions, and educational opportunities for women and girls. The second wave, commencing in the 1960s and persisting until the 1980s, focused on the disparities experienced by women and their societal position. From the late 1980s to the early 2000s, the third and final phase is regarded as a continuation of the second phase and a feminist reaction to the perceived shortcomings of the previous 'waves'.

The origins of feminism can be traced back to the period of colonization in the Americas, during which a significant influx of individuals from impoverished, lower socioeconomic backgrounds, and criminal histories arrived to the continent. These migrant groups were situated outside the socio-cultural norms of Europe, leading to increased opportunities for open and unrestricted interactions between different genders. As a result, men and women, who were often unfamiliar with each other, lived together in isolated and lawless colonies. Over time, women residing in such a societal context started to exercise agency in selecting their marriages or partners, a circumstance that was previously inconceivable in more traditional European societies. This liberty was frequently accompanied by economic autonomy, since women were required to be self-sufficient in an inhospitable and isolated region, and progressively obtained property and education. At first, women began pursuing vocations in medical and teaching. Nevertheless, during the 1880s, they also engaged in legal practice within the United States. During the onset of the First World War in 1914, Britain saw a dearth of human resources on the domestic front, particularly in its factories that were engaged in war-related activities. Consequently, a significant proportion of women began to replace men in factories, while the males joined the military as soldiers. This significantly bolstered the feminist call for women's suffrage in Britain, leading to the enactment of the Representation of the People Act 1918 in 1918. This legislation granted voting rights to women



who were at least 30 years old and met the minimum property requirements. The year 1917 marked the initial entry of women into the legal profession in Britain, highlighting the significant connection between the feminist movement and the advancement of women's fundamental rights and liberation from traditional societal obligations.

The emergence of feminism in India may be traced back to the latter half of the twentieth century, specifically to the establishment of the Women's India Association (WIA) in 1917. This association was founded by Annie Beasant, Margaret Cousins, and Dorothy Jivarajadasa with the primary objective of advancing the suffrage movement (Cousins, 1947). During the same decade, a small number of Indian women became eligible to pursue a career in law in India. Following the founding of the Allahabad High Court, the legal profession in Uttar Pradesh was predominantly male-dominated throughout the initial years. The Allahabad High Court granted Cornelia Sorabji the distinction of being the inaugural female practitioner. Nevertheless, the level of women's involvement in the legal profession within the state continued to be relatively low, with a significant rise observed solely in the final decade of the twentieth century. The alteration in the arrangement of the occupation highlighted several concerns, including as contemporary nature, career advancement, and disparity in earnings. Inevitably, women who entered the field encountered the conventional attitude prevalent in Indian homes, which presented numerous hurdles for both unmarried and married women aspiring to pursue the industry. Furthermore, the new immigrants' demoralization was significantly influenced by their caste and religious identity, in addition to their marital status. Gender discrimination and sexual harassment exacerbated the challenges and hardships faced by individuals within the legal system, particularly in subordinate courts. Nevertheless, despite these obstacles, the increasing educational attainment of Indian women has emerged as a catalyst for the professionalization of the conventional Indian woman. Her pursuit of identity and awareness for gender equality is evident in both society and the lower courts, despite the various hurdles she faces.

## II. REVIEW OF LITERATURE

The study of women in the legal profession continues to face significant limitations due to the scarcity of literature pertaining to this topic. Despite the abundance of research on gender-specific matters, such as women in different occupations, there is a noticeable lack of literature specifically addressing women in the legal profession. Hence, this study mostly relies on existing literature pertaining to relevant subjects, which provides valuable insights into the topic. In her unpublished thesis entitled "An examination of the development and structure of the legal profession at Allahabad, 1866-1935," Buckee conducted a comprehensive analysis of the legal profession in the United Provinces of India, taking into account its social and historical background. This study was submitted to the London University. While her research primarily centers on caste composition, it also provides insights on the representation of women in the legal profession. In contrast, Paul (1991) focuses only on the legal profession in South India. However, it is possible to establish connections between his research and the examination of women in the legal profession in Uttar Pradesh.

The scholarly contributions of Gooptu (2007) and Vadagama (2011) provide significant insights into the challenges encountered by Cornelia Sorabji, the inaugural female lawyer in Uttar Pradesh. Consequently, these works prove to be highly beneficial for examining the experiences of women in the legal field inside Uttar Pradesh. In her study on the challenges and opportunities faced by women professionals from various cultural backgrounds, Sen (1999) also examines the difficulties and achievements of female legal practitioners in India. In addition, the Bar Council of Uttar Pradesh, located in Allahabad, maintains a comprehensive database of registered legal professionals in Uttar Pradesh. This database serves as a valuable resource for researchers. In its centenary year publication (1966), the High Court of Judicature in Allahabad provides valuable insights into the historical evolution of the legal profession in Uttar Pradesh, including details about women lawyers.

### Women in profession

In Indian tradition, the role and status of women have been a topic of contention. Although they have been theoretically assigned a prominent position in society, the current situation has consistently deviated significantly from the theoretical ideal. For a significant period, women were noticeably absent from modern occupations. The status of women in various regions of the country has been influenced in distinct ways by the economic circumstances, religious customs, and cognitive frameworks of the populace. Against this historical context, the Indian independence movement emerged as a significant catalyst for the advancement of women in India, given that a majority of its leaders had



received their education in the Western liberal education system. The contemporary feminist movement in post-independence India emerged with a strong foundation in the ideas of equality. It aimed to challenge and challenge gender-based structures, particularly the sexual division of labor, which were perceived as oppressive and submissive to women. This display of vulnerability and powerlessness introduced a fresh perspective to Indian feminism, articulating emotions that had previously remained unarticulated. Simultaneously, the emphasis on women in the workforce symbolized a repudiation of the traditional role of a wife and mother, substituting it with the portrayal of a financially self-reliant woman. Additionally, it symbolized the emergence of class awareness coupled with a desire to organize and mobilize women, as well as an increasing engagement of feminists in workplace politics. The predominant occupation for women in rural India is agriculture and home industry, whereas the majority of urban women secure employment in the services sector. The majority of these women, hailing from middle and upper middle class backgrounds, seek employment in order to augment their family's income and enhance their standard of living. Nevertheless, a distinct cohort of exceptionally educated and skilled women is also emerging in several professional domains such as civil service, law, medicine, engineering, academia, and filmmaking. According to Sen (1991), these women are driven by their aspirations and the aspiration to showcase their abilities.

### **Empowering Women in the Legal profession**

Journalism, academics, and medicine were the initial professions to experience the impact of feminism. In subsequent years, the impact of feminism on traditionally male-dominated professions such as surgery, civil services, law, management, entrepreneurship, and politics became increasingly evident. In recent years, there has been a significant economic imperative placed upon families across many social groups, particularly those belonging to the orthodox, backward, and conservative segments. The focus of the struggle has shifted away from external impediments. The prevailing public sentiment has shifted away from hostility, so creating a multitude of options for women in contemporary society. Nevertheless, the enduring psychological challenges and the ongoing conflict between familial and occupational responsibilities persist throughout their lifetimes.

Many women who are employed, professional, and focused on their careers encounter significant obstacles when it comes to leaving their homes. Women face various challenges, including long commutes, crowded bus rides, extended working hours in courtrooms, enduring derogatory remarks from male colleagues within the court premises and on public transportation, and experiencing eve-teasing. These issues are compounded by their personal and familial challenges, as well as the demands of their work schedules, working hours, and work timings. The emergence and increasing presence of women in the legal field has been a significant societal transformation in recent times, frequently referred to as "revolutionary" (Abel, 1988) within the last nine decades. The arrival of women in the legal field has sparked considerable debate among scholars and political advocates regarding the potential impact of women on the structure and implementation of substantive law, as well as the manner in which law is applied (Kay and Gorman, 2008). India was under British colonial rule until 1947, during which the British made periodic changes to the administrative system and institutions based on their own convenience. The Indian Penal Code (IPC), Criminal Penal Code (Cr PC), and Civil Procedure Code (CPC) were introduced, together with the creation of the Rule of Law and the institution of the Indian Civil Services. The British government similarly developed the court system and the legal profession in a similar manner. The emergence of legal professionals in Indian society gave rise to a novel middle class. Following the uprising of 1857, Queen Victoria assumed control from the East India Company, leading to the creation of three High Courts in Calcutta, Bombay, and Madras. This marked the introduction of a completely new administration in India. A new High Court was established in Allahabad in 1866, serving the United Provinces of Agra and Oudh. The Judicial Commissioner's Court in Oudh continued to operate until 1925, subsequently underwent a transformation into the Chief Court of Oudh, and ultimately merged with the High Court in 1948. Within the judicial system, legal practitioners were required to possess a minimum level of educational attainment, although they were obligated to successfully pass the mandated examination. It was anticipated that the practitioners would adhere to professional ethics, conduct, and dress code. During the twentieth century, there was a notable prevalence and prevailing influence of men within the legal profession in India. During this period, women were not granted admission to the esteemed legal schools in the United States. According to Auerbach, women, who are a distinct minority group that makes up the majority of the population, faced widespread sex discrimination for many years. Additionally,

pioneer legal schools completely excluded them (quoted in Paul, 1991). The Inns of Court in England enforced exclusionary measures until the enactment of the Sex Disqualification (Removal) Act in 1919. However, it is worth noting that a number of female candidates, both in England and India, made public appeals for the liberalization of the legal profession (Paul, 1991).

Dr. Hari Singh Gaur, a trailblazer in India's women's legal profession movement, proposed an amendment to the resolution passed by the Central Legislative Assembly of India. The proposal aims to eliminate the sex disqualification imposed on women. The objective of this measure was to ensure the inclusion of women on the electoral roster for the Legislative Assembly elections on February 1, 1922. Additionally, the government expressed its satisfaction in eliminating the sex barrier that previously disqualified women from being registered as legal practitioners in the courts of this nation (ibidem).

Dr. Singh provided a concise account of the movement's brief history to the House. Ms. Regina Guha successfully completed her B examination in 1916. She obtained her degree from the University of Calcutta and submitted an application to the Calcutta High Court to become a legal practitioner. A special Bench was convened by the judges. According to the Legal Practitioner Act, anyone who has the necessary qualifications is eligible to apply for this enrolment. Additionally, according to the General Clauses Act, the term 'a person' is understood to encompass both males and females. As a result, there were no legal obstacles to admitting a legally competent law graduate to the High Court in Calcutta. Nevertheless, in 1916, the Mother of Parliaments had not yet enacted the Removal of Sex Disqualification Act. However, it did so three years later, in 1919. The esteemed members of the Calcutta High Court made an observation regarding the validity of the statement that the term 'person', as understood in its etymological sense and within the framework of the Indian Legal Practitioners Act, rendered a woman qualified for registration as a legal practitioner. Nevertheless, the judges maintained that the aforementioned action had not been previously undertaken and expressed their unwillingness to introduce a novel approach (Proceedings of the Government of the United Provinces in the Judicial Civil Department, September 1922, File no. 104/1922, p. 2). The enrolling of Regina Guha as a pleader was denied by a full Bench ruling of the High Court on August 29, 1916 (Paul, 1991). In 1921, after a span of five years, Ms. Sudhansu Bala Hazra, a woman from Orissa, submitted a formal request to the Patna High Court. The judges reiterated that there were no legal obstacles to the inclusion of Ms. Hazra as a legal practitioner. However, considering the precedent set by the Calcutta High Court in 1916, which established that such inclusion was restricted to individuals of the male gender, they were unable to deviate from this restriction. The judges of the Patna High Court held the perspective that the inclusion of a 'female' in the definition of a 'person' as stated in section 6 of the Legal Practitioner Act of 1879 was not deemed appropriate. However, concurrently, a knowledgeable judge of the aforementioned court expressed the view that the responsibility of determining whether women who have obtained a legal degree should be granted eligibility for admission lies with the legislative body. Simultaneously, Ms. Cornelia Sorabji, a female law graduate, submitted an application to the Allahabad High Court, which kindly granted her admission as a fully qualified legal practitioner. The aforementioned position has now become atypical. According to the Proceedings of the Government of the United Provinces in the Judicial Civil Department (September 1922, File no. 104/1922, p. 3), although women who graduated from law school were allowed to practice law in Allahabad in the same way as males, they did not have the same privilege in Calcutta or Patna.

Dr. Hari Singh Gaur, a barrister and advocate for women's rights, proposed that the government eliminate the sex barrier that prevented women from being admitted as legal professionals in Indian courts. Dr. Gaur retracted the amendment after receiving assurance from Sir William Vincent, the Home Member, that the Government of India would seek input from local governments, High Courts, Oudh Bar Association, general public, and professional bodies (Paul, 1991).

The Allahabad Bar Library expressed its viewpoint that the advancement of women's education had not reached a level that warranted the acceptance of the proposal. However, the Oudh Bar Association expressed support for the proposal. It was an extremely groundbreaking viewpoint in support of female legal professionals. The primary argument supporting the plan was the abstract contention that there was no valid reason for gender-based bias, citing the fact that women had been granted admission to the Bar in England and other European nations, and suggesting that India should emulate their approach. Women were indeed granted admission to the English Bar, and it is theoretically impossible for any Indian High Court to deny a lady Barrister the opportunity to appear before it. The presented argument posited that

female practitioners would provide significant assistance to pardanashin (vein clothed) women who were involved in legal proceedings, particularly in the Court of Wards Matters. Nevertheless, there was an abundance of counterarguments against both. Numerous individuals contended that the level of women's education was inadequate to warrant the proposed alteration, and that the potential number of women desiring to pursue education was expected to be so minimal that the matter held no significance beyond academic curiosity. The idea faced opposition from individuals who argued that it was premature, as long as the existing societal conditions remained unchanged (Proceedings of the Government of the United Provinces in the Judicial Civil Department, September 1922, File no. 104/1922, p. 3). Following an evaluation of these responses, the Government of India enacted the Bill on March 21, 1923, which subsequently became a law on April 2, 1923, and was implemented throughout the entirety of India. As previously mentioned, in the year 1922, the Allahabad High Court granted Ms. Cornelia Sorabji, a duly qualified counsel operating in Allahabad, the opportunity to be registered as an advocate. After the first incident, the Government of India was compelled to enact legislation aimed at eliminating any potential barriers that could hinder women from pursuing a career in the legal profession, as long as they met the requisite educational credentials (Buckee, 1972). Subsequently, a succession of female legal practitioners were officially registered at the High Court of Allahabad. Nevertheless, the number of registrants continued to be limited. In the years 1928, 1931, and 1933, Shyam Kumari Nehru, Leena Clarke, and Begum Menakhi Amina Farrukhi were officially registered. The level of enthusiasm exhibited by the legislators in facilitating women's participation in the legal profession appeared to be predominantly cosmetic. The presence of female practitioners in the bar rooms elicited a combination of tenderness and curiosity. The chances of women attaining a respectable position in the profession, which had been fiercely competitive and predominantly male for many years, were definitely bleak (Paul, 1991).

Years	Total registered practitioners	Women practitioners	Percentage
1962-1997	136,635	4,265	3.12
1998-2005	91,509	7,346	12.3
1962-2005	228,144	11,611	5.08

**Table 1: Evolution of Women's Representation in the Legal Profession throughout Time**

Uttar Pradesh is a state of notable importance in the realm of legal studies in India, owing to its distinction as the state with the highest count of registered legal practitioners nationwide. Nevertheless, the representation of women legal practitioners in the courts of Uttar Pradesh remains limited. From 1962 to 1997, a span of 35 years, the number of registered women legal practitioners was only 4,265, which accounted for only 3.12% of the overall legal workforce of 136,635. From 1998 to 2005, a span of only 8 years, a total of 7,346 women legal professionals were officially registered, accounting for 91,509.

Specifically, this accounts for around 12% of the overall number of legal practitioners, as recorded in the Register of Registered Practitioners. Nevertheless, it is evident from the data presented in Table 1 that the overall representation of women in the legal field continues to be a modest 5.08%.

**Findings of various related studies**

The research findings shed intense light on certain facts pertaining to women legal practitioners in India. It is noteworthy that there has been a significant rise in the representation of women in the legal profession, indicating a positive shift in societal attitudes. Nevertheless, this rise is solely in terms of quantity, rather than quality. The underrepresentation of women professionals in legal proceedings, resulting in poor remuneration, is a concerning reality. The employment satisfaction reported by the majority of female legal professionals, despite the prevailing circumstances, appears to be merely a facade, since many of them would not want their children, particularly girls, to pursue a career in the legal profession.

Furthermore, the challenges of marriage and family-raising appear to pose significant obstacles for female legal professionals. While many women initially choose to pursue a career in the legal profession, the majority of them choose to leave either immediately or shortly after getting married. The fact that just a small number of women are able to persist beyond the age of forty is quite astonishing. This is the phase in which legal professionals have gained expertise and are at the pinnacle of achievement.

Clearly, the demands of family obligations following marriage are preventing women legal professionals from reaping the rewards of their diligent efforts during their early years in the field. The issue of gender discrimination encountered by female legal practitioners in the workplace is a matter of significant concern. It is noteworthy that the questionnaire did not include a specific question on sexual harassment, taking into account the sensitivities of women. Additionally, the questionnaire was designed to encompass gender-based bias, including sexual harassment. This demonstrates that even the legal profession, which strives to ensure justice for all, is not exempt from prejudice and mistreatment, frequently of a sexual nature, directed towards its female colleagues. Indeed, as previously stated, among the 101 female legal professionals contacted, 8 declined to take part in the study, expressing negative remarks regarding the researcher's intentions. This fact serves as a somber reminder of the feelings of unease and suspicion that women, especially in the esteemed profession of law, experience towards males, despite its significant authority and status.

### III. CONCLUSION

As elucidated in the preceding analysis, there exist three domains that necessitate prompt consideration to guarantee a productive engagement of women inside the legal vocation. The primary objective is to enhance the level of involvement of female legal professionals, specifically by guaranteeing a sufficient number of cases and a financially lucrative career for them. Once women lawyers' practice experiences qualitative improvement, such as an increase in the number and quality of cases, as well as higher earnings, the second issue of family pressure to opt out after marriage is anticipated to diminish. This improvement would significantly influence the attitudes of husbands and in-laws.

The third and essential concern pertains to gender-based prejudice, encompassing instances of sexual harassment. Indeed, the fear of experiencing such harassment is expected to be a significant factor influencing women's decision to leave the field, either independently or due to the influence of their family members. Gender bias is a pervasive issue that extends beyond the confines of the legal field. Nevertheless, when comparing the legal profession to other professions that are perceived as more secure for women, such as school teaching and medicine, it becomes evident that the former is more susceptible to instances of harassment. However, although a rigorous implementation of the anti-harassment regulations would contribute to creating a more favorable environment for women in the legal profession, the resolution of this issue will ultimately depend on a significant enhancement in the professional conduct of female lawyers. The prioritization of enhancing the quality of women lawyers' practice is of utmost importance for future scholars in this discipline.

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# An Analysis of the Motivation and Experience of Women Advocates in the Legal Profession

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**Abstract:** *The legal profession is considered to be one of the hardest occupations in contemporary society. Today, every woman is participating in several domains of society. This article explores the factors that drive women to choose a career in the legal profession. This study examines the perspectives of women advocates regarding their decision to pursue a legal profession and the length of time they have been practicing in this field. The present study examines the perceptions of female lawyers about their male counterparts and clients, as well as the attitudes of senior male lawyers towards women. This study examines the motivation and position of women in the legal profession, specifically focusing on government facilities for women lawyers and security measures for women. This study utilizes empirical data obtained from a sample of 302 women lawyers who are currently practicing in Hubli-Dharwad district.*

**Keywords:** Legal profession, women advocates, motivation, male lawyers, legal practices

## I. INTRODUCTION

The legal profession has always been associated with masculinity within traditional societies. Due to this factor, the representation of women in this particular occupation has been constrained thus far. Over time, there has been a significant improvement in the social and economic standing of Indian women following their independence. Nevertheless, their current state remains unsatisfactory. There is a growing realization at both national and international levels of the importance of giving women a specific place and assisting them in receiving proper credit for their abilities.

In both western countries and India, there has been a notable growth in the number of women graduating from law colleges and engaging in the practice of law during the previous 2-3 decades. Women advocates demonstrate a commitment to embracing feminine principles, such as compassion, maintaining relationships, and employing empathetic ways in the profession of law. In contrast, the profession is inherently infused with elements commonly associated with masculinity, such as objectivity, fairness, individual rights, and adversarial tactics. It has been suggested by theorists that women will prioritize substantive justice for everyone over procedural fairness. This study examines the problem, opportunities, and motivation experiences of women advocates in the legal profession within the given setting.

### Objectives:

The objective of this study is

- To assess and explore the level of assistance provided by family members, legal institutions, government entities, and other relevant bodies.
- To ascertain the distinct challenges faced by female lawyers within the legal profession.
- To identify women lawyers who are experiencing a lack of opportunities in the field of criminal law.

### Hypotheses:

There is no difference among family members, relatives, friends, colleagues and others to pursue legal studies.

There is no significant difference among the clients to approach the women lawyers.

There is no significant difference among for equal justice in legal profession.



**II. METHODOLOGY**

**Field and the universe:**

Currently, the city has a population of 902,700. The district of Dharwad is home to the High Court, District Court, and Civil Court. It is easily reachable for anyone residing in the northern region of the state. There are a total of 2168 advocates employed by the cities, consisting of 307 female practitioners and 1868 male practitioners. The primary emphasis of the study pertains to. This pertains specifically to women in the legal profession, both married and unmarried. The total number of lawyers in the courts of Hubli-Dharwad city was 1267 in 2009, 2010, and 2011, with 302 of them being women lawyers.

**Tools and techniques for Gathering Data:**

The research universe consisted of all the female advocates in Hubli-Dharwad city. Therefore, no samples were selected in this study. The primary method employed for data collection was the utilization of a questionnaire technique. The interview schedule was not structured in a formal manner. Instead, the researcher conducted general conversations at the courts, residences, and offices of the respondents in Dharwad and Hubli city. Additionally, the observation method was employed to gather the necessary information. The current study relies on primary and secondary data as its main sources. In this study, the researcher chose a total of 302 female lawyers as respondents. The researcher collected information directly from the respondents using the questionnaire technique. The study collected secondary data from many libraries, including the Karnatak University library, ISES Bangalore, CMDR Library, Court Library Dharwad, and Karnatak Law University Library Dharwad. Data was gathered from many sources including Census Reports, Government Reports, District Statistical Office, publications such as books and journals, gazetteers, articles, and magazines. The data underwent analysis and interpretation using a straightforward statistical procedure.

**Motivation to Engage in Legal Studies**

The motivation to pursue legal education is derived from those who are extremely close to me. The decision about one's work life is primarily influenced by family members. In communal life, the family is widely recognized as a significant social organization that exerts a profound influence on individuals' decision-making processes. Therefore, it is evident that a significant proportion of the 206 female respondents, constituting 68 percent of the entire sample, said that their family members provided encouragement for their pursuit of legal education. Relatives provide as an additional source of motivation for women in the family who rely heavily on their family and relatives for social and economic support, surpassing the influence of external individuals. Therefore, a significant proportion of 41 female advocates, accounting for 14% of the respondents, reported that their families provided encouragement for them to pursue a career in law.

A total of 22 women advocates (7%) have received encouragement from their friends to pursue legal studies, whilst 4 respondent women advocates (1%) have received encouragement from their coworkers. 29 responding women advocates were motivated by other individuals to seek legal studies.

The decision to pursue professional courses is contingent upon one's motivations. In addition to intrinsic drive, external factors also play a significant role in shaping individuals' choices of professional courses. The findings of the study indicate that the primary impetus for engaging in legal studies stemmed from familial influences. The respondent advocates have also been motivated by their relatives to pursue legal studies to a significant degree. In the case of a few respondents, friends, coworkers, and others were also responsible for pursuing the career. Table 1a and Table 1b present the pertinent information.

**Table 1a: Motivation for Engaging in Legal Studies**

Age Yrs	Family Members		Relatives		Friends		Colleagues		Others	
		%		%		%		%		%
25-30	87	42	10	24	08	36	0	0	07	24
31-35	33	16	08	20	01	05	0	0	03	10



Yrs										
36-40	28	14	10	24	07	32	0	0	08	28
Yrs										
40-45	58	28	13	32	06	27	4	100	11	38
Yrs										
Total	206		41		22		04		29	

**Table 1b: Overall Motivation to Engage in Legal Studies**

	Respondents	%
Family Members	206	68
Relatives	41	14
Friends	22	07
Colleagues	04	01
Others	29	10
Total	302	100

### Women Lawyers Getting Equal Justice in Legal Profession

Gender discrimination has been prevalent in the Indian social system, affecting women lawyers in numerous aspects such as family affairs, profession, earnings, political rights, and legal rights. The time following independence has been marked by a robust effort to combat this societal problem, both within the government and non-governmental sectors. Numerous legal and constitutional measures have been implemented to address this morally questionable approach inside our society. Despite the existence of numerous legislative laws against gender discrimination, a prejudiced attitude towards women remains widespread in various domains of society.

### The study has primarily concentrated on this particular issue, and data has been collected from women advocates who work for equal justice for women in the legal profession.

The findings of the study indicate that a significant majority of 223 female advocates, accounting for 74% of the sample, expressed that women lawyers are experiencing equitable treatment within the legal profession. Nevertheless, a significant proportion of 79 female advocates, constituting 26% of the respondents, expressed concerns regarding the lack of equitable access to justice for women lawyers within the legal profession. The observed tendency is indeed disheartening and serves as evidence of the enduring presence of gender-based prejudice inside our societal framework. Women lawyers are entitled to the same rights and privileges as their male counterparts in the legal profession. The potential connections could pertain to their legal appointments, assignments, promotions, and other connected matters. If women lawyers encounter any unfair treatment, they have the legal right to challenge such behavior. Nevertheless, there may be instances of dishonesty, as suggested by a small number of female lawyers who responded. Table 2 presents the pertinent information.

**Table 2: Ensuring Equal Justice for Women Lawyers in the Legal Profession**

Years of Profession	Yes	%	No	%	Total
1-4 Yrs	123	55	20	25	143
5-15 Yrs	67	30	48	61	115
16+ Yrs	33	15	11	14	044
Total	223	100	79	100	302

Women lawyers are experiencing a lack of opportunities in the field of criminal law.

There is a prevailing belief that female lawyers are falling behind.

The majority of 185 respondent women advocates (61%) do not accept opportunities in the criminal law sphere of legal practice. Nevertheless, a substantial cohort of 117 female advocates have expressed the belief that women lawyers did indeed fall behind in that particular domain. Women advocates' comments are categorized according to their level of legal practice. The subsequent table presents the pertinent information.

The management of criminal cases necessitates a rigorous and stringent attitude, which is generally deemed unsuitable for women within our societal framework. The abrupt shift from a submissive and acquiescent familial environment poses challenges for women in effectively handling criminal matters. Nevertheless, the comments provided by female lawyers suggest that they did not exhibit a delay in their ability to handle criminal matters. This demonstrates a shift in the conventional perspective of women upon entering the legal profession. Table 3 presents the pertinent information.

**Table 3: The Underrepresentation of Women Lawyers in Criminal Cases within Legal Practises**

Practicing	Yes	%	No	%	Total
High Court	7	6	05	3	12
District Court	10	9	35	19	45
Lower Court	52	44	55	30	106
H-D, H-L, D-L	27	23	62	34	89
All Above	22	19	28	15	50
Total	117		185		302

### The Preference of Clients for Male Lawyers

The women advocates' replies on the subject of clients' preferences for male lawyers to deliver their cases are polarized. A significant proportion of the 153 female advocates who participated in the survey (50.66%) expressed the belief that clients tend to favor male lawyers when it comes to representing their causes in legal proceedings. This perspective was dismissed by a nearly equivalent proportion of 149 female advocates who responded to the survey (49.34%). The age-based replies of female campaigners.

The preference of clients for male lawyers is evident, as it is widely considered that male lawyers possess greater exposure to the legal profession compared to their female counterparts. This prevailing notion prompts female lawyers to exert significant effort in substantiating their legal expertise. Nevertheless, this long-standing impression is undergoing a slow transformation in the current context. This is seen in the stark divergence of viewpoints among the female lawyers who responded. Table 4 presents the pertinent information.

**Table 4 displays the clients' inclination towards male lawyers.**

Education	Yes	%	No	%	Total
B.A., LL.B	77	50	83	56	160
B.Sc, LL.B.	14	09	20	13	34
B.Com, LL.B.	46	30	35	23	81
LL.B, LL.M.	11	07	3	03	14
Ph.D and Others	5	04	8	05	13
Total	153		149		302

### III. FINDINGS

When selecting a professional job, it is important to have encouragement and inspiration. A significant number of women advocates (68%) were influenced to pursue a legal profession by their family members. Relatives (14%), friends (7%), colleagues (1%), and others (10%) provided encouragement to a limited number of female advocates to pursue a career in the legal profession.

The responses indicate a clear inclination towards giving encouragement. The field of law has predominantly emerged from internal sources(Relatives) in contrast to external sources such as friends, etc.

The majority of female advocates surveyed (74%) believed that women lawyers have achieved justice in the legal profession, whereas a smaller percentage (26%) disagreed with this overwhelming opinion. The legal rules and administration of justice provide equitable treatment for both male and female lawyers.

Gender inequality has resulted in the inequitable dispensation of justice to female lawyers, as perceived by those who believe that women lawyers are not afforded equal justice. Legal principles in any secular and democratic democracy cannot justify this stance.

A majority of women lawyers, specifically 61%, believe that a delay in progress hinders their ability to seize possibilities in the criminal law sphere of legal practice.

The majority of the 153 female advocates who participated in the survey expressed the belief that clients exhibited a preference for male lawyers when it came to representing their claims in court of law.

#### **IV. CONCLUSION**

This study provides an overview of the characteristics of the legal profession, as well as an examination of women's performance and skills within this field. Furthermore, the limitations and challenges encountered by women were examined. The essay revealed that although specific challenges arising from women's com- Despite the prevailing negative perceptions of women in the legal profession as a primarily female occupation and the limitations imposed on women's participation in judicial and related roles, there has been a noticeable increase in the representation of women in legal practice.

Women in the legal profession are currently seeking new opportunities to achieve personal satisfaction. Individuals aspire to demonstrate their competencies and strive to establish equilibrium among their familial obligations, personal duties, and occupational pursuits. Female lawyers frequently develop a strong administrative aptitude, including proficiency in decision-making, computing skills, delegation abilities, organizational skills, and technical expertise. Women lawyers have a far higher likelihood of achieving success compared to their male counterparts. The absence of these fundamental qualities, coupled with the possession of these limited qualities, confers a distinct advantage to certain women in their pursuit of becoming proficient women lawyers. The growth of the legal profession is a topic of significant importance and is expected to remain a prominent subject of debate in the future. The resolution of resistance to change can be achieved by actively engaging individuals in the process. The solution can be found in cultivating a sense of professionalism among individuals.

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# An Empirical Study on the Challenges Faced by Women Legal Entrepreneurs

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**Abstract:** *Lawyers are widely recognized as a crucial profession on a global scale. In recent times, individuals have amalgamated their professional expertise with the realm of business, resulting in the emergence of a novel entity known as law companies. A law firm is a legally recognized organization established by one or more lawyers with the purpose of practicing law and handling other legal matters. The legal sector is experiencing significant expansion, with business organizations increasingly employing a team of lawyers to serve their needs. The opportunities for women lawyers in this sector have significantly expanded in recent decades. Consequently, there has been an increase in the number of emerging legal entrepreneurs who are eager to venture into the emerging field of the legal industry. Conversely, numerous women legal professionals had entrepreneurial aspirations, although frequently encounter more challenges in entering and achieving success in this domain.*

*Several hurdles impede the success of women entrepreneurs, including unconscious biases, insufficient business acumen, financial constraints, limited networks, inadequate family support, and limited child-care alternatives. This article provides an overview of the concerns and challenges encountered by women legal entrepreneurs. It also offers a few recommendations to assist these entrepreneurs in advancing their goals and establishing a standard for women's empowerment.*

**Keywords:** Women legal entrepreneurs, challenges, safety, women empowerment

## I. INTRODUCTION

Lawyers are widely recognized as a crucial profession on a global scale. In recent times, there has been a notable expansion in the scope of the legal sector. Women empowerment has led to an increasing number of urban and rural women actively pursuing careers in the legal profession in recent decades. Lawyers of all genders encounter intense rivalry in this profession. However, it is frequently women who encounter numerous obstacles in their pursuit of achieving success as lawyers. In response to the current competitive landscape, legal practitioners have implemented a diversified approach in order to navigate the complexities of the market. Through the integration of their professional expertise with business acumen, they have established a novel entity known as law firms. A law firm is a legally recognized organization established by one or more lawyers for the purpose of practicing law and doing other legal endeavors. They are capitalizing on a concealed desire for the availability of legal services and expertise.

We are entering a period characterized by the prominence of legal entrepreneurs. The bulk of legal companies have been established by male individuals. Women lawyers are facing significant challenges in their efforts to enter the legal entrepreneurship industry. Women legal entrepreneurs encounter numerous obstacles and challenges in comparison to their male counterparts. There exist several barriers that impede the success of women entrepreneurs, including unconscious biases, insufficient business skills, limited experience, financial constraints, inadequate networks, limited family support, and inadequate child-care alternatives, among others. Lawyers are supported by various factors in their profession, including their education, licensure from the state bar council, adherence to practice and ethical standards established by state bars, organizational structure, economic considerations, and competition from fellow practitioners. Simultaneously, the convergence of the global financial crisis, a significant acceleration of technology advancements, and globalization has created a favorable environment for legal practitioners. Given this context, the fight for survival of lawyers is unwavering. This article provides an overview of the concerns and challenges encountered by women legal entrepreneurs, as well as advice aimed at facilitating their success.

### **Legal entrepreneurship**

Entrepreneurship entails the systematic evaluation and assessment of diverse market prospects. It involves activities such as strategizing, coordinating, managing, and taking on the risk to examine and initiate a commercial initiative. It entails allocating resources strategically to generate long-term profitability. To succeed as an entrepreneur, one must acquire specific attributes such as a willingness to take risks, tenacity, a thirst for knowledge, methodical planning, and a steadfast devotion to long-term goals. Entrepreneurship encompasses the elements of innovation and risk-taking.

A community in which women are unable to fully realize their potential for innovation, job creation, and growth is deprived of the ensuing benefits. A recent study conducted by economists reveals a significant gender disparity in our country, resulting in a 6-8 percentage increase in GDP. Additionally, the study suggests that the participation and advancement of women could potentially improve GDP by 16 percentage points in the coming years. Furthermore, the field of entrepreneurship continues to face challenges in addressing the economic opportunities for women and, consequently, achieving the objectives of sustainable development in the future. In the present context, women are increasingly engaging in the realm of entrepreneurship with the aim of personal growth and attaining economic autonomy. By becoming an entrepreneur, a woman acquires self-assurance, proficiency in financial management, and the ability to confront the world with confidence. However, the most challenging aspect in this context is the act of sustaining.

A legal entrepreneur is a skilled attorney who actively seeks innovative possibilities to thrive in their profession. Lawyers that actively pursue and recognize opportunities within the market endeavor to provide their clients with legal services through various approaches. Law firms exemplify this category. Legal entrepreneurs utilize law firms to connect with clients and commercial organizations, providing their services to them. Through this approach, they maintain a strong connection with their clientele, thereby facilitating the steady attainment of their commercial objectives.

### **Women in legal field as entrepreneurs**

Women lawyers have numerous challenges in their pursuit of success within the legal profession. The legal profession is widely recognized as a male-dominated field, which poses significant challenges for women in terms of their professional survival. However, in recent decades, there has been a notable emergence of successful women despite many challenges. In addition, they are fearlessly venturing into the realm of entrepreneurship to establish their presence. This approach expands their breadth in order to optimize their potential. The pursuit of entrepreneurship is a novel avenue for many women lawyers, who often encounter challenges in their first stages as they want to advance in their careers. However, once they surpass the initial phase, they acquire the skills necessary to thrive in the realm of business.

As a women lawyer, their bounds are restricted to specific areas such as courtrooms, chambers, and clients. However, when they engage in legal entrepreneurship, their market opportunities are extensive. In addition to representing their clients, they also participate in several other activities pertaining to their respective issues. For a women lawyer, transitioning into entrepreneurship is a significant difficulty due to the need for extensive strategic planning, innovation, financing, and other related factors. Lawyers are exclusively engaged in court operations pertaining to their clients. However, as she transitions into the role of a legal entrepreneur, she is tasked with assuming additional responsibilities such as formulating company strategy, overseeing financial matters, and managing human resources. It entails a heightened level of responsibility.

### **Challenges Encountered by Women Legal Entrepreneurs**

#### **• Financial Accessibility**

Access to funding is a significant challenge encountered by legal women entrepreneurs. The establishment of a legal practice necessitates a significant investment, which is sometimes hindered by the financial constraints faced by women entrepreneurs. Commencing with savings might be challenging, hence individuals typically turn to banks and other financial organizations to obtain financial assistance. However, obtaining financial assistance from banks and other financial institutions is often a significant challenge due to their classification as professionals. The protracted nature of credit delivery procedures and credit policies hinders women entrepreneurs from pursuing their aspirations.



• **Gender bias**

This is a significant challenge encountered by a majority of women in the worldwide context. The denial of opportunities for women legal entrepreneurs is primarily attributed to gender bias. Due to the prevailing male dominance in the profession, women entrepreneurs encounter significant challenges in asserting their presence and acquiring clients. The clients frequently overlook the potential represented by women legal entrepreneurs, focusing instead on their outer appearances such as gender, popularity, and experience. This is a significant obstacle for women legal entrepreneurs.

• **The Family Ties and Child Care**

Family relationships and child care impose constraints on women. This topic holds significant importance for women legal businesses as well. As a women legal entrepreneur, it is necessary to allocate a significant amount of time to spend in the business during its first stage. Currently, she is tasked with the responsibility of managing both her business and her family. An imbalance can have detrimental effects on both the business and the family. The majority of women legal entrepreneurs encounter challenges as they dedicate extensive time to cultivate their start-ups and occasionally carry their business to their residences. As a result, they encounter challenges while devoting time to their family. Simultaneously, the responsibility of child care is a formidable challenge for women lacking familial assistance. This is a significant determinant that deters women from becoming legal enterprises.

• **Restricted mobility**

Women legal entrepreneurs encounter challenges in terms of mobility. Due to familial obligations and childcare responsibilities, individuals frequently encounter challenges when commuting between locations for business-related purposes. The majority of males encounter fewer difficulties when it comes to traveling for work purposes. Women entrepreneurs face challenges in meeting clients or establishing branches in different places due to their limited mobility.

**The ability to bear low risk**

One of the significant challenges encountered by women legal entrepreneurs is the issue of low risk carrying. The majority of women legal entrepreneurs tend to prioritize safety as a primary concern. They are seen as have a lower propensity for taking risks. Due to the multitude of constraints imposed by financial, familial, and business considerations, individuals exhibit reluctance in embracing risk-taking endeavors. As a consequence, they often experience a state of stagnation throughout the first or intermediate stages of their commercial operations. The possession of risk-bearing ability is considered a crucial attribute for entrepreneurs. However, it is often observed that women entrepreneurs often struggle to exhibit this quality, resulting in obstacles to their business success.

• **Intense competition**

In the context of globalization, embarking on a commercial venture presents a significant hurdle, particularly due to the intense competition among legal firms. Given the presence of several monopoly competitors in the market, women legal entrepreneurs face a formidable battle in maintaining their position. Each year, a large number of law graduates graduate from law schools, and the current lawyers in bar councils around the country are the primary contenders. Due to the limited availability of public and private employment prospects, the rivalry for lawyers in this field is significantly heightened when compared to other professions. This is a significant obstacle encountered by women legal entrepreneurs.

• **Skills and Development in Business**

Women legal entrepreneurs often prioritize the upkeep of their law firms while neglecting to enhance their own skills and knowledge. Entrepreneurs must prioritize the adoption of cutting-edge technologies and techniques in order to maintain and enhance their firm. Lawyers possess professional capabilities, but when venturing into the realm of business, they must also possess business skills in order to achieve success in the market. A women legal entrepreneur encounters difficulties in effectively managing the demands of their business, career, and skill set. They frequently



struggle to adapt to the current situation as they establish limits and do not surpass them. Their scope is restricted to court-client operations and they do not extend beyond that.

**• Cyberspace and Interconnections**

Networking and cultivating relationships are fundamental cornerstones for effectively managing a business. However, women legal entrepreneurs often encounter significant challenges in this regard. Due to the constraints imposed by other business variables, they frequently struggle with networking and relationships. Due to their sole focus on pursuing the case and achieving effective completion, they neglect to establish a network and cultivate relationships with their clients. Establishing and managing networks and relationships is crucial for the successful operation of a legal business. These firms can only operate efficiently by fostering connections and cultivating relationships with their clients.

**• Marketing**

Marketing plays a significant role in the success of entrepreneurs. Marketing is the sole method for delivering one's products and services to consumers or clients. For a businessperson, marketing their products and services is rather straightforward, but for a women legal entrepreneur, it can be quite tough. Due to their recent entry into the commercial field, they have challenges in effectively selling their services. Marketing is a potent instrument for achieving success in every freshly established business endeavor. Due to the distinct nature of marketing and law, women legal entrepreneurs often encounter challenges when attempting to integrate these two fields.

**• Workplace and public safety**

The majority of women in our country are encountering the issue of safety in both professional and public environments. This is a contributing factor to women's continued apprehension about venturing outside. Due to the inherent difficulties of the legal profession, women are still reluctant to pursue it. However, they are persevering against all obstacles and striving to achieve their aspirations. And making efforts to guarantee their safety in both professional and public settings.

**Suggestions for Enhancement**

The following suggestions can assist individuals in effectively implementing their vision:

It is imperative to possess comprehensive information prior to embarking on the path of entrepreneurship, since both the national and state governments are offering loans and dedicated funding to facilitate the education of entrepreneurs for business initiation.

- Evaluate the current state of the market and develop plans accordingly. Continuously enhance and cultivate skills and development that align with the prevailing market conditions. Simultaneously, it is vital to continuously enhance one's professional talents, since they serve as the primary outcome in this particular field of entrepreneurship.
- Establish a proficient team of assistance, as it is impractical for a single individual to be involved in all aspects of managing a legal entrepreneurship firm. A team of highly skilled individuals can greatly assist in enhancing the growth of start-ups.
- The network and client interactions play a crucial role in fostering the growth of legal entrepreneurship. A contented consumer will endorse the finest services to their social network. By establishing a network, your brand will effectively penetrate the market.

**II. CONCLUSION**

In recent decades, there has been a notable emergence of women legal entrepreneurs who are actively overcoming obstacles in order to pursue their aspirations and ambitions. The phenomenon of globalization has resulted in an increased number of chances for women legal entrepreneurs, both at the national and global levels. Being a women legal entrepreneur provides individuals with the chance to venture into a new domain and utilize their professional expertise in a more effective and lucrative manner.

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# Discussion on Major Obstacle of Women Lawyers with Reference to Gender Disparity and Sexual Harassment

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**Abstract:** *Throughout history, women have been inadequately represented in the legal profession. In recent years, there has been a notable disparity in the graduation rates between women and men in law school. However, it is noteworthy that women constitute just 38% of the total lawyer population and 22% of equity partners. Fortunately, there has been a gradual increase in these figures over the past few decades, and numerous legal firms are actively striving to enhance diversity among their partner demographics. Although significant progress has been made by the legal profession in addressing this disparity, there remains a considerable distance to be covered. This paper delves further into the underlying reasons for this lack of representation, explores strategies for law firms to enhance their performance, and outlines our efforts to promote diversity and inclusion in contemporary law firms.*

**Keywords:** Women lawyers, Gender Disparity, Sexual Harassment, legal profession

## I. INTRODUCTION

The quantity of female solicitors has consistently risen over the course of time. Arabella Mansfield, the inaugural female attorney, was granted admission to the Iowa bar in the year 1869. In 1970, after a span of 100 years, the number of female attorneys in the United States had reached 8,000. By the year 1980, the aforementioned figure had risen to 27,000. The number of female attorneys in 1990 amounted to 63,000. As of 2022, the number of female attorneys in the United States exceeds 490,000. As the quantity of female attorneys increases, there is a corresponding rise in the recognition of the advantages of diversity and the establishment of organizations to assist women in the legal profession.

Several organizations that are committed to women in law include the National Association for Women Lawyers, The ABA Commission on Women in the Profession, and local state bar chapters. These entities offer a range of tools and networking prospects specifically tailored for female legal professionals. In addition, they actively strive to foster inclusivity within the legal field and champion matters that hold significance for female attorneys, particularly in relation to career advancement and obstacles to admission.

### Impediments to the participation of women lawyers:

Several factors contribute to women's hesitancy or difficulties in advancing in the legal profession.

Four prevalent obstacles include:

#### Absence of mentors and role models

Female solicitors frequently face a dearth of mentors and exemplars who can assist them in navigating the legal field. This might provide challenges for individuals in securing interviews, acquiring knowledge about diverse career trajectories and prospects, and identifying others who can provide support in skill development.

#### Discrimination based on gender

Regrettably, the legal profession continues to exhibit gender-based bias, occasionally surpassing that shown in other analogous occupations. Female solicitors may encounter prejudice in the processes of recruitment, compensation,

advancement, delegation bias, and various other domains. Discrimination poses significant challenges for women in their professional progression, as evidenced by 74% of women identifying career trajectory as a primary determinant for their decision to exit the legal profession entirely. Occasionally, law firms initiate women on distinct career trajectories compared to their male colleagues, presuming their reluctance to undertake specific responsibilities or workloads. The phenomenon of delegation bias is evident within the culture of legal firms, as women are predominantly assigned to perform behind-the-scenes tasks such as contract review, rather than being presented with intricate litigation cases.

### **Striking a balance between work and personal life**

The challenges inherent in conventional law firms and large-scale legal practices might provide obstacles for female attorneys in achieving a harmonious equilibrium between their professional and personal lives. This might result in exhaustion and disengagement from the legal profession as a whole. When the subject of work-life balance arises, it is commonly presumed that it pertains to the parental obligations of women. Nevertheless, according to a poll conducted by Leopard Solutions in 2021, 70% of women who resigned from their legal positions did not see childcare as a contributing issue, while 85% identified a lack of work-life balance as the primary factor.

### **The concept of being regarded with seriousness**

A significant number of individuals continue to see the legal profession as predominantly male. This phenomenon becomes evident when specific clients, coworkers, and judges exhibit a lack of respect towards female attorneys or rely on their male counterparts to render final judgments. The Leopard Solutions poll stated above has also highlighted a set of 11 measures that law firms can do in order to enhance the obstacles to entrance for women in the legal profession. The first item on the list is "Empowering women to express themselves and enhance their influence." One significant factor contributing to women's departure from the legal profession is the lack of recognition and acknowledgement within law firms.

### **The advantages of increasing the representation of women lawyers within the legal profession.**

Diversity is not merely a superficial need for law firms to check off when expanding. Enhancing the inclusivity of gender, age, color, sexual orientation, education, and other demographic factors contributes novel viewpoints and concepts to the expanding legal firm, frequently leading to the provision of more comprehensive legal services that resonate with other legal practitioners and prospective clientele.

The following are five evidence-based advantages associated with the recruitment of a more diverse staff and the adoption of inclusive business practices:

#### **A diverse team is more effective in problem-solving**

The inclusion of diverse perspectives and varied experiences within a team can confer a competitive advantage in generating a multitude of problem-solving approaches. Teams with a diverse composition exhibit superior decision-making abilities 87% of the time in comparison to individuals.

#### **Gender-diverse teams exhibit superior performance**

The financial performance of teams consisting of varied individuals surpasses that of non-diverse teams by 15%, resulting in an increase in the overall profitability of your legal company.

#### **The reputation of the organization will see an enhancement**

Increasing the representation of women in leadership positions, such as department chair or partner level, can enhance the perception of a law firm as a comprehensive entity among clients. Additionally, it can increase the likelihood of attorneys seeking to transition to different firms actively seeking you out. Research has shown that organizations that cultivate inclusive company cultures have a 58% higher likelihood of enhancing their reputation.

### **What are the reasons behind the departure of women from the legal profession?**

The long-standing assumption that children were the primary cause for women leaving the legal profession is now recognized as one of the least significant considerations for contemporary female attorneys. The primary factors contributing to women's departure from the legal profession are:

- 1) An imbalance between work and personal life,
- 2) Insufficient adaptability in the work setting, and
- 3) Present job discontent. This indicates that women desire greater autonomy in their legal profession.

Women are not the only ones experiencing the absence of independence in the conventional culture of legal firms. In the present circumstances, lawyers of many types desire the independence and equilibrium between work and personal life that the legal sector did not previously endorse. In recent years, there has been a growing recognition among individuals regarding the need of making deliberate choices regarding their daily routines. For numerous legal professionals, this entails refraining from working beyond regular working hours in order to meet the minimum billable hours obligations.

### **Strategies may law firms employ to enhance their performance :**

1. Promote and empower female lawyers to voice their experiences and concerns.
2. Clearly state that any form of gender bias will not be accepted.
3. Provide equitable possibilities for career advancement.
4. The provision of training on unconscious bias and its ramifications inside the workplace is recommended.

It is imperative to foster the involvement of non-minorities as allies in the advancement of gender equality, as well as other forms of equality, within the workplace. Although this list may appear straightforward, legal firms continue to face challenges in addressing gender issues, despite the availability of data and the recognition that changes are necessary.

### **The obstacles encountered by law firms in tackling gender-related matters:-**

Despite the numerous advancements made in the field of law for women, corporations continue to encounter challenges in effectively addressing gender imbalance concerns. It is commonly stated that the initial stage involves acknowledging one's predicament. Gender imbalance in the legal sphere is indeed a valid concern. While such enhancements are commendable, they do not eradicate the significant challenges that women encounter in the legal profession.

### **The lack of female representation in legal firms**

The underrepresentation of women in the legal profession is a prominent gender challenge within the legal community. This problem is exacerbated by the fact that women frequently face unequal chances compared to men in terms of career progression within legal firms. This can have a profound impact on the overall culture of the business and establish a detrimental loop, wherein women are deterred from pursuing careers in law due to their lack of representation at upper echelons of the profession.

To tackle these concerns, law firms might proactively implement measures to foster gender diversity and inclusion. This entails the establishment of mentorship and sponsorship initiatives targeting women, alongside the promotion of gender equality in leadership roles. By using these measures, legal businesses have the potential to establish a more inclusive atmosphere that will ultimately yield advantages for all parties involved.

### **Gender pay disparity in legal businesses**

The gender wage disparity remains a persistent concern within numerous legal firms, as well as throughout various industries in the United States. This issue is particularly widespread among senior litigators, appellate attorneys, and large legal firms, where women frequently get considerably lower salaries compared to their male colleagues. There exist several strategies by which law firms can effectively tackle the issue of gender pay disparity. An effective approach involves guaranteeing equitable professional advancement chances for all employees, irrespective of their gender identity. The further approach is providing attorneys with increased flexibility in their working arrangements, so

enabling them to achieve a more optimal work-life balance. Companies should also strive to enhance transparency about compensation and bonuses, enabling women to assess their performance relative to their male counterparts. Certain states have already initiated the implementation of pay transparency legislation, and given our affiliation with the legal sector, it is imperative that we take the lead in embracing these reforms.

### **Instances of sexual harassment and gender-based prejudice targeting women within law firms**

Sexual harassment and gender-based prejudice against women are significant issues prevalent across various professional domains. However, recent developments have brought attention to concerning situations inside the realm of major legal frameworks. Despite the growing recognition and advancements, these challenges persist among law firms of varying scales, including those operated by individual practitioners.

Law companies encounter several problems when it comes to handling these issues. Firstly, business leadership frequently lacks information regarding the widespread occurrence of sexual harassment and gender-based prejudice against women. This can provide challenges in implementing measures to effectively tackle these issues. Furthermore, even if the management of the company are cognizant of the issue, they could exhibit hesitancy in implementing measures due to concerns of tarnishing the company's name or experiencing a decline in business. Implementing effective rules and processes to handle sexual harassment and discrimination can be challenging due of this.

Moreover, numerous law firms exhibit a longstanding cultural heritage passed down from preceding cohorts of legal practitioners, which exhibits a hostile attitude towards women and minority groups. This is a significant challenge for individuals who have experienced sexual harassment and prejudice, as it hinders their ability to feel secure in revealing and documenting their encounters. Moreover, this cultural environment might provide challenges for law firms in their efforts to attract and retain highly skilled female attorneys. To address the issue of high turnover among minorities in your organization, it is advisable to thoroughly examine your firm's culture and conduct exit interviews to gain a deeper understanding of the underlying reasons.

Ultimately, a significant number of legal firms lack sufficient resources allocated towards the resolution of these concerns. This phenomenon might provide challenges in the implementation of efficient rules and procedures, as well as in the provision of comprehensive training and support for staff.

### **Notwithstanding these obstacles, law firms can implement various measures to tackle sexual harassment and gender-based prejudice against women:**

Firm leaders can enhance their awareness of the problem and demonstrate a strong commitment to taking action

Create and implement policies and processes that effectively tackle these concerns.

Deliver comprehensive training sessions to employees regarding the definition and reporting procedures of sexual harassment and discrimination.

Establish an inclusive culture that fosters support for women and minority groups.

Allocate sufficient resources to tackle these challenges, such as recruiting women for positions like HR and/or Diversity roles, in order to establish a secure environment for addressing workplace issues and inconsistencies.

## **II. CONCLUSION**

Despite the numerous advancements made in the field of law for women, corporations continue to encounter challenges in effectively addressing gender imbalance concerns. It is commonly stated that the initial stage involves acknowledging one's predicament. Gender imbalance in the legal sphere is indeed a valid concern. While such enhancements are commendable, they do not eradicate the significant challenges that women encounter in the legal profession. An effective approach involves guaranteeing equitable professional advancement chances for all employees, irrespective of their gender identity. The further approach is providing attorneys with increased flexibility in their working arrangements, so enabling them to achieve a more optimal work-life balance. Companies should also strive to enhance transparency about compensation and bonuses, enabling women to assess their performance relative to their male counterparts. numerous law firms exhibit a longstanding cultural heritage passed down from preceding cohorts of legal practitioners, which exhibits a hostile attitude towards women and minority groups. This is a significant challenge



for individuals who have experienced sexual harassment and prejudice, as it hinders their ability to feel secure in revealing and documenting their encounters. To tackle these concerns, law firms might proactively implement measures to foster gender diversity and inclusion. This entails the establishment of mentorship and sponsorship initiatives targeting women, alongside the promotion of gender equality in leadership roles. By using these measures, legal businesses have the potential to establish a more inclusive atmosphere that will ultimately yield advantages for all parties involved.

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# Empirical Study on Women Lawyers and Work Life Balance

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**Abstract:** *Work-life balance is described as the 'juggle' between manifold role one play in her own life. It is not about women fitting between a family and home – although that is certainly an important part of it. Each of women advocate regardless of their age, marital status, family type, monthly income, can find a balance that enable her to combine work with other responsibilities.*

*It is essential to highlight the domains of job and family, as they are widely seen as the most important components of individuals' lives. Any divergent requirements between professional and personal life might result in disputes and adversely affect the welfare of employees. The inherent tension between professional and personal spheres requires heightened concentration in order to achieve a desirable balance between these two domains. There is a growing worry among contemporary women activists on the achievement of an acceptable balance between their professional and familial responsibilities. Professionals in the field of advocacy, including women, are not immune to this phenomenon. Hence, it is crucial to evaluate the equilibrium between professional and personal life for womenlawyers. The findings of the survey indicate that women have chosen the occupation of 'Advocate' with the intention of meeting the essential requirements of their families, aligning their professional profile with their educational credentials, and pursuing a career that is in line with their personal interests. However, it is imperative to establish a harmonious balance between professional and personal spheres.*

**Keywords:** Work life balance, Women lawyers, Family, Legal profession, advocates, socio-economic factors

## I. INTRODUCTION

Work-life balance refers to the relationship between one's professional and personal life. Equilibrium refers to the state of preserving a comprehensive sense of harmony in one's life (Clark, Koch, & Hill, 2004). According to Clark (2000), it is characterized as 'contentment and effective performance in both work and home, with minimal friction between roles'. Emphasizing the domains of work and family is crucial, as both are considered the most significant aspects of individuals' lives. Any conflicting demands between work and family life can lead to conflicts and have a detrimental impact on the well-being of workers. The conflict between work and life necessitates increased focus in order to attain a satisfactory equilibrium between the two.

## II. STATEMENT OF PROBLEM

In India, women have a position of enhanced status. They are working together to share their role in all aspects of life alongside men. Presently, women are present in various professional domains such as Foreign Service, Indian Administrative Service, Indian Police Service, medicine, education, business, as Company Directors, air hostess, nurse, politicians, and more. Additionally, they also assume domestic roles as mothers, wives, sisters, daughters, mother-in-laws, and so on. Currently, the presence of women in legal services has become increasingly prevalent, demonstrating their competence in performing tasks on par with their male counterparts. While women have made a significant impact in their legal profession, finding a balance between their personal and professional lives continues to be a challenge. Work-life balance, often known as personal and professional life balance, pertains to an individual's amount of importance placed on personal and professional activities. It refers to the condition of achieving a state of balance where the needs of one's personal, professional, and familial life are all addressed in equal measure. Attaining a

harmonious equilibrium between professional and personal spheres is a rare and arduous endeavor. In this particular context, the researcher has deemed it imperative to investigate the impact of life's complexity and dynamism on the work-life balance of womenlawyers. The current investigation examines the work-life balance among women campaigners.

### III. OBJECTIVES OF THE STUDY

The study aims to examine the work-life balance of women lawyers in the Coimbatore-Bar Council in Tamil Nadu. The objective of the study was to examine the potential correlation between socio-economic factors and the work-life balance of womenlawyers.

### IV. TOOLS FOR DATA ANALYSIS

The statistical tools employed to examine the impact of socio-economic characteristics on women's advocacy for work-life balance were percentages, mean scores, and the Chi-square test.

### V. ANALYSIS, FINDINGS AND INTERPRETATIONS:

Socio-economic profile of Women Advocate:

Socio-economic plays a vital role in influencing our day-to-day operations. They, actually influence our action with reaction. Socio-economic variables, such as, age, marital status, nature of family, annual family income, experience and age of children were considered in the present study. The following table shows the socio-economic variables of the study sample of women advocate.

Table1–Socio-economic Variable of Women Lawyers

Socio-economic Variable	Numbers	Percentage
<b>Age:</b>		
Upto30years	36	12.0
31–40years	98	32.7
41-50 years	98	32.7
Above50years	68	22.6
<b>Marital Status:</b>		
Married	251	83.7
Unmarried	49	16.3
<b>Nature of Family:</b>		
Nuclear	264	88.0
Joint	36	12.0
<b>Monthly Income:</b>		
UptoRs.25,000	11	3.7
Rs.25,001–50,000	84	28.0
Rs.50,001–1,00,000	82	27.3
AboveRs.1,00,000	123	41
<b>Age of Children:</b>		
Below5years	17	5.7
5to10years	75	25.0
11to15years	109	36.3

Above15years	99	33.0
<b>Experience:</b> Upto5Years	20	6.7
6–10years	63	21.0
Above10years	208	69.3

Source: Primary Data

The above table showed the socio-economic profile of the respondents. Age is considered as an important factor since it measures an individual level of understanding towards certain things or events and helps in reaction. From the study, it was found that 12 per cent of women lawyers are below 30 years of age, 65.4 per cent of them are between 31 – 50 years of age and remaining 22.6 per cent are above 50 years of age.

A married woman is backed with more responsibilities than an unmarried one. It was found that 83.7 per cent of women advocate were married and 16.3 per cent of them are unmarried. A nuclear family is a small family consisting up to 4 members in a family and joint family consisted of 5 or more members in a family.

Based on the type of family, women lawyers were categorized into nuclear and joint family they belong to, it was found that 88 per cent of them belong to nuclear family while 12 per cent are not.

As an advocate, it becomes essential to know how much amount they earn per month. so monthly income was considered, it was found out that 3.7 per cent of women lawyers are earning below Rs.25,000 per month, 28 per cent of them are earning in the range between Rs.25,001 to 50,000, 27.3 per cent of them were earning in the range between Rs.50,001 to Rs.1,00,000 and remaining 41 per cent of them were earning above Rs.1,00,000 per month.

Experience is one's applicability of knowledge in a particular field. In the present study, 6.7 per cent of women lawyers have experienced for 10 years, 21 per cent of them have experienced in their job for six years but below 10 years, between for 10 years,

33.3 per cent have experienced for 11 years but below 15 years, 39 per cent of them have experienced for more than 15 years.

Reason for preferring 'Advocate' by Women as a Profession:

A profession is a job carried out by an individual acquired through special educational instructions and training. A person is called to be a professional based on the specialized knowledge one has in the particular field, through effective training and practice. There are certain reasons like specialized in particular field, interest, parental profession, to meet basic needs of family and many more can be preferred to choose 'Advocate' as a profession. Thus, it becomes important to analyse the reason to prefer 'Advocate' as profession by women.

Table 2-Reason for Preferring Advocate Profession as women – Garrett Ranking

Problems	Mean Score	Rank
Work profile matches with my educational qualification	60.76	2
Job profile matches with my interest	48.47	4
High paying job	47.38	5
Stressless	39.86	6
Challenging job nature	51.48	3
To meet the basic needs of my family	61.93	1
No other option	8.00	8
My Parental Profession	32.00	7

Source: Primary Data

The above table showed the reason for preferring ‘Lawyers’ as women profession. It was found that ‘to meet the basic needs of my family’ secured first rank with Garrett mean score of 61.93. The second rank was given to ‘work profile matches with my educational qualifications’ with Garrett mean score of 60.76. Third rank was secured by ‘Challenging job nature’ with Garrett mean score of 51.48. Subsequent rank were given to ‘Job profile matches with my Interest’, ‘high paying job’ and ‘stress less’ with Garrett mean score 48.47, 47.37 and 39.86 respectively. ‘My parental profession’ secured seventh rank with Garrett mean score of 32 and least rank was secured by ‘no other option’ with score of 8.

It can be concluded that women, to meet basic needs of family, work profile matches with her educational qualifications, and job profile matches with interest, haven chosen ‘Advocate’ as her profession.

Women Advocate and Work Life Balance - Means score ranking:

There is a need for work-life balance among women when compared to men. Women played a vital role in a family. Work-life balance can be compared with a bicycle. She must pedal in order to balance her wheel on a ride, if not; she may meet with an accident. To check whether an advocate women by her profession able to make smooth ride or not (work-life balance), the following statements were asked to rank based on her opinion.

Table 3 – Opinion of Work-life balance of Women Lawyers

Opinion of women-lawyers	Mean Score	Rank
I can access flexible work schedule in my field.	2.92	4
As professionals, I am able to balance my work-life personal without any assistance	2.96	2
Work-life balance is important especially for women than male	3.54	1
Work-life balance helps in women empowerment	2.93	3
Work-life balance is needed to come out stress and work-pressure	2.66	5

Source: Primary Data

The above table depicted to get opinion from women lawyers about her balance towards personal and professional life. It was found that the statement: ‘Work-life balance is important especially for women than male’ secured 1<sup>st</sup> rank with a mean score 3.54, followed by ‘as professionals, I am able to balance my work-life without any assistance’ with mean score 2.96. Subsequent ranks were provided to ‘work-life balance helps in women empowerment’ and ‘I can access flexible work schedule in my field’ with a mean score of 2.93 and 2.92 respectively. Least rank was secured by ‘Work-life balance is needed to come out stress and work-pressure’ with mean score 2.66.

Socio-economic Variables and Work-Life Balance:

Work-life balance is described as the ‘juggle’ between manifold role one play in her own life. It is not about women fitting between a family and home – although that is certainly an important part of it. Each of women advocate regardless of their age, marital status, family type, monthly income, can find a balance that enable her to combine work with other responsibilities. Thus, the researcher has analysed whether there exists any relationship between socio-economic variables of women with work-life balance. The following hypothesis was framed:

H01: Socio-economic variable of women lawyers does not have significant relationship with Work-life balance

Table 4 – Relationship between socio-economic profile and work life balance of women lawyers

Socio-economic Variables	Chi-square value	p-value	DoF	S/NS
Age	16.076	0.013	6	S
Marital Status	6.509	0.039	2	S
Nature of family	4.747	0.093	2	S



Monthly Income	7.113	0.524	8	S
Experience	6.430	0.599	8	S

Chi –square analysis revealed that calculated chi-square value was greater than table value at 5 per cent level for the socio-economic variables viz., age, marital status, nature of family, monthly income (Table 4). Thus, the null hypothesis, no significant relationship between socio-variables and work-life balance was rejected. Hence, there existed significant relationship between socio-economic variables and work-life balance.

### VI. CONCLUSION & RECOMMENDATION

Work-life balance refers to the equilibrium of work and personal life. Women professionals who choose to work outside of their home environment can encounter higher levels of stress and emotional distress. Contemporary women activists are increasingly concerned about attaining a satisfactory equilibrium between their job and family obligations. Women, who are professionals in advocacy, are not exempt from this. Therefore, it is imperative to assess the work-life balance of womenlawyers. The survey revealed that women have selected the profession of 'Advocate' in order to address the fundamental needs of their families, align their work profile with their educational qualifications, and pursue a job that aligns with their own interests. Nevertheless, there is a requirement for effective equilibrium between work and personal life, and the study proposed the following recommendations:

Work-life balance offers women the adaptability and assistance necessary to handle the growing intricacies of contemporary living, which involve several responsibilities such as dual-learning families, childcare, and elder care, among others.

According to women lawyers, an increase in working hours is associated with a decline in work-life balance. Intermittent periods of leisure are necessary.

Regarding work, women have numerous challenges linked to stress, such as compromised health and well-being, resulting in reduced productivity. In order to support women, she must actively participate in the activities of her preference.

The implementation of an effective work-life balance plan can have a substantial impact on both one's professional and personal lives.

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# Exploring Women's Knowledge and Legal Reality: An Examination of the Advancement of Legal Education

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**Abstract:** *The feminist movement emerged as a response to the perceived inefficiency of existing legislation pertaining to women's rights, resulting in the development of feminist theories that have not been included into legal education. Given the historical conflict between the demands for professional training and the academic education of scholars, it is imperative that legal education prioritizes the acquisition of technical knowledge in the field of law. Consequently, the primary emphasis of legal education should be on the instruction of legal doctrine. The aim of this study is to propose the incorporation of feminist legal theories into legal education in order to enhance the frontier of legal education in our institutions. This will enable Law students to make well-informed decisions regarding the nature of Law. The employed methodology involves the utilization of a secondary source for data collection. The results indicate that feminist concepts are not sufficiently incorporated into legal education due to the absence of a systematic approach to teaching these concepts to law students. Additionally, law courses lack a comprehensive selection of feminist literature, with minimal or no emphasis on elucidating the importance of feminist critiques within the framework of other legal literature. Consequently, the study asserts that incorporating these theories into the curriculum of law students will empower them to assume accountability for their own perspectives on the essence of law. Additionally, a structured involvement with feminist criticisms in legal education can empower law students to critically examine the fundamental principles of prevailing knowledge.*

**Keywords:** Feminism, cognition, legal instruction, legal actuality, women

## I. INTRODUCTION

The depiction of legal knowledge as objective and neutral is widely contested in the literature, yet it continues to be the prevailing paradigm in the field of law education. Historically, legal education has predominantly been a domain predominantly occupied by white males, with women and others from racial minority groups only recently gaining access. The historical prevalence of white male supremacy in legal education was perpetuated by admission policies intentionally meant to marginalize women, individuals from disadvantaged ethnic backgrounds, and those facing economic disadvantages. The makeup and demographics of law school student populations have seen significant transformations over the past 25 years. This shift can be attributed to the increased admission of historically underrepresented groups to law school, primarily through the implementation of race and gender-conscious admission processes. The admissions programs that prioritize race and gender, commonly known as affirmative action schemes, have consistently generated controversy and have faced an increasing number of legal challenges, voter initiatives opposing affirmative action, and legislative and executive efforts to reverse them.

The clarification of the legal status of affirmative action in higher education admission programs was achieved through the US Supreme Court's ruling in *Grutter v. Bollinger*. This achievement would not have been possible without the advocacy efforts of women groups now known as feminists. This paper will address various aspects of legal education, including its history and scope, a concise definition of feminism, the historical evolution of feminist legal theories, the various feminist legal theories that have emerged over time, the applicability of these theories to law students, specifically the development of feminist legal methods, findings, recommendations, and conclusions.

**Legal academics**

Legal education is the education of individuals who intend to become legal professionals or those who simply intend to use their law degree to some end, either related to law, politics or academics. The study includes first degrees in law, vocational courses e.g Nigerian Law School for Nigeria, applied legal education for specific branch of law such as Business law, human resources and labour law, higher education degrees and doctorate courses. Legal education generally focuses either on pedagogy or substantive content. It ought to incorporate interdisciplinary analysis of law in order to change the very fundamentals of legal knowledge. Legal education must take as a starting point that we need to create useful capacities in our students. While there are many abstracted fields of study, from sociology and literatures to economics, which can help inform a capable understanding of law, law itself is an applied discipline involved in creation and operations of critical institutions through which humans order many of their most important social activities.

**Historical Background and Extent of Legal Education**

The field of legal education has faced a longstanding conflict between the demands for professional training and the education of scholars in academia. In line with the professional aspect of legal education, there is a prevailing belief that effective learning in the profession equates to proficient lawyering skills. According to this perspective, students should acquire knowledge of the technical aspects of law, while the primary focus of legal education should be on teaching legal doctrine. In common law jurisdictions, courts serve as interpreters of both uncodified common law and statutes, and are the primary source of legal doctrine. Historically, lawyers were primarily trained to analyze and interpret case law, and this training took the form of apprenticeships.

**Feminism**

It is the belief in the social, political, and economic equality of the sexes. The movement is organised around this belief by the women folk. It is also said to be an analysis of women's subordination for the purpose of fighting out how to change it. Feminist Theory is an outgrowth of the general movement to empower women worldwide. Feminism can be defined as a recognition and critique of male supremacy combined with efforts to change it. It can also be defined as the quest by the female folk to gain respect, relevance and acceptability in the men's world. The goals of feminism are: to demonstrate the importance of women; to reveal that historically women have been subordinate to men and to bring about gender equity.

**The evolution and advancement of feminist legal theories**

During the century preceding the 1960s, there had been substantial efforts to change the law respecting women's rights in the United States. The women's suffrage movement fought for inclusion of sex in the text of the Fourteenth Amendment; Myra Bradwell fought for right to be admitted to the bar under the Privileges and Immunities Clause of the Fourteenth Amendment; many litigants and lawyers sensitive to issues of sex discrimination raised legal issues concerning women's equality; and a major and finally successful effort to pass the Nineteenth Amendment to the Constitution gave women the right to vote. In the 1960s, a "second wave" of an active women's rights movement developed from the civil rights struggle, leading to renewed efforts both to change the law so as to abolish sex discrimination and to reshape the legal profession so as to integrate women within it. This effort, led by a new generation of women's rights attorneys, manifested the interrelationship of theory and practice. Ruth Bader Ginsburg, a former law professor and advisor to the ACLU Women's Rights Project, along with notable scholars in the field of sex discrimination such as Herma Hill Kay at Boalt Hall and Barbara Babcock at Stanford (who developed one of the initial Women and the Law courses at Yale Law School), among others, played a significant role in educating and shaping a younger cohort of students who would subsequently emerge as prominent legal professionals specializing in sex discrimination litigation. In 1974, Wendy Williams, Mary Dunlap, and Nancy Davis, the women's rights litigators who established the public interest company Equal Rights Advocates in San Francisco, collaborated with Herma Hill Kay during their time at Boalt Hall. Ann Freedman and her colleagues, who established the Women's Law Centre in Philadelphia, were former students of Yale University who collaborated with Barbara Babcock. The National Conference on Women and the Law, a yearly gathering of professionals, law students, and law educators, provided a

crucial platform for deliberating and producing innovative research in the field of women's rights. Lawyers who were actively engaged in addressing countrywide concerns like as sexual harassment, date rape, battered women, and self-defence introduced groundbreaking concepts during these forums. The subsequent legal proceedings, which presented challenges regarding equal protection in various domains including social security, pregnancy bias, and parental leave, alongside activist endeavors centered on the Equal Rights Amendment, engendered significant debates concerning the essence of gender, thereby establishing the groundwork for feminist legal theory. The inclusion of female educators in law schools significantly influenced the mobilization, motivation, and assistance provided to a younger cohort of women pursuing careers in law. However, the concepts of equality and the Federal Equal Rights Amendment primarily originated from the practical requirements of activist endeavors in the legislative process. In 1971, Barbara Brown, Ann Freedman, Tom Emerson, and Gail Falk authored a significant article on Constitutional equality with the explicit purpose of influencing Congressional endeavors to enact the Amendment. In 1979, Catharine MacKinnon authored the book "Sexual Harassment of Working Women" with the intention of presenting a legal theory that elucidated the detrimental effects of sexual harassment, which had already been the subject of legal disputes by numerous feminist lawyers. The book also aimed to propose an efficient solution for addressing these damages. In Nigeria, the presence of the Private domain has influenced the mindset of the elites, resulting in a reduction but not complete elimination of the traditional African belief that women are objectified and subjected to ridicule.

### **The significance of feminist theories in the context of law students**

Due to its emphasis on the importance of gender and the societal disparities stemming from gender-based beliefs and assumptions, feminist scholars can be found throughout all academic fields. Feminists, as a collective, express keen interest in examining the ramifications of both historical and contemporary instances of women's exploitation within societal contexts. Their primary objective is to advocate for the empowerment of women and the reformation of male-dominated institutions. Furthermore, numerous feminists employ unique feminist methodologies to elevate the prominence of women's experiences, including the elevation of consciousness or the utilization of narrative techniques. These methodologies acknowledge the legitimacy and significance of women's experiences, so making feminist theory and research a solid foundation.

The integration of practice and theory is a significant element of feminism. According to historian Linda Gordon, feminism is a study of the subjugation of women with the aim of determining how to bring about change. The acknowledged desirability of this pragmatic aspect has led numerous feminists to be drawn towards law and legal change as subjects of examination and implementation. They have achieved numerous accomplishments in the field of law. Indeed, it is accurate to assert that feminism, in conjunction with economics and, to a certain degree, psychology, has exerted a tangible and immediate influence on the field of law in recent decades.

The impact is evident not alone within the realm of academic and legal studies, but also in the theoretical frameworks utilized by courts and formulated by legislative entities. The evaluation and, at times, modification of legal institutions have been undertaken in response to feminist perspectives and arguments. The influence of feminism is unsurprising, considering the significant increase in female representation inside law schools during the 1970s. During this period, there has been a substantial growth in the representation of women in law schools, notwithstanding their presence before. Moreover, women have been assimilated into the profession at every hierarchical level. The initial cohort of women who pursued legal education exhibited a clear inclination towards a feminist political agenda. They arrived at law schools with the conviction that "the personal is the political," resonating firmly in their minds. Their focus was on reform and the impact of law in promoting a more gender-equitable society.

These early feminists held a positive outlook on utilizing legal means to achieve gender equality. The early legal feminist reformers employed diverse tactics and their viewpoints were not consistently congruent. The topic of gender difference remains a key gap that occurred during the early stages of developing a legal framework for feminist theory. What were the distinctions between females and males? In what manner were they to be addressed? A significant proportion of early feminist legal thinkers embraced a notion of gender-based discrimination. The aim was to prohibit prejudiced treatment and establish legislation that would grant women equitable chances on par with males. However, some feminist researchers sought to further refine and expand upon the notion of gender disparity. The perpetuation of gender inequality was not solely a result of exclusion from or unfair treatment inside established social systems.

Inequalities may arise from the implementation of facially neutral policies, particularly due to the significant disparities in societal situations between women and men. These variations necessitate distinct approaches, as simple legal equal treatment alone is insufficient to effectively tackle prevailing structural and ideological disparities. This branch of feminism aimed to challenge the validity of established gender norms and their consequences for societal institutions and legal frameworks. The primary goal was not solely to eliminate these standards, which is a significant undertaking that is still in its early stages, but rather to examine the consequences of gendered institutions. The perception of institutions, particularly the legal system, as neutral and potentially beneficial in this context was lacking. They were implicated in the issue as it is presently formulated. Feminists also provide a methodology for conducting their studies. Therefore, feminists have formulated comprehensive criticisms of the legal system and put forth suggestions for legal restructuring. However, feminists have expressed limited opinions regarding the operational aspects of law and the appropriate level of truth to assign to subsequent legal assertions. The significance of these methodological concerns lies in their influence on an individual's perspective regarding the potentialities of legal practice and reform. The method serves to structure the process of acquiring truth, as it establishes the criteria for determining what constitutes evidence and what is seen as verification. The significance of method cannot be disregarded by feminists, as employing the same methods that have established power structures may inadvertently perpetuate the very power structures they aim to challenge and dismantle. The method is crucial as it determines the legitimacy and accuracy of feminist claims within the legal framework. There is a prevailing suspicion that individuals who disregard feminism as minor or inconsequential inadvertently misconstrue its essence. Feminist scholars have shown a tendency to prioritize the defence of their diverse substantive ideas or political objectives, even within their own ranks. Allocating more focus to methodological matters could assist in solidifying these defences, elucidating the reasons behind the perceived radical nature (or lack thereof) of feminist agendas, and potentially fostering consensus among feminists.

### **Outcome of research**

The Berkeley Women's Law Journal has played a prominent role in advocating for the inclusion of sex, gender, race, and sexual orientation in the law school curriculum. The primary drivers of this movement have been students and a cohort of law professors, a significant proportion of whom hold membership in the Society of American Law Teachers. The legal scholars acknowledge the significance and pertinence of matters pertaining to sex, gender, and sexual orientation, not alone in our personal lives but also in our educational pursuits.

Significant advancements have resulted from this endeavor, encompassing novel courses, casebooks, and academic research on topics such as sex bias and legal frameworks, as well as gender roles and legal systems.

An augmented level of receptivity towards these matters has also been observed in certain educational settings and establishments. Regrettably, the law university's reaction to the endeavor of acknowledging matters pertaining to sex, gender, and sexual orientation has not been entirely favorable. An inherent drawback is the practice of law professors assigning sex and gender to their classroom hypotheticals and final exams.

In legal education in certain countries such as Australia and Nigeria, feminist critiques are mostly regarded as the exclusive focus of certain academics, typically women, who are responsible for teaching about feminist conceptions of law. The incorporation of feminist ideas into legal education is insufficient due to the lack of systematic instruction on these ideas to law students. Law courses currently offer a diverse range of feminist literature, but there is little to no emphasis on explaining the importance of feminist critiques within the broader context of mainstream legal literature.

### **Suggestions:**

The law school curriculum at every level of law education should not only include sex, gender, and sexual orientation, but also foster a deeper understanding of these topics.

It is of equal significance for reputable law schools or institutions to engage with inquiries pertaining to the fundamental principles of "justice" and "the rule of law," as these represent the ultimate objectives of an effective legal framework. When fresh legal challenges are brought for resolution, it is imperative to include them in the analysis, since they serve as a driving force in driving legal reforms. The definitions of "justice" and "the rule of law" are inherently intricate and subject to debate. However, the inclusion of these ideas in legal education should involve the process of debate and analysis. Legal educators should actively promote the utilization of law students' professional



skills to make meaningful contributions to society. Who will assume the task of upholding the rule of law and advancing justice if legal professionals exhibit a lack of commitment? Lawyers, being deeply immersed in the intricate real world and susceptible to its allure, especially in high-stakes situations, require a superior legal education that equips students with the ability to behave ethically and grapple with challenging ethical and moral dilemmas, such as the feminist legal theories that have developed over time.

The inclusion of these theories in the curriculum of law students can facilitate the development of their ability to assume accountability for their own perspectives on the essence of law. Furthermore, the deliberate incorporation of feminist critiques into legal education can empower law students to critically examine the fundamental underpinnings of prevailing knowledge.

## II. CONCLUSION

The law is a crucial instrument for promoting women's rights and achieving gender equality. The presence of a rule of law in a society, accompanied by an accessible and equitable legal framework, facilitates the flourishing of women, enabling their active participation in the system and fostering its enhancement for subsequent generations. The rule of law necessitates that laws are devoid of prejudice and unfairness, uniformly enforced and autonomously assessed, and in accordance with international human rights norms and standards. Therefore, it is imperative to establish a strong and efficient legislative framework that adheres to the principles of the rule of law in order to facilitate the parity of women in decision-making processes and promote their progress. The expansion of legal education to encompass additional fields such as sociology, psychology, economics, feminism, and others can facilitate the attainment of this objective. It is crucial to ensure that both theoretical knowledge and practical application are integrated into the curriculum for law students. Hence, sex, gender, and sexual orientation are present in the room, regardless of whether we openly acknowledge them or not. However, all individuals feign ignorance, and when they do, they label it as a woman's affair or, even better, unethical women's affairs. However, a comprehensive understanding of feminist legal theories would enable the recognition of the bias and prejudice perpetuated by legislation, as well as the implementation of necessary modifications to effectively tackle these challenges.

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# Factors Contributing to Social Dilemma of Female Lawyers

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**Abstract:** *An increasing number of women are demonstrating exceptional performance in nearly all areas of life. However, there exist certain concerns that need to be resolved in order to facilitate a seamless growth process for women. Despite a recent increase in the number of women advocates, they continue to be underrepresented at the highest echelons of the legal profession. The present essay endeavors to comprehend the various aspects involved in the identification of gender disparities that are prevalent within the legal profession. The main reasons of gender imbalance in the legal profession have been identified as six factors: discrimination, sexual harassment, work-life balance, stress, impersonal treatment, and working with the public. In order to enhance the degree of engagement among women lawyers, it is imperative to implement appropriate measures aimed at mitigating gender-related challenges. This research seeks to identify potential gender barriers that impede the advancement of women legal professionals and proposes strategies to ensure gender equality. The subsequent section presents previous research pertaining to women in the legal profession.*

**Keywords:** Women's empowerment, dilemma, social barriers, legal professionals, prejudice

## I. INTRODUCTION

There is still the belief that when all other options are exhausted, one can still seek help from the judicial system. The trajectory of women in the legal profession might be characterized as an ongoing endeavor marked by persistent obstacles. The societal position of women in India has experienced significant transformations. The active participation of women activists and good government actions has led to the notable advancement of women across several domains. Despite the numerous advancements and accomplishments, women continue to encounter a multitude of challenges. Given the emergence of mechanisms aimed at effecting social change, it is imperative to thoroughly examine options for the advancement of women, tackle the challenges associated with them, and devise strategies to attain sustainable development for the broader segment of society.

India boasts the second largest legal profession globally, employing over 600,000 individuals in the field of law. India boasts the second largest legal profession globally, with individual lawyers and small companies serving as the primary service providers (India Law Essay). The legal profession plays a crucial role in upholding integrity within the system. In the absence of a well-structured legal profession, the courts would be unable to effectively administer justice. This is because the evidence in favor of or against the parties involved in a lawsuit cannot be adequately arranged, facts cannot be accurately presented, and the most compelling legal arguments in favor of or against the parties' case cannot be presented before the court. The presence of a well-structured system of judicial administration is essential for ensuring the effectiveness and efficiency of the legal system. Additionally, the establishment of a well-regulated profession for presenting legal arguments is a crucial requirement for enhancing the overall quality of justice. In the era of globalization, the legal profession in India has undergone significant transformations. Historically, the legal profession in India has predominantly been dominated by males. In the past twenty years, India has addressed its status as a highly promising country by establishing new types of "global" legal work environments that have attracted significant attention and provided ostensibly gender-neutral benefits for its employees.

Currently, the representation of women in high courts is below 7% of the overall number of judges. Throughout its 58-year history, the Supreme Court has only had three female justices. Currently, none of the judges in the Supreme Court are women. In contrast, the 21 high courts in the country have 42 female justices and 561 male justices (Malathi Nayak,

2008). According to the Bar Council of Tamil Nadu (2011), there are approximately 7691 female lawyers in Tamil Nadu, whereas the number of male lawyers is around 44,429.

The inaugural female judge in India was Anna Chandy, hailing from Kerala, in the year 1937. In 1959, she was elevated to the position of Kerala High Court, being the inaugural female judge to attain this esteemed position. She likely became the second woman globally to attain the position of a high court judge, namely in the High Court of Kerala. Although women are prevalent in the legal profession, they have not yet attained commensurate advancements in authority and prospects.

The legal system should proactively gather comprehensive data on the experiences of female lawyers in several domains, including advancement, leadership prospects, remuneration, flexible work arrangements, job satisfaction, and instances of sexual harassment. (Rodrige, 2001). Discrimination is not limited to the legal profession, but rather extends throughout the institutions of law education. The influence of gender is evident among law school students throughout their legal education. Hence, inequity commences even at the time of their graduation. Therefore, it is imperative to direct attention on the factors that contribute to gender disparities. The study conducted by Moira MacMillan, Nick McKerrell, and Angus McFadyen in 2005 examined the primary concerns related to women lawyers, including professional advancement, wage disparity, work-life equilibrium, and gender bias. In a study conducted by Krakauer and Chen (2003), it was determined that gender exerts a significant influence on the career trajectories of legal professionals. Mallinath and Gurunath (2017) published a study. The author suggests that it would be beneficial for law students to be informed about the diverse obstacles faced by women legal practitioners, such as gender bias, sexual harassment, limited opportunities for career advancement, financial disparities, and work-family conflict.

In research conducted by Catrin Mills in 2010, it was determined that approximately 25% of lawyers express a desire to leave the profession as a result of stress and excessive working hours. While individuals across several industries experience stress, legal practitioners have heightened levels of stress due to factors such as intense competition, challenging professional interactions, and perpetual deadlines. Therefore, in this study, the challenges encountered by female lawyers are classified into six categories, as determined by prior research. There are several issues that need to be addressed, including

- prejudice,
- harassment
- work-life balance
- stress
- impersonal treatment
- working with the public

This research seeks to identify potential gender barriers that impede the advancement of women legal professionals and proposes strategies to ensure gender equality. The subsequent section presents previous research pertaining to women in the legal profession.

## **II. REVIEW OF LITERATURE**

According to Sharyn Roach Anleu's research in 1993, women earn approximately twice the much as men, and this disparity is increasing over time. The income disparity can be attributed to two primary factors: the sporadic nature of women's careers, primarily owing to maternity, and the limited representation of women in traditionally female-dominated fields of law. Glass ceilings impose limitations on the opportunities available to women. The research has revealed that a significant number of female lawyers depart from the profession due to the incongruity between their roles as parents and lawyers.

According to a study conducted by Susan, Ehrlich Martin, and Nancy C. Jurik in 2006, it was noted that women are not adequately represented in terms of power, position, and salary. The research has also determined that gender has a significant influence, notwithstanding its lack of impact. Women are subject to gender-based deprivation of rights and are not afforded equal chances as their male counterparts. The research has revealed that men have superior skills in balancing their professional and personal lives in comparison to women. Women choose to leave their career due to their inability to effectively balance the demands of work and family responsibilities. The study concludes by highlighting that a female lawyer is mostly assessed based on her gender.

According to a study conducted by Kay, Masuch, and Curry (2004), it was observed that a greater proportion of women are employed in low-wage occupations, while a smaller proportion are employed in high-wage occupations. The study has revealed the presence of gender disparities between males and females in various aspects, including income, social advancement, authority, independence, opportunities for personal development, and levels of job contentment. These disparities persist regardless of individuals' levels of experience, whereby women who possess comparable experiences to males are not afforded equal opportunities. The study has uncovered instances of bias in multiple domains, including as career advancement, exit and re-entry into the profession, wage disparities, geographical location and practice type, and job satisfaction. This bias is manifested through the exclusion of women from informal gatherings and their refusal to undertake demanding tasks.

According to Aspasia Tsaoussis (2003), the profession of law is characterized by its resilience and intense competition, and it was historically dominated by males. However, women have now begun to achieve equal success in the profession of law as males. Women have made significant progress in achieving gender equality. However, there are still other factors that influence gender equality, making it extremely difficult to eliminate. The findings of the study demonstrate a significant presence of gender difference in both income and position. One primary factor contributing to women's lower levels of success is the excessive weight they bear in terms of home responsibilities and child-rearing obligations. The study has revealed that gender does not exert a significant influence on the negotiation process. In her research, Shanta Astige (2011) sets herself apart from other studies by asserting that women in the legal profession do not experience any form of discrimination. Instead, she argues that women are expected to demonstrate that they are not inferior to their male counterparts. The study has indicated that despite encountering numerous obstacles in their professional careers, women are highly esteemed in certain aspects of their practice, such as customer interaction, arbitration, and assertiveness. The author emphasizes the proficiency of female lawyers in effectively handling their cases. The research indicates that there is a relatively low representation of women in the higher echelons of the legal profession, notwithstanding the implementation of antidiscrimination measures in the field of law. The study's findings indicate that working women receive higher prestige and respect compared to housewives.

### **Approaches for the progression of women in the legal profession**

The existing body of research substantiates the persistent disadvantage experienced by women within the legal profession. Currently, the pace of policy changes and developments is sluggish and has not yet resulted in the required modifications to ensure that women make their full contribution to all aspects of the profession. The legal system in India lacks proactive measures to create a conducive work environment that enables women to effectively operate within the core sectors of the system. It is imperative to establish policies that are conducive to gender equality and incorporate facilities for parental leave and flexible work schedules for moms. It is imperative to provide transparency in departmental rules and procedures pertaining to matters concerning recruiting and promotion. These policies should include measures for the advancement of female lawyers. It is imperative to establish measures that facilitate the augmentation of female representation within decision-making panels. Women have a more significant role in assisting their female colleagues inside the profession. Hence, it is imperative to provide a fair allocation of leadership roles in order to foster the advancement of women within the legal system. In order for the legal profession to serve as a catalyst for fostering a culture of harmony and sustainable human development based on principles of equity, justice, unity, and independence, it is imperative to thoroughly acknowledge and address the gender dimensions inherent in its activities.

## **II. CONCLUSION**

This research will contribute to the multifaceted and varied aspects of job satisfaction among women in the legal profession, specifically focusing on gender-related concerns. This research study employed the Partial Least Squares method to examine the impact of several concerns on the selected sample respondents. These issues include but are not limited to discrimination, harassment, work-life balance, stress, and working with the public, with the exception of impersonal treatment. The primary factors contributing to women's departure from the legal profession have been identified as sexual harassment and work-life balance. Therefore, it is imperative to implement appropriate strategies aimed at mitigating workplace concerns in order to decrease the attrition rate among female lawyers. The findings of the study unequivocally demonstrate a negative correlation between the amount of issue and job satisfaction.

The review of the concealed obstacles within the legal profession is vital, since they have a significant impact on both the profession as a whole and the performance of individuals. Policy makers should prioritize addressing the subtle gender bias that hinders women lawyers in the legal system and assist them in overcoming the psychological barrier known as the "glass ceiling." It is imperative for male lawyers to collaborate and provide help to their female counterparts in doing demanding tasks. Consequently, it will establish a secure and equitable work environment and enhance the empowerment of women. Hence, the study elucidates the necessity for substantial modifications in the legal framework aimed at fostering equality, thereby enabling women to attain their utmost capabilities within the professional sphere.

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# Implications of the Shortage of Female Representation in Indian Judiciary with Reference to Real-Time Cases

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**Abstract:** *In the context of a vast democracy like India, the concept of representation plays a pivotal role in safeguarding its fundamental principles and values. This representation serves as a means of directing the collective voice of the general public, which is then manifested in the socio-political and economic establishments. Nonetheless, the underrepresentation of 48% of the population in these organizations indicates a concerning state of India's democratic structures. This study examines the various variables that contribute to the insufficient representation of women in the Indian judiciary, as well as the resulting legal and societal consequences. This paper examines potential factors contributing to the relatively low figures, focusing particularly on the rigorous recruitment procedures and the prevailing sexist environment within the courtroom. By examining past cases, we may compare and analyze judgments that consistently support patriarchal and sexist attitudes that are prevalent in society. The presence of an endeavor to uphold the existing state of affairs is evident, underscoring the pressing necessity for a more gender-inclusive panel that can effectively include multiple perspectives and life experiences.*

**Keywords:** Patriarchy, collegium, judiciary, reservations, constitution, gender equality

## I. INTRODUCTION

Justice Indu Malhotra, who became the first woman to be directly appointed to the Supreme Court from the Bar in April 2018, stated that she was a deserving candidate, not solely based on her gender (IIC lectures, 2020). Justice Indu Malhotra's appointment as the seventh female judge in the nation's highest court, since its creation in 1950, was a significant milestone. It took 68 years for the Supreme Court to appoint its first woman judge directly. The current state of female representation in all levels of the judiciary is a cause for concern, as seen by the appointment of only 82 women judges out of a total of 1,079 judges to High Courts (GANESAN, 2020).

The Indian court system is seen as the guardian of individual liberty, as it is responsible for enforcing fundamental rights, upholding societal morality, and providing a high quality of life for all individuals. It embodies the societal interest and serves as a potent and stabilizing force. However, akin to the prevalence of anarchy in a system where the government prioritizes the interests of the majority over those of the minority, the absence of gender diversity in the courts fosters a patriarchal attitude in judicial judgments and precedents.

Although the judiciary is often seen as a legitimate contributor and protector of 'justice', it is important to analyze and evaluate this aspect of the judiciary. Throughout the course of constitutionally protecting the rights of individuals, the Indian court has effectively and legally served as the guardian of the populace's interests. Regarding the systemic and institutionalized Brahmanical patriarchy in India, it is evident that the judiciary is not exempt from its influence. The manifestation of male chauvinistic attitudes within Indian society is a subject of apprehension when observed within democratic institutions. The judiciary is subject to scrutiny not alone based on its judicial decisions and the perspectives of different panels, but also due to its inherent structure. There have been numerous discussions over the influence of 'gender diverse benches' on rulings. This inquiry pertains to the extent to which an individual's ideas are influenced by their sense of identity. Jurisdiction encompasses more than subjective viewpoints; it involves objective analysis. However, it is important to acknowledge that deterministic prejudices may still be considered instinctive. The objective morality of a verdict is contingent upon the justice that is administered.



When addressing issues related to women, there is a tendency to employ a subjective, traditional, and often oppressive perspective in the adjudication of cases, rather than adopting an objective and impartial mindset. The preservation of the societal 'patriarchal order' results in the erosion of a woman's individual rights. This study seeks to examine the severe consequences of the lack of female representation in the Indian Judiciary by analyzing significant historical cases. It strives to comprehend how this biased approach negatively impacts society. This paper aims to offer an understanding of the gender makeup of the Indian Judiciary and potential causes for its underrepresentation. It will utilize qualitative and quantitative secondary research methods to examine the collegium system and the prevailing sexist environment. This text delves into the harmful consequences of promoting oppressive, male-dominated principles, their profound influence on society, and the urgent requirement for female judges. The study finishes by providing an overview of existing redressal measures and offering recommendations for future policy.

### **Analysis of the gender composition of the Indian judiciary**

The prevailing global agreement indicates that gender diversity holds significant importance in enhancing public trust in the judicial system, empowering individuals to make decisions, and upholding justice for the most marginalized segments of society (Reddick et al., 2009, p. 1).

However, the fact that just 7% of the total number of judges in all 25 high courts of the country are female makes it challenging to establish a fair and unbiased judiciary (Sharma, 2019). According to Ravi Shankar Prasad, the Law Minister of India, in a written response to a query posed in the Lok Sabha, it was stated that the Madras High Court possesses the largest cohort of female judges in the nation, comprising 13 judges. Following closely behind is the Punjab and Haryana High Court, which boasts 11 female judges. Conversely, the High Courts of Patna, Manipur, Meghalaya, Telangana, Tripura, and Uttarakhand lack any female judges. The numerical representation within the Supreme Court is notably bleak. The number of female justices in the highest court is only 2, which is much lower than the authorized number of 34 judges (Gupta, 2020). Since its establishment, the Supreme Court has only appointed a total of 8 female judges. The Attorney-General of India recently advocated for increased representation of women in the judiciary, highlighting the alarming disparity between the number of 17 women senior lawyers and 403 men in the top court (Sarda, 2020).

Furthermore, it is crucial to acknowledge that the scarcity of female judges in India is concurrent with the vacancies in these roles. Based on the data published by the Department of Justice in January 2021, there are now 4 unfilled jobs out of the 34 positions that have been approved for the Supreme Court, and 411 unfilled positions out of the 815 judges that have been approved for the High Courts. Regrettably, accurate data regarding the makeup of subordinate courts and tribunals is not readily accessible due to the Center's lack of statistics on female judges in these courts. According to a report by the Vidhi Centre for Legal Policy, the proportion of women serving as judges and magistrates in 17 states from 2007 to 2017 was 36.45%. According to Kohli (2018), in 2018, there were a total of 15,806 lower court judges, with 4049 of them being women. Although these data provide some optimism for the declining situation, it has been noted that it is exceedingly difficult to reproduce these figures in the superior courts.

### **Appointments Subordinate Courts**

The appointment of judges in subordinate courts is also open to criticism due to its subjective nature. The variation is observed among the various State Public Service Commissions throughout India. The absence of standardized criteria for their selection creates an opportunity for prejudice and opposition to reform. According to a research paper published in 2018 by the Vidhi Centre of Legal Policy, it is posited that in the absence of any form of bias, assuming equal merit for both men and women, it can be assumed that the representation of women judges will remain consistent across all levels of the judicial hierarchy within a given group of judicial officers.

The process of admission to the upper judiciary is governed by a collegium system, but the recruiting process for the lower judiciary is subject to state-specific flexibility. The subordinate judiciary comprises three levels of judges: (i) district/sessions judges, (ii) civil judges (senior division), which includes the chief and assistant metropolitan and judicial magistrates, and (iii) civil judges (junior division), which includes first-class judicial magistrates and metropolitan magistrates. The job of junior civil judge requires an entry-level examination, while senior civil judges are

directly promoted. According to Chandrashekar et al. (2020), recent law graduates have the opportunity to participate in the entry-level test.

### **Potential factors contributing to inappropriate female representation**

The condition of a minimum practice experience of 7 years as an advocate or a pleader is a significant contributing reason to the low representation of women as district judges. The interpretation of Article 233 of the Constitution, which stipulates a minimum of 7 years of practice, has been construed by the Supreme Court as 7 years of uninterrupted practice. This interpretation is evident in notable decisions such as *Sushma Suri v Government of National Capital Territory of Delhi* in 1999 and *Deepak Aggarwal v Keshav Kaushik* in 2013. The presence of inherent prejudice becomes apparent as women encounter several societal and familial pressures due to the intertwined social obligations of marriage and motherhood, which hinder their ability to engage in uninterrupted practice for a duration of seven years (Ray, 2020).

The concept of the "Leaking Pipeline," which refers to hired women who choose to leave their job for various reasons, can also be extended to the judiciary. This conscious choice conceals the implicit agreement given to gender roles dictated by patriarchy.

Women often withdraw from the labor due to extended and rigid working hours, as well as insufficient familial support. In order to ensure impartiality in legal decisions, there exists a constitutionally sanctioned transfer policy for high courts, as outlined in Article 222 of our Constitution. The judges in junior positions undergo transfers at intervals of two to three years. The court's failure to acknowledge the patriarchally prescribed duties of women, such as child-rearing and procreation, is evident in this case. This phenomenon not only presents a quandary for women who have opted for this occupation, but also engenders an inherent prejudice in the selection of female judges. According to the judicial regulations of the majority of states, the minimum age requirement for direct recruitment as a district judge is 35 years. Moreover, it is stipulated that those who are under the age of 55 are ineligible for appointment as judges in the Supreme Court (Chandrachud, 2013). At this juncture, women have already entered into matrimony and would bear substantial obligations.

According to Schultz and Shaw (2013), there is a prevailing belief that the lower tiers of the judiciary tend to have a higher representation of women. This can be attributed to the presence of formal qualifications and examination results, which are considered more rational and transparent compared to the recruitment process for higher judicial appointments. The recruitment process for higher judicial appointments is characterized by opacity and reliance on subjective factors such as professional viability, favorable evaluations, professional achievement, and networks. The underrepresentation of women, including only 15% of practicing advocates, greatly diminishes the opportunities for direct advancement to higher positions within the judiciary. A significant proportion of girls choose to pursue a career in law. According to the Common Law Admission Test for National Law Universities 2019, women accounted for 44% of the eligible applicants. However, there is a noticeable dearth of women in the litigation profession, indicating a certain degree of reluctance in pursuing this area of law.

The presence of a hostile and sexist atmosphere within the highest courts poses significant challenges for female litigators in their professional development. In her study titled 'Structural and Discretionary prejudice: recruitment of Women Judges in India', Aishwarya Chouhan conducted interviews with 13 out of 19 judges who admitted the presence of gender prejudice in the recruitment process of judges to the Supreme Court and the High Courts. During the interviews, a female judge said that upon being selected as one of the initial female judges of a lower court, she was often perceived as 'incapable' due to her gender and physical appearance. This observation highlights the presence of deeply ingrained biases against women.

According to Indira Jaising, the inaugural female additional solicitor-general in India and the first woman to attain a senior attorney position in the 154-year-old Bombay High Court, the prevalence of sexual harassment within the Supreme Court is widespread. Notwithstanding her seniority and age within the legal profession, she experienced sexual harassment from a male colleague within the premises of the Supreme Court (Mishra, 2016). The pervasive misogyny among the old boys' club becomes apparent when the arguments presented by their female counterparts are not accorded equal significance. The floor is consistently allocated to male lawyers for the purpose of presenting their arguments initially. According to Mishra (2016b), Malvika Trivedi, a lawyer representing the Supreme Court, asserts

that women tend to withdraw from litigation as a result of the lack of cases assigned to them. Despite the fact that case files are authored by female lawyers, clients express a preference for male lawyers to fight for their cause. The acceptance of women lacking connections to a judge's chamber or a 'godfather' is limited.

Numerous instances of sexism encountered by female judges remain unaddressed due to the elevated status that the judiciary has always held. Their other magistrates frequently request them to retract their complaints (Dr. P. Ganesan et al.). According to Bipasha Bandopadhyay, a former justice of the Supreme Court, her rulings underwent heightened scrutiny and were deemed acceptable alone if they received support from a bigger panel of judges. Insufficient provision of services, such as inadequate infrastructure for amenities like toilets and maternity leave, further contributes to a significant attrition rate among female lawyers. Many women opt to pursue careers in the business sector instead (Vidhi Centre for Legal Policy et al., 2018).

An evaluation of the consequences arising from the scarcity of female litigators and judges. In contrast to jurisdictions governed by civil law, where judges assume the role of impartial interpreters of the law and render judgments on behalf of the state or the populace, common law jurisdictions such as India afford judges more latitude in their decision-making process by delineating the specific case at hand from established legal precedents. Therefore, the judges' personalities have a significant impact on the judgments (Schultz and Shaw 2013). Given the extensive historical record of women's oppression, it is unsurprising that Indian judges' judgments are influenced by misogynistic and biased sentiments. In August 2020, the High Court of Madhya Pradesh issued a bail order to a perpetrator of molestation, contingent upon the victim's compliance with the requirement of obtaining a rakhi. The defendant was requested to accompany his spouse to the residence of the plaintiff, accompanied by a container of confectionery, in order to secure the rakhi. The court additionally instructed him to pledge to safeguard her to the utmost of his capability indefinitely (Sinha, 2020). Women advocates filed a petition against this order, highlighting the judge's lack of empathy.

The judiciary in India is entrusted with the responsibility of safeguarding the populace and ensuring the preservation of the Constitution and the principles of the rule of law. An optimal scenario entails a courtroom that prioritizes justice and actively combats oppression. However, the implementation of hierarchical, conventional, masculine principles is evident in everyday choices, directives, conversations, jokes, logical thinking, and presumptions that are rooted in the ideology that completely oppresses women. The Supreme Court and some High Courts have consistently recognized the "behavioral ethics" of Indian women in several rape cases. These judgments are based only on the concept of a woman's ideal dignity, rather than the illegal character of the act itself. The tendency to selectively uphold standards when women are the key stakeholders implies a hypocritical disposition among certain committees. The Karnataka High Court's observations in June 2020 (DHONCHAK, 2020) provide an example of this hypocrisy.

The rapist was granted bail based on the argument that the victim's post-rape conduct does not align with the expected behavior of a rape victim, in accordance with the traditional beliefs of India. The aforementioned decision was rendered by a solitary panel of Justice Krishna S. Dixit. In the case of Raja & Ors vs State Of Karnataka (2016), Justice Pinaki Chandra Ghose and Justice Amitava Roy granted bail to the perpetrators based on the court's determination that the victim's actions following the incident were questionable, as she did not hastily flee from the crime scene in a state of distress, humiliation, and devastation (Roy, 2016). In another distressing instance involving Mohd. The Delhi High Court, in the case of Habib v. State, rendered a verdict stating that there were no evidence of resistance on the accused's organs. This ruling disregarded the injuries sustained by the 7-year-old victim, which encompassed a torn hymen and bites on her body (Desai, 2003).

When a litigant seeks justice in court, the ruling judges adopt a superior perspective that involves a 'giver'. In his work, Dr. Shalu Nigam argues that the pursuit and administration of justice necessitates the resolution of a multifaceted emotional, psychological, and social framework encompassing human emotions, subjectivities, conflicting egos, aspirations, harm, distress, apprehension, deprivation, repercussions, and achievements, all in an impartial manner (Nigam, 2017). Therefore, a litigant is requesting a subjective court to examine their individual subjective matter with the objectivity and rationality of the law, where a judge uses their own subjective prism to adjudicate. The inherent misogyny within courtrooms is exacerbated when judgments are based on a woman's previous sexual history, absence of physical evidence of resistance or injuries, differing personal standards of consent, and pre-incident contact between the victim and perpetrator. The courts assume the role of custodians of the prevailing patriarchal order, rather than

prioritizing the provision of socio-legal remedies or justice to the complainants. Frequently, the rights of a woman are disregarded and her personal social and economic status is considered prior to resolution. In 1988, a squad of policemen in Bihar perpetrated gang rape against 19 women. As a kind of compensation, the state government granted the women Rs 1,000 as an ex-gratia payment. As a result of inadequate police investigation, there was insufficient evidence to secure a conviction against the accused. Considering the women's doubtful reputation due to their involvement in menial job, the court stated, "It is possible that these women may have lied in order to obtain a substantial sum of Rs. 1000, which was considered a significant amount for them" (cited in Baxi, 1995, p 128).

It is evident in this situation that a positive result is certain when the lady is regarded as a 'woman of honor', where honor is determined by the conventional standards of society. Gender stereotypes are prevalent in social institutions across the nation, with a significant concentration noted in rural areas. It might be argued that while a portion of the urban population in India has begun to recognize and address gender bias, rural India continues to fall behind in this regard. The female demographic residing in rural areas of India experiences significant oppression, leading them to refrain from pursuing legal recourse in cases involving domestic violence, sexual assaults, and similar offenses. This could be attributed to factors such as limited legal knowledge, apprehension of societal consequences, or a lack of confidence in the judicial system. The absence of trust arises from the presumed conduct of certain male judges, particularly in situations involving women.

In the 1980 rape case involving a juvenile tribal agricultural laborer and a policeman, Justice Koshal of the Supreme Court dismissed the victim's testimony due to the absence of injuries in the medical report. The judge determined that the victim's lack of virginity and previous romantic involvement rendered any claims of strong resistance by the girl unfounded (Westmarland&Gangoli, 2012, p. 110).

The unwarranted and demanding procedures in sexual harassment claims create skepticism regarding the authority of appellate courts. Although the victim should be granted the benefit of the doubt in terms of mens rea, it is often the accused who benefits from this rule. When examining this element from the perspective of the culprit, it becomes evident that exonerative rulings based on evasive reasons undermine the judiciary's crucial function as the protector of the people. The judiciary's lack of strictness in handling gender-based offenses diminishes the sense of legal fear experienced by the culprits.

One intriguing aspect to investigate pertains to the interconnectedness between societal norms and the operational dynamics of the judiciary. The formation of laws is influenced by the prevalent mindset of the majority, particularly men. These laws play a significant role in shaping public policy and establishing the accepted standards within society. Therefore, in order to promote the well-being and development of society, it is crucial to ensure that laws are devoid of conventional and parental beliefs regarding women and their role in society. This can only be accomplished by promoting sufficient gender diversity within the judiciary.

Examining the necessity of gender diversity within the Judiciary There exist numerous scholarly arguments advocating for the inclusion of women in the judicial system. The maintenance of an equitable representation of women in the judiciary is of great importance in a representative democracy, as it serves to promote the representativeness of courts (Hunter, 2015, p. 1) and protect the democratic integrity of the judicial system. Additionally, it amplifies the voices of the most marginalized segments of society and introduces diverse experiences and perspectives to the courtroom. Rachna Chaudhary, an associate professor at Ambedkar University, asserts that diversity introduces various and inclusive viewpoints to the interpretation of statutes. Chaudhary's research specifically examines the treatment of women in judicial communication (RAY, 2020b). The inclusion of a diverse bench enhances confidence in the impartiality of the judiciary. Justice Leila Seth played a pivotal role in advocating for the amendments to the Hindu Succession Act of 1956, with a particular focus on securing the inheritance rights of daughters in relation to ancestral property. Additionally, she was a member of the Justice Verma committee, consisting of three members, which was established in response to the abhorrent 2012 Delhi gang-rape case. The committee argued for expedited trials and stricter penalties for sexual offenses.

According to certain perspectives, a judiciary that is more equitable will diminish unconscious biases in the process of making judicial decisions (Eyman 2015). According to Rosemary Hunter, women contribute a compassionate perspective in areas pertaining to gender and offer enhanced courtroom experiences for victims. The Vulnerable



Witness Project, established by a commission led by Justice Gita Mittal, guaranteed that the victim would not have any direct interaction with the accused and created a secure and safeguarded setting for her to offer her testimony.

The judgment rendered by Justice Sujata V. Manohar in the case of Vishaka vs. State of Rajasthan garnered significant acclaim due to its recognition of sexual harassment of women in professional settings as a breach of the fundamental right to life. The Court further determined that the act of sexual harassment in the workplace against women constitutes a violation of their fundamental rights to life and the right to live with dignity. Both employers and employees were responsible for ensuring a safe workspace, and it was imperative to ensure the effective implementation of this decision. This case demonstrates that benches with gender diversity have a tendency to administer justice that aims to develop a society characterized by equality through legal means.

The phenomenon of "gender sensitization" inside the judiciary occurs when women contribute a diverse range of life experiences during the adjudication process that are significantly distinct from those of men. In the case of State (Govt. of NCT of Delhi) versus Pankaj Chaudhary, a panel consisting of all women, including Justice R. Banumathi and Justice Indira Banerjee, determined that every individual, regardless of their perceived moral character, possesses the right to decline engaging in sexual intercourse. According to Banumathi (2018), it is not possible to make a conclusion of 'loose moral character' based on the victim's habitual engagement in sexual intercourse.

### **Remedial Actions and Suggestions**

In December 2020, K.K. Venugopal, the Attorney General of India, proposed to the Supreme Court various strategies to address the issue of female judges' under-representation and promote gender sensitivity in the Court's rulings (Rajagopal, 2020). The individual's remarks highlighted the necessity for courts to personalize some matters. It is imperative for individuals to have a victim-centric perspective while addressing instances of sexual violence. He proposes that the courts should keep comprehensive records regarding the allocation of women throughout various tribunals, court levels, and the number of women serving as senior advocates. Sinha (2020) emphasizes that law schools do not mandate the inclusion of a single-gender course, and the All-India Bar Examination does not incorporate any questions or sections pertaining to gender sensitization.

The International Association of Women Judges and similar organizations are now addressing this issue. The International Association of Women Judges (IAWJ) aims to create 'gender offices' that integrate a gender perspective into court proceedings. This is done to ensure fairness and equal access to justice. Additionally, IAWJ conducts judicial training to ensure that the interpretation of the law is free from any gender bias (International Association of Women Judges, 2019).

The initial stage is the compilation of fundamental data pertaining to the gender composition across all levels of the judiciary. The significance of establishing a comprehensive framework for the systematic surveillance of gender and consolidating all monitoring data into a centralized repository on a regular basis is underscored in a paper published by the Policy Department for Citizens' Rights and Constitutional Affairs for the European Union. The implementation of a methodical methodology for data collecting is necessary in order to facilitate a more thorough and comprehensive analysis (Galligan et al., 2017, pp. 89-90).

Rachna Chaudhary (Ray, 2020) argues that the lived experience of marginalization and prejudice, along with a strong dedication to social transformation, is more likely to have a profound influence on judicial behavior. There is a requirement for a body in the Indian judiciary that specifically addresses the issue of gender bias, similar to the Gender Bias Task Forces in the USA that investigate the connection between gender and judicial systems (International Association of Women Judges, 2019). The Geneva Forum Series No. 1 paper on Women and Judiciary suggests the implementation of a mentorship system, wherein experienced female judges and lawyers can provide assistance and guidance to their junior counterparts. Regular and casual gatherings of female judges and lawyers might offer essential occasions to deliberate and contemplate on encountered difficulties and the recognition of crucial assistance requirements (The International Commission of Jurists, 2014, p.39).

According to Nirmal Kumar Mohandoss, a legal representative at the Madras High Court, the persistence of gender discrepancy is contingent upon society's failure to relinquish its rigid adherence to traditional gender roles and conventional perspectives (Mohandoss, 2020). The court must demonstrate awareness of the societal and family pressures that women encounter and adapt its regulations accordingly in order to encourage greater participation of

women in court proceedings, both during and after marriage. The significance of leadership and independent monitoring of achievements in fostering a more diverse judiciary is underscored in a paper released by the OECD Gender Initiative.

Kiruba Mumuswamy, a lawyer currently working in the Supreme Court of India and the founder-executive director of Legal Initiative for Equality, advocates for the establishment of a dedicated diversity program and an efficient affirmative action strategy. This program aims to foster encouragement and motivation among women lawyers, particularly those from marginalized backgrounds (Munusamy, 2019). Reducing the minimum age criterion for the selection of a district judge has the potential to deter female advocates from choosing to withdraw from the legal profession and pursue careers in the corporate sector. In light of the revised gender ratio within the court, it is imperative to establish favorable conditions and sufficient avenues for women to thrive as lawyers and judges.

## II. CONCLUSION

The lack of diversity in gender representation is evident in multiple societal organizations. Throughout history, there have been revolutions that have brought about transformative changes in these institutions, which first appeared utopian. As we strive for a society that is more inclusive and equal via growth, it is evident that certain polarizations and sectionalization remain deeply rooted. Therefore, this development serves solely as a form of concealment. The significance of the judiciary necessitates a prevailing inclination towards optimism in order to facilitate transformative yet incremental transformations. Sufficient emphasis has been placed on recognizing the necessity of these modifications; what is imperative is the execution of grassroots reforms. The need for a reevaluation of judicial independence and its absolutist character arises from the judiciary's role as the guardian of the Constitution, which draws its authority from the populace. Ensuring the adequate representation of individuals is crucial in facilitating the delivery of justice. The direction of reforms in the judgments of the judiciary will be determined by reforms in the makeup of the judiciary at all levels. Furthermore, these reforms would establish the gender-sensitive scope of the court, so positioning this institution as an exemplary model for the Indian populace in promoting egalitarianism.

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# Judicial Diversity in India: Promoting Women's Equal Participation in the Higher Judiciary

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**Abstract:** *The presence of diversity is an intrinsic characteristic of democratic nations. Nevertheless, in numerous democratic nations like India, the court fails to accurately represent the extensive variety of the country. The majority of judges in the Supreme Court and High Courts in India are males of the cisgender gender and belong to the upper caste. This leads to a uniform viewpoint on law and justice. Female judges and lawyers encounter systemic obstacles such as gender biases, prejudice, mistreatment, and inadequate institutional and infrastructural assistance. Moreover, the presence of caste, class, sexuality, and religious identity contributes to the existence of several dimensions of oppression that necessitate careful consideration. This study employs a critical analysis of several feminist perspectives to shed light on the structural and hidden biases that contribute to the underrepresentation of women in the judiciary. Subsequently, we propose implementing institutional reforms aimed at fostering the establishment of a more inclusive higher judiciary in India.*

**Keywords:** Gender diversity, judicial appointments, constitutional courts, gender stereotyping, women participation

## I. INTRODUCTION

The Commission on the Status of Women (CSW) convened its 66th session from March 14th to March 25th, 2022. The primary aim of this session was to promote gender equality and empower women and girls, particularly in relation to policies and programs addressing climate change, environmental issues, and disaster risk reduction (Commission on the Status of Women Sixty-Sixth Session, Citation2022, p. 1). Conclusion 20 of the Agreed Conclusions acknowledges the significance of women's right to work in facilitating a fair workforce transition and the generation of high-quality employment opportunities aligned with nationally established development objectives (Commission on the Status of Women Sixty-Sixth Session, Citation2022, p. 5). In accordance with Conclusion 23, the Commission emphasized the importance of addressing enduring historical and structural disparities, stigmatization, imbalanced power dynamics between genders, detrimental societal norms, and gender stereotypes in order to achieve gender equality and empower women and girls (Commission on the Status of Women Sixty-Sixth Session, Citation2022, pp. 5–6).

Ensuring proper representation of women in the Indian judiciary is crucial for achieving the global objective of protecting women's right to work on an equal basis with men, while also eliminating gender stereotypes, biases, and prejudices. On a global scale, women make up 27% of the total number of judges, while in the South Asian region, the proportion of women judges is less than 10% (UN Women, Citation2011, p. 60). According to Justice Leila Seth, who became the inaugural female judge to be appointed to the Delhi High Court in 1978, and the first female Chief Justice of a High Court in Himachal Pradesh, she observed that following her inauguration, her male colleagues expressed a desire for her to assume responsibility for the tea arrangements during celebratory occasions (Press Trust of India, Citation2013, para. 7). Kiruba Munusamy, a first-generation Supreme Court lawyer, documented instances of prejudice she encountered as a Dalit woman in 2019. According to Munusamy (2019), the Judge expressed that the individual's haircut possessed greater appeal compared to their argument (para. 9). Both of these occurrences, despite being separated by a span of four decades, demonstrate the constrictive structure that regulates the Indian court, which is predominantly controlled by individuals from higher castes (Bej, Citation2017).

This paper posits that the judiciary in India is constructed around a framework rooted in Brahmanical patriarchy. Consequently, there persists a preference for upper-caste men in the selection process for judicial appointments,

resulting in a limited presence of women judges. This study examines the issue of judicial diversity within the framework of institutional obstacles encountered by women in the judiciary. The initial section provides an overview of India's judicial system, including the collegium structure, as well as the prevailing gender ratio within the judiciary. Next, we thoroughly examine the structural obstacles faced by women in the court, uncovering the absence of institutional backing and infrastructure, demoralizing stereotypes, and protocols for appointing judges that hinder women's participation and advancement in the judiciary.

The next section examines feminist perspectives on judicial gender diversity, utilizing legal precedents from India and other countries in the Global South to assess the contribution of female judges in advancing progressive and gender-responsive legal principles. The last segment of this essay provides suggestions for implementing more impartial criteria, transparent mechanisms, and the creation of adequate infrastructure to promote gender diversity in the judiciary.

It is imperative to underscore that gender, as a societal construct, is not limited by the traditional dichotomy between men and women, but rather encompasses a diverse range of identities and manifestations. Transgender and gender-variant individuals face systemic oppression, marginalization, and exclusion when it comes to judicial appointments. In India, the first transgender judge was recently appointed in a Lok Adalat (Chanda, Citation2017). There remains a notable absence in the representation of transgender and gender variant individuals within judicial establishments. This article largely focuses on cisgender women and the structural challenges they face, despite the use of the term gender diversity.

#### **The procedure of appointing judges: ambiguous and capricious**

On March 10, 2022, the inaugural International Day of Women Judges marked the inception of the Women in court/for Justice movement, which aims to advance gender equality within the court system. The forum attendees highlighted the significance of women as catalysts for fostering a judicial system that is characterized by fairness and equality. According to the Minister of Justice of Austria, Ms. Alma Zadic, the presence of a diverse judiciary contributes to the inclusion of various views and perspectives within the courtroom and in broader societal contexts. Abundant research demonstrates that diversity enhances the judiciary. Overcoming implicit biases and unconscious preconceptions is beneficial. According to the United Nations Office on Drugs and Crime (2022), women judges have played a pivotal role in making significant and innovative rulings aimed at addressing various manifestations of prejudice. The presence of women in the courts is essential for a fair and democratic society. Nevertheless, the intricate procedure of judicial appointment in India is a hindrance to this endeavor.

The court system in India consists of three tiers. The highest judicial body is the Supreme Court. According to Robinson (2014, p. 330), it is worth noting that every state within the country is equipped with a High Court. According to Singh (2012, p. 49), the High Courts and Supreme Court are constitutional courts, whereas district and trial courts primarily handle civil, family, labor, and criminal matters. The Indian independence movement advocated for the division of governmental and judicial powers, leading to the establishment of an independent judiciary (Constituent Assembly Debates, Citation1948a, Citation1948b).

The government branch held the major control over judicial nominations with the establishment of the Indian Supreme Court in 1950. The collegium system of judge selections was established by the Supreme Court in 1993. In the Supreme Court, the collegium is led by the Chief Justice of India and consists of the five most senior judges. The appointment of judges to the Supreme Court involves the consideration of names that are deemed appropriate, regardless of their association with the executive branch (Mahajan, Citation2021, para. 4). The supreme court implemented the collegium system as a means to safeguard judicial independence, although it has faced criticism due to its perceived lack of transparency (Abeyratne, Citation2016). According to Kumar (2016), the collegium is not obligated to provide information regarding the criteria used for judicial appointments or the rationale behind the selection of judges. The presence of systemic opaqueness and subjectivity gives rise to potential instances of nepotism and corruption (Ray, Citation2020).

Around 69% of judges in India are selected from the legal profession, while only 31% are appointed from the judicial services. Notably, prominent female litigators have faced prejudice, which hinders their ability to advocate for judicial positions (Ghosh et al., Citation2018, p. 15). Implicit biases have a substantial impact on gender balance, particularly in



relation to systemic gender biases that arise from policy makers' failure to acknowledge the distinct responsibilities of women, such as marriage and pregnancy. Additionally, judicial decision-makers may exhibit discretionary biases due to conscious or unconscious prejudices (Chouhan, 2019).

According to Ghosh et al. (2018), there is a noticeable decline in the presence of female judges when they transition from trial courts to higher courts. According to the data provided on the official websites of the Court (2019), Goa exhibits a 72% representation of women in trial courts, which are subordinate to district courts. However, the percentage decreases significantly to approximately 13% in Goa's High Court. According to Varghese (2022), as of May 2022, out of the total 713 High Court judges in the country, 94 (13.18%) are women. However, it is worth noting that there are 5 High Courts in the country where there is a lack of women judges on their bench. Critics of the collegium contend that there exists no substantial disparity in the proportion of female judges during the pre-collegium and collegium eras, suggesting that enhanced female representation might potentially transpire irrespective of the collegium framework (Chandra, Hubbard & Kalantry, Citation2019).

Until now, the nomination of women to the highest courts has been purely symbolic and lacking in practicality. Justice Ruma Pal, appointed as a Judge of the Supreme Court in January 2000, is an important example to mention. She became the third woman to be appointed to the highest court. If Justice Pal had not been sworn in after her male colleagues on the same day, she could have become the first woman Chief Justice of India. This was done to ensure that, according to the rule of seniority, she would retire as the second most senior judge while her male colleague would be sworn in as the Chief Justice of India. Moreover, the female candidates who have been promoted to the Supreme Court possess a limited duration of service, so hindering their capacity to make substantial legal contributions and attain membership in the collegium (Rajagopal, 222).

A study examining the impact of the appointment system on judges' characteristics found that women Chief Justices of High Courts in India have a slightly higher age of appointment compared to men (Chandra, Hubbard & Kalantry, Citation2019). This results in shorter tenures for women Chief Justices compared to their male counterparts. Out of the 11 female judges who have been appointed to the Supreme Court of India thus far, just two have possessed or will possess a tenure surpassing five years, which is the typical duration for a judge serving in the highest court. The apparent outcome of this inequality is seen in the instance of Justice B.V. Nagarathna, who was designated to the Supreme Court in August 2021 and is anticipated to become the inaugural female Chief Justice of India. In contrast to the majority of male justices of her time who have occupied the position, Justice Nagarathna's stint as Chief Justice will extend for a duration of slightly more than one month. The aforementioned disparity, in comparison to the mean duration of 1.5 years served by former Chief Justices of India (Rajamane, Citation2021), with the longest tenure being seven years and four months, highlights a significant constraint of tokenism in judicial appointments. This constraint impedes the implementation of any comprehensive systemic transformation. Hence, it is apparent that the collegium system alone is insufficient in promoting diversity.

### **The legal profession presents several structural impediments for women**

The document titled "Progress of the World's Women: In Pursuit of Justice" by UN Women delves into the various injustices experienced by women. It elucidates the significance of achieving gender equality in both social and economic contexts, while also recognizing women as catalysts for transformative progress. The study emphasizes the tangible obstacles encountered by women, namely those who are the most disadvantaged (UN Women, Citation2011). According to UN Women (1979), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) provides a comprehensive definition of gender-based prejudice, encompassing actions that hinder women from fully exercising their rights. Hence, the lack of gender equality in the workplace, especially as it pertains to the governance of women's rights, becomes a manifestation of prejudice that necessitates rectification. India faces various structural impediments that hinder the achievement of judicial diversity. This section delves into the constraints associated with the appointment process, characterized by a lack of objectivity and its integration within the framework of Brahmanical Patriarchy, resulting in the systematic exclusion of women. Women from marginalized communities, including as Dalit, Bahujan, and Adivasi women lawyers, are particularly impacted by this issue. The absence of institutional support and infrastructure for women in the courts, as well as the influence of gender stereotypes, are additional structural hurdles that will be examined sequentially.



### **The absence of impartiality in the process of appointing judges**

The lack of variety in judicial composition might be attributed to the procedures employed for the recruitment of judges at different levels of the court. According to a recent study, the selection of judges for lower positions is based on state-specific judicial service regulations (Chandrashekar et al., Citation2020, p. 2). According to the authors, around 75% of district judges are promoted either internally based on merit and seniority or through competitive examinations. Additionally, 25% of district judges are recruited directly from advocates who have at least seven years of experience. The greater participation of women in the lower courts can be attributed to the transparent techniques employed for the appointment of judges. This approach offers greater convenience and accessibility in comparison to the opaque process of appointing judges to the High Courts and Supreme Court of India (Chandrashekar et al., Citation2020, p. 10). In order to become a district judge, an individual must possess a minimum of seven years of experience as an advocate or a pleader. In the cases of *Sushma Suri v. Government of National Capital Territory of Delhi* (1999) and *Deepak Aggarwal v. Keshav Kaushik* (2013), the Supreme Court has provided an interpretation that equates to a period of seven years of uninterrupted practice. This practice exhibits bias since it neglects to acknowledge the societal expectation to engage in caregiving duties, hence rendering numerous female candidates ineligible owing to their marriage commitments, child-rearing responsibilities, and other domestic duties. Moreover, the absence of standardized protocols for the selection of judges gives rise to instances of bias and opposition to reform across many jurisdictions. Chouhan (Citation2019) contends that biases such as the "seniority norm" put women candidates at a disadvantage in the process of selecting judges. The concept of the "seniority norm" refers to a standard that signifies a preference for certain employees over others, taking into account their length of service. This implies that men who have worked as attorneys for a longer period of time are automatically granted certain jobs. The systemic exclusion of women from the judiciary can be attributed to a cyclical pattern in which the presence of predominantly male selectors, inherent in the selection process, hinders the inclusion of women. Additionally, the prevailing patriarchal biases among selectors contribute to their tendency to favor male candidates when making decisions. The caste, class, and indigenous identities of Dalit, Bahujan, and Adivasi women contribute to the compounding of systemic inequalities they experience. According to Kiruba Munusamy (Citation2018), nepotism and caste-based prejudice are prevalent in the judiciary, and first-generation Dalit lawyers encounter substantial bias.

### **Gender stereotypes and bias**

The impact of gender stereotypes on the treatment of women by their colleagues is highlighted in a study from the Women and Judiciary Forum, which was hosted by the International Commission for Jurists in Geneva in 2013. Female judges experience several sorts of mistreatment, including harassment, gender-based bias, heightened public scrutiny and criticism, as well as gender-specific forms of intimidation. Female judges encounter instances of sexual harassment from their peers, particularly those in positions of authority (International Commission for Jurists, Citation2013, p. 6). Indira Jaising, the first woman to hold the position of Additional Solicitor-General in India and the first woman to be appointed as a senior advocate, recounted an incident in which she experienced sexual harassment from a male colleague in the corridors of the Supreme Court, despite her seniority and age (Mishra, Citation2016). In an open letter addressed to Justice Ranjan Gogoi, the former Chief Justice of India, Indira Jaising highlighted instances where a senior male lawyer derogatorily referred to her as "that woman," while referring to other male lawyers as "my learned friend" (Jaising, Citation2019, para. 9). Jaising urged the Chief Justice to address and eradicate sexist language within the courtrooms.

Women are often subjected to derogatory sexist statements that are often disregarded as jokes. Gender stereotypes that depict women as inept further impede the fairness of the legal process. Munusamy's plea for a one-day leave to menstruate was met with mockery. The senior counsel with whom she was collaborating advised her to resign and enter into matrimony. He further explained that this is the reason for his decision to refrain from hiring female juniors (Munusamy, Citation2019, para. 9). A.P. Shah, the former Chief Justice of the Delhi High Court, recounted a time when he suggested a female lawyer as a judge, but she was not chosen because to her perceived rudeness (Chowdhury & Shankar, Citation2019, p. 206).

Moreover, the proportion of women serving in the judiciary may not necessarily reflect the progress made in achieving gender equality, but rather it could be seen as a form of symbolic representation. Target 16.7 of SDG Goal 16 aims to

guarantee decision-making that is responsive, inclusive, and participatory at every level. The UN's SDG Indicator metadata for Goal 16 and Target 16.7 emphasizes the significance of achieving diversity in key national and local-level judicial positions to promote responsive, inclusive, and participatory decision-making by the judiciary. This includes addressing issues related to sex, age, disability, and population group status (UN Stats. SDG Indicator Meta data, Citation2022, p. 6). Nevertheless, a simple rise in figures, while suggesting advancements in addressing past prejudice, fails to acknowledge the presence of tokenism caused by institutional, cultural, and other limitations that impede women from exerting their authority in decision-making (UN Stats. SDG Indicator Meta data, Citation2022, pp. 6–7). If women are admitted into the judiciary without any efforts to address their structural needs and challenge the patriarchal society, it could impede their ability to make decisions.

Gender-sensitive regulations and quotas in India are insufficient to address the pervasive patriarchal attitudes and caste-based hierarchies that are deeply ingrained in the country's social structure. From an intersectional feminist standpoint, it may be argued that the legal system can be understood as a patriarchal institution that perpetuates caste-based and heteronormative norms, while also incorporating gendered stereotypes. It maintains its success by relying on a uniform group of male judges from higher castes.

### **Insufficient infrastructure**

An investigation into the variables that contribute to the limited representation of women judges, particularly in the upper judiciary, uncovers substantial institutional obstacles. The absence of adequate infrastructure is a significant determinant in the dearth of gender-diverse courts. Due to the historical exclusion of women from the public realm, the court architecture exhibited a deficiency in providing the essential accommodations to address their distinct requirements.

According to Ghosh et al. (2018), the presence of gender-insensitive infrastructure, characterized by deficiencies like as non-functional toilets and absence of maternity leave policies, has resulted in women opting for business sector professions instead of pursuing long-term careers in litigation. Despite the lack of female representation, there is a lack of regular efforts to gather and disseminate fundamental statistics regarding the percentage of women judges at various levels of Indian courts. The devaluation of women's work and the lack of recognition of their expertise create an uncomfortable environment for women, both physically and mentally, within courtrooms. During a felicitation ceremony hosted by the Lady Advocates of the Supreme Court of India, Justice N. V. Ramana, the former Chief Justice of India, highlighted the impact of inadequate courtroom infrastructure on women. He observed that women were disproportionately affected by this issue, as only 22% of the 6,000 trial courts in the country had designated washrooms for women (Roy, Citation2021). An additional illustration of the disrespect for the interests of female lawyers and judges within courtrooms is evident in the lack of childcare facilities within court premises. According to Rajagopal (2022), the establishment of the first crèche on the premises of the Supreme Court occurred in 2018. This development was prompted by a public interest case, in which Senior Advocate Indira Jaising petitioned the court for the provision of a crèche within its premises, with the aim of providing support to working parents.

Various feminist ideas examine the challenges encountered by women in the public realm, focusing on their navigation of the legal system. Feminist legal analysis elucidates the exclusion of women from the legal framework and highlights their potential to enhance the system by promoting complete equality and representation. The subsequent part delves more into the feminist conversation around women in the judiciary.

## **II. CONCLUSION & SUGGESTION**

Based on the preceding sections that analyze obstacles to the appointment of women judges in the Indian judiciary, it is evident that institutional barriers, systemic biases, stereotypes, and opaque appointment procedures hinder women from being appointed and promoted in judicial services on equal footing with their male counterparts.

The 66th session of the CSW recognized that the simultaneous presence of many types of prejudice and exclusion impedes women's complete engagement and influence in public affairs. It is imperative to eradicate prejudiced practices, detrimental societal norms, and gender stereotypes. Citation2022, pp. 5–6. Commission on the Status of Women, Sixty-Sixth Session. The inclusion of women, especially those from marginalized backgrounds, in the judiciary necessitates a reorganization of the legal system, which primarily favors the most advantaged individuals in

society. Goals 5 and 16 of the Sustainable Development Goals (SDGs) aim to attain gender equality by ensuring the complete involvement of women and promoting equal chances for leadership across all levels of decision-making processes that are responsive, inclusive, and participatory. These goals are specifically outlined as Targets 5.5 and 16.7 of SDG Goals 5 and 16, respectively. This section presents suggestions that can help achieve these objectives, elucidating measures that will guarantee gender diversity within judicial institutions in India.

Our initial suggestion pertains to the necessity of implementing more impartial benchmarks in the selection criteria. The persistence of gendered attitudes and stereotypes in judge nominations is apparent. In order to increase the representation of women in high positions within the court, it is imperative to modify the judicial selection process to ensure objectivity. This entails giving appropriate consideration to the competence and talents of individuals, irrespective of their gender. It is imperative to acknowledge the intersectional obstacles that marginalized women may face in their pursuit of advancement within the judiciary, which are influenced by their caste, class, and religious identities. According to the SDG indicator for Target 16.7, Goal 16, in order to address intersectional barriers, groups that are disproportionately underrepresented may be granted temporary special measures, such as representation quotas (UN Stats. SDG Indicator Meta data, Citation2022). The aforementioned approach is supported by the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which asserts that temporary special measures, such as quotas, should not be regarded as a type of prejudice, as its primary objective is to attain gender equality (UN Women, Citation2011). Implementing affirmative action initiatives has the potential to significantly reduce the negative effects of the "leaking judicial pipeline" (Ray, Citation2020, para. 18) and facilitate the advancement of more female judges from lower positions to higher courts or from the legal profession. It is imperative to establish affirmative policies within the legal education sector in order to promote diversity and inclusion within professional environments.

Furthermore, in order for the judiciary to achieve gender diversity, it is imperative that it implements a more open system of appointment. The judiciary in South Africa has undergone a transformation due to the incorporation of racial and gender diversity, as well as disability and queer diversity, to a lesser extent (Andrews, 2006, p. 566). The South African judiciary is structured in accordance with the constitutional vision established after the end of apartheid. According to Andrews (2006, p. 567), the Judicial Services Commission (JSC) has expressed that its objectives of diversity and representation extend beyond mere efforts to augment the presence of black individuals and women in judicial positions. The transparent procedure of soliciting nominations from a diverse array of legal entities, along with the openness of the interview process to the public and media, fosters accountability and facilitates public participation. Recent research indicates that the involvement of civil society organizations in advocacy efforts may have a positive impact on the number of women candidates nominated for judicial positions (Albertyn&Bonhuys, 2015). The Indian judiciary places significant importance on the transparent process, as it must consider the diverse aspects of gender, sexuality, caste, and class, among other factors.

The third proposal is based on the recognition that the court, in its present state, imposes limitations on women's prospects for professional growth due to a lack of necessary infrastructure and institutional backing, which hinders the establishment of a more gender-inclusive bench. The regulations concerning the transfer of judges and the criteria for appointing judges, such as the length of their practice and age, indicate a noticeable deficiency in the institutional comprehension of the gender-specific obligations that women are expected to undertake. The lack of essential infrastructure like as childcare facilities, restrooms, and sanitary facilities exacerbates the challenges faced by women in the judiciary. Women experience higher levels of prejudice and mistreatment in the professional environment, as defined by CSW66 as "hindrances to women's complete and efficient involvement and influence in public affairs... [The commission] acknowledges and appreciates the variety of circumstances and conditions faced by women and girls, and acknowledges that certain women encounter specific obstacles to their empowerment" (Commission on the Status of Women Sixty-Sixth Session, Citation2022, p. 5). Hence, it is crucial to implement institutional reforms pertaining to selection and transfer rules that consider the unique conditions of women in the legal profession. These reforms should also acknowledge the distinct experiences of women, taking into account their intersectional backgrounds. This necessitates the incorporation of gender mainstreaming into policy creation, in order to effectively address the requirements of female judges from various backgrounds. Moreover, it is imperative for the government to implement

strategies to enhance the infrastructure, encompassing health, sanitation, and childcare amenities within courts, in order to guarantee that perks such as maternity leave are readily available to female judges.

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# Retrospect and Prospect of Women in Legal Profession: The Foreign Perspective

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**Abstract:** *Within the realms of justice and legal proceedings, the portrayal of women has progressed from subtle conversations to compelling accounts of accomplishment and aspiration. The legal system, known for its stringent customs, has traditionally been a stronghold of male supremacy. However, by demonstrating persistence, skill, and a strong dedication to fairness, women have gradually established a position of prestige and admiration within its renowned premises. The objective of this article is to examine the trajectory of women in the legal field, starting from early trailblazers in the past to present-day advocates who are actively working towards achieving equal representation and rights. This article examines the challenges, milestones, and future prospects of women in the legal field, drawing on the perspectives of notable legal experts Monika McCarthy, Danielle Hall, Valerie Hletko, Jonice Gray Tucker, and Lynette Hotchkiss. The panel discussion titled "See Her, Hear Her: Historical Evolution, Advocacy, and the Path Ahead" took place at the American Bar Association's Business Law Fall Meeting in Chicago on September 8, 2023. The analysis is situated within the larger context of societal transformation and the ongoing pursuit of gender equality.*

*Women have achieved notable progress in the legal field; nonetheless, there remains a need for further efforts, particularly in relation to the progression from law school to becoming a professional attorney and in attaining higher positions within law firms.*

*Women constitute a significant proportion of general counsel positions, however their representation in the judiciary is inadequate. Advocacy, action, and allyship, particularly from men, play a crucial role in shaping a profession that is inclusive, progressive, and ultimately equal. The prospective future of the legal profession, notwithstanding its inherent difficulties, exhibits potential. With the guidance of mentors, support from representation, and the backing of progressive workplace dynamics, women are well-positioned to not just navigate but also take charge of the future legal landscape.*

**Keywords:** Women, Legal profession, future prospects, law schools, law firms, justice, gender diversity

## I. INTRODUCTION

"Women should be present in all decision-making environments." It should not be the case that women are an anomaly.

—Ruth Feinberg

The legal profession has a notable historical background characterized by the groundbreaking accomplishments of women. Throughout history, women have repeatedly established their own routes, dismantled conventional obstacles, and asserted their rightful position in a sector that was previously dominated by men.

### Leaders in the Legal arena

Margaret Brent is notable for being the first female lawyer in America in 1648. An influential individual in Maryland, her accomplishments laid the foundation for future developments. Arabella Mansfield, in 1869, became the inaugural female to gain admission to a state bar in the United States, thus emulating her predecessor. Charlotte E. Ray's achievement of being the first African American woman lawyer and the first woman admitted to the bar in the District of Columbia in 1872 contributed to the further expansion of diversity. In the twentieth century, notable events occurred, such as Florence E. Allen's historic achievement of becoming the inaugural female justice to hold a position on a state supreme court in 1920. Additionally, Pauli Murray, renowned for her significant contributions to civil and women's rights, achieved the distinction of being the first African American to receive a Juris Doctor degree from Yale Law

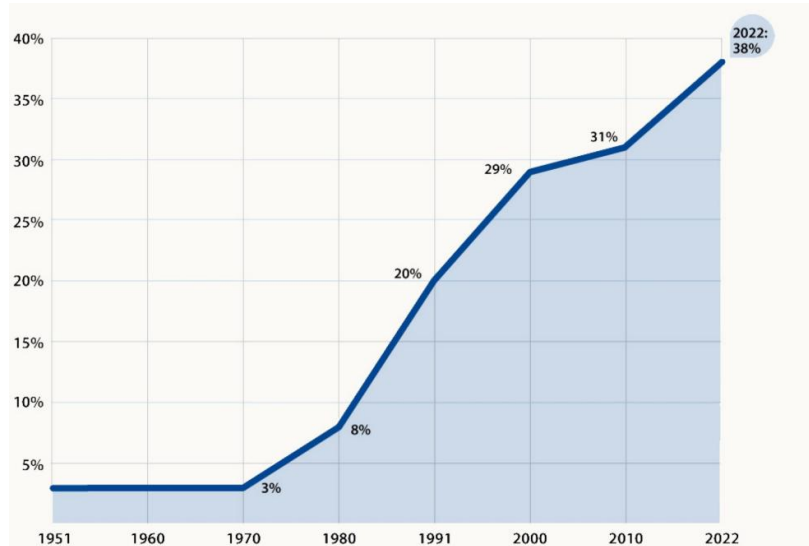


School in 1965. In contemporary times, Sandra Day O'Connor achieved the distinction of being the inaugural female justice to have a position on the United States Supreme Court. She was appointed by President Ronald Reagan in 1981. Additionally, Paulette Brown holds a significant milestone as the first African American woman to attain the presidency of the American Bar Association in 2014. Nevertheless, it is imperative to move beyond these specific narratives of success and perseverance and analyze the wider trajectory.

**Flow of Women in Law: 1951–2022**

Data spanning over seven decades paints an intriguing picture for women in law. While the 1950s witnessed a mere trickle of female representation, the percentage of legal practitioners that are women increased to 38 percent by 2022. The 1970s, in particular, marked a dramatic uptick. Yet, the last decade’s modest growth suggests that the journey to equality is far from over.

**Women in the Legal Profession: 1951–2022**



Women made up less than 5 percent of attorneys in the U.S. from 1950 to 1970, but that number has steadily risen since, to 38 percent in 2022.

**Women in the Legal Profession: 2010–2022**

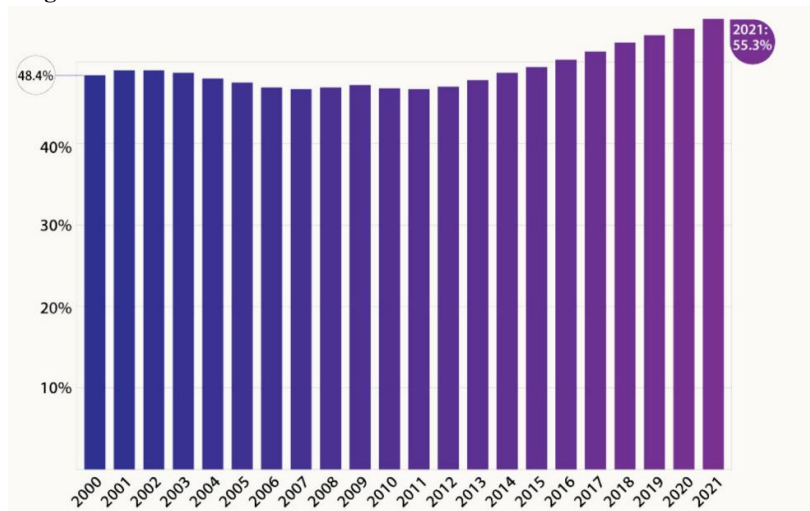


Since 2010, the percent of lawyers who are women has crept up from 31 percent to 38.3 percent.

**Academic Advancement—with Obstacles**

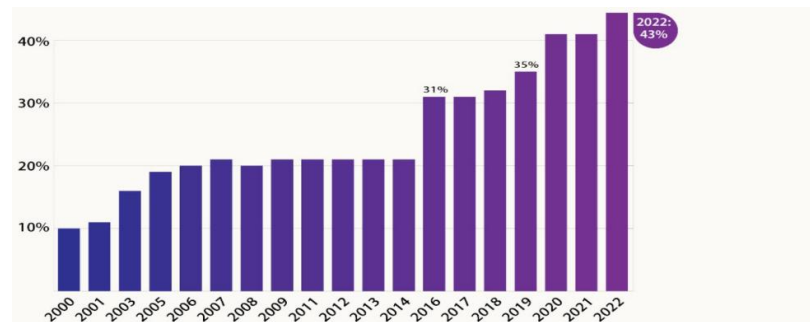
When immersing oneself in the realm of legal academia, the prevailing patterns are equally captivating. Although there was an increase in the number of women pursuing legal education at the beginning of the 21st century, there is a concerning decline in the rate at which they transition from law school to becoming a professional attorney. Nevertheless, over the past twenty years, there has been a notable increase in the number of female deans in law schools, suggesting a shift in the leadership dynamics.

**Women as a Percentage of All Law Students: 2000–2021**



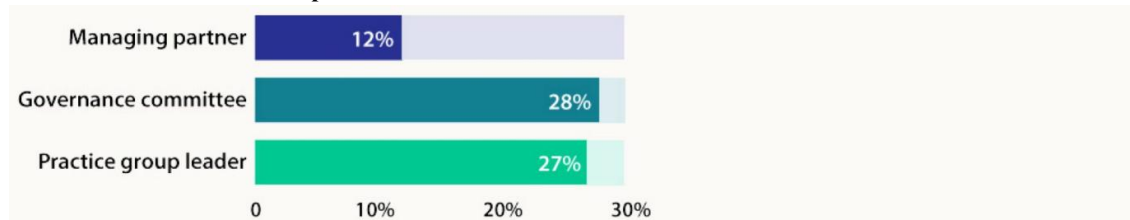
From 2000 to 2021, women made up close to or more than half of all law students, from 48.4 percent of law students in 2000 to 55.3 percent in 2021

**Female Law School Deans: 2000–2022**



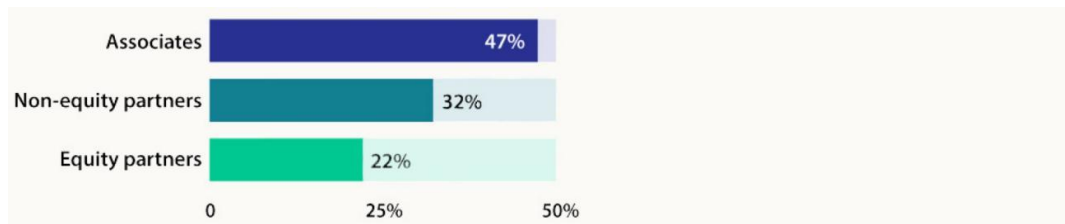
The percent of law school deans who are women—10 percent in 2000—jumped from 20 percent in 2006 to 31 percent in 2016, reaching 43 percent in 2022

**Women in Law Firm Leadership Roles: 2020**



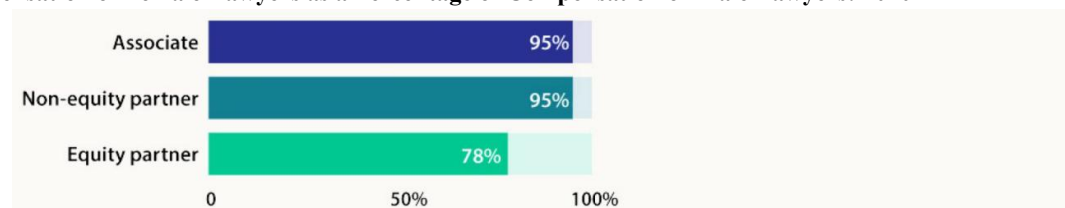
In 2020 women made up 12 percent of law firm managing partners, 28 percent of governance committee members, and 27 percent of practice group leaders.

**Women in Law Firms: 2020**



In 2020, women made up 47 percent of law firm associates, 32 percent of non-equity partners, and 22 percent of equity partners.

**Compensation of Female Lawyers as a Percentage of Compensation of Male Lawyers: 2020**



In 2020, women equity partners were paid 78% of male counterparts' compensation on average; women associates and non-equity partners received 95%.

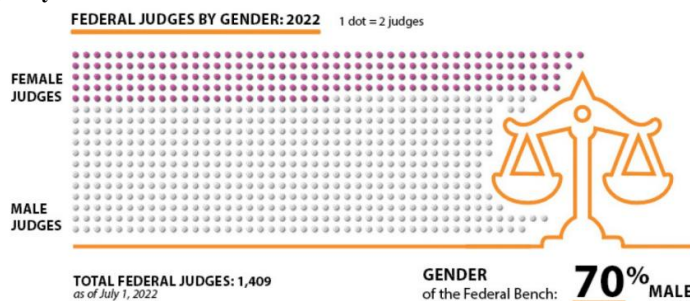
**The Diverse Nature of Corporate Legal Departments and Courtrooms**

Outside of legal firms, the internal and judicial environments exhibit a combination of advancement and lack of change. The notable proportion of women, namely percent, who hold general counsel positions, stands in stark contrast to the limited presence of women in the judiciary, particularly at the federal level.

The rise in the number of female general counsels can be ascribed to several variables. In recent decades, there has been a growing recognition within corporate environments of the significance of diversity in decision-making processes. Companies have the belief that having a diverse leadership team fosters a range of viewpoints, which in turn encourages the development of innovative solutions and enhances decision-making. Furthermore, there has been an increase in the prevalence of corporate mentoring programs and initiatives aimed at cultivating female talent. These programs and efforts aim to equip women with the essential resources, assistance, and opportunity required to advance to high-level legal positions inside organizations. Furthermore, it is noteworthy that firms are displaying a growing inclination towards employing general counsels that possess extensive experience. In 2020, 41 percent of general counsels hired externally possessed prior experience. Subsequently, this figure has surged to 60 percent.

However, although the business sector may be making advancements, it is apparent that the judiciary still has room for improvement. The underrepresentation of women in the federal judiciary can be ascribed to a range of historical, institutional, and sociological issues that have historically constrained their chances.

**Federal Judges by Gender: 2022**



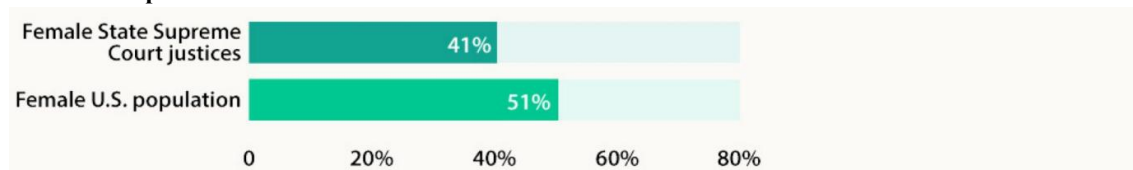
In 2022, of 1,409 federal judges as of July 1, 2022, 70 percent were men.

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**Female State Supreme Court Justices: 2022**



In 2022, only 41 percent of state supreme court justices were women, though women made up 51 percent of the population.

The narrative of women in the legal profession is a chronicle of unwavering resolve, notable achievements, and enduring obstacles. There are numerous monuments, but the pursuit of complete gender equality is still in progress. The objective is not just to attain numerical parity, but rather to establish a future that guarantees just allocation of work, impartial compensation, and an all-encompassing atmosphere for everyone.

**Advocacy and activism**

"Whenever a woman asserts her own rights, even if she is unaware or not explicitly asserting them, she is effectively advocating for the rights of all women." Maya Angelou

The imperative for gender equality persists within the complex fabric of the legal profession. The frontline of this changing narrative is characterized by advocacy, activism, and allyship. This section illuminates the crucial significance of these pillars, with a specific emphasis on the tactics that women can utilize to advocate for themselves and their peers. Moreover, it underscores the crucial role of men as allies, actively supporting and working in conjunction with their female counterparts. Through the integration of self-advocacy, collective action, and purposeful allyship, our objective is to steer the legal community towards a framework that not only exhibits fairness but also flourishes through the combined power and solidarity of its members.

**The prospect of women the legal profession**

"The issue at hand is not who will allow me, but rather who will impede my progress." Ayn Rand The contemporary legal environment is significantly more comprehensive than it was a century ago, while the task remains incomplete. The legal profession is currently experiencing significant changes due to the advancements in technology, the process of globalization, and the evolving societal values. Contemporary female legal professionals are not solely engaged in practical practice, but also serve as pioneers, intellectuals, and catalysts for change. The panelists provided their perspectives and forecasts for the future while examining the paths that women have taken in the field of law.

Hall underscored the significance of acknowledging and confronting the unique experiences of women belonging to racial and ethnic minority groups in comparison to their white counterparts. Amidst the changing legal landscape, it is crucial to progress, acknowledge, and truly comprehend these subtleties, persistently driving women of color towards progress.

Hletko's vocal tone introduced a sense of immediacy, expressing apprehensions over the possible obstacles that diversity, equity, and inclusion ("DEI") initiatives may encounter, particularly following particular legal actions and rulings. Recognizing the essential importance of these programs, she emphasized the urgent requirement for companies to come together in order to safeguard and enhance DEI efforts. Tucker's expedition enhanced the conversation much more. The author's analysis of her unforeseen nomination as an autonomous director for a prominent corporation illuminated the need of women broadening their perspectives and the value of inclusivity in varied boards and platforms. The narrative emphasized the significance of mentorship and sponsorship, demonstrating how influential individuals can create unexpected opportunities.

Emphasizing an additional aspect of the conversation, Hotchkiss brought forward a concerning disparity: the disparity between the representation of women in law schools and their presence in professional practice. According to her, comprehending the causes of this inequality is equally important to devising tactics to eradicate these obstacles. Furthermore, she highlighted the emergence of remote work, which has been accelerated by the COVID-19 pandemic, as a potential transformative factor. This change in our work approach provides a fresh outlook on achieving a balance between work and personal life, which has the potential to greatly transform the roles of women in the legal field. The

future prospect of the legal profession, despite its inherent difficulties, exhibits potential. With the guidance of mentors, support from representation, and the backing of progressive workplace dynamics, women are well-positioned to not just navigate but also take charge of the future legal landscape. The forthcoming journey, albeit challenging, presents unprecedented prospects and accomplishments for women in the field of law.

## II. CONCLUSION

The progression of women within the legal profession is a narrative of a determined struggle against entrenched conventions, while simultaneously symbolizing the potential for a more egalitarian future. The women depicted in this article represent both personal triumphs and societal progress in dismantling obstacles and creating a future characterized by fairness, esteem, and chance. In contemplating historical events and contemplating forthcoming developments, it is crucial to acknowledge the collective obligation of the legal profession as a whole, regardless of gender, in order to maintain a harmonious equilibrium between the literal interpretation of laws and the principles of inclusiveness and equity. Although notable advancements have been achieved, the future trajectory necessitates ongoing attentiveness, persistent promotion, and an unrelenting dedication to guaranteeing that every perspective inside the legal field is acknowledged and listened to. The narratives of these exceptional women not only provide inspiration but also serve as a compelling impetus for collaborative efforts, compelling us to expand upon the groundwork they have established and strive towards a more comprehensive legal landscape.

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# Review on Distinguished Women Lawyers: An Examination of their Historical Quest for Acknowledgment in India

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**Abstract:** *The present essay examines the trajectory of women's representation in the legal profession in India. The significance of the Legal Practitioner's (Women) Act of 1923 lies in its role in facilitating the inclusion of women within the legal profession. Nevertheless, the Act encountered opposition. A significant number of women who possessed a law degree were prohibited from continuing their legal profession. In the year 1916, Regina Guha submitted her case to the jury with the intention of gaining admission into the legal profession. Likewise, Sudanshu Bala Hazra and Cornelia Sorabji encountered challenges in their pursuit of a career in the field.*

*The Allahabad High Court ultimately granted Cornelia Sorabji admission as a legal practitioner, so facilitating the inclusion of women in the field and contributing to the enactment of the Legal Practitioner's (Women) Act of 1923. However, it is necessary to consider whether the Act was sufficient to bring women into the legal profession. The underrepresentation of women in the legal profession across different courts and firms indicates that there is still a significant distance to cover before women are really acknowledged in this field. Nevertheless, it is imperative to acknowledge the significant contribution made by women who served as the primary catalyst for the emergence of women in this particular field.*

**Keywords:** Cornelia Sorabji, Legal Profession, Legal Practitioner's (Women) Act, Regina Guha, Sudanshu Bala Hazra, Women Lawyers

## I. INTRODUCTION

The legal profession in India has been marked by the historical challenges faced by women in their pursuit of professional participation. The pursuit of institutional recognition persisted until the enactment of the Legal Practitioners (Women) Act, XXIII of 1923. Nevertheless, the Act did not fundamentally alter the status of women; instead, it just provided a means for women to enter the profession. The ongoing battle for recognition persists, as there is a scarcity of women who have achieved the highest positions in the legal profession, indicating that it was predominantly a male sphere.

The legal profession has consistently been regarded with utmost respect. The necessity of law in upholding modesty and decency during the use of powers is accorded paramount importance. The importance of law lies in its necessity for comprehensive comprehension, elucidation, and contemplation in order to ensure its accessibility to society through the efforts of knowledgeable scholars. In India, women have encountered opposition from their male colleagues in practicing law as a method of serving the nation since the establishment of contemporary legal systems under colonial control. Nevertheless, a substantial opposition to these concepts commenced solely during the initial half of the 20th century. The need for knowledge prompted women in India to engage in other domains, and a comparable inclination to challenge prevailing societal norms was evident within the legal profession.

This research aims to comprehend the challenges faced by female lawyers, utilizing secondary data, while they endeavored to establish their presence in the legal field. The primary sources of information regarding the challenges faced by women in their professional endeavors are derived from tales of diverse cases, as well as their biographies and autobiographies, which provide detailed accounts of their experiences.

### **Historical traces of the legal profession during the Colonial Era**

Prior to the establishment of the Mayor's Court in 1726, the three Presidency towns lacked any legal practitioners. Despite the establishment of these Mayor's courts, there was a lack of laws regarding the qualifications necessary for individuals to become legal practitioners. The responsibility for regulating this problem was entrusted to the courts. The Charter of 1774 was enacted in response to the unhappiness with the Mayor's court. This charter played a significant role in the advancement of the legal profession and facilitated its organization. The establishment of a Supreme Court of Judicature in Calcutta was facilitated by this charter, resulting in the abolition of the Mayor's Court.

The establishment of the Sudder Courts took place at the 'moffussils'. The legal practitioners from India who were in attendance at the Sudder Court were commonly known as Indian 'Vakils'. In 1862, when the High Courts were established, the term "Vakil" referred to an individual who had completed legal education at a university and successfully passed the High Court Vakils' examination. Later on, the term 'vakil' referred to a university graduate who holds an LL.B. degree. An advocate with a degree who is capable of independently handling work on both the Appellate and Original sides.

The introduction of Bengal Regulation VII of 1793 aimed to enhance the standard of pleading in the Sudder Courts. The aforementioned regulation solidified the status of pleading as a reputable occupation. A professional fee was implemented, and Vakils were prohibited from accepting any amount over the approved limit. The individuals were prohibited from engaging in legal proceedings in any court other than the one in which they were designated. Vakils were required to carry out the 'Vakalatnama', which is a document completed by the party or client to grant authorization to a Vakil who would act as the client's representative in the case.

In 1858, when the British Government assumed control of the East India Company's territory, it abolished the distinct system of Supreme Court in the Presidencies and Sudder Courts in the moffussils. Conversely, the High Court is positioned at the highest level. A consolidation of the Supreme Courts and the Sudder Courts resulted in the establishment of these High Courts. The Legal Practitioners Act of 1879 established the criteria for admitting Vakils to practice in the High Court. Similarly, the Regulations for the Zilla (district) courts specified the conditions for the pleaders, so differentiating between the Vakils and pleaders. The legal practitioners were categorized into six categories following the founding of the High Court. These grades include Advocates, Attorneys (Solicitors), Vakils of High Courts, Pleadings, Mukhtars, and Revenue Agents. The Legal Practitioners Act of 1879 effectively consolidated all six levels of the legal profession within the purview of the High Courts. The Legal Practitioners Act, along with the Letters Patent of the High Courts, served as the primary legislative framework governing legal practitioners in the lower courts of the nation until the Advocates Act of 1961 was passed.

The struggle during early 20<sup>th</sup> Century: Regina Guha and Sudhansu Bala Hazra

The traditional perception of the legal profession as exclusively male was called into question in 1916 when Regina Guha, upon completing her Bachelor of Law degree at Calcutta University, applied to be admitted as a pleader in the Alipore District Court. The application was expeditiously declined due to the exclusive admission of male individuals as pleaders. In 1921, Sudhansu Bala Hazra posed a second challenge to the legal profession. However, in the same year, Cornelia Shorabji achieved the distinction of being the first woman to be admitted as a pleader at the Allahabad High Court. The simultaneous challenge ultimately resulted in the modification of the Legal Practitioner's Act, resulting in the enactment of The Legal Practitioners (Women) Act in 1923. The ban on women practicing law was abolished by this act.

In this particular setting, two acts hold significance. The legislations in question are the Legal Practitioners' Act of 1879 and the Legal Practitioners' Act of 1884. Under the jurisdiction of the High Courts, the Act of 1879 consolidated six degrees of legal practitioners, namely Advocates, Solicitors (Attorneys), Vakils, Pleadings, Mukhtars, and Revenue Agents, into a unified system. The Act of 1884 granted the High Courts the authority to establish regulations, with the prior approval of the Provincial Government, regarding the eligibility and admission criteria for individuals to become Advocates. These regulations authorized the High Courts to appoint as many Advocates as they saw appropriate. In the present situation, it is imperative to take into account the Act of 1879. It is stated that those who are admitted as 'vakil' in the High Court are also permitted to practice in the lower courts and revenue offices within the local boundaries of

the appellate jurisdictions of those courts. Nevertheless, it was imperative to adhere to the regulations pertaining to the linguistic manner in which the court and office were to be communicated by both the litigants and the tax agents.

This section provides clarification on the locations where advocates can register and engage in practice. It is noteworthy that while the Advocate or Vakil is referred to as a 'person', women were not encompassed by this designation. According to the High Court, women were not allowed to be registered as Vakils or Pleaders in any lower court because the term 'person' exclusively encompassed men. The Calcutta High Court and Patna High Court rejected the appeals of Regina Guha and Sudhanshu Bala Hazra on the precise basis mentioned.

Regina Guha derives her ancestry from Jewish Bengali heritage. Following the successful completion of her Bachelor of Law degree at Calcutta University in 1916, Guha submitted an application to be admitted as a legal practitioner at the Alipore District Court. Her application was scheduled to be reviewed by a special panel of five judges from the Calcutta High Court. This was because it was the first time a woman had applied to become a lawyer. Several arguments opposing Regina's cause hold significance within this particular setting. One of the judges stated that The Legal Practitioners Act made no reference to women. Furthermore, the Legislature also failed to take into account the inclusion of women as legal practitioners. Based on the aforementioned argument, it is evident that the interpretation of many laws, the stance of the legislature, and the societal composition of the country contradicted Regina Guha's eligibility. A specific excerpt from the Regina Guha vs Unknown case, which took place on August 29, 1916, holds considerable significance. According to the statement, the significance of the 'person' factor was deemed insignificant in granting women admittance as pleaders in the courts. In this particular instance, the General Clauses Act of 1868 (I of 1868), which stipulated the inclusion of females within the masculine gender, was not duly acknowledged. It has been argued that the inclusion of terminology such as 'he' and 'his' in the Legal Practitioner's Act implies that the Legislature intended for individuals to exclusively practice as pleaders. Due to the historical exclusion of women from the legal profession, the court lacked certainty regarding the suitability of women for this occupation.

Despite comprehending the etymological validity of the term 'person', which encompasses both genders, the judges were unwilling to introduce any novel ideas. A comparable incident had occurred in Britain three years prior to the Regina Guha Case. The Law Society declined the application of Gwyneth Bebb, Karin Costelloe, Maud Ingram, and Frances Nettlefold to take the preliminary examinations for the purpose of becoming solicitors, based solely on the argument that women do not meet the eligibility criteria for solicitorhood. In the case of Bebb vs Law Society, four women unsuccessfully challenged the inclusion of women in the definition of 'person' as stated in the Solicitor's Act of 1843.

Dr. Judith Bourne thinks that the verdict of the case was entirely detrimental to women's rights. The Bradwell vs Illinois case (1873) exemplifies the deliberate exclusion of women from the legal profession. Myra Bradwell sought permission to join the Illinois Bar, but the judges informed her that the inherent timidity and delicacy associated with femininity were not suitable for many civil occupations. They emphasized that women's primary purpose and duty were to serve as wives and mothers, making the distinction between private and public life a matter of divine decree.

These seemed futile challenges eventually yielded results. Shortly after the Bradwell vs Illinois case, the Illinois Legislature granted women the right to join the bar, a precedent that was subsequently adopted by other states in the United States. The Bar of Ontario in Canada granted permission for women to enter the profession in 1897. A similar occurrence took place in India. The legal profession encountered its first challenge in 1916, and within a span of five years, it encountered its second challenge from Sudhanshubala Hazra.

In order to balance her responsibilities as the headmistress of the kindergarten department at Ravenshaw Girl's School, Sudhanshubala Hazra pursued her legal studies at Ravenshaw College, attending evening classes. Hazra encountered challenges during her Law examination. In the year 1917, the initial application of the individual in question was switched from Calcutta University to Patna University without her knowledge, resulting in a swift rejection. However, her second application was accepted by Calcutta University in 1918 after careful study. Her merit was demonstrated through her successful completion of the preliminary law examination in 1919 and intermediate legal examination in 1920. Prior to the final examination, a nationwide non-cooperation movement had emerged. Hazra had to overcome the obstacles posed by the pickets placed outside the examination hall of Calcutta University in order to demonstrate her commitment to pursue law. She believed that her actions were motivated by a desire to benefit the future women who would pursue this profession.

Nevertheless, the attainment of a Bachelor of Law degree in 1921 proved insufficient to propel her into the legal profession. Sudhanshubala Hazra submitted an application to attend the Patna District Court as a lawyer. The Patna High Court had to review Hazra's application, similar to the Regina Guha Case. The judges of the Patna High Court rendered a like verdict to that of the Regina Guha Case. The case of 'Miss Sudhansu Bala Hazra vs Unknown on 28 November, 1921' (Sudhanshu Bala Hazra case) reaffirms that only the male individual was acknowledged as a party participating in the legal proceedings. Pleaders were initially acknowledged by Regulation VII in 1793, and since then, no female has been permitted to serve as a pleader.

Nevertheless, two notable distinctions exist between the Regina Guha case and the Sudhanshu Bala Hazra case. The Sex Disqualification (Removal) Act of 1919 was enacted in England, thereby granting women the opportunity to pursue careers in the legal profession. In 1921, the Allahabad High Court granted Cornelia Shorabji permission to work as a lawyer. While upholding the Legal Practitioner's Act, the Patna High Court acknowledged the advancements and acknowledged the necessity of revising the statute.

A comprehensive initiative was initiated to revise the Legal Practitioner's Act. In contrast, Cornelia Sorabji expressed the view that it was imperative for 'Purdah ladies' to have female practitioners, while Sudhanshubala Hazra shared a similar perspective. The incapacity of 'Purdah ladies' to educate male practitioners, resulting in their vulnerability to deception and corruption, provided a suitable opportunity for female practitioners to emerge. Hari Singh Gour, a lawyer, educationist, and social reformer, quickly joined the campaign. According to historical records, Hari Singh Gour held membership in the Central Legislative Assembly. Narayan Malhar Joshi, a Trade Union Leader and co-founder of the All-India Trade Union Congress alongside Lala Lajpat Rai, played a significant role in ratifying various important agreements. A resolution was proposed by Joshi in February 1922 with the aim of amending the Legislative Assembly Electoral Rules. The proposed amendment sought to eliminate the requirement of sex disqualification for individuals seeking registration on electoral rolls. Perceiving this as a favorable occasion to implement more modifications, Hari Singh Gour revised Joshi's resolution by proposing another resolution to eliminate the legal disqualification based on sex. Nevertheless, Dr. Hari Singh retracted his amendment after receiving assurance from Sir William Vincent, the Home Member, that input will be sought from various sources such as local governments, High Courts, Oudh Bar Association, the general public, and professional bodies about the inclusion of women in the legal profession. The plan elicited a range of opinions. Insufficient progress in women's education was highlighted by the Allahabad Bar Library, while the Oudh Bar Association expressed support for the aforementioned proposition. Numerous arguments were presented in support of the idea. It has been suggested that women were granted admission to the Bar in England and other European countries, and it is recommended that India adopt a similar approach. Essentially, the inclusion of female practitioners was necessary to symbolize the 'purdah nashin' women who wear veils. Nevertheless, following numerous arguments both in favor of and against the exclusion of women from the legal profession, the Government of India approved the Bill on March 21, 1923, which subsequently became law on April 2, 1923. The enactment of the Legal Practitioner's (Women) Act established the principle that women cannot be excluded from being admitted or enrolled as legal practitioners or from practicing as such solely based on their gender. Hazra was registered in the Patna High Court following the enactment of the 1923 Act, however, Regina Guha did not witness the Act's passage. The endorsement of Cornelia Sorabji and the enactment of the Legal Practitioner's (Women) Act promptly resulted in the necessary transformation.

### **First woman to be accepted in Court: the case of Cornelia Sorabji**

Cornelia Sorabji, the inaugural female counsel in India, encountered significant challenges throughout her foray into the legal sphere. Cornelia's father, acknowledging her early intellectual aptitude, provided encouragement for her pursuit of higher education. She achieved the distinction of becoming the inaugural female graduate of Bombay University. Despite her exceptional performance on her college examination, which would have facilitated her attainment of a full scholarship for schooling in Britain, she was refused the opportunity solely based on her gender. In order to secure funding, she had to submit a written plea to the National Indian Association, which received a highly positive response. Regrettably, throughout that period, England prohibited women from pursuing a legal education. Cornelia Sorabji's pursuit of a legal education at Somerville College, Oxford was facilitated by her tutor, Benjamin Jowett. Hence, she achieved the distinction of being the inaugural female to pursue a legal education at Oxford University, as well as the

first Indian to pursue studies at any British university. Notwithstanding her successful completion of the exams, she was not awarded a degree.

In 1894, she came back to India and undertook a lengthy voyage in order to get recognition as a lawyer. Cornelia aspired to advocate for the rights of the 'purdahnashin', a group of women who were prohibited from engaging in communication with those outside of their immediate family. While she possessed the ability to prepare their cases, she lacked the capacity to advocate for them in court. Cornelia proceeded to do two consecutive examinations: the LLB examinations administered by the Bombay University, and the pleader examination at the Allahabad High Court in 1899. Although she did not receive official recognition as a Barrister, she was eventually appointed as a Lady Assistant to the court of wards in Bengal in 1904. In her journey, she traversed the regions of Bengal, Bihar, Orissa, and Assam, advocating for the rights and well-being of women and children.

While the legal profession granted women recognition in 1923, Cornelia had previously obtained her acceptance at the Allahabad High Court before to this. However, her enrolment as a Barrister in the Calcutta High Court occurred in 1924. The movement had commenced, albeit gradually. Initially, only a limited number of women entered the profession, but the notion of advocating for others in the court had enlightened several individuals. Following the attainment of independence, the Indian Constitution made concerted efforts to uphold gender equality. The Constitution of the country has facilitated access to a range of educational institutions and professions for women through the implementation of many Fundamental Rights and Directive Principles. The women's lack of fundamental knowledge and awareness hindered their comprehension and realization of these rights.

## II. DISCUSSION & CONCLUSION

The women's significant contributions have not only resulted in the dismantling of the glass ceiling, but have also paved the way for others to follow suit. These women have made significant contributions to the profession of law. At an era when women were not actively encouraged to participate in the public realm, they have successfully navigated their path into the field. They have pursued the field of law during a period characterized by societal disillusionment and admonishment. They remained steadfast and implemented reforms inside the system that prohibited them from practicing as advocates. As society evolved and women became more prevalent, they have made a significant impact in the industry. In addition to their role as advocates, women have also been granted admission as judges, gaining entry into both the High Courts and the Supreme Court. An increasing number of women have shown optimism in pursuing a career in the field, inspired by influential role models.

Since the 1970s, there has been a notable increase in the participation of women in various professional roles, including advocacy, academia, legal assistance, voluntary work, and drafting. In the past twelve years, the legal profession has experienced an increased influx of women pursuing studies in law. However, there exists an imbalance between the number of women entering the study of law and the number of women entering the practice. Women continue to face challenges in their professional endeavors. However, amidst these challenging circumstances, some individuals have emerged who have made significant contributions to the area. During the period following independence, a significant proliferation of Law Firms emerged. These companies were managed by individuals from a single family. The employment of women in such organizations was deemed inconceivable due to the lack of recognition of their abilities. The recognition of women as a valuable human resource in this particular profession was limited due to their association with childbearing and childrearing. The responsibilities associated with parenthood may impede women's ability to sustain their employment and prompt them to seek time off. Consequently, a work culture that is supportive of women did not emerge.

Women aspiring to pursue a career in law lacked mentors to emulate. The introduction of the new legal course facilitated comprehension for women. The duration of the five-year program provided training in the practical application of legal information, enabling individuals interested in this profession to identify their desired field of practice based on their aptitude. This enabled women to pursue a legal education and prompted them to contemplate the potential modifications they may make to the profession.



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# **Review on Women in Legal Profession**

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**Abstract:** *The legal profession has changed significantly in the last several years, with a sharp increase in the proportion of women in its membership. Scholars in the fields of law, sociology, economics, organizational behavior, and legal history have examined many aspects of the feminization of the legal profession. The boundaries of integration and disparity in the professional careers of men and women in the modern legal field are traced in this review. We investigate and evaluate the theoretical justifications for gender disparities in legal education, employment, compensation, promotions, and other areas of the law profession. The impact of women's experiences on the law and the profession is also examined.*

**Keywords:** discrimination, gender, law practice, careers, mobility, and incomes

## **I. INTRODUCTION**

One of the most notable—some have even dubbed "revolutionary" (Abel 1988, p. 203)—changes to the legal profession in the last 150 years is the introduction and increasing representation of women. The admission of women into law poses a number of issues. Have women achieved success in all legal specializations, practice environments, and upper levels of status and influence since being admitted to the profession? In the profession, what barriers to gender equality still exist? How have women lawyers responded to the organizations in which they work, especially when those organizations have been reluctant to change or have outright opposed change (Caplow & Scheindlin, 1990)? More importantly, have the presence and increasing status of women in the legal profession prompted change in either the content of law or the structure and activities of lawyers (Martin & Jurik 1996, Menkel-Meadow 1989a, Shaw 2003, Schultz 2003a).

Through litigation, lobbying, formal appeals to law societies, and occasionally by engaging in legal work outside of professional jurisdictions, women have battled to enter the profession, as historical and comparative research has documented (Bartow 2005, Brockman & Chunn 2002, Mossman 1990, Pue 1999). Several decades ahead of women in other nations, American women set the precedent when they were the first to enter the legal profession in the 1860s. However, this exclusion of women from a number of American law schools persisted until the 1960s (Mossman 2006). The admission of women to the legal profession was only the first step in challenging male exclusivity in the legal profession (Backhouse 1991, Drachman 1995, Latourette 2005). The pursuit of employment was a huge challenge for women. Even women who had attended prestigious law schools were subject to openly practiced employment discrimination, according to early research conducted on lawyers in the 1970s (Epstein 1983). Women who were successful in getting legal work were frequently given opportunities in low-status fields like family law and probate law that were thought to be appropriate for women. They were not granted partnerships, made less money, and were not frequently assigned to the bench (Kanter 1978, Martin & Jurik 1996). Women lawyers continued to experience discrimination and exclusion in a variety of ways far into the twentieth century (Eastman 2004, Mossman 2006, Resnick 1993). Remarkably, the initial wave of women who joined the legal field in the late 19th and early 20th centuries did not usher in a new wave of female professionals. Instead, for the majority of the first half of the twentieth century, women's entry into law remained a trickle (White 1967). Only during the 1970s have women's admission rates increased most dramatically (Abel 1985, Kinnear 1992). In the United States in 1970, women made up 8% of all law school applicants. Women in law school had almost reached parity with men by 2006 (Wilder 2007, p. 6). Similarly, only 1 in 20 law firms in Canada in 1970 were women. According to the Canadian Bar Association (2005, p. 14), one out of every three lawyers was a woman in 2005, with the majority being under 35. Many nations saw a similar substantial increase in the number of women entering the legal profession. According to Carson (2004), women make up about 30% of the legal profession in the United States and 36% in Canada (Law Society of Upper Canada 2006). In

some other nations, such as Finland (43%) and France (45%), the percentages are even higher (Boigeol 2003, Schultz 2003a, Silius 2003).

The status of women in the legal profession has changed significantly since the publication of Cynthia Fuchs Epstein's seminal book *Women in Law* in 1981. Women are now represented in law in greater numbers than they were in the 1970s, with advancements in all areas of the profession, elite firm partnerships, the bench, and bar governance. With women reaching a critical mass and their presence in circles of power facilitating reform and creativity in the field, the legal profession has entered a dynamic era. Several current gender dynamics in the legal profession are examined in this review. The first two sections of our analysis focus on the early phases of professional formation, including women's experiences in law school, career entry and hiring practices, and persistent sex-segregation trends in the legal profession. Next, we look at gendered experiences of legal work, particularly discrimination, sexual harassment, and work/family conflict. Next, we assess the gender disparities that exist now in terms of wages, promotions, upward mobility, the emotional life of lawyers, and legal exit strategies. Lastly, we evaluate how women have impacted the legal profession in terms of substantive law and legal practice styles.

### **LEGAL EDUCATION**

There is strong evidence that the experiences of women in law school are not the same as those of men. The question of whether the patterns have continued in more recent times still stands, though, as several of these studies are from the late 1980s or early 1990s.

Numerous studies indicate that a significant portion of women experience sexual harassment, gender-based discrimination, and disparagement at the hands of male peers or faculty. According to a survey of students at nine Ohio law schools, 31% of women had experienced gender-based discrimination, and 19% had experienced sexual harassment (Krauskopf 1994). 43% of female survey respondents at a midwestern law school claimed that their professors stereotyped women (Wilson & Taylor, 2001); 53% of women at Harvard Law School thought that the faculty discriminated against women (Granfield, 1992). More than 40% of women who participated in a survey conducted by a number of law schools said that their professors either used or accepted offensive humor (Banks 1988, Wilson & Taylor 2001). In one law school, 66% of women also reported harassment and aggression from male students (Wilson & Taylor 2001). On the other hand, 80% of women at a different law school stated that gender had little to no impact on interactions in the classroom (Garrison et al. 1996). The professional socializing that occurs throughout law school may be another cause of stress for female students. Similar to other professional training programs, law school creates changes in students' attitudes and preferences as well as their habitual cognitive processes by introducing them to the professional community and its status structure (Mertz 2007). Students experience a shifting sense of identity as they become conscious of these changes. While nearly every student finds this process unsettling in some way, women may find it particularly so as the required adjustment may be more pronounced. According to Guinier et al. (1994) and Weiss & Melling (1988), women are more likely than men to start law school with self-concepts and values that are at odds with the analytical, adversarial, and competitive standards of the legal profession. There is evidence that women experience more personal change while in law school, which is consistent with this viewpoint. According to a study conducted by Janoff (1991) on first-year law students at one law school, women tended to prioritize relationships and caring at the beginning of the year while men prioritized individuality and rights. By the end of the year, women's responses were indistinguishable from men's. Women are more likely than men to plan to work in government or the public interest rather than a private firm, and they are more likely than men to enter law school with the motivation to serve others or advance social justice (Carroll & Brayfield 2007, Garrison et al. 1996, Guinier et al. 1994, Homer & Schwartz 1989, Krauskopf 2016).

Their interest in public-sector or public-interest work appears to decline more sharply than men's during their law school study (Guinier et al. 1994, Homer & Schwartz 1989; but see Garrison et al. 1996). This is in contrast to men's (Mattessich & Heilman 1990, Schleef 2000, Teitelbaum et al. 1991). Additionally, studies by Granfield (1992), Homer & Schwartz (1989), and Weiss & Melling (1988) suggest that women are more likely than men to report feeling subjectively alienated from law school, however some find the opposite (Krauskopf 1994).

Though the fact that law students suffer from higher levels of anxiety and depression than other similar populations is comparatively well-established (Dammeyer & Nunez 1999; Pritchard & McIntosh 2003), it is unclear if women

specifically experience higher levels of psychological discomfort. According to survey results, women are more likely than men to report feeling good about their life and experience anxiety, depression, and other distressing symptoms (Garrison et al. 1996, Guinier et al. 1994, Taber et al. 1988). However, inconsistent results are seen in studies utilizing psychological tools that have been validated. While some studies (McCleary & Zucker 1991, McIntosh et al. 1994, Shanfield & Benjamin 1985) find that female law students had higher scores for depression and/or anxiety, other studies (Benjamin et al. 1986, Pritchard & McIntosh 2003, Sheldon & Krieger 2004) do not. Surveys reveal no gender gap in attitudes toward the law school experience, with both men and women reporting satisfaction or positive feelings on average (Krauskopf 1994, Mattessich & Heilman 1990, Taber et al. 1988, Teitelbaum et al. 2014), regardless of whether there is a gender difference in personal distress.

### **DISPARAGEMENT, SEXUAL HARASSMENT, AND WORK/FAMILY CONFLICT: EXPERIENCES OF LEGAL WORK**

A strong gender divide seems to exist in the experiences of practicing law. Many women lawyers experience gender discrimination, including sexist behavior, harassment, degrading remarks, and an unfavorable courtroom environment, according to a number of task force reports and academic studies (Kay et al. 2004, Rhode 2001, Ross et al. 1992, Wilder 2007). The experiences of women are influenced by gender stereotypes and discriminatory practices that negatively impact their access to professional possibilities.

The availability of wide options and choices for men and women lawyers is impeded by persistent gender stereotypes (Coontz 1995, English 2003, Kuo 2005).

Thornton (p. 157, 2019) examines, for instance, how women in law are predominantly defined in "corporeal terms," creating and maintaining prevailing ideas of gender roles. This "binarism is invoked in an endeavor to retain the masculinist character of legal practice," according to her analysis. Epstein (2021) also discovered that employers frequently make assumptions about women that harm women's chances of demanding work and career progression, particularly assumptions about their dedication and motivation. According to Epstein (2021), companies often provide women work assignments and career chances that are less demanding or prominent than those given to men because of their presumptions about the unique personality features of women.

To make matters worse, women lawyers are caught in a catch-22 situation (Rhode 1994, 2001). Women lawyers frequently find themselves in "no-win" situations, regarded as not tough enough to handle business law and the stress of the courtroom but too tough to be easy collaborators and partners. This is consistent with social psychological studies of competence (Foschi 2000), which note that women lawyers "risk appearing too 'soft' or too 'strident,' too aggressive or not aggressive enough." Epstein (1992, pp. 244–45) also notes on this dilemma. According to a number of national polls conducted in the United States, approximately 50% to 75% of female lawyers feel that they are held to greater standards than their male counterparts (Rhode, 2001). In addition, gender inequality undermines the authority of women in law practice. These verbal behaviors diminish women's status or esteem while bringing attention to gender inequality. Disparagement includes calling women "honey" or "sweetie," addressing men by surname or title, making jokes and demeaning remarks about women (Coontz 1995, Czapanskiy 1990), and making comments about how female attorneys dress or appear that diminish their status as professionals in the eyes of litigants, witnesses, and juries. It also includes judges and other lawyers expressing traditional beliefs about the social role and nature of women. Additionally, disparagement includes interrupting female attorneys during their speeches repeatedly. Rosenberg et al. (2003) discovered that women in the private sector, particularly within law firms, were most likely to experience the full brunt of sexism—reporting the coexistence of on-the-job discrimination, disparagement, and harassment (n = 220) in a small-scale survey of lawyers in a midwestern U.S. city (Rosenberg et al. 1993, p. 428). Nonetheless, in contrast to many other studies, the majority of women in Rosenberg et al.'s (1993) study did not practice in big law firms or in important financial and legal hubs, nor did they attend prestigious law schools.

Alternative work schedules (Marks 1990, Rhode 2002, Williams 2002), part-time work (Abella 1990, Nielsen 1990, Uelmen 2005, Williams & Calvert 2002), and flexibility in parental and child care leaves (Cunningham 2001, Weinrib 1990, Wilson 1992) have been advocated in a number of law journal articles. Policies pertaining to workplace family accommodations (such as flex time, compressed work week, flexible place, part-time hours, job sharing, and parental leaves) have been promoted in a plethora of reports by bar associations and law societies (see, for example, Bouchard

2006, Buckley 2006, Canadian Bar Association 1993, Rhode 2001, Wilder 2007). However, individual negotiation—rather than organizational policy—remains the primary means of establishing alternate working arrangements that support family life (Mossman 1994b).

### **Promotion and Upward Mobility**

What is the status of women lawyers in terms of advancement and promotion? The majority of the research on this subject has been on law firms, particularly big or prestigious firms that cater to corporate clients. Other legal work environments have been examined in fewer studies.

The move from partnership to pro-motion is crucial in law firms. Law firm partners have historically benefited from job stability, great work autonomy, ownership of equity in the firm, and involvement in firm governance. Partnership is still more rewarding and attractive than other statuses inside law firm organizations, despite the fact that these advantages have diminished in many organizations over the past few decades due to the increased competition in the market for legal services. It is evident that there are not enough women in partnership roles. According to the National Association for Law Placement (2007), women made up 18.3% of partners in major U.S. law firms in 2007, compared to 45% of associates. Though the rate of change has been gradual, women now make up more and more company partners than they did in 1993 (12.3% of partners). Similar to how it is in law firms, women's representation among law school faculty decreases as they move up the ranks. During the 1999–2000 academic year, women made up 22% of full professors, 48% of assistant professors, 46% of associate professors (a status that typically does not carry tenure in law schools), and 69% of instructors and lecturers (Neumann 2000). Compared to 1986–1987, when women made up 34% of tenure-eligible faculty and 11% of tenured professors, this is an improvement for tenure-track faculty (Chused 2017).

The third explanation is that women do not have the social networks and cultural orientations necessary to establish and preserve connections with clients and other lawyers. In fact, Kay & Hagan (1998) discovered in a 1990 survey that women performed worse than men on measures of cultural capital (propensity to value goals outside the firm versus sharing firm values) and social capital (professional activities, association memberships, client origination, and representation of corporate clients). A considerable gender discrepancy persisted even when the social and cultural capital indicators were taken into account. This explanation accounted for around one-third of the impact of gender on lawyers' partnership pro-motion probability, net of marital and parental status, hours and weeks worked, leaves taken, and metropolitan location. Six years later, in 1996, the same sample was surveyed again, and this time, association memberships and representing institutional clients were found to be partially responsible for the gender difference in partnership probability (Kay & Hagan 2007).

### **GENDER-WISE INCOME GAP**

Studies on the pay of lawyers typically show that women make significantly less than men. The average salary gap between men and women is between 52% and 64%. This gap narrows but doesn't go away when factors like law school status, academic standing, labor supply, practice setting, specialization, hours worked, family status, and social capital measures (like social networks and family background) are taken into account (Dixon & Seron 1995, Hagan 1990, Hersch 2003, Huang 1997, Kay & Hagan 1995b, Laband & Lentz 1993, Robson & Wallace 2001, Wood et al. 1993).

Are salaries for lawyers generally significantly different between genders in other professions? Baker (2002) examined the relative financial benefits for women holding four professional degrees: doctorates in social science and psychology, law, medicine, and MBAs, using data from a national survey of college graduates conducted in 1993. According to Baker's research, men's age-earnings profiles are significantly steeper throughout professional degrees than women's. Men who graduate from law school are anticipated to make around 14% more money than women over the course of a legal career. However, compared to female professionals in other sectors, a female law degree has a higher overall rate of return. In comparison to other professional sectors, Baker (2002) found that the legal profession continues to be very appealing to women in terms of labor market participation, career re-entry, incomes, and returns on schooling.



### **HAVE WOMEN MODELED LEGAL PRACTICE MODES OR SUBSTANTIVE LAW?**

Both academics and political activists have speculated that the inflow of women into the legal profession may result in a change in the nature of substantive law and the way law is practiced. Expectations that women's legal thought and behavior would differ from men's have typically been based on one or both of two theories: that women judges and attorneys have a stronger feminist consciousness, or that they approach legal matters from a different moral perspective. According to the feminist awareness view, women judges and lawyers are more likely to have an impact on legal issues that concern women's interests or that include female clients or litigants. One interpretation of this perspective holds that female judges and attorneys see themselves as speaking for all women and, as such, have a unique duty to take action to lessen the disadvantages that women experience (Allen & Wall 1993, Martin 1993, Segal 2000). In a slightly different version, women should be more conscious of the unequal treatment of women and more willing to reject cultural norms and laws that favor men over women because of their experiences as subordinate and less powerful women in the larger societal system of gender relations. It appears that while considering their legal positions, judges and attorneys draw from distinct backgrounds and experiences. Women judges were more likely than their male colleagues to have faced sex discrimination and conflict between their work and home responsibilities, according to a survey of federal judges appointed by President Carter (Martin 1990). The majority of 693 women state court judges surveyed in 1987 felt that "women have certain unique perspectives and life experiences, different from those of men, that ought to be represented on the bench"; over 50% also felt that "women judges are probably more sensitive to claimants raising issues of sexual discrimination than are men" (Martin 1993). Martin et al. (2002) examined a 1988 survey of Florida judges and attorneys and discovered that women reported experiencing sexual harassment and gender disparagement more often than did men. Additionally, traditional stereotypes of women, prescriptive norms for women's behavior, and legal presumptions favoring men in cases of domestic abuse and property division during divorce processes have been more forcefully rejected by women judges and lawyers. Lastly, there was a larger correlation for women between the perceptions of judges and attorneys on gender stereotypes and roles and their observations of sexual harassment and gender disparagement. This suggests that the perspectives of these professionals were influenced by their own experiences. Significant evidence also suggests that female judges are more likely than their male colleagues to make decisions that support women's interests in the legal system. Allen & Wall (2003) discovered that female judges on state supreme courts in the United States were more likely to side with the woman in matters pertaining to child support, sex discrimination, sexual assault, birth control, and property settlement in divorce cases. Women lawyers might be influenced by an ethic of care to refrain from engaging in too aggressive or dishonest legal conduct that could violate the ethics of the profession. Hatamyar & Simmons (2004) discovered that women were disciplined less frequently than men in comparison to the total number of state lawyers after analyzing data on disciplinary processes involving lawyers in 2000. All categories of disciplinary infractions (such as incompetence, conflicts of interest, misuse of client property, improper litigation behavior, etc.) also showed this gender gap. Sadly, the researchers' data did not allow them to account for the unique traits of lawyers who were and were not disciplined.

### **II. CONCLUSION**

With recent figures surpassing 35% in the profession and 50% in North American law schools, women's significant representation in the legal field is a relatively modern occurrence. There has been progress. A growing number of women are seeking legal education; in many law schools, they are reaching and surpassing parity with men, and recent cohorts of women are finding employment in equal numbers to men across a range of practice settings and firm sizes. Despite the fact that sex segregation no longer exists as a massive male or female dominance within specialty, gender disparities still exist across substantial practice areas. However, gender disparities become more evident when it comes to career mobility, particularly when discussing partnerships in law firms, promotions in diverse contexts, and ensuing recruiting or job changes. In addition, there has always been a sizable pay difference between men and women who practice law. Men in the profession still have to deal with gender stereotypes and discriminatory practices that harm both genders. Despite the fact that overt discrimination appears to have decreased, sexual harassment still exists, and women still face unfavorable professional consequences connected with motherhood as well as the profession's inability to accommodate family commitments. Career satisfaction levels seem to be comparable across men and women, despite the fact that women and men to a lesser extent seem to be well aware of gender prejudice in the

profession. Certain components of happiness give rise to gender inequalities; women are less content with their work/life balance, pay, job security, recognition for their efforts, and opportunities for promotion. It appears that women may process their dissatisfaction differently (by internalizing negative feelings or by changing jobs), possibly as a result of gender socialization or the formation of their gendered professional identity in law, even though research does not support the idea that women value different aspects of their work. It should come as no surprise that women are more inclined to change careers or leave the profession altogether given the unfavorable working environment and obstacles to career advancement. Women are breaking past the "glass ceiling" and, through leadership roles within firms and organizations, challenging conventional career models and developing new, creative workplace arrangements and policies, despite evidence of gender inequities. Substantive law and judicial decision-making have been impacted by women judges and lawyers, though maybe not because of a "different voice" or gendered approach to legal reasoning.

As women advance to the highest levels of practice and reach a critical mass of power, new concerns surface. Will the remaining institutional barriers to genuine gender equality in the legal profession be effectively dismantled by men and women? Will the next generation of women (and men) lawyers push for changes to workplace policies that would allow for greater diversity in the legal profession and better work/life balance? What part will women lawyers play in the evolving legal profession in terms of alternative conflict resolution methods, increased legal technology use, changing legal practice jurisdictions, judicial decisions, and substantive law reform? The growing body of academic research on gender discrimination in the legal profession shows how gender inequality and discrimination are evolving. A growing push for improved gender equality in the legal profession coexists with the persistence of barriers and opposition to change.

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# Review Paper on Influential Female Lawyers From Various Regions of India with Reference to their Landmark Cases

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**Abstract:** *Women in India have achieved significant advancements in the legal profession, successfully overcoming gender obstacles to attain the highest positions in their industry. This article focuses on the 10 notable and significant female lawyers who are presently engaged in legal practice inside the nation. Their achievements exemplify the ability of women to excel in the legal setting and effectively compete with their male counterparts. The remarkable accomplishments of these pioneering legal figures serve as a source of motivation for any ambitious young women contemplating a profession in law. Despite the persistent obstacles encountered by women within the predominantly male Indian legal system, the notable achievements of these remarkable lawyers serve as evidence that barriers to advancement can be overcome. Their narratives warrant retelling in order to inspire forthcoming cohorts of women to strive for greatness and actualize their capabilities.*

*This paper focuses on the influential female lawyers from various regions of India who have made significant contributions to enhancing the country's judicial system. They defied obstacles and disregarded the assertion that women were ineligible for a career in law..*

**Keywords:** Legal profession, career in law, influential women lawyers, challenges, legal practitioners

## I. INTRODUCTION

Following is the compilation of influential and inspiring women lawyers from various regions of India who have significantly contributed to enhancing the nation's legal system. They defied obstacles and disregarded the assertion that women were ineligible for a career in law.

### Indira Jaising

Indira Jaising was born in Bombay, India, on June 3, 1940. She was raised in an era when only a small number of women chose to pursue professions in law. However, Indira shown a strong resolve to overcome gender restrictions. Following her graduation from the University of Bombay in 1962, which is now known as the University of Mumbai, she commenced her legal profession by working under renowned legal practitioners such as Ram Jethmalani. Indira shown a fervent dedication to employing legal means in her pursuit of justice. Her initial encounters influenced her to emerge as one of India's most esteemed human rights attorneys. Indira persevered in her pursuit of success in the predominantly male legal field, despite facing numerous challenges.

### Professional Background:

In 1966, she commenced her professional journey as a junior to a prominent lawyer such as Ram Jethmalani.

In 2009, she achieved the distinction of being the inaugural female elected as the Additional Solicitor General of India.

In 1981, she co-founded the Lawyers Collective with her husband with the aim of offering legal assistance.

### Prominent Legal Cases:

Indira Jaising played a crucial role in the legal dispute that resulted in the significant ruling in the Vishaka v. State of Rajasthan (1997) case. In response to a petition brought by women's rights groups, the Supreme Court of India established rules aimed at preventing and addressing instances of sexual harassment against women within the



workplace. The Vishaka rules, also referred to as the rules, establish the fundamental principles for tackling workplace sexual harassment in India.

The legal case of Navtej Singh Johar v. Union of India (2018) In India, Indira Jaising played a pivotal role in advocating for the legal decriminalization of homosexuality. In the present case, the Supreme Court rendered a decision to invalidate Section 377 of the Indian Penal Code, which rendered consensual homosexual conduct as criminal offenses. The ruling represented a significant milestone in acknowledging and safeguarding the rights of the LGBTQ+ community within the Indian context.

Indira Jaising played a role in the case of National Legal Services Authority (NALSA) v. Union of India (2014), which led to a significant ruling by the Supreme Court acknowledging transgender individuals as the third gender. The court validated the rights of transgender individuals and mandated the government to implement a range of affirmative measures aimed at safeguarding their well-being and promoting their integration within society.

### **Pinky Anand**

Pinky Anand was born in 1959 in Delhi, situated in India. Since her early years, she was resolute in her aspiration to pursue a profession as a lawyer. Following her graduation from Delhi University in 1982, Pinky commenced her professional career under the eminent legal practitioner Soli Sorabjee. Pinky encountered difficulties in achieving success inside the predominantly male legal field due to her gender. However, she remained undeterred by gender hurdles in her pursuit of her aspirations. Her self-assurance and diligent approach enabled her to establish herself as one of India's most esteemed female attorneys. Pinky's early tenacity molded her into the proficient attorney she is presently.

### **Professional Background:**

Commenced professional training under Soli Sorabjee in 1982.

In 2014, she assumed the position of Additional Solicitor General of India.

In 2007, the individual was designated as a Senior Advocate by the Delhi High Court.

### **Prominent Legal Cases:**

Citizens for Green Doon effectively advocated for the Union of India in a legal dispute about the Chardham project, which entailed the development of a 900 km all-weather road meant to connect four Hindu sites.

The South Indian actress Khushboo is entitled to constitutional rights of freedom and expression. In a landmark ruling, the Supreme Court affirmed the rights of individuals and additionally invalidated 21 instances of defamation.

### **Karuna Nundy**

The birth of Karuna Nundy took place in 1974 in New Delhi, India. Since her early years, she has a clear aspiration to pursue a career in law and champion the cause of human rights. Following his completion of legal studies at Cambridge University, Karuna commenced his professional career at the Supreme Court of India in 1998. Being a young female lawyer, she encountered obstacles in a profession that was predominantly male. Nonetheless, Karuna was resolute in her intention to employ the law as a means to effect social transformation. Her empathy and unwavering commitment to fairness motivated her to pursue matters of public significance. Karuna's formative experiences had a pivotal role in her development as a prominent legal advocate for constitutional rights and liberties in India.

### **Professional Background:**

Commenced legal proceedings at the Supreme Court in the year 1998.

My area of expertise lies in the field of constitutional law and human rights, with a particular focus on Public Interest Litigation (PIL).

The individual consistently offers pro bono legal services.

**Prominent Legal Cases:**

Ms. Nundy makes contributions to the 2013 'Anti-Rape Laws' and the Right to Food Act as part of her legal practice. Additionally, it encompassed advocating for the rights of the individuals affected by the Bhopal gas leak incident. Nundy was engaged in consultation during the formulation of the Verma Committee Report, which was established by the government with the purpose of evaluating India's Anti-Rape Legislation. Despite its initial lack of success, the Report served as a forerunner to the subsequent efforts that led to the enactment of the Criminal Law (Amendment) Act, 2013, sometimes referred to as "The anti-rape bill."

**Meneka Guruswamy**

The birth of Meneka Guruswamy took place in 1971 in New Delhi, India. Since her early years, she had a strong motivation to advocate for the principles of human rights and social justice. Meneka commenced his legal career in India's Supreme Court in 1996, following his graduation from Bangalore's National Law School in 1993. The individual encountered gender bias within the legal profession due to her gender as a lawyer. However, Meneka demonstrated resilience and successfully positioned herself as a prominent constitutional lawyer. Due to her exceptional empathy and astute legal acumen, she emerged as an unparalleled proponent of civil freedoms. Menaka's initial resolve to utilize the law as a tool for safeguarding human rights laid the foundation for her renowned career advocating for liberty and egalitarianism.

**Professional Background:**

Initiated professional engagement at the Supreme Court in 1996.  
Demonstrates expertise in the fields of constitutional law and human rights law.  
I am an instructor of law at West Bengal National University.

**Prominent Legal Cases:**

In the year 2018, Guruswamy provided legal representation to the petitioners involved in the significant Section 377 case at the Supreme Court. This case witnessed a unanimous decision by a five-judge constitution bench to legalize homosexuality.

**Vrinda Grover**

Since her early years, she was profoundly unsettled by acts of injustice and inequity. Following her completion of a law degree at Delhi University in 1982, Vrinda commenced her professional journey as a human rights attorney in 1987. Being a woman, she had obstacles when attempting to enter the predominantly male legal field. However, Vrinda exhibited resolute dedication in her desire to employ legal measures in safeguarding the marginalized. Her compassion and unwavering support established the initial groundwork for her renowned profession as one of India's leading human rights attorneys. Vrinda's formative circumstances served as a catalyst for her enduring pursuit of justice.

**Professional Background:**

Commenced professional career as a human rights attorney in 1987.  
The Multiple Action Research Group was established in 1990 as a human rights group.  
In 2011, the individual was designated as a member of the Upper House of Parliament.

**Prominent Legal Cases:**

Grover has provided legal representation for individuals affected by significant incidents, including the Soni Sori rape-torture case, the 1984 anti-Sikh riots, the 1987 Hashimpura police killings, the 2004 Ishrat Jahan case, and the 2008 anti-Christian riots in Kandhamal.

She had a significant role in the development of the 2013 Criminal Law Amendment, which aimed to address sexual assault. Additionally, she contributed to the creation of the Protection of Children from Sexual Offences Act in 2012 and the Prevention of Torture Bill in 2010. These bills were designed to provide protection against Communal and Targeted Violence.

**Rebecca John**

Rebecca John's birth took place in Kerala, India in the year 1958. Since an early stage in her life, she possessed a strong enthusiasm for social justice. Rebecca commenced her criminal legal practice in 1983 after completing her law degree at Delhi University in 1980. Being a female lawyer, she encountered gender bias in the predominantly male-dominated field. However, Rebecca persisted, motivated by her unwavering principles and aspiration to safeguard essential rights. She expeditiously solidified her reputation as a lawyer driven by ethical principles, assuming contentious legal matters. Rebecca's initial resolve to safeguard civil freedoms established the groundwork for her extensive tenure as a well regarded proponent of human rights.

**Professional Background:**

Commenced legal proceedings before the Delhi High Court in 1983.  
Renowned for proficiency in criminal law and the protection of inmates' rights.  
Participated in multiple law reform committees.

**Prominent Legal Cases:**

She acted as the legal representative for the juvenile who was found guilty in the gang rape case on December 16, 2017. The court confirmed his guilt, however, the sentence was shortened from 3 years to around 2 months that had already been served.  
The individual in question has been involved in prominent legal proceedings, including the Hawala scam case of 1996, the Anti-Sikh riots case of 1984, and the Hashimpura Massacre case of 1986.

**Zia Mody**

Zia Mody's birthplace is Mumbai, India, on the year 1956. Since her early years, she had a strong desire to become a prosperous attorney. Upon completing her legal studies at Cambridge University in 1978, Zia subsequently returned to India with a resolute determination to establish a prominent presence within the legal domain. Being a woman, she faced gender bias while working in a profession that was predominantly male. But Zia persisted and ascended to the pinnacle through diligent effort and unwavering commitment. In 2004, she was a co-founder of the law firm AZB & Partners. Zia's initial aspirations and unwavering determination laid the foundation for her distinguished profession as one of India's most renowned corporate advocates.

**Professional Background:**

The law firm AZB & Partners was co-founded in 2004.  
Holds positions on the boards of multiple prominent corporations.  
Regarded as one of India's most influential female entrepreneurs.

**Prominent Legal Cases:**

In the year 2018, she provided legal support to Chanda Kochhar, the CEO of ICICI Bank, during an inquiry panel that was examining allegations of quid-pro-quo in relation to a loan provided to the Videocon group. Kohlhar tendered his resignation in October 2018.  
In 2022, Mody acted as the legal representative for Hindenburg Research, a US short seller, in a legal dispute with Adani Group. The dispute revolved around accusations of stock manipulation and accounting fraud against Adani.

**Sudha Bharadwaj**

In 1961, Sudha Bharadwaj was born in Massachusetts, United States of America. Since an early stage in her life, she was motivated to combat instances of injustice and inequity. Following the completion of her law degree in Bangalore in 2000, Sudha commenced her legal profession in Chhattisgarh in 2002. She encountered obstacles as a female attorney and advocate in a field predominantly occupied by men. However, Sudha remained resolute in her endeavor to utilize legal means in order to empower marginalized individuals. She played a key role in the establishment of a labor

organization and offered legal assistance to workers, farmers, and minority groups. Subsequent to her formative experiences, Sudha developed a strong commitment to advocating for human rights in the region of Chhattisgarh.

**Professional Background:**

In 2002, I commenced my legal profession in the state of Chhattisgarh. Chhattisgarh Mukti Morcha workers' union was established. Apprehended in 2018 based on accusations of affiliations with Maoists.

**Other:**

Sudha Bharadwaj has been incarcerated for nearly three years in the Bhima Koregaon case, which is widely known. Out of the total of 16 individuals who were apprehended in relation to human rights, 13 were incarcerated, while only Bharadwaj and Varavara Rao were granted bail.

**Flavia Agnes**

Flavia Agnes was born in Mumbai, India in 1953. Since her early years, she was deeply affected by the inequities experienced by women in society. Following the completion of her law degree in 1974, Flavia began actively promoting women's rights and lobbying for legal reforms. Being a female lawyer, she faced opposition in a profession that is predominantly male. However, Flavia persisted, resolute in her intention to utilize the law as a tool to elevate women. In the 1990s, she established the group Majlis with the purpose of offering legal assistance to suppressed women. Flavia's initial encounters as a champion for women's rights influenced her ongoing struggle for gender equality.

**Professional Background:**

The group Majlis was established in 1990 with the objective of offering legal assistance to women. An innovator in legal reforms aimed at safeguarding women's rights. In 2005, the individual was appointed to the Sachar Committee.

**Prominent Legal Cases:**

In the aftermath of the Shah Bano case in 1985, Flavia Agnes actively opposed the regressive amendments made to the Muslim Women (Protection of Rights on Divorce) Act of 1986. The case brought forward concerns pertaining to the provision of financial support for divorced Muslim women.

**Meenakshi Lekhi**

The birth of Meenakshi Lekhi took place in 1968 in New Delhi, India. Since her early years, she had a strong desire to become a lawyer and advocate for justice. Following her completion of a law degree at Delhi University in 1990, Meenakshi commenced her professional career in the Supreme Court. Being a young female lawyer, she encountered obstacles in a profession that was predominantly male. However, Meenakshi exerted considerable effort to demonstrate her abilities and dedication to safeguarding rights. She represented individuals affected by calamities such as the 1984 riots. Meenakshi's unwavering resolve to overcome challenges at an early stage laid the foundation for her subsequent legal profession and political trajectory.

**Professional Background:**

commenced legal career in the Supreme Court in the year 1990. From 2014 until 2017, held the position of Additional Solicitor General of India. In 2014, the individual was elected as a Member of Parliament representing the New Delhi seat.

**II. CONCLUSION**

Women lawyers must assume an equitable and significant part in the advancement of a progressive society. Enhancing the conventional position of female lawyers is an essential initial measure in their daily endeavors. In order to facilitate

the active involvement of women in the legal profession. One primary objective is to facilitate a qualitative enhancement in the involvement of female legal practitioners.

The issues of women's rights and gender equality continue to be urgent concerns in India, as women encounter diverse manifestations of prejudice and aggression. Nevertheless, there have been notable advancements in recent years, such as the active participation of legal professionals advocating for women's rights in advancing gender parity and fairness.

The legal profession in India has witnessed notable progress for women, who have effectively surmounted gender barriers to gain prominent positions within their field. This article centers on the 10 prominent and influential female lawyers currently involved in legal practice inside the country. The aforementioned accomplishments serve as a prime illustration of women's capacity to thrive within the legal domain and effectively engage in competition with their male colleagues. The extraordinary achievements of these trailblazing legal pioneers provide inspiration for any ambitious young lady considering a career in law. Although women face ongoing challenges in the largely male Indian legal system, the amazing accomplishments of these exceptional lawyers provide proof that obstacles to progress may be surmounted. The recounting of their histories is necessary to motivate future generations of women to pursue excellence and realize their potential.

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# Study on Enhancing the Status of Women in the Legal Profession in Post-Independence India

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**Abstract:** *This study examines the phenomenon of women's empowerment within the judiciary sector through their engagement in legal practice within the workplace. Women epitomize sacrifice, love, forgiveness, gentleness, and tolerance. She is a compassionate and nurturing mother who consistently bestows favors upon her children. The primary objective of this article is to promote inequality. Women's empowerment has become a prominent concern in the 21st century. The issue of women's empowerment is currently gaining significant attention in India. The Indian Constitution prohibits any form of gender-based discrimination. The inclusion of women in the legal system was only facilitated through prolonged legal disputes, and even during this period, their representation in the courts remained limited until the conclusion of the 20th century. Women actively engage in challenging prevailing customs and societal norms as a means to effectively enhance their overall well-being.*

**Keywords:** women empowerment, legal profession, legal system

## I. INTRODUCTION

Women hold a distinctive place in contemporary society, and their significant role in advancing social growth and advancement is undeniable. The significance of their involvement in constructing the national character is evident in nearly all regions around the globe. The Indian populace historically identified their nation as Bharat-Mata, although they lacked a comprehensive comprehension of its true importance. Bharat-Mata refers to the maternal figure of every Indian, whom we are obligated to safeguard and honor.

Approximately half of the global population consists of women. Presently, women in India exhibit equitable representation in various domains such as education, sports, politics, media, the arts and culture, the service industry, science and technology, among others. Indira Gandhi, who served as India's prime minister for a total of fifteen years, holds the record for being the longest-serving woman prime minister in history. The Indian Constitution ensures gender equality and grants the State the power to enforce affirmative action programs to address the long-standing socio-economic, educational, and political disadvantages faced by women.

Fundamental Rights encompass various entitlements, such as the assurance of legal equality and equal safeguarding under the law, the proscription of prejudice against any individual based on religion, race, caste, sex, or place of birth, and the guarantee of equal employment opportunities for all citizens. The significance of Articles 14, 15, 15(3), 16, 39(a), 39(b), and 39(c) of the Constitution is noteworthy in this context.

India boasts the second-largest legal profession globally, with a workforce exceeding 6,000 legal professionals. The primary service providers in this sector are small or family-run firms and individual attorneys. The majority of these firms specialize in domestic law and the adversarial litigation system prevalent in the country. Rather than being perceived as mere services, legal services were initially regarded as a "noble profession," resulting in the establishment of stringent and restrictive regulatory frameworks.

The rationale for these regulations have been attributed to public policy and the preservation of the profession's dignity. According to Joshi (2020), the judiciary has upheld these ideals, as exemplified by Justice Krishna Iyer (2009) who stated that "Law is not a trade, not briefs, not merchandise, and therefore the realm of commercial competition should not taint the legal profession."

However, it has been established by courts that "Legal Service" refers to the provision of services to clients over a period of time. Furthermore, courts have declared that lawyers bear responsibility towards their clients in the event that

their services are of inferior quality. The term "Service" is defined in Section 2(U) of the Competition Act of 2002, as stated in the Consumer Protection Act of 1986. Therefore, it can be argued that legal services are currently encompassed within trade-related regulation, despite the need for sufficient space for consumerism and market forces.

### **What is women empowerment?**

The recognition of women's empowerment as a fundamental characteristic for a progressive and prosperous nation has gained prominence. According to Kofi Annan, the former secretary-general of the United Nations, the empowerment of women is a highly effective tool for development. Similarly, APJ Abdul Kalam, the former president of India, was renowned for his statement that the empowerment of women contributes to the advancement of a strong family, a well-functioning society, and ultimately a prosperous nation.

Women's empowerment refers to the capacity of women to exercise agency in shaping their own lives and professional endeavors, while also ensuring equitable treatment across several domains such as personal, social, economic, political, and legal arenas, among others. The coexistence of women and men in contemporary workplaces can be attributed to the increasing empowerment of women.

Women's empowerment is essential for the future development of any nation as they navigate the challenges of managing their families while simultaneously working and contributing to their families' needs. It is imperative to acknowledge the significant role that a mother, sister, or daughter plays within a family unit. The phenomenon of women empowerment extends beyond urban areas, as women residing in remote towns and villages are progressively asserting their agency and expressing their perspectives within society. Women are currently asserting their socio-political rights, including but not limited to the right to work, right to education, and right to make decisions. The Parliament of India has enacted several legislations aimed at safeguarding women from diverse manifestations of injustice and prejudice. Women's empowerment is essential for the future success of any nation as they strive to juggle family management, job, and contributing to their families' needs. It is imperative to acknowledge the significant role that a mother, sister, or daughter plays within a family unit.

The phenomenon of women empowerment extends beyond urban areas, as women residing in remote towns and villages are progressively asserting their agency and expressing their perspectives within society. Women are currently asserting their socio-political rights, including but not limited to the right to work, right to education, and right to make decisions. The Parliament of India has enacted several legislations aimed at safeguarding women from diverse manifestations of injustice and prejudice.

Women empowerment following the law are enacted:

Equal Remuneration Act-1976;

Dowry Prohibition Act-1961;

Immoral Traffic (Prevention) Act-1956,

Medical termination of Pregnancy Act-1971;

Maternity Benefit Act-1961;

Commission of Sati (Prevention) Act-1987;

Prohibition of Child Marriage Act-2006;

Pre-Conception & Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act-1994; and

Sexual Harassment of Women at Work Place (Prevention, Protection and) Act-2013.

The Juvenile Justice (Care and Protection of Children) Bill, 2015 was enacted by the government in response to the Nirbhaya case, which involved the rape and brutal murder of a paramedical student in Delhi. The current legislation represents a notable deviation from the previous Juvenile Justice (Care and Protection of Children) Act, 2000, as it entails a reduction in the minimum age for juvenile offenses from 18 to 16 years.

The most efficacious solution to eradicate such malevolent entities is to empower women through the guarantee of the Right to Equality as stipulated in Article 14 of the Constitution of India.

As per the stipulations outlined in the Constitution of India, it is a legal imperative to ensure gender equality for women across all domains, akin to the status enjoyed by their male counterparts.

### **The Role of Women in Professional Spheres**

Debates have arisen regarding the position of women in Indian tradition. Despite being theoretically granted a prominent position in society, the actuality has consistently diverged significantly from the ideal. Over an extended duration, women were noticeably underrepresented in the bulk of contemporary professions. The positioning of women in different regions of the nation has been influenced by a range of factors, including the economic circumstances, religious customs, and thought patterns of the people.

Against this historical context, it is evident that India's quest for independence had a significant role in advancing the rights of women in the country, given that a majority of its leaders had received their education in the Western liberal education system. The contemporary feminist movement in post-independence India emerged with a strong foundation in the ideas of equality. It aimed to challenge and challenge gender-based structures, particularly the sexual division of labor, which were perceived as oppressive and submissive to women.

This expression of powerlessness and susceptibility bestowed upon Indian feminism a fresh perspective by articulating emotions that had previously remained unexpressed. Simultaneously, the prioritization of women in the workforce indicated a departure from the traditional role of a wife and mother, in favor of a woman who possesses the ability to sustain herself economically. Furthermore, it demonstrated the rise of consciousness regarding social class, as well as a determination to bring together and mobilize women, and the increasing impact of feminists in the realm of office politics.

Although the majority of women in metropolitan areas are working in the services sector, women in rural India are predominantly engaged in agricultural and domestic work. A significant proportion of these women, hailing from middle- and upper-class backgrounds, actively pursue employment opportunities with the aim of enhancing their family's socioeconomic status. Nevertheless, there is a growing presence of highly educated and skilled women in several professional fields such as civil service, law, medicine, engineering, academia, and filmmaking. According to Sen (1991), these women are driven by their aspirations and the aspiration to showcase their abilities.

### **The Evolution of the Legal Profession**

The phenomenon of globalization has precipitated a transformative shift in the realm of international trade, characterized by heightened engagement and participation of nations, as well as enhanced accessibility to domestic economies. The legal service sector has experienced both quantitative and qualitative implications as a result of this phenomenon. The legal service sector has undergone a significant transformation in the past decade, particularly in the corporate legal arena. Activities such as project financing, intellectual property protection, environmental protection, competition law, corporate taxation, infrastructure contract, corporate governance, and investment law were virtually non-existent prior to the 1990s.

There was a limited number of law firms that has the capability to handle such work. There has been a significant demand for professional services within the legal service sector. Over the past few years, there has been a significant increase in the number of Law Firms operating within house firms and the experience of individual lawyers in delivering legal services within the corporate sector. According to Joshi (2020),

These emerging legal businesses prioritize the development of loan instruments, infrastructure and power contracts, project financing agreements, as well as agreements pertaining to transnational investment, joint ventures, and technology transfer. This demonstrates the increasing inclination of the legal sectors to resolve conflicts via Advanced Debt Recovery Solutions (ADRS) instead of resorting to confrontational litigation.

The phenomenon of globalization has led to a surge in the demand for legal services, both domestically and internationally. Simultaneously, the period of Globalization holds considerable importance for the advancement of the legal profession in India.

### **Engaging in proficient activities within the legal profession**

The legal service sector is distinct from other professional services such as software programming or medical practice. The historic foundation of this system is mostly derived from legislation and the presence of statutory bodies, as well as

a conservative and conventional attitude that hinders the advancement of cross-border service provision. As a result, it is relatively resistant to intrusion.

The legal service industry, even globally, is inevitably limited by jurisdictional constraints, such as the requirement for a degree from the country where the service is to be rendered. Certain aspects of legal services are specifically influenced by local considerations, while others are not. It is important to preserve local factors when they are substantial, and only make exceptions for global market access. Hence, it is imperative to participate in the international community and assume beneficial obligations that foster service trade, while simultaneously safeguarding national interests.

### **The Essence of the Legal profession**

Law holds a significant position in society due to its crucial role in upholding proper etiquette, facilitating the exercise of authority, and addressing diverse challenges. However, comprehending, interpreting, and deliberating upon the law itself necessitates a nuanced understanding. Consequently, a group of highly educated individuals from different eras and periods have dedicated themselves to the practice of law, aiming to ensure its accessibility to its intended recipients. The legal profession encompasses various elements that contribute to the formation of a culture or mindset that gives rise to substantial concerns regarding the significance and necessity of leadership development training for lawyers. To begin with, our industry perceives itself as belonging to the upper echelons of society. Lawyers often have the belief that they possess strong leadership qualities due to their profession. However, it is evident that a considerable number of lawyers have limited exposure to leadership development beyond what they acquire through practical experience. Law students receive minimal or no training in leadership development, and there is a scarcity of continuing legal education courses that specifically address this topic, despite its increasing popularity.

### **Status of women**

The global position and prestige of women have experienced a remarkable increase during the 20th century. It is evident that in previous ages in India, the population was significantly low, resulting in their treatment as commodities that could be purchased and traded. Historically, women in India have predominantly been confined to domestic spheres. They rely on the male population.

In India, the prohibition of several practices such as female infanticide, child marriage, sati (the act of wives self-immolating with their husbands), the dowry system, and everlasting widowhood was enacted. It would be advantageous for the numerous women in the country who are subjected to mistreatment by their partners and do not possess the requisite papers to confirm their marital status. Moreover, this legislation would enable women to pursue child support and custody, while also granting widows the opportunity to assert their inheritance entitlements. Additionally, it would aid in the prevention of child marriages, prostitution, and polygamy. Irrespective of their caste, creed, or religion, all women are obligated to adhere to the requirements outlined in the Act. This tremendously facilitates the empowerment of Indian women to exercise their rights.

### **The Role of Women in the Legal Profession**

The fields of journalism, academia, and medicine were among the initial domains to witness the influence of women. In the following years, feminism started to exert influence on traditionally male-dominated areas such as politics, the legal system, management, and the civil service. It is important to note that families belonging to the orthodox, backward, and conservative strata are not immune to the significant economic challenges that have recently affected society. The introduction and growing presence of women in the legal profession has emerged as a significant societal phenomenon in recent years, often characterized as "revolutionary," over a period of four decades.

Lawyers possess significant authority and sway in social, economic, and political spheres. The field of law, similar to academics, accountancy, architecture, investment banking, and management consulting, is widely recognized for its male-dominated nature. Although there has been a rise in the number of women in law schools and entry-level legal positions in recent decades, the persistent segregation of women in this predominantly male profession continues to result in significant differences in the career paths of male and female lawyers. This disparity remains evident even in diverse national and legal contexts.

Until recently, there was a lack of female representation in law school graduates, legal practitioners, and any occupation related to legal labor, regardless of its broad definition. Modifying the criteria for entry into the legal profession in these countries necessitated a modification in the legal framework, either by legislative enactment or the expansion of

common law. In nations such as New Zealand, women were not legally barred from entering the profession. However, they did not actively participate in the sector. The level of women's involvement in the profession closely mirrors the progress observed in countries with more stringent formal restrictions.

The influence of social obstacles on individuals' entry and engagement in the profession appears to surpass the constraints imposed by legal regulations. The participation of women in the legal profession has undergone significant transformations due to several societal factors, including the international women's movement, the democratization of university education, advancements in birth control methods, and shifts in attitudes towards the family. While there may be cultural or national differences, there is a significant degree of consistency among countries.

## II. CONCLUSION

The issue of women's empowerment has emerged as a significant focal point in the 21st century, including both domestic and global spheres. Women's empowerment contributes to the improvement of society and the world, fostering inclusive involvement in the legal area. It refers to enhancing the well-being of both the family and the organizations in which women have a positive impact. Currently, the perception of women lawyers in the public sphere is not favorable.

They are perceived as desiring wealth rather than striving to provide assistance. Women lawyers must assume an equitable and significant part in the advancement of a progressive society. Enhancing the conventional position of female lawyers is an essential initial measure in their daily endeavors. In order to facilitate the active involvement of women in the legal profession. One primary objective is to facilitate a qualitative enhancement in the involvement of female legal practitioners.

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# Study on Feminist Approaches to Revolutionize the Field of Legal Education

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**Abstract:** *Feminists aimed to achieve significant changes as women assumed roles as students, instructors, and administrators in the legal academia. The triumphs of feminists in gaining entry to institutions marked the initial stage, rather than the ultimate goal. Feminists initiated the establishment of communities and venues for gathering and cooperating. Through their teaching, writing, and activism, they questioned fundamental doctrinal principles, problematic legal regulations, and inefficient instructional approaches. Feminist action commences by fostering a sense of community and facilitating the exchange of experiences within the tradition of expanding consciousness. The initial representation of women in law schools was characterized by a complex interplay of presence and absence. Women encountered a combination of heightened scrutiny and complete invisibility, which was rarely observed but consistently prominent.*

**Keywords:** Feminists

## I. INTRODUCTION

Overview: Establishing Feminist Environments and Fostering Feminist Ensembles

During the 1960s, feminist legal teachers initiated the establishment of forums for engaging in conversations, fostering community, conducting scholarly research, and promoting activism. These spaces exhibited a higher degree of inclusivity compared to the mainstream and non-hierarchical spaces, thereby incorporating feminist principles into both the methodology and implementation of feminism. This mobilization also facilitated the engagement of faculty members in scholarly conversations and activism, extending beyond the confines of the law school. During the latter part of the 1960s, a cohort of researchers from New York convened a Women and

The purpose of the Law Conference is to deliberate on subjects including family law, criminal law, laws pertaining to discrimination, reproductive rights, and constitutional law. Substantial areas such as sexual harassment, rape, domestic violence, employment, family law, and reproductive rights were the focal points of law reform endeavors. The implementation of these public feminist reforms unavoidably revolutionized the process of learning within the classroom. As an illustration, the implementation of revisions to rape legislation prompted instructors to reconsider the inclusion of the concept inside the law school curriculum.

The publication of casebooks on Women and the Law and Sex-Based Discrimination was initiated by pioneering researchers. These materials, originating from academic faculty communities, provided students with the chance to engage in specialized study and foster a sense of community. As time progressed, the inclusion of specialized survey classes resulted in the development of courses such as Feminist Jurisprudence, which introduced a feminist methodological perspective.

The emergence of influential feminist venues and academic resources has prompted inquiries into the scalability and transferability of feminist methodologies within specific contexts and educational programs. Did specialist courses and programs pose risks of marginalizing women's issues, thereby reinforcing the notion of law's neutrality in the broader law school curriculum? Catharine MacKinnon and her peers advocated for the continuation of these courses, advocating for the integration of gender concerns into legal school.

Feminism necessitated a comprehensive overhaul of the curriculum, rather than being addressed in isolated sections of courses or publications. The inclusion of courses on Women and the Law, Sex-Discrimination, and Feminist Jurisprudence in the curriculum has endured over time, despite the feminist movement's efforts to question prevailing assumptions and conventions in legal education.

Questioning the fundamental assumptions that form the basis of law and legal education

Feminist scholars advocated for a paradigm shift in the field of legal education, challenging its underlying assumptions, ideas, and methodologies. The individuals opposed the "add woman and stir" paradigm and declined to confine feminism to a "narrow, one-dimensional, one-note, geographically limited, thin set of problems, questions, and people." Instead, they questioned the implicit assumptions that influenced legal education and the law itself.

Feminists contested the idea that established legal regulations were "given, fixed, and nearly unchangeable." They specifically questioned the idea that a gender-neutral individual is the central focus of the law, for whom the laws are written and the system is created. Feminists argued that this perceived neutrality made gender inconspicuous, while simultaneously promoting a system based on privileged male standards.

Feminists contested the one-way transmission of information by teachers through impartial deliberation. The method of teaching with appellate cases was questioned due to its potential to distort factual context and legal strategy. Feminists joined forces with other critical societies to question the fundamental principles and teaching methods of legal education. The convergence of Critical Legal Studies and feminist pedagogies aimed to deconstruct the hierarchical structures within law schools. The invisibility of race and gender in law has been brought to light by critical race theorists and critical race feminists. From an implicit White male standpoint, the concept of whiteness and masculinity was established as the standard, leading to the implementation of a "race-based system of rights and privileges."

Feminist changes would subsequently align with the demands of the LatCrit Community and Queer Theorists, who advocated for the rights and well-being of the Latinx community and the LGBTQI community, respectively. These communities had their own hardships, subjugations, and exclusions that they perceived as amplified and intensified in the teaching methods of legal education and in the legal field. Collectively, these critical viewpoints converged in advocating for reforms in both law and education, with the aim of revealing and challenging implicit hierarchies present within the legal system and its institutions.

Examining the Gender-Based Negative Effects of Law and Debunking Misconceptions

The feminist movement not only challenged the fundamental doctrinal standards of law and legal scholarship. Furthermore, they revealed the detrimental effects that these norms inflicted. The perpetuation of gendered stereotypes and the marginalization of women were facilitated by the existence of false dichotomies such as rational-irrational, public-private, and intellectual-emotional.

Dominance feminists specifically scrutinized the impartiality and objectivity of the legal system, as well as the inherent division between public and private spheres, as the primary cause of women's subordinate status. The feminist perspective, which holds dominance, argues that the objective, rational, and neutral nature of the law is defective and distorting. Women are harmed and their credibility is undermined by male patriarchal rules that present themselves as normal and impartial. For instance, norms that are supposed to be impartial, such as the "reasonable person" in tort law, are based on the male wage-earning authority. This framework undermines women's claims and reduces their ability to recover damages.

Women of race experience these harms to a greater extent. The "perspectiveless" approach of law school marginalizes individuals from diverse racial backgrounds. The assertion that it lacks specific ethnic, political, or socioeconomic traits undermines the validity of any particular viewpoint. This framing compels students of color to relinquish their identities and instead embrace a perspective that is inherently influenced by a White, middle class worldview. Students from marginalized racial backgrounds are compelled to offer minority "testimony" in order to contest the prevailing norms. When students of color express their experiences, they are often seen as expressing "biased, self-interested, or subjective opinions," which leads to a complex issue of being both objectified and subjected. Mari Matsuda refers to this fluctuation between a student's personal awareness and the societal expectations of whiteness that are necessary for success in prestigious educational institutions as "multiple consciousness."

Integrating the values, experiences, and perspectives of women

Feminists endeavored to incorporate women's viewpoints and experiences into the study of law by redefining the delivery of legal education. Various branches of feminist thought have examined the marginalization of values traditionally linked to women in legal education and emphasized the necessity for instructional focus. This development represented a significant shift in pedagogy, moving away from the goal of integrating women into law schools and instead focusing on aligning the culture of legal education with the learning patterns of women.

In the past, law school academic programs placed limited importance on the development of practical lawyering skills, such as problem-solving abilities and client counseling. Legal education has historically placed a strong emphasis on competition and individualism. Law schools incentivized students to present arguments from any perspective without fostering empathy or connection to either side of the case, resulting in a type of enthusiasm that hinders rather than enlightens. This approach limited the range of conversations and repressed criticisms regarding the gender and race implications of rules and arguments. Feminist scholars advocated for a shift away from abstract exchanges focused on doctrinal analysis, towards a greater emphasis on feedback, conversation, and simulations that are rooted in client-centered lawyering.

Divergent feminism espouses a relational ethical framework that prioritizes caring, emphasizing the significance of collaboration, community, and cooperation as fundamental principles within the realm of law, surpassing mere abstraction and competitiveness. Carol Gilligan prominently elucidated how women's perspectives on justice exemplified a care-oriented ethic that revolved around the specific circumstances and interpersonal connections. The incorporation of women's learning styles into the design of law schools will effectively prioritize the integration of "care, context, cooperation, and relationships" within the realm of law education and professional practice. Feminists fought for the enhancement of participative, inclusive, and non-hierarchical law classes, extending beyond those only focused on gender. It is possible for all educational settings to adopt a shared leadership model that places importance on personal experience as a legitimate kind of knowledge.

Appreciating these interpersonal abilities could potentially enhance the caliber, comprehensiveness, and scope of legal practice. Cultural methods have the potential to revolutionize the legal profession by reevaluating established gender-neutral barriers that have hindered women's advancement, such as the imposition of billable hour requirements and the lack of family leave. The fundamental principles inside the legal system, such as Cultural feminists advocated for a shift towards relational norms in law, prioritizing the protection of individual rights and privacy over connections and community.

However, it should be noted that not all feminists embraced a cultural feminist agenda. One crucial criticism of relational techniques pertains to the absence of a universally applicable methodology or learning style that encompasses all women. To propose otherwise is to disregard the abundant differences among various cultures, social classes, races, age groups, and sexual orientations. The adoption of a "women's perspective" carries the potential of succumbing to a form of essentialism that disregards diversity, favors dominant viewpoints, and perpetuates restrictive power structures, so reiterating the very issues that feminists aimed to address. However, feminists may generally concur on the necessity of broadening the range of abilities and values that have traditionally been esteemed in legal education. Feminists united in their desire to transcend a framework created by and for men, notwithstanding their divergent views on which framework most effectively addressed the criticisms.

**The Evolution of Legal Education Influenced by Feminism and the Postponement of Revolution**

Over the course of several decades, feminists have formulated an ambitious pedagogical perspective for legal education. Numerous enduring transformations have been attained by feminist reforms. Feminists successfully overcame obstacles by obtaining legal education and ascending to the top positions within the field. Numerous lawyers have received training in feminist theory and methodology through specialized seminars and materials. Feminists have also established and maintained valuable gathering places to address problems related to the structure and content of legal education and the legal system. Over the course of several decades, there has been a persistent and pronounced trajectory of feminist advancement, characterized by varying degrees of intensity and pace.

The legal profession continues to be afflicted by bias, prejudice, and harassment, despite the evolving nature and emergence of these problems. Various words have been coined to delineate these detrimental effects, including microaggressions, mansplaining, hepeating, sidelining, whitesplaining, tokenism, and other related concepts. In 2016, the American Bar Association (ABA) introduced a new section to its regulations regarding professional responsibility. This section prohibits attorneys from participating in actions that they are aware or reasonably should be aware constitute harassment or discrimination based on race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status, or socioeconomic status in relation to the practice of law. This development signifies an acknowledgment of the enduring presence of such bias, a significant commitment to promoting equality, and a practical approach to upholding these norms.

Although visible demonstrations of prejudice in legal education teaching methods, such as "Ladies Day," have stopped, instances of harassment and predatory conduct persist in law schools, but in more covert and deeply rooted ways that are challenging to detect. Similar to how the "Shitty Men" list sparked the #MeToo movement in the media, a list has also surfaced that provides a comprehensive account of sexual misconduct committed by university staff. The #MeToo movement brought to light numerous instances of enduring systematic sexual harassment within the realm of law education. The persistent and intricate problems of harassment, bullying, and incivility pose significant challenges for women of color in the field of legal education.

In order to conduct a comprehensive evaluation of the impact of feminism on legal education and the legal profession, it is imperative to recognize the persistent efforts required for white women to actively participate in substantial, enduring, and substantial endeavors towards inclusivity. Feminists of color have urged white women to abandon behaviors of "defensiveness and emotional manipulation" and strive to recognize and address the profound involvement of White women in the narrative of oppression. White feminists cannot afford to neglect this arduous task.

Feminism has brought about a transformative shift that is progressive rather than revolutionary. However, it is important to note that no reforms have completely transformed law school. The formidable forces of competition and regulatory constraints impede transformative reforms in manners that sustain the existing state of affairs, even in cases where the status quo proves to be ineffectual and detrimental. The latest accreditation adjustments implemented by the ABA serve as evidence of both change and inertia. The implementation of these reforms in legal education was long overdue, after the accreditation reform in other fields in recent decades. The traditional approach of instructing subject matter and assessing students' knowledge at the conclusion was antiquated and inefficient. These reforms compel law schools to update their curriculum in order to adequately equip students for professional practice. Law schools are now required to establish objectives for precise learning outcomes, collect data on students' progress towards those targeted learning outcomes, and strive to enhance student learning towards proficiency.

Despite decades of feminist agitation highlighting the ineffectiveness of traditional teaching methods for women and students of color, law schools have continued to employ similar methods for assessing outcomes and competence. The American Bar Association (ABA) has openly recognized, through its recent revisions, that the conventional legal education curriculum, which focuses on cultivating a lawyer-like mindset among students, continues to hold a prominent position in J.D. Applications. The implementation of the new standards necessitates that law schools modify their curriculum in the event that learning outcomes are not achieved. However, it is uncertain if law schools will actively engage in more profound pedagogical transformations to attain equitable and inclusive outcomes.

The occurrence of transformative change in legal education cannot be confined to peripheral areas. The occurrence should take place inside the core framework of the curriculum. This entails the reimagining of Socratic style classes, necessitating the implementation of substantial, long-lasting, and uniform training, support, and responsibility for faculty members to foster inclusive learning environments. The Covid-19 pandemic has placed significant pressures on faculty members, necessitating their ability to undergo change and adapt in ways that were before deemed inconceivable. Schools have been equipped with trainings, infrastructure, and collaborative efforts to enhance teaching and evaluation methods in order to provide support to pupils. The faculty was well aware that our kids required Schools and educators were required to effectively address the challenge and generate a product that demonstrated adaptability and responsiveness. A "growth-mindset" was adopted by the faculty in relation to technology, teaching practices, and assessment systems. Similarly, we require a comparable period of contemplation, communal engagement, and cooperation in enduring inclusive teaching methodologies.

#### Conclusion

For decades, feminists have scrutinized and exerted influence on legal education. Feminism has had significant advancements, but its objective remains incomplete. Emerging obstacles arise in the pursuit of advancement, including contemporary opposition to critical thinkers and inequities and interruptions caused by COVID-19. The worldwide Covid-19 outbreak offers a contradictory chance to propel the feminist agenda. Covid-19 disrupted numerous established conventions in legal education, encompassing the methods of delivering legal education and the process of obtaining professional licensure. Within the context of these upheavals and weaknesses, there exists a sense of hope and potential for growth. This chapter elucidates numerous justifications for commemorating the achievements of our

female trailblazers and advocates. Furthermore, it functions as a crucial appeal to contemporary academics, administrators, and students to continue the task with a vigilant intention and unwavering resolve.

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# Study on Feminist Discourse of Judicial Gender Diversity

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**Abstract:** *A feminist perspective on the legal system places importance on the viewpoints of women and marginalized communities. Numerous scholarly conversations revolve around the subject of judicial diversity, wherein a critical examination is conducted to assess the potential impact of augmenting the representation of women in the judiciary on the justice system. Feminist arguments can be broadly classified into three categories, namely "Difference Theory," "Equality Theory," and "Intersectional Theory." In the subsequent section, we will analyze the difference theory approach and the equality theory approach separately, utilizing their respective scholarly perspectives, while also critically evaluating each approach.*

**Keywords:** Judiciary system, gender diversity, women, theory, equality, feminism, appointment

## I. INTRODUCTION

Female judges and lawyers encounter systemic obstacles such as gender biases, prejudice, mistreatment, and inadequate institutional and infrastructural assistance. Moreover, the presence of caste, class, sexuality, and religious identity contributes to the existence of several dimensions of oppression that necessitate careful consideration. This study employs a critical analysis of several feminist perspectives to shed light on the structural and hidden biases that contribute to the underrepresentation of women in the judiciary. Numerous scholarly conversations revolve around the subject of judicial diversity, wherein a critical examination is conducted to assess the potential impact of augmenting the representation of women in the judiciary on the justice system. Feminist arguments can be broadly classified into three categories, namely "Difference Theory," "Equality Theory," and "Intersectional Theory." In the subsequent section, we will analyze the difference theory approach and the equality theory approach separately, utilizing their respective scholarly perspectives, while also critically evaluating each approach. Difference theory places emphasis on the empathy and community-oriented values of women judges, but Substantive Representation theory posits that women judges assume the role of prominent representatives of their respective social classes. Equality posits that legal structures that comprehensively include women are characterized by greater objectivity. A judiciary of this nature accurately represents the experiences of all individuals.

### Difference theory

Carol Gilligan's Different Voices Theory, proposed in 1992, posits that men and women exhibit distinct methods to moral thinking. When faced with moral issues, men employ a "ethic of justice" that focuses on autonomy (Gilligan, Citation1993). In contrast, women often employ a "ethic of care" as a means of addressing moral quandaries, placing emphasis on their obligation towards others. Difference theory posits that women judges contribute a "feminine perspective" to the process of judging within the legal system. They engage in the conceptualization of issues before courts and employ a specific feminine approach to resolving disputes. In his work, Wei (2021) provides a more comprehensive analysis of difference theory within the Asian setting. Wei observes that criminal law is commonly associated with masculinity. According to Wei (2021), female judges commonly utilize mediation as a favored approach for resolving disputes, so promoting reconciliation between involved parties and pursuing reparation for the victims (p. 356). The investigation conducted by Wei aligns with Gilligan's theory that women place a high priority on communication. In addition, female judges frequently decline to facilitate rape claims, citing their comprehension of the challenges survivors encounter in establishing communication with offenders. The aforementioned compassionate and

feminine perspective serves as a response to the lack of sensitivity towards rape survivors within the wider legal framework, while also advocating for individuals who have experienced gender-based and sexual assault (Wei, Citation2021, p. 360). According to Srimati Basu (Citation2012), in the Indian context, alternative dispute resolution techniques are perceived as having a higher likelihood of yielding good solutions for marginalized individuals. This perspective is frequently based on the recognition that mediation serves as a feminist alternative to the adversarial system, which is typically influenced by patriarchal ideologies (Basu, 2012, p. 472).

Difference theory places emphasis on the empathy and community-oriented values of women judges, but Substantive Representation theory posits that women judges assume the role of prominent representatives of their respective social classes. According to Chandrashekar et al. (2020), their efforts are focused on promoting class protection through direct litigation, with the aim of advancing the interests of women (p. 2). This leads to instances where female judges display distinct behaviors compared to male judges, particularly in matters pertaining to "women's issues," where policies will have an influence on women. Substantive representation, when applied to the legal system, posits that female judges will advocate for the interests of women and demonstrate a propensity to act in their best interests. Justice Leila Seth, a delegate of the 15th Law Commission of India (1997–2000), put out suggestions to modify the Hindu laws pertaining to succession, with the aim of conferring equitable inheritance rights upon daughters in relation to ancestral property (The Wire Staff Citation2017). In 2005, the Hindu Succession Act of 1956 underwent amendments based on the proposals put forth by Justice Seth. This amendment effectively removed the prior provision that prohibited daughters from inheritance.

Empirical research have provided additional support to the hypothesis of differential judging based on gender, revealing outcomes that deviate significantly from initial expectations. In 1994, Songer elucidated that at first, numerous social scientists had the expectation that women serving on the federal bench in the United States would render liberal rulings. This expectation, when coupled with prevailing cultural norms, would result in variations in judicial conduct (Songer et al., Citation1994). Nevertheless, the inclusion of female judges does not automatically result in distinct conduct, as evidenced by the rulings in several consequential constitutional disputes in India. In the case of Indian Young Lawyers' Association v. The State of Kerala (Citation2018), Justice Indu Malhotra served as a female justice on the bench. The court, in the case of Indian Young Lawyers' Association v. The State of Kerala, upheld the right to gender equality in worship. It ruled that women of all ages are allowed to enter the Sabarimala Temple. However, Justice Malhotra, a female judge on the bench, disagreed with this decision. Justice Malhotra argued that the court should respect a religious denomination's right to govern their internal affairs, regardless of the rationality or logic of their practices. Justice Malhotra's position in the Sabarimala case was subject to criticism by feminists who argued that she failed to acknowledge the impact of patriarchal structures on the development of religious practices. This oversight perpetuates a "ideological hegemony" within religious communities, leading to the subordination of women (Roy & Singh, Citation2018, para. 9).

Difference theory presents a compelling argument for the inclusion of women in the judiciary, yet it is entangled in contradictory reasoning. Critics contend that the application of difference theory can either bolster or undermine feminist objectives. Throughout history, the exclusion of women from public life has been justified based on perceived "differences." It is important to acknowledge that this reasoning might strengthen gender norms, confining women to addressing "women's issues" and punishing women who deviate from expectations. The main criticisms of this concept encompass its tendency to perpetuate specific "feminine ideals," its failure to acknowledge substantial variations among women, and its neglect of the limitations on the socialization of women legal professionals. Basu (2012) contends that women in Indian family courts frequently face the risk of being subjected to the judges' leniency, which is not always devoid of the anticipation of traditional gendered conduct. Moreover, it standardizes the classification of "women," asserting that all women are distinct from all men, thereby establishing a clear division. Intersectional theory challenges the dualistic perspective by acknowledging that a group of marginalized individuals encompasses multiple social positions, such as caste, race, religion, sexuality, and socio-economic status. The arguments in favor of judicial diversity are sometimes presented in terms of equality representation rather than difference theory, which is considered to be more persuasive.

### **Equality Theory**

The notion of Equality posits that legal structures that comprehensively include women are characterized by greater objectivity. A judiciary of this nature accurately represents the experiences of all individuals. According to Aura-Odhiambo (2018, p. 59), the inclusion of women in the judiciary contributes to the generation of gender-sensitive judgments and the establishment of gender-sensitive judicial procedures. Indian feminist scholars, such as Ratna Kapur, contend that a comprehensive approach to equality can effectively tackle instances of prejudice at the individual, institutional, and systemic levels. They assert that the focus should not be on comparing similarities and differences, but rather on identifying and addressing structural disadvantages (Kapur & Cossman, Citation2022).

Recent research indicates that female judges in the United States exhibit a higher propensity to deem regulations impacting homosexual rights as unlawful in comparison to their male colleagues. The aforementioned theory pertains to the comprehension of gender roles and sexual orientation among women. According to Smith (2005), women are known to exert a moderating influence on panel judgments. Although no such trends were found in the Indian judiciary, Justice R. Banumathi's ruling in Mukesh v. State for NCT of Delhi emphasized the significance of gender awareness, even among young children, instead of implementing strict laws and penalties for crimes against women. This approach aims to prevent a rise in such crimes by addressing their underlying causes (Mukesh v. State of NCT of Delhi, p. 373, 2017). The significance placed by Justice Banumathi on the attainment of gender justice through "attitudinal change and change in mindset" within our culture, which is deeply entrenched in tradition (Mukesh v. State of NCT of Delhi, Citation2017, p. 521), demonstrates that female judges extend the scope of the judicial narrative beyond the confines of criminality.

In accordance with Goal 16 of the Sustainable Development Goals (SDGs), the United Nations Development Programme (UNDP) endeavors to advance representative and participatory decision-making, while also advocating for equal opportunities for women's involvement in political processes and institutions. According to the UN Stats. SDG Indicator Meta data (Citation2022, p. 6), the presence of diversity in judicial posts enhances the responsiveness of judicial decisions to the interests of the entire public. One could argue that an increased level of diversity among the bench has the potential to impact the decision-making process of tribunals, as judges possess a wider array of policy opinions. According to Escobar-Lemmon et al. (2021), the presence of different benches challenges conventional patriarchal standards, hence highlighting the necessity for the court to accurately reflect the gender makeup of society (p. 665).

The significance of including marginalized identities in the judiciary is reiterated in a 2014 report published by the International Commission of Jurists. The report highlights that a greater presence and increased visibility of women judges can enhance women's inclination to pursue justice and assert their rights through the judicial system. Furthermore, the report emphasizes that a greater diversity within the judiciary enhances and reinforces the capacity of judicial reasoning to encompass and address diverse social contexts and experiences (International Commission of Jurists, 2014, pp. 20–21). According to Chandra, Hubbard, and Kalantry (2019), the presence of a diverse bench of judges with a range of life experiences enhances the quality of judicial rulings. The case of State (Government of NCT of Delhi) v. Pankaj Chaudhary (Citation2018) exemplifies the verdict rendered by Justice R. Banumathi and Justice Indira Banerjee, the all-female panel of the Supreme Court. The two female judges noted that the assertions that the complainant in the case had a "habitual inclination towards sexual intercourse" and possessed a "easy virtue" did not imply that she was a "woman of loose moral character." Nevertheless, she retained the entitlement to decline engaging in sexual intercourse. This particular case holds significance due to the fact that in a comparable scenario, a panel consisting of two male Supreme Court justices exonerated the defendant. The judges noted that the victim had a history of engaging in sexual intercourse and that her decision to reside apart from her spouse, among other factors, contributed to the prosecution's inability to substantiate their argument (Ray, Citation2020).

The inclusion of female judges fosters a sense of unity in instances of gender-based violence. Justice Gita Mittal, one of the writers, shown solidarity in the case of Virender v. State of NCT of Delhi (Citation2009), where she highlighted the procedural obstacles that victims of sexual violence, especially minors, have when seeking justice. The individual implemented measures to simplify the protocols for reporting incidents of sexual assault and later took the lead in establishing the Vulnerable Witness Court Project with trial courts in Delhi. Justice Mittal subsequently implemented

nationwide training and awareness initiatives targeting judicial officers, members of the Bar, and court personnel at Vulnerable Witness Deposition Centres (Footnote8).

Certain critics contend that the presence of women judges does not ensure feminist rulings, as gender does not serve as a substitute for feminism. According to Dixon (2009), there is a belief that male feminist judges exhibit superior performance in terms of good judicial outcomes and feminist legal reasoning compared to their female counterparts (Dixon, 2009, pp. 1-3). Moreover, queer theory provides evidence that the concept of identity does not lead to liberation (Butler, 1988, p. 530). Nevertheless, the theory of equality raises the inquiry as to why there is a need for justifications regarding the inclusion of a specific demographic that is currently underrepresented, despite their inherent democratic entitlements. Regardless of whether women actively contribute to establishing a workplace that is inclusive of both genders or if caste oppressed women refrain from making judgments in support of anti-caste politics, their right to be included in the judiciary remains unaffected. Arguments positing that the incorporation of marginalized individuals is contingent upon their contribution to "the quality of justice" seek to substantiate the worth of a particular group in order to rationalize their inclusion. Conversely, the criteria of personhood and citizenship should serve as inherent reasons for inclusion within the judiciary.

### **Intersectional feminism**

The concept of intersectionality, originally introduced by Kimberlé Crenshaw, a Black feminist scholar, in 1989, pertains to the manner in which many forms of oppression intersect with one another (Crenshaw, 1989). In the context of India, several demographic factors such as gender, class, indigenous status, caste, religion, and sexuality have the potential to cross. Intersectionality recognizes that the experiences of women cannot be standardized, as they encounter unique social obstacles due to the intersection of their race, socioeconomic status, caste, religion, and gender, among others. The social position of Dalit women as "outsiders within" shapes their unique social, economic, and political circumstances. This perspective can contribute to a more sophisticated approach in tackling the matter of gender diversity in the judiciary. By developing solutions that acknowledge the interconnected experiences of marginalization, a more nuanced approach can be adopted.

Numerous academics have posited that caste constitutes an implicit determinant that impacts the probability of securing a judicial position (Saxena, Citation2021, para. 3; Tannvi & Narayana, Citation2022, p. 3). As an illustration, there exists an implicit percentage allocation specifically designated for Brahmins. According to Saxena (2021), a total of 14 Chief Justices of the Supreme Court, who were appointed by April 2021, belong to the Brahmin caste. A former Solicitor General observed that during the course of 70 years, the Supreme Court had only a single Chief Justice who belonged to the Dalit community. This statement highlights the fact that the Dalit population is not adequately represented in the composition of our judiciary (Shah, Citation2021, para. 6). Among the eleven female judges who have been appointed to the Supreme Court, it is noteworthy that nine of them are predominantly Hindus from the ruling caste, while the remaining two justices are affiliated with Christian and Muslim communities. This demonstrates the heightened obstacles that Dalit women judges encounter as a result of the combined prejudice stemming from their gender and caste identities.

The significance of Dalit and Adivasi representation in the Supreme Court for the welfare of these marginalized communities has been asserted by Bej (Citation2017). While there is a lack of available statistics regarding the caste identities of women nominated to the judiciary, it can be inferred that Dalit women are predominantly marginalized.

Applying the principle of intersectionality to judge nomination would give priority to individuals who are marginalized. The judges would render judgments that encompass the various dimensions of oppression experienced by Dalit and Adivasi women, while also mitigating the adverse effects of the "private upper caste justice system." They would adopt an intersectional perspective in their decision-making process. Hence, a judiciary that embraces diversity acknowledges the significance of intersecting experiences and identities, so acknowledging the intricate and multifaceted dimensions that shape an individual's existence. According to Baudh (2017, p. 222), the lack of judges who embody the perspectives of the "queer subaltern" (Akali, Citation2016, p. 125), which encompasses Dalit and working-class queer individuals, results in the perpetuation of violence and prejudice experienced by doubly marginalized queer individuals, specifically Dalit and Adivasi individuals, as well as impoverished transgender individuals. According to Semmalar (2014, pp. 19, 24–25), the Supreme Court's ruling in National Legal Services Authority v. Union of India



(Citation2014) resulted in the classification of all transgender individuals as socially and educationally backward classes within the broader category of Other Backward Classes (OBCs). However, this decision failed to acknowledge the caste identities and experiences of Dalit & Adivasi transgender individuals.

Merely prioritizing the selection of female judges is insufficient in achieving genuine judicial diversity (Bonhuys, 2015, p. 129). The application of an intersectional framework provides insight into the intricate dynamics of marginalization and domination, necessitating the categorization of women into specific groups (Bonhuys, 2015, p. 144).

## II. CONCLUSION

An investigation of the relationship between judicial diversity and the appointment of women in the judiciary highlights the complex dynamics that hinder the participation and advancement of women in this field. The judicial appointment of women is plagued by intersectional structural issues, which are further exacerbated by variables such as a lack of impartiality in assessing merit, nepotism, and caste-based bias. The collegium system of nominations is inadequate in promoting diversity, necessitating broader reform on a larger scale.

There exist compelling justifications for the augmentation of judicial diversity. One aspect to consider is the concept of democratic legitimacy. Ensuring equal participation of women and marginalized individuals fosters the perception that judicial panels are impartial and equitable, hence fostering confidence among minority groups that their concerns will be taken into account. The recognition of judicial diversity as a public benefit is a crucial measure in understanding the nature of law as a product of human rationality, influenced by experiential, ethical, and cognitive factors. Although there is no assurance of feminist judges being appointed, judicial appointments that challenge the uniformity of the court represent positive progress. These appointments challenge the belief that judging is a profession dominated by men from powerful socioeconomic groups. The judiciary operates under the fundamental values of equality and justice, and the upholding of these ideals by the judiciary serves to enhance the legitimacy of the law.

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# Study on Impact of Feminist Pedagogy in Legal Education

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**Abstract:** *Feminism has exerted a significant impact on legal education for over a century through active and critical involvement. However, the feminist agenda is still incomplete as it adjusts to combat contemporary expressions of long-standing obstacles. This chapter undertakes an examination and assessment of the impacts of feminism on the field of legal education. This text examines the ways in which feminist criticisms have questioned the essence of legal regulations, the approaches to teaching law, and the prevailing culture of legal education. After several decades of activism, feminist pedagogical reforms have resulted in the emergence of novel areas, courses, laws, leaders, and locations dedicated to feminist principles.*

*This paper additionally explores the incomplete aim of feminism within the realm of legal education. Although significant transformations have persisted and thrived, contemporary legal education bears more resemblance than divergence to law school a century ago.*

**Keywords:** Feminist pedagogy, law school, legal education

## I. INTRODUCTION

The legal education system is predominantly standardized, with little opportunities for soft innovation and differentiation among schools. The Socratic technique continues to cultivate a classroom environment that is competitive, confrontational, and marginalizing. Female faculty members continue to experience a disproportionate burden due to their service obligations, caregiving responsibilities both in the office and at home, as well as biases in the processes of hiring, promotion, and evaluation. The doctrinal domains of inquiry and hierarchical structures within law school establishments persist in favoring a conventional framework of legal instruction that was constructed by and for male individuals.

The limitations of the feminist legal education revolution can be attributed, in part, to the inability of law schools to independently adapt and reform. They engage in interactions with influential institutions, systems, and norms. Legal education is significantly influenced by the legal profession, law school accreditors, and regulators. In light of the preparation of lawyers for the bar test and the contemporary legal profession within a competitive and regulated market, it is imperative for law schools to address the external and linked factors that necessitate the feminist agenda to scrutinize broader structural transformations in order to achieve enduring improvements.

### The Initial Feminist Endeavours: Facilitating Legal Education Access

Initial liberal feminist campaigning primarily aimed to eliminate institutional obstacles to law education and the entrance process for the bar. In 1869, the University of Iowa and Washington University in St. Louis were the pioneering institutions to grant admission to women in the field of law. Subsequently, in 1870, the University of Michigan followed suit. Although the idea of educating women attorneys was deemed radical during that period, the concept of formal legal education was a recent development. The majority of attorneys during that period received training through apprenticeships; however, these opportunities were either inaccessible to women or limited to areas like as family law.

The Washington College of Law ("WCL") was established in Washington, D.C. in 1896 by Ellen Spencer Mussey and Emma Gillett, marking a significant milestone in history. with the aim of providing education to female lawyers. WCL implemented distinctive structural safeguards to assist its female students, including nocturnal classes, affordable

tuition, and the provision of a pseudonym for one student to safeguard her anonymity. However, in addition to the extreme action of pursuing legitimacy as a legislation controlled by women

The legal education methodology of the school for women students was strictly conventional. Despite being a legal school specifically catering to women, the radical nature of Mussey and Gillett's nascent feminist institution was significantly diminished due to the prolonged exclusion of African-Americans for an additional half-century.

Women in the legal profession encountered numerous obstacles, with entry to law school being just one of them. During a time when women were prohibited from voting or serving on juries, it was customary for local bar societies to engage in the exclusion of women. Mussey and Gillett established the D.C. due to these external obstacles. The establishment of the Women's Bar Association in 1917 served as a significant precursor to the external efforts that feminists would have to undertake in order to promote the progress of women in law schools.

Notwithstanding these initial trailblazers in institutions, numerous law schools shown resistance towards admitting women until the 20th century. Women law students were not admitted to Harvard until 1950, and to Washington & Lee until 1972. The rate of women's law school admissions remained consistently low for several decades, standing at a mere 6.35% in 1972.

In 2016, legal education reached a significant milestone as the number of women pursuing legal education surpassed that of men, a feat that has persisted for a duration of four years. However, the national statistics reveal a less optimistic outlook, since women are overrepresented in specific law schools, particularly those with lower rankings, and continue to fall far below the 50 percent threshold in numerous other institutions.

The experiences of women of color in law school are characterized by their complexity and multidimensionality. Currently, the proportion of law students belonging to racial and ethnic minority groups stands at 31%, indicating a consistent and upward trend when considering the overall data. When further analyzed based on gender, ethnicity, and area, these aggregate figures fail to reveal significant disparities. far, the number of women of color is far higher than that of men of color. The enrollment of black women is twice as high as that of black males. Enrollment rates for African-American/Black students have exhibited a consistent decline over a span of four consecutive years, despite the concurrent increase in the overall population of students from diverse racial backgrounds. When analyzing the data by race and location, the overall numbers reveal significant disparities. States like Texas, Arizona, California, Florida, and Hawaii have enrollment percentages that are closer to 45%, while other states have rates ranging from 10% to 20%. Women of color, despite their statistical superiority, report a higher number of unpleasant experiences in law school compared to their male counterparts, as indicated by their overall satisfaction. Women from diverse racial backgrounds exhibit a higher likelihood of considering withdrawal from law school in comparison to other student groups, and the attrition rates for students from diverse racial backgrounds are actually disproportionately elevated.

The improvements made in law school have not been maintained throughout the legal profession, indicating concerns about fairness in terms of career progression and retention. Women, particularly women belonging to racial and ethnic minority groups, continue to experience significant underrepresentation. Law practitioners, law faculty members, law school administrators, the judiciary, and authors of law reviews are all included in this representation.

The proportion of female faculty members has significantly increased throughout the years. In the year 1977, the number of female law professors across the country amounted to 391, representing around 8.6% of the total tenure and tenure-track faculty. The percentage had experienced a twofold increase to 15.9% by the mid-1980s. Currently, women make up over 40% of the faculty in law schools, while faculty members from diverse racial backgrounds make up 16.7% of the faculty. These figures indicate significant progress in the overall trend. There continues to be a significant lack of representation of women of color, particularly in the tenure/tenure-track positions. In 2009, when these figures were last disclosed, the representation of women of color in law faculty was only 7%. Upon closer examination of aggregate figures, it becomes evident that there are deeply ingrained hierarchies and segmentation.

Female faculty members tend to hold positions of lower rank and receive lower salaries, whilst their male counterparts tend to have full professorships at more esteemed educational institutions. Female faculty members bear a disproportionate burden of institutional care and support, sometimes referred to as the school's "housework." The contradiction of increased workload for diminished status is particularly pronounced for women belonging to racial and ethnic minority groups. These disparate advancements indicate the unresolved matters of even a progressive female agenda.

Furthermore, there has been an increase in the number of women in leadership positions, alongside the development in the representation of law students and professors. As of April 2018, 31% of member institutions of the American Association of Law institutions (AALS) had female deans, with 6.7% of them being women of color. However, meticulous observers approach these figures with caution due to their potential for long-term forecasting capabilities. Doubters note that the increase in female deans has corresponded with nationwide reductions in law school funding, falls in admissions, and difficulties in finding employment.

Notwithstanding their historical importance, all of these advancements continue to be accompanied by challenges, susceptibility, and division. There are still significant challenges to maintain the progress made by women in obtaining legal education and entering the legal field. The worldwide COVID-19 pandemic serves as a reminder to feminists of the importance of safeguarding historical achievements and highlights a significant turning point in legal education that can propel the feminist movement forward, as examined in the following analysis.

Although the liberal feminist agenda achieved positive outcomes in terms of women's representation in leadership positions and the Dean's Suite of law schools, its impact on the integration of women into the curriculum was limited. Paradoxically, following centuries of women's marginalization due to perceived distinctions from men, upon their acceptance, women were considered to possess same characteristics. Sexism, tokenism, and sexual harassment were experienced by women. The first presence of women in law school required them to conform to the academic process rather than questioning its direction. Consequently, feminists encountered the subsequent task of reforming legal education, drawing inspiration from feminist educational changes in other fields.

### **The establishment of a feminist pedagogy**

Prior to the implementation of legal education reforms, feminist educators actively contested the prevailing masculinist approaches that held sway across all academic fields, thereby establishing dedicated platforms for the examination of sex and gender. The emergence of women's studies courses and programs occurred during the late 1960s and 1970s as an independent academic field of study. These courses and programs drew upon feminist methodologies and focused on the examination of women's lives and experiences. They critically questioned the construction of gender, scrutinized systems of privilege and power, and explored the interconnectedness of gender, race, sexual orientation, class, and disability. The proliferation of these courses, resources, and programs experienced significant growth, coinciding with the emergence of feminist periodicals and a feminist press.

Women's Studies programs and courses fundamentally altered the content and organization of education by reorganizing classrooms, reimagining assignments, and addressing power disparities. The faculty members in women's studies classes aimed to establish environments that were characterized by nonauthoritarianism and egalitarianism, wherein no single voice exerted dominance over the debate. This approach aimed to cultivate a spirit of collaboration rather than rivalry.

Early Women's Studies departments encountered difficulties in navigating and assimilating with the predominantly unchanged power dynamics of the broader institution, a predicament that feminist law faculty would subsequently confront. Furthermore, these programs had challenges in adequately representing the perspectives of women of color, lesbian women, and women who do not conform to the traditional gender norms of cisgender heterosexual white able-bodied women who were often the founders and directors of these programs.

Gradually, specialist classes for women expanded to include the humanities and social sciences, with a significant presence of women instructors. Subsequently, these courses expanded to include the arts, sciences, and professional sectors. These courses aimed to tackle the widespread lack of representation and visibility of women in important disciplines, frequently relegating them to a secondary or secondary position, positioned as an anomaly within the field as a whole.

## **II. CONCLUSION**

The introduction of new courses and specialized content has had a significant impact on the way material is taught in many fields. This has led to a transformation in teaching methods that have both favored and excluded certain groups. Feminist education has increasingly emphasized the importance of considering diverse perspectives, valuing all voices, contextualizing experiences, and reorienting domains away from the concept of a singular, objective reality. This shift



has been observed throughout various academic fields. Feminist pedagogy also aimed to facilitate learning in order to bring about significant societal changes through active engagement.

It is important to note that the ideas of feminist education extend beyond the specific objective of promoting the progress of women. Instead, they have the potential to enhance the educational experiences of both individuals and communities. These feminist teaching methods subsequently became established in legal education. These circumstances were particularly pronounced for women of color, who expressed a sense of being both highly visible and overlooked. Community-building has been and continues to be an essential element of feminist legal education pedagogy.

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

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

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

## I. INTRODUCTION

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

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

## PARTICIPATION OF WOMEN IN LEGAL SYSTEM

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

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

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

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

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

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

#### **HISTORICAL TRACE OF OBSTACLES FACED BY WOMEN IN THE LEGAL FIELD**

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

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

#### **THE SIGNIFICANCE OF WOMEN IN LEGAL EDUCATION AS LAW STUDENTS**

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

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

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

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

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

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

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

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

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

#### **FEMALES IN THE LEGAL FIELD AS ATTORNEYS**

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



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

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

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

### **THE OBSTACLES ENCOUNTERED BY WOMEN WITHIN THE LEGAL SPHERE**

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

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

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

### **II. CONCLUSION**

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

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

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# Study on Sociological Study of Women Lawyers: The Process of Feminizing the Legal System

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**Abstract:** *This paper examines the process of assimilation of women into the legal profession from many viewpoints. Initially, information regarding the involvement of women in the legal field is documented, primarily from secondary sources, such as the national reports created for the Working Group for Comparative Study of Legal Professions. It is important to acknowledge that the data presented exhibits a disproportionate representation of industrial nations in the western world, while Third World and impoverished states are significantly underrepresented. This can be attributed, at least in part, to the degree of advancement of the legal profession within these countries. Our capacity to comprehend the influence of some colonial legal systems on the indigenous legal culture is constrained by the limited availability of data from these nations. Furthermore, this study will examine the consequences of a swift and significant increase in the number of women lawyers entering various sectors of the legal field. The focus will mostly be on conjectures and recommendations for further research. The aforementioned conjectures are derived from extant evidence and recommendations derived from feminist theory and scholarly investigations in the field of occupational sociology. Drawing a realistic depiction of women's participation in the legal profession at this stage may be premature. By posing a few thought-provoking inquiries at this juncture, we may focus our attention on the most crucial topics for investigation. This paper provides an overview of many aspects pertaining to the concept of 'feminization' within the legal profession. On one hand, it might be argued that the profession has become feminized due to the growing involvement of women.*

**Keywords:** Legal profession, women involvement, sociology, feminisation, women lawyers

## I. INTRODUCTION

The Narrative of women in the legal profession is a straightforward task, even when considering the vast differences in national and legal traditions. Historically, there has been a notable underrepresentation of women in the fields of law, including law degrees, legal professionals, and occupations related to legal work, albeit with a broad definition. The majority of nations experienced a significant transformation in the 1970s, characterized by the broadening of university education to encompass women and the concurrent emergence of a heightened involvement of universities in the education of legal professionals across several countries. In certain nations, women were legally barred from pursuing legal professions, regardless of their legal education or apprenticeship with a lawyer. In these countries, a modification in the regulations for admission to legal practice required a legal change, either through legislation or the evolution of common law. While women were not legally barred from pursuing the profession in other nations, they did not actively participate in the sector. The level of women's involvement in the profession closely mirrors the progress observed in other nations that face more pronounced formal obstacles. The influence of social barriers on individuals' entry and engagement in the profession appears to surpass the constraints imposed by legal regulations. Likewise, the global women's movement, the democratization of higher education, novel contraceptive technologies, and shifting perspectives on the family have had a significant impact on the involvement of women in the legal field. Conversely, the matter of whether the profession will undergo 'feminization' - meaning, be altered or impacted by women in the profession - is a distinct matter. The definition of 'feminized' exhibits a certain degree of complexity. For individuals who associate 'feminine' attributes with women (or men), the legal profession is considered 'feminized' when these feminine qualities (such as empathy, relatedness, nurturance, and collectiveness) are acknowledged, valued,

and integrated into the execution of legal duties and responsibilities. For others, the profession is 'feminized' not through stereotypical ascriptions of gender qualities, but through a 'feminist' impact on the profession that encompasses modifications in the practice of law (such as adjustments in work-family dynamics) and in the substantive law itself (including issues related to employment discrimination, family law, and criminal law). The issues at hand, stemming from significant research in feminist jurisprudence, revolve around whether women who join the legal profession will adhere to a male paradigm of what it entails being a lawyer, or if the profession will embrace and adjust to include previously marginalized individuals who may bring fresh insights on how the practice of law can be carried out. Sociologists in the legal profession play a valuable role in documenting the quantity and distribution of specific social groups within the profession. Statistical patterns provide valuable insights into the narrative of macro-level societal transformation. However, it is important to note that identifying the patterns of aggregate change is but one aspect of the narrative. Initially, it is vital to formulate elucidations of the patterns. Furthermore, it is important to identify changes and trends at both the micro and qualitative levels. This is not only crucial for predicting future macro changes, but also for gaining a deeper understanding of the probable reasons and observing deviations from norms that may offer insights into social innovation.

The intriguing aspect lies not just in the act of tallying numbers, but also in the significance and interpretation of those figures. An important topic in any examination of women in the legal field is whether women will undergo transformation as a result of the legal profession, or if the legal profession will undergo transformation due to the growing representation of women. In summary, the study aims to examine the effects of a previously excluded population on the profession by identifying the dependent and independent factors. How will the inclusion of women impact the profession? Will disparities be evident due to the cultural, sociological, or biological distinctions between women and men, resulting in distinct approaches to carrying out legal responsibilities? Will women make contributions to the profession from their position as previously excluded outsiders, as dominated and oppressed beings" who will reject the hierarchy and unnecessary stratification of the profession, or as people with family responsibilities and interests who will require adaptations in the workplace? Next, what will be the nature of women's contributions to the legal profession? Will they be changes in the way law is practised, in the structure of work, in the substantive law, or in the very basic forms of the legal system? These are some of the questions and themes to be explored in a study of women in the legal profession. Other themes include macro questions. As women begin to approach constituting half of the profession, will the status of the profession decline? As women and the things, they do have been devalued in various cultural forms, will the increased performance of legal tasks by women affect the social and political regard of these legal functions? We already see evidence of this in the clustering of women in the legal jobs typically lowest in the social hierarchy in virtually all countries. In a less likely turn of events, might the status of the legal profession rise with changes in the profession wrought by women; a profession that truly helps through warmer, less aggressive, more honest practices? Once participation in the profession exceeds token levels new questions emerge. Will only exceptional women succeed or rise in the professional hierarchy? Will average women do as well as average men? In short, what is the nature of gender discrimination? Are those women, who act like men, allowed to penetrate the restricted boundaries, while those who act more like women are kept out? With the demand for equality as the theoretical construct on which much feminist theory is based, what will happen when some women are not 'equal' to men but in positions of authority over them? Again, the nature of gender discrimination is implicated in far more complex forms. Women may be 'equal' to men, but when they are in superior positions in functional or occupational stratification systems, does the resistance become another form of the 'women are inferior' argument - they cannot be better than, above, or superior to men? What effect has the large influx of women into the profession had on others now excluded? As expansion of the profession declines in the 1980s and the places available in the profession become more limited, who are women displacing and what effect does that have on social structures? Many of the national reports demonstrate that as gender barriers are eliminated or reduced, the class barriers may get stronger.

A large proportion of the increasing number of women entering the profession are from the middle class. Does this suggest that class discrimination is more resistant to change than gender discrimination? Finally, a comparative study of women in the legal profession must look at women's participation in other professions. Are the questions suggested here particular to the legal profession, or are there more universal clusters or patterns that characterize women's participation in the professions or in the workforce generally? It will be useful to compare women's participation in the

professions previously denominated 'men's professions' and those denominated 'women's professions', and men's participation in previously female dominated professions (nursing, teaching, et cetera). This is a particularly difficult enterprise when conducted across cultures and nations. These themes will be explored with the hope of illuminating some of the questions that future research will have to address.

### **The Involvement of Women in the Legal Profession:**

The participation of women in the legal profession is remarkably uniform (with a few notable exceptions) in the western industrialized nations. Since the 1970s, women have entered the legal profession in dramatic numbers. In many nations these accounts fully for the growth in the legal profession, and for the growth in the number of law students studying for admission to the bar. The entrance of women into the profession has come at a time when the profession in general has been growing; women have for the most part entered the profession without displacing men and therefore without disturbing the male-dominated power structure. Women are also entering the profession at a time of increased unemployment of lawyers generally. They are disproportionately represented among the unemployed, part-time employed, and underemployed, and tend to earn less money than men in equivalent jobs. Most significant for purposes of this study, women are disproportionately represented in different spheres of legal activity. While the sphere or location of women lawyers may differ from country to country, the spheres of women's activities are almost always found at the bottom of the professional hierarchy.

while women appear to have greatly increased their participation in meritocratic university education, their actual participation in legal practice is moving at a generally slower, but widely varying pace, as the controls imposed by the university end and the controls of the presently male constituted profession take over. Barriers to entrance or success in the legal profession operate in complicated ways that reinforce the current male-created structure of the legal profession. While some of the barriers can be attributed to blatant or subtle discrimination by particular male actors, others are socially constructed structural impediments that begin as external forces but appear to many to be internal in operation (that is, choices by women not to pursue full-time practice or some particular form of practice). Thus, as long as partnership decisions are timed to coincide with childbearing plans, women may be unable as a class to "succeed" in large numbers in the large law firm context. Even where, as in the United States, some firms attempt to adapt their structures, such as by permitting maternity leave or allowing part-time work, women who avail themselves of such 'innovations' find they are considered less committed as lawyers; they have failed to live up to the male constructed image of a dedicated lawyer. Thus, women are perceived as "opting out" without any examination of whether the work structure has within it impediments or obstacles that pre-ordain the outcome. As is said in employment discrimination doctrine, such "neutral rules or constructs have disproportionate impacts" on particular segments of the workforce.<sup>4</sup> A significant question arising from this picture of disproportionate entrance into the profession is whether it is the profession that will innovate and adapt to women's life cycles or whether women will have to adapt to current male structures of work organization that assume an unbroken lifetime commitment to full-time work. At present, the latter appears to be the case.

### **The Professions of Women in the Legal Field**

The most startling finding of this comparative study of women in the legal profession is that women are disproportionately located in different spheres of the profession in virtually every country. What is most interesting, however, is that although women cluster in what are considered the lowest echelons of the profession, the particular form of legal practice differs somewhat from country to country. Thus, in aggregating the national data that we have, women are performing virtually all lawyering tasks, but in any particular culture or country they may be excluded from a particular branch of the profession either because they are generally restricted from high status occupations or because particular stereotypes of what women are good or bad at relegate them to certain tasks or locations. There is, therefore, a sort of push pull effect where women are 'pulled' into what they are perceived to be good at (domestic relations work) and 'pushed' (or more likely kept) out of what is considered high status work - usually private commercial work in western capitalist regimes. Another factor operating to increase gender segmentation of the workforce is the compatibility of particular occupations with life cycle choices. Thus, in most western European nations where government programmes for child-rearing leaves exist, women will be found disproportionately in government legal



posts.

**What will be the implications of the feminization of the legal profession for both the profession and the field of law?**

The feminization of the legal profession is clearly a process which is well on its way, if what is meant by feminization is increasing numbers of women in the profession. There are more women lawyers now and there will be even more women lawyers in the coming years. What makes this social process interesting is the question of whether women will have a unique or different perspective to offer the practice of law or the development of substantive doctrine. Such questions involve important issues in feminist theory. If women demand equality to men on the basis that they are the same as men, more women in the profession should be no more significant than more blue-eyed lawyers. Because some feminists believe that equal participation does not necessarily require 'sameness', particularly when what women are supposed to be the same as is a male model, notions of difference can be introduced into what contributions women may offer to the profession. This is a dangerous and problematic argument, though one I am willing to make, because of the possibility that arguments or claims about differences can be distorted into claims about inabilities or stereotypic devaluing of what is labelled female. The 'difference' argument can be explained as follows. First, we see and experience differences every day. Problems arise when the differences are used to devalue one-half of the set of differences, usually the female versions, without recognizing their possible strengths and functional possibilities (particularly in the context of the legal profession). Second, to observe the differences is not to endorse them or necessarily to have a view about their origin (social, biological, cultural, or political). My view is that the origins are mostly, though not exclusively, social (that is, transformable through socialization) and political (women are what they are in part because they have been defined by those who have the power to speak the definitions, men). Thus, what follows is more in the nature of a speculative suggestion on the basis of current data and theory of what contribution women may make to the law and to the legal profession with projection into the future of what might happen to the profession with the greater participation of women.

Similarly, there is some evidence that women are more concerned with the peculiar form of situational ethics that the adversary system requires by placing one's client at all times above the welfare of the other side. One of Carol Gilligan's subjects, a lawyer, suggested that she would have preferred to turn over to the court a document from the other side that an incompetent lawyer had failed to use. This would have defeated her client's case but achieved the 'just' result. The subject of this study was concerned not only with achieving the correct result, but with expressing concern for the other side; the adversary is cared for, thought about, and dealt with, rather than being treated as a 'end' to be defeated in the way the adversarial system contemplates. Will the imagery and vocabulary of litigation associated with wars and sports change as women enter these fields and seek to modify them? From these suggestive data, one could ask a series of questions that might explain some of the occupational segregation demonstrated above.

Do women seek judgeships or other non-adversarial jobs in disproportionate numbers? Are job choices in less adversarial systems (that is, the Continental European inquisitorial systems) different from common law adversarial systems? Are women choosing occupations they prefer for these reasons (self-selection), or are they channelled into certain jobs because of perceptions by others that these are the jobs they would best be suited to (discrimination based on stereotype)? Of course, while the positive sides of these differences can be observed, we should also look at the negative aspects. Do women resist litigation because they fear or prefer to avoid conflict? Is that a good quality for a legal professional to possess? Does over-solicitude or caring for the other side diminish the loyalty or zeal given one's own client? Are the stereotypic feminine qualities of empathy and altruism possible in the practice of law, as currently constituted or even as it can be imagined in a different society? Can women transform the stereotypes that devalue them ('women are good with people') to functions they have been barred from in the professions (that is, client relations in large law firms)? It appears that, as in law, women in the corporate sector are assigned to particular jobs and industries based on the negative attributions of stereotypes, while the mainstream and power lie elsewhere. Women trial advocates have argued for a different style of trial advocacy - conversations with fact-finders - rather than persuasive intimidation. Women have expressed interest in broadening the nature of relevance, wanting to know more of the facts involved in a problem than what is legally relevant; a search for what feminist theorists call "contextualism and particularity" rather than the application of a few facts to general, abstract principles of law.

## II. CONCLUSION

To the extent that the difference women make is based on their position as outsiders, the discriminated against and dominated, one can imagine a time when parity is achieved that the particular contribution of women to the profession may simply "wither away" as discrimination diminishes and women enter the profession in ever-larger numbers. Those who imagine this time can contemplate an androgynous legal profession, whatever shape that might take. Or, if the differences are of a more complicated origin, some particular contributions of women will continue in forms we probably cannot yet imagine. The hope would be that differences in approach, practice, and substance might serve to broaden the practice of law in such a way that the source of the different contributions would no longer matter - women would make contributions as well as men and the previously disempowered would be empowered so that the source of their disempowerment (gender), might no longer matter. In this view, the feminization of the legal profession is not for feminists only. If feminism's purpose is to help redeem humanism, then the feminization of the legal profession should help redeem the profession from the flaws of client domination (both by and for clients), unnecessary and harmful contentiousness, dehumanizing segmentation, stratification, and alienation in the workplace. Much of what has been suggested above is as yet untested, culture and legal system dependent, and will require cross-cultural study and verification. We must examine the meaning of the entrance of women into the legal profession from more than the perspective of quantitative sociology. As we collect data and observe gender differences in location and type of practice, favoured tasks, and specialties, we should be prepared to examine the transformative potential of these social facts.

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# Study on the Appointment of Female Judges in India with Reference to Structural and Discretionary Bias

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**Abstract:** *The presence of gender bias in the recruitment process at various levels of the judiciary, whether it is explicitly stated or implied, has significantly contributed to the imbalanced female representation in the upper Indian judiciary. Drawing upon empirically gathered qualitative data, the bias manifests itself in two distinct forms: Structural bias and discretionary bias. The concept of structural bias pertains to the biases that are inherent in judicial selection policies. Firstly, there is the unspoken "seniority norm" within the Supreme Court, which exhibits a preference for appointing the most senior High Court judges to the highest court. Secondly, there is the "transfer policy" at the lower judicial level, which implicitly promotes gender bias by prohibiting the appointment of judges at their own place of residence or that of their spouse. Discretionary bias encompasses the gender-biased biases that are implicitly exhibited by judicial decision-makers, which are influenced by their conscious or unconscious preferences. It may be inferred that the primary factor contributing to gender-biased appointments is the failure of policymakers and decision-makers to adequately acknowledge the distinct roles and duties that women assume in terms of parenting and marriage, as well as the absence of equitable distribution of tasks among their spouses*

**Keywords:** Women judges, India, prejudice, appointments, Structural bias, Discretionary bias

## I. INTRODUCTION

Gendered judicial appointments serve as a manifestation of such biases. At present, the representation of women in the lower/subordinate judiciary is below 40%, while their presence in the High Courts and the Supreme Court is under 10%.

This study investigates the enduring gender biases inside the Indian judiciary. This Note exclusively examines the issue of gender bias in judicial appointments. However, the empirical research conducted aims to explore two overarching concerns:

- (1) the determinants contributing to an imbalanced gender representation in the higher Indian judiciary; and
- (2) the potential influence of judge gender on the judicial decision-making process or case outcomes.

In order to achieve this objective, interviews were carried out with a total of nineteen retired judges from the Bombay and Delhi High Courts. Out of the total number of judges represented, seven were affiliated with the Bombay High Court, consisting of four males and three females, and the remaining twelve judges were affiliated with the Delhi High Court, comprising six males and six females.

Gender bias is evident in appointment policies at many levels of the judiciary, both through explicit and implicit means. Explicit bias refers to behaviors and actions that clearly demonstrate the presence of bias. Implicit bias, on the other hand, refers to the impact of certain behaviors. As social norms have changed, many explicit displays of sexism are now considered unacceptable. As a result, policies and behaviors have become more and more gender-biased. The prevalence of deep-seated prejudices and stereotypes is typically concealed by rules and social conventions, and many persons are ignorant of their existence or impact. However, the presence of these biases can be observed by continuous examination of social and empirical facts.

Through the utilization of empirically collected quantitative and qualitative data, this study posits that gender bias manifests itself in two distinct forms: Structural bias and discretionary bias. This note aims to emphasize the prevailing

absence of empathy and awareness regarding the distinct challenges faced by women in the context of marriage and motherhood, which are identified as the main factors contributing to their limited presence within the Indian court.

### **Structural prejudice**

Structural prejudice refers to the inherent biases present in judicial-selection policies that excessively benefit certain candidates at the expense of others. The rules in question exhibit inherent prejudices that are rooted in social stereotypes pertaining to several categories, including gender, caste, class, color, ethnicity, and age. These biases are evident in both overt and covert manifestations. At the Supreme Court (referred to as "SC"), the "seniority norm" is an unspoken criterion for appointing the most senior High Court (referred to as "HC") judges to the highest court. This norm restricts the promotion of women judges. At the lower judicial level, the judicial transfer policy, which prevents a judge from being appointed to their place of residence or that of their spouse, is implicitly biased towards gender by neglecting to take into account women's gendered responsibilities in the private sphere.

Discretionary bias arises from the exercise of authority by those responsible for making judicial appointments. These biases operate autonomously from any structural obstacles, whether they are explicit or implicit, and are influenced by the apprehensive or subconscious inclinations of the appointer.

This Note incorporates the concept of intersectionality into its research of structural and discretionary gender bias. Intersectionality acknowledges that women possess several identities and may encounter oppression from various sources in distinct ways. Various socio-economic, cultural, religious, or sexual-orientation identities can potentially reduce the vulnerability of certain women to instances of prejudice or unequal access to opportunities and treatment. The susceptibility to bias is found to be lower among women from urban, higher-caste, higher-class, educated, and legal origins compared to women from rural, lower-caste, lower-class, illiterate, and non-legal backgrounds.

The Note aims to challenge and address the prevailing notion that judicial-appointment and transfer practices are gender-neutral. The lack of awareness among society regarding gender prejudice in judge nominations stems from two separate origins. To begin with, the presence of institutional gender bias contradicts our belief in the legal system as the ultimate embodiment of justice. Furthermore, the current implementation of facially gender-neutral appointment policies raises concerns regarding the presence of gender bias. This Note is divided into three sections. Part II outlines the research methodology employed in the Note. Section III commences with a historical account and delves into the existence of explicit structural obstacles in the realm of judicial nominations, which effectively barred the participation of women. Subsequently, it delves into hidden structural obstacles in the shape of a "seniority norm" inside the Supreme Court and a "transfer policy" within the lower judiciary, which inherently put women at a disadvantage due to their distinct gender-based duties. Part IV explores the extent of authorities' subjective prejudice when selecting judges, resulting in appointments that are typically influenced by gender bias. This note underscores the significant societal and women-specific costs associated with this issue. It concludes by emphasizing the importance of raising awareness among various stakeholders about diverse gender perspectives. Furthermore, it highlights the urgent necessity to redefine the existing, conventional methods of selection and transfer in order to effectively address the social realities faced by women.

### **Structural bias**

This section posits that the presence of institutional gender prejudice throughout various judicial tiers in India, whether manifested via explicit or implicit means, has impeded the involvement of women in the judiciary. This section examines the progression of gender-based structural obstacles in India, beginning with Cornelia Sorabjee's struggle to become the first female law graduate in both India and England. While stated legal barriers to women's involvement have been eliminated due to the advancement of the rights viewpoint, which advocates for equal rights for women, gender biases continue to exist in implicit ways that impede women's advancement in the court system.

This section initially examines empirically gathered statistical data that demonstrates the underrepresentation of women in the judiciary and Chief Justices of the High Courts. It contends that their smaller numbers result in reduced opportunities for advancement to the Supreme Court, considering the "seniority norm." By considering the interviews conducted, this data set will offer an insider's perspective on the matter. This comprehension will also aid in the identification of the components that influence gender representation throughout various healthcare centers. This



section subsequently demonstrates the latent gender prejudice inherent in the transfer policy at the subordinate judicial level, which stipulates that a judge cannot be appointed in their place of residence or that of their spouse.

This historical narrative demonstrates the utilization of judicial interpretations of legislative provisions as structural impediments to the inclusion and advancement of women in the legal field. These rules functioned as explicit structural obstacles, referring to rules and standards of admission that clearly exhibited bias based on gender. The judiciaries often argued that the lack of legislative intent to include women, as well as the historical underrepresentation of women in the profession, justified their ongoing exclusion. Although it is not within the scope of this Note to examine the role of gender in the decision-making process, an analysis of the mentioned cases cannot overlook the influence that the "all-male benches," whether Indian or English, likely had on the outcomes.

The elimination of institutional obstacles, coupled with the development of the rights perspective and the establishment of mechanisms to address prejudice, facilitated the increased participation of women in the Indian judiciary. However, it is important to note that bias did not totally vanish; rather, its characteristics underwent a transformation. Patriarchal attitudes and perceptions have undergone transformation; however, they have not completely disappeared. Gender bias is currently evident in hidden structural obstacles, such as the laws and practices governing judicial appointments that inherently favor one gender over the other. Implicit bias refers to the unconscious biases that individuals may not be aware of. These biases function without the individual's conscious awareness, intention, or knowledge. Consequently, individuals are unable to acknowledge and address their biases rooted in stereotyped attributes such as race, ethnicity, age, gender, and appearance. To effectively identify and mitigate their own biases, individuals must consistently critically examine their own societal beliefs in relation to social and empirical evidence.

The subsequent section delves into the intricate examination of hidden structural obstacles at the Supreme Court, specifically focusing on the "seniority norm." This norm refers to the implicit practice of appointing the most experienced judges from the High Court to the highest court. The existence of this seniority requirement can be attributed to the fact that the appointment authority of Supreme Court (SC) justices in India has predominantly relied on the Chief Justices of the High Courts (HCs) for the purpose of considering SC appointments since the country gained independence. Due to past prejudice, fewer women have attained esteemed positions, resulting in their limited exposure at the highest Court. The transfer policy of judges at the subordinate judicial level, which prohibits the appointment of judges based on their place of residence or that of their spouse, might be interpreted as an inherently gender-biased policy.

### **Seniority norms**

In India, High Court judges constitute the main group for consideration in the recruitment of Supreme Court judges. Following the attainment of independence, the appointing authority has exclusively selected a mere eight judges from the Bar, out of a grand total of 194 Supreme Court (SC) judges. Although considerable importance is placed on the previous judicial experience of potential SC judges, it is not the sole determinant for their appointment to the highest Court. Additionally, the "seniority norm," an implicit judicial appointment norm that restricts the elevation of only the most senior High Court (HC) judges to the SC, is also a fundamental principle. The determination of seniority is based on the All-India High Court Judges' Seniority List. Due to the delayed participation of women in the legal profession, along with the cultural obligations associated with marriage and motherhood, there exists a lower probability of women attaining senior High Court (HC) judges and then being promoted to the Supreme Court (SC).

In the realm of women's representation within the Supreme Court (SC), it is imperative to take into account the patterns of appointment of female justices in the higher court. Despite Anna Chandy being appointed as India's first female High Court judge in 1959, it was not until 1989 that the appointing authority promoted Fathima Beevi, the first female judge, to the Supreme Court.

Dr. Chandrachud contends that the seniority norm excludes women as potential SC candidates, but an informal quota system addresses this imbalance by appointing women to ensure gender representation on the bench. One interviewee confirmed the existence of such a quota, stating that one or two seats are reserved for women on the SC. When asked if different criteria were used for hiring male and female judges, one of the senior female interviewees responded affirmatively, rhetorically questioning why judges like Indira Banerjee were not promoted.

Another female interviewee noted that women face greater challenges in achieving success compared to men. They must demonstrate their abilities in ways that make them more capable than men in similar positions, yet they are given fewer cases of social or political importance. Another female interviewee agreed with this assessment and also noted that female judges are sometimes not given administrative matters. The experiences of female judges often depend on the Chief Justice and the collegium. While some Chief Justices have supported their female colleagues, others have not. These factors collectively influence the appointment of women at various judicial levels and the subsequent determination of their hierarchy. It is crucial to recognize the influence of politics on the appointment process, where female judges who have greater executive connections may have a higher likelihood of being elected to higher courts. The seniority standard dictates that despite a woman's exceptional performance as a High Court judge, she may still be ineligible to become a Supreme Court judge. In addition, she must attain the position of Chief Justice of the High Court and possess a sufficient level of seniority on the All India High Court Judges' Seniority List to justify her consideration. While this principle is applicable to all judges, the distinct social and cultural status of women, as well as the unequal responsibilities of motherhood and marriage, contribute to a structural disadvantage for female judges.

### **Discretionary bias**

The legal profession is widely regarded as one of the most esteemed occupations; the judiciary serves as the final recourse for individuals when all other institutions have proven ineffective. Consequently, it can be inferred that individuals anticipate the temples of justice to adhere to the identical principles that the courts delineate for the nation. Nevertheless, the courts have not consistently met this expectation in terms of gender neutrality in the nomination of judges. During my investigation into the matter, only six interviewees explicitly refuted gender bias in appointments (four male and two female). Additionally, seven interviewees denied gender bias by citing factors such as community/family background, legal background, or the role of the Chief Justice, which could potentially impact the judge's appointment (two male and five female). Furthermore, three interviewees (two male and one female) positively indicated the existence of gender bias. The three remaining interviewees, consisting of two males and one female, were unable to provide comments due to a limited understanding of the appointment criteria employed by various committees at different High Courts (HCs). The observation that only six out of nineteen judges were able to completely deny any gender bias in judicial appointments highlights the significance of this issue, as it suggests a lack of crucial confidence in the judicial appointment process by the judges who have played a crucial role in overseeing higher judicial institutions.

This research elucidates the functioning of gender bias in both explicit and implicit manifestations. Discretionary bias refers to the extent to which individuals exercise bias based on their conscious and/or unconscious preferences and will. The phenomenon occurs when an individual in a position of power demonstrates prejudice, regardless of any policy that is inherently biased, whether it is either stated or implied, within the boundaries of their decision-making authority throughout the process of making appointments. Regrettably, the presence of inherent prejudice in decision-making is not exclusive to the selection of judges, but also encompasses appointments that are peripheral to the operation of the judiciary.

According to a survey conducted in 2013, the Jindal Global Law School in India identified the presence of a "male dominant collegium," which refers to a collegium with a significant proportion of male judges, as a contributing factor to the declining appointment of women to higher judiciary positions. Additionally, the survey highlighted the lack of transparency in the appointment process as another hindrance.

There is also the existence of an informal quota of one or two women at the High Courts (HCs), while another mentioned the implicit and unspoken demand for female judges that affects appointments. There is the public belief that a male-dominated collegium does not choose female judges, whereas a female-dominated collegium would. Another senior female judge, although it is challenging to make generalizations about gender bias in appointments, stated that gender bias is contingent upon the head of the judiciary. The author noted that certain Chief Justices have shown significant support for women, while others have not exhibited the same level of support.

Gender-biased appointments may arise from the patriarchal perception of the profession, when those who deviate from the established or implicit societal norms are regarded as outsiders. Due to their distinct societal obligations in marriage and as moms, women are deemed outsiders as they are unable to meet judicial norms and expectations. The section on

the transfer policy of subordinate judges highlights the unintended consequence of women choosing to remain single. Furthermore, the presence of gender bias in appointments can be attributed to the limited gender diversity among decision-makers. This is because men in positions of authority often lack the valuable perspective of women, which allows them to consider the distinct social realities of the two dominant genders.

Judicial decision-makers must possess an understanding of the various methods through which they manifest their prejudices in order to prevent their occurrence. In the majority of instances, these prejudices can be attributed to the influence of societal stereotypes and conditioning. Currently, gender roles consider women unsuitable for the traditionally male-dominated legal profession. Curiously, the societal categorization of gender roles can also be reversed to ensure that appointments are made based on gender as a necessity. In other words, the demands of a particular situation or institution can influence the selection of a female or male judge. For example, Section 4(4)(b) of the 1984 Family Courts Act establishes a preference for women in the selection process of family court judges. One respondent emphasized that the Act's enactment in Andhra Pradesh and Maharashtra resulted in a need for female judges. The law was enacted due to the perception that family law was a traditionally gendered field of law that was only suitable for women. The legislation inspired the enlistment of ten unidentified female attorneys to serve as judges. From an intersectionality standpoint, additional factors that could expedite the selection of female judges include their legal expertise, community background, urban upbringing, and educational attainment. The interplay of these factors may potentially lead to enhanced prospects for certain women and facilitate their advancement within the judicial hierarchy.

The current imperative is to provide judges with training on gender stereotyping and role attribution, which results in an unfair advantage for males and a disadvantage for women. Several respondents emphasized the absence of judicial training prior to being promoted to the High Court, a concept that is theoretically present but not effectively implemented. One individual drew a comparison between the appointment process and the act of throwing Indophiles to the lion for certain judges. Consequently, given the potential for subjective prejudice that undermines the selection of judges, it is imperative to provide gender and comprehensive sensitization trainings for judges. Although the National Judicial Academy has partially implemented these trainings, there is a need to enhance the procedure even more.

## II. CONCLUSION

Judges, being human beings, are equally vulnerable to sociocultural biases, just like any other individual. Policymakers and decision-makers who lack adequate training may exhibit both unconscious and explicit gender bias when appointing female judges. This could be attributed to a deficiency of contemplation and contemplation regarding, firstly, the historical challenges faced by women in accessing male-dominated establishments, and secondly, the prevailing inequitable societal responsibilities associated with motherhood and marriage, which are typically not shared by males across all economic classes.

Hence, given the significant societal ramifications of appointment bias, both in general and specifically for women, it is imperative to recognize gender bias and provide decision-makers with training to enhance their awareness of diverse gender viewpoints. Raising stakeholders' understanding regarding the adverse consequences associated with the work-life decisions made by women in our patriarchal culture will enable them to transcend the conventional boundaries of judicial appointments and legal profession regulations, which may not consistently assess merit. Hence, it is imperative to overhaul the existing regulations governing the appointment and placement of judges across all levels of the judiciary. Implementing this approach will not only assist the judiciary in adapting to the evolving social structure, but also guarantee the inclusion and representation of 50% of the nation's population in its highest judicial bodies.

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# Study on the Appointment of Female Judges in India with Reference to the Transfer Policy

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**Abstract:** *In India, the subordinate judiciary lacks central control. According to Article 234 of the Constitution, the High Court (HC) and the State Public Service Commission of each state have the joint power to establish the criteria for selecting and appointing judges. Although there is often a lack of consistency in the selection process, it is widely known that states generally agree on the policy regarding the transfer of judges.*

*Initially, it is mandated that lower judicial officers undergo transfers at intervals of two to three years. Furthermore, in order to prevent Nemo judex in causa sua, which means that no one can be a judge in their own case, states impose limitations on the appointment of judges based on their place of residency or that of their spouse. The likelihood of a disagreement involving an individual known to a judge is significantly increased when the judge is assigned to their place of living or that of their spouse. Although it may appear gender-neutral, this transfer regulation does not adhere to a standard application among all judges. This paper scrutinises the transfer policy applied to the female judges and the factors influence their transfer related dilemma and decisions*

**Keywords:** transfer policy, female judges, appointment, structural bias, family, female judicial officers

## I. INTRODUCTION

The job's transferable character and the possibility of judges not being assigned to their own or their spouse's place of residency give rise to gendered concerns. They mostly exist because to the unequal expectations and burdens associated with parenting and marriage, which are not equitably shared by males. Additionally, these issues develop due to the husband's career being given higher priority than the wife's, irrespective of her job position. One inadvertent outcome of the transfer policy has been the emergence of a growing inclination among female judicial officers to choose to remain unmarried. Female judges, by placing their careers as a higher priority, forgo the pleasures of family, marriage, and motherhood, a decision that their male colleagues are not required to make. If the gender prejudice is not immediately evident in the transfer policy, it is actually a hidden structural bias.

Following are the factors influence the transfer related dilemma and decisions:-

### 1. The Imbalanced Responsibilities of Women in the Context of Marriage and Motherhood

One female judge had provided an account of the prevailing Indian practice wherein women typically reside at their matrimonial residence after marriage, a societal norm that is widely embraced within our patriarchal framework. Women who are employed depend on their mothers-in-law as a "second-best alternative to a mother" for their children, instead of depending on their husbands. In contrast, male individuals typically have their spouses present at home to address the responsibilities associated with childcare. Nevertheless, the transfer policy imposes limitations on the placement of a female judicial officer within her marriage family, so preventing her mother-in-law from providing assistance in the care of her children. Consequently, the policy has a negative impact on the representation and support of women in the courts. One of the female interviewees made an observation that if she had been faced with the decision between her children and work, she would have struggled to achieve a balance between the two. Similar to several other women, she would have chosen to abandon her career. The individual's career advancement can be attributed to the support provided by her spouse and children. Their male colleagues in the field are not required to make comparable



decisions. The transferability provision is inherently gender-biased, as it has a differential effect on female judges, a consequence that the policy's creators were unaware of.

An administrative lapse may be the underlying cause of the gender-biased transfer policy, as it excludes female policymakers and judicial officers from the appointment process. The existence of this gender disparity is evident in the remarks made by one of the interviewees, who emphasized the lack of consideration from her male colleagues and policymakers: "All of these male judges never considered it."

She additionally notified me that she had corresponded with the pertinent authorities regarding this matter, although no action was taken. It is noteworthy that during the construction of this narrative, she also recognized the cultural imperative for limitations stemming from the obligations associated with parenthood. The author argued that these limitations are crucial as they guarantee the allocation of resources towards the welfare of youngsters who will assume leadership roles in the future, thereby contributing to the establishment of a prosperous society. Therefore, it is imperative that these obligations are not just acknowledged but also supported and promoted. One issue occurs when these expectations are exclusively directed towards women, and the consequences of these expectations are not acknowledged within our policy framework.

In addition to disparities in parenting and marital demands, women face the additional challenge of being perceived as having poorer career prospects compared to their husbands. When making decisions about the family, the husband's profession typically takes precedence. This implies that in cases where the position of a female judicial official is subject to transfer, her spouse may exhibit reluctance in accompanying her. This can occur irrespective of the husband's occupation.

In India, it is widely known that women do not exhibit the same level of unwillingness. Female attorneys have a greater inclination to relocate when their spouses are reassigned for employment, even if the relocation will have a negative impact on their professional advancement. This illustrates not only the prevailing assumption that women are primarily responsible for caregiving, but also the implicit subordination of women's professional pursuits, irrespective of their occupational status. The complex network of social obligations and oppression hinders women's participation and long-term presence in the profession, while simultaneously dissuading the appointing authority from favoring them, resulting in a structurally biased transfer policy. The distinct roles and obligations of males and females, which contribute to their varying advancement in the legal field, will be thoroughly examined in a separate paper.

Several respondents raised concerns with the interpretation of Article 14 of the Indian Constitution, which encompasses the fundamental "Right to Equality" granted to everyone. They raised doubts about the rationale behind applying the transfer policy equally to both men and women, considering their distinct social circumstances, particularly the expectation for women to take care of children of significant ages. The aforementioned expectation is seen in the resolution of numerous child custody disputes, wherein the mother is regarded as the primary custodian of the kid. Regarding this matter, one of the aforementioned interviewees regarded women as "unequal individuals" in terms of transfer, not due to the duties associated with the judicial position, but rather due to the burdens of marriage and motherhood that impose a heavier burden on female judicial officers compared to their male colleagues. Therefore, although the transfer policy may initially appear to be gender-neutral, the aforementioned implications reveal a distinct gender-biased narrative.

## **2. The Dilemma of Balancing Professional and Personal Life: The phenomenon of female judges being single**

When queried about the factors contributing to the diminished gender ratios within the upper Indian court, a female interviewee, in her account of the superior representation of women in the subordinate judiciary of Kerala, made the following observation:

This has been a longstanding practice in the legal profession. Upon examining the statistics, it becomes apparent that while there may be a number of women enrolled, the actual number of practicing women, their duration of practice, and the number of senior women attorneys above the age of 45 who were actively practicing at any given time are the ones who were taken into consideration for judgeships. Unless women assume the role of judicial officers, as is currently the case in Kerala where a significant number of women, including both married and unmarried women, are recruited as judicial officers at the lowest echelon. In several states, there is a notable presence of women in lower judicial positions.

The utilization of the term "single" to characterize female judicial authorities is a subject of interest in the aforementioned statement. The issue of transferability does not provide a significant challenge for unmarried women, in contrast to married women who have the responsibility of managing their marital household following marriage.

The disparate gender norms in our patriarchal society are intensified when men are unwilling to distribute the responsibility. Marriage and parenthood are considered sacred obligations for women, and the advancement of women's professional trajectories ultimately hinges on the desires and preferences of their spouses.

The concept of single-women professionals was already being considered by Justice Anna Chandy, the first female High Court judge in India, much before it became a well-recognized trend. During an interview with Velu Pillai, a prominent administrator, scholar, and author, Pillai posited that the employment of married women in government positions is seen inappropriate due to the potential for wealth concentration within a select few families and the potential negative impact on their husbands' sense of pride. Chandy responded by providing a rationale for the societal implications of Pillai's idea, asserting that adhering to his recommendation would result in women ceasing to enter into marriage in order to pursue their professional aspirations, thereby exacerbating the existing stigmatization. Although these repercussions primarily affect women in the short term, they pose a long-term threat to the social structure that enables individuals to prioritize the pleasures of family and parenthood.

### **3. Alternative Mechanism**

As previously mentioned, the implementation of the transfer policy was intended to address the potential occurrence of *Nemo iudex in causa sua*, which may happen when a judge establishes a connection with the local populace. Although this concept may appear fair in theory, its actual implications pose challenges, particularly considering the non-transferable nature of judgeships at the higher judiciary, which are subject to rotation. Typically, higher court judges have an average tenure of several years and frequently have prior experience working at the same court prior to their promotion. Therefore, it is highly likely that they possess knowledge of both the senior counsels presenting arguments before them and the litigating parties.

Several interim policies can be implemented to mitigate the repercussions of the transfer policy until its revision.

1) The policy of co-location posting permits spouses employed by the central government to be assigned to the same area wherever feasible, so facilitating the maintenance of a conventional family lifestyle and the provision of care for their children. The primary objective of this strategy is to streamline the representation of women in central government positions who may choose not to participate owing to the job's transferable nature. Although this strategy may provide assistance, it is crucial to take into account the precise proportion of women with spouses working in the central government and the absence of remedies for women with spouses in various occupations.

2) The Preferential Transfer Policy, which is applicable to Public Sector Banks, takes into account the social positioning of female employees. It permits unmarried women to be sent to locations in close proximity to their residences, while married women are assigned to locations in close proximity to their husbands' residences. This provision has the potential to be integrated into the existing transfer strategy for the courts. According to Article 15(3) of the Indian Constitution, the state is granted the authority to enact specific measures for women, hence establishing a distinct framework for affirmative action programs that may not adhere to principles of gender neutrality.

Further actions that can be implemented to provide assistance to women under the current policy include:

3) The provision of a creche facility, namely a daycare facility catering to the children of judges, lawyers, or others employed at different levels of the courts, will enable parents to effectively manage their professional and parental obligations. This would particularly benefit women, as childcare is commonly associated with their gender, therefore enhancing their involvement in the legal field.

## **II. CONCLUSION**

The Indian judiciary should eliminate or revamp the transfer policy due to its adverse effects on women, the consequent infringement upon the fundamental 'Right of Equality' as outlined in Article 14 of the Indian Constitution, and the disregard for this policy by the highest judicial bodies. Subsequently, it can establish regulatory systems to oversee the allocation of cases and guarantee that the judge does not have any personal stake in a certain case. This requirement becomes essential given the adverse consequences of the transfer policy on women specifically and society as a whole.

One of the participants in the interview highlighted the recent surge in the selection of female judges for judicial positions in the district courts of Delhi. The observed phenomenon can be attributed to the non-transferability of judgeships in Delhi, which distinguishes it from other states. This phenomenon leads to an increased influx of deserving women seeking judgeships, but it also signifies a reduction in competition from their male counterparts as the most skilled males migrate to lucrative, private-sector law firms.

The implementation of gender sensitivity measures for judges would assist female judges in effectively managing their gender-related obligations, such as parenthood and marriage, with their professional pursuits. Moreover, it would provide a chance to raise awareness among their male colleagues, who often fail to acknowledge the significant contributions made by their wives in their prosperous professional lives.

Revisions to the current transfer policy have the potential to enhance inclusion within the judicial system, so enabling a greater number of judges with diverse viewpoints to render verdicts that address gender-based expectations pertaining to women and men.

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# **Study on Various Aspects of Feminist Legal Practice in India**

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**Abstract:** *There is a significant amount of literature on feminist lawyering in Western countries. However, it is important to consider the goal of feminist lawyering within the patriarchal framework of third-world states. This essay contends that feminist lawyering in India, a society characterized by deep hierarchies, encompasses a wider scope than traditional lawyering. In traditional lawyering, the primary objective is not to win the case, but rather to address broader goals such as eliminating inequalities, eradicating oppression, challenging sexist stereotypes, abolishing fascism, and addressing conditions that perpetuate domination. In a societal framework wherein certain groups are deprived of citizenship rights on the basis of social factors such as gender, color, caste, class, or religion, feminist lawyering must be comprehended comprehensively as a profession that provides assistance to marginalized individuals while simultaneously ensuring governmental responsibility. This inquiry pertains to the interrogation of androcentric norms both within and outside the confines of courtrooms. It advocates for the legal system, courts, and society at large to exhibit sensitivity towards gender-related issues, while also acknowledging and upholding the citizenship rights of two-thirds of the global population. This study asserts that the primary objective of feminist lawyering is to engage in negotiations and challenges pertaining to rights across different levels. Feminist lawyers endeavor to reshape the androcentric legal system and the stratified, hierarchical structure of society, with the ultimate goal of upholding constitutional principles of equality, liberty, and social justice in practical terms*

**Keywords:** Legal practices, Feminist lawyering, Social justice

## **I. INTRODUCTION**

Overview: What is Feminist lawyering and why it is required?

In the case of Kesvananda Bharathi v State of Kerala, Justice Chandrachud made an observation. The Constitution is not designed to serve as a platform for legal disputes among individuals with substantial financial resources. It is designed for the general populace. It should be interpreted in a manner that allows them to comprehend and value it. As their comprehension deepens, their affection and appreciation for it intensify.

The ruling additionally observed,

"The Court's protection is necessary for millions of impoverished, malnourished, and thoughtless individuals to ensure their enjoyment of human rights." In the event that there is no clear directive, it is advisable for the court to refrain from invalidating a constitutional amendment that seeks to eliminate all forms of suffering.

Nevertheless, there are inconsistencies, as Baxi observed that it took numerous decades for the Supreme Court of India to address the concerns of ordinary individuals and transition from a "conventional subordinate institution with limited public exposure to an emancipated societal entity with significant socio-political prominence." Throughout the years, individuals from various backgrounds, such as undertrials, convicts, men and women in custody, children in juvenile institutions, women who have been trafficked, bonded laborers, agricultural laborers, slum and pavement dwellers, and relatives of victims of extrajudicial executions, have sought legal recourse to alleviate their suffering caused by state repression, lawlessness, chaotic bureaucracy, and administrative oppression. Certain individuals gain justice, while others are deprived of it. Denial of justice can be attributed to various factors, including limited access to justice, high litigation costs, inadequate infrastructure and personnel, subjective prejudices, poverty, corruption, and numerous other causes. Indeed, the current state of affairs demonstrates a disparity between legal frameworks and the hardships

experienced by the general populace. Although the legal system places importance on the concept of people-oriented measures such as Public Interest Litigation, Lok Adalats, National Legal Literacy mission, and the enactment of the Legal Service Authority Act, 1987, it continues to be dominated by privileged, powerful, and resourceful men, resulting in the suppression of the voices of marginalized individuals, including women. The constitutional assurance of equality, affirmative action, liberty, fraternity, and justice remained an unattainable aspiration.

Furthermore, the field of law has historically been characterized by the dominance of privileged individuals. A small number of men hold positions of power and establish legislation and policies for women, enforce regulations, and enforce the law without allowing women the opportunity to make their own decisions. Women, in their roles as citizens, lawyers, judges, activists, women's organizations, and members of the broader women's movement, are advocating for justice and equality in order to address these disparities. In the pre-colonial era, women actively participated in the pursuit of freedom. In the context of a post-colonial society, the women's movement is actively engaged in endeavors aimed at improving the circumstances of women. Feminist lawyering has been actively fighting the male-dominated, elite paradigm for many years in order to provide an environment that enables equal access to justice for everyone. Feminist lawyering serves as a means to enact, enforce, and enforce legislation with a feminist perspective. Its objective is to empower individuals to express their grievances, advocate for justice, and confront instances of oppression.

The field of feminist lawyering perceives law as a tool for confronting deeply ingrained disparities, including but not limited to patriarchy, elitism, class-based prejudice, communalism, fascism, exclusion, misogyny, and sexism. It advocates for the implementation of laws and policies that facilitate the inclusion of feminist perspectives in both public and political spheres. According to Cahn, the act of participating in feminist litigation entails the practice of feminist lawyering pertaining to feminist matters. Within the context of a patriarchal society, feminist litigation encompasses the practice of feminist lawyering, which focuses on addressing both feminist concerns and broader societal challenges that are interconnected and crucial for the realization of broader feminist ideals. Feminist attorneys might be characterized as reformers due to their commitment to not just addressing the consequences within the existing legal system, but also actively pursuing changes in socio-legal norms.

Feminist lawyering is founded on a cooperative and diverse approach that seeks innovative methods to confront deeply ingrained systemic prejudice. The objective is to deconstruct social hierarchies in order to reshape an inequitable social framework through a critical analysis of power dynamics within the interaction between an oppressor and an oppressed, inside the sociocultural framework of domination, with the aim of reducing oppression. Hence, it diverges from a reductionist perspective on the legal system that simplifies the relevant facts into techno-legal inquiries. Feminist lawyering diverges from a competitive traditional legal approach that prioritizes 'winning a case' by integrating professional dedication to broader gender-related objectives. The success of such lawyering is not determined by income or earnings, the size of the legal firm, or the number of cases won by a lawyer. Instead, it is evaluated based on nuanced indicators such as achieving social change, effectiveness in influencing individual clients, the current policy landscape, peace, contentment, job satisfaction, contribution to the larger cause, changes in gender justice norms, heightened feminist consciousness, increased social awareness, and most importantly, making a positive social impact on the ground.

Feminist theorists in the Western world have put forth many theories that establish connections between feminist law-making, legal theory, and the legal profession. These theories aim to demonstrate the interrelationships between these elements and their influence on the practice of law. Over the course of time, four prominent schools of legal theory have emerged. These theories encompass the formal equality theory, which advocates for equal treatment of women and men, the cultural feminist theory, which emphasizes the need for law to consider the differences between men and women, the dominance theory, which highlights the underlying power structures and privileges, and the anti-essentialism approach, which recognizes that the term "female" is not a singular category but rather a result of the intersection of race, class, ethnicity, or caste. The majority of disputes are influenced by the distinct experiences of women regarding pregnancy and motherhood, as well as the many forms of violence they encounter, such as domestic abuse, rape, and sexual assaults, which are a result of patriarchal power structures. These crucial observations are influencing the field of law.



Academic scholars have posited a correlation between the manner in which the law is implemented and its tendency to uphold norms imposed by males, rather than effectively attaining the objectives of justice. Catharine Mackinnon expressed the viewpoint that legal norms are established based on the masculine standards prevalent in the workplace, which serve as a benchmark for evaluating the performance of individuals. Conversely, women perceive legal circumstances through the lens of their feminist consciousness. She contended that feminist lawyers employ the methodology that prioritizes women's narratives of their lives, recognizing that these narratives expose instances of mistreatment perpetrated by men. Abrams differentiates between legal procedures and feminist methods while studying Mackinnon's work. She stated that feminist lawyering has revolutionized the concepts of gender justice and the practice of law, resulting in significant changes to the legal system.

### **Feminist lawyering in the Indian context**

Numerous legal professionals, activists, and organizations in India exhibit reluctance in employing the label feminism. An often-cited objection to the usage of the phrase is its incompatibility with the Indian context, as it is being employed within the unique framework of the Western world. Nevertheless, this perspective is antiquated. This is primarily due to the fact that feminism is no longer a singular and homogeneous concept. In Western societies, the concept of feminism has undergone significant transformations over the course of several decades, with the active participation of various marginalized groups such as black women, migrant women, and local women. Spivak (2010) contended that feminism, in contrast to Marxism, lacks a singular definition and instead relies on the firsthand experiences of women. The resistance and struggle against dominance by Indian feminists possess a unique character, which is influenced by Indian culture. However, many of their practices are frequently influenced by Western influences.

Furthermore, both tyranny and lawyering do not operate independently. Feminist lawyering has emerged as a reaction to the systemic oppression imposed by patriarchal structures. The global challenges against oppression exhibit numerous shared attributes and are deeply entrenched in historical events such as colonialism, World Wars, the Holocaust, systems of dominance, and the development of contemporary political ideologies like democracy and citizenship. Furthermore, individuals in India adhered to various ideologies, including Marxism, socialism, capitalism, and others. These various concepts have been employed and refined on a global scale. Numerous Western words, philosophies, terminologies, and similar concepts have been adopted by researchers in this context, and conversely. In the contemporary neoliberal, globalized, and digitalized society, the distinction between local, national, and international matters is becoming increasingly indistinct. This phenomenon can be attributed to the economic and structural changes occurring as a result of heightened digital connectivity, cross-border migration, global trade, and various other factors. An illustrative example of the global dissemination of debates is the #MeToo Movement, which originated in the Western hemisphere and subsequently gained traction in India. Furthermore, it is worth noting that international human rights norms have exerted a significant influence on community behaviors globally, permeating the constitutions and legal frameworks of many nations to varying degrees. Social movements are employing the terminology of citizens' rights to advocate for the provision of entitlements to marginalized communities. Furthermore, in the context of "development," the indigenous population is actively resisting the encroachment of global capitalism on third world markets, which is exerting influence over economics and politics. This encroachment has resulted in the loss of forests, land, and livelihoods for the most marginalized individuals. In response, the indigenous population is employing various strategies to safeguard their natural resources, including water, forests, and land. Furthermore, within the realm of law, the influence of colonialism over the course of several decades has resulted in the incorporation of several jurisprudence theories, legal concepts, and principles from the Western world into Indian jurisprudence. The current legal system in India is primarily the result of the colonial rulers' enactments and interpretations of indigenous customs and practices. Thomas Babbington Macaulay, a British individual, formulated the Indian Penal Code, drawing inspiration from the prevailing Victorian morality of the era. Furthermore, during the colonial era, the imperial rulers exerted considerable influence in defining laws and policies, leading to debates and discussions regarding the enactment of laws against Sati, widow remarriage, child marriage, the Age of consent Bill, and various other issues.

Indian feminist attorneys have historically engaged in the practice of feminism through various means. Prior to gaining independence, the arduous battle faced by women attorneys in colonial India to gain admission into the legal profession has been well-documented. During the early 1900s, women lawyers like Regina Guha, Suchansubala Hazra, and

Cornelia Sorabji challenged the limits of the legal system and advocated for women's right to practice in the courts. However, in April 1923, the regulations that prohibited women from practicing law were modified. Moreover, throughout the process of constitution-making, a total of fifteen women actively participated in the deliberations held within the Constituent Assembly. The constitutional provisions pertaining to liberty, equality, substantive equality, and affirmative action are indicative of the lawmakers' intention to eradicate patriarchal tyranny. Dr. BR Ambedkar, MK Gandhi, and other attorneys in the post-independent nation have advocated for women's rights, including the Hindu Code Bill and other legislation.

In post-independence India, numerous legal cases have been filed to challenge the discriminatory legislative provisions and policies, citing the constitutional guarantees of equality, liberty, and social justice. Women have actively opposed patriarchy through a series of legal cases, such as *CB Muthamma v Union of India*, *Nargesh Mirza's case*, *Mary Roy*, *Sabrimala issue*, and *ABC v Union of India*. These cases have highlighted the historical subordination that has placed women in a subordinate position relative to men. In every instance of this nature, women advocated for substantive equality rather than nominal equality. *Vishakha's case* involved the court's development of a guideline to safeguard women against sexual harassment in the workplace. This guideline was based on international women's human rights treaties and aimed to ensure that the state and other individuals involved in the workplace were held responsible for their actions.

Hence, feminist lawyering in India has undertaken an examination of the women's issue through the lens of substantive equality, with the aim of dismantling long-standing sexist stereotypes and prejudiced attitudes that have persisted and been perpetuated over generations. Kaufman (year) conducted a comparative analysis of the implementation of equality provisions in the Indian and US Constitutions. He posited that while both countries' courts adhere to formal equality principles, India's dedication to affirmative action and protective measures has played a significant role in mitigating the longstanding marginalization of women. The emphasis on "substantive equality" offers optimism in facilitating women's complete and equitable involvement in society.

Feminist lawyering aims to advance social justice by extending the application of Articles 14 and 15 of the constitution to advocate for liberty and substantive equality. It also connects these principles with the provisions outlined in Article 21, which guarantees the right to life with dignity, in order to promote autonomy and freedom. Establishing a correlation between various liberties to guarantee fairness is a significant aptitude of a feminist attorney. The interconnection of social, economic, and political factors renders them inseparable and contradictory. From the perspective of a feminist lawyer, human rights are perceived as inseparable and interrelated, whereas a conventional lawyer may hold a contrasting viewpoint.

### **Key Components of Feminist Legal Practice**

Feminist lawyering necessitates a balanced combination of fervor akin to that of a fervent attorney in advocating for the rights of marginalized individuals, a profound sense of outrage towards severe injustices, a resolute dedication accompanied by a measure of bravery, fervor, and unwavering belief. Additionally, it demands adeptness in pleading that incorporates a compassionate viewpoint, the capacity to establish connections between specific instances of rights infringement and subjugation and the broader systemic oppression, as well as the ability to critically examine and reinterpret constitutional and legal provisions from the standpoint of those who are oppressed. Significantly, the cultivation of sensitivity and empathy towards individuals who experience oppression, together with a fervent commitment to gender-just legal practice, constitutes essential components in the development of a feminist lawyer. In the absence of scholarly terminology or the assertion of legal entitlements, the primary function of a feminist lawyer is to facilitate the expression of marginalized individuals, safeguard the authenticity of their emotional experiences, and confront the androcentric condition via the lens of the oppressed.

## **II. CONCLUSION**

Feminist lawyering encompasses a unique amalgamation of legal theory, cognitive processes, practical application, proactive measures, and interventions, necessitating both professional and personal dedication. A feminist lawyer, in their capacity as a legal and social reformer, employs legal instruments to influence the development of social

institutions that exhibit sensitivity, empathy, and justice. Additionally, they seek to redefine the conventional approaches employed in traditional legal practices.

Feminist legal practice inside a patriarchal society in the third world envisions a world devoid of oppression. This movement aims to eradicate marginalization and subjugation by dismantling social hierarchies and transforming unequal power structures. It employs various strategies, including litigation, to ensure that law and society are sensitive to gender issues and eliminate all forms of oppression. Feminist lawyering seeks to dismantle the system of power and the interconnectedness of oppression based on women, race, class, and caste.

Feminist lawyering entails arduous and unremarkable labor, often without compensation or with minimal remuneration. It involves navigating trial courts, which may contradict the aspirations of aspiring professionals in the neoliberal era, characterized by intense competition and a focus on quick financial gain. However, cause lawyering has facilitated professionals in establishing a connection between the practical issues of life and the legal principles outlined in law books. This allows them to acquire knowledge of aspects of the law that cannot be taught in traditional classrooms and derive satisfaction from making significant contributions to society and the legal field.

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# Study on Women in Legal Education with Socio-Legal Perspective with Reference to National Law Universities in India

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**Abstract:** *Despite initial struggles, women now have a strong presence in the legal profession. To achieve this progress, legal education development is essential. The conversation surrounding legal education in India has shifted due to national law universities. With the goal of making the National Law School the "Harvard of the East" and revolutionizing legal education, Prof. Madhava Menon founded the institution. The writers of this paper attempted to investigate women who hold academic positions in national law universities.*

*The necessity of researching women in legal academia is covered in the research paper in the first section. The study's second section examines women who hold senior managerial positions as registrars and vice-chancellors. It also draws attention to the proportion of women appointed as associate and full-time professors. The writers contend that there exists an imbalance in the representation of women in national law universities. The final section of this essay explores the various obstacles that women in academia must overcome. It goes into more detail on the stereotypes that obstruct women's job advancement and suggests some solutions.*

**Keywords:** Legal education, academy, law, women, gender studies

## I. INTRODUCTION

"Where women are devalued and lead miserable lives, there is no hope for the family or the nation. They must therefore be raised initially. –Swami Vivekananda

To say that there has always been inequality and discrimination against women in the workplace would be an understatement. Although discussions and publications concerning women's empowerment are not new in India or the rest of the globe, not much is known about the representation of women in Indian legal academia. Women had to struggle to find a place in the legal field, and over time, conditions at the bar and bench, in law schools and firms, have significantly improved. There will always be those who argue that, rather than concentrating on raising academic standards, we should examine the development of legal scholars from a gender perspective. The stakeholders in legal education must work diligently to implement institutional, policy, and pedagogical improvements that will support gender mainstreaming. The necessity of researching women in legal academia is covered in the research paper in the first section. The position of women in legal academia at national law universities will be attempted to be discussed in the second section of the article. The various struggles faced by women in academia are covered in the third section of this paper. This essay makes the case that women are underrepresented in legal academia at national law school and suggests some solutions.

According to Farley, women "face insurmountable barriers in the academic legal field." Several studies have demonstrated that men and women hold different standards of competence, and that when the identical task is attributed to a woman rather than a man, it is evaluated more harshly. It is impossible to dispute the absence of these stereotypes in the legal academic community. Since stereotypes are frequently extremely subtle, it will need deliberate research to expose them to the public.



**REQUIREMENT TO STUDY LEGAL ACADEMICS FOR WOMEN**

The importance of legal education is dynamic and the field of legal education is changing, this calls for a thorough development that addresses representation from all social groups, sexes, races, and religions in addition to enhancing the curriculum, instruments, and manner of instruction. Universities as an institution can also be examined to determine whether any practices have inadvertently crept in and started to prejudice people based on their caste, sex, religion, or other characteristics. Research on several fronts must be undertaken in order to determine the extent to which national law universities are devoid of these vices.

The nature and operation of the institution, as well as its prejudices and vices, will be revealed by examining the issue of women in legal academia. Until studies are conducted to better understand women in academia, none of these are recognized or given any attention. The fact that the research will further knowledge of the nature of the institution as well as the field of law is a significant additional justification for its conduct. In his work, Robert Steinbuch references Farley's publications in which she makes the case that the law is biased toward men. "Law is professional, imposing, demanding, objective, logical, dispassionate, and professional. Women are characterized as having none of these attributes.

Because of this, bias towards one gender is more common in institutional settings where the structure, the people holding positions of authority, and the rules are more strongly associated with masculinity. In their work, Margaret Thornton and Weiping Wang contend that the rule of men replaces the rule of law. Women find it challenging to enter universities due to the "bureaucratization" of their appointments and the predominance of men at nearly all levels. Whether on purpose or accidentally, university structures offer strength to the systems and sustain them so they can keep operating in the same way. Since the study of law is the main focus of national law universities, any association between the field and masculinity could contribute to the emergence of unconscious bias within the institution.

Universities recognize the inherent biases and vices in the system and take proactive steps to reform it, which results in deliberate efforts that transform the system. The system cannot improve if its flaws—which favor men over women and are intrinsically detrimental to them—are not actively acknowledged. An initial step towards this goal is the study of women in legal academia. We won't be able to analyze the system's prejudice until we investigate women in legal academia and can identify the situation.

**APPLICATION OF STATISTICS**

When evaluating things that adjectives and adverbs cannot, numbers might be helpful. The most current data on the gender distribution of vice-chancellors and registrars at national law universities is presented in this publication. The research methodology involved gathering publicly available data by visiting university websites and gathering relevant information. The same methodology was also employed to document the proportion of female professors and associate professors. The authors' research has solely looked at female professors and associate professors. The author acknowledges the limits and the possibility of human error arising from the data gathering process, given that the data was gathered by means of observing the information provided by faculties on the website.

Table 1. Number of Female and Male Associate Professors in National Law Universities  
(as on the University's website on 12th May 2023)

S. No.	Name of the University	No. of Female Associate Professors	No. of Male Associate Professors	Total No. of Associate Professors
1	National Law School of India University, Bangalore	5	3	8
2	Rajiv Gandhi National Law University, Patiala	5	1	6
3	National Academy for Legal Studies and Research, Hyderabad	4	3	7
4	National Law University, Delhi	3	6	9
5	National Law University, Jodhpur	3	1	4
6	Damodaram Sanjivayya National Law University, Vishakhapatnam	2		3

7	Dr.RamManoharLohiaNationalLawUniversity, Lucknow	2	4	6
8	NationalLawUniversityAssam	2	3	5
9	National University of Study andResearch inLaw,Ranchi	2	2	4
10	Gujarat National Law University,Gandhinagar	1	5	6
11	Hidayatullah National Law University,Raipur	1	6	7
12	Himachal Pradesh National LawUniversity, Shimla	1	3	4
13	Maharashtra National Law UniversityAurangabad	1	1	2
14	Maharashtra National Law UniversityMumbai	1	0	1
15	Maharashtra National Law UniversityNagpur	1	2	3
16	NationalLawUniversityOdisha,Cuttak	1	1	2
17	National University of Advanced LegalStudies,Kochi	1	2	3
18	West Bengal National University ofJuridicalScience,Kolkata	1	6	7
19	ChanakyaNationalLawUniversity,Patna	0	2	2
20	Dharmashastra National Law University,Jabalpur	0	1	1
21	Dr. B. R. Ambedkar National LawUniversity, Sonipat	0	0	0
22	Tamil Nadu National Law University,Trichy	0	1	1
23	NationalLawInstituteUniversity,Bhopal	-	-	-
	<b>Total</b>	<b>37</b>	<b>54</b>	<b>91</b>

Table 1 demonstrates the number of female and male Associate Professors in the National Law Universities. The significant disparity between the percentage of women who hold associate professors and those who have professional positions has to be highlighted. In national law universities, just 40.65% of associate professors are females, and the discrepancy widens to 25.96% for associate professors. This indicates that while females still make up a bigger share of associate professors, they are getting appointed as professors far less frequently. The percentage of men appointed as professors is higher than the percentage of men appointed as associate professors in the National Law Universities.

### **FIGHTING THE ODD**

The small percentage of women achieving leadership roles demonstrates that women at national law school are the exception rather than the rule, with few of them having overcome great obstacles to climb the ladder. In support of this claim, Swethaa says in her thesis that "women had to fight to make them heard." While each woman has her unique issues, as a class, women have to deal with comparable issues when trying to carve out a space for themselves and be heard inside the organization.

Because "babies matter," according to Mary Ann Mason's piece, many women start climbing the Ivory Tower but never make it to the summit to become deans and professors. A woman must make the difficult decision to choose between having a successful profession and becoming a mother, according to Priyanka Chauhan. It frequently occurs when women are beginning to establish themselves in their careers and are forced to choose between the two. This causes people to give up on their job path, which impedes their ability to advance within an institution. Even with provisions for maternity and child leave under the Maternity Benefits Act of 1961 and the University Grants Commission regulations of 201020, many women academicians find that becoming mothers prevents them from pursuing their careers in the same way. Many women have trouble getting back into the workforce after a hiatus. In institutions, women who have just returned from maternity leave are viewed as less productive. According to McGinley, raising the child and staying put is perceived as her "choice" and "nature," which is why it is considered the "motherhood penalty." Women legal scholars face additional obstacles due to the gender roles that are established in society. It is expected of women to abandon their jobs or remain at home to care for the "breadwinners" of the household. While the husband is

supposed to work hard and succeed in his career, women are expected to take care of the home and raise submissive children. Both genders are impacted by this stereotype, but women are more hard hit since they are expected to put family before career.

This does not imply that women cannot overcome the obstacles. The stakeholders' goals, intentions, and motivations will bring about the transformation. Not only does the structure of these institutions need to alter, but also the way the institution operates. To get beyond these obstacles, women must be inspired. As a "preponderance of men in the decision-making process may perpetuate the existing gender imbalance in appointments and make more difficult curriculum changes which address gender issues," Kathy Mack suggests that there should be at least 30% representation of women in the important committees that are formed by the institution. Women will be more likely to work in administrative and executive positions if they are represented in significant governing organizations such as the General Council, Executive Council, Standing Committee, and Academic Council. The more women participate in these bodies, the more women may be appointed to positions of leadership where their concerns and perspectives will be heard, improving the institution's inclusivity and closing the gender gap.

Making pedagogical changes and teaching feminist jurisprudence and gender to students in all streams will help ensure that women are equally represented in law schools. This will help students begin to analyze situations critically and recognize the importance of women's representation in all spheres of society. It's not that feminist jurisprudence isn't taught in law schools; it's just that very few students choose to take these courses, which are typically offered as optional constitutional law courses or as part of gender studies.

## II. CONCLUSION

Legal schools have numerous obstacles in the swiftly evolving global landscape. Universities face many challenges, some of which include competition, funding scarcity, increasing research components, quality education, better compensation, and advancing into collaborations. Adding another dimension to the representation of women in academia may seem like a lofty goal or an additional strain on the institution. On the other hand, the inclusion of a feminist dimension will improve the quality of life at law schools for all parties involved—staff, faculty, administration, and students. The institution will become gender-friendly, which will ensure social and economic equity, opening up chances for women to be hired and promoted inside the organization.

In institutions, women must be encouraged and supported. In order to help them plan their career and life in a way that minimizes obstacles and makes it easier for them to advance in their careers and climb the ladder, workshops should be held where they can learn about the various policies of the government and the institutions regarding maternity and child care leaves as well as other benefits available to them. The organization's structure and the public's perception of the law can both be altered with increased participation from women. In order to give voice to their concerns and issues, women's contributions to academic writing must also increase. The gender gap in academia will shrink as more women are recruited and given better opportunities. Students and even classmates will benefit from instructional innovations that involve teaching gender more broadly and providing feminist jurisprudence for critique. The first step will be to admit that there is a gender gap in legal academics. This will be followed by proactive efforts to create policies that provide women with better opportunities and resources so they can overcome the challenges and stereotypes that are present in society at large. Similar to the adage "Rome was not built in a day," it will take time for these developments to impact the general situation of legal scholars, but they do provide hope for a brighter future for everybody.

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# The Advancement of Legal Education: Exploring Women's Knowledge and Legal Reality

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**Abstract:** *The insufficiency of legislation regarding women's rights prompted the emergence of the feminist movement, which resulted in the development of feminist theories that are not included in legal education. Given the longstanding conflict between the demands for professional training and the education of scholars in academia, it is imperative for students to acquire a comprehensive understanding of the technical aspects of law. The primary emphasis of legal education should be on teaching legal doctrine. The purpose of this paper is to propose the incorporation of feminist legal theories into legal education in order to enhance the advancement of the field. This would enable Law students to make well-informed decisions regarding the nature of Law. The employed approach entails the utilization of a secondary source for data collection. The results indicate that feminist concepts are not sufficiently incorporated into legal education due to the absence of a systematic approach to teaching these concepts to law students. Additionally, law courses often incorporate a diverse range of feminist literature without making a concerted effort to elucidate the importance of feminist critiques within the broader framework of mainstream legal literature. Hence, the study asserts that incorporating these theories into the curriculum of law students will empower them to assume accountability for their own perspectives on the essence of law. Furthermore, a methodical incorporation of feminist critiques in legal education can empower law students to critically examine the fundamental underpinnings of conventional knowledge.*

**Keywords:** feminism, knowledge, legal education, legal reality, and women

## I. INTRODUCTION

The portrayal of legal information as objective and neutral persists as the prevailing paradigm in the teaching of law, despite the existence of considerable challenges in the literature. The field of legal education has historically been predominantly dominated by white males, with women and individuals from racial and ethnic minority groups only recently gaining access. Over an extended period, the prevalence of white males in the field of legal education was upheld by means of admission policies that were intentionally crafted to marginalize women, individuals from disadvantaged ethnic backgrounds, and those facing economic disadvantages. Over the past 25 years, there has been a notable shift in the demographic makeup of law school student populations. Historically marginalized groups have experienced increased acceptance rates to law school, primarily due to the implementation of race and gender-conscious admission initiatives. Affirmative action plans, which are admissions programs that consider race and gender, have consistently been a subject of controversy. They have faced increasing legal challenges, anti-affirmative action voter initiatives, and legislative and administrative counter efforts.

The US Supreme Court's ruling in *Grutter v. Bollinger* provided legal clarification on the affirmative action policy in higher education admission programs. This achievement would not have been possible without the advocacy efforts of women's groups, now known as feminists. This paper will cover various aspects of legal education, including its history and scope, a concise definition of feminism, the historical evolution of feminist legal theories, the various feminist legal theories that have emerged over time, the significance of these theories for law students, such as the development of feminist legal methods, findings, recommendations, and conclusions.

### Legal Education

Legal education is the education of individuals who intend to become legal professionals or those who simply intend to use their law degree to some end, either related to law, politics or academics. The study includes first degrees in law,



vocational courses e.g Nigerian Law School for Nigeria, applied legal education for specific branch of law such as Business law, human resources and labour law, higher education degrees and doctorate courses. Legal education generally focuses either on pedagogy or substantive content. It ought to incorporate interdisciplinary analysis of law in order to change the very fundamentals of legal knowledge. Legal education must take as a starting point that we need to create useful capacities in our students. While there are many abstracted fields of study, from sociology and literatures to economics, which can help inform a capable understanding of law, law itself is an applied discipline involved in creation and operations of critical institutions through which humans order many of their most important social activities.

### **Historical Development and Extent of Legal Education**

The field of legal education has faced a longstanding conflict between the demands for professional training and the education of scholars in academia. In line with the professional aspect of legal education, there is a prevailing belief that effective learning in the profession equates to proficient lawyering skills. According to this perspective, students should acquire knowledge of the technical aspects of law, while the primary focus of legal education should be on teaching legal doctrine. In common law jurisdictions, courts serve as interpreters of both uncodified common law and statutes, and are the primary source of legal doctrine. Historically, lawyers were primarily trained to analyze and interpret case law, with this training taking the form of apprenticeships.

### **Feminism**

It is the belief in the social, political, and economic equality of the sexes. The movement is organized around this belief by the women folk. It is also said to be an analysis of women's subordination for the purpose of fighting out how to change it. Feminist Theory is an outgrowth of the general movement to empower women worldwide. Feminism can be defined as a recognition and critique of male supremacy combined with efforts to change it. It can also be defined as the quest by the female folk to gain respect, relevance and acceptability in the men's world. The goals of feminism are: to demonstrate the importance of women; to reveal that historically women have been subordinate to men and to bring about gender equity. Simply put: feminists fight for the equality of women.

### **The evolution and progression of feminist legal theories**

During the century preceding the 1960s, there had been substantial efforts to change the law respecting women's rights in the United States. The women's suffrage movement fought for inclusion of sex in the text of the Fourteenth Amendment; Myra Bradwell fought for right to be admitted to the bar under the Privileges and Immunities Clause of the Fourteenth Amendment; many litigants and lawyers sensitive to issues of sex discrimination raised legal issues concerning women's equality; and a major and finally successful effort to pass the Nineteenth Amendment to the Constitution gave women the right to vote. In the 1960s, a "second wave" of an active women's rights movement developed from the civil rights struggle, leading to renewed efforts both to change the law so as to abolish sex discrimination and to reshape the legal profession so as to integrate women within it. The litigation efforts that followed, which posed issues of equal protection in a host of areas such as social security, a pregnancy discrimination, and parental leave, as well as activist efforts around the Equal Rights Amendment raised important arguments about the nature of gender which laid the foundation for feminist legal theory. The emergence of theories of equality and the Federal Equal Rights Amendment can be attributed primarily to the practical demands of activist efforts at lawmaking, despite the significant impact of women teachers in law schools in mobilizing, energizing, and supporting a younger generation of women entering the legal profession. In the year 1971, a significant paper on Constitutional equality was authored by Barbara Brown, Ann Freedman, Tom Emerson, and Gail Falk. The primary objective of this article was to influence the endeavors of Congress in enacting the Amendment. In her 1979 publication titled "Sexual Harassment of Working Women," Catharine MacKinnon aimed to establish a legal framework that elucidated the detrimental effects of sexual harassment, a topic that had already been extensively examined by other feminist legal scholars. Additionally, MacKinnon sought to propose an efficacious solution to address these damages. In Nigeria, the traditional African belief that women are objectified has been reduced, but not completely eliminated, due to the influence of the Private domain on the mindset of the elites.

### **Feminist legal theories**

Feminist legal theories aim to provide a more comprehensive analysis of the world compared to mainstream theory. Simultaneously, their objective is to facilitate a global environment characterized by fairer sex and gender dynamics. In

this context, individuals exhibit self-awareness of their political orientation, albeit with varying political ideologies. The focus of these efforts extends beyond the advancement of a specific group known as women. It also involves a critical examination of the authority to define insiders and outsiders, the agendas of feminist movements, and the level of progressiveness exhibited by feminist theory and practice. Currently, feminist legal theories have developed into four prominent bodies of thought. The following are:

The principle of formal equality

Cultural feminism

The concept of dominance theory and its implications

The theory of post-modernism or anti-essentialism

#### *Theoretical Framework of Equality*

The doctrine of formal equality is based on the principles of liberal democracy. The argument posits that women should be accorded equal treatment as men.

#### *Cultural feminism*

This pertains to the necessity of considering the disparities that exist between males and females.

The development of its viewpoints in the legal field was mostly influenced by endeavors to comprehend the distinct female encounters with pregnancy and parenthood. The Supreme Court's unwillingness to consider pregnancy as a matter of gender equality had a significant impact on both women's lives and the legal system. The enactment of the Pregnancy Discrimination Act in 1978 was a direct response to the aforementioned concerns. Title VII of this Act established that pregnancy discrimination is equivalent to sex discrimination. Furthermore, it sparked a renewed focus on the concept of "difference" across many contexts.

#### **The Significance of Feminist Theories in the Context of Law Students**

Feminism, as an academic field that centers on the importance of gender and the societal disparities stemming from gender-based beliefs and assumptions, is present among scholars across various academic domains. Feminists, as a collective, express a collective concern regarding the ramifications of both historical and contemporary instances of women's exploitation within societal contexts. Their objective is to advocate for the empowerment of women and the reformation of institutions that are predominantly controlled by men. Furthermore, numerous feminists employ unique feminist techniques to highlight women's experiences, such as increasing awareness or employing storytelling. These methodologies acknowledge the legitimacy and significance of women's experiences, so establishing a foundation for feminist theory and research. An essential attribute of feminism is its embodiment of the amalgamation of practical application and theoretical framework. According to historian Linda Gordon, feminism entails an examination of the subjugation of women with the aim of devising strategies to effectuate change. The acknowledged desirability of this pragmatic aspect has led numerous feminists to be drawn towards the study and implementation of law and legal reform. Their achievements in the field of law have been numerous. Indeed, it can be said that feminism, in conjunction with economics and, to a certain degree, psychology, has exerted a tangible and immediate influence on the field of law throughout the preceding decades.

The impact is evident not alone within the realm of academic and legal writing, but also in the jurisprudence utilized by courts and formulated by legislative entities. The assessment and occasional revision of legal institutions have been influenced by feminist ideas and arguments. The influence of feminism is unsurprising, considering the significant increase in the number of women entering law schools starting in the 1970s. Although women were present in law schools before this period, their representation has experienced a substantial growth throughout this time. Moreover, women have been accommodated inside the profession across many hierarchical levels. During the initial cohort of women who pursued legal education, a significant number had a clear inclination towards a feminist political agenda. Upon entering law schools, they were firmly convinced by the prevailing belief that the personal is inherently intertwined with the political. The individuals expressed a keen interest in the concept of reform and the potential impact of legal frameworks on the endeavor to establish a society that promotes gender equality.

The early feminists held a positive outlook on utilizing legal means to achieve gender equality. The approaches employed by early legal feminist reformers were diverse, and their viewpoints were not consistently congruent. A fundamental division that arose during the initial stages of formulating a legal framework for feminist thought remains

pertinent in contemporary times, namely the matter of gender disparity. This inquiry seeks to explore the distinctions between women and men. What was the procedure for addressing them? Most early feminist legal scholars embraced a model of gender-based prejudice. The primary aim of their endeavor was to prohibit prejudiced treatment and establish legislation that would grant women equitable chances on par with men. However, there were other feminist scholars who sought to further deepen and expand upon the notion of gender difference. Gender inequality was not solely generated and perpetuated through the act of excluding individuals from or subjecting them to unfair treatment within established social frameworks. The implementation of facially neutral policies may potentially give rise to inequalities, especially considering the significant disparities in societal situations between women and men. These variations necessitate distinct treatment - simply providing equal treatment in a formal manner would not adequately tackle the prevailing structural and ideological disparities. This particular branch of feminism aimed to challenge the validity of established gender norms and their consequences for the institutions and legal frameworks of society. The primary aim was not to completely eliminate these standards, which is a significant undertaking that is still in its early stages. Rather, the focus was on examining the consequences of gendered institutions. Institutions, such as the legal system, were not seen as impartial and potentially beneficial in this matter. They contributed to the problem in its current form. The feminist also presents a systematic approach for its examination. Consequently, Feminists have formulated comprehensive criticisms of law and put out suggestions for legal restructuring. Feminists have expressed limited opinions regarding the nature of the legal process and the appropriate level of truth to assign to subsequent legal assertions. The significance of these methodological issues lies in their influence on one's perspective of the potential for legal practice and reform. The method facilitates the acquisition of truth by establishing criteria for determining what is considered evidence and what is deemed as verification. The consideration of method is crucial for feminists, as employing the same methods that have historically defined power structures may inadvertently perpetuate the very power structures they aim to challenge and dismantle. The significance of method lies in its ability to validate and substantiate feminist claims within the legal framework, thereby ensuring their legitimacy and accuracy. Many individuals who disregard feminism as unimportant or insignificant are said to have a misunderstanding of it. Feminist scholars have commonly prioritized the advocacy of their diverse substantive stances or political objectives, even within their own ranks. A heightened focus on methodological considerations could potentially serve to bolster these defenses, elucidate the reasons behind the perceived radical nature (or perceived lack thereof) of feminist agendas, and foster a sense of shared understanding among feminists.

## II. CONCLUSION

The law plays a crucial role in promoting women's rights and achieving gender equality. When a society is governed by the principle of the rule of law, characterized by an inclusive and equitable legal framework, women are able to flourish, actively participate in the system, and enhance its efficacy for subsequent generations. The principle of the rule of law necessitates that laws are devoid of prejudice and unfairness, uniformly implemented and impartially resolved, and in accordance with global human rights norms and standards. Therefore, a strong and efficient legal system founded on the principles of the rule of law is crucial in facilitating women's equal participation in decision-making and development. Consequently, this can be accomplished by expanding legal education to encompass additional fields such as sociology, psychology, economics, feminism, and so on. It is important to ensure that both theoretical knowledge and practical application are integrated into the curriculum for law students. Hence, sex, gender, and sexual orientation are present in the room, regardless of whether we openly acknowledge them or not. However, everyone pretends to be unaware of these matters, and when they do, they label them as women's affairs or, even worse, unethical women's affairs. However, a comprehensive understanding of feminist legal theories would enable the recognition of bias and discrimination perpetuated by the legal system, leading to the implementation of necessary modifications to effectively address these issues.

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# **The Depiction of Women in the Judiciary: Progress Towards Parity**

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**Abstract:** *The significance of women's representation in the judiciary is multifaceted. In addition to promoting inclusivity within the legal system and fostering a representative approach to adjudication, the provision of inspiration to future female judges serves as a sustained source of motivation for them to pursue their objectives. Although there has been a historical disparity in the level of equality within the court, efforts are being made to address this issue. This is seen via the recent adoption of a United Nations General Assembly Resolution that designates 10 March as the International Day of Women Judges. The Resolution, which has been formulated by the State of Qatar, serves as concrete evidence of a noticeable and favorable transformation taking place in many geographical areas.*

**Keywords:** parity, legal profession, judicial, gender equality, women's representation, stereotyping

## **I. INTRODUCTION**

In the context of African and Arab judiciaries, there seems to be a noticeable correction of the longstanding significant imbalance that has persisted for several decades. According to UN Women, the proportion of female workers in these regions was less than 30 percent ten years ago. However, recent progress on the Beijing Declaration indicates a significant and quick increase in these figures. Significantly, this include the highest courts when pivotal rulings are rendered. Africa now has a total of six female Chief Justices serving in various African nations, namely Ethiopia, Niger, Lesotho, Sudan, Côte d'Ivoire, and Zambia.

Despite facing several challenges, numerous women have played a pivotal role in facilitating this advancement, successfully surmounting prejudices and attaining esteemed positions within the highest judicial bodies. In the year 1959, Judge Zakia Hakki of Iraq achieved the distinction of becoming the inaugural female justice in the Arab region. Subsequent to this advancement, there was a surge in the integration of women into the judiciary, as evidenced by the acceptance of women judges in Morocco and Tunisia throughout the 1960s.

Significant progress has been made by women in the Indian legal domain, since a sizeable proportion of them have attained prominence in the roles of lawyers, judges, and legal scholars, despite facing considerable obstacles. This study paper aims to examine the historical progression of women in the Indian legal profession, encompassing the early periods of British colonial rule up till the present era. This study aims to investigate the obstacles and challenges encountered by women in their pursuit of entry and success within the legal profession, and to assess their influence on the advancement of this field.

Throughout history, the legal profession in India has exhibited a notable prevalence of male dominance. Women were only allowed to participate in the judicial system during long legal conflicts, and even then, their presence in the courts was restricted until the late 20th century. In the twenty-first century, globalization has broadened the opportunities for Indian women to participate in legal education and training. The implementation of modernism has led to a reduction in the courtroom atmosphere and the elimination of customary macho chauvinism within the region. In the year 1846, persons who met the necessary criteria, regardless of their ethnic or religious background, were afforded the chance to embark on a professional path in the field of law. The legal legislation continued to ban women from pursuing employment in this industry because it did not explicitly mention women. Women were formerly disqualified from pursuing a career in the legal profession until the implementation of the Legal Practitioner's (Women) Act, III of 1923. Nevertheless, this Act formally conferred upon women the privilege to engage in the legal profession.



The effects of insufficient representation of women in the judiciary are described by Omnia Gadalla, the founder of the Egyptian charity 'Her Honor Setting the Bar'. "As a university lecturer, I have been deeply affected by students' inquiries regarding the consequences of gender-based prejudice and the underrepresentation of women in the judiciary," she observes. The dearth of female judges within the Egyptian court has not only had adverse implications for the integrity of legal systems, but it also carries significant social consequences for forthcoming cohorts. The marginalization of women in the court has significant implications for their self-perception, as they are often subjected to negative feedback from their peers, who express the belief that they lack the necessary qualifications to pursue careers in various fields, such as judicial positions.

According to a research conducted by the International Commission of Jurists (ICJ), it was determined that the underrepresentation of women in the judiciary can frequently be attributed to the perpetuation of gender stereotypes. Based on data from UN Women, three countries in the Arab area have a complete ban on women serving as judges, while in three other nations, the proportion of female judges is less than one percent. Female judges included in the study proposed that transparent selection and appointment processes could enhance this situation in numerous instances.

During a panel deliberation conducted in March 2021 as a component of the supplementary conference organized by the Global Judicial Integrity Network at the 14th United Nations Crime Congress, Chief Justice Meaza Ashenafi of Ethiopia provided a comprehensive account of a personal encounter that aligns with the conclusions drawn by the International Court of Justice (ICJ). The participation of women in the judiciary remains very low on a global scale, including in Ethiopia, notwithstanding some notable advancements. The representation of women in federal courts in Ethiopia is 108 out of a total of 344 judges. Upon my graduation from law school, I was the sole female student who commenced her legal education in that particular year. In recent years, there has been a significant growth in the number of young women completing their legal education. However, it is important to note that the representation of women in the judiciary remains quite low. The primary elements contributing to the issue are rigorous and exclusive recruitment procedures, gender biases, restricted availability of job prospects, and women's hesitancy to pursue careers in the judiciary.

After examining the historical context of women in the legal profession, we can now examine the current situation. The research article authored by Saurabh Kumar Mishra provides evidence supporting the notion that the increasing representation of women in the legal profession represents a favorable shift in societal perspectives. It is worrisome that a substantial proportion of female practitioners fail to obtain an adequate number of cases, resulting in inadequate compensation. Moreover, female legal professionals frequently face significant obstacles in the realm of matrimony and child-rearing.

Although a significant number of women choose the legal profession as their main career path, the vast majority of them leave this field soon after getting married. Only a minuscule proportion of women has the ability to persist beyond the age of forty, which is quite remarkable. Presently, legal practitioners have amassed significant knowledge and have attained the pinnacle of their professional careers. The issue of gender-based bias against female legal practitioners in the professional sphere is of considerable importance. The survey notably omitted a particular inquiry regarding sexual harassment, considering the sensitivities of women. Conversely, sexual harassment was encompassed within the more expansive classification of gender-based prejudice. This serves as an illustration that even within the legal profession, which strives to uphold justice for all individuals, it is not immune to bias and mistreatment, sometimes of a sexual nature, targeting its own female population.

There exists a dearth of scholarly investigations pertaining to the global participation of women within the judiciary, with a specific emphasis on the African continent. This limitation hinders the ability to accurately assess the advancements that have been achieved, as well as offer encouraging illustrations for ambitious young female judges. Dr. Jarpa Dawuni, the Executive Director of the Institute for African Women in Law, elucidates her motivation to undertake research and disseminate narratives of female pioneers within the judiciary, with the aim of fostering consciousness and motivation among her peers. The lack of documentation regarding the experiences of women in the legal profession in Africa significantly reduces the potential for mentoring new women. I was inspired to recount the narratives of female judges around Africa who successfully transitioned from domestic courts to international courts. These female judges are truly impressive - they were from modest origins, lacked mentors or guidance, and had to

balance their professional and personal commitments. The majority of these women had to confront patriarchy within their own country, as well as a mixture of patriarchy and racism on a global scale. Notwithstanding the various intersectional obstacles, these female judges flourished.

## **II. CONCLUSION**

In the international judicial community, the significance of female representation is of utmost importance. Attorney Omnia Gadalla elucidates her inclination towards drawing inspiration from the memoirs of female justices such as Iranian Judge Shirin Ebadi and American Justice Ruth Bader Ginsburg, emphasizing the notion that support transcends geographical borders.

The primary objective of the Global Judicial Integrity Network is to facilitate the convergence of female judges, enabling them to gain insights from one another's personal encounters and foster a sense of unity. Annually, on the 10th of March, the global community convenes to commemorate the advancements achieved and foster consciousness regarding the forthcoming obstacles.

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# The Effects of the Glass Ceiling on the Legal Profession: A Challenge to the Indian Legal System in Comparison with Glass Ceilings in Various Nations

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**Abstract:** *Since India gained independence, the Indian legal system has made significant progress, starting with the admission of Cornelia Sorabji into the Allahabad High Court in 1921 to practice as a lawyer. Following the enactment of the Legal Practitioners' (Women) Act of 1923, the limitations on Indian women engaging in the legal profession were officially eliminated. Providing female advocates with access to the Indian courts, at least in theory. Moreover, the Indian constitution of independent India has granted Indian women the entitlement to equality and protection against any form of gender-based prejudice, enabling them to access education and pursue their desired profession. However, were the affirmative steps implemented by the framers of our constitution really achieve gender equality in Indian courts? Did the idea of equality extend to the individuals who purportedly possessed authority over it? The recent declaration issued by Justice Hima Kohli regarding the imbalanced presence of women in the Indian judiciary presents a contrasting portrayal of the principle of equality advocated by the architects of our constitution, in a context where it was intended to be upheld by the populace. This article examines the factors contributing to the underrepresentation of women in high-ranking positions within the legal profession. It delves into the underlying causes of gender disparity, conducts a comparative analysis of the obstacles encountered by female lawyers in various countries, and ultimately puts forth recommendations and remedies to address this problem.*

**Keywords:** Legal profession, glass ceiling, gender discrimination, women, future

## I. INTRODUCTION

While women have made enormous progress in overcoming challenges and barriers and are now represented in nearly all professions, they have not achieved substantial advancements in the legal field. As per the statement made by Law Minister Kiren Rijju, the representation of women in the higher judiciary is a meager 7.2%. When examining the top positions in the Supreme Court, it is evident that only 13 women have achieved the highest level of authority. Similarly, in the Delhi High Court, the number of women in senior positions is much more alarming, with only 9 out of 237. It is evident from these figures that there exists a significant disparity in the representation of women within the legal profession when compared to their male counterparts. The term used to describe this occurrence of gender bias in many occupations is "Glass ceiling". It embodies a conspicuous or nuanced manifestation of gender-based prejudice that is typically unarticulated and unspoken, yet profoundly ingrained and widespread. The aforementioned figures provide empirical evidence of the underrepresentation of women in significant roles, such as partners in legal firms, judges, or members of tribunals and commissions. Several theories have been suggested to elucidate the phenomenon known as the glass ceiling in the legal profession. These theories include the perceived limitations of women themselves, as well as the institutional prejudice that arises when promoting female candidates to senior-level positions based on their abilities and qualifications, rather than their qualifications and career choices. By considering a multitude of comprehensive research publications and limited surveys pertaining to gender bias within the upper echelons of the

legal field. This essay seeks to uncover the causes of the Glass ceiling in the legal profession, analyze the obstacles encountered by women in different nations, and propose remedies to address this occurrence of gender-based prejudice.

### **Why Does the Glass Ceiling Exist in the Legal Profession?**

Discrimination against women is a pervasive issue in almost every profession, regardless of the stage of their employment. As individuals transition from the initial stages of their professional journey to attaining significant roles, there is a noticeable escalation in gender-based differences. Upon overcoming these challenges, individuals ultimately encounter the 'glass ceiling', an imperceptible yet tangible barrier that impedes their progress towards the pinnacle of their chosen field. The presence of this glass ceiling hinders a significant proportion of female lawyers from achieving crucial positions.

The prevailing cultural paradigm, characterized by a male-centric perspective that assigns males the role as primary earners and women as homemakers, can be identified as the fundamental factor contributing to the existence of the glass ceiling within the legal profession. In Indian society, there is a widely held view that a husband's work holds greater importance than a wife's work and should be given priority over the latter. Furthermore, it is not anticipated that he will distribute domestic responsibilities equally with his spouse. Moreover, there is a societal expectation and even promotion for males to adopt a simplistic approach, focusing largely, if not exclusively, on supporting their families and progressing in their professional lives. Simultaneously, women are anticipated to possess several dimensions, encompassing both domestic and familial responsibilities in addition to their professional endeavors. The legal profession is structured in a manner that prioritizes and incentivizes individuals who assume male roles, therefore neglecting other areas of interest. Consequently, female lawyers are predominantly marginalized from these chances due to their inability to focus only on their professional endeavors.

In addition, it is worth noting that the legal profession also adheres to societal expectations on gender roles. The occupational domain exhibits bias against individuals adhering to feminine standards and responsibilities, while simultaneously providing incentives to those who conform to male norms and responsibilities. Women are expected to significantly limit their extracurricular activities in order to meet the professional requirements set by male chauvinists for leading institutions of justice. Male legal professionals frequently perceive it as more convenient and advantageous to prioritize career advancement and attain positions of influence above other facets of their lives. Nevertheless, as a result of familial pressure, female attorneys face obstacles in progressing in their careers and are compelled to limit their working hours and generally forgo opportunities for career advancement due to marital responsibilities. A study indicates that a significant proportion of female lawyers in the legal field are either divorced or unmarried due to significant familial pressure to marry at a young age or to assume the obligations of family and child-rearing, leading many women to choose not to pursue a career in law. In addition, once they had established themselves professionally, they were seen too old to marry according to conventional norms. Consequently, an increasing proportion of female legal practitioners are advancing in their professional trajectories exclusively during periods of being single or childless. Furthermore, many Indian judges hold a conditioned mindset that women are less capable in the legal field due to their submissive disposition and greater desirability inside the confines of their households. In addition, insulting comments made by both male advocates and certain esteemed judges exacerbate their challenges and contribute to the marginalization of women in the legal field.

Ultimately, the combination of these factors, along with other societal prejudices against women, leads to a significant gender imbalance in the legal field. This bias is particularly evident in the higher echelons of the Indian court system, where only 12% of the Supreme Court's judges are women, and the situation is even more dire for high courts. Hence, it is evident that the prejudice experienced by women within the Indian legal system can be attributed to the patriarchal structure prevalent in our society, wherein male advocates are perceived as possessing greater importance and surpassing their female counterparts.

### **An Analytical Examination of Glass Ceilings in Various Nations**

During a conference convened by the Delhi Women Lawyers Forum, it was highlighted that while female professionals in India are experiencing a significant delay in contrast to their counterparts in other nations, this issue is not exclusive to India alone. Nevertheless, there exists a conspicuous disparity between the working conditions in India and

developed countries, and it is intriguing to observe the factors that differentiate the two. A study reveals that a significant factor contributing to the underrepresentation of women in India is their diligent efforts, yet their failure to adequately equip themselves for positions as senior counsel, judges, or partners in law firms. This assertion is reinforced by the presence of gender stereotypes within Indian society, which effectively reinforce the notion of women's inferiority in comparison to men, particularly among female professionals.

#### **An Analysis of Germany and the United States**

A study conducted in Germany and the USA reveals that the work climate in Germany poses greater difficulties for female attorneys in balancing family responsibilities and achieving career success compared to the USA. The observed disparity might be ascribed to the insufficiency of infrastructure and societal biases, hence posing significant challenges for women in Germany to reconcile their marital commitments with their professional pursuits. However, women lawyers in the United States also encounter disparities, despite its status as one of the industrialized economies. Annually, a substantial proportion of women pursue admission into law school, although only a minority attain prominent positions in law firms and Courts, in addition to receiving lesser compensation compared to male attorneys in similar roles. The Glass Ceiling Report by Law360 indicates that there has been an increase in women's involvement in the legal profession in the United States. Nevertheless, it is noteworthy that males continue to constitute over 65% of attorneys in the United States, as well as approximately 70% of non-equity partners and more than 80% of equity partners.

#### **An Unfavorable Overview of the UK's History**

UK statistics indicate that the Legal profession embraces women as barristers and provides them with prospects for advancement, albeit to a limited extent. In a survey done in 2017 by a business, it was found that the representation of female partners in the top 10 legal firms is at 18%, but in the subsequent 15 firms, the proportion decreases to 19%. Barristers and judges experience a more severe situation. Among senior barristers, there is a disparity of 254 female barristers compared to 1409 male barristers. Similarly, in the High Court, just 22% of judges are women, while in the Court of Appeal, the percentage is 24%. The underrepresentation of women in the legal profession can be explained to a significant number of women leaving the profession after being appointed to the Bar, resulting in a gap even among senior professionals. The factors contributing to this significant attrition rate are readily apparent. The confluence of societal and financial constraints compels female barristers to relinquish their arduously acquired and highly valued profession at the Bar, opting instead for less demanding and remunerative occupations.

#### **China: Leading the Way in Addressing Gender Discrimination in the Legal Field**

The legal profession in China exhibits a notable disparity in gender representation. The process of feminization within the legal profession in China has only lately commenced, resulting in a notable disparity between the number of women and men engaged in legal practice. China's law schools have consistently produced a similar number of graduates over an extended period. However, there continues to be a noticeable lack of female representation in the fields of law, including lawyers, judges, and law school teachers. In the context of China, a notable power imbalance exists between genders. Women are often marginalized and assigned secondary responsibilities, while men hold a more dominant and authoritative role. In the context of China, a significant percentage of women are employed in legal jobs of lower social rank. The gender pay discrepancy in China's legal profession is readily apparent. Regrettably, Chinese female lawyers exhibit a reluctance to acknowledge their gender as an obstacle to pursuing a career due to their strong adherence to patriarchal norms. Consequently, the situation in that location is significantly more dire than in India, where women are aware of the gender-based prejudice they face and are actively protesting against it. The presented statistics demonstrate the presence of a glass ceiling phenomenon, even within the context of a highly industrialized nation.

#### **Suggestions: A Strategic Plan for the Future**

The challenges associated with gender bias in the legal field are diverse, intricate, and firmly ingrained in the fundamental structure of our society. In order to effectively tackle these concerns, it is imperative to address them across many levels. While legal changes have partially guaranteed women's participation in the legal profession by



requiring equal treatment, no comparable changes have been implemented to encourage males to engage in unpaid domestic work. There is a need to reorganize both the business and the household in order to eradicate gender divisions. An additional prompt resolution to gender bias could involve implementing family-oriented measures to assist women advocates in India, such as providing paternal leave, establishing child care facilities, and offering flexible working hours. These policies are crucial for women advocates and would not require them to compromise their personal lives in favor of their professional pursuits.

In the foreseeable future, it is imperative to alter the prevailing societal mindset, wherein the traditional gender roles assigned to women must be relinquished. It is imperative to raise awareness and provide education to both society and advocates, with a focus on highlighting the talents of female advocates rather than perpetuating gender-specific societal norms. Moreover, it is imperative to implement institutional measures aimed at eliminating gender prejudices that are perpetuated by numerous societal preconceptions. Furthermore, it is imperative that this process of purification is supported by policies that are dedicated to achieving gender equality for women. These policies should prioritize the impartial assessment of women and promote their value based on their inherent worth, rather than their gender. Similarly, certain legal firms have put forth and provided financial support for initiatives focused on "diversity training." These initiatives try to educate employees about the fundamental distinctions between men and women, with the goal of fostering an attitude that values and respects these differences, rather than exploiting them to marginalize or prejudice women.

In relation to the Bar and Judiciary at a more structural level, it is imperative to implement targeted institutional modifications to effectively tackle the challenges associated with gender imbalance. In light of the patriarchal structure of our culture, it is imperative for justice-dispensing institutions to establish a standing committee dedicated to addressing the problems of women while upholding secrecy. Furthermore, it is imperative for the courts and bars to establish connections outside the confines of the courtroom in order to tackle the systemic prejudice experienced by women and raise awareness among male members of the judiciary and profession.

Moreover, it is imperative that women engaged in the legal profession unite in order to provide mutual support. Women in the legal profession should collaborate to establish an organization that can examine gender disparities in the workplace, ensuring that no woman feels isolated in their fight against systemic and societal injustices. It is imperative that these associations and organizations are overseen by competent leaders to mitigate the potential influence of caste or class bias in instances of gender inequality encountered by women within the legal field.

## II. CONCLUSION

At first glance, the solutions and suggestions may seem straightforward, as the underlying cause of gender bias in the Indian legal system can be attributed to the mindset of male legal professionals. This mindset is influenced by patriarchal ideologies, particularly male chauvinism, which in turn shapes the overall structure. Consequently, the resolution of the underlying factor contributing to gender inequality necessitates the implementation of a comprehensive yet straightforward approach that takes into account both structural and societal dimensions in order to effectively address the gender difference within the Indian legal framework.

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# 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.

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.

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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# The Historical and Contemporary Analysis of Women's Representation in the Indian Legal System

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**Abstract:** *The legal framework in India has seen substantial transformations throughout time, resulting in the progressive integration of women into influential positions within the legal profession. Women have achieved significant influence as lawyers, judges, and legal scholars, despite facing historical obstacles. The present study examines the historical progression of women within the Indian legal profession, encompassing the period from colonial times to the contemporary age. This text examines the barriers that impede women's participation in the legal field, evaluates their challenges, and emphasizes their significant contributions to the advancement of Indian law.*

*Despite the increased educational options for Indian women in law due to global influences and modernity in the 21st century, the gender inequality has continued to exist. The study examines the progression from the appointment of Justice Anna Chandy, the first female judge, in 1937, to the current obstacles and the lack of female representation in the judiciary. Prominent individuals such as Leila Seth and Fathima Beevi have successfully dismantled gender barriers by attaining the position of Chief Justices. However, the overall number of women in the judiciary continues to be imbalanced.*

*The research highlights the necessity for ongoing endeavors to improve gender parity within the legal field, suggesting strategies such as implementing a 33% reserve for women in the judiciary. This work makes a valuable contribution to the continuing scholarly conversation surrounding gender representation in the Indian judicial system by providing a thorough examination of historical challenges and current dynamics.*

**Keywords:** Women in Law, Indian Legal System, Gender Representation, Legal Profession, Historical Analysis, Legal Challenges, Legal Practitioner's (Women) Act, Present scenario

## I. INTRODUCTION

The Indian legal profession, which has historically been male-dominated, has witnessed the gradual integration of women through protracted court disputes. The Legal Practitioner's (Women) Act of 1923, enacted during the early 20th century, represented a significant milestone as it bestowed upon women the privilege to engage in the legal profession. Nevertheless, the path towards achieving acceptability was riddled with obstacles, as exemplified by instances such as Regina Guha's, wherein outdated perspectives cast doubt on the suitability of women as legal professionals.

### Historical Context

The legal profession in India has a rich and complex history, with women playing a crucial role in its evolution throughout the years. Women have achieved notable advancements in the Indian legal field, with a considerable number achieving prominence as lawyers, judges, and legal scholars, despite encountering substantial challenges. The objective of this research paper is to analyze the historical trajectory of women in the Indian legal profession, spanning from the initial stages of British colonial administration to the contemporary day. The study will examine the barriers and difficulties that women have faced when trying to enter and excel in the legal profession, as well as their impact on the development of the discipline.

Historically, the legal profession in India has been predominantly male-dominated. The inclusion of women in the judicial system was only facilitated during prolonged legal disputes, and even during this period, female involvement in the courts remained limited until the latter part of the 20th century. The advent of globalization in the twenty-first

century has expanded the avenues for Indian women to engage in legal education and training. The courtroom atmosphere has been calmed and conventional macho chauvinism in the area has been eradicated as a result of modernism. In 1846, all eligible individuals, irrespective of their ethnicity or religion, were granted the opportunity to pursue a career in law. The legislation pertaining to the legal profession persisted in prohibiting women from pursuing careers in this field due to its omission of any explicit reference to women. Prior to the enactment of the Legal Practitioner's (Women) Act, III of 1923, women were ineligible to enter the legal profession. However, this legislation officially granted women the right to practice law. The ban on women practicing law was lifted, granting women in India the freedom to pursue a career in law and act as advocates in courts of law. The conflict was launched by Cornelia Sorabji.

Justices frequently ruled that women did not qualify as "persons" for the purpose of pursuing a career in law. The initial case involving a woman was that of Regina Guha. Following the completion of his Bachelor of Law degree, Guha proceeded to submit an application seeking admission to the Alipore district court in the capacity of a pleader. The application was deliberated upon by the court. Regina posited that the inclusion of women in the Legal Practitioners Act regulations, despite their reference to men, can be justified based on the General Clauses Act's provision that "words importing the masculine gender shall be construed to include female." In relation to the assertion made by civil rights advocate barrister Eardley Norton, the bench asserted that during the enactment of the Legal Practitioners Act, there had not been any instance when a woman was granted the opportunity to engage in legal practice inside the Indian judicial system. Female attorneys were not mentioned in the Legal Practitioners Act. Hazra has been granted permission to participate in the preliminary examination of law as a private candidate by submitting an application to Calcutta University. The denial of her application was attributed to her lack of consistent attendance at legal seminars. The individual was ultimately granted permission by Calcutta University to undertake the preliminary law examination as a private candidate. Following the completion of her undergraduate studies in law at Calcutta University in 1921, she submitted a formal application to pursue a career as a legal practitioner in the Patna district court. In the case of Regina Guha, the Patna high court affirmed the stance that, notwithstanding the stipulations outlined in the General Clauses Act of 1868 and 1897, a woman's gender rendered her ineligible for a certificate under the Legal Practitioners' Act to serve as a pleader.

By this point in time, the Sex Disqualification (Removal) Act of 1919 had been enacted in England, thereby granting women the opportunity to enter the legal profession. Simultaneously, the Allahabad High Court granted admission to Cornelia Sorabji as a vakil. The Patna high court's ruling initiated a focused endeavor to modify the Legal Practitioners' Act. In the year 1922, Narayan Malhar Joshi proposed a resolution with the aim of modifying the Legislative Assembly Electoral Rules in order to eliminate the practice of sex-based disqualification in relation to voter registration. In response to Joshi's resolution, Gour proposed an amendment aimed at eliminating sex-based exclusion within the legal profession. In 1923, the Legal Practitioners (Women) Act was enacted, eliminating the disqualification and explicitly prohibiting the admission or registration of women as legal practitioners or their practice purely based on their gender.

A span of two decades was dedicated to the arduous endeavors of advancing literacy and enhancing women's consciousness regarding their entitlements within the multifaceted nation of India. Meanwhile, the Indian Judiciary actively promoted the participation of women in the legal field and made the significant decision to nominate the inaugural female judge to the Kerala High Court, namely the esteemed Justice Anna Chandy. Justice Anna Chandy commenced her professional journey as an Advocate in the year 1929, and subsequently, in 1937, she was appointed as a Munsiff, so establishing herself as the first female judge in pre-independent India. Over the course of these twenty years, two distinguished lawyers joined the legal field and subsequently ascended to the positions of Chief Justices in the Himachal Pradesh and Kerala High Courts, namely Leila Seth and Fathima Beevi. The former had accumulated over 15 years of experience as a practicing attorney in the Delhi, Kolkata, and Patna High Courts, while the latter had advanced from the role of a Munsiff to ultimately to the post of a Supreme Court judge. Interestingly, there has been no commensurate growth in the proportion of women represented in the Judiciary relative to the initial number of women judges. There has been a demand for a 33% reservation for women in the Judiciary as a means to attain parity between the representation of male and female judges.



### **Present scenario**

Having explored the historical backdrop of women in the legal field, we may now analyze the present-day circumstances. Saurabh Kumar Mishra's study paper demonstrates that the growing presence of women in the legal profession signifies a positive change in societal attitudes. It is concerning that a significant number of female practitioners do not acquire a sufficient number of cases, leading to low pay. Furthermore, female attorneys often encounter substantial challenges when it comes to marriage and raising a family. While a considerable proportion of women opt for the legal profession as their primary choice, the overwhelming majority of them depart from this sector promptly or shortly after entering into matrimony. A remarkably small number of women are capable of enduring beyond the age of forty, which is astonishing. Currently, legal professionals have accumulated substantial expertise and have reached the zenith of their professional trajectories. Discrimination against female legal practitioners in the professional setting is a significant issue. It is noteworthy that the study did not include a specific question on sexual harassment, taking into account the sensitivities of women. Instead, sexual harassment was included within the broader category of gender discrimination. This exemplifies that even the legal profession, which aims to ensure justice for everyone, is not impervious to prejudice and mistreatment, frequently of a sexual nature, directed at its own female community. Out of the 101 women legal practitioners who were contacted, a total of eight declined to participate in the poll.

## **II. CONCLUSION**

The issue of women's underrepresentation in legal careers in India has substantial implications for both the legal profession and society at large. Despite the significance of women's opinions and experiences in shaping legal policy and practice, there exists a notable underrepresentation of women in positions of power and influence. The absence of variety might lead to a restricted concentration and a constrained comprehension of the matters impacting women, thereby perpetuating gender disparities.

Despite the existence of regulations and programs aimed at fostering gender diversity within legal professions in India, their effectiveness has been constrained. There exists a contention that affirmative action initiatives exhibit a limited scope and fail to effectively tackle the underlying factors contributing to gender disparities within the legal field. The availability of mentoring and networking opportunities has been constrained, resulting in a lack of support for women in their pursuit of career progression.

Cultural and societal conventions have a significant role in the persistence of gender imbalance among legal professions in India. As previously mentioned, societal norms around marriage and motherhood might impede women's professional aspirations and create challenges in balancing work and home responsibilities. Moreover, the underrepresentation of women in prominent roles within the legal field can foster an inhospitable environment that deters women from pursuing legal careers.

In order to enhance gender diversity and foster a legal profession that encompasses the needs and viewpoints of all segments of society, it is imperative to confront the issue of women's underrepresentation in legal professions inside India. To attain this purpose, it will be necessary to adopt a holistic approach that tackles the underlying factors contributing to gender inequality, including prejudiced policies, societal and cultural norms, and inadequate support systems for women in the legal field.

I would like to propose several solutions to effectively address these difficulties. Enhancing the presence of women in the legal field requires a comprehensive and diverse approach. One approach to achieve this goal is by implementing rules that promote work-life balance, such as offering flexible scheduling and parental leave. The implementation of mentorship programs and leadership training is an essential measure in facilitating the advancement of women into leadership roles. Addressing unconscious bias is vital due to its potential impact on the hiring, promotion, and retention of women. Enhancing pay and promotion transparency can contribute to the equitable compensation and advancement of women. Establishing a conducive work atmosphere that fosters diversity and inclusion, facilitates networking and professional growth, and addresses issues of harassment and prejudice is vital. Finally, the promotion of knowledge on the challenges encountered by women in the legal profession, together with the provision of assistance through networking events, mentorship programs, and professional development opportunities, can contribute to the advancement and flourishing of women in this domain. By adopting these suggestions, the legal field can cultivate a

more inclusive and fair atmosphere that encourages the professional growth and progression of women. By implementing this approach, India would be able to develop a judicial system that is fair and impartial, catering to the needs of all its residents.

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# The Influence of Prominent Female Lawyers on the Legal Profession: International Study

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**Abstract:** *Participation of women in legal profession has been crucial in the development of the judicial arena. Female lawyers persist in advocating for justice and facilitating the advancement of other women in the legal profession, whether through courtroom defence, corporate representation, or influential court decisions.*

*Numerous female legal professionals have made noteworthy contributions to the domain of law. To commemorate Women's History Month, we are showcasing renowned and accomplished female lawyers and their profound influence on the legal field.*

**Keywords:** Female lawyers, legal profession, women's right, women attorney

## I. INTRODUCTION

Although Hillary Rodham Clinton is commonly associated with her role as a former first lady and presidential contender, it is worth noting that her professional journey really originated in the legal domain. Clinton is widely recognized as a prominent female legal professional, owing to her extensive and prominent career including the fields of law, government, and politics.

Clinton, a graduate of Yale Law School, gained professional experience as a corporate lawyer, whereby he dedicated over 15 years to advocating for companies and corporations at the esteemed Rose Law Firm.

In conjunction with her roles as a U.S. senator and secretary of state, Clinton's noteworthy accomplishments encompass her involvement in the formulation and enactment of the State Children's Health Insurance Program during her tenure as first lady. The legislation, enacted in 1997, expanded healthcare support to children who lacked insurance coverage and had little income.

Clinton's extensive legal expertise and significant commitment to public service have established her as one of the most prominent female lawyers and political personalities globally.

### Important Aspects of Hillary Rodham Clinton's Legal Profession:

In 1977, Clinton played a significant role in the establishment of the Arkansas Advocates for Children and Families.

In 1993, she served as the chairperson of the National Health Care Reform task team in her role as First Lady.

In 2000, Clinton inadvertently secured a seat in the U.S. Senate, making her the inaugural female elected representative from the state of New York.

From 2009 until 2013, she held the position of United States Secretary of State.

### Gloria Allred

Gloria Allred is a prominent female attorney who has gained significant recognition for her advocacy of women's rights. Having obtained a Bachelor of Arts degree in English from the University of Pennsylvania and a Master of Arts degree from New York University, Allred's extensive professional background as an attorney, spanning over four decades, significantly enhances her impact and notoriety in the field.

Allred has emerged as a prominent advocate for women's rights and has played a pivotal role in advocating for victims of sexual harassment, employment bias, and unjust termination of employment or contractual agreements in prominent legal disputes. In addition, she oversees a company that is committed to advocating for individuals who have experienced prejudice due to their gender, age, disability, sexual orientation, health, and other factors.

Allred's notable achievements in the realm of law are exemplified by her receipt of an honorary Juris Doctor degree from the esteemed University of West Los Angeles School of Law. These accolades confirm her position as one of the most exceptional female lawyers and demonstrate her lasting impact on the legal system, women's rights, and advocacy for minority groups through the legal system.

#### **Key Aspects of Gloria Allred's Legal Profession**

Allred was one of the first partners in the establishment of the legal firm Allred, Maroko & Goldberg (AM&G) in 1976. AM&G is a prominent organization within the women's rights movement, as it has been involved in a greater number of women's rights lawsuits compared to any other private company in the United States. In 1978, Allred established and now serves as the president of the Women's Equal Rights Legal Defense and Education Fund (WERLDEF).

The individual in question was honored with the Lifetime Achievement Award by The National Trial Lawyers in 2014.

#### **Sandra Day O'Connor**

When contemplating the most exceptional female lawyers, Sandra Day O'Connor promptly springs to mind. O'Connor, as the inaugural female associate justice of the United States Supreme Court, serves as a pioneering figure for women in the legal profession and serves as an exemplary figure for aspiring legal practitioners.

O'Connor, who is currently retired, obtained a bachelor's degree in economics from Stanford University in 1950 and a law degree from Stanford Law School in 1952. She completed her education during a period characterized by restricted prospects for women in the legal profession. Through unwavering determination, O'Connor ascended to the position of deputy county attorney prior to being nominated by President Ronald Reagan for a vacancy in the United States Supreme Court.

During her tenure of 25 years on the Supreme Court, O'Connor made significant contributions to groundbreaking decisions that tackled various issues such as productive rights, sexual harassment, gender equality, and other related matters. These contributions solidified her position as a profoundly renowned legal expert.

#### **Prominent Aspects of Sandra Day O'Connor's Legal Profession**

In 1972, O'Connor achieved the distinction of being the inaugural female to assume the position of Republican majority leader in the state senate.

In 1980, she played a pivotal role in the establishment of two prominent organizations: the National Association of Women Judges in 1979 and the Arizona Women Lawyers Association.

In 1981, O'Connor was appointed as the inaugural female Justice of the United States Supreme Court.

In the abortion rights case *Planned Parenthood v. Casey* in 1992, O'Connor played a pivotal role as the swing vote that upheld the *Roe v. Wade* ruling.

#### **Sonia Sotomayor**

Sonia Sotomayor holds the distinction of becoming the inaugural Hispanic and third female justice to adjudicate the U.S. Supreme Court. She serves as a significant source of inspiration for several others.

Sotomayor, who was born to parents of Puerto Rican descent, received a diagnosis of diabetes during her early years. Tragically, her father went suddenly when she was nine years old. Nevertheless, she shown remarkable resilience in the face of challenges and prejudice. The individual obtained her Juris Doctor degree from Yale Law School and commenced her esteemed professional journey as an assistant district attorney in Manhattan.

In 1991, she achieved her long-held aspiration to become a judge by being appointed to a position on the U.S. District Court for New York. This resulted in her becoming the youngest judge in the Southern District and the first Hispanic federal judge in the state of New York. In May 2009, President Barack Obama nominated Sotomayor for the U.S. Supreme Court after serving for 11 years on the U.S. Court of Appeals for the Second Circuit, which is widely recognized as one of the most demanding judicial positions in the country.

**Prominent Aspects of Sonia Sotomayor's Legal Profession**

Sotomayor assumed the position of Assistant Direct Attorney in Manhattan in 1979.

In 1984, the individual commenced employment in a private practice, assuming the role of a general civil litigator.

Sotomayor assumed the role of a judge in 1992 with her appointment to the U.S. District Court for the Southern District of New York.

In the year 1998, she was designated as a member of the U.S. Court of Appeals for the Second Circuit.

In 2009, former President Barack Obama selected Sotomayor to the U.S. Supreme Court, making her the first Hispanic and third woman to serve on the court.

**Loretta Lynch**

Loretta Lynch was appointed as the United States Attorney for the Eastern District of New York by President Bill Clinton in 1999. She served in this role for a duration of approximately two years before resuming her private practice. The U.S. Attorney for the Eastern District of New York was reappointed by President Barack Obama in 2020, and she served as the office's leader for a duration of five years. President Obama nominated her in 2015 to assume the position of the 83rd United States Attorney General. Through her appointment, Lynch achieved the distinction of being the inaugural African American female attorney general and the second female attorney general.

Lynch, in his role as attorney general, played a key role in resolving prominent cases related to corruption and law enforcement in the United States. A noteworthy endeavor undertaken by the individual in question was an inquiry into the Baltimore Police Department, initiated in the year 2015. Lynch has achieved historical significance as a renowned African American female attorney, so establishing a precedent for subsequent generations to emulate her achievements.

**Key Aspects of Loretta Lynch's Legal Profession**

In 1990, Lynch assumed the position of assistant U.S. attorney for the Eastern District of New York, marking the beginning of her professional career.

In 1999, President Bill Clinton appointed her as a U.S. attorney.

After being appointed by President Barack Obama, Lynch resumed her career as a U.S. attorney in 2010.

In 2015, she assumed the role of U.S. attorney general inside the Department of Justice, leveraging her authority to advocate for the rights of minority groups, particularly the LGBTQ+ community.

**Ruth Bader Ginsburg**

Ginsburg obtained a Bachelor of Arts degree in government from Cornell University, pursued her legal education at Harvard Law School, and obtained a law degree from Columbia Law School, all as a result of her mother's support and encouragement during her upbringing.

Ginsburg's fervor for academics persisted throughout her professional trajectory, as seen by her engagement in research endeavors in Sweden for the Project on International Procedure at Columbia Law School. Subsequently, she assumed esteemed roles as a law professor at both Rutgers University and Columbia Law School.

Throughout her studies and career, she shown unwavering commitment to advocating for gender-based equality, exemplified by her establishment of the ACLU Women's Rights Project.

In 1980, Ginsburg was designated as a member of the U.S. Court of Appeals for the District of Columbia Circuit, subsequently resulting in her nomination and successful confirmation as an associate justice of the U.S. Supreme Court. From 1993 until her demise in 2020, she held a position of service. Today, she is commemorated for her significant influence on the legal profession and the obstacles she overcame while championing women's rights throughout her professional journey.

**Prominent Aspects of Ruth Bader Ginsburg's Legal Profession**

In 1969, RBG played a key role in establishing the inaugural law magazine dedicated to women's rights, known as the Women's Rights Law Report.

In 1972, she played a key role in the establishment of the Women's Rights Project under the American Civil Liberties Union (ACLU).



In 1980, the appointment of RBG to the U.S. Court of Appeals for the DC Circuit occurred.

In 1993, she achieved the distinction of being the second woman to be appointed as a justice of the Supreme Court.

## II. CONCLUSION

Lawyers specializing in women's rights play a crucial and indispensable role in facilitating this process by offering legal counsel, advocacy, and assistance to women who encounter instances of prejudice and violence. Additionally, they strive to support legal reforms and policies aimed at safeguarding women's rights and fostering gender equality.

Through their adeptness and tenacity, and frequently in the midst of challenging circumstances, each of these influential women played a pivotal role in advancing novel legislation and fostering fairer policies as they actively opposed instances of injustice. They have made significant contributions to the legal sector that need to be emulated and celebrated.

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

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**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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# The Issue of Gender Stereotyping within the Indian Judicial System: with Reference to Study on Women Advocates and Judges

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**Abstract:** *Women's pursuit of justice is hindered by patriarchal, cultural, and caste traditions. The notion of "compromise" is prevalent in Courts, even in situations involving rape. Despite the widespread existence of well-structured substantive and procedural elements within the legal system, the constitutional commitment to gender equality remains elusive for women. In India, the pursuit of justice for women is hindered by various intersectional issues, including tradition, caste, religion, and culture. Indeed, the criminal justice administration is afflicted by gender bias. This study utilizes significant legal cases as evidence to illustrate the inherent prejudices displayed by judicial systems in cases involving sexual assault and rape. The study will additionally utilize feminist concepts to emphasize the necessity for the legal system to comprehend the profound historical and socio-political circumstances from which gender-related concerns stem. The report finishes by providing recommendations on how courts can eliminate gender bias. In order to achieve gender justice, the law must serve as a catalyst for transformation. It is imperative for lawyers and judges to exercise caution and refrain from being swayed by personal biases and prejudices, while simultaneously demonstrating societal sensitivity when dealing with instances involving crimes against women.*

**Keywords:** Discrimination, gender justice, intersectionality, patriarchy, sexual crime, victims, women judges, gender stereotyping

## I. INTRODUCTION

Gender justice pertains to the equitable treatment of individuals of both genders within the framework of criminal justice administration. The authors believe that the denial of justice to women is mostly attributed to the patriarchal mindset prevalent among legislators and justice practitioners, who often fail to transcend the conventional gender roles imposed upon women. According to Justice K. Ramaswamy, women have historically faced instances of prejudice and persistently endure their hardships without vocalizing their concerns. Even in the contemporary era of the twenty-first century, the circumstances for women have remained mostly same. The high incidence of numerous instances pertaining to domestic violence, sexual abuse, human trafficking, child marriage, and dowry murders serves as a conspicuous indication that the constitutional rights and benefits afforded to women remain elusive to a significant portion of the female population in India. In countries characterized by patriarchy, women are frequently perceived as the individuals responsible for the creation, reproduction, and dissemination of culture and the establishment of a novel social structure (Kannabiran, 2012, p. 317). The advancement of women is frequently impeded by social, cultural, and religious constraints. In her book "Sex and Social Justice," Martha Nussbaum asserts that every individual, regardless of their gender, possesses inherent worth that warrants recognition from legal and societal establishments (Nussbaum, Citation1999, p. 5). However, frequently, the very establishments that are supposed to safeguard women are observed to be perpetuating disparities. This study employs the doctrinal approach to examine significant legal precedents, covering a timeframe of four decades (1979-2021), in order to comprehend the inherent bias present in judgments, remarks, and directives issued by trial and appellate courts pertaining to various forms of sexual offenses committed against women. It is imperative to address this issue promptly in order to ensure the triumph of gender justice.

## **II. PATRIARCHY, CULTURAL BELIEFS, AND JUDICIAL SYSTEMS**

The renowned French philosopher and feminist, Simone de Beauvoir, astutely observed, "The state of being a woman is not innate, but rather acquired through social and cultural factors" (Bordo, Citation2015), so emphasizing that it is the socio-cultural context that confines women to a subordinate status. Despite the long-standing feminist movements and the advancement of women in several areas of life, Indian Courts have not yet recognized the gravity of concerns pertaining to crimes and injustices against women. In her book entitled "Recovering Subversion: Feminist Politics Beyond the Law," Nivedita Menon highlights the presence of gender bias within legal institutions, wherein legal practitioners tend to interpret legislation in a manner that aligns with patriarchal norms (Menon, 2004, p. 4). As per her assertion, despite the legal provisions advocating for equality among all individuals, practitioners of the law often overlook the disparities that result in women being subjected to social, cultural, and economic disadvantages in comparison to their male counterparts. According to Carr (1994), Martha Nussbaum asserts that judges ought to examine the "asymmetry of positions" while addressing matters pertaining to women. Therefore, it is common for the law and the state to overlook women's personal encounters with oppression and violence. In her essay titled "Dominance, Suppression and the Law," Nandita Haksar asserts that legal reforms alone, without a comprehensive comprehension of the socio-political and cultural factors contributing to gender injustice, will prove ineffective in addressing the needs of women experiencing distress (Sarkar, 1995, p. 24). In her book titled "Caring for Justice," Robin West presents a model of judging and legal arguments that emphasizes the equal significance of justice and care. She argues that the prevailing patriarchal foundations of law, legal theory, and culture contribute to the perpetuation of harm, particularly in relation to women. Therefore, it is frequently observed that courts do not accord the appropriate level of severity to matters pertaining to sexual assault of women (NYU, Citation1999,97).

In his book "Lokayata: A Study in Ancient Indian Materialism," Debiprasad Chattopadhyaya correctly asserts that the mind responsible for interpretation is not a blank slate, nor is it merely a computational device or an electronic brain. It is inevitably shaped by a set of beliefs and traditions (Chattopadhyaya, Citation1959, xi-xii). Judges, being human beings, are susceptible to interpreting laws through a range of variables, rather than only relying on the examination of legal facts. This is evident in the examples examined in this paper. Common biases observed in Courts encompass disbelief towards women, accusations of women's legal misconduct, and an inability to accurately assess the gravity of the offense. Moralistic presumptions and gender stereotyping are primarily observed in instances pertaining to domestic abuse, hence exerting a significant influence on judicial deliberation. Customary laws have frequently exhibited gender bias against women.

It is widely acknowledged that the ethical principles governing behavior in cultures can occasionally be recognized as rights, and in certain cases, even legally binding. Romila Thapar elucidates the origins of societal attitudes towards women, attributing them to the adoption of traditions. Uma Chakravarti asserts that in Hindu society, the mythical character Sita personifies the ideal womanhood, which is transmitted across generations. Sita symbolizes ideal marriage, female chastity, and infidelity, all of which serve to reinforce the image of the ideal woman within a patriarchal society. Legends and myths frequently depict women as the embodiment of tolerance and resilience in the face of adversity. Therefore, the denial of a woman's right to a dignified existence is sometimes justified on the grounds of tradition and culture. Sita has long served as the archetype of a pativrata, or ideal wife, among households for ages. The body and experiences of women have historically been regarded as inconsequential and without significance. Frequently, long-standing customs that have been engrained for centuries result in women themselves endorsing their subordinate position. Culture plays a significant role in shaping women.

Currently, the status of women in society is determined by public morals. Regrettably, courts frequently adhere to the same position, refraining from challenging the existing state of affairs, even in situations involving rape. In her book Tools of Justice, Kannabiran makes reference to the manner in which:

The efficacy regulations pertaining to women lack constitutional legitimacy, unlike the provisions outlined in Article 335 of the Constitution of India, 1950, which apply to scheduled castes and scheduled tribes. Instead, they are based on the rules of relationships or the connection between sex and other factors that represent the main premise of patriarchy. These factors are subjectively assessed, without any respite or constitutional basis or justification (Kannabiran, Citation2012, p. 356).

This unequivocally illustrates the involvement of Courts in perpetuating the State's bias against women. Simon de Beauvoir elucidates this concept with clarity by asserting that despite the legal recognition of women's rights in theory, deeply ingrained conventions hinder their complete manifestation (Bordo, Citation2015). She claims that the majority of these biases are justified by the religious veil, ensuring that no one would have the courage to challenge them. In her essay titled "Seeing like a Feminist," Nivedita Menon highlights the societal tendency to prioritize "masculine" traits over "feminine" ones, resulting in the ongoing subjugation of individuals who deviate from societal norms (Menon, 2004, p. 7). Kimberly Crenshaw's intersectional theory emphasizes the interconnectedness of race, class, caste, and religious group in order to comprehend specific challenges concerning women (Crenshaw, Citation2017, p. 11). The authors of this study assert that it is imperative to examine these elements when Judges render verdicts on matters pertaining to violence against women.

In her article "Jurisprudence and Gender" (1988, *Jurisprudence and Gender*. University of Chicago Law Review 55:1–72), Robin West asserts that modern legal theory is fundamentally and irreversibly influenced by masculine ideals of selfhood. Consequently, she argues that law does not adequately represent women's lives and experiences, nor does it adequately acknowledge and safeguard them from the unique harms they endure (West 1988, 2, 60). In her work "Law and Gender Inequality," Flavia Agnes elucidates the conspicuous manifestation of gender bias against women in the context of family laws, which have undergone a transformation from a patriarchal stance. The responsibility for upholding the integrity of social class, caste, and clan lies with women, and this is frequently enforced through the imposition of stringent sexual regulations on women (Agnes, 1999, p. 203). Frequently, instances of rape remain unreported due to the influence of religious standards that associate rape with immorality. The family laws of India impose significant limitations on women's autonomy in relation to divorce, child custody, and other related problems. Therefore, the advancement of women's rights is contingent upon a multitude of socio-political, economic, and religious issues, which are frequently overlooked by the judicial system.

### III. THE IMPACT OF MISOGYNY ON INDIAN COURTS

The institutionalization of gender stereotyping occurs when the State actively enforces and sustains such practices through the implementation of laws and regulations. It is necessary to have an understanding of the stereotyping associated with laws in order to eradicate it, as it unfairly limits women to societal expectations and penalizes them when they deviate from them (Cook & Cusack, 2010). Adopted in 1979, the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) mandates that States undertake suitable actions to address gender stereotyping. According to Article 5(a) of the CEDAW, States are obligated to alter cultural and societal trends that perpetuate gender stereotypes. There have been occurrences in which the legal system has assigned women a subordinate position in comparison to men, influenced by biases and stereotypes during the process of interpreting the law. Regrettably, these principles are confined solely to the legal and statutory realms, with minimal implementation in practical cases. The Indian judiciary is entrusted with the responsibility of upholding justice and serving as a catalyst for the enforcement of human rights. Regrettably, a significant disparity exists in the administration of justice pertaining to women's matters within the District and High Courts. In cases involving rape and sexual offenses, judges tend to prioritize the character and behavior of victims over the legal facts. These victims typically perceive these aspects as unsuitable for women who are considered "cultured." Several of the incidents mentioned below will provide evidence to support this claim.

### IV. NOTABLE INCIDENTS IN THE MATHURA RAPE CASE

The origins of insensitive and abhorrent rape judgments can be traced back to the landmark case of *Tukaram v. the State of Maharashtra* (1979). In this case, the Supreme Court exonerated the police officer accused of the crime, asserting that the victim's testimony was characterized by a significant degree of falsehood and improbability (*Tukaram v. the State of Maharashtra*, 1979). According to the Court, a significant distinction exists between sexual intercourse and rape. The minor victim was subjected to character assassination, wherein she claimed that she engaged in sexual intercourse with one of the accused individuals voluntarily, and that the police officer had physically touched her due to her "habitual sexual intercourse." Additionally, since there were no visible injuries on the girl's body, it is not possible

to infer whether she had experienced any form of fear or coercion. In the case of *Tukaram v. the State of Maharashtra (1979)*, the court held the belief that engaging in such an action would warrant the deduction of "passive submission."

#### **V. REDRESSAL FOR RAPE CASES IN INDIA: MARRIAGE AND MEDIATION**

Despite more than four decades since *Tukaram's* egregious statements and several efforts to improve the criminal justice system, Indian courts have not yet succeeded in enforcing gender equality. In contemporary Indian courts, the principle of equality, as stated in Article 14 of the Constitution (1950), is merely a declaration of freedom and does not encompass safeguards against prejudice or offenses against physical well-being. Nevertheless, despite its fundamental role, the Judiciary has failed to defend the principles and guidelines of gender equality and women's rights. The statement made by former Chief Justice S.A. Bobde on 1 March 2021, wherein he inquired about the willingness of a government employee seeking protection from arrest in a rape case to enter into a marriage with the survivor as a form of settlement ("... if you marry her, we can provide assistance; otherwise, you will face unemployment and imprisonment"), can be interpreted as a form of ridicule towards the justice system itself (*Mohit Subhash Chavan v. State of Maharashtra, 2021*). It is perplexing why the Court would consider marriage as a remedy for rape cases in any situation. Furthermore, it has been previously revealed that the individual accused of rape and the mother of the survivor had made an attempt to resolve this issue by a mutual agreement. In the case of *Mohit Subhash Chavan v. State of Maharashtra (2021)*, a prior determination was made that the individual accused of rape will enter into matrimony with the girl at her attainment of the age of 18. In the case of *Mohit Subhash Chavan v. State of Maharashtra (2021)*, the Court noted that the accused should have considered the consequences of "seducing and raping" the young girl before taking action. The act of seduction specifically excludes the use of force and intimidation, whereas rape unquestionably encompasses one or both of these elements. The act of combining seduction and rape and proposing marriage as a resolution raises a significant inquiry on the fundamental essence of justice. Furthermore, the relevance of the young girl's agreement regarding her contemplation of marrying her rapist was considered inconsequential in this particular instance.

The statement made by the former Chief Justice of India (CJI) in relation to the case of *Mohit Subhash Chavan v. State of Maharashtra (2021)* elicited significant public outrage and anger. An important issue highlighted in this remark is the perception of Indian society and courts regarding marriage as a remedy for rape perpetrated against minors (*Pandey, Citation 2021*). Furthermore, the union between the victim and her perpetrator might be likened to a verdict of lifelong rape for the victim, as established in the case of *Mohit Subhash Chavan v. State of Maharashtra in 2021*. Justice Bobde's statement has the potential to provide a detrimental interpretation of the concept of "consent" in cases involving rape and its potential avenues for recourse.

In the year 2015, the Madras High Court issued a bail order to an individual who had been convicted of the crime of raping a 15-year-old girl. Additionally, the court subsequently referred the case to a Mediation Centre (*Jesudasan, 2016*). The objective of this mediation was to facilitate the union between the perpetrator and the target. The irony lies in the fact that in India, the act of rape, when accompanied by marriage, can potentially absolve the perpetrator of the crime, hence obviating the necessity for punitive measures. Moreover, the concept of the ideal rape survivor is a distorted representation that is rooted in the masculine ideals of how woman should behave, respond, conduct herself, and sleep.

#### **VI. MARITAL RAPE**

The Former Chief Justice of India made a contentious statement on a rape complaint against a cohabiting partner. Justice Bobde made a statement regarding the cohabitation of a man and a woman, expressing the question of whether engaging in sexual activity between them can be classified as rape, notwithstanding the man's potential for brutality and misconduct. The source cited is *Roy (2020)*. The vocal endorsement of marital rape by an individual at the highest echelon of the Judiciary serves as a significant indicator of the presence of sexist inclinations inside the judicial system. It is noteworthy to mention that India is among the 36 nations where the act of a man sexually assaulting his wife is not considered a criminal offense (*Makkar, 2019*). The Indian judiciary has largely disregarded the patriarchal perspective regarding the definition of bodily integrity violations and the interpretation of consent. Within this particular setting, the perception of sexual relationships within the institution of marriage as an enduring and unchallenged form of consent



can be attributed to a detrimental mindset that normalizes the act of torture perpetrated by intimate partners (Makkar, 2019).

### **VII. DEPICTION OF A VICTIM OF RAPE**

The code of conduct and behavior exhibited by individuals who have experienced rape has consistently been shaped by patriarchal norms. The Indian judiciary not only adheres to a fictional framework of expected behavior for a rape victim both before and after the incident, but it has also issued some verdicts based on this set of guidelines on how to be considered a victim. An in-depth analysis of some of India's most horrifying instances of rape, in which the perpetrator was acquitted on the grounds of "insufficient evidence," exposes the distorted interpretation of supporting evidence in a trial, which relies on the victim's prior experience and mental condition, both before and after the rape. These callous interpretations have eroded the judicial definition of a "rape victim".

Rape myths exhibit bias, perpetuate stereotypes, and contribute to erroneous beliefs on rape, rape victims, and perpetrators. The Courts analyze the victim's statement by considering the descriptions of rape that she is capable of providing, and thereafter elucidate in their decisions the appropriate response that a typical woman should adopt in the event of rape. Nevertheless, in most cases, Courts use a prescriptive approach by prescribing the appropriate course of action for a woman following a rape incident. The interpretation of rape cases through an outdated perspective on consensual sexual relationships among adults contradicts a diverse range of lived experiences. An example of this phenomenon occurs when a woman provides consent for a particular sexual act, but withholds consent for subsequent acts (Makkar, 2019). The judiciary also expresses disapproval towards women's experiences by categorizing them as "promiscuous," "socialite," "loose," "easy-going," and "low morale," asserting that the accused would have presumed the woman's willingness to engage in such behavior (Kotiswaran, 2001).

The phenomenon of stereotyping rape victims, as highlighted by Kotiswaran (2001), has been observed in a significant number of testimonials throughout the trial proceedings. Due of these aforementioned attributes, the individual in question is compelled to engage in a relentless struggle until ultimately succumbing. The responsibility lies with the victim to prove that she retaliated without giving consent. It is imperative that this becomes apparent throughout her trial evidence. Notwithstanding the legal abandonment of the resistance requirement in India in favor of the consent criterion proposed by the Js Verma Committee Report (Citation2013), the persistence of misconceptions and stereotypes continues to exert impact on the process of rape adjudication (Satish, Citation2016).

### **VIII. DEFECTIVE MANUAL OF THE IDEAL VICTIM**

The establishment of guidelines by the Supreme Court of India in 1983 pertains to the examination of a rape victim's evidence in order to ascertain the veracity of the claims (Bharvada GohinbhaiHirjibhai v. State of Gujarat, 1983). Paradoxically, despite the passage of fifty years, the concept of constructing a prototypical rape victim has remained relatively unchanged. In the case of Tarun Tejpal v. State of Goa (2019), the Goa Trial Court acquitted the suspect based on the victim's revealed photographs, which appeared to be "joyful," "not disturbed," and clearly did not involve any rape behavior (Pandey, Citation2021). In the present scenario, the defendant faced charges for engaging in sexual assault against his female coworker within the elevator of a luxury hotel located in Goa. The Tejpal ruling highlights the absurdity of how a victim should respond to a rape committed against her, which serves as a recent example of the Indian Court's "Flawed Victim Manual". The Government of Goa has lodged an appeal against the Tejpal ruling (State of Goa, Thr. CID CB. v. Tarunjit Tejpal, 2021), contending that the lower Court's failure to comprehend the post-trauma conduct of a rape victim, as well as its use of her prior sexual history and educational background as legal prejudice against her, is unjust. Furthermore, the government further asserted that the accused did not adhere to a comparable level of conduct, suggesting that the lower court had a patriarchal tendency in their observation of violence against women (Tejpal case, 2021).

The prevailing tendency in several observations and evaluations pertaining to sexual assault or rape is to primarily emphasize the response and conduct of the victim following the assault, rather than delving into the appropriate administration of justice. In June 2020, in the case of Rakesh B v. State of Karnataka, Justice Krishna S. Dikshita of the Karnataka High Court granted bail to the accused. Justice Dikshita emphasized that the rape survivor did not present herself as a victim and that it was inappropriate for an Indian lady to sleep after experiencing rape. In 2017, a division

bench of the Punjab and Haryana High Court, consisting of Justice Mahesh Grover and Justice Raj Shekhar Atri, granted bail to three individuals convicted of gang-rape. The court's rationale for this decision was based on the victim's confession being deemed philandering and morbid. In the present scenario, the individual who fell victim to the incident was a student of OP Jindal Global University located in Sonapat. In the case of Vikas Garg v. State of Haryana (2017), the court determined that the victim's testimony constituted a "misadventure resulting from a promiscuous disposition and a voyeuristic mindset."

In the case of Mahmood Farooqui v. NCT of Delhi (2017), the victim alleged that Mahmood Farooqi, the co-director of Peepli Live (a 2010 Bollywood movie), coerced her while under the influence of alcohol and disregarded her repeated refusals. The Delhi High Court remarked that the accused incorrectly interpreted a weak "no" as a "yes" (Safi, Citation2017). These comments create confusion and misinterpret the concept of permission in India, a nation where women are already facing challenges due to sexual violence, widespread assault on the streets, and deeply ingrained patriarchal beliefs about sexuality (Safi, Citation2017).

### **IX. EVALUATION OF VICTIM BEHAVIOUR**

The Indian judicial system encounters challenges not just in addressing the victim's emotional state but also in addressing their limited ability to respond positively. Women's testimonials are sometimes disregarded as useless due to their perceived weakness. The Farooqui case exemplifies the court's illogical anticipation of a victim's impact evaluation, emphasizing the requirement for clear opposition and absence of "participation" in the action from the victim's perspective. It has been noted that a significant number of instances of rape perpetrated by acquaintances remain unreported due to the absence of substantiating proof of victimization (Bell & Wolff, 2021). The Court in the case of Raja v. State of Karnataka (2016) expressed the view that the behavior exhibited by the victim during the purported experience does not align with that of an unwilling, fearful, and distressed victim of coerced sexual intercourse. In the aforementioned scenario, this was deemed as admissible proof to exonerate the perpetrator of the rape. Furthermore, the Madhya Pradesh Court, in the case of Dilip v. State of Madhya Pradesh (2001), expressed the view that the survivor ought to have retaliated against the appellant in a manner akin to that of a feral creature. However, the absence of any resistance from the survivor implies a lack of consent. The Courts have established a subliminal victim manual as a consequence of these artificial categories, compelling victims to conform to specific behaviors. The Courts have employed a well-established cultural narrative to foster self-doubt among rape survivors, so impeding their ability to classify the perpetrating act as a crime, unless it aligns with the institutional definition of rape. The majority of rape cases in India are often overlooked or underreported due to the presence of antiquated and ideologically biased preconceptions. In actuality, Courts have incentivized women to present themselves as vulnerable victims in order to demonstrate that they did, in fact, decline a perpetrator's request for sexual intercourse and thus meet the criteria for being labeled as "raped." Consequently, the patriarchal narrative undermines the credibility of most victims' accounts, convincing them to disregard rape as a "error" or "all in their minds."

### **X. INSIGNIFICANT PENALTIES FOR RAPE**

There exist several instances in which courtrooms duly recognize the commission of a crime, yet impose inconsequential and troublesome resolutions and penalties. In November 2019, a youngster aged 15 was subjected to molestation by three individuals in the state of Bihar. The Court mandated that the defendant offer an apology to the underage individual for a continuous period of 15 days, followed by an 8-day period of community service at the victim's educational institution. In the case of Vikram v. State of Madhya Pradesh (2018), the Madhya Pradesh High Court required the rape accused to obtain a "Rakhi" from the survivor, which is a festival that celebrates the bond between siblings. In this festival, the sister ties a sacred thread around the brother's wrist, symbolizing lifelong protection. The purpose of this requirement was to ensure the survivor's lifelong protection. Fortunately, the Supreme Court saw the insignificance of the ruling and, in nullifying it, established seven principles for subordinate courts to follow in instances of sexual assault (Mathur, Citation2021).

These are:

It is not necessary, obligatory, or allowed for the accused to have contact with the victim as part of the bail conditions. Under certain circumstances, it is imperative to ensure the protection of the complainant from further harassment by the accused.

The examination of protection's characteristics will be conducted independently, and suitable directives will be issued, along with a directive to the defendant to refrain from any interaction with the victim, in situations where the Court has reason to believe that there may be a potential risk of harassment towards the victim, or upon receiving reports from the police.

In every instance where bail is granted, it is imperative that the complainant is promptly notified of the accused's bail status and is provided with a copy of the bail judgment within a period of two days.

It is imperative that bail conditions and orders adhere strictly to the stipulations outlined in the Criminal Procedure Code (CrPC) and refrain from perpetuating stereotypical or patriarchal notions regarding women and their societal roles. Put simply, the verdict granting bail should not include any conversation on the prosecutrix's clothing, conduct, or past "behavior" or "morals".

When presiding over cases pertaining to gender-related offenses, it is imperative for the courts to refrain from proposing or considering any ideas (or promoting any actions) that may lead to compromises between the victim and the defendant, such as marriage, mediation between the defendant and the victim, or any other form of compromise. Such actions fall beyond the purview and authority of the courts.

Judges must consistently exhibit empathy, ensuring that the victim is not subjected to any distress during the procedures or by any statements made during the arguments.

It is imperative for judges to refrain from employing any remarks, whether verbal or written, that have the potential to erode or disrupt the survivor's confidence in the court's fairness or neutrality.

## **XI. CHARACTER ASSASSINATION**

Furthermore, the case of Varun Hiremath v. State of NCT Delhi (2021) documented instances of judicial insensitivity, when the opposing counsel engaged in character defamation by subjecting the victim to slut-shaming and humiliation through the use of false and derogatory remarks. Justice Sanjay Khanagwal, rather than exercising restraint, joined the lawyers in degrading the woman. In this instance, Justice is clearly contravening a minimum of two of the aforementioned criteria, namely (vi) and (vii). Nevertheless, it is uncertain whether these judges will face legal consequences, as Justice Bobde, the former Chief Justice of India, has failed to establish adherence to the principles he established in the case of Mohit Subhash Chavan v. State of Maharashtra (2021).

## **XII. SEVERE VERDICTS IN CASES OF SEXUAL ASSAULT AGAINST MINORS**

In 2021, a ruling pertaining to the interpretation of the definition of sexual assault against a minor under the Protection of Children from Sexual Offences (POCSO) Act, 2012, was rendered, presenting more challenges. In the case of Satish Ragde v. State of Maharashtra (2020), Justice Pushpa Ganiriwala of the Nagpur Bench of the Bombay High Court rendered a ruling stating that the act of sexual assault or violence necessitates the presence of "skin to skin contact" accompanied by sexual intent. Additionally, she determined that the act of groping alone did not meet the criteria for a crime to be recorded under section 7 of the POCSO Act, 2012. In this particular case, the complainant was identified as the mother of the minor victim. The Supreme Court, in response to extensive public criticism, suspended the entire order issued by Justice Pushpa (Rajagopal, Citation2021).

The request of a young rape victim to marry Robin Vadakkumchery, a convicted Catholic priest who had impregnated her, was dismissed by the Supreme Court in August 2021. According to Anand (2021), the Court granted the priest's plea for a reduction in his sentence, contingent upon his marriage to the victim. In the year 2019, Vadakkumchery was convicted of the offense of rape and impregnation against the victim during her juvenile years, as stipulated by the POCSO Act of 2012. He is presently incarcerated for a period of 20 years. The Kerala High Court, in February 2021, dismissed the appeal of the 49-year-old former priest to be granted bail in order to facilitate his marriage to the woman. The Kerala High Court's verdict was challenged by both Vadakkumchery and the woman to the Supreme Court. The woman asserted her desire to wed him with the intention of granting legal recognition to the kid she had following the rape. The Supreme Court, upon denying the appeal for marriage, declared that the duration of the punishment would be

shortened, provided that the priest weds the victim upon their release (Mahapatra, Citation2022). This ruling will now be regarded as a negative aspect of minor rape, as it does not recognize the assent of those under the age of 16 as legally valid. Consequently, the act in question will not be deemed voluntary. The Supreme Court approved the legislation, providing marriage as a remedy for the rape of a minor. Bishop Franco Mulakkal was cleared of rape accusations by Judge Gopakumar of the Kerala High Court in January 2022. Judge Gopakumar's rationale for this decision was based on the nun's actions and testimonials, which were deemed "hard to believe" (Vishwanath, Citation2022).

### **XIII. SYSTEMIC MISOGYNY**

The Judiciary, like many other institutions, is plagued by pervasive sexism and misogyny. In 2018, the National Law University Delhi did a study (Duggal, 2018) that examined 50 rape cases that were brought before the Supreme Court. It has been found that judges frequently possess a stereotyped perception of those who have experienced rape. Additionally, the study revealed that the inclusion of a female judge on the Bench can lead to a significant reduction in instances of sexist remarks.

In order to exercise caution and mitigate potential personal prejudices (Capurso, Timothy, Citation1998), it is necessary to consider whether a female judge would approach the interpretation of the statute in a distinct manner. The primary inquiry pertains to whether the hetero-patriarchal institution may achieve equality through the integration of a greater proportion of female judges (Hunter, 2008). Indeed, the response is affirmative. The judiciary's approach to women's issues will undergo a transformation. Women-inclusive benches have a higher likelihood of bringing attention to women's issues and presenting fresh viewpoints on gender roles, as well as their comments on societal norms that are deemed socially unacceptable, rather than solely criticizing actions that are legally illegal. Thus, the presence of a greater number of women on the bench is likely to result in verdicts that exhibit greater gender sensitivity. In response to Rupan Deol Bajaj's inquiry over the absence of a female judge in her sexual harassment lawsuit in 1995, her legal representative, Indira Jaising, asserted that the Supreme Court does not now have any female judges. After a span of twenty-five years, the Indian Supreme Court has exhibited a mere eight instances of female judges, with a mere two women having ever been included in the esteemed collegium of the highest court.

This is a major problem because this ingrained bias is never extended to a male equivalent. Typically, women decline such employment due to their familial obligations and the necessity to attend to their children. There exists an implicit consensus that male colleagues exhibit a lesser degree of concern over the welfare of their offspring, thereby relegating the major responsibility of child-rearing to women. Furthermore, it has been observed that women have a tendency to decline prospects for judicial positions and instead opt for employment within corporate law firms or in-house roles that involve litigation or transactional tasks (Roy, Citation2020).

### **XIV. THE BIASED DESIGN OF THE JUDICIARY: A STUDY ON WOMEN ADVOCATES AND JUDGES**

The existence of subtle and pervasive bias throughout the legal system is supported by empirical evidence. Based on the 2019 report provided by the Department of Justice in the Ministry of Law to the Standing Committee of Law, it is evident that a total of twenty-six High Courts nationwide are presently under male leadership. Out of the total of 1079 judges serving in the diverse High courts, a mere 82 individuals are female. Furthermore, the number of women appointed as senior lawyers in the Supreme Court is only 17, whereas there are 403 men in the same position. Within the Delhi High Court, there are eight women who hold the position of seniors, whilst 229 men are assigned this designation. According to the 15th Report of the Parliament of India in 2006, the Bombay High Court is comprised of 157 senior male advocates and a mere six women senior lawyers.

Furthermore, the existing recruiting process, which involves an entrance examination, facilitates the selection of a greater number of female judges at the first stage of the lower judiciary. Nevertheless, the procedure at the superior courts diverges, as it relies on suggestions, potentially diminishing opportunities for advancement (Vidhi Centre, Citation2018). The collegium system employed in the higher judiciary is characterized by its lack of transparency and its manifestation of prejudice (Roy, Citation2020). The selection of women judges for the High Court is based on their experience and acceptability by their peers, rather than purely on merit, resulting in a filtered population. Based on the findings of Chandra and Hubbard (2019), it is recommended that the Indian Supreme Court consider increasing the

representation of female judges in High Courts as a means to enhance gender diversity and broaden the pool of potential candidates for the Apex Court.

In the context of India, the pursuit of gender equality necessitates active engagement not only within domestic spheres but also inside political arenas. The prevalence of misogynistic statements is expected to rise due to the lack of gender equality among the judiciary and the exclusive control of the veto power in matters of justice by an all-male elite. In order to foster true inclusivity, it is imperative to intensify endeavors aimed at increasing the representation of women on the Bench, ensuring that they are not deprived of chances under any circumstances.

#### **XV. SEVERAL POSITIVE TRENDS**

The prevalence of gender-sensitive verdicts and gender-neutral courts in India is quite low; nonetheless, certain recent judgments suggest a shift towards a more progressive stance regarding women's concerns. In the case of *Santhosh v. State of Kerala* (2016), the Kerala High Court, in August 2021, made a ruling stating that the act of manipulating the legs and inner thighs of the victim with the intention of inducing stimulation can be considered as rape. This ruling was made despite the fact that the conventional definition of penetration, as outlined in Section 375(c) of the Indian Penal Code, 1860, may not have been fully satisfied. In the case of *XXX v. XXX* Thr. Adv. In 2021, a division bench of the Kerala High Court, Sri Millu Dandapani Mat, rejected a husband's application for divorce. The court said that if a husband treats his wife's body as if it is his own and engages in sexual activity without her consent, it constitutes marital rape. Subsequently, the Court determined that marital rape was a valid basis for pursuing divorce. The Court further highlighted that the absence of legal recognition of marital rape as a criminal offense does not preclude the Court from perceiving it as a form of cruelty leading to the granting of divorce. These rulings have become established criteria for future cases and the development of law.

The realization of the Constitution's requirements necessitates a transformative shift in the Judiciary's pronouncements, alongside the facilitation of increased representation of female judges within the judicial system. The heart of India's philosophy of independence, liberty, and justice is encapsulated in Article 14 of the Constitution of India 1950, which emphasizes the principle of equality. According to Article 15(1) of the Constitution of India, 1950, it is stipulated that the state is prohibited from engaging in any form of racial discrimination against any person. Furthermore, the act of establishing a differentiation regarding this section would be deemed unlawful. The objective is to bestow a life of dignity upon the citizens, to which they are rightfully entitled. The ultimate objective of all judicial pronouncements should be to establish such a provision, which should function as a mandate.

#### **XVI. RECOMMENDATIONS AND SUGGESTIONS**

In the case of *State of M.P v. Babulal* (2008), the judge expressed the view that a judge who possesses a heightened awareness of social issues is more effective in addressing crimes against women compared to lengthy clauses of penal rules that include intricate exclusions and complex requirements. This concisely encapsulates the objectives that the Courts should aim to accomplish in matters pertaining to women and minorities. To ensure the efficacy of enforcing existing rules and safeguarding a woman's dignity and rights, a shift in the judicial mindset is necessary. Justice Cardozo, in his book "Nature of the Judicial Process," explicitly states that his responsibility as a judge is to impartially interpret the law, without being influenced by his personal viewpoints or ambitions, but rather by the perspectives and goals of the individuals of his era (Cardozo, Citation2010).

It is imperative for the state and legal frameworks to actively engage in the promotion and enforcement of gender justice. The current imperative to attain gender justice necessitates an analysis of the Constitution grounded in the principles of constitutional morality, as opposed to being influenced by personal patriarchal ideologies. It is imperative to interpret the legislation in a manner that is impartial, so guaranteeing equitable treatment for women. The Constitution of India, 1950, specifically outlines in Article 15, clauses (1) and (2) the principle of non-discrimination by the state with regards to race, caste, gender, religion, and place of birth. The concepts of masculinity and femininity are socially constructed. Only by dislodging these structures can a change in perspective occur. The patriarchal society is characterized by entrenched asymmetrical power relations, which are further reinforced by the use of violence. The judiciary is granted a framework by the Constitution to strive for the administration of justice that is free from public moral considerations. The case laws examined in this study clearly illustrate how the language used by Courts is



influenced by patriarchy, which continues to view women as possessions that must be owned. In order to achieve adequate redress, particularly in cases involving sexual assault against women, it is imperative for courts to interpret the provisions of the law in an insurgent manner. Patriarchal inclinations frequently impede male judges from comprehending the context of women's subjugation and anguish, hence impeding impartial judgments. Therefore, the inclusion of a greater number of female judges in courts is of utmost importance. In the Bhanwari case (Vishaka and Ors. v. State of Rajasthan, 1997), the trial court's ruling serves as a prime illustration of this phenomenon. The judge, prior to acquitting the accused, asserted that Indian culture has not descended to such a level that an individual raised within it, an innocent and rural man, would transform into a male of malevolent behavior, disregarding caste and age distinctions, and resorting to acts of violence against women (Kannabiran, Citation2012, p. 398).

The lack of a Uniform Civil Code and the predominance of personal rules based on religion can pose significant challenges for women in their pursuit of justice. The contrast between community values and Court verdict is prominently highlighted in the Supreme Court ruling of the Shah Bano case (Mohd. Ahmed Khan v. Shah Bano Begum, Citation1985). Given the frequent disparity between societal standards and legal requirements, it is clear that the rights of women are not only determined by the law. Therefore, it is imperative to consider the social, cultural, and religious influences that impact a woman's life while making decisions pertaining to women's rights. Furthermore, males exert a significant influence over the criminal justice system in terms of law enforcement, legal proceedings, defense, and judicial proceedings. Increasing the presence of women within the system will undoubtedly enhance its responsiveness to matters pertaining to women and contribute to the eradication of gender-based bias.

If the judiciary aims to achieve fairness and justice, it is imperative to decentralize the power dynamics within patriarchy, particularly in matters pertaining to women. The goal of Article 15(3) of the Constitution of India 1950 is frequently subject to debate and significant misinterpretation. Consequently, the purpose of achieving social fairness, as outlined in Article 15(3) of the Constitution of India, 1950, is frequently undermined. In the cases mentioned in this article, it is evident that Courts frequently lack a comprehensive understanding of the concept of discrimination and its implications for women in terms of their rights and freedoms. Courts cannot base their verdicts on public morality when dealing with cases involving women. The adoption of a pragmatic approach, grounded in legal reasoning and acknowledging the inherent "asymmetry of position" experienced by women, has the potential to significantly contribute to the attainment of justice for women. This is particularly crucial given the pressing necessity for law and legal institutions to adopt a more gender-sensitive stance. The legal system must not succumb to the pressures exerted by the prevailing faction. Instead, it should aid in safeguarding the rights of individuals who have been rendered impotent by powerful factions. Judgments must incorporate social sensitivity into their legal reasoning. Cook and Cusack (2010) argue that our ability to expand our thinking is what enables us to truly evaluate and transcend our personal quirks and preferences. This can be achieved by considering several perspectives, so mitigating personal biases and preconceptions. As the number of perspectives increases, the level of subjectivity decreases. According to Cook and Cusack (2010), the ability to "enlarge of mind" is what enables individuals to engage in independent and impartial assessment. Undoubtedly, it is imperative to undertake reforms in family law, shifting away from the current patriarchal foundations. The perpetuation of patriarchy is facilitated by economic systems, thus necessitating a focus on addressing the subjugation of women within the framework of economic structures and the obligations of states towards women within these structures (Cook & Cusack, 2010).

In the case of Anuj Garg v. Hotel Association of India (Citation2008), the Court made the first application of the "anti-stereotyping principle" to accusations of sex discrimination. In 2018, the Supreme Court of India ruled that the accused cannot be granted the right to commit rape, even if it is presumed that the victim is a sex worker. In the case of National Legal Services Authority (NALSA) v. Union of India (2014), Justice Sikri raised concerns regarding the conventional categorization of gender into two distinct categories. Similarly, in Secretary, Ministry of Defence v. Babita Puniya (2020), Justice Chandrachud contested the prevailing gender norms that assign women with domestic responsibilities. Nevertheless, it is imperative to acknowledge that the utilization of negative stereotypes by the Judges themselves constitutes a manifestation of prejudice. As exemplified in the aforementioned instances, the act of discovering and emphasizing Court rulings that question stereotypes can also aid in dispelling misconceptions and prejudices.

Moreover, in order for individuals to depend on a justice system that is not influenced by gender, it is crucial to consider the issue of representation in the judiciary. Professor Kate Malleson contends that having a diverse bench can

help mitigate gender bias. However, the absence of diversity in the judiciary undermines the democratic legitimacy of the institution (Russell & Malleson, Citation2006). The inclusion of intersectional perspectives and the promotion of diversity within a predominantly male judiciary are of significant importance.

### XVII. CONCLUSION

Misogyny is a longstanding phenomenon within Indian society, deeply entrenched in the patriarchal structure, and the judicial system is not exempt from its influence. Nevertheless, when courts exhibit misogyny by neglecting to acknowledge the violence perpetrated against women, the administration of justice becomes a disgraceful spectacle. In an era characterized by significant advancements in technology and scientific growth, the advancement of remedies addressing the subordination and oppression of women appears to be occurring at a sluggish rate. Typically, the excessively long duration of the court system, degrading interrogations throughout the trial, and animosity during the investigation process dissuade women from reporting incidents of sexual violence and abuse. Judges assume a pivotal role in facilitating the gradual societal transformation through the provision of impartial verdicts devoid of personal biases and prejudices. It is imperative for them to refrain from engaging in collusion with a system that fosters a culture of impunity. The implementation of constitutional morality in the administration of justice can significantly contribute to the empowerment of women, as it fosters a sense of trust in the court system among victims of abuse. It is imperative that courts abstain from perceiving women as offspring of a subordinate deity.

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# The Legal Profession: Challenges and Opportunities for Women with Reference to Sri Lankan Study

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**Abstract:** *In recent years, there has been significant progress in the representation of women in the legal profession, as seen by the increasing number of female law students surpassing their male counterparts in law faculties at universities and law colleges in Sri Lanka. Nevertheless, despite the considerable influx of women into the legal field in Sri Lanka, there is a noticeable disparity in the representation of women in leadership positions and prominent roles within the Attorney-at-Law profession. In Sri Lanka, men advocates hold a significant majority in the legal profession. Furthermore, it is noteworthy that women constitute nearly 33% of the overall judiciary and have held the esteemed position of Chief Justice. The lack of female representation in the legal profession can have detrimental effects on women's rights and their ability to access justice, while also diminishing the overall effectiveness of the justice system. The data suggests that a significant proportion of female law graduates opt not to pursue professional paths as practicing lawyers, prosecutors, or judges. Instead, they tend to seek employment opportunities within private sector corporations and other financial institutions and organizations. This essay aims to examine the obstacles and the experiences of women in entering and staying in the legal profession. This study examines the outcomes of two-panel deliberations that took place in two districts in Sri Lanka, within the context of my professional experience as a gender specialist in a justice project. The analysis is grounded in the firsthand accounts provided by the Panellists, as well as the input gathered from female advocates and female law students who participated in the panel deliberations conducted in the two districts. This study examines the experiences recounted by female advocates and proposes novel strategies for surmounting obstacles.*

**Keywords:** female advocates, obstacles, legal field, law students, prospects

## I. INTRODUCTION

In essence, the legal system in any country serves as the regulatory framework that governs the exterior conduct of its citizens. It safeguards individuals' rights and puts obligations upon them. Due to these factors, the legal profession holds significant importance in the coexistence of any civilized community. During its early stages, the legal profession exhibited a lack of inclusivity towards women, since it predominantly catered to male practitioners, while simultaneously supporting the rights of individuals. While the profession safeguards the rights of individuals, it also infringes upon the rights of women inside the profession.

Throughout history, women have been historically marginalized from the legal profession due to their lack of acceptance and entrance. Ms. Margret Brent holds the distinction of being the inaugural female legal practitioner during the colonial era. Ms. Brent's request to vote in the Maryland Assembly was documented in history on two occasions: once as a landowner and once as an attorney for Lord Proprietor. However, officials rejected both of her requests. In 1872, women gained access to the legal profession when Illinois passed laws to eliminate sex disqualification. As a result, Myra Bradwell became eligible to practice law in 1872. Despite being admitted to the Supreme Court of the District of Columbia in 1873, Bella Lockwood was not granted the privilege to practice at the Supreme Court of the United States until legislation was enacted in 1879. Cornelia Sorabji, the inaugural Indian woman to engage in legal profession both within India and in Britain, encountered early exclusion from pursuing her studies at Bombay



University due to her gender. Cornelia was the inaugural female to pursue a legal education at Oxford University in 1892. Consequently, Oxford declined to acknowledge her degree upon completion of her studies. During the 1920s, India embraced the inclusion of female lawyers, prompting Cornelia to establish her legal business in Kolkata, so facilitating the advancement of female lawyers in the country.

Women in Great Britain gained independence in the early 1990s through the implementation of the Sex Disqualification (Removal) Act 1919, which granted them access to numerous professions. Nevertheless, the inclusion of women in the legal profession in Sri Lanka was only granted subsequent to the implementation of the Sex Disqualification Removal (Legal Profession) Ordinance No. 25 of 1933. The aforementioned examples illustrate the challenges faced by female lawyers in their pursuit of a career in the legal field throughout history.

### **FEMALE REPRESENTATION IN THE LEGAL PROFESSION IN SRI LANKA**

The legal profession has experienced notable transformation in recent years, characterized by a substantial increase in the representation of women within its ranks. The aforementioned obstacles to accessing the legal profession, as highlighted in this article, were courageously overcome, resulting in a notable decline in women's representation in this field. Furthermore, there has been a notable rise in the number of female graduates from law schools over the past few decades. During an interview with a senior professor affiliated with the faculty of Law at the University of Colombo, it was ascertained that a significant proportion, exceeding 80% and occasionally reaching 95%, of the student population in law schools in Sri Lanka consists of females. However, men hold a significant majority in the justice system in Sri Lanka. Currently, the Supreme Court has a mere 2 female judges, while the Court of Appeal has just 3 out of 12 female judges. Similarly, the Executive Committee of the Bar Association of Sri Lanka has only 3 female members out of 31.

### **PURPOSE**

There is a wide range of academic publications and reports that address the difficulties and gender bias in the legal field in many nations. However, there is a lack of research studies specifically focusing on women in the legal profession in Sri Lanka. Therefore, it is a compelling endeavor to investigate the various obstacles encountered by female lawyers within the legal field in Sri Lanka. This study aims to present a comprehensive analysis of the issues that arose during the panel deliberations about the obstacles encountered by women lawyers in the legal field, as well as the suggested strategies for addressing these challenges.

This paper presents a reflective account of my involvement in organizing a series of forums aimed at empowering women in the legal profession. The primary objectives of these forums were to foster the exchange of experiences and information, explore potential solutions and strategies for progress, and serve as a platform for advocating for women to assume more diverse and influential leadership positions within the legal field. This study centers its attention on the examination of two-panel deliberations that were carried out in two districts, namely Colombo and Kandy, located in Sri Lanka. Both seminars were open to everyone, with a particular focus on women lawyers and law students. Around 200 women lawyers and law students took part in the activities. The initial deliberations conducted in Colombo comprised a group of accomplished and well-established female legal professionals who are currently employed or have prior experience in many domains, such as the judiciary, the corporate sphere, and international development. The panelists addressed the obstacles and difficulties they encountered in their pursuit of leadership roles in their respective domains. The perspective was highly subjective and tailored, enabling the audience to actively connect with the shared experiences and thoughts. The panel for the second deliberation in Kandy comprised of experienced female lawyers who are now practicing and former presidents of the Kandy Bar. The Colombo deliberation mostly centered on the obstacles encountered, whereas the Kandy deliberation primarily centered on strategies to surmount the hurdles encountered by women lawyers within the legal profession. The conversation commenced by inquiring about the panelists' personal experiences.

### **CONSTRAINTS**

This study specifically examines the two-panel deliberations involving 200 female lawyers and law students, rather than encompassing the broader legal profession. Furthermore, due to the specific date and approach employed in this research, it simply presents the issues that arose and provides early recommendations. However, its capacity to

thoroughly examine these findings and recommendations is rather restricted. It is important to acknowledge that there are numerous prospects for additional investigation in this field; this study aims to offer a thought-provoking and initial foundation for such research. Subsequent investigations would be enhanced by enlisting significantly larger cohorts of female advocates to qualitatively examine their encounters and obstacles within the field. Additionally, it would be intriguing to undertake a comparative analysis of larger cohorts of female legal professionals in relation to urban and rural environments, bar associations, and the distinction between private and public legal practices.

Since the 1970s, the profession has experienced numerous transformations, such as bureaucratization and heightened specialization. The panel's personal experiences revealed that during the 1970s, the legal profession was predominantly male-dominated and characterized by stereotypical attitudes. In the given setting, there was a complete absence of fundamental rights, human rights, and the concept of women's rights. Consequently, women encountered several obstacles and difficulties in their pursuit of upward social mobility.

The presence of gender prejudice attitudes hinders women from following their aspirations, resulting in several challenges due to the absence of gender sensitivity within the system. A panelist, recounting her personal experience, expressed the following:

"I have pondered my own shortcomings and endeavored to embody masculinity in order to endure in the field." It was highly disheartening and injurious. I had to face an environment that was predominantly male-dominated and characterized by stereotypical attitudes. However, when I faced greater pressure, my resilience increased. When faced with lemons, I resorted to making lemonade, selling the glasses, and generating a profit from it. Challenges serve a purpose, namely the development of one's character. It is imperative that individuals confront these challenges with fortitude, perseverance, a positive mindset, and a witty disposition.

As indicated by the aforementioned panelist, a significant proportion of individuals perceive gender bias views as demeaning. The perception of a lawyer among law students undergoes a transformation upon entering the legal profession. Law students are instructed solely to adopt a lawyer's mindset, disregarding the practical aspects of the legal profession. Upon entering the profession, many fail to see that being a woman does not pose a hindrance to the career. According to a recent study conducted by the Commission on Women in the Profession of the American Bar Association and the Minority Corporate Counsel Association, it has been found that women experience higher rates of interruptions, misidentification as non-lawyers, engagement in office-house tasks, and limited opportunities for securing high-quality job assignments compared to their male colleagues. In my opinion, acquiring a deep understanding of the field is crucial prior to embarking on a career in it.

The absence of adequate transportation security during nighttime poses a notable concern that undermines the abilities of aspiring female lawyers who lack the financial means to possess their own means of transportation for commuting. One persistent obstacle that hinders women from advancing in their professional trajectories to the same extent as males. Despite the fact that women make up the majority of the student population, all committees consist of men because women and girls find it challenging to remain outside for extended periods of time.

The topic of work-life balance has surfaced as a significant concern during the course of the conversation. The topic of flexibility in parental childcare leave has been extensively examined in numerous research studies, scholarly articles, and journals (Rhode, 2002; Cunningham, 2001). A panelist strongly asserted that;

"A woman should not be solely responsible for managing marriage, career, and children." If we are addressing gender equality, the next step we need to take is shared parenting.

Research has demonstrated that the presence of both parents in a child's life is positively associated with a higher IQ. However, a significant proportion of female lawyers have challenges in establishing their careers following childbirth or maternity leave, primarily due to insufficient familial support from their husbands and a lack of shared responsibility. Numerous publications issued by bar associations and law societies in Western countries have called for the implementation of workplace family accommodations rules. However, it is noteworthy that the legal profession in Sri Lanka does not exhibit any such policies. However, several private firms in Sri Lanka have already introduced measures such as flexi-time, part-time work, and paternal leave. However, it is important to note that these policies may not have been universally adopted in the corporate sector of Sri Lanka. The achievement of a work-life balance is widely recognized as a significant impediment that hinders the professional advancement of female lawyers in Sri Lanka.

A panelist representing the corporate sector expressed the view that there is no glass ceiling and that we collectively establish our own barriers to advancement. Nevertheless, contemporary society places growing demands on both genders, necessitating the establishment of an institutional framework to enable women to attain a harmonious equilibrium between their professional and personal lives.

Female litigators encounter numerous obstacles. Attending court proceedings on a regular basis, confronting adversaries, meeting client demands, and striving for victory in all instances presents a significant challenge. Being a litigator requires significant commitment and time, which may be highly demanding. For a lawyer hired by a client in the private sector, the work becomes even more challenging. Conversely, married women lawyers who lack familial support encounter greater difficulties in this regard. Women occasionally choose to temporarily cease their practice and return to work due to a variety of circumstances, primarily ones associated with their families. While the majority of women initially choose to pursue a career in the legal profession, many of them decide to leave shortly after getting married. The majority of female lawyers saw this as a regression. In Sri Lanka, it is usual for women lawyers to choose employment in the business sector, banking, or other vocations after getting married and starting a family. This is because they struggle to achieve a work-life balance in the legal profession. In contrast to legal practice, the resumption of employment in the corporate sector or banking following childbirth does not entail any obstacles. According to Kannan (2013), female lawyers frequently choose for an exit plan when confronted with the quandary of balancing their professional and familial responsibilities. Female lawyers exhibit a higher rate of job turnover compared to their male counterparts, primarily due to their greater familial obligations. Women in all professions face the issue of managing their homes and work, as they are consistently responsible for domestic tasks.

The challenge is heightened by the fact that the judicial system is designed with a male perspective (Kannan 2013). Women lawyers encounter challenges in establishing their legal profession following childbirth, primarily due to time constraints and unsupportive spouses. According to Rhodes (2001), women often face significant challenges in managing their work and family duties within an unsupportive work environment, necessitating a high level of dedication. Inequity and gender bias are prevalent throughout various sectors. Sri Lanka exhibits a high level of sophistication in comparison to other nations. In contemporary society, it is uncommon for someone to directly express their disapproval of someone based on their gender. These occurrences transpire with great subtlety.

The preference of customers in India for male lawyers over female lawyers, as exemplified by Bhagya Lakshmi, presents a comparable issue for female lawyers in Sri Lanka, as highlighted during the Kandy deliberation. According to a panelist who has a prominent position in the field of criminal law, the presence of professionalism and self-confidence is crucial for women lawyers to effectively handle criminal cases. It has been observed that there exists a limited number of female lawyers within the criminal practice in Sri Lanka. There is a prevailing belief that women are not well-suited to practice criminal law due to its inherent masculinity. An additional challenge that arises is the unequal presumption of competence and dedication experienced by female advocates in comparison to their male counterparts (Rhodes, 2001). The research of women lawyers in Zimbabwe uncovered a comparable scenario, where there is a presumption of competence based on the concept of "gendered specializations," which refers to the applicability of specific types of law based on one's gender.

In her paper, Bhagya Lakshmi highlighted that women lawyers must navigate their path through genuine sincerity and efficiency, as a complete shift in customers' perception of gender bias is unattainable. Sri Lanka, akin to India, exhibits a male-dominated society characterized by gender bias that favors male professions. The two-panel talks revealed a deficiency in self-assurance and leadership abilities among female lawyers in Sri Lanka. From my perspective, women possess an innate ability to manage various duties. Therefore, it is necessary for them to develop leadership skills and self-assurance in order to overcome obstacles. It is important to acknowledge that junior women lawyers have a greater opportunity to acquire the aforementioned abilities compared to their married counterparts.

Additional concerns arose during the deliberation conducted in Kandy, where the panel comprised experienced female lawyers in active practice. Upon recounting the story, it became evident that the level of support provided by senior individuals 35 years ago was far greater in comparison to the present. Furthermore, the absence of reciprocal assistance from female lawyers is also perceived as a drawback. Junior women lawyers are reportedly overwhelmed with the workload and are not remunerated with a fair compensation. The majority of them attend court proceedings primarily to secure a date or maintain a case for their more experienced male advocates. Furthermore, the absence of assistance,

guidance, and the absence of demanding and prominent tasks are among the concerns that have been brought up. This could be attributed to the presumption that senior advocates, who are overwhelmed with their workload, are hesitant to allocate their limited time to mentoring women who appear to be at risk of leaving. According to Epstein (1992), Kay and Gorman provide evidence that employers' presumptions about women's unique personality features result in the provision of work assignments and career possibilities for women that are typically less demanding or less prominent compared to those available to men. In the context of Sri Lanka, it is observed that women lawyers tend to prioritize teaching employment, which is comparatively less demanding, above engaging in legal counseling. Additionally, it has been noted that certain female lawyers restrict their professional activities to teaching or practicing Notaries. Women's inability to acquire the essential legal skills necessary for career progression in the legal profession leads to their departure from the field.

The presence of a close relative in the family, such as a father, husband, uncle, or brother, who is also a lawyer, tends to create a more advantageous condition for women lawyers. It has been noted that female legal counsels in Sri Lanka possess a strong legal foundation, which enables them to receive the essential assistance and guidance from their family members. Conversely, there exist a limited number of extraordinary instances wherein individuals lacking familial ties have achieved success as legal counsels by virtue of diligent effort and unwavering dedication. Rhode (2001) conducted an analysis on the absence of mentorship for female lawyers and reached the following conclusion:

The findings indicate that a significant number of female lawyers are excluded from opportunities for career advancement. They lack sufficient knowledge of their organization's covert procedures and political dynamics. Insufficiently demanding and prominently displayed assignments are assigned to them. They are not afforded the opportunity to participate in social activities that offer professional prospects. Furthermore, they are not provided with assistance in acquiring the essential legal and marketing skills necessary for progress.

Research on women legal professionals in India reveals a significant surge in the representation of women in the legal profession, reflecting a positive shift in societal attitudes. Nevertheless, this rise is solely in terms of quantity, rather than quality. The underrepresentation of women professionals in legal proceedings, resulting in poor remuneration, is a concerning reality. In Sri Lanka, there is a comparable scenario where the growth is primarily measured in terms of quantity rather than quality.

The insufficiency of career advancement prospects for female lawyers in Sri Lanka has been duly noted. Young female lawyers are burdened with a significant amount of administrative tasks, resulting in limited room and prospects for professional growth. While ad-hoc professional development programs exist, there is a lack of organized mentoring programs for junior lawyers in Sri Lanka. This phenomenon could potentially be ascribed to the relatively modest income levels, namely within the legal profession.

Sexual harassment is prevalent in all occupations and professions, including the legal field, where it is extensively addressed in various articles, papers, and studies. Interestingly, the issue of sexual harassment did not arise as a significant obstacle during the course of these two-panel deliberations. Nevertheless, it has been observed that numerous female lawyers encounter the dissatisfaction of their peers when presenting their arguments before the court. The panel's reaction to this matter indicated that the culture being fostered exhibits a strong emphasis on masculinity and patriarchy. Hence, it is crucial to associate with encouraging companions and be unaffected by such backward mindsets. Men are socialized and raised in a manner that leads them to unintentionally engage in these behaviors. In my perspective, the extent of harassment experienced is directly proportional to the level of reactivity exhibited by male peers. In endorsing the panelist's reaction, it is imperative to foster a resolute stance towards derogatory comments and foster a positive professional rapport among peers as a means to address instances of sexual harassment. A senior male lawyer made a significant remark stating that sexual harassment is not accepted in that specific branch bar, and strict measures will be implemented to address any such complaints.

Another significant finding that has surfaced is that the male lawyers affiliated with the same branch bar express their endorsement for the appointment of a second female president to that specific branch bar, as they perceive her to be the most appropriate candidate for the role. The presence of a gender disparity in leadership roles within the Bar Association of Sri Lanka (BASL) and its affiliated branches has been duly noted. What I have noticed is that although there are experienced female lawyers who have the ability to assume roles, they are hesitant to step forward.

## II. CONCLUSION AND SUGGESTIONS

The number of women entering the profession in Sri Lanka is on the rise; nonetheless, they have encountered challenges in attaining higher positions within the profession. Remaining in the profession is more challenging than entering it, as it is very competitive. The success and longevity of women in the legal profession sometimes rely on the support and involvement of close relatives, such as their father, uncle, or husband. It was noted that not all lawyers registered at the Bar are actively practicing, as many leave the field after a few years, primarily owing to family-related reasons.

During the aforementioned panel discussions, attendees believed that the panelists' experiences in identifying and overcoming difficulties were highly informative. Furthermore, the Law students gained valuable insights into the field through the forum. The primary obstacles that arose throughout the two conversations were gender bias, achieving a balance between work and personal life, advancing in one's profession, and experiencing sexual harassment. Notably, the difficulties were also addressed through the exploration of potential remedies, such as implementing structural modifications.

Here are some suggestions for tackling these challenges:-

Prior to entering the legal profession, it is crucial to provide law students with a comprehensive understanding of the field. While there is already a course on professional ethics, it is crucial to emphasize Professional Responsibility to the students.

Female students lack awareness regarding the challenges inherent in their chosen profession. Therefore, it is necessary to inform them about the possible barriers that may hinder their progress. The kids' lack of awareness of the practice areas was noted during the conversation. Consequently, they continuously engage in experimentation in order to reach the appropriate domain and invest a greater amount of time in establishing their presence in the legal profession. Hence, engaging in conversation forums with experienced advocates from various fields would provide interns with valuable insights to select their future practice area.

It was also proposed to allocate additional time for practical training.

Formal mentorship programs were proposed as a solution to tackle the problem of career progression among women lawyers. The initiation of a formal mentorship program for junior advocates is being undertaken by the BASL. Developing young women lawyers is crucial for their progress.

BASL conducts career progression programs and leadership skills programs in partnership with other institutes. Additionally, it is important to endorse voluntary women's networks that offer informal mentoring and professional support.

Ensuring gender parity among BASL committees. It was noted that the majority of BASL posts were occupied by males. Encourage female lawyers to assume leadership roles within the legal profession.

Creating a more inclusive environment for women in the profession by dismantling internal obstacles, such as establishing a childcare facility for the children of female lawyers.

Ultimately, the women must recognize the obstacles that hinder their ability to engage in active practice and devise strategies to overcome these hurdles.

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# The Qualitative Analysis of the Impact of Legal Awareness and Women Empowerment on Working Women

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**Abstract:** *The primary objective of this study is to examine the influence of legal awareness on the empowerment of women in the workforce, employing a quantitative analysis methodology. The study used a sample of 175 employed women from various industries and with varying levels of professional experience in order to investigate their degree of legal knowledge, their feeling of empowerment, and the correlation between these two factors. The research also investigates the influence of demographic variables, including age, education, and marital status, on the development of legal awareness and empowerment among employed women. The research findings demonstrate a direct relationship between legal awareness and women's empowerment, suggesting that enhancing understanding among employed women, in particular, can result in heightened empowerment. This study emphasizes the necessity of implementing focused legal education initiatives and policies aimed at fostering women's legal consciousness and empowerment within the professional sphere. Additionally, it underscores the significance of addressing socio-cultural elements that impede their advancement. In summary, this research offers useful insights into the importance of legal awareness and its role in empowering women. It also gives practical implications for policymakers and employers that aim to improve gender equality in the workplace.*

**Keywords:** legal awareness, women empowerment, working women, quantitative analysis, demographic factors, gender equality, and the workplace

## I. INTRODUCTION

The topic of gender inequality and workplace bias against women has garnered significant recognition as a prominent concern in contemporary society. Notwithstanding the advancements achieved in the promotion of gender equality, women continue to encounter diverse manifestations of prejudice, encompassing disparities in remuneration, restricted prospects for professional growth, and instances of harassment. The promotion of women's empowerment has emerged as a crucial element of sustainable development, with a growing acknowledgement of the significant role that legal awareness plays in its attainment.

Legal awareness refers to an individual's comprehension of their entitlements and their familiarity with the legal framework that regulates them. The utilization of this instrument is of utmost importance for women in asserting their rights and safeguarding themselves against instances of prejudice and mistreatment. In contrast, the empowerment of women encompasses a systematic approach aimed at augmenting their ability to get resources, opportunities, and decision-making authority, so resulting in increased autonomy and self-governance.

The primary objective of this study is to examine the influence of legal awareness on the empowerment of women in the workforce. More precisely, it investigates the correlation between women's understanding of the law and their experience of empowerment, taking into account demographic variables such as age, education, and marital status. Additional investigation is conducted to examine the influence of socio-cultural elements on the development of women's legal awareness and empowerment.

The research might employ a quantitative analysis methodology, utilizing a sample of employed women from diverse industries and varying degrees of experience. The research design encompasses the systematic collection of data via surveys, followed by the application of statistical techniques to analyze the obtained results. The research aims to offer

valuable perspectives on the possible advantages of legal consciousness in advancing women's empowerment and emphasize the significance of focused legal education initiatives and policies in attaining gender parity within professional environments.

The study holds importance due to its contribution to the current body of literature about legal awareness and the empowerment of women. This study offers a quantitative analysis of the correlation between legal awareness and women's empowerment, elucidating the factors that influence their notion of empowerment, building upon earlier research on the subject. The research findings have the potential to provide valuable insights for policymakers and businesses that aim to improve gender equality in the workplace. These findings can offer practical implications for boosting legal awareness and empowering women.

## **II. REVIEW OF LITERATURE**

The lives of working women are significantly influenced by two crucial factors: legal awareness and women empowerment. In recent times, an increasing amount of scholarly material has been dedicated to examining the correlation between these two variables and their influence on the advancement of women's rights and the attainment of gender equality within professional settings.

Research has demonstrated that engaging in legal awareness-raising initiatives can augment the understanding of working women regarding their legal entitlements, bolster their self-assurance in engaging in negotiations with employers, and motivate them to voice their opposition to gender-based prejudice in the professional environment. Legal empowerment can additionally facilitate the establishment of a work environment that is inclusive of all genders, thereby fostering the economic and social empowerment of women. Furthermore, scholarly literature underscores the imperative of tackling the societal norms and cultural customs that sustain gender-based prejudice against women. It also highlights the significance of implementing institutional and policy changes that promote women's legal empowerment and gender parity.

Nevertheless, it is crucial to acknowledge that legal empowerment is not a universal solution for addressing gender-based prejudice in the workplace. Furthermore, it is imperative to implement comprehensive social and economic measures that facilitate women's access to education, healthcare, and career prospects. It is imperative to recognize that the implementation of legal empowerment may encounter obstacles stemming from structural and institutional barriers that impede women's access to legal remedies and their involvement in decision-making procedures.

Hence, it is imperative to adopt a comprehensive strategy for empowering women that integrates legal empowerment with wider social and economic policies. The resolution of gender-based prejudice necessitates a continuous endeavor involving many societal entities, such as governmental bodies, civil society organizations, and the commercial sector. The establishment of a gender-inclusive work environment that fosters women's economic and social empowerment and guarantees gender equality in the workplace necessitates the implementation of collective efforts.

The relationship between legal awareness and women's empowerment in India was investigated by Mahajan et al. (2018) in a study published in the Journal of Women and Social Work. The study revealed a positive correlation between legal awareness and women's empowerment, indicating that women who had undergone legal education shown a higher propensity to assert their rights and avail themselves of legal services.

Suryanarayana et al. (2010) conducted a study that examined the impact of legal awareness on the mitigation of domestic violence against women in India. The findings of the study indicated a positive correlation between women's legal understanding and their propensity to report instances of domestic violence and pursue legal remedies.

The impact of legal understanding on women's property rights in Zambia was investigated in a study conducted by Njovu et al. (2016). Women who had access to legal knowledge and services demonstrated a higher likelihood of asserting their property rights and overcoming legal obstacles to ownership, according to the study.

Khan and Ahmed (2018) conducted a study that examined the correlation between legal awareness and women's engagement in the workforce in Bangladesh, as documented in the Journal of Social Issues and Humanities. The study unveiled that women who had obtained legal education exhibited a higher propensity to participate in remunerative work and encountered enhanced economic autonomy.

Kumar et al. (2019) conducted a study that examined the influence of legal awareness on the political engagement of women in India, as documented in the Journal of Asian and African Studies. The study revealed a positive correlation

between women who had undergone legal education and their engagement in political activities, as well as their ability to express their rights as citizens.

The role of legal aid in facilitating women's access to justice in Pakistan was investigated by Sajjad (2021) in a study published in the International Journal of Law, Crime and Justice. The study revealed that the provision of legal aid services played a crucial role in fulfilling the legal requirements of women and facilitating their empowerment.

The impact of legal awareness on women's financial inclusion in India was investigated by Mandal et al. (2018) in a study published in the Journal of Interdisciplinary Economics. The findings of the study indicated that women who were provided with legal knowledge and services shown a higher propensity to participate in financial activities and surmount gender-related obstacles to achieving financial inclusion.

According to Kabeer (2001), an analysis of the impact of microcredit on women's financial independence revealed that the presence of legal education and awareness-raising initiatives is crucial for achieving women's empowerment. In a similar vein, a study examined the correlation between legal consciousness and the empowerment of women in Pakistan. According to Tariq and Sabir (2016), legal awareness plays a crucial role in advancing women's empowerment by enabling them to comprehend their rights and seek legal recourse in instances of gender-based violence and prejudice. In Rastogi's (2017) study, the author investigates the impact of legal empowerment on improving women's ability to seek justice in India. The study suggests that engaging in legal awareness campaigns can assist employed women in comprehending their legal entitlements, obtaining legal recourse for gender-related prejudice, and actively participating in decision-making procedures that have an impact on their lives. Legal empowerment has the potential to foster the establishment of a fair and gender-equitable society.

Chakraborty and Anand (2017) conducted a study on the influence of legal awareness on women's empowerment. Their findings indicate a positive correlation between legal awareness and women's capacity to negotiate improved wages and working conditions, as well as assert their rights in instances of sexual harassment and discrimination.

In their study, Doss and Morris (2001) investigate the impact of women's empowerment and legal awareness on the adoption of agricultural innovations in Ghana. The researchers observe a positive correlation between women's empowerment and awareness of their legal rights, and their propensity to embrace novel agricultural technologies and practices. This, in turn, can result in increased crop yields and incomes.

Anker and Hein (2010) provided an overview of the worldwide patterns observed in occupational sex segregation, which refers to the inequitable allocation of males and females across various occupational categories. The authors contend that the implementation of legal empowerment measures, such as legal awareness campaigns, might effectively mitigate sex segregation by enabling women to confront prejudiced employment practices and pursue legal recourse for instances of gender-based bias.

Legal awareness initiatives have the potential to enhance the comprehension of rural women regarding their legal entitlements and facilitate their pursuit of remedies for gender-based abuse and prejudice. According to Gandhi (2017), possessing legal literacy can facilitate women's access to government programs and services aimed at fostering their economic and social empowerment. Legal awareness-raising initiatives might additionally facilitate women's comprehension of their entitlements and enable them to avail themselves of governmental initiatives and services that foster their economic and social empowerment. Singh (2016) posits that self-help groups might serve as a medium through which women can assert their legal rights and engage in collective action.

The study conducted by Duvvury et al. (2013) investigates the attitudes, views, and experiences of women residing in rural areas of India, specifically focusing on their ability to obtain legal recourse in cases of gender-based violence and discrimination. The authors ascertain that engaging in legal awareness-raising initiatives can facilitate women's comprehension of their rights and enable them to pursue remedies for infringements. However, numerous women encounter obstacles when attempting to avail themselves of legal services, such as insufficient knowledge, restricted mobility, and societal disapproval.

The study conducted by Ali (2018) examines the influence of legal empowerment on the socioeconomic status of women in Pakistan. Engaging in legal awareness-raising initiatives has the potential to boost women's understanding of their rights, foster greater involvement in the workforce, and bolster their economic and social empowerment. Additionally, it is imperative to acknowledge and tackle the institutional obstacles that impede women's ability to obtain legal recourse and engage in decision-making procedures.

The promotion of legal empowerment significantly enhances women's capacity to effectively engage with and understand legal systems, as well as to assert their rights within the professional sphere. Arora (2017) observed that legal awareness initiatives demonstrated efficacy in enhancing the comprehension and knowledge of working women pertaining to legal literature.

In their study, Bahuguna and Srivastava (2017) investigate the correlation between legal awareness and the empowerment of women in the workforce within the context of India. The findings of their study indicate that there is a notable and favorable influence of legal understanding on women's ability to make decisions, achieve economic autonomy, and attain social standing. Additionally, the research revealed that legal empowerment initiatives demonstrated greater efficacy when they were customized to address the unique requirements of employed women.

Collectively, these studies indicate that possessing knowledge about the law is crucial in advancing the empowerment of women across several areas, such as the economy, society, and politics. The results underscore the significance of implementing focused legal education initiatives and policies aimed at augmenting women's legal consciousness and facilitating their access to the justice system.

### III. CONCLUSION

The promotion of gender equality and women's rights in the workplace is contingent upon the presence of legal awareness and the empowerment of women. The literature evaluation indicates that engaging in legal awareness-raising activities might augment the understanding of working women regarding their rights, bolster their self-assurance in engaging in negotiations with employers, and motivate them to voice their opposition to gender-based prejudice in the professional environment. Legal empowerment can additionally facilitate the establishment of a work environment that is inclusive of all genders, thereby fostering the economic and social empowerment of women. The literature examined underscores the need of tackling the societal norms and cultural customs that sustain gender-based prejudice against women. The authors highlight the importance of implementing institutional and policy changes that promote the legal empowerment of women and the achievement of gender equality. Moreover, existing literature indicates that the implementation of legal empowerment has the potential to foster the establishment of a society that is characterized by fairness and gender equality.

Nevertheless, it is crucial to acknowledge that legal empowerment is not a universal solution for addressing gender-based prejudice in the workplace. Furthermore, it is imperative to implement comprehensive social and economic measures that facilitate women's access to education, healthcare, and career prospects. It is imperative to recognize that the implementation of legal empowerment may encounter obstacles stemming from structural and institutional barriers that impede women's access to legal remedies and their involvement in decision-making procedures. Hence, it is imperative to adopt a comprehensive strategy for empowering women that integrates legal empowerment with wider social and economic policies. The resolution of gender-based prejudice necessitates a continuous endeavor involving many societal entities, such as governmental bodies, civil society organizations, and the commercial sector. The establishment of a gender-inclusive work environment that fosters women's economic and social empowerment and guarantees gender equality in the workplace necessitates the implementation of collective efforts.

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# The Retrospect and Prospect of Women in Indian Judicial System

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**Abstract:** *The Indian judiciary has long been recognized as a predominantly male domain. Nevertheless, there has been a notable transformation in the portrayal of women inside the Indian judiciary in recent times. Women judges have a key role in upholding justice and promoting equality for all individuals throughout the nation. Despite encountering several challenges such as gender bias, societal norms, and patriarchal structures, these women have successfully overcome these barriers and made significant contributions to the Indian legal system. This essay will examine the remarkable narratives of these women, the obstacles they encountered, and their triumphs in their pursuit of becoming accomplished judges. Participate in our commemoration of the authority and tenacity of women in the Indian judiciary.*

**Keywords:** Women, Indian judiciary, justice, court of law, female judges, future prospect

## I. INTRODUCTION

An Overview of the Historical Experience of Women in the Indian Judiciary

The Indian judiciary possesses a lengthy and illustrious historical background; yet, it is only in the contemporary era that women have commenced to achieve noteworthy advancements within this domain. The judicial system of India, like to that of numerous other nations, has always exhibited a male-centric composition. Women were not actively encouraged to pursue professions in the field of law, and those who did encountered substantial obstacles and prejudice. Cornelia Sorabji became the inaugural female to gain admission into the legal profession in India in the year 1892. Due to her gender, she was prohibited from practicing law in the courts of British India, despite her notable achievements. The inclusion of women in the legal profession in India occurred in 1923 through the enactment of the Legal Practitioners (Women) Act. Despite this, women faced significant challenges in gaining recognition and respect in the field. During the initial stages, female lawyers were not afforded an equitable opportunity to achieve success. Numerous legal companies declined to employ them, frequently resulting in their exclusion from significant legal matters. Nevertheless, as time progressed, women gradually dismantled these obstacles and made noteworthy contributions to the Indian Judiciary. In contemporary times, a considerable number of female judges, lawyers, and legal scholars have attained notable accomplishments within their respective domains.

Although there has been some advancement, there remains a significant amount of work to be accomplished in order to attain gender equality within the Indian Judiciary. Discrimination and biases persist against women, necessitating more representation across all tiers of the judicial system. Nevertheless, the historical trajectory of women in the Indian Judiciary is a source of optimism and motivation for forthcoming cohorts of women who aspire to achieve success within this domain.

Trends and numbers pertaining to the representation of women judges in India

The justice system in India has historically exhibited a male-dominated composition, resulting in a prolonged struggle for women to overcome gender barriers. Nevertheless, there has been a notable increase in the representation of women judges in recent years.

As of December 2020, the composition of the Supreme Court of India consists of 25 judges, with only one being female. In High Courts, the representation of women judges is approximately 11-12%, indicating a slightly improved situation. Nevertheless, these figures remain insufficient given that women constitute nearly 50% of the nation's populace.

The situation is more favorable at lower courts, where there is a greater representation of female justices. Based on a

report published by the Vidhi Centre for Legal Policy, it has been observed that women constitute approximately 28% of the total number of judges serving at the district level.

Although there has been a rise in figures, there remains a significant distance to cover in attaining gender parity within the Indian justice system. There is a pressing demand for increased female representation in the legal profession, and the system must enhance its support for women's career advancement. The inclusion of women judges is of paramount importance in guaranteeing equitable access to justice for all individuals. It is imperative to address the issue of the glass ceiling and foster inclusivity within the judiciary.

#### Challenges faced by women in the Indian Judiciary system

The Indian Judiciary system, often regarded as a highly esteemed and influential branch of the government, has historically exhibited a male-centric composition. The obstacles encountered by women inside this system are substantial and frequently disheartening. One of the primary obstacles lies in the entrenched patriarchal ideology that has pervaded Indian society over an extended period of time. Women are frequently perceived as possessing emotional intelligence and lacking the ability to make difficult decisions, hence encountering challenges in attaining respect and acknowledgment within the judicial system.

Women encounter an additional obstacle in the form of insufficient assistance from their male counterparts. Female judges frequently encounter exclusion from significant deliberations and are not afforded equal prospects for career progression in comparison to their male counterparts. This phenomenon can be attributed to the underrepresentation of women in positions of authority, hence impeding their ability to fight for their own interests and the interests of other women. Additionally, it might be ascribed to the systemic prejudice that exhibits a preference for men over women.

Moreover, women who opt to embark on a professional path within the justice system may encounter societal expectations to conform to conventional gender norms, such as assuming the duties of a homemaker or carer. The presence of a challenging work-life balance can impede individuals' advancement in their professional trajectory. Notwithstanding these obstacles, numerous women have successfully overcome the barriers and achieved notable advancements inside the Indian Judiciary system. By enacting rules that foster gender equality and promoting women's pursuit of careers in the judiciary, there is optimism that a greater number of women will be able to overcome obstacles and contribute positively to the system.

#### Initiatives taken to promote the participation of women in the Indian Judiciary

India has implemented various measures to promote the participation of women in the Indian Judiciary. Both the government and the judiciary in India have implemented a range of measures aimed at promoting gender equality in the judiciary, thereby facilitating women's access to judicial positions and their active involvement in the administration of justice.

The establishment of the National Commission for Women is a notable initiative. The commission was founded in 1992 as a legally mandated entity to supervise and provide guidance to the government on all issues pertaining to the position of women in India. The commission has played a crucial role in safeguarding women's rights and promoting gender equality across all domains, including the judiciary. The administration implemented an additional measure by introducing a reservation system for women in the judiciary. The implementation of the reservation policy in 1993 has resulted in a substantial increase in the representation of women judges. According to the most recent data, the proportion of women in the judiciary in India is approximately 28%.

The judiciary has implemented several measures aimed at promoting female participation in the legal profession. The Bar Council of India has implemented a range of initiatives and programs aimed at offering financial support to women aspiring to pursue a profession in the field of law. Furthermore, numerous law schools and universities have initiated the provision of scholarships to female students as a means of fostering their inclination towards pursuing a career in the legal field. In general, these initiatives have played a significant role in dismantling the barriers that have historically hindered women's advancement in the Indian Judiciary. Nevertheless, the legal profession still has a considerable distance to cover in order to attain full gender equality. The establishment of an inclusive and gender-neutral legal system in India necessitates ongoing efforts by the government, judiciary, and legal community.

The contribution of female judges in advancing gender equality

The significance of female judges in advancing gender justice is a pivotal element in dismantling the barriers to advancement within the Indian court. Given the limited representation of women in the judiciary, their presence and contribution have the potential to greatly impact the advancement of gender equality and justice. Female judges contribute a distinct viewpoint to the judicial system, as they have personally experienced gender-based prejudice and bias. This enables individuals to cultivate empathy and comprehend the challenges faced by women who approach them in pursuit of legal redress. Furthermore, their existence conveys a compelling message to society that women possess the ability to occupy positions of authority and accountability inside the legal system. Furthermore, female judges can also contribute to the transformation of the legal system's functioning. For example, it is possible to promote a justice system that prioritizes the needs and rights of the victim over those of the accused, so adopting a victim-centric approach. Additionally, they can advocate for alternate methods of resolving conflicts that prioritize gender sensitivity and support survivors. In summary, it may be argued that women judges possess a significant responsibility in advancing gender justice within the Indian court. The appointment of a greater number of women to the bench and the provision of opportunities for them to contribute their distinct perspective and experience to the legal system are of utmost importance. It is only through this approach that we can aspire to dismantle the glass ceiling and attain genuine gender parity inside the judiciary.

An investigation of the Influence of Women in the Indian Judiciary: Case Studies and Illustrative Instances

An examination of several case studies and instances reveals the significant influence of women in the Indian Judiciary. An exemplary instance can be observed in the case of Justice Fathima Beevi, who became the inaugural female judge to be appointed to the Supreme Court of India in 1989. Her nomination facilitated the entry of other women into the judiciary and served as a catalyst for many individuals to pursue a career in law.

Justice Ruma Pal, who held the position of a judge in the Supreme Court of India from 2000 to 2006, is another noteworthy instance. Throughout her term, she delivered numerous significant rulings, notably the renowned 'Best Bakery case' that addressed the Gujarat riots of 2002. The involvement of women judges in matters pertaining to women's rights has been noteworthy, exemplified by Justice Gyan Sudha Misra's influential ruling in the Vishakha case. This ruling acknowledged sexual harassment in the workplace as a breach of fundamental rights. In contemporary times, female judges have emerged as prominent figures in numerous significant rulings, exemplified by Justice Indu Malhotra's ruling in the Sabarimala case. This ruling granted women of all age groups the right to access the Sabarimala shrine located in Kerala. Women's involvement in the Indian Judiciary has had a significant impact, resulting in increased gender diversity and the issuance of more progressive rulings. It is imperative to acknowledge and commemorate the significant achievements made by these women as they persistently challenge the barriers to advancement within the Indian Judiciary.

An analysis of the Indian Judiciary in relation to other nations

In recent years, India has achieved notable advancements in terms of women's representation inside the judiciary. Nevertheless, in comparison to other nations, it becomes evident that India still has a considerable distance to cover. Australia, Canada, and the United States have a significantly larger proportion of female judges compared to India. Since 1981, the United States has had three women serving on the Supreme Court, so enhancing the prominence of women in the judiciary.

In comparison, it is noteworthy that India experienced the appointment of its inaugural female Supreme Court judge in 1989, and the process of augmenting the representation of women judges across all tiers of the judiciary has been a protracted endeavor. Although there has been some advancement, it is crucial to acknowledge that there is a substantial disparity in gender representation within the Indian court. There exists a necessity to promote increased female representation within the legal profession and ensure equitable access to opportunities for their professional advancement. This objective can be accomplished by using strategies such as mentorship programs, structured training programs, and robust support networks. By implementing measures to promote equal opportunities for women to excel in the legal field, we may strive towards dismantling the barriers that hinder women's advancement and attaining enhanced gender equality within the Indian court.

The imperative for increased female representation in the Indian Judiciary

In recent years, there has been a rise in the involvement of women in different capacities within the Indian Judiciary. However, there is still a significant distance to cover. The judiciary has a notable lack of female representation, as seen by the fact that approximately 30% of judges are women. This has underscored the necessity for increased female representation in the Indian Judiciary, not just to rectify the gender disparity but also to introduce a wide range of viewpoints and backgrounds.

The underrepresentation of women in the court can be attributed to various factors, such as cultural and societal biases, limited access to opportunities, and gender-based prejudice. Nevertheless, measures are being implemented to tackle these obstacles. The government has implemented a range of initiatives aimed at promoting the pursuit of legal careers among women, including the provision of scholarships and financial aid for legal studies. Furthermore, numerous organizations are actively striving to establish a judiciary that is more inclusive and varied. Awareness campaigns, training programs, and mentorship initiatives are being implemented. Efforts aimed at promoting increased female participation in the legal and judicial professions. The aforementioned action represents a commendable stride in dismantling the barriers to advancement and attaining parity between genders within the Indian Judiciary.

The presence of a judiciary that effectively reflects and serves all segments of society is of utmost importance. A judiciary that is varied and inclusive has the potential to introduce a range of perspectives and experiences, so enhancing the quality of decisions and fostering a more equal justice system. Hence, it is imperative to promote and provide assistance to a greater number of women in their involvement within the Indian Judiciary.

Recommendations for women aspiring to pursue a career as a judge in India

Overcoming the barriers that impede progress inside the Indian court system is a challenging endeavor, although it remains attainable. Below are few recommendations for women who wish to pursue a career as a judge in India.

1. Education is crucial - Obtain your law degree from a prestigious university and aim for exceptional academic performance.
2. Acquire practical experience and exposure to court processes by engaging in an internship at a law firm or serving as an assistant to a practicing lawyer.
3. In order to pursue a career as a judge in India, it is important to successfully complete the competitive examinations administered by either the state or central government. It is imperative to adequately prepare for these examinations and ensure that one remains well-informed about contemporary events and legal advancements.
4. Networking - Establish a robust network of legal professionals, participate in legal conferences, seminars, and workshops to establish useful connections and acquire valuable knowledge about the legal field.
5. Exhibit perseverance - The path to becoming a judge is extensive and demanding, but perseverance is crucial. Persist in your efforts, maintain concentration on your objective, and do not allow obstacles to deter you.
6. Remain current - Ensure that you are well-informed on the most recent legal advancements, and be ready to acquire knowledge and adjust as the legal system progresses.

Overcoming the barriers that prevent women from progressing in the Indian justice system is a challenging task. However, with appropriate education, experience, preparation, networking, determination, and dedication, women can certainly achieve significant success.

## II. CONCLUSION

Future prospect of women in the Indian Judiciary

Ultimately, the Indian Judiciary has made significant progress in promoting gender diversity, while there is a considerable distance to cover. The increasing number of women pursuing a career in law is anticipated to result in a substantial rise in the representation of women within the Indian Judiciary in the foreseeable future. The recognition of the endeavors undertaken by the Indian Judiciary to foster gender diversity and inclusivity holds significant importance. Nevertheless, it is imperative to implement further policies and programs that would effectively facilitate and empower women in attaining senior roles within the court.

Recognizing the obstacles that women encounter in the Indian Judiciary, such as gender bias, stereotyping, and harassment, is crucial. In order to provide a secure and all-encompassing working environment for women in the judiciary, it is imperative to tackle these concerns. In general, the prospects for women in the Indian Judiciary appear



favorable. The increasing participation of women in the legal profession, along with the implementation of laws and programs that foster gender diversity and inclusivity, holds the potential to cultivate a court that really reflects the demographic composition of the Indian people.

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# The Role of Women in Law School: A Call for Enhanced Reform

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**Abstract:** *Over the past decade, women have made significant strides toward equality in many areas of the legal profession. The large increase in the number of women attending law school and the growing percentage of women associates at major law firms are just two examples.' In other areas, however, particularly at the profession's highest levels, women have yet to achieve full partnership with their male colleagues. Women still constitute a disappointingly small percentage of state and federal judges, partners in private law firms and tenured law school professors. Indeed, a recent American Bar Association Journal article entitled Women in Law queried whether a "glass ceiling" keeps a majority of women "from enjoying the full rights and privileges of being a lawyer."*

*As legal educators, we recognize that law schools play a unique and critical role in shaping our attitudes toward the law and the legal profession. For most future lawyers, law school transmits the first and the most enduring messages about appropriate behavior within their chosen profession. Law schools also educate and mold the future lawyers who will guide the profession and society into the twenty-first century. For these reasons, the experiences of women in the law school, either as students or as professors, profoundly affect the status of women in the legal profession and in society as a whole.*

**Keywords:** Women lawyers, Legal profession, pedagogy, law school

## I. INTRODUCTION

### I. Student/Faculty Interactions

Interactions between law students and faculty members play an important role in educating lawyers and transmitting the values that govern the legal profession. When these student-faculty interactions devalue women or minimize women's potential contributions as lawyers, students of both sexes learn that women are still not fully welcome in the legal profession. Law schools that tolerate the sexual harassment of women students seriously undermine efforts to ensure women's full and equal participation in the legal profession. Sexual harassment can take several forms.

Student-faculty interaction in the classroom is also a critical component of women's law school experience. Law schools must critically re-examine traditional classroom dynamics and course materials to determine how these may exclude or silence women students. Women law students across the country have identified many attitudes and behaviors that make them feel like outsiders in the classroom and, ultimately, the legal profession. These behaviors include sexist and sexual jokes in class; professors not calling on women students to the same extent or in the same way as they call on men; professors not listening or not responding to women's comments; professors using "he" exclusively or not including women in their classroom hypotheticals; professors using classroom problems that overemphasize women as sexual objects or victims, particularly the undue focus on rape and other sex crimes in some criminal law and evidence classes; and professors using fact patterns on exams that focus on predominantly male experiences (e.g. football or auto racing) that ignore women altogether or that place women exclusively in stereotypically female roles. To respond to these problems, law professors need to examine their own classroom dynamics and behaviors, both individually and as part of a collective faculty effort. Law faculties should enlist the aid of individual women students, student groups and outside experts to identify classroom issues of concern to women and to find ways to address these issues. As feminist scholars have demonstrated, a critical reassessment of law school pedagogy is necessary to ensure that women as well as men law students receive an education that credits their experience and values their involvement."

## **II. Placement**

Although state and federal anti-discrimination laws prohibit discrimination against women lawyers and law students on the basis of sex in hiring decisions and conditions of employment, women law students complain regularly that discrimination occurs. For example, interviewers from major law firms ask women law students about their family plans, but do not raise similar questions with male applicants.' Some employers appear to assume that women law students will have traditional life patterns involving marriage and childcare, and that their careers will take second place. Similarly, female candidates for judicial clerkships are often queried about daycare arrangements and birth control methods.

Both women and men students today have concerns about combining and balancing career and family responsibilities. Because women in our society still bear the greater burden of caring for families, women law students are likely to have greater concerns in this regard. Employers wishing to recruit at law schools should be required to respond to these concerns by providing placement offices with written policies about maternity and parenting leave, part-time work opportunities and daycare facilities available to employees at or near the office. Placement offices also should inform students about potential employers who fail to provide adequate information. Although the percentage of women law students has grown rapidly in recent years, women lawyers who have been in practice for more than a decade are still relatively rare. As a result, women have little information about how gender may affect the development of their legal careers. Moreover, because of the small number of experienced women attorneys, and the sexism that still exists in society, women law students do not find legal mentors as readily as men. Placement offices should respond to these needs by initiating programs that put women law students and lawyers in touch with each other and by encouraging all alumni to develop mentoring relationships with junior women and minority lawyers. Many women lawyers depart from the beaten path of the traditional law firm private practice career. They develop careers in the government, the labor movement and public interest law. Placement offices thus should make a special effort to provide information about employment opportunities and career development in these areas.

Student Experience Law students, whether male or female, do not arrive at law school untouched by gender bias and by culturally-approved ideas about gender roles. As a result, and despite significant strides toward workplace equality, women as a group retain primary responsibility for child care and housework. Ensuring women's full participation in the legal profession requires that law schools, as well as employers, accommodate these responsibilities. For example, law schools should ensure that class schedules do not preclude family time and that part-time day programs be available to students with major child care responsibilities. Affordable child care facilities with daytime, evening and weekend hours should also be available, either on or near campus. Law school practices in this regard are particularly important since law schools serve as models for the profession and for other legal employers. Another consequence of societal gender bias is that students may discriminate against each other in student-run activities and in the classroom. Law schools need to be sensitive to the potential for peer group discrimination and take necessary steps to ensure that women and minority students have equal opportunities to participate in student activities, including law review and student government. In addition, law schools must be vigilant to prevent student-to-student sexual harassment. Law schools should also be sensitive to the needs of older students, many of whom are women, for special assistance in placement and financial aid. Older students often have particular financial needs such as supporting children or elderly parents. Many older students complain of subtle discrimination by employers

## **III Faculty Recruitment and Retention**

Very few law schools can boast of having the same percentage of women faculty members as they have of women students. In part, the smaller numbers are a result of the relatively recent entrance of large numbers of women into law. In part, however, the small numbers are the result of recruiting efforts that overlook women or discriminate against women applicants and women tenure candidates. These practices cannot be tolerated. On the contrary, law schools must make affirmative efforts to include and retain more women on their faculties. Increasing the numbers of women faculty is in part a matter of simple fairness to women candidates. It is also a matter of educational fairness to women students who want and need female role models. The legal profession also benefits because both male and female lawyers learn early in their careers that women as well as men hold positions of high professional esteem, such as law professorships and deanships. To improve their recruitment of women faculty, law schools must broaden both the group of people

considered for positions and the criteria used for evaluating candidates. For example, faculty hiring committees should actively seek names of potential women candidates from both male and female faculty members at other schools. Law schools should also consider, as experience relevant to teaching, practice in public interest, government and labor union offices, career paths frequented by women lawyers. Increasing the number of women hired by law schools will not be enough to produce lasting change, however, particularly in times of declining budgets and concern about continuing levels of student enrollment. Recent tenure battles involving well-known feminist scholars at Harvard and the University of Pennsylvania Law Schools underscore the fragility of the gains that women academics have made. Law schools must be vigilant to ensure that sex discrimination and sexist attitudes toward legal scholarship do not infect the tenure process. Law schools must also pay special attention to the difficulties women can face in gaining tenure. Unfortunately, women are entering law teaching at a time when fewer and fewer professors are receiving tenure. It thus becomes even more critical to remove any barrier that affects women more heavily than men on the road to tenure. In many law schools, women faculty are recruited and hired, but then are treated as second-class citizens. In some law schools, they are "ghettoized" by teaching assignments in legal writing, legal method and clinical programs. While these women contribute to the education of law students in many important ways, their own careers are not equivalent to those of most male faculty. Often, they are ineligible for tenure and may hold only short-term appointments. Even if they are eligible for tenure, overwhelming teaching loads can interfere with the production of scholarly work. The important work they do produce, such as innovative teaching materials or impressive writing for purposes of litigation or public service, is overlooked in the tenure process, where only traditional types of scholarship count.

As scholars, many women find that they have difficulty in developing useful mentoring relationships with senior faculty members. Such mentoring relationships can help a junior faculty member develop his or her scholarly potential, and their absence can hamper development. Women also may face problems getting accurate and timely feedback about their scholarship from senior faculty members and deans because, as women, they are not taken seriously as scholars. This attitude may be particularly damaging for women who choose to write about gender-based discrimination and other issues of particular concern to women.

## II. CONCLUSION

Efforts to incorporate women as full and equal members of the legal profession must begin with reforms in legal education. Law schools should jettison faculty behaviors and pedagogies that devalue women and should replace them with teaching methods and materials that encourage women's participation and engagement in legal learning. As employers, and as models for other legal institutions, law schools must strengthen efforts to recruit and retain women faculty and must remove barriers that inhibit the advancement of women scholars. In short, law schools must work actively to eliminate, rather than reinforce, the "glass ceiling" that impedes the careers of so many women lawyers.

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# The Scarcity of Women Judges and Lawyers in India and the Escalation of Crime Against Women: An Investigation from a Judicial Lens

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**Abstract:** "Similar to how a bird is unable to fly with only one wing, a Nation cannot progress if the women are excluded."

*In the present-day context, there is a significant emphasis on the promotion of gender equality and justice. However, certain issues continue to impede progress in these areas. Nevertheless, it is apparent that we are currently experiencing a significant change in the history of women. Over the past decade, women's voices have gained widespread recognition. They are currently experiencing the entitlements that have been owed to them for an extended period of time. Women are demonstrating exceptional performance in various domains, including Parliament, Courts, and companies. In the Western context, women had a prolonged struggle spanning almost a century in their pursuit of fundamental rights, including suffrage. Conversely, India's Constitution inherently conferred to women equal rights alongside their male counterparts from its inception. Nevertheless, as a result of low literacy rates and entrenched cultural norms, a significant portion of women in this country lack awareness regarding their rights. Throughout generations, women have endured oppression in the country, making it exceedingly challenging to witness a seamless transition overnight. However, our current process is taking longer than what is legally required.*

*This study provides a critical analysis of the current state of women in the country, using various legal views and relevant facts. The judiciary is significantly lagging behind and its lack of progress is impacting the court's rulings on sensitive matters concerning women. These topics have been interconnected and elucidated in terms of their mutual influence.*

**Keywords:** women, violence, lawyers, India, crime, judiciary, constitution, and empowerment.

## I. INTRODUCTION

India has been an active participant in the resolutions of the United Nations since its establishment. The agenda for sustainable development was collectively approved by the member states of the United Nations in 2015. The agenda comprised a total of seventeen distinct objectives. Among the seventeen Sustainable Development Goals, one of the primary objectives was to "Attain Gender Equality and Empower all women and girls." These goals served as a pressing reminder for governments worldwide, regardless of their level of development, to form a global partnership. India, the world's largest democracy, is a member of the United Nations and has consistently played a significant role in attaining all its goals. Nevertheless, it is noteworthy that India, a nation of considerable historical significance, obtained a ranking of 140 out of 156 nations in the Global Gender Gap Report 2021, a publication by the esteemed World Economic Forum. Since the previous year's index, India has experienced a decline of 28 positions. In addition to the several rights afforded to women to ensure equality across all domains, India lags behind in this regard. It is a noteworthy observation that approximately. Women constitute 48.04% of India's extensive population, although their contribution to the nation's overall GDP stands at a mere 18%. In instances where societal patriarchal mindsets, stereotypical beliefs, and entrenched misogyny present obstacles, it becomes imperative for the court to assume a paramount role in bolstering the status of women, redefining patriarchal concepts and legislation, and facilitating progress for women.

The initial section of this research paper centers on the historical background of the nation and elucidates the status of women in India during the preceding centuries. The subsequent section pertains to the current state of affairs from a legal standpoint. The subsequent section of the study provides an elucidation of the escalating instances of domestic abuse and their pending status within the judicial system. This research has interconnected two highly significant concerns and has examined the influence of each. Despite having extensively studied and been exposed to topics such as gender equality, equal opportunity for women, and gender justice since our childhood, why do we continue to engage in conversations about these issues? The solution to this inquiry can be located in the forthcoming publication. The author also presents other suggestions. The existing data has been utilized to conduct a comparative analysis and draw a conclusion based on the required information.

### **Glance over the Historical Events**

India has a long and extensive history of disparity and the subjugation of women. For decades, women in our nation have been subjected to objectification and treated as enslaved individuals. There was a prevailing belief that women were subordinate to men and their responsibility was to serve their husbands, raise children, and manage household responsibilities throughout their lives. In our nation, where female deities are revered, ordinary women have been subjected to severe mistreatment. In the past, there was a notable era when women were not allowed to pursue education and employment, since it was exclusively reserved for men. Traditionally, men were expected to pursue education and obtain employment, while women were expected to remain at home and handle domestic tasks. Nevertheless, there have been instances in history where brave women have defied societal expectations and overcome these obstacles.

During the early twelfth century, Queen Raziyya Sultan, who possessed superior qualifications compared to her brothers, was bestowed with the crown following her father, Sultan Iltutmish. Nevertheless, the inhabitants of her realm refused to embrace her. It was asserted that a female monarch opposed the divinely established ideal social structure. This provides insight into the mindset of the individuals throughout that period. The acceptance of a female ruler was not possible. An further instance pertains to Queen Rudramadevi, who reigned during the 12th century. She assumed a male identity on her inscriptions with the intention of avoiding future condemnation or criticism of her governance. These historical narratives provide insights into the societal position of women. These queens possessed such immense power that they were capable of assuming the role of a monarch, contrary to popular belief, but not everyone had the ability to do so. Additionally, we have been informed about Rani Laxmi Bai of Jhansi, the most renowned and influential queen in Indian history. She actively opposed the British and initiated a struggle for independence in India. In addition to her, there were numerous other women of great fortitude, like as Sarojini Naidu, Begum Hazrat Mahal, Annie Besant, and Madam Bhikha Ji Cama, who actively participated in and made substantial contributions to the war for independence.

However, these figures are significantly insufficient when compared to the male contribution. Certain women were fortunate enough to receive permission from their families to pursue education or engage in employment, while others shown bravery by actively advocating for their rights. In the past, girls were often wedded to men who were older than them, either before the beginning of puberty or even earlier. The individuals were compelled to get into matrimony at a young age and bear offspring to the male partner and his relatives. We are fortunate to have been born in a historical period characterized by the partial eradication of these phenomena, as well as the provision of education and a good upbringing by our families.

Following its independence in 1947, India implemented a series of progressive legislation and policies that have contributed to its current state. The constitution of India, which was ratified in 1950, granted equal rights to both genders and ensured equality throughout all aspects of life. Moreover, the legal age for marriage in India was established at 18 years old for girls, and the practice of child marriage was prohibited. Presently, the age requirement for females has been modified to 21. Numerous legislative measures, such as the "Dowry Prohibition Act," were implemented on May 1, 1961, with the primary objective of prohibiting the exchange of dowries. The following legislations were enacted in India to improve the status of women: The Commission of Sati (Prevention) Act, 1987 (3 of 1988), Protection of Women from Domestic Violence Act, 2005, The Sexual Harassment of Women at Workplace

(PREVENTION, PROHIBITION and REDRESSAL) Act, 2013, The Criminal Law (Amendment) Act, 2013, and The Indecent Representation of Women (Prohibition) Act, 1986.

### **The Role of Women Judges and Lawyers in India**

"You have the right." The issue at hand is not one of charity...Enough of the prolonged period of suppression spanning thousands of years..."

The judiciary in India is considered one of the three fundamental institutions of democracy. The judicial institution is responsible for ensuring the provision of justice and fairness to all individuals, while also preventing any infringement upon the rights of others. While it promotes justice for all individuals, it fails to provide equitable and fair treatment for women in the nation. It is noteworthy that there exist about. India has a total of 1.7 million advocates, with women comprising only 15% of this figure. The proportion of women among the elected delegates of the State Bar Councils is about 2%. Regarding the Bar Council of India, there is a complete absence of female members. Women judges make up 11.5% of the total in the High Courts. Currently, there are only four female Justices out of the 33 sitting Justices on the highest court, accounting for only 12%. While this statistic may be unsettling, it is also disheartening to acknowledge that despite 75 years of independence, the world's largest democracy has not made significant progress in eliminating gender inequality.

During a felicitation ceremony in 2021, the former Chief Justice of India, N.V. Ramana, expressed his endorsement and advocated for a 50% reservation for women in the court. During the address, he expressed his strong support for the implementation of a substantial reserve of seats in law schools and universities for women, as an initial measure. Incorporating women judges and lawyers will significantly enhance the caliber of justice administration. Currently, there is a lack of legislation and policy pertaining to the reservation of women in both judicial offices and law colleges inside the country. The appointment of judges for the Supreme Court and High Courts in India is governed by Articles 124, 217, and 224 of the Constitution. These regulations prohibit the inclusion of any caste or class of individuals in the reservation process. Hence, the current collegium system for appointing Judges to constitutional courts places the responsibility on the Judiciary to ensure social diversity and representation for all segments of society, including SC/ST/OBC/Women/Minorities. In order to be appointed by the government, a High Court Judge must obtain the endorsement of both the Supreme Court Collegium and the High Court Collegium. Indeed, the Government remains steadfast in its dedication to upholding socioeconomic diversity during the process of appointing justices in the Higher Judiciary. There has been an ongoing effort to ensure that Chief Justices of High Courts give appropriate attention to suitable applicants from "Scheduled Castes, Scheduled Tribes, Other Backward Classes," Minorities, and Women when submitting proposals for the appointment of judges. The International Association of Women Judges (IAWJ), a non-governmental organization including over 4,000 members across 100 nations, asserts that women judges possess a distinctive ability to advance women's rights on a worldwide scale.

According to Attorney-General KK Venugopal, enhancing the presence of women in the judiciary has the potential to significantly contribute to a more equitable and compassionate approach in instances pertaining to sexual violence. The American Bar Association performed a poll which revealed that 38% of lawyers in the United States of America are female, whereas 62% are male. Considering the vast population of India, this ratio is far superior than that of our country. In addition, the American Bar Association has undertaken numerous projects aimed at educating women and promoting long-term careers for women in law. These initiatives specifically focus on thoroughly examining promotion and retention challenges faced by women attorneys of color. The bar also advocates for the implementation of universal and transparent protocols that facilitate accommodations for lactating individuals within organizations responsible for bar admissions, law schools, bar associations, and employers in the legal business.

According to data from 2018, 50.1% of the 139,624 practising certificate (PC) holders in the UK and 48% of the 93,155 solicitors in private practice are women. This represents a significant achievement that we should strive for.

### **Constitutional rights**

The Constitution of India has several articles that aim to promote the advancement and equitable treatment of the women's community -

According to Article 14 of the Indian Constitution, it is mandated that the State must not deprive any individual of equality before the law or equal protection of the laws within the territorial boundaries of India. This provision explicitly prohibits any form of discrimination based on religion, race, caste, sex, or place of birth.

Article 15(1) and (2) of the constitution prevent the state from engaging in any form of discrimination against any person solely based on factors such as religion, race, caste, sex, place of birth, or any combination thereof.

According to Article 15(3), the state has the authority to establish certain measures aimed at safeguarding the welfare of women and children.

Article 15(4) grants the State the authority to establish specific measures aimed at advancing the interests and well-being of socially and educationally disadvantaged segments of the population.

Article 16 of the legislation ensures equal opportunities for all individuals in relation to employment or appointment to any position within the State.

According to Article 39, it is mandated that the State must align its policies with the objective of ensuring equal access to a sufficient means of living for both men and women [Article 39(a)].

According to Article 39(d), it is imperative to ensure equal compensation for equal work for both men and women.

Article 243 D (3) and Article 243 T (3) stipulate that a minimum of one third of the total seats in Panchayats and Municipalities should be reserved for women. These seats will be allocated to different Constituencies through a rotational process.

According to Article 243 D (4) T (4), it is mandated that a minimum of one third of the total chairs of the Panchayat and Municipalities at each level must be allocated for women.

The Constitution explicitly permits reservation for the purpose of uplifting and improving the disadvantaged community. This can also be achieved within the Judicial system through the implementation of a novel amendment. It is necessary in the present day. Despite the passage of several decades, women continue to face challenges in obtaining their rights. A modest intervention by the government can have a significant impact.

### **The Role of Indian Courts in Addressing Crimes Against Women**

The Indian judicial system is confronted with a significant caseload. The courts currently have a substantial number of ongoing cases, with a significant portion of them pertaining to crimes committed against women. We own data over the last twenty years. Between 2001 and 2018, there were about 1,548,548 documented incidences of cruelty by husbands or their relatives in India. Among these occurrences, 554,481 (35.8%) occurred between 2014 and 2018. The documented incidence of this criminal activity in India was 18.5 per 100,000 women aged 15-49 years in 2001 and increased to 28.3 per 100,000 women aged 15-49 years in 2018, indicating a substantial rise of 53% throughout this timeframe. In 2018, the incidence of reported dowry fatalities and instances of abetment to suicide were recorded as 2% and 1.4%, respectively. In 2020, there were a total of 371,503 reported cases of crime against women, indicating a decrease of 8.3% compared to the previous year's figure of 405,326 cases. The majority of instances involving crimes against women under the Indian Penal Code (IPC) were recorded under the category of 'Cruelty by Husband or His Relatives' (30.0%), followed by 'Assault on Women with Intent to Outrage her Modesty' (23.0%), 'Kidnapping & Abduction of Women' (16.8%), and 'Rape' (7.5%). The annual reports of the National Crimes Record Bureau (NCRB) reveal that the crime rate per lakh women population in 2020 is 56.5, compared to 62.3 in 2019. This data pertains to four categories of domestic violence crimes, namely "cruelty by husband or his relatives, dowry deaths, abetment to suicide, and protection of women against domestic violence act." It is worth considering whether this figure is representative of a country that is actively striving to safeguard women and their rights from the perils of society. Another contributing factor to the issue is the inadequate response of a formal system in mitigating domestic violence. The efficiency of the legal recourse system in delivering justice is questionable. In the year 2018, a limited number of cases successfully concluded their trials. The majority of individuals who were accused were acquitted. The gloomy circumstances of waiting, protracted trials, and low conviction rates contribute to a heightened deterrence among women in reporting events.

In the recent case of *We the Women of India v. Union of India*, the Union government submitted a report to the Supreme Court stating that Uttar Pradesh had the highest number of domestic violence cases in the first half of 2022, with 65,481 complaints filed by women in the state. The data from other states indicates that there were 38,381 cases of

violence against women in the state of Rajasthan, 3,564 cases in Delhi, and 37,876 cases in Andhra Pradesh. Kerala reported 20,826 complaints, MP reported 16,384 cases, Maharashtra reported 16,168 cases, Assam reported 12,739 cases, Karnataka reported 11,407 cases, West Bengal reported 9,858 cases, Punjab reported 8215 cases, and Haryana reported 7715 cases under the Domestic Violence Act.

Nevertheless, there is a limited number of courts available to address such complaints, specifically 6289 courts, 807 shelter homes, and over 700 stop centers dedicated to providing care for women. In the aforementioned instance, the petitioners have made reference to the situation of the Protection Officers in Delhi, who are experiencing excessive workload and insufficient staffing. They have emphasized the necessity of appointing additional Protection Officers (POs) and ensuring they are equipped with appropriate supporting equipment. Furthermore, it is imperative to build aid networks in a well-informed manner, as mandated by the Domestic Violence Act. The aforementioned legislation is a comprehensive measure aimed at safeguarding women in India against various manifestations of domestic violence. It encompasses women who have been or are currently involved in a relationship with the perpetrator and are inflicted with any form of violence, including physical, sexual, mental, verbal, or emotional harm. The primary beneficiaries of these support networks are Protection Officers, Service Providers, Shelter homes, and medical facilities. In addition, it is desirable to have a female judge present in court for cases involving domestic abuse, rape, and sexual harassment. This would allow for a comprehensive understanding of the seriousness of the matter and consideration of the woman's suffering. Nevertheless, it is indisputable that in recent years, numerous praiseworthy rulings have been rendered by various male judges pertaining to these delicate matters, thereby affirming the rights of women. However, there have also been peculiar rulings that elicited both astonishment and revulsion. In the case of *Mukesh Bansal v. State of UP*, Justice Rahul Chaturvedi of the Allahabad High Court was presiding over a complaint filed by a woman under Section 498A. During his ruling, Justice Chaturvedi expressed his strong condemnation of the graphic description presented by the woman in her First Information Report (FIR). The First Information Report (FIR) serves as the platform where the informant provides a narrative that brings together the State Machinery involved in the perpetration of a cognizable offense. The FIR is seen abhorrent and filled with filth, as it does not pertain to soft pornography. The judge's decision to intervene in this matter can be attributed to the woman's complaint, whereby she said that her father-in-law and brother-in-law had solicited sexual favors from her, coerced her into undergoing abortions, and compelled her to engage in sexual activities under the influence of her husband. Engaged in sexual intercourse with her during her pregnancy and exposed her to uncomfortable actions, such as peeing in her oral cavity.

The case's merits remain unresolved, however, is it appropriate for a High Court judge to dismiss the woman's account of the torture and harassment she alleges to have endured as unclean and unclean? Could you please provide an explanation of the specific type of sexual abuse that was performed upon her? Is this the method by which we will ensure the safety of women in our country? These types of judgments deeply disturb us as human beings.

In January 2021, the Bombay High Court made another emotionally distressing remark. The act of touching a minor's breast without direct skin-to-skin contact cannot be classified as sexual assault according to the definition provided by the Protection of Children from Sexual Offences (POCSO) Act. Furthermore, the act of groping the kid without removing her clothing does not meet the criteria for sexual assault. These rulings highlight a significant deficiency in the judicial system. The trauma experienced by the victim is frequently dismissed, so exposing the underlying regressive ideologies that permeate our nation's collective consciousness. Subsequently, the Supreme Court overturned this ruling. In addition, the Chhattisgarh High Court has recently made a troubling statement, asserting that any sexual act between the plaintiff and the accused, regardless of whether it is forced or against her will, will not be considered rape. This statement regarding the marital rape case has generated a significant and justified public response. This assertion holds particular validity in light of the provision that defines rape as the act of engaging in sexual intercourse without the explicit consent of an individual.

If women judges are present during hearings of instances involving violence and sexual harassment against women, it is quite likely that the judgments will be based on a different perspective. In addition, the processes may continue at an accelerated pace due to the woman's comprehension of the anguish and distress experienced by another woman, enabling her to engage in rational and effective decision-making in such situations. Women judges have the potential to establish precedents for future offenders and serve as a societal role model.



The impact of our past on society is indelible, since it has resulted in a patriarchal, male-dominated, and hazardous environment for women. Nevertheless, it would be inaccurate to assert that there has been no advancement, as the magnitude and populace of the nation suggest that the level of progress achieved appears insufficient. Indeed, we are making significant progress and achieving exceptional results in various domains, including science, defence, and production.

### **Recommendations**

This research study establishes a connection between two significant challenges within our nation. The dearth of female judges and lawyers, coupled with the growing incidence of crimes targeting women. Although these challenges may appear unrelated, it is essential to recognize the interdependence between them.

Female leaders are essential in all domains to create a secure atmosphere for the society. The law is a potent instrument in contemporary society. When a girl is sent to pursue education and acquire knowledge in the field of law, she gains empowerment. It enhances her self-assurance. Only a woman possesses the capacity to comprehend the gravity and horror of a crime perpetrated against a woman. An educated and knowledgeable female lawyer possesses the capacity to not only assert her independence and sense of empowerment, but also to provide assistance to women experiencing hardship. She possesses the ability to amplify the voices of women and provide assistance to those who require it. She will assume the role of a judge and, when presiding over cases of rape or sexual harassment, will not be influenced by elements that divert attention, mislead, or cause delays. Instead, she will be able to render a prompt and logical ruling. The incidence of judgments, as previously examined in the research, would not be prevalent. The women's sorrow would be comprehended with greater efficiency. There is an urgent need for women to advocate for reservation in judicial positions.

Initially, it is imperative to advocate for the implementation of reservation in law schools. In addition, the government will offer scholarships to deserving female students, alleviating the financial burden on their families while considering their education at a legal school.

There have been numerous reports indicating that female lawyers frequently experience mistreatment from their male counterparts, and in some cases, they may even face harassment. A Commission will be established to act as a catalyst for change, assisting women attorneys in overcoming and combating the obstacles they continue to face. What is required is a collection of instructive and innovative activities. A commission at the state level will be established to address the issues faced by female lawyers in litigation. We require a well-regulated framework to carry out this mission. There is a need to promote the participation of women in the judiciary and litigation within society. They will be given with some form of leisure. Currently, the availability of law education in the country is restricted to major urban centers, with only a small number of families opting to send their children for legal studies. According to the reports, the CLAT examination, which serves as the law admission examination for National Law Universities, was conducted in about 2022. A total of 80,000 students participated in the inaugural event and vied for the 2000 available spots at the NLUs. However, there exists a significant deficiency in public understanding regarding the pursuit of Law and its associated fields. The government could initiate a program aimed at disseminating information in rural areas, potentially assigning this responsibility to students from National Liberal Universities (NLUs) and other private schools. This initiative would involve raising consciousness in the neighboring villages and small towns within the region.

Ensuring equal treatment is a fundamental entitlement for all citizens of India; yet, it is important to note that the existence of this right does not guarantee the complete elimination of unequal treatment. The patriarchal society is resistant to the influence of words. The mere inclusion of anything in the constitution does not automatically establish its actuality.

## **II. CONCLUSION**

Gender disparity is a pervasive issue that is noticed on a global scale. As individuals, it is incumbent upon us to actively address and mitigate this gap through our collective endeavors. Women have a crucial role in improving and accelerating the development of our world. The suppression of women's voices in the contemporary day is not feasible. It is imperative to promptly enact legislation to ensure that every workplace, be it a corporate office or a court of

justice, is a secure environment for women. The judiciary, as the guardian of justice and equity, has the responsibility to ensure that women in the country face no obstacles and are afforded equal opportunity in the realms of judiciary and law. The legal profession has historically been less favored by women due to the requirement of a foundational education. Historically, in our country, social constraints and a patriarchal attitude have hindered girls from pursuing studies in this field. A significant proportion of the female population was predominantly deprived of literacy skills. However, the current circumstances have undergone a transformation. The prevailing perception that the legal profession is predominantly male-dominated has undergone a certain degree of transformation. However, further endeavors and focused attention are necessary to encourage women to increasingly pursue a career in law, including aspire to become judges.

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# The Study on Issue of Women's Representation in the Indian Judiciary

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**Abstract:** Gender in India has been the subject of numerous disputes throughout the years. A significant aspect is the societal positioning of women, encompassing their education, health, economic status, and gender equality, among other factors. It can be inferred from these deliberations that women have consistently had a contradictory position inside our emerging nation.

The representation of women in the Indian Judiciary has once again become a subject of debate, lacking precise numerical data. The representation of women in the legal system has been significantly lower. The Supreme Court of India has had the highest number of women, with a total of nine judges. The research study encompasses the analysis of statistical data pertaining to the Vidhi legal policy. The lower or subordinate judiciary is composed of the District Courts and the courts that are subordinate to them. The aforementioned courts are subject to administrative oversight of the High Courts. The study highlights that in India, each judicial district is equipped with a District Court, which is subordinate to civil and criminal courts with original jurisdiction. Additionally, the study reveals that a significant majority of judges in the subordinate judiciary across India, specifically 71%, are male.

**Motivation/Background:** The Supreme Court of India has had the highest number of women, with a total of nine judges. The representation of women in the legal system has been significantly lower.

**Method:** The primary focus of the research is on women, specifically their representation in the Indian Judiciary, particularly in the High Courts and the Supreme Court. What factors have contributed to the relatively low representation of women? In recent years, what has been the numerical representation of women on benches in High Courts and Supreme Courts?

**Findings:** Women were assigned to domestic roles and compelled to conform to the male-dominated patriarchal society, which has consistently been widespread in our nation. Indian women, who actively participated with men in the nationalist movement, were deprived of the opportunity to access unrestricted public spaces. They assumed the role of homemakers, primarily tasked with constructing a resilient household to provide support for their male counterparts who were tasked with establishing the just emancipated nation.

**Conclusion:** Women were relegated to a subordinate position within society. The literacy rate among females at the national level was very low, standing at 8.6%. In the age group of 11-14 years, the Gross Enrolment Ratio (GER) for girls was recorded as 24.8% at the primary level and 4.6% at the upper primary level. The education of women and their access to organized schooling were hindered by persistent social and cultural hurdles that were difficult to overcome.

**Keywords:** Law Ministry Reports; Judiciary; Bench; High Court; Supreme Court

## I. INTRODUCTION

The aim of this study is to evaluate the representation of women within the legal profession. The project aims to get accurate statistics on the status of women in the Indian Judiciary. The research study examines the quantitative representation of women in Indian High Courts and Supreme Court, specifically focusing on how it aligns with the research topic's hopes and expectations.

### **Scope of Research**

The research topic encompasses an examination of the representation of women in the Indian Judiciary, with a focus on reevaluating the factors contributing to the underrepresentation of women in Indian benches.

### **Objectives of research**

- To provide thorough responses to the study issues, the following objectives have been derived.
- To examine the historical impact of women in the Indian judiciary.
- To ascertain the underlying cause for the relatively low level of female representation within the legal profession.
- To examine the evolving pattern of female involvement in the Indian judiciary.
- To conduct a thorough analysis of the representation of women in the Indian Judiciary in the current period.
- To determine the quantitative representation of women in the Indian Judiciary.
- To assess the quantitative data about the representation of women in the Indian Judiciary.
- To examine the expansion or contraction of women's representation in Indian parliaments.
- To ascertain the current trend of women's participation in Indian Courts.

## **II. BACKGROUND**

The quintessential representation of women in the judiciary may be traced back to the ancient Greek and Roman mythology. Themis, a spouse of Zeus, was the Greek deity associated with justice and was seen as the embodiment of divine harmony, legislation, and tradition. Dike and Astrea, the two daughters of the individual in question, were regarded as deities of justice and were portrayed as bearing scales in both poetic and mythological narratives. Justitia, often known as Lady Justice, is a later figure who was the Roman Goddess of Justice.

Justitia is commonly depicted with a collection of scales that are traditionally suspended from her left hand. These scales serve as a tool for her to assess the strength of both the support and opposition in a given case. In her right hand, she frequently carries a double-edged sword, symbolizing the potency of Reason and Justice, which can be employed in favor of or against any faction. It is intriguing to observe that contemporary portrayals of justice in courts worldwide commonly feature a female justice with a sword and scales, frequently blindfolded to represent the impartial and equitable enforcement of the law, devoid of corruption, greed, bias, or favoritism.

The incorporation of the Lady Justice iconography with scales in our courtrooms has not been adhered to. However, upon examining Indian mythology, it becomes evident that the goddess Bagla Mukhi Devi is venerated in Pitambara Peeth, located in Datia town near the city of Gwalior in Madhya Pradesh. According to local folklore, individuals in the judicial stream specifically seek the blessings of this deity in order to administer justice in a manner that is both impartial and equitable.

It is noteworthy that the architects of our Supreme Court building structured the structure in a manner that evokes the concept of justice scales, with the Central Wing of the building aligning with the central beam of the Scales. The architectural design of the highest court of justice in India seems to reflect the scales of justice, which are reminiscent of the scales held by Lady Justice. Therefore, it may be legitimately inferred that the representation of female judges in Indian Courts is extensive and significant

Regarding women in physical form, Justice Fatima Beevi became the first woman to be nominated to the Supreme Court in 1987. In subsequent years, Justice Sujata Manohar was appointed in 1994, and Justice Ruma Pal was appointed in 2000. Currently, the Supreme Court is comprised solely of female judges, namely Justice Gyan Sudha Misra. There is a total of 52 female judges serving on the benches of High Courts nationwide, with 7 of them being located in the Delhi High Court.

According to statistics, the Delhi Higher Judicial Service currently has approximately 45 women, while the Delhi Judicial Service has 91 women. This accounts for 29% of the total number of women in positions within both cadres. Although the judgments delivered by the four women judges in the Supreme Court do not show any clear trend in terms of gender justice, it is undeniable that there have been instances where groundbreaking concepts in women's rights have been addressed by the benches in which they served. Justice Sujata Manohar was a member of the three-judge panel in the significant Vishaka case, which addressed the prevalent issue of workplace sexual harassment for the first time. It can be inferred that she played a crucial role in assisting her brother judges in gaining a comprehensive understanding

of a crucial area of law that had previously been overlooked by parliamentarians. This was because there was no specific legislation in place to address the punishment of sexual harassment in the workplace at that time. In a similar vein, Justice Ruma Pal, a judge renowned for her resolute nature, demonstrated her judicial prowess in the case of A. The concepts of 'mental cruelty' in a marriage and 'cruelty as a reason for divorce' were thoroughly expounded upon by Jayachandra and Vinita Saxena. She made another noteworthy contribution in the case of R.D. Upadhyaya addresses the delicate matter of the well-being of children from women who are awaiting trial or convicted, who are frequently compelled to reside with their moms within the prison.

Based on the information provided, it can be inferred that when confronted with cases such as rape or marital cruelty, female judges tend to handle them similarly to their male counterparts. However, when confronted with a previously unexplored legal domain, particularly in relation to gender justice, they are not reluctant to deviate from the traditional approach. Adding another dimension to the women in judiciary are the Mahila Courts. In Delhi, Mahila Courts were established in 1994, and at present there are 11 Mahila Courts functioning in the capital. At the session level, Mahila Courts deal with cases of kidnapping, procuring minor girls for the purpose of prostitution, rape and of cruelty by husbands or in-laws. The metropolitan magistrates in these courts are assigned cases relating to molestation, rape, kidnapping, as also of domestic violence. These are courts that truly deal with persons living on the margins of the society and the women judges manning them are the foot soldiers who play a pivotal role in the judicial delivery mechanism at the lowest level. These brave women, who sit day in and day out, and hear cases of abuse and severe mistreatment, and to their credit, do not allow themselves to be prejudiced while attempting to do justice in the most neutral and unpartisan manner, are rendering yeoman service to the institution

Law Ministry Reports

Table: 1

Groups	Department of Legal Affairs (Including Legislative Department)	
Group A	97	15
Group B	250	93
Group C	135	4
Group D	172	15
Total	654	127

Representation of Female Employees in Legislative Department (As On 01-01-2017)

Table: 2

GROUP	Total No. of Employees	No. of Female Employees	Percentage (%)
GROUP 'A'	70	15	21.4
GROUP 'B'	110	34	30.9
GROUP 'C'	114	12	10.5
TOTAL	294	61	20.7

Numerical Figure of Female Judges in India

**Female Judges of the Supreme Court of India**

In the walk of 71 years of Indian Independence, the apex court, the Supreme Court of India has crowned only 7 female Judges. The Supreme Court collegium has recommended the name of senior advocate Indu Malhotra as the first woman lawyer to be unswervingly appointed as a judge of the apex court, Supreme Court of India

End to end, Uttarakhand High Court Chief Justice K.M. Joseph, who was part of the bench which in 2016 had quashed the imposition of president's rule in the state, has also been cleared for elevation to the apex court.

At a meeting held on January 10, the collegium also recommended the name of Justice Sheo Kumar Singh-I, presently an additional judge, for appointment as a permanent judge of the Allahabad High Court.



Justice Joseph was appointed as permanent judge of the Kerala high court in 2004 and later reassigned to Uttarakhand high court where he anticipated charge in 2014 as chief justice.

Malhotra, who was nominated as a senior advocate in 2007, would be the first woman lawyer to be directly appointed as a judge of the top court, instead of being preeminent from a high court.

She will be the seventh woman judge since independence to make it to the Supreme Court. At present, Justice R. Banumathi is the unique woman judge in the apex court.

Since Independence, only six women judges have made it to the apex court as judges and the first appointment was of Justice M. Fathima Beevi in 1989, 39 years after the setting up of the Supreme Court in 1950.

Justice Fathima Beevi was raised to the apex court after her retirement as judge of the Kerala high court. After aiding the top court till April 29, 1992, she was later selected as the governor of Tamil Nadu.

The subsequent woman judge in the Supreme Court was Justice Sujata V. Manohar who started her profession as a judge from the Bombay high court and rose to become the Chief Justice of the Kerala high court. She was elevated to the apex court where she remained from November 8, 1994 till August 27, 1999.

Justice Ruma Pal followed Manohar after a gap of almost five months and became the longest- serving woman judge from January 28, 2000 to June 2, 2006.

After her retirement, it took four years to employ the next woman judge. Justice Gyan Sudha Misra was elevated to the Supreme Court from the Jharkhand high court where she was the chief justice. Her tenure in the apex court was from April 30, 2010 to April 27, 2014.

During her stint, she was joined by Justice Ranjana Prakash Desai, who served the apex court between September 13, 2011 to October 29, 2014. These two judges also created a history by holding the court together as an all-women bench for a day in 2013.

Justice Banumathi, who at present is the only sitting woman judge, had joined on August 13, 2014 and would retire on July 19, 2020.

In the 67-year history of the Supreme Court, there have been only two occasions when it has had two sitting women judges together, the first being Justices Misra and Desai and later Justices Desai and Banumathi.

The collegium is headed by Chief Justice Dipak Misra and has the four senior-most judges of the apex court – Justices J Chelameswar, Ranjan Gogoi, Madan B Lokur and Kurian Joseph – as its other members.

### **Count of Female Judges at the Supreme Court of India**

Table 3: clearly shows that there have been only ‘Seven’ female judges in the Supreme Court of India till now.

Sr. No.	Name	Date of appointment	Date of retirement	State/union territory
1	Fathima Beevi (1 <sup>st</sup> Female Judge of Supreme court)	October 6 1989	April 29 1992	Kerala
2	Sujata V. Manohar	November 8 1994	August 27 1999	Maharashtra
3	Ruma Pal	January 28 2000	June 2 2006	Calcutta
4	Gyan Sudha Misra	April 30 2010	April 27 2014	Jharkhand
5	Ranjana Prakash Desai	September 13 2011	October 29 2014	Bombay
6	R. Banumathi	August 13 2014	July 19 2020	Delhi
7	Indu Malhotra	April 27 2018	April 23 2021	Delhi

Female Judges of the High Courts of India Allahabad High Court  
(List of Female Judges Arranged According to Date of Initial Appointment)

Table 4: Projects the cumulative number of female judges at 'Allahabad High Court' as 'Six' in figure.

Sl. No.	Name of the judge	Source of recruitment	Date of appointment as addl. Judge	Date of appointment as pmt. Judge	Date of retirement
1.	Kumari Bharati Sapru	Bar	05/10/2005	10/08/2007	28/07/2020
2.	Kumari Naheed Ara Moonis	Bar	13/04/2009	24/12/2010	07/12/2021
3.	Smt. Sunita Agarwal	Bar	21/11/2011	06/08/2013	29/04/2028
4.	Smt. Vijay Lakshmi	Service	03/02/2014	01/02/2016	28/10/2018
5.	Smt. Sangeeta Chandra	Bar	15/11/2016	23/03/2018	22/04/2030
6.	Smt. Rekha Dikshit	Service	15/11/2016	23/03/2018	09/08/2021

Telangana & Andhra Pradesh High Court

(List of Female Judges Arranged According to Date of Initial Appointment)

Table 5: projects the cumulative number of female judges at 'Telangana & Andhra Pradesh High Court' as 'Three' in figure.

Sl. No.	Name of The Judge	Source of Recruitment	Date of Appointment as Addl. Judge	Date of Appointment as Pmt. Judge	Date of Retirement
1.	Kumari Javalakar Uma Devi (AP)	Service		17/01/2017	25/09/2021
2.	Smt. Telaprolu Rajani (AP)	Service		17/01/2017	05/11/2020
3.	Smt. Kongara Vijaya Lakshmi (AP)	Bar		21/09/2017	19/09/2022

Calcutta High Court

(List of Female Judges Arranged According to Date of Initial Appointment)

Table 6: projects the cumulative number of female judges at 'Calcutta High Court' as 'Three' in figure.

Sl. No.	Name of the judge	Source of recruitment	Date of appointment as addl. Judge	Date of appointment as pmt. Judge	Date of retirement
1.	Smt. Nadira Patherya	Bar	--	22/06/2006	18/11/2018
2.	Smt. Samapti Chatterjee	Bar	30/10/2013	14/03/2016	12/12/2020
3.	Miss Asha Arora	Service	30/03/2015	06/10/2016	01/10/2019

Additional Judges

Table 7: projects the cumulative number of female additional judges at 'Calcutta High Court' as 'Three' in figure.

Sl. No.	Name of the judge	Source of recruitment	Date of appointment as pmt. Judge	Date of retirement
1.	Smt. Moushumi Bhattacharya	Bar	21/09/2017	20/09/2019
2.	Smt. Shampa Sarkar	Bar	12/03/2018	11/03/2020
3.	Smt. Amrita Sinha	Bar	02/05/2018	01/05/2020

Judges Transferred from the Calcutta High Court

Table 8: projects the cumulative number of female judges at 'Calcutta High Court' as 'Eight' in figure.

Sl no.	Name of the judge	Date of appointment as addl. Judge	Date of appointment as pmt. Judge	Date of retirement	Remarks
1.	Kumari Indira Banerjee	Bar	05/02/2002	23/09/2019	CJ, Madras

Bombay High Court

(List of Female Judges Arranged According to Date of Initial Appointment)

Table 9: projects the cumulative number of female judges at 'Bombay High Court' as 'Seven' in figure.

Sl. No.	Name of the judge	Source of recruitment	Date of appointment as addl. Judge	Date of appointment as pmt. Judge	Date of retirement
1.	Smt. Mridula R. Bhatkar	Service	10/02/2009	23/12/2011	27/05/2019
2.	Smt. Sadhana Sanjay Jadhav	Bar	23/01/2012	16/12/2013	13/06/2022
3.	Smt. Revati Prashant Mohite Dere	Bar	21/06/2013	02/03/2016	16/04/2027
4.	Smt. Anuja Prabhudessai	Service [Goa]	03/03/2014	02/03/2016	07/02/2024
5.	Dr. (Smt.) Shalini Shashank Phansalkar - Joshi	Service	01/01/2015	17/11/2016	05/02/2019
6.	Smt. Swapna Sanjiv Joshi	Service	28/03/2016	13/03/2018	25/08/2021
7.	Kumari Nutan D. Sardessai	Service [Goa]	28/03/2016	13/03/2018	18/08/2020

Additional Judges

Table 10: projects the cumulative number of additional female judges at 'Calcutta High Court' as 'Two' in figures.

Sl. No.	Name of the judge	Source of recruitment	Date of appointment as addl. Judge	Date of retirement
1.	Smt. Bharati Harish Dangre	Bar	05/06/2017	04/06/2019
2.	Smt. Vibha Vasant Kankanwadi	Service	05/06/2017	04/06/2019

Chhattisgarh High Court

(List of Female Judges Arranged According to Date of Initial Appointment)

Additional Judges

Table 11: projects the cumulative number of additional female judges at 'Chhattisgarh High Court' as 'Two' in figures

Sl. No.	Name of the judge	Date of birth	Source of recruitment	Date of initial appointment	Date of retirement
1	Smt. Vimla singh kapoor	16/11/1959	Service	18/06/2018	17/06/2020
2	Smt. Rajani dubey	30/06/1964	Service	18/06/2018	17/06/2020

Delhi High Court

(List of Female Judges Arranged According to Date of Initial Appointment)

Table 12: projects the cumulative number of female judges at 'Delhi High Court' as 'Eight' in figures.

Sl. No.	Name of the judge	Source of recruitment	Date of appointment as addl. Judge	Date of appointment as pmt. Judge	Date of retirement
1	Kumari gita mittal	Bar	16/07/2004	20/02/2006	08/12/2020
2	Kumari hima kohli	Bar	29/05/2006	29/08/2007	01/09/2021
3	Ms. Mukta gupta	Bar	23/10/2009	29/05/2014	27/06/2023
4	Shrimati pratibha rani	Service	17/10/2011	16/10/2014	24/08/2018
5.	Smt. Sangita dhingra sehgal	Service	15/12/2014	02/06/2016	19/06/2020
6.	Smt. Anu malhotra	Service	--	08/11/2016	26/11/2022
7.	Smt. Rekha palli bar	Bar	--	15/05/2017	08/03/2025
8.	Smt. Prathiba m.singh	Bar	--	15/05/2017	19/07/2030

Gauhati High Court

(List of Female Judges Arranged According to Date of Initial Appointment)

Table 13: projects the cumulative number of female judges at 'Gauhati High Court' as 'One' in figure.

Sl. No.	Name of the judge	Source of recruitment	Date of initial appointment	Date of retirement
1.	Smt. Rumi kumari phukan	Service	07/01/2015	06/01/2019

Gujarat High Court

(List of Female Judges Arranged According to Date of Initial Appointment)

Table 14: projects the cumulative number of female judges at 'Gujarat High Court' as 'Three' in figures.

Sl. No.	Name of The judge	Source of recruitment	Date of appointment as addl. judge	Date of appointment as pmt. judge	Date of retirement
1.	Smt.H.N.Devani	Bar	08/10/2004	09/08/2007	26/03/2020
2.	Miss Bela Mandhurya Trivedi	Service	17/02/2011	06/02/2013	09/06/2022
3.	Miss Sonia Giridhar Gokani	Service	17/02/2011	28/01/2013	25/02/2023

Patna High Court

(List of Female Judges Arranged According to Date of Initial Appointment)

Table 15: projects the cumulative number of female judges at 'Patna High Court' as 'Two' in figures.

Sl. No.	Name of the judge	Source of recruitment	Date of appointment as addl. Judge	Date of appointment as pmt. Judge	Date of retirement
1.	Smt. Anjana Mishra	Bar	15/05/2014	20/04/2016	29/02/2020
2.	Smt. Nilu Agrawal	Bar	15/04/2015	20/04/2016	21/06/2019

Punjab & Haryana High Court

(List of Female Judges Arranged According to Date of Initial Appointment)

Table 16: projects the cumulative number of female judges at ‘Punjab and Haryana High Court’ as ‘Five’ in figures.

Sl. No.	Name of the judge	Source of recruitment	Date of appointment as addl. Judge	Date of appointment as pmt. Judge	Date of retirement
1.	Smt. Daya chaudhary [h]	Bar	05/12/2007	28/11/2009	09/01/2021
2.	Kumari ritu bahri [h]	Bar	16/08/2010	23/02/2012	10/10/2024
3.	Mrs. Rekha mittal [p]	Service	15/06/2012	19/12/2014	16/01/2021
4.	Smt. Lisa gill [p]	Bar	31/03/2014	19/12/2014	16/11/2028
5.	Miss jaishree thakur [p]	Bar	25/09/2014	20/05/2016	23/07/2023

Judges Transferred from The Punjab & Haryana High Court

(List of Female Judges Arranged According to Date of Initial Appointment)

Table 17: projects the cumulative number of female judges transferred from ‘Punjab and Haryana High Court’ as ‘Two’ in figures.

Sl. No.	Name of the judge	Source of recruitment	Date of appointment as addl. Judge	Date of appointment as pmt. Judge	Date of retirement
1.	Smt. Sabina [p]	Service	12/03/2008	23/02/2010	19/04/2023 Transfer to rajasthan
2.	Nirmaljit kaur [p]	Bar	10/07/2008	29/06/2012	27/01/2021 Transfer to rajasthan

Rajasthan High Court

(List of Female Judges Arranged According to Date of Initial Appointment)

Table 18: projects the cumulative number of female judges ‘Rajasthan High Court’ as ‘Two’ in figures.

Sl. No.	Name of the judge	Source of recruitment	Date of appointment as addl. Judge	Date of appointment as pmt. Judge	Date of retirement
1.	Smt. Sabina [p]	Service	12/03/2008	23/02/2010	19/04/2023 Joined on 11/04/2016 [phc: p & h]
2.	Nirmaljit kaur [p]	Bar	10/07/2008	29/06/2012	27/01/2021 Joined on 09/07/2012 [phc: p & h]

Sikkim High Court

(List of Female Judges Arranged According to Date of Initial Appointment)

Table 19: projects the cumulative number of female judges ‘Sikkim High Court’ as ‘One’ in figure.

Sl. No.	Name of The Judge	Source of Recruitment	Date of Appointment as Addl. Judge	Date of Appointment as Pmt. Judge	Date of Retirement
1.	Smt. Meenakshi Madan Rai	Service	--	15/04/2015	11/07/2026



## **V. COMPARATIVE ANALYSIS OF LAW MINISTRY REPORTS**

### **5.1. Quantitative Assessment**

The data presented indicates a decline in the representation of women on benches, with the Delhi High Court having the largest number of female judges at 'Eight', followed by the second-High Court of India, Bombay High Court of India, with 'Seven' female judges.

There are still numerous High Courts in Calcutta that feature three female judges.

The Gujarat High Court.

The judges at Rajasthan High Court, Patna High Court and Chhattisgarh High Court remain at a much lower figure 'Two.'

The lowest women held position remain at Sikkim High Court and Guwahati High Court, with numerical denomination of 'One' only.

The numerical presentation revealed in the aforementioned Tables very clearly establishes the fact that women have very less hold on the benches of Indian Judiciary.

The reasons behind such less women figure in Indian Judiciary has been evaluated in the subsequent Chapter of the same.

## **VI. SIGNIFICANCE OF WOMEN IN THE PROSECUTION**

### **6.1 Vidhi Legal Policy**

The present study conducted by Vidhi Legal Policy examines the ratio of female judges to male judges in the lower judiciary, with a focus on analyzing the findings across different states and districts. The findings present a concerning scenario: the representation of women in lower court judges in India is remarkably low, amounting to only 28%. The report posits that the significance of women judges lies in their presence, citing multiple reasons.

- It grants decision-making authority to previously marginalized segments of society.

The presence of a diverse bench is crucial in ensuring a just and unbiased judiciary.

A diverse range of perspectives enhances the representativeness and democratic legitimacy of courts, allowing them to comprehend the practical consequences of their decisions

The inclusion of women judges facilitates the provision of mentorship opportunities for other women aspiring to pursue a career in law.

- It enables women seeking justice to encounter reduced social disapproval, particularly when reporting instances of violence and abuse.

Notwithstanding these factors, the researchers observe that the level of women's representation within the judiciary is unsatisfactory. To provide an example, the Supreme Court has exclusively consisted of seven female judges. India's 24 High Courts have a modest representation of women judges, amounting to slightly over 10%. The lower or subordinate judiciary is composed of the District Courts and the courts that are subordinate to them. The aforementioned courts are subject to administrative oversight of the High Courts. The study highlights that in India, each judicial district is equipped with a District Court, which is subordinate to civil and criminal courts with original jurisdiction. Additionally, the study reveals that a significant majority of judges in the subordinate judiciary across India, specifically 71%, are male.

### **6.2. The dearth of women in the lower judiciary is a matter of great concern**

The proportion of women judges in the southern states of Andhra Pradesh and Telangana was 37% and 44% respectively. Kerala had 67% male judges, while Karnataka had 70% male judges. Tamil Nadu had a total of 607 male judges and 357 female judges, excluding 12 judges for whom information was not available.

Goa, Meghalaya, and Sikkim, the smallest states, had a very high proportion of female judges, with 66% (29), 74% (31) and 65% (11) respectively, resulting in a total of 103 women judges.

The research proposes that decomposing data into numerical values can facilitate the identification of factors that influence gender composition and perhaps assist policymakers.

Researchers have observed that certain states, including Andhra Pradesh, Assam, Bihar, Chhattisgarh, Jharkhand, Karnataka, Odisha, Rajasthan, Tamil Nadu, and Telangana, have implemented a quota for women in the lower court, in

contrast to the upper judiciary. The quota for women in these posts varies from 30% to 35%, and their appointment is achieved through direct recruitment.

## **VII. AN ASSESSMENT OF FACTORS CONTRIBUTING TO THE UNDERREPRESENTATION OF WOMEN IN THE JUDICIARY**

### **7.1. Prejudices in the Promotion Process**

One contributing factor to the underrepresentation of women in both the lower and higher judiciary is the historical underrepresentation observed in prior years.

The study shows that if there were a smaller number of female Civil Judges (Junior Division) in 1995 compared to the present, there would be a reduced number of women judges currently holding higher positions in the lower court. This is because higher positions are primarily filled through promotion from Civil Judges (Junior Division).

Additionally, it highlights the possibility of prejudice within promotional procedures. In the absence of any form of bias, it may be assumed that the representation of women judges will remain consistent across all levels of the judicial hierarchy, assuming that both men and women possess equal merit. Although the necessary historical data to evaluate this is not easily accessible, some female judges and lawyers have documented instances of bias in their selection and advancement.

Here are some tables from the study that illustrate the declining number of women judges as one ascends in the judiciary.

### **7.2. The concept of the Number Game**

Another intriguing association observed is that the figures are contingent upon the number of women who take judicial examinations, which is correlated with the number of women who successfully complete their legal education, which in turn is contingent upon the

quantity of women who opt to pursue a legal education. This pertains to the quantity of women who are capable of successfully finishing basic and secondary school, and eventually, the correlation with the sex ratio in the state or district.

Nevertheless, this chain is not infallible. The analysis revealed a moderate association of 0.44 between the sex ratio and the representation of women in the lower judiciary. However, it is important to note that there were other instances where this correlation did not hold true. Despite Kerala having the highest sex ratio compared to other states, the representation of women in the lower judiciary is only 33%. According to the report, states such as Punjab, Sikkim, Meghalaya, and Tamil Nadu exhibit a lower sex ratio compared to Kerala, yet demonstrate a greater proportion of women judges in subordinate courts.

### **7.3. Prejudice**

Although there is a dearth of measurable evidence on this matter, several legal professionals, including Indira Jaising and Meenakshi Arora, have addressed the issue of gender-based bias experienced by female litigators. The authors have also addressed the prevalent phenomenon of the 'old boys' club mindset, which poses challenges for women in their pursuit of judicial positions.

Clients, as well as infrastructure and job advantages for women in the judiciary, also exhibit these biases. The provision of incentives and work settings for women in the judiciary is a crucial aspect to consider. Sexual harassment and inadequate enabling infrastructure, encompassing amenities such as toilets and maternity leave, are additional factors that lead to a significant attrition rate among female lawyers. Consequently, a considerable number of women opt to pursue careers in the business sector instead. The convergence of these several circumstances leads to a notable disparity in the representation of women in bar appointments. According to experts, over the course of its 68-year history, the Supreme Court has witnessed the promotion of only one woman from the bar to the bench, with the most recent case occurring in January 2018. Moreover, women who manage to reach the judiciary often face more severe judgments. According to the report, an unidentified retired female Supreme Court judge stated that her rulings were deemed valid only if they were supported by a bigger panel of judges. Another female judge stated that a male judge consistently challenged her deductions on matters.

### **An optimistic perspective**

Emphasizing the necessity for enhanced data collection methods to effectively tackle the matter at hand, the study concludes with a favorable outcome. It highlights recent advancements that suggest a gradual shift in the situation. According to the source, in the year 2017, the Chief Justices of all four High Courts in Delhi, Calcutta, Bombay, and Madras were women, marking a significant milestone.

Numerous politicians and judiciary members have expressed the imperative for achieving fair gender representation within the judiciary. In a recent address on National Law Day, President Ram Nath Kovind acknowledged the existence of a gender imbalance and called upon political leaders to implement quotas for women in the court

### **VIII. CONCLUSION & SUGGESTIONS**

Women are not inherently born, but rather developed. India serves as an exemplary case study to illustrate the assertion made by Simone de Beauvoir. In light of the global commemoration of International Women's Day, it is pertinent to undertake an examination of the current status and role of women in India, drawing a comparison to the period seven decades ago when the nation had recently achieved independence. Women in our country have seen several transformations, including their involvement in nationalist movements, their exclusion from the home sphere, and their current revival as super-women.

Gender in India has been the subject of numerous disputes throughout the years. A significant aspect is the societal positioning of women, encompassing their education, health, economic status, and gender equality, among other factors. It can be inferred from these deliberations that women have consistently had a contradictory position inside our emerging nation.

Women were assigned to domestic roles and compelled to conform to the prevailing male-dominated patriarchal structure in our nation, a pattern that has persisted throughout history. Indian women, who actively participated with men in the nationalist movement, were deprived of the opportunity to access unrestricted public spaces. They assumed the role of homemakers, primarily tasked with constructing a resilient household to provide support for their male counterparts who were tasked with establishing the just emancipated nation. Women were relegated to the status of subordinate citizens. The literacy rate among females at the national level was very low, standing at 8.6%. In the age group of 11-14 years, the Gross Enrolment Ratio (GER) for girls was recorded as 24.8% at the primary level and 4.6% at the upper primary level. The education of women and their access to organized schooling were hindered by persistent social and cultural hurdles that were difficult to overcome.

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