

Women in Indian Courts of Law: A Study of Women Legal Professionals in the District Court of Lucknow, Uttar Pradesh, India

Mulheres nos tribunais judiciais indianos: um estudo sobre as profissionais do direito no Tribunal Distrital de Lucknow, Uttar Pradesh, India

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WOMEN IN INDIAN COURTS OF LAW: A STUDY OF WOMEN LEGAL PROFESSIONALS IN THE DISTRICT COURT OF LUCKNOW, UTTAR PRADESH, INDIA

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Abstract: Men have traditionally dominated legal profession in India. Women's entry could be possible only after long and protracted legal battles, and even then, their presence in the courts remained insignificant until the end of the twentieth century. However, the policy of globalisation in the twenty-first century has provided additional opportunities to Indian women in legal education and training. The invasion of modernity has not only moderated the court environment but has also put an end to the medieval male chauvinism in the profession. The present paper, based on the data collected from the District Court in Lucknow, Uttar Pradesh, India, critically analyses the gender bias, sexual morality and criminal discourse within the court premises, in addition to women's role and status as legal professionals, wives, mothers and daughters-in-law in the disintegrating joint family structure.

Keywords: legal professions, women, Courts of Law, India.

MULHERES NOS TRIBUNAIS JUDICIAIS INDIANOS: UM ESTUDO SOBRE AS PROFISSIONAIS DO DIREITO NO TRIBUNAL DISTRITAL DE LUCKNOW, UTTAR PRADESH, INDIA

Resumo: Tradicionalmente, os homens têm dominado as profissões jurídicas na Índia. A entrada de mulheres começou somente após longas e duras batalhas legais e, mesmo depois destas lutas, a presença das mulheres nos tribunais manteve-se de forma insignificante até ao final do século xx. No entanto, a política de globalização no século XXI trouxe novas oportunidades às mulheres indianas na área do ensino e da formação jurídica. A invasão da modernidade não só amenizou o ambiente do tribunal, como pôs fim ao machismo medieval na profissão jurídica. O presente artigo, baseado em dados recolhidos no Tribunal Distrital de Lucknow, Uttar Pradesh, na Índia, analisa de forma crítica os preconceitos de género, a moral sexual e o discurso criminal na sala de tribunal, para além do papel e do estatuto da mulher enquanto profissional do Direito, esposa, mãe e nora enquanto parte de uma estrutura familiar em desintegração.

Palavras-chave: profissões jurídicas, mulheres, tribunais judiciais, Índia.

INTRODUCTION

Feminism is a movement that has grown around an ideology and aims at defining, establishing and defending equal political, economic and social rights for women, including equal opportunities in education, occupation, profession and other kinds of employment dominated exclusively by men since antiquity. Charles Fourier, the French philosopher, is credited to have coined the term in 1837, but its history involves the stories of all the struggles of women for equal rights – right to property, right to vote, and so on – in all ages.

The feminist movement can be divided into three phases. The first phase of the movement lasted from the nineteenth to the early twentieth century, and dealt with the issues of equal suffrage, working conditions and educational rights for women and girls. The second wave, which started in the 1960s and continued until the 1980s, concerned itself with inequalities faced by women and their role in the society. The third and final phase, from the late 1980s until the early 2000s, is considered both a continuation of the second phase and a feminist response to the perceived failures of the earlier 'waves'.

The history of feminism began with the colonization of the Americas, when the colonists – often from poor, lower classes and with criminal backgrounds – migrated in large numbers to the continent. Such migrant groups were effectively outside the socio-cultural norms of Europe, thereby resulting in more open and free, inter-gender contacts wherein men and women, often strangers, found themselves living together under the same roof in remote, lawless colonies. Gradually, women living in such a society began to choose their spouses or mates – a situation hitherto unthinkable in more conservative Europe. This freedom was often accompanied by financial freedom as women had to be self-sustaining in a hostile and remote territory, and gradually came to acquire property and education. Initially, women started taking up medicine and education as careers. However, by the 1880s, they also took to legal practice in the US. At the outbreak of the First World War in 1914, Britain experienced a shortage of manpower on the home front in its factories working for the war effort. As a result, a large number of women started working in lieu of men in factories, while the latter enlisted as troops for the front. This gave a major boost to the feminist demand of enfranchising women in Britain, and in 1918 the government passed the Representation of the People Act 1918, wherein women over the age of 30 and meeting the minimum property qualifications were allowed to vote. It is interesting to know that the year when women first entered law as a profession in Britain was 1917, thus showing the close relationship between the feminist movement and women's fundamental rights and emancipation from the traditional duties in the society.

Feminism in India may be said to have arrived during the second decade of the twentieth century with the foundation of Women's India Association (WIA) in 1917 by Annie Beasant, Margaret Cousins and Dorothy Jivarajadasa to promote suffrage movement (Cousins, 1947). The same decade witnessed the first few Indian women qualifying to pursue legal profession in India.

In the immediate years after the establishment of the Allahabad High Court, the legal profession in Uttar Pradesh was mainly dominated by men. Cornelia Sorabji was the first woman allowed by the Allahabad High Court to practise. However, women's participation in legal profession in the state still remained at a low level, and saw a noticeable increase only during the last decade of the twentieth century. This change in the configuration of the profession brought many issues to the fore, including modernity, professional mobility and income inequality. The women entering the profession inevitably came to face the traditional mindset of the Indian families posing innumerable challenges to both single and married women aspirants. In addition to their marital status, their caste and religious identity also played no insignificant role in demoralising the new entrants. The gender discrimination and sexual harassment were further addition to their woes and plight in the court premises, especially the lower courts. However, irrespective of these challenges, the growing educational status of the Indian women has now become the transforming agent in professionalising the traditional Indian woman. Despite her multi-dimensional challenges, her quest for identity and consciousness for an equal gender status are apparent in both the society and the premises of the lower courts.

1. LITERATURE REVIEW

Researches into women in legal profession remain severely handicapped because of the sore lack of literature available on the subject. Even though there has been a plethora of studies on gender specific issues, including women in various professions, yet when it comes to women in the legal profession, literature is mostly conspicuous by its absence. Therefore, the paper draws mostly on the works on related topics, which throw some useful sidelight on the subject.

Buckee, in her unpublished thesis titled "An examination of the development and structure of the legal profession at Allahabad, 1866-1935", submitted to the London University, has made a study of the legal profession in the United Provinces of India, in a social and historical context. Though her thesis mainly focuses on caste composition, it gives some information about women in the legal profession as well. Paul (1991), on the other hand, confines his study to the legal profession in South India, but parallels can be drawn from his work to study women in the legal profession in Uttar Pradesh.

The works of Gooptu (2007) and Vadagama (2011) give valuable information about the problems faced by the first woman lawyer of UP, Cornelia Sorabji, and therefore are quite useful for a study of women in legal profession in Uttar Pradesh. Sen (1999), in her study of the problems and potentials of women professionals across cultural perspectives, also sketches the struggle and successes of women legal practitioners in India. Besides, the Bar Council of UP, Allahabad, keeps a record of the registered legal practitioners in Uttar Pradesh, which is a virtual treasure mine for a researcher. The High Court of Judicature at Allahabad, in its centenary year publication (1966), also throws significant light on the historical development of the legal profession in UP, including information on women lawyers.

2. WOMEN IN PROFESSIONS

The position of women in Indian tradition has been a subject of controversy. Though, theoretically, they have been assigned a high position in the society, the actual situation has always remained far removed from the theoretical ideal. As far as modern professions are concerned, women remained conspicuous by their absence in them for a long time. The position of women in different parts of the country has been affected differently by the economic condition, religious traditions and thinking patterns of the people. In this backdrop, India's struggle for independence proved to be a great boon to the cause of women in India, as most of its leaders had their grounding in the Western liberal education system. In post-independence India, the contemporary feminist movement began by basing itself firmly on the principles of equality and asserting that the gender based structures, such as the sexual division of labour, oppressed and subordinated women. This cry of vulnerability and helplessness brought about a new subjectivity into Indian feminism, expressing emotions which had so far not found expression. At the same time, the focus on working women represented a rejection of the wife-mother image, replacing it with the image of an economically independent woman. It also represented the development of class consciousness accompanied by an interest in organizing and mobilizing women, and a growing involvement of the feminists in workplace politics. Women in rural India are mostly employed in agriculture and household industry, while most urban women find work in the services sector. Most of these women, from middle and upper middle class families, go for jobs to raise their family income for a better quality of life. However, a select group of highly educated and talented women is also emerging as civil servants, legal practitioners, medical practitioners, engineers, professors, directors, etc. These women are propelled by their ambitions and the desire to give expression to their talents (Sen, 1991).

2.1. WOMEN IN LEGAL PROFESSION

The first professions to feel the influence of feminism were journalism, academics and medicine. The later years saw the influence of feminism on professions which were largely dominated by men, for example surgery, civil services, law, management, entrepreneurship, and politics.

In recent years, there has been an acute pressure of economic necessity in every family, including the families in the orthodox, backward and conservative classes. The struggle is no longer directed against external obstacles. The public opinion is also no longer hostile, and there are a lot of opportunities for women today. However, the psychological problems and the tug of war between the family and work go on throughout their lives.

Most working, professional and career oriented women face real problems, and their going out of homes is a big challenge. Commuting long distances, travelling in crowded buses, long working hours in courts, tolerating indecent remarks of male colleagues in the court premises and on public transport, and eve-teasing are some of the problems of women, in addition to their personal and family problems, work schedules, working hours and work timings.

Women's entry and rising representation in the legal profession has been one of the most remarkable social changes in recent years, often termed "revolutionary" (Abel, 1988) over the past 90 years. This influx of women has prompted a great speculation among both academics and political activists as to the changes women would bring about in the nature and administration of substantive law, as well as the way law is practised (Kay and Gorman, 2008). Till 1947, India was a colony administered by the British, who changed the administrative system and institutions from time to time, according to their convenience. Introduction of the Indian Penal Code (IPC), Criminal Penal Code (Cr PC) and Civil Procedure Code (CPC), establishment of the Rule of Law, and institution of the Indian Civil Services are a few examples. The court system and the legal profession were also introduced in the same vein by the British government. The legal professionals soon came to form a new middle class in the Indian society. After the revolt of 1857, when Queen Victoria took over the reins from the East India Company, a system entirely new to India came into existence with the establishment of three High Courts in Calcutta, Bombay and Madras. In 1866, a new High Court was set up for the United Provinces of Agra and Oudh, at Allahabad. The Judicial Commissioner's Court in Oudh kept functioning up to 1925, was then converted to the Chief Court of Oudh, and finally amalgamated with the High Court in 1948. In the courts, legal professionals were registered with minimal educational

qualifications, but had to qualify the prescribed examination. The practitioners were expected to follow professional ethics, conduct and dress code. In the twentieth century, men were not only in majority but also in dominance in the legal profession in India. Even in the US, women had not been admitted into the prestigious law schools at this time. As Auerbach pointed out, for women, the unique minority group that actually constitutes a majority of the population, sex discrimination was still rampant for decades and the elite law schools had excluded them altogether (cited in Paul, 1991). In England, the Inns of Court also kept them out until the passing of the Sex Disqualification (Removal) Act in 1919. Nevertheless, certain women candidates, both in England and in India, publicly demanded the opening up of the legal profession (Paul, 1991).

For the first time in India, the pioneer of the movement for entry of women to the legal profession, Dr Hari Singh Gaur, moved the following amendment to the resolution adopted by the Central Legislative Assembly of India to remove the sex disqualification against women. The purpose was the inclusion on the electoral roll for the elections to the Legislative Assembly, on 1st February 1922: “And the Government be further pleased to remove the sex bar held to disqualify women from enrolment as legal practitioners in the courts of this country” (*ibidem*).

Dr Singh narrated the short history of this movement before the House. In 1916, Ms Regina Guha passed her examination of B. L. from the University of Calcutta and applied to Calcutta High Court for her enrolment as a legal practitioner. The judges met at a special Bench. Under the Legal Practitioner Act, any person otherwise qualified is eligible to apply for such an enrolment, and under the General Clauses Act, ‘a person’ is held to include both a man and a woman. Consequently, there was no legal impediment to the enrolment of a duly qualified graduate in law at the High Court in Calcutta. However, it was 1916; the Removal of Sex Disqualification Act was yet to be passed by the Mother of Parliaments, which it did three years later, in 1919. Their Lordships of the Calcutta High Court observed that it was perfectly true that both, according to the etymological sense and the context of the Indian Legal Practitioners Act, the word ‘person’ made a woman eligible for enrolment as a legal practitioner. However, the judges still said that the thing had never been done and they were not prepared to make an innovation (Proceedings of the Govt. of the United Provinces in the Judicial Civil Department, Sep 1922, File no. 104/1922, p. 2). A full Bench decision of the High Court, delivered on 29th August 1916, refused the enrolment of Regina Guha as a pleader (Paul, 1991). In 1921, five years later, another lady from Orissa, Ms Sudhansu Bala Hazra, filed a petition before the Patna High Court. The judges again observed that there was no legal impediment to the enrolment of Ms Hazra as a legal

practitioner, but in the view of the fact that the Calcutta High Court, in 1916, had held that such an enrolment was limited and confined only to the persons of the male sex, they could not make a deviation. The Patna High Court judges took the view that the reference to a 'person' in section 6 of the Legal Practitioner Act of 1879 did not include a 'female'. But, at the same time, one of the learned judges of that court opined that it was for the legislature to decide whether women graduated in law should be made eligible for enrolment. At about the same time, another woman law graduate, Ms Cornelia Sorabji, filed an application before the Allahabad High Court, which had the good sense to allow her to be enrolled as a duly qualified legal practitioner. The position, thus, had now become anomalous. While a woman law graduate was duly enrolled and practising law in Allahabad in the same manner as a man, women in Calcutta or Patna still did not have this prerogative (Proceedings of the Govt. of the United Provinces in the Judicial Civil Department, Sep 1922, File no. 104/1922, p. 3).

A barrister and champion of the cause of women, Dr Hari Singh Gaur, moved that the government should remove the sex bar, which disqualified women from enrolment as law practitioners in Indian courts. Assured by Sir William Vincent, the Home Member, that the Government of India would elicit opinions from the local governments, High Courts, Oudh Bar Association, general public and professional bodies, Dr Gaur withdrew the amendment (Paul, 1991).

The Allahabad Bar Library forwarded an opinion in this regard that women's education had not progressed sufficiently to justify the adoption of the proposal, but the Oudh Bar Association was in favour of the proposal. It was nothing short of a revolutionary opinion in favour of women legal practitioners. The first point in the favour of the proposal was the abstract argument that there was no justification for discrimination between the sexes, that women had been admitted to the Bar in England and other European countries, and that India should follow their example. Women had indeed been admitted to the English Bar and no Indian High Court, in theory, could refuse to allow a lady Barrister to appear before it. The practical argument advanced was that lady practitioners would be of great use to the *parda nashin* (vein clad) ladies who had the occasion to undertake litigation, especially in the Court of Wards Matters. However, there was no dearth of arguments against either. Many asserted that women's education was not sufficiently advanced to justify the change, and that the number of ladies who would wish to be enrolled was likely to be so small that the question had no more than merely academic interest. Others opposed the proposal on the ground that it was premature, so long as the prevailing conditions in the society did not change (Proceedings of the Govt. of the United Provinces in the Judicial Civil Department, Sep. 1922, File no. 104/1922, p. 3). After assessing these reactions, the

Government of India passed the Bill on 21st March 1923, which became a law on 2nd April 1923, and was enforced across India. As noted earlier, in 1922, the Allahabad High Court readily gave permission to Ms Cornelia Sorabji, a qualified advocate practising in Allahabad, to be enrolled as an advocate. Once the ice was broken, the Government of India was forced to initiate legislation in order to remove any disabilities that might be attributed to women subsequently seeking enrolment in the legal profession, provided that they possessed the necessary educational qualifications (Buckee, 1972).

This was followed by a series of women legal professionals being registered at the High Court of Allahabad. However, the registrations still remained few and far between. For example, Shyam Kumari Nehru, Leena Clarke and Begum Menakhi Amina Farrukhi were registered in 1928, 1931 and 1933, respectively. The enthusiasm that the legislators showed in enabling women to practise law seemed to have been largely superficial. The token appearance of women practitioners evoked both sentimentality and curiosity in the bar rooms. The prospects of securing a decent position for women in the profession, which for decades had been competitive and male dominated, were grim indeed (Paul, 1991).

TABLE 1 - Growth of Women in the Legal Profession over the Years

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

Uttar Pradesh is a state that holds a special significance for studies concerning the legal profession in India, as it is the state with the maximum number of registered legal practitioners in the country. However, still only a meagre number of women legal professionals are practising in the courts of UP. During 1962-1997, a period spanning 35 years, there were only 4,265 women legal professionals registered, out of a total of 136,635, forming just 3.12% of the total legal workforce. However, during 1998-2005, a period of just 8 years, 7,346 women legal professionals were registered, out of 91,509, i.e. approximately 12% of the total strength of the legal professionals (Record of Registered Practitioners). However, as can be seen from Table 1, the total participation of women in the legal profession still remained at a meagre 5.08%.

3. RESEARCH METHODOLOGY

As the research topic required qualitative information for analysis, the research methodology adopted was both quantitative and qualitative, consisting of questionnaires and semi-structured interviews respectively. Lucknow, being the capital of the state of Uttar Pradesh, was the best option for the place. The venue chosen was the District Court of Lucknow, as there are still very few women practising in the High Court.

For the purpose, 101 women lawyers were chosen, practising at the District Court of Lucknow. The Central Bar Association of Lucknow District Court was established in 1908, and it is the second oldest Bar of India. In 2013, there were 3,531 legal practitioners associated with the Central Bar Association, out of which only 181 were women; of these, only 101 women lawyers were regular practitioners and were approached for an interview during the months of December 2012 to January 2013. The questionnaire included questions on the women lawyers' religion, caste, entry age into the profession, marital status, income tax payee status, gender discrimination faced by them, level of family support, job satisfaction levels, and their willingness to allow their wards to join the legal profession. They were assured about the confidentiality of their identity as well as the information provided by them. A specimen questionnaire can be seen in the Appendix.

Out of the 101 women lawyers chosen, 8 refused to fill up the form, making adverse remarks about, and doubting the integrity of the research. This fact itself shows the level of suspicion about the intent of men, even in the mind of women who are in the profession of law and are generally more empowered than other women. Further, 20 women lawyers did not return the completed questionnaire. Thus, the effective sample population consisted of 73 respondents which is still a good number, considering the low number of women lawyers in the court. These 73 respondents not only returned the questionnaires with full information, but also gave their consent to be interviewed.

As for the general observations during the research, I found no proper chambers or other infrastructure for women practitioners in the court premises; they had a single common room. Most of them lacked a personal chamber, mostly sitting in the verandahs or under tin sheds.

Most of the women lawyers, being junior, were working under senior male lawyers. Only in one chamber could I find a senior woman lawyer, with women lawyers practising as her juniors. Of the 101 female advocates, very few women were independent practitioners.

4. RESEARCH FINDINGS

The results of the survey are summarized below:

4.1. DECADE-WISE REGISTRATION OF WOMEN LAWYERS

The decade-wise registration of women legal practitioners at the District Court Lucknow shows an increasingly rising participation of women in the profession over time, as shown below in Table 2 and Figures 1:

TABLE 2 - Decade-wise Registration of Women Practitioners at District Court Lucknow

1980-1990	5
1991-2000	16
2001-2010	37
2011-2012	12

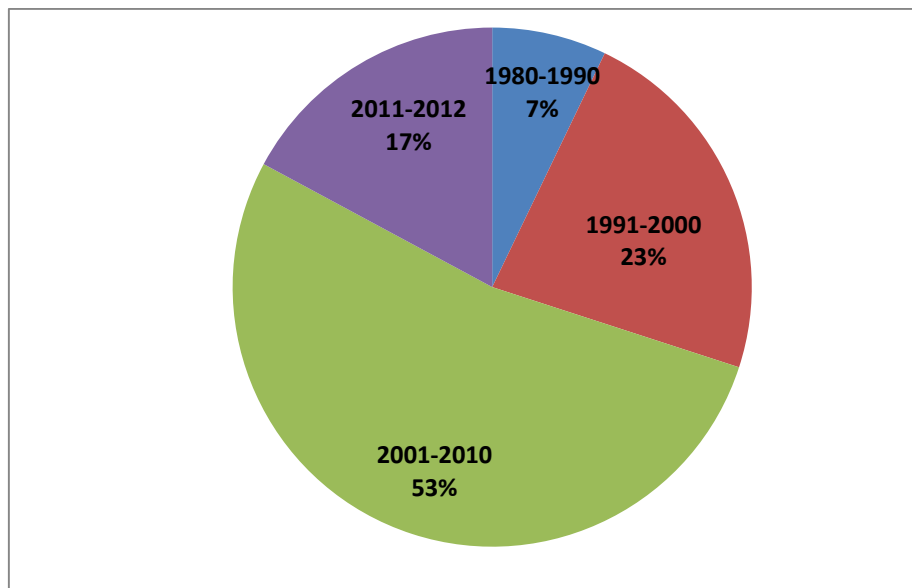


FIGURE 1 - Percentage Break-up of the Decade-wise Registration of Women Lawyers at District Court Lucknow

As can be seen from the table, the number of women legal professionals registered during the decade of 1980-90 was a meagre 5, but rose sharply to 16 and 37 in the next two decades. The number of women registered during the year 2011-12 was an impressive 12. In terms of percentage, as the figure shows, while only 17% of the current women legal practitioners at the District Court Lucknow were registered during the decade of 1980-90, 23% were registered in the decade of 1991-2000, and a

whopping 53% during the decade 2001-10. Here, 17% of the current women legal professionals were registered in the year 2011-12.

4.2. RELIGIOUS BREAK-UP OF WOMEN LAWYERS

Out of the 73 respondents, 57 belonged to the Hindu community, while 15 were Muslims. Christians, on the other hand, were represented by just 1 respondent. In terms of percentage, the Hindus constituted 78% of women legal professionals, the Muslims accounted for 21% and the Christians for a meagre 1%. Table 3 and Figure 2 below give the religious break-up of the women lawyers surveyed:

TABLE 3 - Religious Break-up of Women Lawyers

Hindu	57
Muslim	15
Christian	1

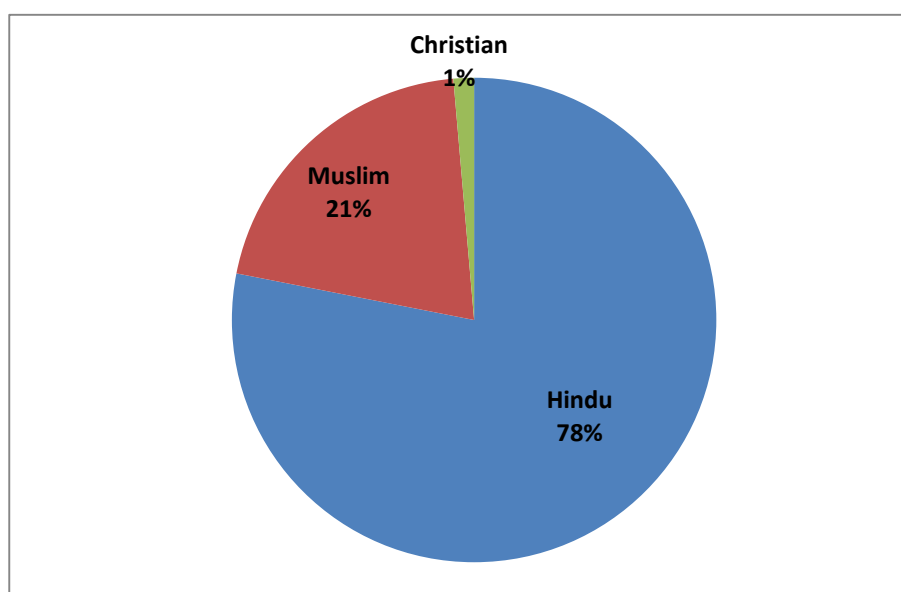


FIGURE 2 - Religious Break-up of Women Lawyers in Percentage

As is obvious, the religious break-up of women lawyers generally follows the pattern in the Indian society. However, the very low number of Christian women is a bit surprising, as the Christians in India form one of the better educated communities.

4.3. CASTE COMPOSITION OF WOMEN LAWYERS

Out of the 73 women legal professionals surveyed, 31 came from the General Castes, also known as the forward castes. At the lower end of the social spectrum, 16 were

from the Other Backward Castes and 10 from the Scheduled Castes.¹ In terms of percentage, we can see that 54% women legal professionals surveyed came from the General or forward castes, 28% from the Other Backward Castes and an impressive 18% from the Scheduled Castes. The caste composition of the women legal professionals surveyed is illustrated in Table 4 and Figure 3 below:

TABLE 4 - Caste Composition of Women Lawyers

General castes	31
Other Backward Castes	16
Schedule Castes	10

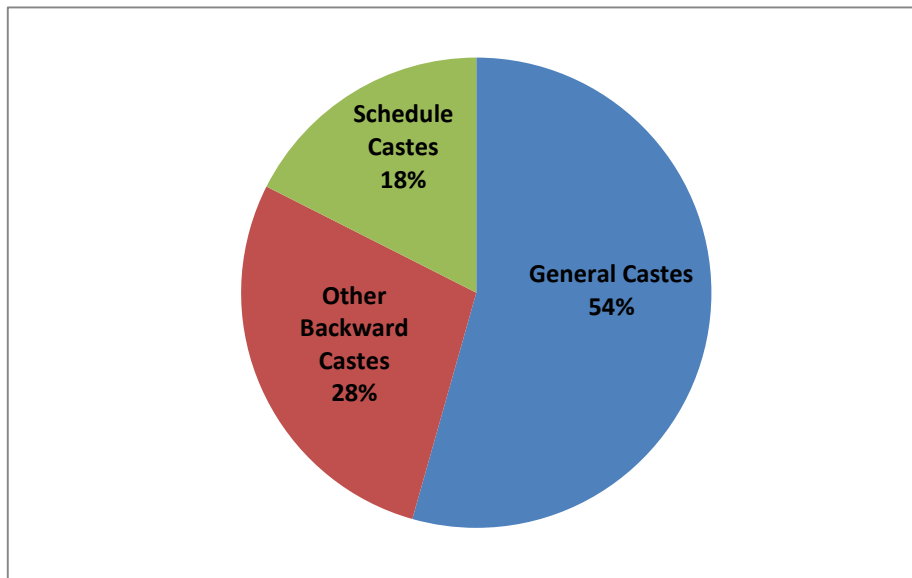


FIGURE 3 - Caste Composition of Women Lawyers in Percentage

As can be seen from the data, like most other professions in India, the legal profession is also dominated by the forward castes, even in case of women. Nonetheless, the progress made by the lower castes is also impressive. Taken together, the Other Backward Castes and Scheduled Castes form about 36% of the total number of women legal professionals in the District Court of Lucknow.

¹ 'General Castes' signifies those communities or social groups which occupy a higher social position in Indian society, whereas 'scheduled castes' are those communities or social groups which form the lowest rung of the Indian social strata. The other backward castes (OBC) come somewhere in between the two groups. (Hutton, 1961: 47; Ghurye, 1957: 241).

4.3.1. BREAK-UP OF THE FORWARD CASTES AMONG WOMEN LEGAL PROFESSIONALS

Out of the 31 forward caste women legal professionals at the District Court, Lucknow, the largest number came from the Kayastha, Brahmana and Kshatriya castes – 11, 9 and 8 respectively – while 1 member each came from the castes of Sanatan, Vaish and others. Taking percentage-wise break up, the Kayasthas, Brahmanas and Kshatriyas accounted for 36%, 29% and 26% of the women legal professionals surveyed, while Sanatan, Vaish and others accounted for 3% each. The findings are illustrated in Table 5 and Figure 4:

TABLE 5 - Break-up of Forward Caste Women Lawyers

Kayastha	11
Brahmin	9
Kshatriya	8
Sanatan	1
Vaish	1
NA	1

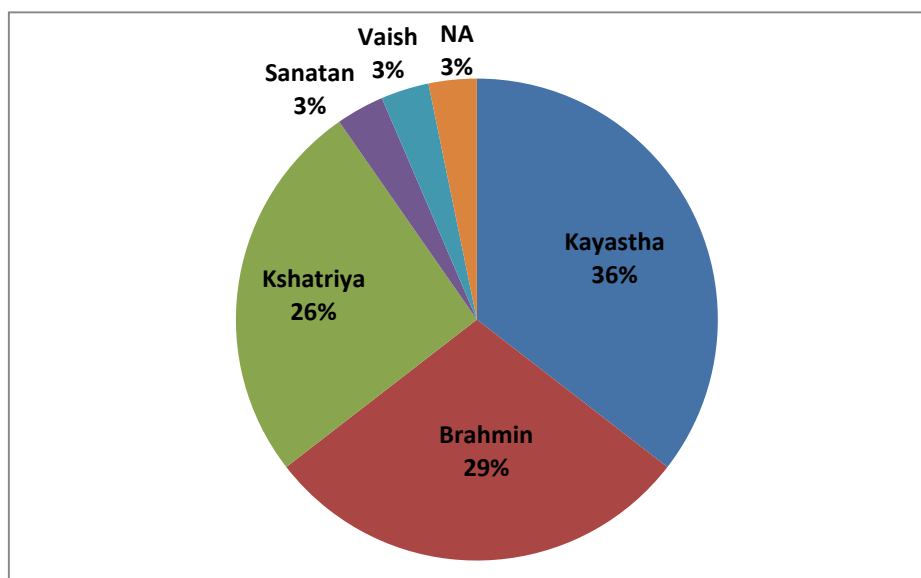


FIGURE 4 - Break-up of Forward Caste Women Lawyers in Percentage

As the figure shows, although there are a large number of women legal professionals from the upper castes of the Brahmanas and Kshatriyas, the largest number of women lawyers comes from the Kayastha caste. This relates well with the high average marriage age among women of this caste, who give preference to their career, and are increasingly entering the career of law. Unlike most other castes of the Indian society, the Kayastha caste is traditionally job dependent rather than land

dependent, and therefore, the Kayasthas – both boys and girls – get married after becoming professionally qualified. This leads to a higher than average marital age among the Kayastha youth.

4.4. MARITAL STATUS OF WOMEN LEGAL PROFESSIONALS

Among the 73 women legal professionals surveyed, an overwhelming majority of 48 were unmarried while only 19 were married. Among others, 4 were divorcees and 1 widow, while 1 respondent preferred not to disclose her marital status. Taking the percentage-wise break-up, 66% of the women legal professionals surveyed were unmarried and only 26% married. Divorcees and widows accounted for 6% and 1% respectively. The findings can be seen in Table 6 and Figure 5 below:

TABLE 6 - Marital Status of Women Legal Professionals

Unmarried	48
Married	19
Divorcee	4
Widow	1
NA	1

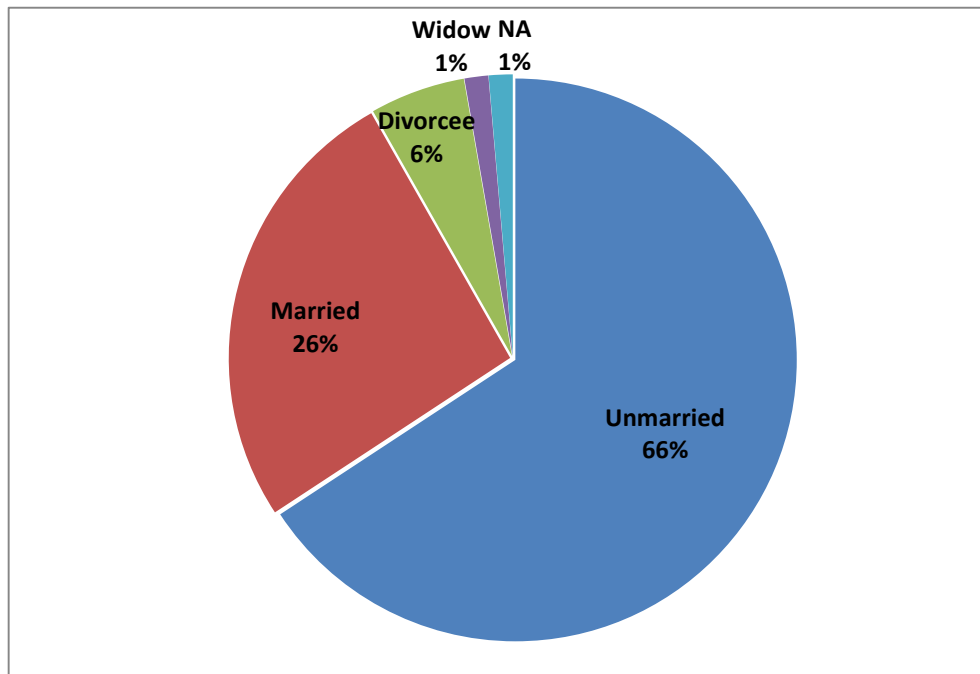


FIGURE 5 - Marital Status of Women Legal Professionals in Percentage

The overwhelming number of women lawyers being unmarried, and only a small number of married women lawyers, is a disturbing finding indeed. It clearly shows that

women lawyers are facing severe family pressure and, more often than not, have to opt out of the profession after marriage. Women lawyers, by the time they find themselves to be professionally well grounded, become too old to be considered suitable for marriage in the Indian society. Therefore, most Indian women practitioners remain spinsters throughout their life. The interviewed women lawyers were hesitant to discuss the reasons behind their not marrying.

4.5. AGE COMPOSITION OF WOMEN IN LEGAL PROFESSION

In the sample population of 73, an overwhelming number of women legal professionals, i.e. 57, were below 30; 31 from the age group 20-25 and 26 from the age group 26-30. Nine were from the age group 31-35, 5 from 35-40 and only 1 above 40. Talking of percentage, 43% women legal professionals surveyed were from the youngest age group of 20-25, and 36% from the next youngest age group of 26-30. Women legal professionals from the age groups of 31-35 and 36-40 accounted for only 13% and 7% respectively, while women over 40 formed just 1%. These figures are illustrated in Table 7 and Figure 6 below:

TABLE 7 - Age Composition of Women Legal Professionals

20-25	31
26-30	26
31-35	9
35-40	5
40+	1

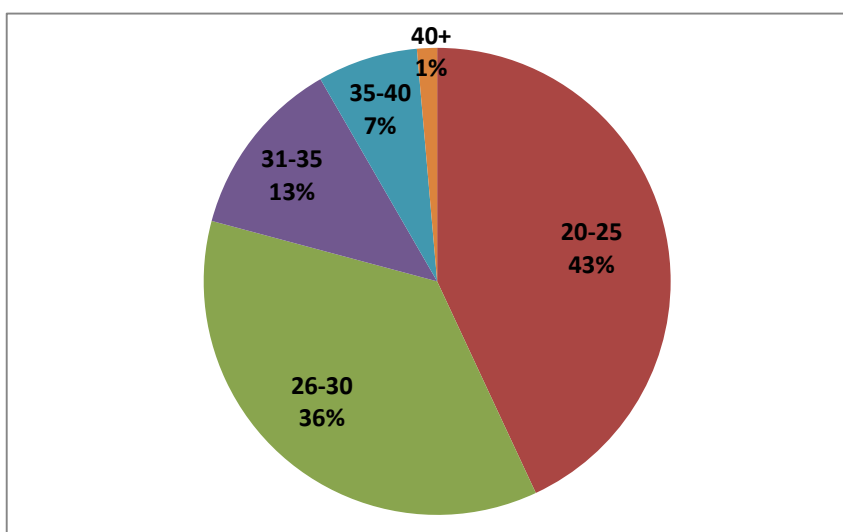


FIGURE 6 - Age composition of Women Lawyers in Percentage

The large number of women legal professionals coming from the lower age groups shows a growing preference for the legal profession as their first choice of career. In the 1990s, the Law Honours course was introduced in India which allowed students to take up law immediately after completing their schooling; this was in contrast to the prevailing system of a three year course after graduation, the wherein students interested in law had to study subjects which were not of their interest for three years at the university level. This discouraged many bright students from taking up law as a profession earlier. A simultaneous development which occurred in India in the 1990s was the advent of globalisation following the liberalisation of the economy. This resulted in the influx of Multi-National Companies (MNC) into the country which, in turn, resulted in the proliferation of law firms in India. These law firms provided attractive career opportunities to young, aspirational women who now increasingly considered law as a viable career. However, such a small number of women from the higher age groups again shows that the family pressure is compelling them to opt out of the profession sooner rather than later.

4.6. INCOME-TAX PAYERS AMONG WOMEN LEGAL PROFESSIONALS

A striking finding was that, out of the 73 women legal professionals surveyed, as many as 65 did not come in the tax-paying slabs. Only 8 of them paid income tax. In terms of percentage, while 89% women lawyers surveyed were non-tax payers, only 11% paid income tax. The data are shown in Table 8 and Figure 7 below:

TABLE 8 - Tax-payee Women Legal Professionals

Tax payers	8
Non-tax payers	65

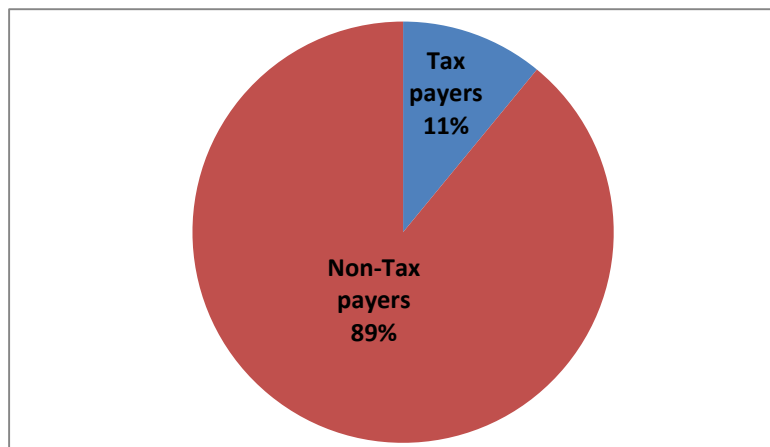


FIGURE 7 - Tax-payee Women Legal Professionals in Percentage

These data bring out a very shocking truth that an overwhelming number of women legal practitioners are not getting enough cases, and consequently their income levels remain low; it is mentioned earlier (under the section ‘Research Methodology’) in the research paper that most of the women are junior lawyers working under senior male lawyers in the capacity of an assistant. Thus they have very limited income of their own if at all, and do not come under the taxable bracket. Another reason for low income is that women lawyers tend to get low paying cases as none of them is a leading or well-known legal practitioner in the civil and criminal cases. Moreover, most of the cases finding their way to female lawyers involve petty family disputes which are inherently low paying. Some of the additional reasons for getting fewer cases were revealed by the interviewed lawyers themselves; they include social constraints of the Indian society which frowns upon women interacting with strangers or going out at odd hours (to their chambers), as well as lacking a network of touts to attract clientele, which is in marked contrast to their male counterparts who have a well-developed tout network. Similarly, few female lawyers find land dispute cases because they require making field visits to the disputed sites, which is socially stigmatised.

4.7. EXPERIENCE OF GENDER DISCRIMINATION BY WOMEN LEGAL PROFESSIONALS

Out of the sample population of 73 women legal professionals, as many as 25 accepted to having experienced some kind of gender discrimination at the District Court of Lucknow. Forty-six had not felt any such discrimination, while 2 preferred not to comment on this aspect. In terms of percentage, while 63% had not experienced any gender discrimination, 34% had, and 3% refused to comment. A female practitioner revealed in the interview that the office staff had a patronising attitude towards women while having a mindset that favoured male lawyers. Another female lawyer revealed that she and most other female lawyers had experienced sexual harassment at some point in their professional career. The figures are illustrated in Table 9 and Figure 8 below:

TABLE 9 - Experience of Gender Discrimination by Women Legal Professionals

Yes	25
No	46
NA	2

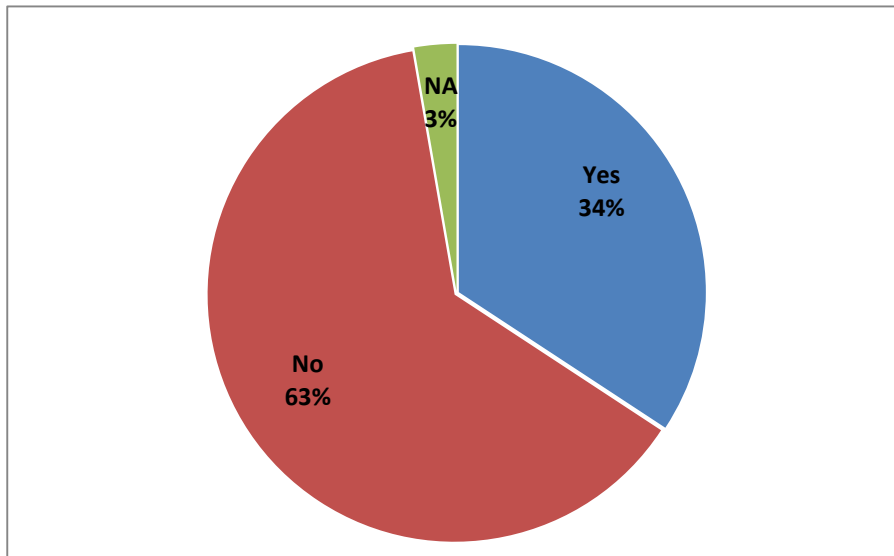


FIGURE 8 - Experience of Gender Discrimination by Women Legal Professionals in Percentage

Thus, although the majority of women legal professionals at the District Court of Lucknow have not experienced gender discrimination in any form, the number of those who have is still substantial. Such discrimination at a place where one expects justice is indeed a cause of grave concern.

4.8. FAMILY COOPERATION

Of the 73 women legal professionals included in the research, 56 accepted to receiving family cooperation, while only 17 complained of not getting cooperation from their families. The cooperation was in the form of both moral support and understanding towards their professional responsibilities, as well as distribution and division of their household responsibilities which is traditionally considered as the woman’s domain in India. Thus, while 77% of the women legal professionals surveyed were receiving cooperation from their families, 23% were not so fortunate. The data are illustrated in Table 10 and Figure 9 below:

TABLE 10 - Family Cooperation to Women Legal Professionals

Yes	56
No	17

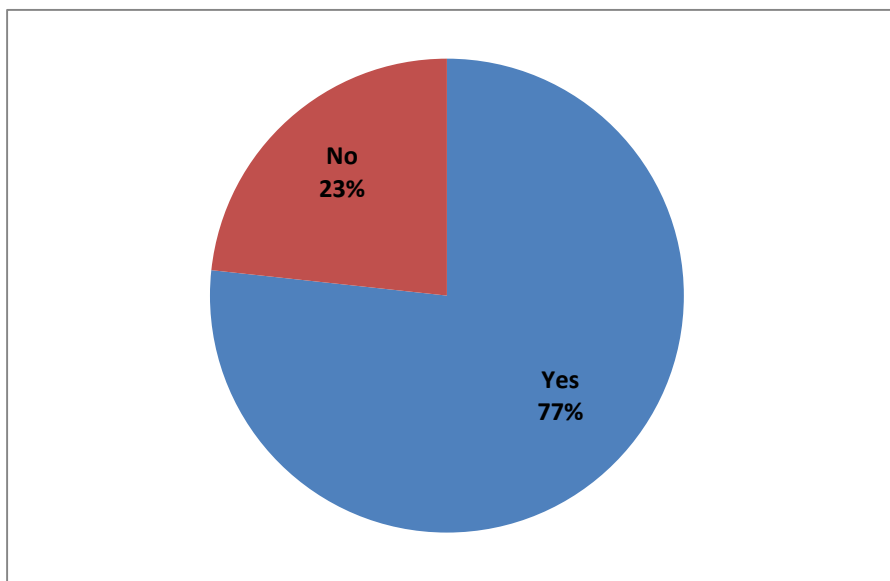


FIGURE 9 - Family Cooperation to Women Legal Professionals in Percentage

Superficially, these data seem to contradict our earlier observation of women opting out of the profession because of lack of family support. However, when we remember that the majority of women in our sample population are unmarried, the data begin to make sense. Obviously, unmarried girls are receiving support from their parents and other family members, but not the married women legal professionals, whose husbands and in-laws seem to be hostile to their continuing in this profession.

4.9. JOB SATISFACTION AMONG WOMEN LEGAL PRACTITIONERS

In our sample population of 73 women legal practitioners, 65 said they were satisfied with the profession, while only 8 expressed dissatisfaction. Thus, a large majority of women legal professionals surveyed were satisfied with their profession, and only 11% were not. The figures are illustrated in Table 11 and Figure 10:

TABLE 11 - Satisfaction with the Profession among Women Legal Professionals

Yes	65
No	8

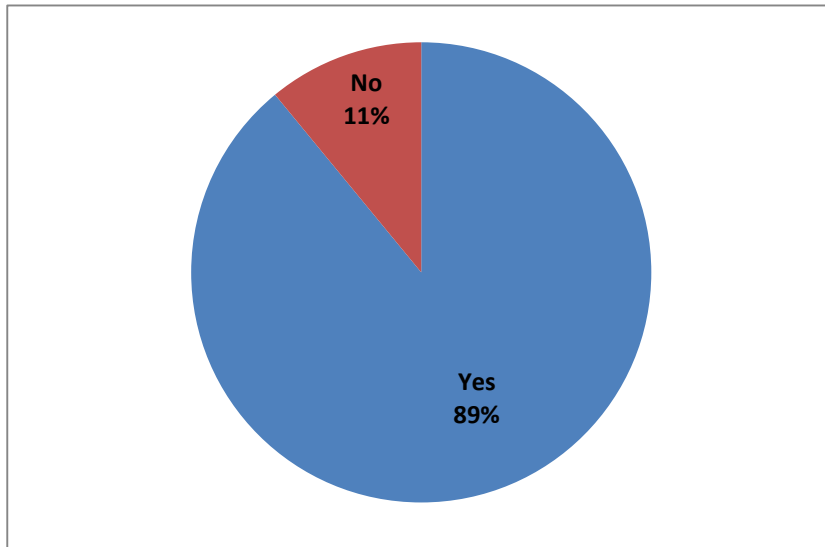


FIGURE 10 - Satisfaction with the Profession among Women Legal Professionals in Percentage

Considering our earlier inference of low income levels among women lawyers, the satisfaction of the overwhelming majority of women comes as a pleasant surprise. Obviously, the attractions of the profession are other than money. The most likely explanation for their sense of satisfaction is that the profession provides them with a sense of identity as well as a feeling of helping the people to get justice. The sense of helping their clients in getting justice is further enhanced by the fact that women lawyers make good counsels to the women suffering from domestic violence or having marital disputes – a common social problem in India. It is also worthwhile to point out that traditionally lawyers have occupied an esteemed position in the Indian society. Thus being a legal practitioner provides women with a strong sense of professional and social identity, which are both interlinked in the Indian social setup. Moreover, it makes the women lawyers legally self-sufficient and capable of resolving their own family litigations involving land or family. Also, female lawyers often being unmarried, and living largely in a joint family setup, do not feel seriously aggrieved because of their low income which is enough for bare sustenance.

4.10. CHOICE OF LEGAL PROFESSION AS A CAREER OPTION FOR THE OFFSPRING

The majority of the women legal practitioners surveyed, i.e. 41, were willing to allow their children to join the legal profession as a career option. However, the number of unwilling women legal practitioners at 28 was also not insignificant, which would rise to 32 on adding those 4 who were not sure about it. In terms of percentage, while 56% women legal professionals surveyed were willing to allow their offspring to join the legal

profession, 38% were unwilling to do so and 6% were undecided. The findings are illustrated in Table 12 and Figure 11 given below:

TABLE 12 - Choice of Legal Profession as a Career Option for the Offspring

Yes	41
No	28
NA	4

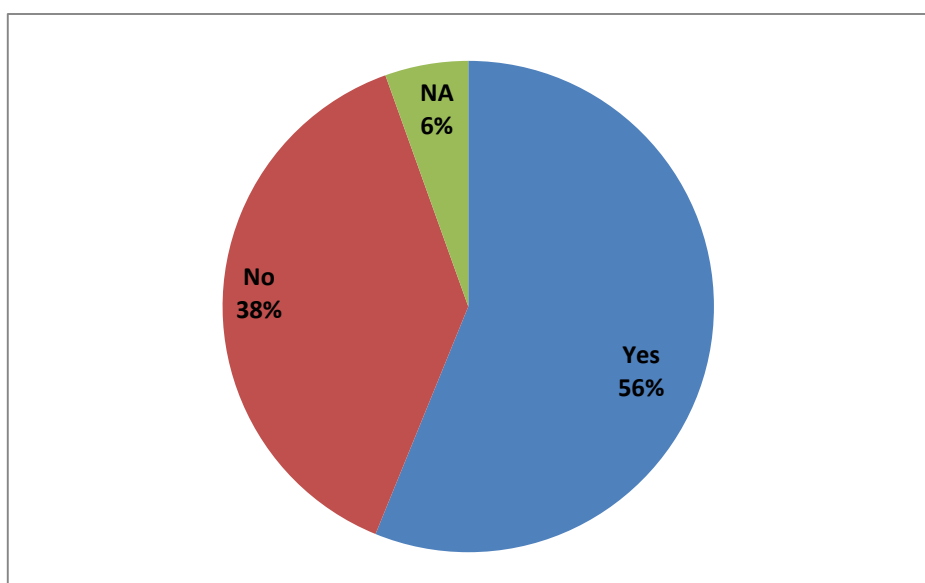


FIGURE 11 - Choice of Legal Profession as a Career Option for the Offspring in Percentage

Clearly, even though most women legal professionals are satisfied with their profession, many of them would not like their children to join this profession. This again shows that, despite their professed satisfaction, things are not all that good for women in the legal profession.

4.11. FAMILY MEMBERS IN THE PROFESSION

Out of our sample population of 73 women lawyers, only 13 had other family members in the legal profession. The overwhelming majority of 60 came from the families that did not have any other member in this profession. In terms of percentage, 82% of the women legal professionals surveyed came from the families with no links with the legal profession, and only 18% came from the families with such links. These figures are illustrated in Table 13 and Figure 12 below:

TABLE 13 - Family Members in the Profession

Yes	13
No	60

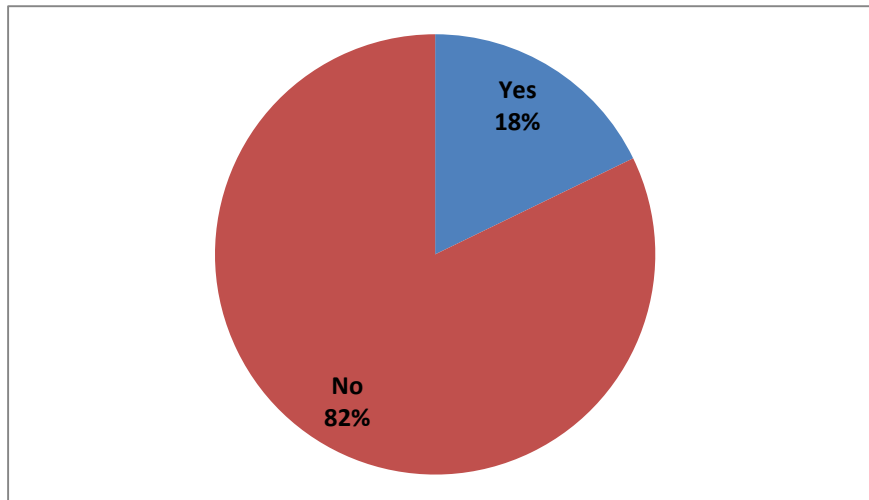


FIGURE 12 - Family Members in the Profession in Percentage

The findings in this section corroborate the inferences drawn in the foregoing section. As most women legal professionals are from families with no other legal practitioner, it is clear that the existing legal professionals do not prefer legal profession as a career option for their children, especially girls.

5. DISCUSSION ON FINDINGS

The research findings bring out certain facts about women legal professionals in India, in sharp relief. The first thing to note is that the number of women in legal profession is increasing sharply, which shows a welcome change in the mind-set of the society. However, this increase is only quantitative, not qualitative. The fact that most women professionals are not getting enough cases, and consequently have low earnings, is a disturbing fact. Satisfaction with the job expressed by most women legal professionals, even in these conditions, does not seem to be more than just putting up a brave front as most of them wouldn't prefer their children, especially girls, to join the profession.

Secondly, marriage and family-raising seem to be big hurdles for women legal practitioners. Although a number of women join the legal profession as a career of first choice, most of them opt out immediately or soon after marriage. It is really shocking that very few women are able to continue after the age of forty. This is the stage when the legal practitioners have acquired experience and would be at the height of success.

Evidently, family pressures after marriage are depriving women legal professionals of the fruit of their hard work put in during their initial years in the profession.

Finally, gender discrimination experienced at the workplace by the women legal practitioners is a serious issue. It is important to note here that, keeping the sensitivities of women, no separate question on sexual harassment was asked in the questionnaire, and gender discrimination was supposed to be inclusive of sexual harassment. This makes it clear that even the profession of law, whose aim is to provide justice to everyone, is not free from discrimination and harassment, often of a sexual nature, meted out to its own women fraternity. In fact, as mentioned earlier, out of the 101 women legal practitioners contacted, 8 refused to participate in the survey, with adverse comments on the intent of the researcher. This fact itself is a grim reminder of the sense of insecurity and suspicion towards men, being felt by women, even in the profession of law which is associated with considerable power and prestige.

CONCLUSION

As the above discussion brings out, there are three areas that need immediate attention in order to ensure a fruitful participation of women in the legal profession. The first is the need to bring about a qualitative improvement in the participation of women legal professionals, i.e., ensuring enough number of cases and a financially rewarding career to them. The second problem of family pressure to opt out after marriage is expected to fade once women lawyers' practice sees this qualitative improvement, i.e. improvement in terms of the number and nature of cases as well as earnings, which would go a long way in changing the attitudes of husbands and in-laws.

The third and the most serious issue is gender discrimination, including sexual harassment. In fact, the apprehension of such harassment is likely to be a major reason for women opting out of the profession themselves, or being compelled by their family members to do so. Gender discrimination is a widespread problem, not specific to the legal profession. However, the nature of the legal profession, as contrasted with the professions considered 'safe' for women, like school teaching and medicine, does make it seem more prone to harassment. Nevertheless, while a strict enforcement of the anti-harassment provisions of the law will help make the profession more conducive to women, ultimately even this problem will be resolved only with a qualitative improvement in the practice of women lawyers.

Bringing about a qualitative improvement in the practice of women lawyers, therefore, is the most pressing issue to focus on, for the future researchers in the field.

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REFERENCES

- Abel, Richard (1988), Comparative Sociology of Legal Professions: An Explanatory Essay. *American Bar Foundation Research Journal*, 10(1), Winter, 1-80.
- Bar Council of Allahabad (2014), *Record of Registered Legal Practitioners in UP*. Lucknow: U.P. Govt. Press.
- Buckee, Gillian F. M. (1972), *An Examination of the Development and Structure of the Legal Profession at Allahabad, 1866-1935*. Unpublished PhD Thesis presented to the University of London, the United Kingdom.
- Ghurye, Govind Sadashiv (1957), *Caste and Class in India*. Mumbai: Popular Book Depot.
- Gooptu, Sorabji (2007), *Cornelia Sorabji, India's Pioneer Woman Lawyer: A Biography*. Oxford: Oxford University Press.
- High Court of Judicature at Allahabad (1966), *High Court of Judicature at Allahabad: Centenary*. Lucknow: UP Government Press.
- Hutton, John Henry (1961), *Caste in India*. Oxford: Oxford University Press.
- Kay, Fiona; Gorman, Elizabeth (2008), "Women in the Legal Profession", *The Annual Review of the Law and Social Science*, 4, 299-332.
- Paul, John Jeya (1991), *Legal Profession in Colonial South India*. Oxford: Oxford University Press.
- Sen, Anima (1999), *Problems and Potentials of Women Professionals across Cultural Perspectives*. New Delhi: Gyan Publishers.
- Vadagama, Kusoom (ed.) (2011), *An Indian Portia: Selected Writings of Cornelia Sorabji, 1855 to 1954*. New Delhi: Zubaan.