



# Empowering Women in the Legal Profession in Independent India

**Dr. Suman Shrivastava**  
**Dean**  
**Sai Nath University**

## Introduction

Women occupy a unique place in our society and their contribution to the growth and development of society cannot be denied. Its role in creating national character is important in almost all parts of the world. Indians used to refer to their nation as Bharat-Mata, but they never understood its true meaning. Bharat-Mata is the name of every Indian mother who should be protected and respected.

About 50% of the world's population consists of women. Today, women in India are in education, sports, politics, journalism, arts and culture, service sector, science and technology etc. equally represented in such fields. Indira Gandhi led India as the longest-serving female prime minister in history. a total of fifteen years as Prime Minister.

The Constitution of India not only guarantees the equality of women, but empowers the state to implement affirmative action policies to counter the socio-economic, educational and political disadvantages experienced by women.

Basic rights include, among others, the guarantee of equality before the law and equal protection under the law, and the prohibition and guarantee of discrimination against citizens of any country on the basis of religion, race, sex, gender or place of birth. equal opportunities for all citizens in employment matters. Articles 14, 15, 15 (3), 16, 39 (a), 39 (b) and 39 (c) of the Constitution are particularly important in this matter.

"With over 6,000,000 legal professionals, India has the second largest number of legal professionals in the world. Small or family businesses and individual lawyers are the main service providers. Most firms practice domestic law and adversarial litigation. National system. Consider service as a service. Instead, legal services are understood as a "core profession", which leads to the establishment of a stricter and more stringent regulatory apparatus.

Public policy and the 'dignity of the profession' are cited as the foundation of this rule' (Joshi, 2020) Judicial Justice Krishna Iyer (2009) commercial competition should not denigrate the legal profession".

However, the court has defined "legal services" as "services" rendered to the client over time, and has the opinion that lawyers are responsible for the client if their services are extraordinary. In the Consumer Protection Act 1986, the term "Services" is defined in Section 2(U) of the Competition Act 2002. Therefore, it can be said that legal services are now consumed by trade-related laws. and there must be enough space for market forces.

## What is empowerment for women?

Women's empowerment has been recognized as one of the key attributes for a nation to grow and prosper. "There is no more powerful tool for development than the empowerment of women," said former UN Secretary-General Kofi Annan. Former Indian President APJ Abdul Kalam famously said, "Empowering women leads to the development of a good family, a good society and ultimately a good nation."

Women's empowerment refers to women's ability to make decisions that shape their lives and work and give them equal rights in all areas, including personal, social, economic, political and legal. Because of women's empowerment, women now work together with men in the workplace.

Empowerment of women is essential to the future success of any nation as they try to balance managing their families while working and contributing to their family's needs. The value of a mother, sister or daughter in a family should not be underestimated. Women's empowerment is not only in the cities, even women living in distant cities and villages are now loud and clear in society. Women are now demanding socio-political rights (right to work, right to education, decision-making, etc.) for them. The Parliament of India has passed several laws to save women from all kinds of injustice and discrimination. The balance of trying to work and contribute to the needs of her family while managing her family, women's empowerment is essential to the future success of any nation. The value of a mother, sister or daughter in a family should not be underestimated.

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Women's rights under the law are recognized:

- Equal Pay Act-1976;
  - Prohibition of Marriage Act-1961;
  - The Immoral Traffic (Prevention) Act-1956,
  - Fertility Act-1971;
  - Maternity Relief Act-1961;
  - Sales Commission (Prevention) Act-1987;
  - Child Marriage Act-2006;
  - Preconception and Prenatal Diagnostic Techniques (Regulation and Prevention of Misuse) Act-1994;
- and
- Sexual Harassment of Women at Work (Prevention, Protection and) Act-2013.

Recently, the government passed the Juvenile Justice (Care and Protection of Juveniles) Act, 2015, following the Nirbhaya case where a medical student was raped and brutally murdered in Delhi. This law is a significant departure from the Juvenile Justice (Care and Protection of Children) Act, 2000, which reduced the age of sentencing for juveniles from 18 to 16.

The most effective way to kill such demons is to empower women by guaranteeing them equal rights as enshrined in Article 14 of the Constitution of India.

According to the provisions of Indian constitution, it is a matter of law to give equality to women in society in all respects as men.

### **Women in the profession**

The status of women in Indian culture has been controversial. Although they occupy a prominent place in society in theory, the reality is very different from the ideal. For a long time, women were absent from most modern professions. Economic conditions, religious practices, and the way people think have different effects on the location of women in different strata of the nation.

Against this background, India's independence struggle contributed greatly to women's work in India, as many of its leaders had a Western liberal education background. The modern feminist movement in post-independence India began by asserting gender structures such as caste, gender segregation, oppressed and subjugated women based on the principle of equality.

This voice of weakness and vulnerability gave Indian feminism a new subjectivity by expressing hitherto unspoken emotions. At the same time, the focus on working women reflects the rejection of the wife-mother stereotype as opposed to a woman who can support herself financially. It also shows the rise of class consciousness and the growing influence of feminists in office politics, along with the desire to unite and mobilize women.

While most urban women work in the service sector, women in rural India work mainly in agriculture and domestic work. Many of these women, who come from middle and upper class families, are looking for work to improve their family's standard of living. However, some highly educated and talented women emerged as civil servants, lawyers, doctors, engineers, professors, directors and others. These women are driven by a desire to express their passions and talents. (Monday, 1991).

### **Changing the face of the legal profession**

Globalization has changed international trade with increased participation and involvement of countries and greater access to domestic economies. The impact on the legal services industry has been both quantitative and qualitative. The last ten years have seen a small revolution in the legal services industry that has had the biggest legal impact in the arena of corporate law, project finance, intellectual property protection, environmental protection, competition law, corporate taxation; infrastructure contracts, governance together with investment laws that were unknown before the 1990s.

There are very few law firms that can do that kind of work. The need for professional services in the legal services industry is huge. In the last few years, the experience of private attorneys in providing legal services to law firms in the corporate sector and the corporate sector has increased manifold. ((Joshi, 2020)

This new law firm focuses on developing debt instruments, infrastructure and energy agreements, project finance agreements and transnational investment agreements, joint ventures and technology transfer. This reflects the growing trend of the legal industry to settle through Advanced Debt Recovery Resolutions (ADRS) instead of adversarial litigation.

Due to globalization, the demand for legal services has increased both at home and abroad. At the same time, the era of globalization is very important for the growth of legal professionals in India.

### **Work in the field of law**

The term legal services industry is a very different type of service compared to software, medical practice, or other professional services. Although more or less protected from invasion, the traditional basis comes not only from the existence of laws and legal institutions, but also from conservative and traditional ideas that hinder the development of cross-border service provision.

Even on a global scale, the legal services industry is inextricably bounded by jurisdictional restrictions, such as having to obtain a degree from the country where the service is provided. Only some parts of the legal service are subject to



local issues, others are not. Local factors should be maintained where they are important and exceptions should be made only for access to global markets.

Consequently, on the one hand, there is a need to join the global fraternity and take on the special responsibility of promoting trade in services, while on the other hand, there is a need to preserve national interests.

### **The nature of the legal profession**

Law is always given a period of time for its importance in maintaining order, exercising authority, solving various problems, but the law itself is a matter of minute understanding, interpretation and discussion, and therefore keep this in mind. League of champions who learn from all ages have, at various times, made great efforts to implement this course and make it available to the established and present.

There are several aspects of the legal profession's culture or mindset that raise important questions about whether the whole concept of leadership development for lawyers is important or essential. First, our industry places itself among the elite of society. As lawyers, lawyers believe they are good leaders.

But the reality is that most lawyers have little or no continuing legal education in leadership development, so they lack a lot of training in leadership development beyond what they learn in "hardscrabble school". courses, what is the growing trend teaching..

### **Status and status of women**

The status and status of women around the world rose dramatically in the 20th century. We see that in India in the past it was very low and hence it was considered as 'things' that could be bought and sold. For a long time, women in India lived in the four walls of their homes. They depend on men.

Female infanticide, child marriage, sati (immolation of woman and husband), virginity and permanent widowhood have been banned in India.

It will benefit countless women in the nation who suffer from spousal abuse and lack the necessary documentation to establish marital status. It will also allow women to seek child support and custody, as well as the ability to claim widow inheritance rights. It will also help prevent child marriage, polygamy and polygamy. All women, regardless of gender, creed or religion, are subject to the requirements of the Act. Empowering Indian women to exercise their rights has helped a lot.

### **Women and the Legal Profession**

Journalism, academia, and medicine were the first to experience women's influence. In the following years, male-dominated fields such as politics, the legal system, administration, and civil service began to be influenced by feminism. Families belonging to the orthodox, backward and conservative classes are not exempt from the economic needs that affect society in modern times. One of the most frequently described "revolutionary" social events of the past four decades is the establishment and growth of women in the legal profession.

Lawyers have a lot of power and influence in the social, economic and political spheres. Law, academia, accounting, architecture, investment banking and management consulting are known as male-dominated professions. Despite the increased representation of women in law schools and the advancement of law degrees over the past few decades, the structural segregation of women in this male-dominated profession has created a huge difference between the career paths of male and female lawyers, even in different nationalities and. legal culture.. Telling women's stories is simple.

Women are underrepresented among law school graduates, paralegals, and all professions related to the legal profession. In these countries, changes in the requirements for the adoption of legislation require changes in the law

through the development of statutes or common law. In other countries [New Zealand, for example], women have never been legally barred from entering the profession, but this country has not, and women's participation in the profession follows the progress of other countries with more formal barriers.

Social barriers to entry and participation in the profession are likely stronger than legally defined boundaries. Likewise, changing social conditions such as the international women's movement, the democratization of university education, and new methods of birth control and family attitudes have influenced major changes in women's participation in the legal profession. To be sure, there are some cultural or national variations, but there is a big uniformity throughout the country.

### **The legal profession in pre-British India**

In pre-British India, the legal profession was not organized as it is today. In fact, the modern legal profession was created and developed during the British era. In the Hindu and Muslim era, the Court derived their power from the king. The king is considered the source of justice. The royal court is superior to other courts. The King's Court was the highest court of appeal.

He had exclusive jurisdiction in important cases. The king was asked by his advisers to hear and decide the case. However, the king did not depend on their advice. The king thus legislated through his decrees. Lawyers did not exist then as they do now. The general principle is that decisions should not be taken by one person and therefore a bench of two judges is always preferred.

Even during the Muslim era, the legal profession was not regulated. The king is considered the source of justice. He is considered God's servant on earth and his duty is to see that His laws are obeyed. Administering justice was the main task of the king. He may perform his duties personally or through his officers. The king was the main judge of the emperor and kept God's conscience.

Qur'an, Sunnah, Permission, etc. had been led. The evidence is legally inconclusive. Muhammad's evidence is given more weight than that of the Indians. A non-Muslim cannot be convicted of murder on evidence. The evidence of women is considered lower than the evidence of men. Therefore, before the British era, the legal profession was not regulated. There are no rules for studying law.

Before the rise of British rule in India, the administration of justice in North India was in the hands of courts established by the Mughal emperor or the head of the government. In addition, large zamindars also had courts for civil and criminal cases. There is a group of people called Deputy. They acted as representatives for directors, not lawyers.

### **The pre-independence legal profession**

The entry of women into the legal profession in pre-independence India has witnessed a complicated and turbulent beginning, starting from a once prestigious event. In 1916, a five-judge Calcutta High Court, Special Bench in the Regina Guha case held that the word "person" used in various sections of the Civil Procedure Act, 1879, meant women and not men. and therefore only men can claim as subordinate court arbitrators.

Finally, the Full Bench of Patna High Court in the case of Sudhansu Bala Hazra again supported the said view. Both the Supreme Court stated that, according to the 1868 Articles of Incorporation Act, words that import the male gender also include women.

The court is of the opinion that the legislature did not intend to change the established policy or fundamentally change the long-established legal principle that prohibits women from the court. Interestingly, the judges who wrote these

judgments were unanimous in their view that their duty as judges was only to state the law, and that any change in the law was wise or appropriate.

After these two landmark events, the Indian legislature passed the Legal Practitioners (Women) Act 1923, which abolished disqualification and provided that "no woman shall be denied admission or registration to the practice of law on account of her sex alone." " . or from such practices.

### **Post-independence legal profession**

After independence and the adoption of the Indian constitution in 1950, Indian women were given fundamental and constitutional rights to protect their status and place in society, including the right to equality, the right against discrimination based on sex, the freedom to practice any profession, etc. The framers of the Indian constitution considered the empowerment of women in society to be key to development.

However, in India, until two decades ago, the legal profession was not a preferred career for women due to problems such as the lack of women-sensitive workplaces, low compensation, and fewer career paths compared to their male counterparts. . Fortunately, the scenario is good in today's workplace.

As the adoption of the concept of women's empowerment in the legal fraternity, especially in law firms, is the most effective way to overcome many obstacles, it is more necessary to ensure that female lawyers are properly supported, such as what can happen between men. lawyers and female clients in some cases.

Now make sure that our female lawyers are engaged in the work that suits them best. Women lawyers in the firm are appointed as independent members of the internal complaints committee under the Sexual Harassment of Women at Workplace (Prevention, Prevention and Redressal) Act, 2013 (by some multinational companies having branches/representative offices in India).

More women are coming forward to choose law, and this is reflected in the increasing number of women in senior management at top firms. When it comes to the role of women in the legal fraternity, the visibility is slow but growing and the prominence of women in the judiciary cannot be ignored.

### **Legal and Constitutional Status of Women in India**

#### **Offenses under the Indian Penal Code (IPC).**

- Rape (Sec.376 IPC)
- Kidnapping and abduction for various purposes (sec. 363-373)
- Murder, murder or attempted murder of a girl child (Sec. 302/304-B IPC)
- Mental and physical torture (498-A IPC)
- Molestation (Chapter 354 IPC)
- Sexual Violence (Sec. 509 IPC)
- Female import (up to 21 years)

#### **Offenses are defined in the Special Law (SLL).**

- Special Marriage Act, 1954
- Indian Marriage Act, 1955
- Maternity Benefit Act, 1961 (Amended 1995)
- Prohibition of Girlhood Act, 1961

- Repeal of the Fertility Act, 1971
- Equal Pay Act, 1976
- Child Marriage Prohibition Act, 2006
- Criminal Law (Amendment) Act, 1983
- The Representation of Women (Prohibition) Act, 1986
- Sales Commission (Prevention) Act, 1987
- Protection of Women from Domestic Violence Act, 2005

### Constitutional features

- (Article 14) Equality before the law for women. In Article 14, the State shall not deny to any person equality before the law or equal protection of the law in the territory of India.
- (Article 15) Prohibition of discrimination based on religion, sex, race, gender or place of birth. (Article 15(1)) The State shall not discriminate against any citizen on the basis of religion, race, sex, gender, place of birth or any of them. (Article 15(3)) The state must make special provisions for the benefit of women and children.
- (Article 16) Equality of opportunity in public employment.
- (Article 19) Freedom of Speech and Expression
- (Article 19(1)(a)) states that all citizens have the right to freedom of speech and expression.
- (Article 21) Protection of life and personal freedom. No one shall be deprived of life or personal liberty except as provided by law.
- (Article 39) Directive Principles of State Policy
- (Article 39(a)) The state directs its policy to provide equal means of adequate recreation for men and women.
- (Article 39(d)) requires the State to pay equal wages to men and women for equal work.
- (Article 39 A) To promote justice on the basis of equal opportunities and provide free legal assistance to ensure that no citizen is denied access to justice through laws or appropriate schemes or due to economic or other disabilities; .
- Article 42 of the Constitution contains very important provisions for the benefit of women. It directs the State to make provisions for fair and humane working conditions and maternity benefits.
- (Article 51(A)(e)) related to women. Furthermore; It is the duty of every citizen of India to promote harmony and the spirit of general brotherhood among the entire people of India, through religious, linguistic, regional or sectional diversity; avoid actions that destroy the dignity of women.

### Conclusion

Women's empowerment has become one of the most important concerns of the 21st century, not only at the national level but also at the international level. Empowering women helps make society and the world a better place to live, and move towards inclusive participation in the legal profession. It means increasing happiness for families and organizations that change women. Today, the public image of female lawyers is far from a lie.

They are seen as wealth seekers rather than servants. In a developing society, women lawyers should play an equal and important role in development. Improving the traditional status of women lawyers is the first step in their daily work. However, to ensure the effective participation of women in the legal profession. The first is the need to improve quality in the participation of women legal professionals.

### REFERENCES



- Anjali Chandal(2015) Women empowerment and constitutional Provisions, legal service India, e-journal
- Saba Yunus and SeemaVerma (2015). Legal Provisions for Women Empowerment in India. International Journal of Humanities and Management Sciences,3(5)367-370
- Honour, status & polity" by Pratibha Jain, SaṅgītāŚarmā.
- "Status of Women in India" by ShobanaNelasco, p.11
- OSR Journal of Business and Management - A Study on Issues and Challenges of Women Empowerment in India By Dr. (Smt.) Rajeshwari M. Shettar
- Indiacelebrating.com Article on Women empowerment- Winds of change
- Times of India- ByMitaKapur, Founder, curator and producer of Woman Up! Summit
- Legal service India-Women empowerment: With Special Reference to Constitutional Provisions- By aniketsmls
- Constitution of India GopalSankaranarayanan
- 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.
- Gooptu, Sorabji (2007), Cornelia Sorabji, India's Pioneer Woman Lawyer: A Biography. 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: GyanPublishers.Vadagama, Kusoom (ed.) (2011), An Indian Portia: Selected Writings of Cornelia Sorabji, 1855 to 1954. New Delhi: Zubaan.
- Saba Yanus . (2015). Legal Provisions for Women empowerment in india. Internaltional Journal of Humanities and Management Sciences , 3 (5), 367-370.
- Joshi, S. (2020). Changing Face of The Legal Profession In India In The Era of Globalization. Environment Law

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