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The Role and Importance of Women in Legal System: A Study for Legal System from Gender Perspective

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ABSTRACT
The current article is based on secondary data sources from numerous studies that were done to assess the situation of women in the legal profession in the past and today. Women's roles as attorneys, husbands, mothers, and daughters-in-law in the collapsing joint family structure are severely examined, as are issues of sexual morality, gender prejudice, and illegal speech in courtrooms. Feminism is a social movement based on an ideology that seeks to define, create, and defend women's equal political, economic, and social rights, including access to traditionally male-dominated areas of study and work, such as the sciences, law, and the military. There are three stages to the feminist movement. The first stage of the movement, which focused on women's rights to vote, decent working conditions, and access to education, occurred in the late nineteenth and early twentieth centuries.

Keywords: Feminism, Legal Profession, Gender Gap, Dominant Society, law Practice.

I. INTRODUCTION

Feminism can be said to have arrived in India during the second decade of the 20th century (Cousins, 1947) when Annie Beasant, Margaret Cousins, and Dorothy Jivarajadasa founded the Women's India Association (WIA) in 1917 to advance the suffrage cause, The first few Indian women who were eligible to pursue a career in law in India were born during this decade. The colonization of the Americas, which brought many people from lower socioeconomic strata and criminal backgrounds to the continent, marked the beginning of feminism. Since these migratory groups were essentially outside of European sociocultural standards, inter-gender relationships became more open and free. Men and women, who were frequently strangers, found themselves sharing a home in far-flung, lawless colonies [1].

Women in such societies gradually gained the freedom to select their marriages or partners, which was previously unimaginable in more traditional Europe. This independence was often coupled with financial freedom, as women had to learn to provide for themselves in a hostile and isolated area and eventually came to acquire property and expertise. Women initially began pursuing occupations in health and teaching. However, they also began practicing law in the US by the 1880s. Britain faced a labor shortage in its manufacturers that were working on the home front at the start of the First World War in 1914.

As a result, many women began working in industries instead of men, while the latter enlisted as soldiers for the front [2]. This gave a huge boost to the feminist movement in Britain, which ultimately resulted in the Representation of the People Act, which gave women over 30 who satisfied property criteria the right to vote in elections in 1918. When women won the ability to practice law in Britain for the first time in 1917, it was a major victory for the feminist movement, which sought to secure equal rights for women and free them from the constraints of traditional gender roles.

THE HISTORICAL BACKGROUND

In 1921, when Cornelia Sorabji became the first woman to be admitted as an advocate to the High Court of Allahabad, the doors to the legal profession in India were officially opened to women. The ban on women lawyers was formally

lifted in India in 1923, when the country's Legal Practitioners' (Women) Act XXIII allowed them to become advocates in courts of law. Cornelia Sorabji was a trailblazer in the battle for justice on behalf of the "pardanashin" women of her day, who lacked formal education and were thus easy prey for the legal men and their touts. They were unable to exercise their rights over their own lands because of their reserve and reluctance, which were ingrained in them by the cultural mores of the time. Because they were men, they were unable to turn to male Advocates for help in legal matters [3].

Although initially only a small number of women entered the field of advocacy, this reformative move sparked the desire to represent others' interests in court. There may have been a growing recognition in the pre-independence era that empowering women via education and the acquisition of skills that would allow them to influence societal choices may lead to escape from "slavery." For pre-independence Indian society, the realization that the law could be utilized to accomplish social justice and that repressive laws may be repealed to advance development was a true eye-opener.

Women's admittance into the esteemed field of law was made possible by the tenacious struggle of the intelligent, knowledgeable men and eager women of that era. Since independence, the Indian Constitution has protected these people's rights to equality and freedom from gender-based discrimination in their pursuit of higher education and employment [4]. Despite this privilege, less and fewer women are going into the legal profession since learning about their rights requires more than just a high school education. In addition, the Independence period managed to spark desires for higher education and pursuing a career among a female population that was generally uneducated due to factors like poverty, severe rank limitations, restrictive social traditions, social works on censuring ladies working outside the home, etc., to name a few. [5].

Fascinatingly, literate women in the West, where exploration, naval activity, and the Industrial Revolution had wrought huge improvements in living circumstances, were the ones who initiated feminism and feminist groups. At the earliest, it was 1917 before women were allowed to practice law. British rule in India ensured that girls and women could attend school and eventually higher education by the 1860s, but it was not until the 1920s that most Americans even conceived of themselves as capable of going to college. Despite the fact that some affluent women's contributions to the feminist movement of the time were acknowledged (including the contributions of women who would go on to become doctors and authors), it is clear that these women faced a new enemy in the form of British and European feminists who chose to define and, thus, silence them. [6]. They (the educated Indian women, i.e.) had to learn self-empowerment skills in order to stop further repression.

As a result, the divide that the women of the Indian subcontinent sought to cross was bigger than the chasm that their counterparts in the west sought to cross. In a vast nation like India, it took a good twenty years to complete the difficult tasks of promoting literacy and raising awareness of women's rights. The Indian judiciary was active in encouraging women to pursue careers in law, and as a result, the Kerala High Court's first female judge, Hon. Justice Anna Chandy, was appointed [7]. Before India became independent, Justice Anna Chandy began her legal career in 1929 as an advocate before being selected to serve as a Munsiff and becoming the country's first female judge in 1937.

During these same 20 years, two more notable women, Hon. Justice Leila Seth and Hon. Justice Fathima Beevi, joined the legal field and went on to become Chief Justices of the Himachal Pradesh and Kerala High Courts, respectively. Both men had extensive legal careers; the former spent over 15 years defending clients in the High Courts of Delhi, Kolkata, and Patna, while the latter began as a Munsiff and retired as a Supreme Court Judge. Strangely, the percentage of women judges does not seem to have increased through time to match the original number of women in the profession. There have been calls for a 33% reservation for women in the judiciary to address the gender imbalance that exists there.

ACCOUNT TO BE SHORT OF WOMEN IN LEGAL PROFESSION

An insufficient number of female legal professors are available to instruct traditional law students - Most women were not allowed to go to school and instead had to take care of their homes and families, so seeing a woman in a university setting would have been rather unusual. Since it was unthinkable at the time for a woman to have a position of authority in the field of law. Any female law professors of the time would have run against the provision of the law that forbids women from practicing law since women did not meet the definition of a "person" at the time. To allow women to practice law, the legal definition of "person" was retroactively expanded to include

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females without waiting for a request from Cornelia Sorabji. And Lolita Sarkar, the country's first legal academician, didn't arrive in India until 1951 [8].

It is not easy for female attorneys to get internships with seasoned male colleagues. Cornelia Sorabji defended 600 "purdahnashin" women in court after independence, although she was only allowed to provide legal views and had limited practice in the Kolkata High Court. Because she was a woman, that is. Many of her predecessors, including The Hon'ble Justice Leila Seth (retired), have seen the absence of public support for women attorneys in these posts firsthand. Typically, men were hired more often than women to argue clients' arguments. The dearth of progressive law companies that actively seek out and hire female attorneys. Since most law companies in the years after independence were controlled by families, it was very unlikely that a young, unproven woman would be hired.

Since women were responsible for childbirth and childrearing and eventually needed to take time off or relocate to their marital homes, it is likely that they were not viewed as valuable investments as employees. As a result, the kind of gender-inclusive workplace atmosphere that exists today had not emerged. The dearth of role models, who are women Lack of role models, whether in the form of corporate lawyers, academics, or advocates, may be a significant factor in the underrepresentation of women in this profession. However, new five-year legal schools that teach attorneys in real-world legal applications for a fixed amount of time even before they join the profession have made it much easier for women to pick a career path that fits their aptitude. In lieu of seeking for examples to follow, people should consider coming up with their own ideas for reforming the legal system. [9].

The public's view that the legal profession is predominately male because it deals with practical issues that directly affect a person's standing in society and, more crucially, because women have not historically been given the power to handle these issues. Because women have been empowered through the elimination of social ills that restrict their opportunities, pedagogical shifts, the awarding of property freedoms to them, and other means, they are now able to think for themselves and actively seek out assets or viable assets to help them make further progress in their chosen fields. This has caused them to demand more authority over decisions. Many women have joined this sector since the 1990s because they challenged the law, used it to their advantage, helped spread knowledge about the law via legal assistance, or volunteered in this area.

The incapacity of advocacy to create a stable cash stream in its early stages, which might span seven to 10 years. It is common knowledge that those who go into the legal profession are the ones who either inherited the knowledge from a parent or other relative, or who have the means to support themselves financially should they ever need it. But now, thanks to developments in information technology and other fields, many doors have opened that were before closed. Laws pertaining to the Internet, outer space, intellectual property, and biotechnology are all good examples. However, due to the specialized nature of the labor required and the need for deeper technical knowledge as well as the capacity to envision how court intervention is sought, the allure of advocacy is not as strong among women as it is among men.

Because of the lack of culture in the suit sector, the excellent educational opportunities it provides, and the thorough and definitive investigation of innovation regulations, their specialized angles, and how to introduce them to the courts, it is possible that by the end of this decade, we will have an idea of whether women will lean toward the corporate sector or the case sector. [10].

II. LITERATURE REVIEW

The status of women in Indian tradition has generated debate. Although they have been given a prominent position in society theoretically, the reality has always been very different from the ideal. For a very long period, women remained conspicuously absent from the majority of modern occupations [1, 2]. The economic situation, religious practices, and thought patterns of the populace have all had a different impact on how women are positioned in various sections of the nation. Given that the bulk of the Indian independence movement's leaders came from the Western liberal education system, this movement was very helpful to the cause of women in India. Beginning with the assertion that women were oppressed by gender-based systems like the sexual division of labor, contemporary feminism emerged in India after the country gained independence.

This outcry of weakness and helplessness provided Indian feminism a new subjectivity by giving voice to emotions that had hitherto been suppressed. The simultaneous push for women to enter the workforce was a statement against the traditional role of women as housewives and mothers, and in favor of women's ability to provide for themselves. It also represented the birth of class

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awareness and an interest in empowering and organizing women in the workplace, as well as the advent of feminist activity in politics. [3]. The majority of women in India's cities are engaged in the service sector, while in rural areas, women are more likely to work in agriculture or at home. Most of these ladies are middle- and upper- class ladies who are looking for work to raise their level of life. Women with advanced degrees and talent are increasingly entering male-dominated fields such as law, medicine, engineering, academia, and the boardroom. The ambition and the need to prove one's worth are the driving forces behind these ladies (Sen, 1991). Dr. Singh provided a concise background on the evolution of this movement to the House. Ms. Regina Guha passed the B.

L. exam in 1916 at the University of Calcutta and afterwards applied to the Calcutta High Court to be admitted to the legal profession [4]. The judges met in a special place called the Bench. In accordance with the General Clauses Act, "a person" is regarded to encompass both males and females, therefore anybody who satisfies the criteria of the Legal Practitioner Act may apply for enrollment.

Therefore, a graduate who met the necessary requirements might attend the High Court at Calcutta's law school. However, this was in 1916 and the Mother of Parliaments had not yet passed the Removal of Sex Disqualification Act; this would not occur until 1919, three years later. According to the etymological meaning and the context of the Indian Legal Practitioners Act, their lordships on the Calcutta High Court noted that it was true that a woman qualified for registration as a legal practitioner. On the other hand, the judges insisted that nothing like this had ever been done before and that they had no interest in breaking new ground (Proceedings of the Government of the United Provinces in the Judicial Civil Department, September 1922, File No. 104/1922, p. 2). Regina Guha's application to become a pleader was denied by the whole High Court bench in a ruling dated August 29, 1916. (Paul, 1991). Another Orissan lady, Ms. Sudhansu Bala Hazra, petitioned the Patna High Court in 1921, five years after the first case. [5]. The justices stated once more that Ms. Hazra might be registered as a legal practitioner without any legal obstacles, but they were unable to do so since the Calcutta High Court had ruled in 1916 that only men were eligible to register as legal practitioners. The Patna High Court judges held that a "female" was not included in the definition of "person" under section 6 of the Legal Practitioner Act of 1879.

But at the same time, one of the court's more knowledgeable judges expressed the opinion that the legislature should decide whether or not to let women who have received legal degrees to enroll. Ms. Cornelia Sorabji, another female law graduate, also applied at the same time to the Allahabad High Court, which wisely admitted her as an active member of the bar. This made the scenario very unusual [6]. Although a female law graduate was properly registered and practicing law in Allahabad on equal terms with male colleagues (Proceedings of the Govt. of the United Provinces in the Judicial Civil Department, Sep 1922, File no. 104/1922, p. 3), this right was not extended to women in Calcutta or Patna. While the Oudh Bar Association supported the idea, the Allahabad Bar Library was against it on the grounds that women's education had not yet reached a position where it should be accepted. That ruling was a watershed moment in the fight for women attorneys. There was no foundation for gender discrimination, women having been admitted to the bar in England and other European nations, and India should follow their example, according to the first abstract argument in favor of the motion. True, women were now able to practice law in England, and in principle, no Indian High Court could prevent a female Barrister from testifying in court. [7, 8].

One practical point made was that women, and particularly parda nashin (vein-clad) women, would benefit greatly from having access to legal counsel, especially in Court of Wards Matters. There were, however, many reasons against each. It was argued that the gains in women's education were insufficient to justify the shift, and that only a marginal number of women would really want to go, hence the whole discussion was pointless. Others opposed the plan because they felt it was too radical for the time (Proceedings of the Government of the United Provinces in the Judicial Civil Department, September 1922, File No. 104/1922, p. 3). On March 21st, after considering these comments, the Indian government officially approved the legislation. In all of the United States, it went into force on April 2, 1923 [9].

Earlier, we noted that Ms. Cornelia Sorabji's application to become a lawyer in 1922 was quickly granted by the Allahabad High Court. She has a law degree and practiced as an attorney in Allahabad. After this first hurdle was cleared, the Indian government was driven to implement laws removing all remaining barriers to women pursuing a career in law, provided they met the necessary educational requirements. (Buckee, 1972). 17After then, a slew of women lawyers began to file their

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paperwork with the Allahabad High Court. While all was going on, there were still not many signups. For instance, in 1928, 1931, and 1933, Begum Menakhi Amina Farrukhi, Leena Clarke, and Shyam Kumari Nehru all signed up. It seemed like the legislators' support for letting women into the legal profession was completely phony. The occasional sighting of female practitioners aroused fond memories and curiosity amongst patrons in the bar areas [10, 11]. Since males had controlled the industry for so long, the odds of a woman making it there werelow. (Paul, 1991).

III. CONCLUSION

The Indian judicial system is not what it was ten years ago, and the numerous improvements occurring inside it as a result of technical breakthroughs and changes in operating procedures will need time to assimilate before additional improvements can be seen. The development of e-courts in India would surely improve the administration of justice, and the ability to present arguments online from the comfort of one's own office might entice Indian women lawyers to start working or teaching from home.

However, compared to male judges, the number of female justices has not increased over time, despite the appeal of becoming a judge continuing drawing in advocates and attorneys. However, attitudes toward the profession are gradually shifting in a positive direction, resulting in status equality, pay parity, and a novel work environment that is acceptable to women. Therefore, more and more women will choose to pursue this sector in the next years, eventually eliminating the gender advocacy gap.

- The study's findings throw several realities about women lawyers in India into stark perspective. The first thing to observe is the substantial rise in the number of women in the legal profession, which reflects a welcome shift in societal attitudes. But this growth is just quantitative and not qualitative. It is alarming that the majority of female experts do not receive enough cases, which results in low wages. Even in these circumstances, the majority of female legal professionals claim to be satisfied with their jobs, but this doesn't seem to be more than a brave front as most of them wouldn't want their kids, especially girls, to pursue careers in law. Second, it appears that marriage and parenthood provide significant challenges for female lawyers. Although some women choose to become lawyers as their first career, the majority leave the field right away or not long after getting married.
- The fact that so few women are able to work past the age of forty is very startling. At this point, attorneys would be the most successful and have gained the most experience. Evidently, after marriage, family responsibilities prevent women who work in the legal field from reaping the rewards of their early years of dedication to the field. Finally, the gender discrimination that female legal professionals suffer at work is a severe problem. It is crucial to remember that sexual harassment was intended to be included in the definition of gender discrimination, not separately questioned about in the questionnaire to protect the sensibilities of women.
- This demonstrates that even the legal profession, which aims to give justice to all people, is not immune to discrimination and harassment directed towards its own female fraternity and which is frequently of a sexual nature. As was already established, 8 of the 101 women lawyers who were approached declined to take part in the poll, casting doubt on the researcher's motivations. This fact alone serves as a sobering reminder of the level of mistrust and uneasiness women experience toward men, especially in the highly powerful and prestigious field of law. According to the debate above, there are three areas that require immediate action if women are to participate effectively in the legal profession.
- The first is the requirement to improve the quality of female legal professionals' participation, i.e., by guaranteeing them a sufficient number of cases and a lucrative career. If women attorneys' practices were to improve qualitatively, i.e. in terms of the quantity and kind of cases as well as incomes, this would go a long way toward modifying the views of spouses and in-laws regarding the second problem, family pressure to opt out after marriage. As for the third and most pressing issue, that would be sexual harassment and discrimination based on gender.
- In fact, the fear of such harassment is probably a key factor in why women choose to leave the field on their own, or are forced to leave by their families. Gender discrimination affects many professions and is not just a problem in the legal field. The legal field does appear to be more vulnerable to harassment than other ‘safe' professions for women, such education and medical, due to the nature of the work.

Although tight implementation of the law's anti-harassment provisions will help make the profession more welcoming to women, the solution to even this issue will come from a qualitative increase in the representation of women lawyers.

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