

## The Disparity Between Women and Men in Legal Profession

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### Abstract

The percentage of Women in legal profession even after so many years in our country hasn't improved much since 1923 to 2024. This study aims to analyze the reason for the disparity in the legal profession between women and men. The reason why even after so many years men are still dominating this profession. The method used to collect all these data are completely based on the literature reviews. All these data are about the conditions which is actually responsible for the disparity and how can it be solved in upcoming years. The conclusion of the whole research is to know the problems faced by the women in the legal profession.

**Keywords:-** Disparity, Legal professionals, Women

### Introduction

It took many years for women to get the equal opportunity as men in the society. Until late 20th century women had faced a lot of difficulties to enter into any field. But still the gender disparity in the legal profession in India is still a major problem which need to solved and can only be solved after knowing the actual reasons of this disparity. Women in any position in legal profession are less in number as compare to men in this profession. Legal profession in our

country is vastly dominated by the men in every position like as a prosecutor, lawyer, legal advisor, judges or being a partner in any law firm. In mostly big position the percentage of women in legal profession is very less for example the recent data of the judges in the supreme court only 1 woman is a judge and all others are men. This same type of condition can be seen in high court as well as in the district courts.

According to the recent data released by the <sup>1</sup>Law Ministry in Parliament only 15.3% women are there as a lawyer in India.

With increasing scope in different sectors in society it is normal to think that the percentage of women in legal profession would be increased over the time but a different case can be seen in our country.

After the act of Legal Practitioner's (women) Act, 3 of 1923, women are formally permitted to enter into legal profession. In some countries it can be seen that the percentage of women in legal profession is much better as compared to our country. As stated in the research by <sup>2</sup>Ethen Michelson in Women in Legal Profession, like most of the European countries, Brazil, USA and many more have much

better condition in case of women in legal profession but the country like China and India even after having a great population and having a great legal expansion, the involvement of women in legal profession is still very less since 1970s to now 2024.

One of the reasons that could be included for this huge disparity according to <sup>3</sup>(Paula A. Patton) is that the entry of the women in the legal profession is started when there is already a huge

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<sup>1</sup> .M. H. Hullur, M. H., and N. V. N. V. Gudaganavar. "Legal Profession for Women: Motivation and Experience of Women Advocates, an Analysis." International Journal of Scientific Research, vol. 2, no. 12, 2012, pp. 524-526.

<sup>2</sup> Michelson. "Women in the Legal Profession, 1970-2010: A Study of the Global Supply of Lawyers." Indiana Journal of Global Legal Studies, vol. 20, no. 2, 2013, p. 1071.

<sup>3</sup> Paula A. Patton, Women Lawyers, Their Status, Influence, and Retention in the Legal Profession, 11 Wm. & Mary J. Women & L. 173 (2005), <https://scholarship.law.wm.edu/wmjowl/vol11/iss2/3>

competition among the existing male lawyers which made their pathway to become a lawyer or advocate much tougher as it can be.

It can be seen that the number of female students enrolled in law schools is much more than the number of practicing women advocates.<sup>4</sup> According to the data provided by some research, that 60 to 65% of women drop their practice after the age of 30 – 35 due to many different reasons. Women being advocates do face many restrictions to follow their career in India. It can be due to their colleagues, the clients or their own family.

<sup>5</sup>Cultural barriers could be considered as one of the reasons behind this disparity like some cultural beliefs related to the working hours for the women and the support from their family for that could be the possible reason that could lead us to the situation of the legal feminization.

### **Reasons which could be consider as an important factor that could led the disparity**

#### **Work life balance**

<sup>6</sup>In our country, for a very long time it was believed by many people in our society that women should work in house as a housewife and it is the responsibility of a women to take care of the child and her family on her own and men to be responsible for taking care money. And due this belief women in our country face a lot of criticism from their own family when they chose to work outside in different fields.

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<sup>4</sup> Google

<sup>5</sup> [www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://www.forbes.com/sites/forbesbusinesscouncil/2021/09/10/why-do-so-many-women-leave-law-careers/&ved=2ahUK Ewi4z4f5yP6HAxUKR2cHHWNdJL4QFnoECDMQAQ&usg=AOvVaw2Q3jmx4jOM8YI1-rdw rn4j](https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://www.forbes.com/sites/forbesbusinesscouncil/2021/09/10/why-do-so-many-women-leave-law-careers/&ved=2ahUK Ewi4z4f5yP6HAxUKR2cHHWNdJL4QFnoECDMQAQ&usg=AOvVaw2Q3jmx4jOM8YI1-rdw rn4j).

<sup>5</sup> Nancer L. Ballard. *equal engagement*. PhD dissertation

<sup>6</sup> Rupanjana Sinh, Asmita Bhattacharaya. *lady with scale: the unbalanced cycle of women in legal professionals of kolkata*. PhD dissertation.

But to be good in any field of work it's important for every person either male or female to devote good amount of time in respect to get the good knowledge or experience in their work.

<sup>7</sup>Because of failing to maintain the work life balance or we can say taking too much load of work either household or from their professional work, it can lead the situation of high tension and pressure among the women. Recent report says due the work life imbalance 4.6 times much more as compare to men women are more likely to leave their job. The responsibility that they have to take of their child and whole family and alongside they have to balance their work most of the women chose their responsibility towards their family. <sup>8</sup>In most of the work field it was reported that almost 58 per cent women leave their job due to the pressure of family responsibility at certain age. Men generally do not face this kind of pressure from their family and they mainly get the advantage to be more focused towards their career than family responsibility.

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<sup>7</sup> Are Women in Litigation Disproportionately Affected by Mental Health Concerns? Unpacking the Intersection of Women, Litigation, and Mental Health.” SCC Times, 8 Mar. 2024, [www-sconline-com.cdn.ampproject.org/v/s/www.sconline.com/blog/post/2024/03/08/are-women-in-litigation-disproportionately-affected-by-mental-health-concerns-unpacking-the-intersection-of-women-litigation-and-mental-health/amp/?amp\\_js\\_v=a6&\\_gsa=1&usqp=mq331AQIUAKwASCAAgM%3D#aoh=17239854704400&csi=1&referrer=https%3A%2F%2Fwww.google.com&\\_tf=From%20%251%24s&share=https%3A%2F%2Fwww.sconline.com%2Fblog%2Fpost%2F2024%2F03%2F08%2Fare-women-in-litigation-disproportionately-affected-by-mental-health-concerns-unpacking-the-intersection-of-women-litigation-and-mental-health%2F](http://www-sconline-com.cdn.ampproject.org/v/s/www.sconline.com/blog/post/2024/03/08/are-women-in-litigation-disproportionately-affected-by-mental-health-concerns-unpacking-the-intersection-of-women-litigation-and-mental-health/amp/?amp_js_v=a6&_gsa=1&usqp=mq331AQIUAKwASCAAgM%3D#aoh=17239854704400&csi=1&referrer=https%3A%2F%2Fwww.google.com&_tf=From%20%251%24s&share=https%3A%2F%2Fwww.sconline.com%2Fblog%2Fpost%2F2024%2F03%2F08%2Fare-women-in-litigation-disproportionately-affected-by-mental-health-concerns-unpacking-the-intersection-of-women-litigation-and-mental-health%2F).

<sup>8</sup> What Is the Gender Pay Gap in the Legal Profession?” Vakilsearch | Blog, 20 July 2023, [vakilsearch.com/blog/gender-pay-gap-in-legal-profession/](http://vakilsearch.com/blog/gender-pay-gap-in-legal-profession/).



Image

Source:

<https://www.lawyersweekly.com.au/biglaw/38135-legal-profession-needs-to-maintain-a-focus-on-gender-equality>

### **Money Pay Gap among the genders**

<sup>9</sup>The gender pay gap might be considered as a stereotype by few readers but women from different workplace did face this discrimination in their salary that even after working for the same job for the same hours they get paid less as compare what men get. According to some survey 60% women had faced the discrimination against them in their workplace. Since the women in the legal field have less networking among the clients, which led to less clients and less source of income.

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<sup>9</sup> “One-fifth of District Courts in Country Lack Separate Toilets for Women, Says SC Report.” The Hindu, 3 Jan. 2024, [www.thehindu.com/news/national/one-fifth-of-district-courts-in-country-lack-separate-toilets-for-women-says-sc-report/article67699680.ece](http://www.thehindu.com/news/national/one-fifth-of-district-courts-in-country-lack-separate-toilets-for-women-says-sc-report/article67699680.ece).

It might not be true in all cases but in some field it does happen with many women. It create a financial stress among the women due to which they were left with the only option of leaving their

job and giving priority to some other jobs which can able to pay them much as compare what they used to get when they were doing their job as a legal professional. Well in our country most of the lawyers get very low wages in their initial years and even after years of experience they are paid less and it can be seen case of all the new comers who had recently joined their job as a legal professional in district courts or high courts of different states in our country.

### **Less support from their family**

Women throughout the years has faced this situation where their professional word hadn't given much importance as compare to the men their family. They used of the criticism from their own family for the work they do as a legal advisor. Some research shows that women in case if they get married to a family of high income source prioritize their household work since most of the people from the family have the same thought to work as a housewife since all the types of facilities are available to them even if they leave their job.<sup>10</sup> But it can be seen that in case of low source of income condition women still choose to continue her job since they have to manage the condition of the family.<sup>11</sup> All the people can agree that a child need a mother in the initial developing stage due to this pressure a good number of women choose to stay with their child even after getting support from their whole family. It can be seen among the women that they left their job after maternity leave. Even in some cases women are not provided with the paid maternity leave which make them forcefully leave their job after having child. Since the whole family believe that child need to be take care by mother therefore, they need to leave their job as a lawyer.

### **Huge Competition from male lawyers**

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<sup>10</sup> "Women in the Legal Profession: The Australian Profile." Women in the World's Legal Professions,

<sup>11</sup> Chapter 1 Women in the Legal Profession: An Overview." Sex Discrimination in the Legal Profession, 1995, pp. 1-20.

<sup>12</sup>As women start entering into a legal field after the act of 1923 passed by the parliament, during those year when women not used to work in this profession men in this profession already leading the expansion of the legal professionals. They had already built a huge network among people and also had gain the trust of the people. Which make the working field more competitive for women while they started working as a legal professional. It took a lot of years for people to trust and consult a women lawyer. <sup>13</sup>We can see by the case that most of the women after completing there degree in law they join government jobs rather than joining the private firms, or practicing law individually, as psychological research says women as compare to men tends to take less risk while making any decision. This competition among male legal professional create a huge impact among the women lawyers to make decision to continue their work as a legal advisor. This make women to shift their mentality to another job which can be less competitive and able to provide much more beneficial opportunities to them which the legal field can't. Therefore, it will going to take more years to increase the participation of women in legal professions even for the higher positions.

### **Lesser facilities available in the courts**

<sup>14</sup>Since women had started to join the courts in the mid of 20th century so it is considered important to create a facility for women in the courts. For example, even after so many years nearly 1/5th of the district courts lack separate toilets for women outside the court. And only 6.7% of the toilets which are meant for women have the facility of sanitary napkins. These are just the compulsory things, this type of facilities must be made available for the women in every state of our country, it will help to promote the women participation in legal field. These are the necessary things which should be made available.

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<sup>12</sup> Sinha, Rupanjana, and Asmita Bhattacharyya. "Home and Work: Struggles of Indian Women Legal Professionals Before and During Pandemic." *Sociological Bulletin*, vol. 73, no. 1, 2023, pp. 84-107.

<sup>13</sup> M. H. Hullur, M. H., and N. V. N. V. Gudaganavar. "Legal Profession for Women: Motivation and Experience of Women Advocates, an Analysis." *International Journal of Scientific Research*, vol. 2, no. 12, 2012, pp. 524-526.

<sup>14</sup> Michelson. "Women in the Legal Profession, 1970-2010: A Study of the Global Supply of Lawyers." *Indiana Journal of Global Legal Studies*, vol. 20, no. 2, 2013, p. 1071.

**Harassment faced by the legal professionals**

<sup>15</sup>We get to hear a lot of cases these days where the women get sexually assaulted by the people outside the courts or get abused by their seniors, clients or colleagues. According to some reports, of IBA that is International Bar Association 1 in every 2 female respondent and 1 in every 3 male respondent faces bullying in their legal profession. And 1 in every 3 female respondent, 1 in every 14 male respondent have been sexually harassed in the legal workplaces. This type of situation can be solved by providing little security and safety the workers working in the legal profession.

**Long working hours**

Time flexibility is important in any workplace. In case of private firm it can be seen that working hours are very long which obviously a problem that can have a great impact while choosing any profession and the same can be seen in legal profession as well mostly in case of women it become a huge issue. Flexible working hours provide much better environment for working and help to increase the efficiency of working.

**Research Methodology**

The method of research used in this study was completely based on secondary sources mainly on literature reviews of the journals, articles and research papers.

**Conclusion**

This whole is done to solve the problem faced by the women in the legal profession which can be solved if the government wants to which can increase the percentage of women in legal profession and could help to decrease the disparity between men and women in legal profession.

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<sup>15</sup> United Nations Office on Drugs and Crime,  
[www.unodc.org/res/ji/resdb/data/2019/us\\_too\\_bullying\\_and\\_sexual\\_harassment\\_in\\_the\\_legal\\_profession\\_html/iba](http://www.unodc.org/res/ji/resdb/data/2019/us_too_bullying_and_sexual_harassment_in_the_legal_profession_html/iba)



This study shows that there is need in different areas to take care in order to improve the chances of the women or to provide equal opportunities to the women to lead their life in much confident way in their pathway as a legal advisor. These all reasons are the main reasons which could be held liable for the disparity and are needed the attention.

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