

Legal Profession for Women: Motivation and Experience of Women Advocates, an Analysis



Sociology

KEYWORDS : Profession, Advocates, Clients, Motivation

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ABSTRACT

Legal profession is one of the challenging profession in a present society. Now a day every women are participating in all the fields of society. In this article, the motivation to enter into the legal profession by the women advocates, perceptions of the women advocates about their choice of legal profession, the duration of practice in the profession etc., Perception of women lawyers about their male counter parts and clients, the attitude of senior male lawyers towards women layers etc., have been discussed. Government facilities for women lawyers, security to women layers etc., with these concept the motivation and position of women in legal profession is examined in this study. The study is based on empirical data (302 women lawyers) collected by researcher, from women lawyers practicing, in the twin city of Hubli-Dharwad of Karnataka State.

Introduction :

Legal practice is among the professions that traditional societies essentially regarded as masculine. For this reason, women's presence in this profession has been limited to date. Gradually, after independence of social and economic status of Indian women has improved considerably. However their condition is not satisfactory even today. A need to accord a special place to women and help them to take due recognition of their capabilities has been increasingly recognized at the national and international levels.

Over the past 2-3 decades the number of women graduating from law colleges and practicing law has increased, in western societies well as in India. women advocates are prove to adopt female values such as caring, preservation of relationship, sympathy approaches to practice of law. Contrary to this the profession itself is so imbued, with so called masculine value such as objectivity, reasonableness, individual rights adversarial tactics etc. Theorists suggested that women will be moe concerned with substantive justice for all than procedural fairness. In this context this paper analysis the problem, prospects, motivation experiences of women advocates in legal profession.

Objectives :

- To examine and investigate the extent of help received from family members, legal institutions, government and other agencies.
- It aims to identify the specific problems of the women lawyers in legal profession.
- It aims to find out women lawyer lagging behind opportunity in criminal law field

. Hypothesis:

- There is no difference among family members, relatives, friends, colleagues and others to pursue legal studies.
- There is no significant difference among the clients to approach the women lawyers.
- There is no significant difference among for equal justice in legal profession.

Methodology:

The field and the universe:

At present the city has 9,02,700 population. In the district of Dharwad, High Court, District court, Civil Court are situated. It is accessible to the people of Northern part of the state. There is 2168 number of advocates are working for the cities and 307 female practitioners and 1868 male practitioners are there. The main focus of the study concern. Particularly to married and unmarried women in legal profession. The total number of lawyers in Hubli-Dharwad city courts was according to 2009, 2010, 2011 was 1267, among them 302 women lawyers were there.

Tools and Techniques of Data Collection :

All the women advocates of Hubli-Dharwad city constituted the study universe. Hence there is no samples were selected here. A questionnaire technique was the main tool of data collection and interview schedule was not framed in structural form, but general discussions was conducted at the Dharwad and Hubli city courts, residences, offices of the respondents by the researcher, and observation method was also adopted to collect the information. For the present study, primary and secondary data are the main sources of the study. For the present study the researcher selected a total universe of 302 women lawyers, as a respondents for this research study and by using the questionnaire technique researcher collected the information directly from the respondents. For the study, secondary date were gathered from the Karnatak University library, ISES Bangalore and also CMDR Library, Court Library Dharwad, Karnatak Law University Library Dharwad. Information was collected from Census Reports, Governments Reports, District Statistical Office, Books and Journals, Gazetteer, Articles, Magazines. The data was analysed and interpreted according to simple statistical method.

Encouragement to Pursue Legal Studies

Encouragement to pursue legal studies comes from very close individuals. It is basically the family members who have profound influence in the choice of professional life. Family happens to be the most important social institution in community life which influences individuals decision making process. Hence it is obvious that majority of 206 respondent women advocates accounting for 68 per cent of the total mentioned that family members encouraged them to pursue legal studies. Relatives are the other source of encouragement to pursue professions particularly for women members of the family whose social and economic dependence on other members of the family and relatives is more intense than outside people. Hence, a substantial number of 41 respondent women advocates constituting 14% indicated that relatives encouraged them to pursue legal profession.

Friends have also encouraged for pursuing legal studies in case of 22 women advocates (7%), while colleagues have encouraged 4 respondent women advocates (1%). Other individuals encouraged 29 respondent women advocates to pursue legal studies.

Pursuing of professional courses depends on motivations. Apart from self motivation external sources of motivation too influence the selection of professional courses. The study has revealed that the major source of motivation for pursuing legal studies was from the family members. Relatives too have encouraged the respondent advocates to pursue legal studies to a good extent. Friends, colleagues and others were also responsible for pursuing the profession in case of a few respondent adv-

vocates. The following Table-1a & Table-1b provides the details.

Table-1a, Encouragement to Pursue Legal Studies

| Age | Family Members | | Relatives | | Friends | | Colleagues | | Others | |
|-----------|----------------|----|-----------|----|---------|----|------------|-----|--------|----|
| | | % | | % | | % | | % | | % |
| 25-30 Yrs | 87 | 42 | 10 | 24 | 08 | 36 | 0 | 0 | 07 | 24 |
| 31-35 Yrs | 33 | 16 | 08 | 20 | 01 | 05 | 0 | 0 | 03 | 10 |
| 36-40 Yrs | 28 | 14 | 10 | 24 | 07 | 32 | 0 | 0 | 08 | 28 |
| 40-45 Yrs | 58 | 28 | 13 | 32 | 06 | 27 | 4 | 100 | 11 | 38 |
| Total | 206 | | 41 | | 22 | | 04 | | 29 | |

Table-1b, Over all Encouragement to Pursue Legal Studies

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

Women Lawyers Getting Equal Justice in Legal Profession

Gender discrimination has been practiced in Indian social system in various ways viz., family matters, profession, wages, political and legal rights, etc. The post independence period has witnessed a vigorous fight against this social evil at government and non-government level, and various legal and constitutional steps have been taken to overcome this ethically unjustifiable approach in our society. Despite all the legal provisions against gender discrimination, discriminatory approach towards women is still prevalent in various walks of life.

The study has focused on this aspect and responses have been obtained from the women advocates regarding equal justice to women in legal profession.

The study has revealed that large majority of 223 women advocates constituting 74% indicated that women lawyers are getting equal justice in legal profession. However, a substantial number of 79 respondent women advocates accounting for 26% mentioned that women lawyers are not getting equal justice in legal profession. This is really a discouraging trend and indicates the persistence of gender discrimination in our society.

Women lawyers are entitled for all the rights and privileges available in the legal profession along with their male counterparts. They may be related to their legal appointments, assignments, promotions, etc. In case of any unjust treatment women lawyers can question such treatment legally. However, discrimination may occur in certain cases as indicated by a few respondent women lawyers. The following table-2 provides the details.

Table-2, Women Lawyers Getting Equal Justice in Legal Profession

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

Women Lawyers Lagging Behind Opportunities in Criminal Law Field

The general perception that women lawyers are lagging behind

in taking opportunities in the criminal law field of legal practice is not accepted by majority of 185 respondent women advocates (61%). However, a large number of 117 women advocates have subscribed to the view that women lawyers did lag behind in that field.

The responses of women advocates based on level of legal practice. The following table provides the details.

Handling criminal cases need a tough and hard approach to which women in general are not suitable in our social system. A sudden transformation from a soft and docile family life women find it difficult to manage cases involving crimes. However, responses of women lawyers indicate that they did not lag behind in handling criminal cases. This shows a change in the mind set of traditional outlook of women when they enter the legal profession. The following table-3 provides the details.

Table-3, Women Lawyers Lagging Behind in the Criminal Cases in Legal Practices

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

Clients' Preference for Men Lawyers

The responses of the women advocates are sharply divided about the question regarding the preferences of clients for men lawyers to present their cases. A majority of 153 respondent women advocates (50.66%) subscribed to the view that clients' preferred men lawyers for presenting their cases in courts of law. This view was rejected by an almost equal number of 149 respondent women advocates (49.34%). The responses of women advocates based on age.

Clients' preference for men lawyers is obvious as men lawyers are believed to have better exposure to legal profession than women lawyers. This general belief leads to women lawyers trying hard to prove their legal proficiency. However, this age old perception is changing gradually in the present environment. This is reflected in the sharp division of opinion amongst the respondent women lawyers. The following table-4 provides the details.

Table-4, Clients' Preference for Men Lawyers

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

Findings :

- Encouragement and motivation is needed while choosing professional career, majority of women advocates (68%) were encouraged to take up legal profession by family members. A small number of women advocates were encouraged to take up legal profession by relatives (14%), friends (7%), colleagues (1%) and others (10%).
- It is clear from the responses that encouragement to take up legal profession has mainly come from internal sources

(family members) as against external sources like friends etc.

- Majority of respondent women advocates (74%) expressed the view that women lawyers got justice in legal profession while lesser number of others (26%) did not agree with the majority view. Legal provisions and administration of justice ensure equal justice to men and women lawyers alike.
- Gender inequality has led to the unequal justice to women lawyers according to those who felt that equal justice is not given to women lawyers. This stand can not be vindicated by legal standards in any secular and democratic country.
- 61% Women lawyers expressed the view that lagging behind in taking opportunities in the criminal law field of legal practice.
- Majority of 153 respondent women advocates subscribed to the view that client preferred men lawyers for presenting their cases in courts of law.

Conclusion :

In this article, points were stated generally about the characteristics of the career of legal practice, and type of women's performance and capabilities in it. Also the constraints and problems faced with by women were studied. It became clear in the article that despite certain difficulties stemming from women's com-

mitments as wife and mother within the household, not so positive notions found in the society of legal practice as an occupation not much stated for women and the restrictions created for women with regard to entry in to judicial and other related positions, women have become able to experience growing trend respecting presence in legal practice and continue to extent this trend to the managerial ranks of the Bar Association.

Women in legal profession today are in search of new opportunities for self-fulfillment. They want to prove their abilities and want to create a balance between their family, responsibilities and their professional lives. Women lawyer often cultivate a high level of administrative capability flair an ability for decision making, computational skill, delegation skill, organizational skill and have sound of technical knowledge. Such women lawyer stand a much better chance of success than their counterparts. Who possess none of these basic qualities, besides it is possession of these scarce qualities which confers an advantage on some women to become a good women lawyer. Legal profession's development is a subject that has assumed great importance and is bound to be one of the dominant topics of discussion during the decades to come. Resistance to change can be resolved by involving people in the process. The remedy lies in fostering an professional spirit among people.

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