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Women in Legal Profession in India: An Overview

Richa SHARMA¹⁾

“Women will have achieved true equality when men share with them the responsibility of bringing up the next generation.”

*-Justice Ruth Bader Ginsberg, Former Judge,
the U.S. Supreme Court*

Introduction

The world's biggest democracy, India, has great connection with the field of law as Father of Nation, Mahatma Gandhi, was himself a practicing lawyer. Sadly, when it comes to number of men and women in legal profession, India suffers from lack of availability of latest statistical data. The Bar Council of India, the apex body of lawyers in India, does not possess clear data on the latest number of women practicing in Indian courts and the number of women who appear and pass All India Bar Exam every year. Certain hints could, however, be drawn based on press reports which the Bar Council of India had released in the initial years of conduct of bar examination and the data of 2010 that is available at the website of Bar Council of India containing figures of men and women lawyers registered with different state bar councils.

Women as judges in India

As the world progresses towards being a more gender-neutral place to live in and we find larger representation of women in all walks of life, the situation is not so true when we talk of Indian legal sector and more specifically, the Indian judiciary. There is a large room for improvement in ensuring better representation of women in Indian judiciary - be it at any level. In the same breath, it is equally noteworthy that figures of representation of women have only got better in recent few years and the situation was dismal and alarming until few years back. In order to attain the aim of more fairer representation of women in judiciary, some states have already started reserving some seats for women, yet there is lack of active and adequate representation of women and

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equal representation of women is still a far cry.

The history of representation of women in Indian Judiciary goes back to colonial time. During the British rule, Justice Anna Chandy was appointed as the first Munsif women judge in Travancore in 1937. After independence of India, Anna Chandy was later appointed as first female judge in the Hon'ble Kerala High Court in 1959. The first female Chief Justice appointed in any Indian High court was Justice Leila Seth, who was appointed as the Chief Justice of Himachal Pradesh in 1991. The first female judge in the Supreme court of India was Justice M. Fathima Beevi. She was appointed as a judge of the Supreme Court in 1989.

As on October 1, 2021, there are four (4) woman Supreme Court judges out of sanctioned strength of 34 (sitting judges are 33). This means there is 12.1% representation of women in the Supreme Court judiciary. The total number of women judges in the High Courts across India is 66 out of total 627 sitting judges.²⁾ It effectively means that 10.5% representation of women in the High Court judiciary. Thus, the total representation of women in higher judiciary i.e., at Supreme Court and High Court level is mere 10.6%. Of late, India has witnessed a rise in appointment of women judges to the Supreme Court and High Courts and it is solely because of recent increase in women appointment as judges that the percentage has now come up to 10.6%.³⁾

In order to commemorate the International Women's Day in 2020, the Chief Justice of the Hon'ble Madras High Court constituted first ever all-women Full Bench (comprising three judges) in the Hon'ble Madras High Court.⁴⁾

As per the study conducted by Vidhi Centre for Legal Policy, 2018 entitled "Tilting the Scale- Gender imbalance in the lower judiciary", there are 15959 judges in lower judiciary out of which 4,409 are female judges.

Another riveting fact as per the research conducted by the New Indian Express is that at the entry level in law school and profession, the ratio of man and women is 50:50. However, as we see above, the figures get skewed as man and woman progress in their respective lives. To relate to this, recently retired Chief Justice of the Supreme Court of India, Justice S.A. Bobde had stated that they face difficulty in finding meritorious women to be appointed to the High Courts as most of the women who are considered for elevation deny the offer on grounds of taking care of children etc.

2) Further details can be collated from the website of Ministry of Law and Justice in India.

3) In Indian judicial setup, there is one Supreme Court located in the capital of India- New Delhi and 25 High Courts usually located in the capital of states.

4) Available at <https://www.thehindu.com/news/national/tamil-nadu/hcs-first-all-women-full-bench-to-hear-crucial-case-today/article30976489.ece> as last accessed on 30 October 2020.

Map 1: State wise Percentage of Women in the Lower Judiciary

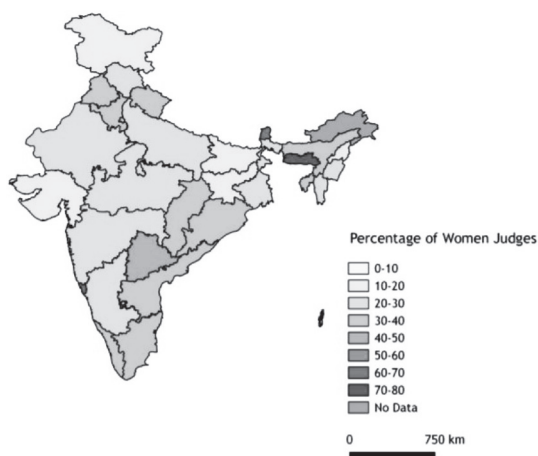


Table 1: Overall Gender Composition of the Lower Judiciary

Gender of Judges	Total Number	Percentage
Male	11,397	71.4%
Female	4,409	27.6%
Unknown	153	1%
Total	15,959	100%

India, world's largest democracy, has been one of the fastest growing economies of the world. The field of law constitutes a major field which contributes towards the nation's growth in its own way. While India has of late started seeing decent number of females as judges in the lower courts, High Courts and some of them have also adorned the Supreme Court of India recently, however, the situation still continues to be unwelcoming and grim. India, till date, has not had a woman Chief Justice of the Supreme Court of India despite the fact that a total of 48 judges have served as Chief Justice since the establishment of the Supreme Court of India. The recently retired Chief Justice of Supreme Court of India, Justice S.A. Bobde had expressed anguish about the fact that the Supreme Court of India failed collegium failed to appoint woman judges to the Supreme Court in his tenure of a year and a half. The second senior most judge of the Supreme Court (who recently retired from the Supreme Court), Justice Rohinton F. Nariman, however, recently had stated that the time has come when India should have its first female Chief Justice of the Supreme Court of India. Thus, there definitely is a long way to go.

Later, when Justice N.V. Ramana became the Chief Justice of India, in one of the functions organized by the female lawyers stated that 50% representation for women in Indian judiciary. Later, history was created when three women judges, namely Justice Hima Kohli, Justice B.V. Nagarathna, and Justice Bela M. Trivedi were appointed together to the Supreme Court. At this point, there are four women judges in the Supreme Court of India. Additionally, it is noteworthy that Justice B.V. Nagarathna would be the first ever Chief Justice of India in 2027.

Women and All India Bar Exam

In the initial years of commencement of culture of holding Bar Examination for giving a formal go-ahead to young law graduates to enter into the bar, the Bar Council of India issued press release post declaration of the All India Bar Exam results. However, the data in detail was released only for the All India Bar Examinations' up to 2012. Afterwards the Bar Council of India has been releasing only the number of candidates and the pass percentage of that year's examination without any additional details about gender or state from which the aspirant belongs to. When an informal meeting was held with the Chairman of Bar Council of India in order to procure data relating to subsequent bar exams in December, 2020, the Chairman expressed his inability owing to the fact that at the time of filling of forms by young law graduates, they are not being asked to fill-in their sex. Studying the data of the 1st All India Bar Exam conducted in 2011 and the 3rd All India Bar Exam (last bar exam where the Bar Council of India revealed the specific details regarding female aspirant who appeared and passed the All India Bar Examination), it would allude to ascertain the trend of the pass percentage and participation of females in the examination. The data of the 1st and the 3rd All India Bar Exam has been annexed below:

According to the data provided by the Bar Council of India in the 1st All India Bar Exam conducted about 6,683 female candidates appeared out of 20,636 of total appearing candidates, which means that about 32.38% of the total candidates were women and the ratio between the females and male participants comes out to be of approximately 1:2, which implies that for every 1 female candidate appearing for the All India Bar Exam there were 2 male candidates appearing. *Furthermore*, according to the data provided about 72.10% of the female candidates passed the exam out of the total 6,683 total female candidates, which implies that 4,819 female candidates passed the exam. Thus, 32.38% of women appearing in 1st the All India Bar Exam contribute to 34.08% of the passing candidates, putting the female candidates in front of the male candidates in contribution ratio.

In the 3rd All India Bar Exam conducted in 2012, according to the data provided by the Bar Council of India, 7,952 female candidates appeared for the examination out of the 24,844 total candidates. This implies that the ratio between the female candidates and the male candidates appearing for the examination was approximately 1:2 i.e., for every 1 female candidate, there were 2 male candidates appearing in the examination. *Furthermore*, 62.66% of the female candidates passed the exam accounting to 4,983 passed female candidates. Thus, of all the passing candidates, 33.8% of them were females. This time around the pass percentage of both males and females was equal at around 62.85%.

All India Bar Exam data provided by the Bar Council of India

● 1st All India Bar Exam (Conducted in 2011)

March 28, 2011

Details of the All India Bar Examination conducted on March 6, 2011

The Bar Council of India ("the BCI") successfully conducted the first All India Bar Examination ("the AIBE") in twenty-six cities across India on March 6, 2011. The AIBE could not be conducted at Chennai on that date and the BCI is currently determining the date for conducting the AIBE along with the State Government of Tamil Nadu, in light of the upcoming Tamil Nadu Legislative Assembly elections.

Mr. Gopal Subramaniam, Chairman of the Bar Council of India and Solicitor General of India declared the results of the first AIBE at a press conference in New Delhi on March 19, 2011. Mr. Subramaniam also announced that further details of the results would be declared after the AIBE was conducted in Chennai.

Details of the results of the AIBE conducted on March 6, 2011 in twenty-six cities across India are as follows:

Number of candidates registered	:	20,636
Number of candidates appeared	:	19,802
Attendance at the AIBE	:	95.95%
Number of candidates passed	:	14,137
Overall pass percentage	:	71.3%
Number of female candidates	:	6,683
Pass percentage of female candidates	:	72.108%
Number of male candidates	:	13,146
Pass percentage of male candidates	:	71.07%

● 3rd All India Bar Exam (Conducted in 2012)

February 14, 2012

Details of the All India Bar Examination conducted on January 8, 2012

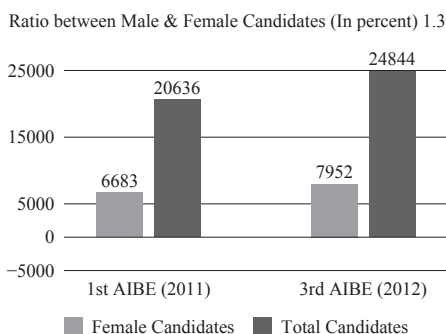
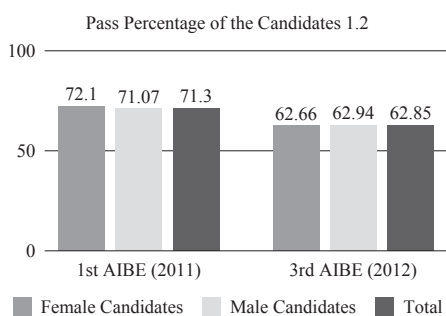
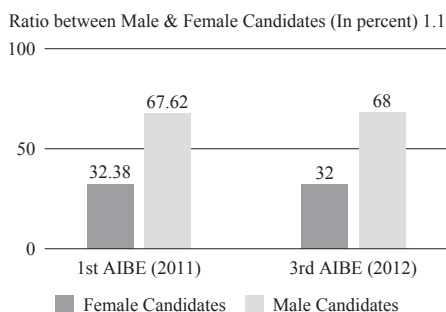
The Bar Council of India ("the BCI") successfully conducted the third All India Bar Examination ("the AIBE") in 29 cities across India on January 8, 2012. The AIBE was also conducted for the candidates from Chennai who were unable to undertake the previous AIBEs.

Details of the result of the AIBE conducted on January 8, 2012 in twenty-nine cities across India are as follows:

Number of Candidates registered	:	24,844
Number Candidates appeared	:	23,452
Attendance of the AIBE	:	94.39%
Number of Candidates passed	:	14,740
Overall pass percentage	:	62.8%
Number of Female Candidates	:	7,952
Pass Percentage Female Candidates	:	62.66%
Number of Male Candidates	:	15,500
Pass Percentage of Male Candidates	:	62.94%
Number of Repeat Candidates	:	3,527
Pass Percentage of Repeat Candidates	:	30.33%
Number of Fresh Candidates	:	19,925
Pass Percentage of Fresh Candidates	:	61.49%

Brief Analysis:

1. Drawing comparison between the two examinations, we find out that the ratio between the appearing candidates (Males v. Females) has shown a similar trend through all the years with the males being almost double the number of female candidates (2:1), as indicated by graph 1.1.
2. Comparing between the pass percentages of both the exams, it can be noticed that the ratio of pass percentages between the women and men candidates have been almost equal (1:1), as indicated by graph 1.2.
3. Both the examinations show an upward trend in the number of total as well as female candidates registering for the All India Bar Exam. As evident by graph 1.3, the number of female candidates in the 1st All India Bar Exam was 6,683 and in the 3rd All India Bar Exam, the number of female candidates increased to 7,952 which is an increase of almost 16% from the 1st examination along with the increase in total number of candidates as well.



An analysis of the data provided proves that women competing in the All India Bar Exam are on an equal footing to the men. Even if the number of female candidates registering for the exam is lower than the males, the number shows an upwards trend.

Number of lawyers and women lawyers in India:

Adverting to the lawyers' community, at the outset, it is worthwhile to mention

that no clear latest data is even maintained by the Bar Council of India, the apex body of lawyer community in India.

It is an incredibly grim fact that neither the Bar Council of India nor any of the state bar councils possess exact latest record of total number of women lawyers enrolled with them. It is worthwhile to mention that the Bar Council of India had informally informed the then Chief Justice of India, Justice J.S. Khehar in 2016 that he, himself, infact is not aware of the total number of lawyers in India. Having stated so, whilst websites of some of the state bar councils do show up a rough estimate of lawyers registered with them, however, none of the websites do show the correct figure of women lawyers enrolled with them. The data available on the website of the Bar Council of India relating to number of lawyers enrolled with different state bar councils dates back to 1 February 2010. Whilst it is true that the figures would have considerably changed in the last eleven years, but it being the sole authentic data available, reference is being made to it:⁵⁾

States	Women	Men	Total
Andhra Pradesh	9,605	58,147	67,752
Assam, Nagaland, etc. ⁶⁾	2,022	9,703	11,725
Bihar ⁷⁾	3,043	89,594	92,637
Chhattisgarh	4,949	10,000	14,949
Delhi	8,549	30,000	38,549
Gujarat	9,208	38,586	47,794
Himachal Pradesh	741	4,680	5,421
Jammu & Kashmir	597	2,832	3,429
Jharkhand	485	5,407	5,892
Karnataka ⁸⁾	6,756	37,861	44,617
Kerala	6,437	30,000	36,437
Madhya Pradesh	9,208	60,000	69,208
Maharashtra & Goa	5,636	78,522	84,158
Orissa	6,993	31,000	37,993
Punjab & Haryana	4,265	42,411	46,676
Rajasthan	5,823	35,000	40,823
Tamil Nadu	5,902	46,575	52,477
Uttarakhand ⁹⁾	76	359	435
Uttar Pradesh ¹⁰⁾	6,000	195,780	201,780
West Bengal ¹¹⁾	2,261	50,000	52,261
Total (India)	98,556	856,457	955,013

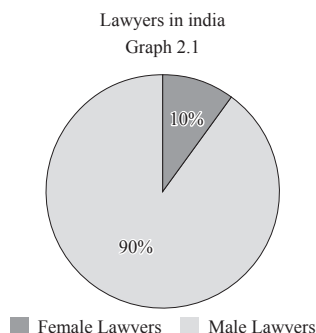
5) Available at <http://103.25.172.19/advocates/num-advocates.php> as last accessed on 1 October 2021.

6) Data is as on 31 December 2006.

Statistics on Lawyers by the respective State Bar Councils:

Analysis:

Firstly, it can be seen that the gap between the number of female lawyers and male lawyers registered with the different Bar Council in 2010 was overwhelming. In India, there were a total of 955,013 lawyers out of which only 98,556 were female lawyers, which means that female lawyers in India amounted to less than 11% of the total lawyers. As could be seen in Graph 2.1, the difference when visualized is just very huge which might not have been apparent till now but statistics should open the eyes of government towards this glaring issue. The data showed that way back in 2010, male lawyers dominated the total number of lawyers. The ratio between the female and male lawyers respectively came out to be of astonishingly 11:100.



It is equally true that as per a rough estimate, in 2020, out of whopping 1.7 million advocates enrolled with the bar councils, female lawyers amount to just about 15%, which implies that India now has almost 255,000 women lawyers. Although no concrete data is available, but given by the aforesaid figures, it is safe to deduce that the figures are not very welcoming in India as well. The figures definitely have significantly improved in the past one decade as there has been an upsurge of over 150,000 women lawyers registered with different state bar councils, but given the massive population of India, the figures do not show a very happy state of affairs in India and desire significant steps to be taken so that there are more women heads running from one court to another during court hours.

Concluding Point:

We sincerely hope that the future of female legal professionals in India will be bright and active steps would be taken by the government to lessen the disparity and bring women on an equal footing as men. Besides this, India also needs an extra effort of collection of statistical data so that the issue of disparity could be brought to the fore and necessary corrective steps could be taken when India has better data in its hand.

7) Data is as on 31 December 2006.

8) Data is as on 31 December 2006.

9) Data is as on 31 March 2007.

10) Data is as on 31 March 2006.

11) Data is as on 31 March 2006.