

‘Women lawyers are hampered by systemic discrimination and gender barriers’ Justice Gita Mittal

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Gender diversity is particularly significant in the legal profession where the presence of women plays a critical role in upholding the ideal of equality, fairness and impartiality of the justice system especially amongst disadvantaged groups. (Pixabay)

While the number of women graduating from the leading law schools and working at junior levels in the legal profession is equal to their male counterparts, this does not translate to equal representation at workplace or later at higher positions.

Their upward mobility is hampered by systemic discrimination. Gender diversity is particularly significant in the legal profession where the presence of women plays a critical role in upholding the ideal of equality, fairness and impartiality of the justice system especially amongst disadvantaged groups.

This was stated by Hon'ble Ms. Justice Gita Mittal, Chief Justice, High Court of Jammu & Kashmir during her Keynote Address in the Constitution Day Forum as part of the Virtual Global Conference on 'Reimagining & Transforming the Future of Law Schools and Legal Education: Confluence of Ideas During & Beyond Covid-19' organised by the Jindal Global Law School, O.P. Jindal Global university.

"The glass ceiling implies the existence of an impermeable barrier that blocks the vertical mobility of women. Below this barrier, women are able to get promoted, beyond this they are not. This ubiquitous glass ceiling obstructs women across jurisdictions and subjects them to unequal treatment all over the world," Justice Mittal added.

Reflecting on the past, Justice Gita Mittal offered insights into the history of the legal profession and said that it is replete with regressive gender perspectives. In recent times, India's top law firms are said to have only 30% women partners. A third of these firms have a gender ratio below 20%.

"Out of the 673 sitting Judges of the High Courts in India, only 73 are women. I happen to be the only Chief Justice amongst the 28 High Courts of India. In the 70 years since the Supreme Court was established, only 8 women have been appointed as judges. Currently out of the 30 Judges at the Supreme Court, only two are women. In its over five decades of existence the designation of women as senior advocates in the Supreme Court is also deplorable. Gender biases are widely prevalent in law firms as well. A study conducted with 81 women in law firms revealed that women were being allocated unchallenging work and forced to remain content with lower professional fees than their male counterparts and being denied benefits and promotions in corporate positions. Moreover 74 % of the women interviewed felt that the employers had made little effort in promoting or mentoring women within the organization. Clearly women remain severely under-represented in the legal profession." Justice Gita Mittal said.

Addressing the august gathering, Professor (Dr.) C. Raj Kumar, Founding Vice Chancellor, O.P. Jindal Global University and Founding Dean of Jindal Global Law School, said, "One of the most pressing issues is that of diversity and to what extent leadership by women is going to change and impact the legal profession, legal education and the judiciary. A sharper focus on the role of women in law has been less examined. The question of representation and indeed, the participation of women in the legal profession in India has been a matter of many debates. At many law schools in India and overseas, at the time of entry, there are nearly 50% female students but as we examine the legal profession itself there are huge disparities. The real question is to what extent we can shape the future of Indian democracy and the Indian legal

profession by recognizing the challenge of the deeply institutionalized discrimination that is prevalent against women.”

In an ensuing session on Women Leadership in Legal Education and Legal Profession, the moderator of the panel, Professor Dipika Jain, Vice Dean, Jindal Global Law School engaged with some of the leading law academics and corporate lawyers on the need and importance of diversifying the legal profession and legal academia. Speaking in this thematic session, Professor Sandhya Drew, Senior Lecturer & Assistant Dean (International Students & Exchanges), The City Law School City University of London United Kingdom said that although she had access to educational opportunities and career growth, there is a need to look at the idea of shattering the glass ceiling to promote a better understanding of cross-generational women.

“At each stage of life, women face different hurdles. Almost all young women have been either teased or sexually harassed, next stage women have to choose between long days at work or having children. Sometimes they move away from big firms precisely to have a family. It is not just about the evolution of women in the law, it is by evolving women, there is a change in the law.”

Professor (Dr.) Ved Kumari Former Dean & Head Faculty of Law University of Delhi India and former Chairperson, Delhi Judicial Academy also agreed that at the institutional level there hadn't been any systemic change to not discriminate against women in the legal profession. “At smaller law institutions, women law students are less than 30%. We do not teach gender related studies as part of law education. Legal education must include diversity as a necessary component and relook at the curriculum.”

Ms. Pratibha Jain, Partner & Head, New Delhi Office of Nishith Desai Associates elucidated about the position of women in the field of corporate law in Indian and international firms and that certain traits are often associated with gender. She said, “Private corporate firms in India are very nascent but they do have women in leadership roles. It is not to say that gender-based issues do not exist, in fact there are unconscious biases against women. What law schools and universities need to do is to teach the students about these unconscious biases. We must raise our voices to be represented so that the next generation can benefit from it.”

Ms. Ravina Sethia, an alumna of JGLS and Associate, Shardul Amarchand Mangaldas said, “Women are perceived to behave in a ‘certain’ way. They are seen as too aggressive or too compassionate or conciliatory. The biggest role they can play is to break these stereotypes. Perception needs to be modified from a younger age. Educational institutions can enable this change through a mentorship programme to remove gender biases.”

The Constitution Day Forum was also addressed by eminent lawyers, Ms. Geeta Ramseshan, Advocate, Madras High Court, who delivered the Presidential Address and Professor Jhuma Sen, Associate Professor and Associate Director, Centre for

Human Rights Studies, O.P. Jindal Global University, who delivered a Special Address.

(This story has been published from a wire agency feed without modifications to the text.)