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“SAFETY OF FEMALES: IN LEGAL DOMAIN.”

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I. INTRODUCTION:

Courts are considered as fair, impartial and accessible place, where any person can seek justice, blindly trusting on it. They are entrusted on law for their safety of lives and security of their personal rights. But the safety and security, of those who provide protection to such people, by fighting on behalf of them, i.e., lady advocates are under threat. Though we are in 21st century, where both the genders are treated as equal and women are continuously breaking the traditional sexual stereotypes, by entering into those fields of occupation which were once considered to be the male's dominion.

The profession of Law is one of the examples among those male-centric jobs, however, this age-old perception is changing gradually, the willingness of women towards this field have made this profession gender-neutral. But despite these facts, they still are in a minority.

The female advocates got permission to practice this profession, after passing of *Legal Practitioners (Women) Act XIII, 1923*. This Act paved the way for women in the field of law, by putting an end to the bars of male-centric field. At first, a handful of women joined this profession, but with the passage of time, the number increased. But the increase in number doesn't certify the prosperity of female advocates, as they continued to suffer mental agony and got criticized by their male counterparts.

Basically, female advocates get judged by what they wear, their marital status and the level of success in this profession. If they are successful, then they are bullied by their male counterparts and constrained to hear their lewd comments, as it's well said, "*People who stand out with professional success are likely to face the garden shears.*" There is a rise in the number of female advocates, due to newly emerging educational institutions and arising awareness among people, but still, they are in minority.

II. MOST WOMEN PREFER A SECURED JOB OVER

LITIGATION:

Mostly women prefer a secured job of law firms over the presence of uncertainties in litigation, because of impending challenges faced by them:

Firstly, few women urinals in Court premises, no separate and well-lit chamber blocks for men and lady advocates, the existence of gender pay gap, client's preference for male lawyers over females irrespective of the fact that they possess lesser experience and skills as compared to their female peers, etc. As a result, female advocates become easy prey to male advocate's misbehaviour.

Secondly, there happened various cases, where women got harassed in the Courts, which put a question on their safety and security:

- 1) The recent case in April 2019, related to *Ranjan Gogoi*¹, the Former Chief Justice of Supreme Court, who was accused by his female former staff, for making unwanted sexual advances. But at present, this case is in dispute state, as the Committee which was set up to decide this case, denied all the allegations, which was mentioned by her in an affidavit, without following proper procedure. This created a sense of suspicion, among feminists and female advocates, regarding measures taken for their security.

¹ *Ranjan Gogoi Accused of Sexual Harassment: What Supreme Court Said in Response* (Apr. 01, 2020, 11:00 PM), <https://www.indiatoday.in/india/story/ranjan-gogoi-accused-of-sexual-harassment-what-supreme-court-said-in-response-1506134-2019-04-20>.

- 2) In June 2019, the murder of *Darvesh Singh Yadav*², the first Women Chairperson of *UP Bar Council*, got shot dead by his male colleague, in the Court premises of Agra because of professional jealousy.
- 3) In 2014, advocate *Ambika Das*³, was assaulted by the police and an influential person, when she went to serve a stay order, related to property dispute but police refused to register FIR. The Court took this case into account, after it was widely reported in newspapers. But she wasn't able to get any protection by police and case came to an end, after her untimely death, in 2017.
- 4) In 2013, a *case of voyeurism*⁴ was reported from Delhi High Court, where lady advocates were filmed, by the worker of the High Court, through mobile phone, when they were resting in the lady's restroom. With regard to this incident, PIL was filed under Article 32⁵ of the Constitution of India, before this Court.

The above cases are some of the examples, which show the disparity which female advocates have to face. It is ironic that lawyers are expected to lead by example, but the above incidents could be 'discouraging' for new female entrants, as instead of providing justice and fighting for it, the law providers are themselves not safe. No doubt, *Vishakha Guidelines* and the *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*, provide protection against sexual harassment of women at workplace. But the issues of

² "Condition of Lady Advocates Vulnerable"; *Lawyer Approaches S.C. Seeking CBI Enquiry in Advocate Darvesh Yadav Murder Case* (Apr. 01, 2020, 11:30 PM), <https://www.livelaw.in/top-stories/lawyer-pil-cbi-enquiry-in-advocate-darvesh-yadav-murder-case-145810>.

³ *Supreme Court to Hear Plea of Lady Advocate Alleging Harassment from Police, and Non-Lodging of FIR* (Apr. 01, 2020, 11:55 PM), <https://www.livelaw.in/supreme-court-hear-plea-advocate-claiming-harassment-police-non-lodging-fir/>.

⁴ *Bino Tamto Anr v. H. C. Of Delhi*, Write Petition (C) No. 162 of 2013, Supreme Court of India.

⁵ 32. Remedies for enforcement of rights conferred by this Part:

- (1) *The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed.*
- (2) *The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part.*
- (3) *Without prejudice to the powers conferred on the Supreme Court by clause (1) and (2), Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause (2).*
- (4) *The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution.*

working conditions, their safety and security, should also be taken into account. Because only providing knowledge by making primary education compulsory, doesn't make them empower, until they are provided with safety and security measures, so that they can work well in this noble profession.

III. HOW TO ENSURE THE SAFETY OF FEMALES IN THE LEGAL DOMAIN?

By adopting various methods, we can ensure safety and security, not only of female advocates but of all those females, who visit the Court premises, like:

- *The facility of separate space for females, to spend there leisure time.*
- *Crèche facility for children of female advocates, as they can easily balance their personal life with a professional one.*
- *By reserving few seats for females, in the meetings related to working of Courts, for proper representation.*
- *By making Special Committees, this shall be represented by females, to deal with the incidents of sexual abuse, at the workplace.*
- *By constructing urinals in Court premises and ensuring its cleanliness, etc.*

IV. CONCLUSION:

In nutshell, it can be concluded that, with the passage of time, women had constantly proved their mettle, by outperforming their male peers. They have made exceptional progress in the legal profession, by their rigorous hard work and constant will to prove their worth. Though Government had taken various measures and there appeared a few sweeping changes, but still, there's a long way to go. In this technology-driven world, where everything's just a click away, it should also be adopted in this field, as it'll save the time, as well as, it'll ensure the safety and help the female counsels, to be accessible 24*7 hours, which is a required condition in this field.