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THE TIMES OF INDIA

Bar and bias: Whether it's college or courtroom, law still a boys' club

TNN | Jul 16, 2023, 06.01 AM IST



“She is a squeeze!” smirks a lawyer friend as a female colleague passes by. Many such terms exist; a woman is Ms OO if she is well endowed or ‘flat’ if she is not. She is ‘easy’, or she is a ‘tight-ass’. There are score charts for breasts, legs and other ‘assets’. If you are a mere body in your office, when can you be a lawyer? The casual sexism of the legal world goes unchallenged, even unnoticed, as ‘we are all modern here’. Endless stories emerge when women confide in each other: A corporate lawyer friend went out for an office meal, and while watching a football game on a big screen, a senior partner turned to her and said, ‘Which of these players would you sh*g?’ She was too stunned to say anything, while her male colleagues sneered. None of them will

even recognise this as sexual harassment, which turns an employee into a sexual entity and undermines her identity as a professional.

The sexism starts in colleges and universities. In law school, once a friend was showing his photographs to the rest of us. Another male friend pointed to a woman in a photo and said ‘nice jugs!’ In horror I looked at others, but there was no reaction, from boys or girls.

As the lone woman taking objection, I was generally advised to ‘chill’. Men told me ‘it’s no big deal’ or ‘don’t take it personally’. Women came to accept it as a cost of being in a male-dominated profession. Causing a ‘scene’ was not going to help.

Two decades later, I am teaching in a premier law school. Times have changed; academia is full of female faculty and female students rule the college scene. Yet sexism lives on. A legal luminary came to deliver a speech. From the podium, he pointed to our female students and said, "So nice to watch so many young girls, in short skirts...haha." The man, then nearly 90 years old, was a legend in law and in lechery. While he harassed generations of young female lawyers, other lawyers — men and women — watched mutely. Carrie Menkel-Meadow, an American law scholar, asks whether 'feminist' influence on the profession propels substantive changes in the practice of law.

How many women are needed for substantive change? Currently, we are not a significant number. India and China show dramatic growth in the production of lawyers, but remain below global average in the female to male ratio. Total participation of women in the legal profession in India is estimated at a meagre 5%. The numbers could be less since the topic itself is understudied.

In law schools, girls are studious and proactive, they top their class and the moot courts. Then they disappear. What happens to them? In courts, I see a large number of female juniors crowding the courtrooms but hear very few senior female counsel arguing cases before the judges. In one day of fieldwork at Mumbai high court, I counted 22 male lawyers to 4 female lawyers arguing. Where are the litigating women lawyers?

The glass ceiling is real. In litigation, the myth of the lawyer as a shark with an aggressive, winning streak makes clients prefer men to represent them in courts. In law firms, the exclusive old boys' networks, office politics and show-off culture are hard games to play. The long hours are impossible. Impossible for women in their thirties with families. Impossible for juniors in their twenties, who must travel by public transport late at night. The belief that women lawyers will leave if they get pregnant or that they cannot put in long hours is used to justify paying them less.

Ironically, even law professors employed in private law schools draw lower salaries than their male counterparts. Following the model of corporate firms and 'confidential contracts' rather than scales in the public university allows the discrepancy of salary between male and female academics. Professor Fareda Banda, a black female law faculty, sued School of Oriental and African Studies (SOAS) as her salary was less than all the white professors

and as well as all male professors. The Employment Tribunal awarded her arrears since the Equality Act, 2010, prohibits racial and gender discrimination in the United Kingdom. We await our turn in India.

As a firebrand senior lawyer says, “We lament how Islamic law treats one man equal to two women in depositions etc. But here the law itself treats a woman as a half-man.”

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