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“GENDER, PROFESSIONAL ETHICS AND THE LEGAL PROFESSION: CHALLENGES FOR WOMEN LAWYERS IN INDIA”

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ABSTRACT

The issue where gender coincides with professional ethics and the legal profession in India exposes the never-ending hardships women lawyers have to struggle with in a male-dominated sector. The number of women in legal education and practicing law has increased, but gender inequality is still seen in job discrimination, limited opportunities, and cultural bias. This paper highlights the ethical and professional challenges that women lawyers go through and it analyses critically the role that systemic barriers and gendered expectations play in shaping their careers, professional identities, and ethical decision-making.

Women in the Indian legal system are the ones who not only face the stereotyping and lack of opportunities for leadership positions, but also lack the necessary support systems (especially in litigation and bench appointments). Under such conditions, the legal issues they have to deal with mainly revolve around fairness, professional integrity, and access to justice. The women involved in this scenario, besides being concerned about the ethical implications of their situation, have to also be very careful about their safety and career moves. To complicate things even more, society has expectations of women relating to marriage and caregiving that conflict with professional duties. Such situations further reinforce the gendered double burden and complicate the ethical dilemma concerning work-life balance.

The research highlights the importance of incorporating gender sensitivity into the codes of conduct, legal education, and institutional policies in a gender-sensitive manner. The legal profession can establish and hold accountable the women and men by implementing changes like gender sensitization

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workshops, mentorship schemes, and flexible working hours. The legal profession can create a more just structure, which is in line with the constitutional values of justice and equality, by looking at the historical ethical rules through a gender lens. Therefore, the equal representation of women in the legal profession is not enough; there should also be changes in the ethical standards, institutional policies, and public perceptions of women in the law.

Keywords: Gender inequality, women lawyers, professional ethics, legal profession, gender justice, workplace discrimination, ethical challenges, inclusion.

INTRODUCTION

The Indian legal profession, rooted in colonial heritage and patriarchal traditions, has long been regarded as both prestigious and demanding. Historically, it was overwhelmingly dominated by men, with only a gradual increase in the participation of women over recent decades. Despite India's Constitution promising equality before the law, stark gender imbalances remain deeply entrenched in this field. As of 2025, women constitute only about 15% of practicing lawyers in India, with representation falling even lower within leadership: only around 13% of High Court judges and less than 9% of Supreme Court judges are women. Such statistics underline the persistent underrepresentation and the structural hurdles women face in reaching senior roles in both the bar and the judiciary.³

The core of justice delivery rests upon professional ethics which promote values like impartiality, integrity, and equality. In a multicultural and changing society such as India, the legal profession's ethical responsibilities go along with advocating gender equality and providing fair representation—they are not to be just the observance of law or regulation. Gender-sensitive professional ethics are not only theoretical; they are a necessity for public trust, diversity of views and ground truths in access to justice. The system of justice and the fairness of its administration are questioned when the profession does not mirror the realities of India's population composition.⁴

On a regular basis, women lawyers encounter both ethical and structural barriers which are manifested in the form of overt and covert gender biases, and the issues include the unavailability of mentors, limited connectivity with powerful networks, organizations practicing discrimination against women,

³ R. Sai Spandana, Representation of women in the legal profession, <https://www.scobserver.in/journal/representation-of-women-in-the-legal-profession/> (last accessed on 11.11.2025)

⁴ Hima Kohli, Access to legal education and profession, <https://www.iawj.org/legal-profession> (last accessed on 11.11.2025)

and women's responsibility in the home being too large. All these factors are hindrances not only to personal professional growth, but also to the very principles of justice and equality that the legal system aims to practice and promote.⁵

This research aims to explore:

- What are the primary structural and ethical challenges faced by women lawyers in India?
- How do these challenges affect their career progression, representation in leadership, and access to justice for women at large?
- What measures could institutions and regulators adopt to foster greater gender equity and ethical accountability in the legal profession?

HISTORICAL BACKGROUND OF WOMEN IN THE LEGAL PROFESSION

The journey of women in the Indian legal profession is marked by pioneering efforts, legal reforms, and ongoing struggles against gender bias. Cornelia Sorabji is celebrated as the first woman to break into the profession, becoming the first female lawyer in India and Britain. Educated at Bombay University and Oxford, Sorabji faced numerous obstacles, including the fact that women were not legally permitted to practice law when she began her career. Despite this, she served as a legal adviser for secluded women under the purdah system, advocating for their rights to inheritance and legal representation. The enactment of the Legal Practitioners (Women) Act in 1923 was a landmark reform that finally allowed women to practice law formally, enabling Sorabji to become the first woman advocate in the Allahabad High Court.⁶

Following Sorabji, other trailblazers like Leila Seth further advanced women's place in the legal realm. Seth was the first woman to top the London Bar exam and became the first female judge of the Delhi High Court and later the first woman Chief Justice of a High Court in Himachal Pradesh. Her career spanned various significant roles, including efforts to decriminalize homosexuality and participation in judicial committee's reforms.

⁵ Ratna Singh, Women's day:2025 The lawyers who fought for representation in Bar bodies, <https://www.barandbench.com/columns/womens-day-2025-the-lawyers-who-fought-for-representation-in-bar-bodies> (last accessed on 11.11.2025)

⁶ Afreen Alam, International Women's Day 2022: Eight Indian women who broke the legal profession's glass ceiling, <https://www.barandbench.com/columns/indias-first-women-who-broke-social-barriers-in-the-legal-field> (last accessed on 11.11.2025)

Throughout the years, women's enrollment in law schools and their participation in different legal areas have come to be more and more common. Yet, the problem of underrepresentation has not been completely solved and it is most severe in the higher courts and management levels. Gender stereotypes, cultural biases, and traditional roles still limit women's career advancements, and thus, women continue facing such difficulties as being cut off from powerful networks and having to manage both work and family.

The ethical issues that present-day women lawyers encounter are rooted in history, and thus, it is very important to understand the historical context. Not only do the barriers that are visible contribute to these issues but also the unspoken norms present in the system which are against the profession's dedication to equality and justice. Looking at the past reminds us of the strength of the women leaders and indicates the further changes in the legal ethics and practice that are required for real gender equality to take place.

PROFESSIONAL ETHICS AND GENDER IN LEGAL PRACTISE

The Bar Council of India (BCI) Rules govern professional ethics for lawyers in India, emphasizing principles such as independence, fairness, respect, confidentiality, and integrity. Established under the Advocates Act, 1961, these rules set the standards of conduct and etiquette that advocates must uphold to preserve the dignity of the legal profession and ensure justice. Lawyers are expected to maintain independence in their judgments, treat clients and opponents fairly, respect court decorum, and safeguard client confidentiality. Integrity is foundational, requiring advocates to act honestly and avoid conflicts of interest.⁷

But, in practice, the ethics interpretations and applications can be influenced by the gender factor. Assertiveness which is the main character of men lawyers has even been celebrated in the case of male lawyers, yet it is mostly and unfairly termed as arrogance or hostility. The double standard that the courts' and the legal profession's ethical expectations operate on; women lawyers get less acceptance or are harder to judge than men lawyers when it comes to their professional behavior. This creates a gap in the courts or law firms between the ideal of having no bias and the reality of gender bias. Women lawyers might find themselves in a position of having to play down their aggressive style of

⁷ Aishwarya Agarwal, Powers and functions of the bar council of India, <https://lawbhoomi.com/powers-and-functions-of-the-bar-council-of-india/> (last accessed on 11.11.2025)

advocacy in order not to be negatively stereotyped at the same time that they are obliged by the ethical duty to be the fearless advocates of their clients.

Ethical codes can play two roles at the same time—protective frameworks and barriers. They are intended to eliminate unfair professional conduct but are quite often introduced into institutions that are not gender-sensitive and thus, women’s participation and advancement are hindered. A case in point is the stress laid on collegiality and networking which may disadvantage women who are not a part of informal groups of men. Moreover, the workplace customs that keep complaints about harassment or discrimination quiet are an example of the ethical paradox where the formal codes are at loggerheads with the real experiences of inequity.⁸

CHALLENGES FACED BY WOMEN LAWYERS IN INDIA

STRUCTURAL BARRIERS

Women lawyers in India face significant structural barriers that limit their access to key professional opportunities. They often receive fewer assignments in litigation and lack leadership roles in law firms or legal institutions, partly due to entrenched gender biases that favor male counterparts for high-profile work. Unequal pay remains a persistent issue, with women frequently earning less than men despite comparable competence and experience. The scarcity of mentorship and supportive professional networks further exacerbates these challenges, as women have limited access to senior advocates who can guide their careers and open doors to advancement. These structural disadvantages reinforce a cycle of exclusion and underrepresentation in the legal profession, hindering women’s career progression and visibility.⁹

WORKPLACE HARASSMENT AND DISCRIMINATION

Workplace harassment is a critical issue for women lawyers, affecting their safety, dignity, and ability to work effectively. The Vishaka Guidelines (1997) and the subsequent Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act of 2013 establish legal frameworks to combat such harassment. Despite these protections, sexual harassment remains prevalent, often underreported due to fear of retaliation or damage to professional reputation. Women are also

⁸ Bar council of India, <https://www.drishtijudiciary.com/important-institutions/bar-council-of-india> (last accessed on 11.11.2025)

⁹ Anjali Sanyal, The challenges faced by women lawyers in India, <https://lawfullegal.in/the-challenges-faced-by-women-lawyers-in-india/> (last accessed on 12.11.2025)

frequently excluded from informal networks and social gatherings that facilitate client relationships and career advancement. The ethical responsibility rests heavily on senior lawyers and institutions to create safe, inclusive workplaces by strictly enforcing anti-harassment policies and fostering gender sensitivity.¹⁰

WORK-LIFE BALANCE

Women are the ones that society expects to take care of the family and the ones that suffer the most from marriage, children, and housework pressures, which in turn affect their careers. Mostly, maternity leaves and flexible hours are absent in legal firms and chambers, thereby making it hard for female lawyers to take on these two roles at the same time. The American legal practice does not offer a legal profession where women are able to balance career and home life.¹¹

THE GLASS CEILING

Women face persistent underrepresentation in senior legal positions such as senior advocates, judges, or law firm partners. Bias in elevation processes often favors men, as highlighted in cases like *Indira Jaising v. Supreme Court of India (2017)*, where gender discrimination was openly challenged. This glass ceiling effect not only limits individual career growth but also reduces female representation in decision-making roles crucial for effectuating broader change within the legal system.

ETHICAL DILEMMAS

Women lawyers frequently encounter ethical dilemmas where they must navigate pressures to conform to unethical practices or suppress concerns about gender bias and harassment to maintain their professional reputation. Balancing rigorous professional duties with societal gender expectations often creates conflicts, forcing women to compromise between advocacy and acceptance in male-dominated environments.

¹⁰ Priya Chaudhary, Supreme Court Women Lawyer's Roundtable, <https://clpr.org.in/blog/supreme-court-women-lawyers-roundtable/> (last accessed on 12.11.2025)

¹¹ Anureshma Pillai, Barriers to women's progression in the Indian Judiciary, <https://www.ijfmr.com/papers/2025/1/36214.pdf> (Last accessed on 13.11.2025)

LEGAL AND INSTITUTIONAL FRAMEWORK

The Bar Council of India (BCI) Rules, particularly Part VI, Chapter II, outline the professional duties and ethical obligations of advocates towards the court, clients, and colleagues. These rules emphasize acting with dignity, respect, and fairness in all professional dealings. An advocate must maintain independence of judgment and confidentiality, refrain from illegal or improper conduct, and avoid conflict of interest. Upholding these ethical standards safeguards public trust in the legal system and ensures the proper administration of justice

Notably, the BCI Rules lay down the ethical duties of non-discrimination and mutual respect among lawyers. The aim of such regulations is to encourage integration and professional amicability; however, still active enforcement is not uniform. The legal profession has to consciously assimilate these values in order to offer protection to the weaker sections, like women lawyers, against discrimination and prejudice.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, extends and reinforces the previous Vishaka Guidelines (1997), which were landmark judicial directives concerning sexual harassment in Indian workplaces. This law requires Internal Complaints Committees to be set up, procedural safeguards to be provided, and penalties to be imposed to curb harassment not only in law firms and courts but also in all other workplaces. The Act is an important legal instrument to ensure that women lawyers have a much safer professional environment.¹²

As a reaction, the Supreme Court set up the Gender Sensitization and Internal Complaints Committee (GSICC) whose purpose is to educate and make aware the judicial system and to offer a very easy to use complaint handling system. Through these steps the court shows its commitment to the ethical and institutional responsibility of dealing with the issues of gender bias and harassment in the legal profession.

In spite of the existence of these frameworks, there are still areas of non-compliance in bar associations, law firms, and courts. Institutional ethics necessitate policies changes that would result in a unified application of anti-discrimination measures, the provision of gender sensitivity training, and the establishment of conducive work environments. To make the legal profession a place conducive to the development of women lawyers without the need for them to compromise their

¹² Bar council of India Rules part 6 and 7, <https://www.scribd.com/document/824240191/BAR-COUNCIL-OF-INDIA-RULES-PART-6-AND-7> (last accessed on 12.11.2025)

ethics or face harassment, it will be necessary to fortify the mechanisms of accountability, widen the reach of awareness programs, and fuse gender concerns into professional ethics.

CASE STUDIES ON WOMEN LAWYERS IN INDIA

Recent data from the Bar Council of India (2023) indicate that women comprise just over 15% of the total enrolled advocates across Indian states, with their participation sharply decreasing at higher career levels such as judgeships or senior advocates. This persistent underrepresentation fuels concerns about gender equity within the profession.¹³

Data from secondary sources regarding women litigators and corporate lawyers show that the female legal profession is often subjected to gender discrimination, is given less access to high-profile cases, and has a slower career progression than the male legal profession. Women's struggles are widely recognized through surveys which mention working harder to demonstrate one's capability and being excluded from informal networks that are essential for business development as typical experiences. Besides, a considerable number of women have indicated being subjected to harassment at work and having a hard time juggling their professional and personal expectations.

There are numerous cases that have been considered as major milestones in the evolution of ethics and gender equality in Indian law:

Vishaka v. State of Rajasthan (1997): It was a groundbreaking verdict that established the Vishaka Guidelines, which described the rules of conduct regarding the sexual harassment of women employees. The case highlighted the responsibility of institutions both legally and morally to create and maintain safe and proper work habitats for the employees, thus, leading towards the passage of Sexual Harassment of Women at Workplace Act, 2013 among others.

Charu Khurana v. Union of India (2015): This case, although it was situated in the film associations environment, highlighted women's equal opportunity claims in professional organizations. It mirrors the broader values that apply to legal professions, and it strengthens the rights to non-discrimination as well as the access to career resources equally.

Indira Jaising v. Supreme Court of India (2017): Discussed openness and justice in industry particularly concerning lawyers' promotion to the highest echelons. Jaising pointed out the aforementioned

¹³ Shweta Singh, Women's under-representation in the Judiciary and the need to break the glass ceiling, <https://feminisminindia.com/2024/11/05/womens-under-representation-in-the-judiciary-and-the-need-to-break-the-glass-ceiling/> (Last accessed on 12.11.2025)

systemic prejudices against women in senior positions and the lack of objectivity in the appointments process and argued thus.

Comparatively, global trends show that countries like the UK and the USA have a higher percentage of women in law firms and judiciary roles, but challenges around the “glass ceiling” and gender-biased expectations remain worldwide. These international perspectives offer valuable benchmarks and reform models for India to consider.¹⁴

REFORM MEASURES AND RECOMMENDATIONS

To close the gender gap and tackle the ethical issues faced by female lawyers in India, a number of reform measures are necessary. The incorporation of gender-sensitivity and ethics courses into the curriculum of law schools is an imperative first step. The goal of this strategy is to develop an awareness of the gender dynamics in the legal profession, to break down prejudices, and to instill values of respect and equality from the very beginning of legal education. The sensitivity training should also be provided to the existing judges and lawyers in order to eliminate the unconscious biases and to create a more inclusive atmosphere in the whole profession.¹⁵

Training in mentorship and leadership aimed at female lawyers can provide them with the necessary skills, confidence, and connections for their professional growth. Such programs provide structured mentorship that links young women lawyers to experienced legal mentors thereby reducing the lack of counseling and support that usually acts as a barrier to women’s promotion. Women can be more effectively prepared for the top and decision-making positions through leadership development programs that offer training in negotiation, advocacy, and management through workshops and seminars.

Institutional support from bar associations, law firms, and courts is equally important. Policies that offer flexibility at work, like the possibility of working from home or having adjustable hours, can help women overcome the challenges of balancing work and life, which are partly caused by societal expectations regarding their caretaking roles. Making promotion criteria and procedures clear lessens

¹⁴ Advocates act and the challenges faced by women lawyers in India, <https://www.scribd.com/document/844872291/Advocates-Act-and-the-Challenges-Faced-by-Women-Lawyers-in-India> (last accessed on 12.11.2025)

¹⁵ Shabnam Akbar Pathan, Bridging the gaps: Evaluating gender justice and legal reforms in India- efficacy, challenges and the way forward, <https://www.ijfmr.com/papers/2024/6/34097.pdf> (last accessed on 12.11.2025)

the influence of gender bias and guarantees that career progression is based on merit and ability rather than on networking or informal gatekeeping.¹⁶

The Bar Council of India needs to implement stricter adherence to the ethical codes in order to maintain the levels of non-discrimination and respect. There should be strong mechanisms for dealing with harassment cases, regular gender sensitivity training, and punishments for breaches of the ethical codes as part of this. Lawyers' professional ethics can be viewed, in a way, as an ecology that not only protects but also stimulates the openness and non-fearful atmosphere for the lawyers irrespective of their gender to discharge their duties.¹⁷

Together, these reforms can create a more equitable, supportive, and ethical legal profession that better reflects India's constitutional promise of justice and equality.

CONCLUSION

In India, the legal profession is closely connected with the gender biases that are present in ethical structures and professional norms. These biases, which are mostly based on patriarchal and societal prejudices, come out in the form of discrimination and double standards that not only restrict the career growth of women lawyers but also lead to their harassment and silencing. Therefore, the professional ethics, which should ideally be a vehicle for fairness and justice, could become a tool for exclusion if the gendered realities are not taken into consideration.

In a way, ethics should be redefined as a means to encourage equality in the first place, instead of reinforcing the existing hierarchies of power. There is an urgent need for systemic reforms that would include the lawyer's gender sensitization, the increase of the teachers' and the students' mentorship, and the legal departments' implementation of the workplace policies to be transparent and flexible.

Moreover, the Bar Council's ethical codes require stronger implementation and a conscious inclusion of gender equity to dismantle barriers and build supportive environments.

The future ahead is bright, cheerful, and promising. If the legal institutions, educators, and practitioners retain the same commitment in the long run to have legal biases challenged and inclusive ethical standards upheld, the legal profession will eventually become a gender-just space. Such a

¹⁶ Dr. Premsy P.N., Legal reforms for ensuring gender equality: A conceptual analysis, <https://www.jetir.org/papers/JETIR1902G65.pdf> (Last accessed on 12.11.2025)

¹⁷ Gender disparity in Higher Judiciary, <https://navigator.narayanaiasacademy.com/current-affairs/2025-03-10/gender-disparity-in-higher-judiciary> (Last accessed on 12.11.2025)

transformation will be an important step not only in the forward direction of women lawyers but also in the profession's integrity, which will then be assured that justice is available and fair for everyone.

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