CHAPTER -VI

SUMMARY AND CONCLUSION

The sociology of profession has become a subject of increasing enquiry and debate today because of the increasing number of persons joining the rank of professional occupations. Profession denotes service occupations that apply a systematic body of knowledge to the problems which are highly relevant to central values of the society. A survey of literature on profession reveals two main approaches to the conceptualization of profession, namely, processual and attributional. The processual approach describes how mere occupations manage to acquire the status of profession after passing through different stages, and calls this the process of professionalisation. Attributional approach on the other hand, tries to define profession in term of its traits, implying that it is through acquisition of certain traits that a normative conception of profession can be achieved.

A survey of literature on profession reveals that there are certain basic characteristics which distinguish a profession. An occupation becomes a profession when it is accompanied by general systematic knowledge acquired through a long period of training in professional schools. Another distinct feature of profession is autonomy, which means self control rather than external control. Profession has the right to control its own activities, select, train, initiate and discipline its own members. The professionals also assert that they have absolute authority over clients, i.e., the client is a lay person marked by lack of competence to judge what he needs and therefore he concedes his ability to judge the quality of services to the professional authority.
Also the professionals are service oriented in the sense that they are characterized by selflessness rather than self-interest and they value symbolic rewards as against non-professionals who seek economic rewards. Added to this, it is necessary for a professional group to develop a code of ethics to regulate the conduct of the members of profession and to ensure that the clients interest will be served and protected. Furthermore, professionals tend organize themselves into an interest group establishing strict criteria determining the entry, suspension or expulsion of members from the profession. Simply put, the presence or absence of these attributes affects the degree of professionalism among its members.

When the characteristics of professionalism show decline in their potency and vigor, it is called the process of deprofessionalization. While discussing the concept of professionalization and deprofessionalization, two viewpoints emerge. First are those scholars who treat professions as being an enduring phenomenon and believe that professionals are engaged in a hard struggle to retain the advantages of being professionals and professions are not being mechanized and rationalized. Others contend that de-professionalization rather than professionalization is a trend of the future since the professions are losing the traits unique to them.

Another concept of great value is professionalism which implies a type of orientation that ensures that a professional will organize and use his knowledge in the most proper manner. It has two aspects-structural, i.e., the process through which an occupation establishes itself as a profession and the other attitudinal, i.e., how far the
individual acts out these attributes of profession. This study aimed at focusing on attitudinal dimension because just as occupation very in terms of their degree of professionalization, individuals in any occupation vary in their degree of professionalism. In every occupation, there are individuals who are regarded more professional than others, because they are more competent and efficient than those who are less capable and who violate the professional code of ethics thereby showing a relatively a lower degree of professionalism.

The increasing popularity of professions is attributed to the high prestige and rewards enjoyed by those who follow these occupations. Historically the great professions in India have been the priesthood and the military but a shift from agricultural to urban industrial economy created a need for specialized knowledge and services that are associated with the modern professions. Thus, with the rise of new professions such as medicine, teaching and engineering, there also emerged the profession of law. Prior to this there were no professional lawyers. The offended persons sought the aid of their kins or friends (Vakeels) to settle their grievances. However, the Vakeels did not represent a class of skilled advocates. They could not put forward the arguments because they lacked the necessary experience in the assistance of the Court to proceed in accordance with the law and their arguments were often diffuse and irrelevant. The new system introduced by the British organized a cadre of professional lawyers who would assist both the suitors and the judges in the conduct of the cases. From this time onwards a clear pattern could be discerned in the development of the legal profession.

For a long time law was the exclusive privilege of men. Though the women did assert their right of equality in the forensic
field to compete with men but man-made laws did not permit the entry of women in this profession and this was the position even in countries like the United Kingdom. The women in England, however, successfully fought their way out and compelled the Government to amend the laws and permit the entry of women in the legal profession in terms of equality with their counterparts. In India, the entry of women in the field of law is much more recent but smoother as compared to their entry in other professions. Even so, it is not easy for them to adopt legal profession as their career because of its male dominance. It creates many hurdles in the way of female lawyers, which are further compounded by the difficult nature of the profession itself. Coupled with this is the ambivalence in the evaluation of her role performance. It is more difficult for a woman lawyer to secure work, or to command as much respect as their male colleagues. Moreover, certain tasks associated with legal practice are simply not suitable for women like working at odd hours, visit to jails etc. Still, it is very much to the credit of women that in the face of such deterrents they have not only managed to survive in the profession, but are steadily climbing up the ladder of success. Today, there are many senior and experience female lawyers practicing at various courts and few are even elevated to the Bench.

Keeping in view the above discourse the present study was undertaken with the view to analyze the various aspects concerning women in legal profession. The main objectives of the study were: a) to examine the general profile of women lawyers practicing at High Court and District Courts in Punjab and Haryana, b) To study the level of professionalism among female lawyers in terms of various attributes of professionalism and the extent of deprofessionalization taking place
among them, c) To study the work experience of women lawyers focusing on the social-environmental and psychological problems faced by them while entering the profession and later once they have joined the profession and d) To provide a comparison of women lawyers in the High Court and District Courts since it was assumed that the nature of work and general atmosphere in both settings may result in different performances and work experiences.

To achieve this objective the study was conducted in the Punjab and Haryana High Court and District Courts located at Chandigarh. Apart from this, two District Courts were also selected through random sampling method, one each from the states of Punjab and Haryana in order to obtain a more comprehensive picture of the professional work of women lawyers. Data were collected from 164 respondents through interviews for which schedules consisting of structured and open ended questions were formulated. In order to gauge the extent of professionalism among women lawyers, scales were constructed and the information gathered was statistically analyzed and from the data regarding professionalism, the extent of deprofessionalization was also assessed.

While analyzing the general profile of women lawyers practicing at the High Court and District Courts settings, it was found that majority of female lawyers in our study fell in the age category of 23-32 years and 70% of them were unmarried. Most of them belonged to the urban area, were just LL.B instead of having any other qualification like M.A. or LL.M, came primarily from nuclear families, were Hindus, mainly from Brahmin and Khatri castes, the total family income of a large number of the respondents was found
to be more than Rs. 60,000 per month while for about 50% their income was around Rs.5,000 per month.

Looking at the occupational information of female lawyers practicing at the two settings, it was found that for almost 60% respondents becoming lawyers was their first choice which explains the trend of more and more women entering this profession in India. Majority of female lawyers had joined this profession because of their self-interest followed by their motive to become financially self-sufficient and to gain status and prestige in society. Very few respondents had their relatives in this profession which shows that even lawyers do not encourage their daughters to come in this profession which they tend to do with their sons. However, the ones who had some family connection with the legal profession were accorded great amount of support by their family members who helped them prepare and or argue the cases and allowed them to use their office and library. Interestingly, most of the female lawyers who were unmarried, were not certain to continue with this profession as about 70% of them said that they would probably give up this profession if asked by their husbands or in-laws.

A vast majority of respondents were engaged in private practice as solo lawyers while others were employed by the government or retained as legal advisors by corporations. Most of our respondents mainly dealt with civil cases followed by cases related to service matter or revenue cases. Majority of our respondents did not possess any type of specialization and provided all type of legal services to their clients. A vast majority of women lawyers procured work through legitimate means. Most did not resort to non-legitimate
channels of work procurement probably because it is not easy for a woman to hunt for cases in a manner a mail can. We also found that female lawyers were not very different from their male counterparts in terms of fee fixation as while fixing the fee charges, like male lawyers, they take into consideration both the stake involved in the case, as well as, the capacity of the client, which showed that money holds a fair amount of importance for women lawyers too. However, when asked whether they would appear on behalf of the client even if he fails to pay the settled amount, more than 50% of our respondents felt that they would appear on the behalf of the clients in such a situation though sometimes they had to seek adjournments on non-payment of settled fees. However, the reason why our respondents continue representing their clients despite not being paid on time or in full may be because they are inexperienced, young and not very well established so they have to make to do with whatever cases. They have in their hand.

The analysis of the attributes of profession, namely, general systematic knowledge and training, service orientation, professional autonomy and authority over clients, code of ethics and professional association together, showed that majority of our respondents displayed a moderate level of professionalism which indicates that female lawyers are neither completely non-professional nor highly professional. When we looked at these attributes separately, we found that although majority of the respondents by and large showed medium degree of professionalism, in all the five attributes of profession, there were more persons with medium level of professionalism in the elements “professional autonomy and authority over clints” and
“professional association” while the least number of people in this category were found to be associated with the attribute of attainment of “general systematic knowledge and training”. Regarding the letter attribute, it was also discovered that the largest proportion of respondents fell in the category of high professionalism where as the lowest proportion of female lawyers take interest in issues related to “professional associations”.

As majority of our respondents generally exhibit a medium level of professionalism, it is obvious that they have not become deprofessionalized. Nevertheless, when each components of professionalism is taken individually, the maximum number of respondents are displaying low professionalism in the attributes “professional association”, thereby indicating that they have become deprofessionalised only as far as this component is concerned.

Further, a comparison regarding the nature of work and general atmosphere of two settings was made. A lot of differences were found in two settings like the procedure followed in District Courts is much lengthier than in the High Court, then there is difference in the pleading of cases as all proceeding in High Court are taken out in English whereas in District Courts, the courts are at liberty to conduct the proceedings either in the state language or in English. As far as the dress of lawyers is concerned, the lawyer in the High Court are not allowed to appear before the court without prescribed uniform whereas there is no such prohibition in District Courts. Also, there is a provision of cause list for the members of High Court according to which they appear in court rooms while there is no such provision for the District Courts members. The atmosphere at the High Court is more disciplined, cool, calm and organized while these features are absent
in District Courts. The manners, conduct and language of female lawyers of District Court are rough and tough while female lawyers of High Court are well mannered, polite and co-operative.

Also there is a difference in physical and non physical aspects of two settings, the building of High Court is well built and properly maintained. It is centrally air-conditioned. On the other hand, female lawyers practicing at District Courts are deprived of the spacious building as well as central air-conditioning. Female lawyers of High Court have proper place to attend their clients. On the other hand a large number of female lawyers in District Court are constraint to attend their clients around the table under the trees. In addition to this, the canteen facilities in High Court are better than in the District Courts. The library of High Court is much spacious having a large variety of books with proper sitting arrangement and fully air conditioned whereas the library of District Courts does not have such facilities.

The comparison of the attitude of male lawyers, judges and clients towards female lawyers practicing at District Courts and High Court showed that most of the female lawyers practicing at High Court felt that they are perceived as equals by their male colleagues while at the District Courts a larger percentage of respondents accused the male lawyers of treating them unfairly. The attitude of judges of High Court
was also found to be encouraging whereas many female lawyers at District Courts had grievances against their treatment by the judges. However, at both the settings the respondents did perceive their client’s attitude towards female lawyers as not very favorable since clients considered female lawyers to be less assertive, less aggressive, having lesser time for preparing cases. Thus, it seems that irrespective of their efforts and success females lawyers had faced discriminatory treatment by the clients in both the settings of High Court and District Courts.

An analysis of the problems faced by female lawyers in legal profession showed that they had difficulty in procuring work, face stiff competition from the male lawyers, had to work at odd hours and found visiting to jails or lockups difficult. These problems are more acute when woman joined this profession since after entering, most of the women lawyers held that they have been able to establish the relation of equality with their male colleagues. Also, the attitude of judges was found to be encouraging. The clients have also gradually gained confidence in them and are entrusting their cases to them. Discussing the self-perception, most of female lawyers denied that they ever felt handicapped while arguing the case in court room or while dealing with the male clients, which
showed that being a woman does not make any significant difference while performing the role of professionals. Majority of the respondents said that they are not fully established in the profession though they are trying to complete with their male counterparts. If given another choice, majority of women do not want to avail that opportunity and want to try their luck in this male dominated profession.

MAJOR FINDINGS:

The first thing that stands out in our data is that majority of our respondents are young and unmarried falling in the category of 23-32 years age group which implies that entry of women in legal profession is quite recent and largely unmarried women are attracted towards this profession. Secondly, majority of female lawyers had joined this profession because of their self-interest which reiterates the growing interest of girls in this profession. Thirdly, interestingly very few respondents have their relatives in this profession. This again shows that respondents are engaged in practice of law because of their personal interest in the profession. Fourthly, another interesting finding is that most of the unmarried women had shown the attitude of uncertainty to carry on with this profession after marriage. This may be attributed to the fact that women are not well established in this profession and also they are not earning much. Moreover, it appears that working outside the house is not very high on the agenda of female lawyers and they would happily give up this profession if asked by their husbands or in-laws. Another important thing pointed out is that our respondents generally deal with civil cases or cases related to service matters rather than
opting for criminal cases. This is because they feel awkward to deal with criminals and find civil and service matter cases ‘safe’. Moreover, litigants always try to engage male lawyers for criminal cases considering female lawyers to be less efficient or competent in matters relating to criminal cases.

Sixthly, another remarkable finding is that majority of our respondents did not resort to non-legitimate channels of work procurement. They procure work through the network of social relationships especially through friends or relatives or through their reputation and standing at the bar. This may be because due to cultural reasons a woman cannot be as out going as a man to go to various districts for hunting clients.

Another important finding highlighted in our study is that though female lawyers are not different from their male counterparts in terms of fee fixation, they are different from them in the matter of their appearance in the court on the behalf of the client, when he (client) fails to pay the fee settled. This may be because female lawyers are new to the profession, young and not very well established so they have to make do with whatever cases they have in their hands.

Eighthly, though majority of respondents fall in the medium category of professionalism, in relative terms, general systematic knowledge has maximum respondents in higher category whereas lowest number of respondents have engaged themselves in activities of professional association. Thus, they are becoming deprofessionalized in terms of attribute of professional association only.

Ninethly, the nature of work and general atmosphere at two settings is different like there is a difference in a procedure followed;
proceeding taken out, dress code, discipline, and mannerism etc.

Tenthly, another striking finding is that there is no difference found in the level of professionalism among female lawyers practicing at the High Court and the District Courts settings, despite the very different physical and non physical work atmosphere at both settings.

Also, the attitude of male lawyers and Judges is that of equality with female lawyers, whereas the clients in most of the cases find females to be less efficient and try to engage male lawyers for their cases. This again indicates that our respondents are not fully established in this profession.

Twelfthly, at the time of entry into this profession, the female lawyers have faced difficulties in procuring work, stiff competition, problem of working at odd hours, visiting jails, lock-up etc. In other words, female lawyers faces two types of problems, i.e., social-environmental and psychological. It is the social attitudes which act as barriers to women’s success in legal profession whereas the problems related to job atmosphere and self perception are not that much serious.

Finally, though female lawyers are having a hard time competing with their male colleagues but would still not like to change their profession.

**COMPARISON OF HIGH COURT AND DISTRICT COURT SETTINGS**

**Similarities:**

When two settings of High Court and District Courts were compared separately some similar findings were noted. These are:
Firstly, majority of the respondents in both the settings are from younger age group.
Secondly, in both the settings majority of the respondents are from urban areas and come from nuclear families.
Another similarity is regarding their choice for this profession. For majority of female lawyers practicing in both the settings this profession was their first choice.
Fourthly, very few respondents from both setting have their relatives in this profession.
Fifthly, majority of the respondents either in the High Court or District Courts indulge in private practice and have not acquired any type of specialization.
Sixthly, female lawyers practicing at the High Court, as well as, the District Courts procure work through legitimate means.
Seventhly, respondents in both the settings adopt similar methods for fee fixation.
Eighthly, female lawyers practicing at both the settings have faced similar problems of procuring work, performing dual role of a professional and a housewife, lack of time for preparing the cases etc.
Finally, if given a chance, most of the respondents would like to continue with this profession.

Differences:

While analyzing the data of two separate settings, apart from various similarities, certain differences were also found. The important among them are:
1. Proportion of unmarried female lawyers in High Court is slightly higher than in District Courts.
2. Number of post-graduates in District Courts is higher than in High Court.
3. The personal and family income of the respondents practicing in High Court is higher than in District Courts.
4. There is another difference in terms of types of cases being practiced at the two settings. The constitutional cases are not pleaded at District Courts since the provision of such cases is only at High Court and not at District Courts.
5. Also, there is a slight difference in opinion of women on non-payment of fees settled by clients. The percentage of women who would seek adjournment in cases with the non-payment of fees is higher in High Court than in District Courts.
6. The percentage of women lawyers having the attitude of equality with the male colleagues is higher in High Court than in District Courts.
7. Also, the favorable attitude of Judges towards female lawyers practicing in High Court is more than the ones practicing at District Courts.
8. Furthermore, the clients have more confidence in the respondents practicing at High Court than the ones who are practicing at District Courts.
9. The percentage of respondents who feel fully successful in this profession is higher at the High Court while this percentage is low at the District Courts.

SOME CONCLUDING REMARKS
Profession in general and the legal profession in particular constantly
assert their claims to acting in the public interest. The privileges of professional offices including monopoly rights or practice, have been considered as functional for both the individual client and society.

However, since monopoly power always affords to its holders the opportunity for abuse, legal professions have been adept at emphasizing the primacy of the public interest in the work they perform. Attack on power of legal profession are frequently defused by claims that the legal profession is an essential element in the preservation of freedom and rule of law in society. A lawyer because of his importance in society and the respect that is accorded to the black gown, has certain obligations to discharge both inside and outside the court. A lawyer has a duty to his client and to the court. His duty to the court requires not only that he will be prepared to assist the court but also that he must be fair in pleading his case before the court. On the other hand, his duty towards the client should be of complete commitment and dedication by serving the client.

The present judiciary consists of the courts, judges and advocates who act in collaboration with one another for the administration of justice. The position of a lawyer is very significant in society. He/she is supposed to represent facts for his/her clients, and assist the judges to arrive at correct, rather fairest judgment. He/she can also play an active and vital role in other fields of national and social service. It is the duty of an advocate to safeguard law, assist justice and help prevail peace in the society. The dignity of this profession calls for settling the disputes and avoiding furtherance of these disputes by every possible means. Advocacy can definitely be a noble profession, but the profession is necessarily an instrument in the hands of the persons who practice it.
It is only un noble persons practicing this profession that cast their shadows to obstruct the light of nobility in this profession.

Lawyers' main characteristic is service to the society. In other words, if service orientation is the most important trait of this profession, then more and more women should be welcomed in this profession as they are more sincere, generous and dedicated in providing their services to the clients especially to females. However, in actual practice, this is not happening. Although more and more women are entering this profession, still their number is quite small. This is because of the societal prejudices, i.e., sexual division of labor where certain jobs are meant for males while females are made to perform certain roles which are related to household activities and rearing and caring of children and it is not easy to break these social barriers to the extent that even lawyers do not like their daughters to enter this profession. Not only that, to some extent women themselves are responsible for their own predicaments since they have not shown very high level of professional orientation and also to some degree they are less committed to their profession since most of them are ready to leave it whenever circumstances require them to do so. However, one favorable thing that emerges from our study is that those female lawyers who joined this profession are treated by and large at par with their male colleagues. Also, the judges show favorable attitude towards these female lawyers.

Thus, women definitely have a crucial role to play in all professions, especially the legal ones, provided they are given adequate support by the society and their family members (parents, as well as, husband and in-laws). Women who have started practicing before marriage should be allowed to continue with it after marriage.
also since a lawyer can practice in whole of the India. In this way, she can be a good financial support to her family. Also, she can pursue her career which she has made by spending her golden period of life. Thus, she should be allowed to pick up the thread of profession in which she has invested a good part of her life in establishing herself. But for this, a vast amount of change is required in the value system of the society which is very difficult to achieve. Nevertheless, the entry of more and more women in the legal profession and their perseverance to succeed despite various impediments bodes well for the role of women in the professions in general and legal occupation in particular.