

WHY WOMEN'S GROWING PRESENCE IN LAW IS RESHAPING INDIA'S NEW LEGAL CODES

by

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Introduction

India's legal codes are being quietly but steadily reshaped by something deeper than rule changes: who is in the room writing them. As more women enter the legal profession, they bring lived experience and a rights-based lens that pushes judicial and institutional reform in new directions. This isn't a symbolic shift — it changes what gets written into law and how it gets applied. Article 16 anchors this by guaranteeing equal opportunity in public employment, while Article 15 prohibits discrimination based on religion, race, caste, sex, or birthplace, with Article 15(3) specifically empowering the state to make affirmative provisions for women and children given the historical disadvantages they have faced.

This disparity is borne out globally: a World Bank study found that India has the smallest share of women on the bench among the 122 countries surveyed that have at least one female judge in their higher judiciary. The finding suggests that the barriers facing Indian women in law are not simply a matter of individual attitudes, but reflect deeper structural constraints within the profession itself.¹

The legal field in India has long been male-dominated, and women entering it have exposed gaps that affect everyone — inadequate childcare support, lack of dedicated restrooms, rigid working hours. Globally, the picture is uneven: women's representation in the legal profession is lowest in India and China, and considerably stronger across Latin America, Europe, and the former Soviet states. Even where women have gained ground, old stereotypes persist — a perception, as legal scholar Chaudhary noted in 2020, that women are less equipped to handle complex litigation or high-stakes cases. This perception persists despite the numbers: data placed before Parliament by the Law Ministry in 2022 showed that only around 15.3 per cent of enrolled advocates in India are women, and a 2025 analysis found that women hold barely

¹Women in Law International, 'Gender Equality in the Law' (Women in Law International)
<<https://www.womeninlawinternational.com/gender-equality-in-the-law.html>> accessed 14 July 2026.

2 per cent of leadership positions across State Bar Councils. Such figures suggest that the underrepresentation of women in the profession reflects structural and institutional barriers rather than any lack of capability.²

Keywords: Women's Empowerment, Gender Equality, Legal Barriers, Systemic Reform

History

Women were effectively locked out of legal practice in India until pioneering figures forced the door open. Arabella Mansfield became the first woman admitted to a U.S. state bar (Iowa, 1869). Cornelia Sorabji passed the Civil Law examination at Oxford in 1892 — yet even after qualifying, she was barred from pleading before the Allahabad High Court, since the profession was still closed to women in practice. Decades passed with little change: in 1916, a five-judge Calcutta High Court bench rejected Regina Guha's application to enroll as a pleader, even though nothing in the Legal Practitioners Act of ³ 1879 explicitly barred women from the role. The scale of this exclusion is striking in hindsight: barely a century ago no woman practised law in India at all, and even today only around 15 per cent of the country's enrolled advocates are women. The slow pace of change illustrates how deeply entrenched professional gatekeeping can outlast the formal removal of legal barriers.⁴

It wasn't until 1989 that Justice Fathima Bevi became the first woman appointed to the Supreme Court of India. Progress since then has been real but slow: Supreme Court data from 2023 showed women held only 14% of high court judgeships and 36.3% of district judiciary positions. As of recent years, only two of the Supreme Court's sitting judges are women, namely Justice B.V. Nagarathna and Justice V. Mohana.⁵ Justice B.V. Nagarathna — currently the Court's senior-most woman judge — is, under the seniority convention that governs Chief Justice appointments, projected to become India's first woman Chief Justice in September 2027, though her tenure would last only 36 days. Nagarathna has also spoken publicly about

²International Association of Women Judges, 'Access to Legal Education and Profession' (IAWJ) <https://www.iawj.org/content.aspx?page_id=2507&club_id=882224&item_id=4545> accessed 14 July 2026; 'Where Are The Women In India's State Bar Councils?' Outlook India (3 December 2025) <<https://www.outlookindia.com/national/where-are-the-women-in-indias-state-bar-councils>> accessed 14 July 2026.

³Legal Practitioners Act, 1879.

⁴Regina Guha: The Woman Who Brought the Dawn of Justice for Women' Paperclip (28 January 2023) <<https://thepaperclip.in/regina-guha-the-woman-who-brought-the-dawn-of-justice-for-women/>> accessed 14 July 2026.

⁵Supreme Court of India, 'Chief Justice & Judges' (Supreme Court of India) <<https://www.sci.gov.in/chief-justice-judges/>> accessed 14 July 2026.

the need for a more supportive judicial workplace for women. More recent figures suggest gradual movement on these numbers: the India Justice Report 2025 recorded that women made up 38.3 per cent of the district judiciary, while data compiled by the Centre for Law and Policy Research placed women's presence in the high courts at 13.47 per cent as of late 2024. The Supreme Court has also acted to widen access at the entry point of the profession, directing in December 2025 that all State Bar Councils reserve 30 per cent of their elected seats for women, after having mandated a similar 33 per cent reservation within the Supreme Court Bar Association's executive committee in May 2024.⁶

What Changes When Women Are at the Table

1. Role models who break stereotypes. Visible, successful women lawyers and judges give younger women a reason to imagine themselves in the profession, gradually eroding assumptions about who belongs in the courtroom.

2. A sharper focus on women's issues. Female legislators and legal professionals tend to push harder on matters like gender-based violence and parental leave, shaping policy that is more responsive to women's lived realities.

3. Structural reform. Women in law have historically driven concrete legal change — amendments to inheritance rights, and the workplace harassment guidelines that followed Vishakha. That structural legacy remains a work in progress: a 2024-25 dashboard tracking sexual harassment complaints at listed companies recorded a 16 per cent rise in complaints filed alongside a 28 per cent rise in complaints still pending resolution, suggesting that reporting is beginning to outpace redressal capacity.⁷

4. Better working conditions for everyone. The infrastructure gaps women's entry exposed — washrooms, childcare, flexible scheduling — ultimately benefit the entire profession, not just women. The Supreme Court has taken concrete steps in this direction itself, inaugurating

⁶'Indian Women Start With 50% Representation in Law School. It Dips Below 6% at Supreme Court' ThePrint (3 June 2026) <<https://theprint.in/opinion/indian-women-start-with-50-representation-in-law-school-it-dips-below-6-at-supreme-court/2948631/>> accessed 14 July 2026.

⁷'POSH Act in India: Complete Guide to Compliance & Practice' (The People's Board, 12 May 2026) <<https://www.thepeoplesboard.com/hr-compliance/posh-act-india-complete-guide-compliance-policy-practice/>> accessed 14 July 2026.

a creche facility within its own premises in August 2024 with capacity for around 100 children, a small but symbolic acknowledgment that childcare infrastructure had long been absent from the country's highest court.⁸

Landmark Cases

Vishakha v. State of Rajasthan (1997)⁹

Sexual harassment at the workplace violates a woman's fundamental rights under Articles 14, 15, 19, and 21 of the Constitution. In the absence of domestic legislation, the Supreme Court invoked Article 51(c) and India's obligations under international conventions, including CEDAW, to lay down binding guidelines for employers until Parliament enacted a specific law. The gap between judicial guidelines and legislative action was itself considerable: Parliament did not enact the promised law until 2013, sixteen years after the Court's intervention, and the Supreme Court has more recently had to order state-wise verification drives to confirm that workplaces have actually constituted the internal committees the law requires, with compliance in large parts of the private sector and informal economy still being physically verified through 2025.¹⁰

These guidelines later formed the statutory basis for the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.¹¹

Air India v. Nergesh Meerza (1981)¹²

Service rules requiring air hostesses to retire on first pregnancy, or earlier marriage within four years of service, were held to be arbitrary and discriminatory under Article 14. The Court reinforced that conditions of public employment cannot rest on grounds unrelated to job performance, and struck down the offending provisions.

Mohd. Ahmed Khan v. Shah Bano Begum (1985)¹³

⁸Supreme Court Observer, 'Gender Diversity at the Supreme Court of India' (27 September 2024) <<https://www.scobserver.in/75-years-of-sc/gender-diversity-at-the-supreme-court-of-india/>> accessed 14 July 2026.

⁹AIR 1997 SC 3011.

¹⁰Evolving Landscape of POSH Act, 2013: An Overview of Significant Developments' (Acuity Law, 18 March 2026) <<https://acuitylaw.co.in/evolving-landscape-of-posh-act-2013-an-overview-of-significant-developments/>> accessed 14 July 2026.

¹¹Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

¹²AIR 1981 SC 1829.

¹³AIR 1985 SC 945; 1985 SCC (3) 844.

A divorced Muslim woman unable to maintain herself is entitled to maintenance from her former husband under Section 125 of the Code of Criminal Procedure¹⁴, irrespective of personal law. The ruling affirmed that this secular remedy applies uniformly and does not conflict with religious personal law provisions.

Conclusion

Greater representation of women in law is not simply a matter of fairness — it is a structural necessity for a justice system that actually serves the whole of society. Closing this gap requires sustained effort: better access to education, vocational training, and skill-building, alongside curricula and community programs that challenge patriarchal norms from the ground up. The scale of India's legal-literacy infrastructure gives some sense of what sustained effort can achieve: between 2022-23 and 2024-25, Legal Services Authorities across the country organised over 13.83 lakh legal awareness programmes reaching close to 14.97 crore people, with modules on women's rights and workplace protections forming a consistent part of this outreach.¹⁵ Legal literacy campaigns and grassroots interventions remain essential tools for helping women recognize and exercise their constitutional rights.

FAQs

1. What concrete changes has greater women's representation brought to law?

More gender-sensitive legal frameworks, improved access to justice for women, and stronger mentorship pathways for the next generation of women in law.

2. Does it actually affect women's access to justice?

Yes — litigants tend to feel more comfortable navigating sensitive cases when more women sit on the bench or represent them. Conversely, a lack of representation can discourage women from pursuing legal recourse at all.

3. What are the biggest obstacles women in law still face?

Persistent structural issues: gender bias, disproportionate family responsibilities, social expectations, delayed career advancement, and weak institutional policy on gender representation in appointments. This lack of institutional policy shows up in the numbers too: although women make up roughly 15 per cent of India's enrolled advocates, they hold only about 2 per cent of elected leadership positions across State Bar Councils, and the Bar Council

¹⁴Code of Criminal Procedure, 1973 (CrPC).

¹⁵Press Information Bureau, 'India's Legal Aid and Awareness Initiatives' (Government of India) <<https://www.pib.gov.in/PressNoteDetails.aspx?NoteId=155936&ModuleId=3>> accessed 14 July 2026.

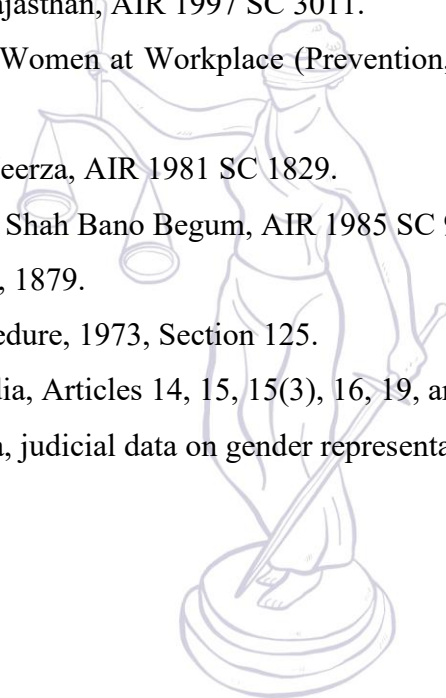
of India has never had a woman president. This gap between entry-level participation and leadership representation is often described as a leaking pipeline, where women gradually drop out of the professional ladder at each successive stage.¹⁶

4. How do social norms hold women back specifically?

Informal professional networks and mentorship circles remain largely male-dominated, often excluding women by default. These barriers compound further for women from marginalized communities.

Citations

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6. Code of Criminal Procedure, 1973, Section 125.
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8. Supreme Court of India, judicial data on gender representation, 2023.



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¹⁶Where Are The Women In India's State Bar Councils?' Outlook India (3 December 2025)
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