

WOMEN AND LEGAL EDUCATION

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Abstract

In the vedic period among the higher section of society, the sacred initiation (upnayan) of girls was common and they used to go through a regular course of education. Some attained distinction in the realm of theology and philosophy and considerable number of women used to follow the teaching career. Buddhism and Jainism which came into existence in the form of a revolt against Brahminism, tried to assign an important and honourable place to women in society. Many women achieved distinctions as teachers and scholars with the diminishing influence of Buddhism, the educational position of women further deteriorated. Manu a famous Law-giver, observed that at one place that a maiden should be protected by her father, a wife by her husband and a widow by her sons. The total Hindu period is charged with the authoritarian rule of the patriarch.

The position of Indian women deteriorated further during the period between the invasion of Mohammed of Ghor and the advent of the British rule in India. When the men folk being constantly engaged in warfare with the Muslims, it was considered safer to keep the women in seclusion. This was the beginning of the purdah system make the women-folk more and more dependent on men for their affairs outside the homes. Ongoing political struggle made life invariably very uncertain and insecure Protection of young and lonely girls became a problem for the parents and this gave rise to various social evils like, female-infanticide, child-marriage, sati, etc., this period is called as dark period as far as women's education is concerned. In this paper "Women and Legal Education" deals about the women's education after and before independence and women's legal education.

Keywords: Legal Education, Women, Law College, Advocate, Lawyers

Introduction

In the vedic period among the higher section of society, the sacred initiation (upnayan) of girls was common and they used to go through a regular course of education. Some attained distinction in the realm of theology and philosophy and considerable number of women used to follow the teaching career¹. Buddhism and Jainism which came into existence in the form of a revolt against Brahminism, tried to assign an important and honourable place to women in society. Many women achieved distinctions as teachers and scholars with the diminishing influence of Buddhism, the educational position of women further deteriorated. Manu a famous Law-giver, observed that at one place that a maiden should be protected by her father, a wife by her husband and a widow by her sons. The total Hindu period is charged with the authoritarian rule of the patriarch².

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¹ S.Altckar, The position of women in Hindu civilization, P-15 quoted in N.L.Gupta, Women Education Through the Ages, Concept Publishing Company, New Delhi, 2000, P-19.

² N.L.Gupta, Women education Through the Ages, Concept publishing company, New Delhi, 2000, P.23

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Women's Education before Independence

The British Government became interested to end some of the evil and inhuman practices in India like sati, child marriage etc.,. This led them to introduce women education. Since education is one of the most important determinants of social development, the Britishers in India worked for women education and some efforts were made during the colonial regime to create opportunities for elementary education for women. In 1851, the Protestant Mission were conducting 86 boarding schools for girls and 286 day schools for girls with an enrolment of 2,274 and 8,919 respectively. The Roman Catholic Missions were also active. A number of private schools were conducted by British officials in their private capacity³. Separate schools for girls were started. Arrangements of conveyance for taking girls to schools were made. Inspectresses were appointed. Liberal prizes were remitted at times. Many schools run by local bodies were transferred to Government. Favourable grants were given to private girls schools. Teachers were rewarded for every girls whose attendance could be secured. Steps were taken to attract ladies to the teaching profession and provincial committees with a fair proportion of lady members were set up for discussing the problems of girls' education⁴. These steps gave a great encouragement to girl's education. From the statistical reports of those of the years 1891-92, one learns that the total number of girls attending public and recognized private education institutions was 339, 435.

After Independence Women Education

After independence girl's education was perceived as an agent of social change and economic development. Like ancient India it was not just for individual's moral development. It was also recognized as one of the inputs for human resource development⁶. The Government of India realised that without the educational development of half of its population and without their participation in socio-economic and political processes, India

³ S.N.Mukerji, Education in India, Today and Tomorrow, P.223, quoted in N.L.Gupta Women Education Through the Ages Concept publishing Company, New Delhi, 2000, P.25.

⁴ N.L.Gupta, op.cit., P.26.

⁵ Women in India, Mary Frances Billingran, London Chapman and Hall and Sri Satguru Publicatons, Delhi, India, 1895 & 1987. P.25.

⁶ Dr. (Mrs.) Pratimal Chaudhary, Women's Education in India, Myth and Reality, Har-Anand Publications 1995.P.32.

cannot make progress. As a result of this, in order to provide various concessions to the female education, number of steps were undertaken by the State and the Central Government⁷. First of all, even in the preamble of our constitution was promised that there will be free and compulsory education for girls upto the age of fourteen. Not only this but from time to time it has launched various schemes to deal with the problems of drop-out and non-entitlement, particularly at the primary level. Programmes of Mid-day meal, free books, free uniform etc., have also been launched. Number of educational institution have also been increased, they have not to pay tuition fee. Various Scholarship Schemes have also been introduced. As a result of all these concerted efforts the enrolment rate of girls at the primary level have increased⁸.

Women and Legal Education

Besides teaching, medicine and nursing there is yet another profession which is growing in popularity with women - the profession of Law. Women were interested in Law even in very early days. About four hundred years prior to the establishment of British Law Colleges in India, some women had made a study of this subject and again in the fifteenth century two well-known women made valuable contributions to this field. One of them was Balampatti, who wrote a Masterly commentary on the Law of Stridhan (Women's Property) which is a special branch of Hindu Law. There was another well-known woman in the field of Law, Lakshmidevi, whose compendious work, the Vivada Chandra a commentary on the Hindu Law of Succession as followed by a particular school of Law called the Mithila school, throws much light on the fact that there were women who were deeply interested in the study of Law. From that time to the advent of the British in India there is nothing in particular to indicate the women's interest in the field of Law⁹. Miss Cornelia Sorabji had the distinction of being the first Indian woman to pass the examination of Bachelor of Civil Law at Oxford as early as 1892. Even before she proceeded to England, Miss Sorabji obtained the Law degree of LL.B from the Allahabad University, but she could not practice because women were not then allowed to enter the Bar. However in 1904 she was appointed Legal Adviser (Consulting Counsel) to Purdanishin women's court of wards, Bengal, Bihar, Orissa and Assam by the Government of Bengal.

The Government of India passed the Legal practitioners (women) Act in 1923, which removed the disability against women practising Law as profession. During the quinquennium 1922-1927, for the first time in India, seven women came out as successful Lawyers- three from Bombay, two from Madras and one from Assam and one from Even in England. In 1923 one of the first two women to be called to the Bar from Lincoln's Inn was an Indian. Miss Mithan Tata, now Mrs.Lam. who has been practising since 1924 at the

⁷ Dr.(Mrs) Pratima Chaudhary, op.cit., P-33.

⁸ Dr.(Mrs) Pratima Chaudhary, op.cit., P-33.

⁹ Usha Sharma, B.M.Sharma (Ed), Women and Professions, Common Wealth Publishers, New Delhi, India, 1995, P-59.

Bombay High court. Now many others as a matter of course have followed these seven Lawyers and today legal practice has become almost as common for women as teaching and medicine¹⁰. The girls who joined Law colleges during the fifties and sixties were from urban upper middle class high income families with well educated parents; about 30 to 40% of the Law¹ students, both male and female had lawyer fathers, which was the strong role models¹¹.

In 1950-51, the number of women who had enrolled in Law colleges was 290; in relation to men, just 2 females per 100 males joined Law Colleges. In the next 20 years, i.e., by 1970-71 the total number of females in Law colleges was 2626; i.e., per 100 males, 3.7 women joined Law colleges. There is an increase women joining Law College. In 1990 less than one in one hundred law student was female.

History of Madurai Law College

The Department of Legal Studies as a separate Department of Government came into existence in 1953, to improve the quality of Legal education in Tamil Nadu. The Madras Law college was the only college under its control at the time to meet the long felt needs of the Southern Districts of Tamil Nadu. The Government decided to establish a Law College at Madurai in 1974. The Blue print of the college was prepared by the then Director of Legal studies Prof.A.Palanisamy. And the Madurai Law college affiliated to the Madurai Kamaraj University started functioning from the academic year 1974-75. The initial and organizational arrangement of the college were done by Prof.C.Rajaraman, M.A.,L.L.B. Bar-at-Law the then Director of Legal studies incharge who was appointed by Government as Special officer for that purpose. Initially the college was housed in the old university building at Alakar Kovil Road, Tallakulam, Madurai-2. In july 1980 the college was shifted to the new building on Thangaraj Road, Madurai.

The college offers the following courses, 3 year B.L. Degree course, 5 year B.A.B.L Degree course, 2 year M.L. Degree course from the academic year 1997 to 98 the college is affiliated to the Tamil Nadu, Dr.Ambedkar University Chennai. Many numbers of girls have been enrolled to the education of law in to this college from the year 1974. Those who register in the High court as per Letter patent are called Advocates. That registration is for their entire lifetime. There is no need to renew every year. Advocates registered in such a way are entitled to appear and try their cases in High court and also in Lower courts. He can present the case on behalf his client and he can also act as an agent of his client.

Advocate

Those who wants to become such an Advocate, should have eligibility of not less than a Law Graduation from a recognized University; should have one year apprenticeship under an Advocate having experience not less than 5 years; should pass the examination

¹⁰ Ibid., P.60

¹¹ Jaya Kothai Pillai, Women and Empowerment Gyan Publishing House, New Delhi, 1995, P.P.135 & 136.

conducted by the High Court Bar Council¹². Those who register in Supreme Court as per the provisions of the Supreme Court Act are the Supreme Court Advocates. They are classified as 'Senior Advocates' and 'Junior Advocates': Those who registered in High courts and practiced for 10 years are Senior Advocates and those who practiced for 7 years are 'Junior Advocates'.

Women Lawyers

Members of the legal elite preside over power and prosperity relationships play a leading role in legislative bodies that write the law; they direct the executive agencies responsible for enforcing the law: they rule the courts that apply the law; they guide the corporate and financial institutions that constitute the most important property interest. Hence Law has become one of the most admired professions and high in social rank. Law provides access to important position in business, government and politics. Over the past decade more and more men and also few women have chosen and fought to enter these spheres and are demonstrating competence in this field that have been exclusively male domain before. Poor participation of women in politics and business is most probably due to the small percentage of women lawyers¹³.

At first legal profession was dominated by Brahmins and Kayasthas in Bengal and Bombay and by Brahmins in Madras because of their traditional contacts with education and their initial contacts with the British administration. With the spread of modern University education in the latter part of the 19th century, Brahmins, Rajputs, Muslims, Agarwals, Banias and Khatris of U.P., Bihar and Punjab also entered the professions. Even today, the different professions are dominated by upper castes and only a small portion of the professions consists of scheduled castes, scheduled tribes and other backward castes¹⁴.

Though the number of women enrolled in law colleges has been on the increase, more than half of them do not practice law. During the seventies only 8 women were appointed to the High court. One out of the 350 High court judges was a woman. According to 1971 census, there were 1700 women lawyers. According to 1988 figures, women practicing law were only 8.5%.

Conclusion

Women when go into teaching in law colleges but very few women reached the top as professors (or) deans of legal studies (or) principals of law colleges. Today law is an over crowded profession; women do face prejudices in practicing law. A few women do practice law independently. There is a small but growing number of women partnerships in already established firms. In judicial positions, not many have climbed to the top. At the level of judges, sub-judges and magistrates.

¹² Justice V.R.Krishnan Iyer, op.cit., P.110

¹³ Jaya Kothai Pillai, op.cit.,P.132.

¹⁴ Jaya Kothai Pillai, Op.cit.P.136 & 137

The role of woman both in the family and in the society cannot be minimized or under estimated. But the dual role of woman i.e., responsibility at the office and at home are very important. For a long time, it is very difficult to juggle work and family. But according to an Indian survey, the truth is brought out stating that women are managing quite successfully and spend their lifetime to balance the responsibilities at the work place and of home the roles with commitment in a proper manner. However their education and employment give them an equal position in the family.

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