**Women, inequality and the bar**

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Pakistan’s women lawyers got a boost recently when two women lawyers Rabiya Bajwa and Sabahat Rizvi were elected as vice-president and secretary-general of the Lahore High Court Bar.

Before this, two women were elected as president of the Lahore High Court Bar in the 1960s. Rabia Sultana Qari was the first Muslim woman barrister of South Asia and first elected to the Lahore High Court Bar. Much later, in 2005, Fakharunissa Khokar was elected. In a historic win in 2010, Asma Jehangir became the first woman to be elected as president of the Supreme Court Bar Association.

Pakistan’s legal fraternity is a flourishing profession with six practising lawyers in every 10,000 citizens – and yet women constitute only 12 per cent of total enrolled advocates in the country. Out of those, the Islamabad Capital Territory has the highest number of female advocates at 21 per cent followed by 13 per cent in Sindh, 12 per cent in Khyber Pakhtunkhwa and only 11 per cent in Punjab besides having the largest populated federating unit of the country. The lowest number of women, only four per cent of total advocates working with the Supreme Court of Pakistan, are women. The principle of seniority and meritocracy as well as the elevation to decision-making roles in the bar and the judiciary remain the key to a successful career of an advocate. Therefore, it is imperative that to ensure gender-equality at the apex court, representation of women lawyers is improved over the years through a strategic policy-framework.

As we mark the hundredth anniversary of the passing of the Legal Practitioners’ (Women) Act 1923 that allowed women to appear before courts of law in the Subcontinent, the number of practising women is alarmingly small. Predominately owing to normative barriers, the legal profession is still considered a ‘male occupation’, presumably due to long hours of litigation and advocacy, taxing work routines and the ‘strenuous’ nature of day-to-day output. Yet, the question is: despite the fact that many women undertake law degrees, why is gender-representation miserably inadequate in the bar?

The Pakistan Bar Council (PBC) was constituted under the Legal Practitioners and Bar Councils Act 1973 as the country’s leading regulatory authority for all advocates. PBC members are selected from amongst over 3000 enrolled advocates at the Supreme Court (ASC); at present only 102 are women. Despite the four percent female ASCs, not a single women lawyer has been selected as member of the Pakistan Bar Council – all twenty three (23) members are men. In the Punjab Bar Council, only one (01) is a woman. In Sindh out of thirty-three (33) members only two (02) are women and regrettably all twenty-eight (28) members in Khyber Pakhtunkhwa Bar Council are men. Smaller bar councils such as Islamabad, Balochistan and Gilgit-Baltistan suffer from the same dilemma as their members are less than ten (10) but all men; and, last but not the least, the Azad Jammu and Kashmir Bar Council also has only one (01) woman member out of 27 seats.

The below two per cent female representation in the bar only manifests patriarchy and disrespect vis-a-vis rights of women advocates as their voice in decision-making is negligible. It is ironic that the bar, which is expected to be a citadel of law and rights, has such an uncongenial and discriminatory work environment – marred by unequal pay, nepotism, lack of gender-sensitive infrastructure and non-compliance of laws of workplace harassment in a largely male-dominated workplace. The male dominance in decision-making positions perpetually gives way to discriminatory recruitment policies and procedures whereby women are disregarded and so also barely represented.

The 1973 constitution, recognizing the inherent parochial discrimination against marginalized elements of society, clearly envisioned proactive affirmative action and positive encouragement through a quota system to allow the vulnerable of society to excel professionally – also financially triggering their long-term empowerment. However, the same spirit could not make way in the legal profession as no reserved seats were created for women in any of the bar councils despite the considerable volume of the population opting to join the legal profession.

In 75 years only Ms Asma Jehangir, was elected as the first woman president of the Supreme Court Bar Association in 2010. As yet, there has not been a single woman appointed as a federal or provincial law minister or the attorney general of Pakistan. It is an alarming trend that when only once a female advocate general for Punjab was appointed, she was removed within ten days of her appointment. And even when the first woman rose to the position of Justice of the Supreme Court in 2022, the bar had expressed its reluctance regarding her elevation.

It is important thus to review the socio-cultural barriers that impede adequate gender-representation and equality in the legal profession. Marriage is considered a common deterrent by law firms with regard to hiring women advocates. There is a prevalent myth that married women are not able to manage the demands that the legal profession exacts – long and irregular working hours. Then there is non-compliance of the existing gender-sensitive rights and privileges in the country and non-provision of any rules or by-laws for female advocates at the law firms.

Moreover, the absence of requisite provisions to ensure gender equality in the existing laws pertaining to legal practitioners and bar councils in Pakistan exacerbates the dilemma. In this context, the following measures are proposed for equitable inclusion:

One, legislative reforms: to ensure inclusion of gender-neutral provisions in the Legal Practitioners and Bar Councils Act 1973; enforcement of quota system and reserved seats for women in the bar.

Two, compliance of all gender-specific laws enacted at the federal and provincial levels including Protection Against Harassment of Women at the Workplace Act 2010. Also: provision of all adequate facilities and infrastructure for women advocates and their children, to facilitate and allow women to continue their legal practice along with family responsibilities. Provision of maternity leave and benefits. Bridging the gap between legal education and practice to effectuate training. Provision of graduate-placement programme linking law schools with the bar and advocacy firms.

Three, socio-professional reforms: workplaces such as courts, law firms and bar councils that cater to women focusing on output driven model as opposed to clocking in of hours, and offering them travel allowances. Awareness drives including training with all men and women advocates to ensure optimally gender-sensitive legal professionals. Zero tolerance for gender-based discrimination. Mandatory training programmes and provision of basic facilities for newly inducted men and women advocates without any discrimination vis-a-vis court etiquette and professional practice.

Four, electoral reforms: mandatory quota system ensuring fair representation of women in bar associations and councils. Reserved seats for women for regulatory positions may be ensured rather than only administrative responsibilities. Online voting system for bar elections.

The above recommendations and further deliberations may be undertaken with all stakeholders for meaningful affirmative action that perpetually establishes and consolidates gender equality in the overall legal milieu of Pakistan. Robust and committed inclusion of women in bars and bar associations can only help make the institution of the judiciary strong, just and inclusive.

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