

## Women's empowerment in the justice delivery system of Bangladesh: Social milieus and women's sluggish progression in Bar and Bench

*Jamila Ahmed Chowdhury*<sup>\*)</sup> *Ifat Mubina Eusuf*<sup>\*\*\*)</sup>

### Abstract

*The issue of women empowerment is a scorching focus for centuries all around the world. Although Bangladesh has progressed much in empowering women for the last few decades, the journey continues. However, the progress is still slow, and more challenging in pivotal judicial positions. In this backdrop, the purpose of the paper is to highlight the key progresses and challenges faced by women in legal profession (judges and lawyers) in different tiers of the judiciary of Bangladesh. By reviewing published And unpublished reports on women's participation in Bar and Bench, and interviewing honourable judges, lawyers, women activists, and women lawyers' organisations, this paper examines the major impediments that female law-professionals are confronting in their functions effectively. While keeping the prospects and challenges in mind, this paper further attempts to visualise the formative scenario of the performance of women professionals' (judges and lawyers) and proposes the probable way-out for their development in this field. As perceived by women professionals in the judiciary, the major hurdles that still restrain their empowerment in the judiciary are a lack of proper balance between socially defined family role, and their aspiration for career progression. Lack of funding for awareness building, adequate training and ensuring proper work environment for women professionals (judges and lawyers) further aggravate the issues.*

\*) Professor, Department of Law, University of Dhaka, Bangladesh, JDS Fellow, Japan (2002-2004); UNESCO Fellow, Egypt (2005); University Grants Commission Awardee, Bangladesh (2005 & 2012). Dr. Chowdhury holds a PhD in Dispute Resolution from the School of Law, the University of Sydney, Australia. She is available at: [jamilachowdhury@du.ac.bd](mailto:jamilachowdhury@du.ac.bd)

\*\*) Joint District Judge, *Artha Rin Adalat* (Money Loan Court), Dhaka, Bangladesh. She is available at [mubinaeusuf@gmail.com](mailto:mubinaeusuf@gmail.com)

**Keywords:** Women Empowerment, Women Professionals, Bar and Bench.

## Introduction

Lack of women empowerment and gender discrimination is a worldwide concern nowadays. Due to social practice and beliefs, women are being deprived of education and other fundamental and social privileges and for that reason, this segment of the population is unable to make proper use of their intelligence and professional capability in different sectors of the State. The Judiciary is also not an exception to this general scenario. However, over time, there seems a worldwide upheaval of women empowerment as in the recent decades, women are achieving the desirous scope of attaining education to apply their learning and skills in the field of science, art, and culture. The wave of this recent global upsurge has reached the sub-continent, among which Bangladesh is the most glaring example. In the area of legal professionalism in Bangladesh, a woman has usurped a considerable portion by way of attaining and performing the job of judges and legal practitioners. Despite the development, several hindrances and challenges are also faced by them that encumbers the successful performance of their professional functions. An effort has been made in this article to explore and analyse the level of integration of women professionals (judges and lawyers) in this field along with the major impediments that women are facing in this regard.

## Women Empowerment through Participation: The Theoretical Underpinning

In the United Nations system, it has been observed that *a negative correlation exists between the representation of women and seniority - as grade levels increase, the proportion of women decreases.*<sup>1)</sup> Likewise, lack of

ownership and participation in different spheres of women's social lives is a problem that is even more pervasive in many developed<sup>2)</sup> and developing<sup>3)</sup> countries of the world. Such a lack of participation and gender discrimination exist in many different spheres of women's lives, and in aggregate, this has a huge impact on the long-term growth prospects of the countries concerned. For instance, of the difference in annual growth rate between East Asia and South Asia, 28% can be explained by the fact that South Asia has poorer schooling for females when compared with East Asian countries<sup>4)</sup>. Another recent study confirmed that long-term growth is affected not only by women's lower participation in education, but also by their lower participation in health care, in employment, and the political process<sup>5)</sup>. One reason for lower participation is violence against women when they are exposed to the outside world.

Hence, to ensure the protection of women's rights in the areas of

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- 1) UN Women (2016). *Status of women in the United Nations system*, p. 8, available at <http://www2.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2016/status-of-women-in-the-united-nations-system-2016-en.pdf?v=1&d=20161220T172511> (last visited Dec 20, 2018).
  - 2) Baker, Kelly J. (2016). "Sexism is not over: two new reports on gender discrimination" *Women in Higher Education*, p 18, available at [AcademicOneFile, go.galegroup.com/ps/i.do?p=AONE&sw=w&u=auclib&v=2.1&id=GALE%7CA468140880&it=r&asid=6249beef182c58fb222dd2415980db9d](http://academiconefile.go.galegroup.com/ps/i.do?p=AONE&sw=w&u=auclib&v=2.1&id=GALE%7CA468140880&it=r&asid=6249beef182c58fb222dd2415980db9d) (last visited May 22, 2018).
  - 3) Women in Nigeria are discriminated in all almost all spheres of their lives including access to economic and political resources, and participation in decision-making. Kolawole, Taiwo Olabode and Adeigbe, Kayode Yunus (2016). "Gender Discrimination and the Nigerian Scenario: A Review" 14 (1) *Gender and Behaviour*, pp. 7071-7084. 7071; Discrimination exists in medical education of Pakistan. Hashmi, Ali Madeeh (2013). "Gender discrimination among medical students in Pakistan: A cross sectional survey" 29 (2) *Pakistan Journal of Medical Science*, pp. 449-453;
  - 4) Klasen, Stephen (2002). "Low schooling for girls, slower growth for all? Cross-country evidence on the effect of gender inequality in education on economic development" 16 (3) *World Bank Economic Review*, p. 345-373.
  - 5) Ferrant, Gaëlle (2015). "How gender inequalities hinder development: Cross-country evidence" 117/118 *Annals of Economics and Statistics*, pp. 313-352.

domestic violence, reproductive rights, legal and political rights among others, the Convention for the *Elimination of All Forms of Discrimination Against Women* (CEDAW) was adopted by the United Nations on December 18, 1976 and entered as an international treaty on September 3, 1981. Till now, 160 countries have ratified the said Convention and Bangladesh is one of those contracting countries, which has expressed willingness to comply with the Convention.

Further, the *Vienna Declaration and Programme of Action* (VDPA) was adopted by 171 States in 1993 (including Bangladesh), and obliges them to work towards the “*elimination of violence against women in public and private life*” as well as “*the elimination of all forms of sexual harassment, exploitation and trafficking in women*”.<sup>6)</sup> According to the mandate of the Constitution of the People's Republic of Bangladesh, “The State shall not discriminate against any citizen on the ground of only religion, race, caste, sex or place of birth’ and Women shall have equal rights with men in all spheres of the State and public life”.<sup>7)</sup> It has also been enumerated in the Constitution that ‘No citizen shall, on the ground of only religion, race, caste, sex or place of birth be subjected to any disability, liability, restriction or condition with regard to access to any place of public entertainment or resort or admission to any public institution.’<sup>8)</sup>

In the light of the mandates mentioned above of the Constitution as well as the international Conventions, it is the solemn duty of every state to ensure the rights of women in the field of education and professional activities. 49.4% population in Bangladesh is women, and resultantly, it can

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6) Wiegand, Caroline (2012). “Violence against Women in Bangladesh”, *E International Relations*, available at <[www.e-ir.info/2012/04/30/violence-against-women-in-bangladesh/](http://www.e-ir.info/2012/04/30/violence-against-women-in-bangladesh/)> (last visited December 22, 2018).

7) Article 28 of The Constitution of People's Republic of Bangladesh.

8) Ibid.



be said that about half of the population in this country is female. Thus, without the advancement of their participation in every sector of State machinery, there remains a danger of wastage of human resource in every sphere of life.

Under this context, the article focused on analysing women's participation in the legal professional field to find out the actual measurement of the women's empowerment in the legal profession. On the other hand, within the range of this discussion, the obstacles and impediments they face while entering and performing their jobs in this profession have also been highlighted. The topic of the present article requires a considerable volume of data collected from different stakeholders, including judges and lawyers in the justice delivery sector by way of both interviews and written materials. Reviewed literature include statutes, published books, judgments from higher courts, research articles, and news publications relating to women judges' and lawyers' participation in the legal profession. Further, quantitative data from various stakeholders and authorities have also been collected and analysed.

These literatures also elaborate materials about relevant study and statistics conducted by USAID'S Justice for all Program.<sup>9)</sup> The concerned websites are also consulted for visualising the current scenario of women empowerment in Bangladesh. Furthermore, being a judge of the judiciary and law professor cum lawyer, authors have also reflected their own experiences and realisation in analysing the barriers that female professionals are facing in the judicial sector of Bangladesh. The study encompasses mainly women judges, lawyers and prosecutors, their

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9) 'Justice for All' is a five-year initiative funded by the U.S. Agency for International Development (USAID) and implemented by the National Center for State Courts (NCSC) to improve access to justice, gender equity, and legal empowerment for citizens of Bangladesh.

success, and the hurdles they face while maintaining their profession in the legal arena.

## Women's Empowerment in Judiciary around the Globe: Revisiting the Context

Women in the legal profession have encompassed the positions of lawyers (they are also called barristers, attorneys or legal counsellors), prosecutors, judges, legal scholars and law professors.<sup>10)</sup> Hence, empowerment of women in the justice delivery system of Bangladesh can make the system more efficient and enhance gender equality in this sector. The number of women professionals in the justice sector has extended largely in the last 24 years.<sup>11)</sup> Apart from the number, the leadership role of women professionals in the justice delivery system in Bangladesh is also a matter of growing hope from the aspect of women empowerment of the present day. Nevertheless, the progress is too slow to make a conclusive remark at this stage.

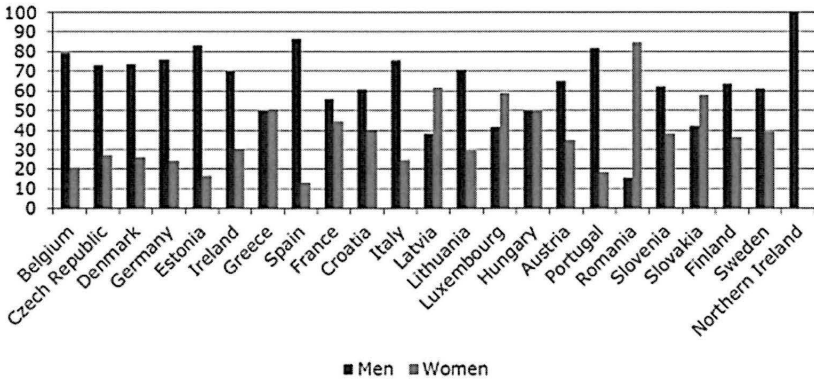
As observed in Figure 1, the unequal male-female ratio in top judicial position is not a reality only in developing countries like Bangladesh. Unequal participation persists in many developed countries as well. For instance, a wide inequality in the ratio of Supreme Court Justices is observed in Spain, Germany, Portugal, Belgium, Denmark and few other countries in Europe. The purpose, of this article, therefore, is to demonstrate the human face of such inequality and explore some hidden social discourses that are dragging women progress in judiciary. Although

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10) Arbour, Lousie. "Women in Law". Revolvly, available at ([https://www.revolvly.com/main/index.php?s=Women%20in%20law&item\\_type=topic](https://www.revolvly.com/main/index.php?s=Women%20in%20law&item_type=topic)) (last visited Dec 24, 2018).

11) In the year of 1994, the percentage of women judges was 17% and now in the year of 2017, the percentage is 43.3%. *ibid.* (Figure 1).

Figure 1: Men vs. Women Judges of Supreme Court in Europe (2014)



Source: Database from CEPEJ report

the difficulties that women are facing to progress in judiciary are demonstrated primarily through interviews of women professionals (judges and lawyers) in the judiciary (Bar and Bench) of Bangladesh, a broader scenario around the globe is depicted in this section to clarify the context

### Women Empowerment in the Judiciary of USA

Pinnington, has stated that

‘In the US, while women made up 34% of the legal profession in 2014, women are underrepresented in senior positions in all areas of the profession. There has been an increase in women in the law field from the 1970s to 2010, but the increase has been seen in entry-level jobs. In the United States, 60% of attorneys are women; however, the percent of female equity partners is 15%.’<sup>12)</sup>

American Bar Association Market Research Department published data in April 2016 conveying the message that women comprise only

36% of the legal profession. It has pointed out the main reasons for women's underrepresentation as gender stereotyping, the balance between workplace and home responsibilities, sexual harassment and wage discrimination as a woman.<sup>13)</sup>

[w]omen of colour were more likely than any other group to experience exclusion from other employees, racial and gender stereotyping.<sup>14) 15)</sup> In the private practice law firms, women make up just 4% of managing partners in the 200 biggest law firms<sup>16)</sup> and 2012, women held 27.1% of all federal and state judge positions, while men held 73.9%.<sup>17)</sup> A lawyer has to work as an attorney for a considerable portion of time throughout years before becoming a judge, and it often requires a flexible working environment and working hours in order to adjust their family responsibilities.<sup>18)</sup> Consequently, while the number of female and male law school graduates has been almost equal for nearly a decade, the number of women remaining and advancing in the

12) Pinnington, Ashly (2013). *Lawyers' Professional Careers: Increasing Women's Inclusion in the Partnership of Law Firms*, 20 (6) Gender, Work & Organization p616-631. available at [https://www.revolvy.com/main/index.php?s=Women%20in%20law&item\\_type=topic](https://www.revolvy.com/main/index.php?s=Women%20in%20law&item_type=topic) (last visited Dec 24, 2018).

13) Joyce, Smithy (2017). *Women and Legal Profession: Four Common Obstacles faced by female lawyers*, Stanford Law School available at <https://ms-jd.org/.../women-and-the-legal-profession-four-common-obstacles-faced-by-female-lawyers/> (last visited Dec 25, 2018).

14) 'A current glance at the women in law' Americanbar. com July, 2014 available at *ibid*.

15) The author's trip to US in May 2016, she met an African American female (judge, a Judge of the County Court of San Diego, California) who shared the story of her life. In her family, she is the first person to get graduation from the school.

16) A Current Glance of Women in Law available at Americanbar. com. July 2014.

17) *Ibid*.

18) Judge Randa Trap (a judge of County Court of San Diego) shared her views and said that for 13 years she was in the legal profession as attorney and she had to face the challenge the hurdles of managing both profession and family responsibilities). This interview was taken by one of the authors, Iffat Mubina Yusuf, at International Visitor Leadership Program, USA in May 2016.

field does not reflect gender equality within the profession.<sup>19)</sup>

## Women Empowerment in the Judiciary of UK

In the UK, women participation is less than the global average particularly, in the case of promoting activities of women in senior jobs.<sup>20)</sup> Women in law firms held around 20% of senior roles in the year 2016. According to the research of Laurence Simons, 62% of women think their 'gender' as the barrier to their progress in career. In the article namely, '*women in law London. Promoting and engaging the next generation of women leaders in law*', it has been quoted :

'In UK, since 1992, women have accounted for over one-half of new entrants to the legal profession. Indeed, as of July 2013, women made up 61% of entrants to the legal profession, however, in 2014, 28.5% of partnership promotions in the top 20 firms in the UK went to women. Furthermore, a report by the Law Society in March 2014 on the gender pay gap for solicitors showed that it is at around 30% for women in private practice and 27.8% for women working in-house.'<sup>21)</sup>

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19) Butler, Ketherine Gender Inequality in the Legal Profession, *available at* <https://medium.com/.../gender-inequality-in-the-legal-profession-9f81992e80ce> (last visited Dec 27, 2018); see also, (1989) "Gender Equality in the Legal Profession" 57 (6) Fordham Law Review.

20) Simon, Laurence (2018). "Most Women in law feel their career progress has been hampered by their gender", *Lawyer Monthly*, *available at* <https://www.laurencesimons.com/.../most-women-in-law-feel-their-career-progress-ha> (last visited August 12, 2018).

21) Szczetnikowicz, Suzanne (2017). "Promoting and engaging the next generation of women leaders in law" *Women in Law*, *available at* [www.womeninlawlondon.com](http://www.womeninlawlondon.com) (last visited August 22, 2018).

## Women Empowerment in the Judiciary of Canada

In 2010, “there were 22,261 practising women lawyers and 37,617 practising men lawyers.”<sup>22)</sup> In Canada, the ratio of men and women lawyers almost equal at the entry level and sometimes the recruitment of women are more than those of male counterparts.<sup>23)</sup> However, both the men and women with children below six years leave legal profession. Men return as their children grow older, while only a few numbers of women lawyers managed to return.<sup>24)</sup> For instance, in the case of new appointments and elevations of judges in Canada, the number of males was 532 while the female was only 299.<sup>25)</sup>

## Women Empowerment in the Judiciary of Pakistan

In Pakistan, the women community seems to be underrepresented both as lawyers and as judges. In *Express Tribune, Pakistan*, Komal Anwar in the article ‘*Female Lawyers in Pakistan: Sisters in Law*’<sup>26)</sup> has depicted the scene in the following words

‘Currently, there are six female judges in Pakistan, and none of them

22) Knowledge Center. (2015). “Women in Law in Canada and the US”, available at <http://www.catalyst.org/knowledge/women-law-canada-and-us> (last visited December 26, 2018); see also, Statistical Snapshot of Lawyers in Ontario”, The Law Society of Upper Canada, available at <http://www.lsuc.on.ca/WorkArea/DownloadAsset.aspx?id=2147488150> (last visited December 26, 2018).

23) Ibid.

24) Ibid.

25) Statistics obtained by Office of Commissioner for Federal Judicial Affairs, Canada, available at [www.fja.gc.ca/appointments-nominations/AppointedByGender-eng.htm](http://www.fja.gc.ca/appointments-nominations/AppointedByGender-eng.htm) (last visited July 22, 2018); see also, Snell, James G and Vaughan, Frederick (1985). *The Supreme Court of Canada: History of the Institution*, University of Toronto Press.

26) Available at <https://tribune.com.pk> (last visited December 26, 2018).

Table 1: Women's participation in the higher judiciary in India

Name of the Court	Nos of Judges	Nos of Women Judges	% of womenjudges to total judges
Supreme Court	25	1	4
Delhi HC	39	10	25.6
Calcutta HC	44	6	13.6
Madras HC	42	5	11.9
Bombay HC	66	10	15.2
Panjab and Haryana HC	46	7	15.2
Total	262	38	14.50

has been appointed as Supreme Court judge. Although more and more women have been graduating with a degree in law recently, few seem to adopt the profession after a brief stint at a law firm. Many complain of gender discrimination in the male-dominated field and switch to a profession that is more accepting of women.'

## Women Empowerment in the Judiciary of India

In India, in a study from the year 1962-2005, it was revealed that out of 228,114 legal practitioners, only 11,611 were women, equivalent to 5.08%.<sup>27)</sup> According to a report published on April 12, 2016,<sup>28)</sup> the picture of the appointment of judges in India is as follows:

In India, from 1950 to November 2015, only six women became

27) Misra, Saurabh Kumar (2015). "Women in Indian Courts of Law: A Study of Women Legal Professionals in the District Court of Lucknow, Uttar Pradesh, India" paragraph 17 available at <journals.openedition.org/eces/1976> (last visited April 30, 2018); see also Gooptu, Sorabji (2007). "*Cornelia Sorabji, India's Pioneer Woman Lawyer: A Biography*" Oxford: Oxford University Press.

28) Nayyar, Sanjeev (2016). "Where are the women judges in India's Court Room", available at <www.dailyin/politics/...court-women-judges-indian-judiciary...court/.../10058.html> (last visited April 18, 2018).

Supreme Court judges out of total 229 judges appointed.<sup>29)</sup>

## Women Empowerment in the Judiciary of Bangladesh: An Unfinished Struggle on Women's Participation in the Judicial Service

Bangladesh, to some extent, lags in its efforts to reach equal participation of women. It is often struggling with an upheaval to attract more women in the legal profession. It is always a major demand of our time to increase the women judges and empower them to establish equality in judicial service and ensure an environment free from gender discrimination. The number of women judges is only seven in the Supreme Court of Bangladesh, that is, in High Court Division and Appellate Division.<sup>30)</sup> There was no female judge in the judicial service of Bangladesh before 1975.<sup>31)</sup> Over time, the number of the women judges in the lower judiciary has increased, and their number has grown largely in the past 40 years.

## The Position of female Judges in the Subordinate Judiciary in Bangladesh

Table 2 shows that the number of female judges in the lower judiciary is increasing every year. The intake of the women judges in 2014, the percentage of women was 44%. On the last occasion of 9<sup>th</sup> Bangladesh Judicial Service (BJS), 34 female judges out of 79 have been appointed.

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29) Ibid.

30) The Supreme Court of Bangladesh (2015). "Annual Report", Supreme Court, Dhaka.

31) Nazmun Ara Sultana J, Justice of Appellate division, Supreme Court of Bangladesh was the first woman to enter into the judicial service of Bangladesh in 1975.



Table 2: Participation and success rate of women judges in the Judicial Services (BJS) examination in Bangladesh<sup>32)</sup>

Bangladesh Civil Service/ Bangladesh Judicial Service course	Total number of judges presently in the service	Number of female judges presently in the service	Percentage
17 <sup>th</sup> BCS (In the year 1994)	41	7	17.00%
18 <sup>th</sup> BCS (In the year 1998)	134	14	10.00%
1 <sup>st</sup> and 2 <sup>nd</sup> BJS (In 2005 and 2006)	156	41	26.28%
3 <sup>rd</sup> BJS (2008)	361	87	24.09%
4 <sup>th</sup> BJS (In the year 2010)	205	48	23.41%
5 <sup>th</sup> BJS (In the year 2012)	110	33	30.00%
6 <sup>th</sup> BJS (In the year of 2013)	121	39	32.23%
7 <sup>th</sup> BJS (In the year 2014)	78	34	43.59%
8 <sup>th</sup> BJS (In the year 2015)	48	16	33.33%
9 <sup>th</sup> BJS (In the year 2017)	79	34	43.03%

After recruitment of judges in 8<sup>th</sup> BJS, the number of women judges were 356, which comprised of about 24% of women out of the total work force of the judges of subordinate judiciary.<sup>33)</sup> Now, the total figure of women judges in the subordinate judiciary has touched as 390 which can be regarded as an indicator of more women participation in the community of judges.

The background and reason behind this encouraging scenario are to some extent depicted from the responses to the survey conducted by USAID Justice for All Programme in the year 2016<sup>34)</sup>. They have

32) The Supreme Court of Bangladesh (2015). "Gradation list of the members of Bangladesh Judicial Service", Supreme Court, Dhaka.

33) Ibid; See also, Bangladesh Women Judges Association (2016). "Souvenir", Bangladesh Women Judges Association, Dhaka, pp. 117-125.

conducted a gender mapping of women in the judiciary and legal profession to focus on the prevailing situation and of need for future program activities annually. This survey consists of different issues, such as, the challenges of legal profession for women, their lower participation etc. The majority of the respondents perceive gender equality in the justice sector 73% considering that, prospects for advancement are equally available for men and women and they have the same job opportunities. The 70% and 63% of women judges in the years 2016 and 2017 respectively agreed that men and women professionals are recruited and promoted on a fair and impartial basis.

According to the response of 93% and 90% female judges, men and women are recruited and promoted on the sole basis of qualifications. The same reaction has been obtained about the quality of women judges. According to 95% of women judges, decisions of men and women judges are upheld with the same respect compared to 82% of law students. From the viewpoint of the male members of the legal professions, about 63% considered that men and women have the same job opportunities and they expressed that men and women are treated the same in the workplace. Women judges in the years of 2014, 2015, 2016 and 2017 indicated a much higher rate of agreement that men and women have the same job opportunities in the justice sector (90%). According to the statistics above, female judges are accomplishing the desired level of qualified judicial performance by conducting the effective management of cases and delivery justice to the litigant people.<sup>35)</sup>

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34) Farouk, Ms. Sharmeen (2016). "Women in the Judiciary and Legal Professions", Justice for All Program, UNDP, Dhaka. UNDP conducted a survey over 351 respondents including 329 women and 22 men under the head "Women in the Judiciary and Legal Professions" in 2016.

35) Ibid.

Further, a good number of female judicial officers are getting the opportunity to achieve higher degrees abroad, especially from Australia, the USA and European countries. Currently, woman judges have been attending different sorts of prestigious foreign education like Justice Westin James Fellowship 2016 from the USA, Full bright Fellowship from the USA, PhD from Australia, Chevening Scholarship from UK and Commonwealth Scholarship from UK.<sup>36)</sup> Those female judges have returned with the experience of studying at the foreign universities, and it is opening a '*new*' dimension of women empowerment in the judicial sector in the days to come.

The study in foreign universities and interaction with people of multiple disciplines with different nationalities undoubtedly broaden the vision about the law and justice system in different communities with a comparative capability to analyse one's system more clearly and strengthen the confidence to discharge the duties as a judge more lucidly. In line with the above trend of increasing versatile studies and experiences of woman judges, Bangladesh has created a new dimension of the prosperity of women empowerment in the judiciary. The proper women representation in the judiciary would not only strengthen the status and socio-economic condition of women professionals but would also accelerate the dispute resolution services to women litigants by way of ensuring the access of justice to them.

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36) This issue has not yet come up to any published source including website and journals. This information has been collected from different Government Orders and also from the interviews of education recipients; See also, Bangladesh Women Judges Association, above note 33.

## Female Judges in Key Dominant Judicial Positions

The employment size is expanding in Bangladesh over the decades. The number of employed women in Bangladesh was 7.90 million on 1999–2000 whereas the number was 16.80 million in 2013.<sup>37)</sup> Likewise, the women community is entering into different professions, including the profession as a judge in good numbers and not only that; they have occupied the first six positions in the merit list in the 9<sup>th</sup> BJS examination.<sup>38)</sup> However, the number of female judicial officers in the additional district judge and District Judge level (i.e. the Highest judicial tier in a District) can be said to be comparatively low at present. Only four women judges are currently accomplishing the responsibility as District judge by way of managing the judiciary at the district level, namely *Narsingdi*, *Khulna*, *Magura*, *Gaibandha* and some 6 female Chief Judicial Magistrates are discharging their responsibilities currently in *Dhaka*, *Manikganj*, *Tangail*, *Joypurhut* and *Narsingdi*<sup>39)</sup>.

Apart from this, many of the female judges have attained important leading positions in different districts including Dhaka, Chittagong and especially the Districts around the periphery of Dhaka, including Narsingdi, and Gazipur. In several divisional districts, the female judges preside over the important courts, like different tribunals, Special Judge Courts, *Artha*

37) Bangladesh Bureau of Statistics (2017). "Education Scenario in Bangladesh: Gender Perspective" BBS, Dhaka, p. 18, *available at* <bbs.portal.gov.bd/...gov.bd/.../BDcountry%20project\_final%20draft\_010317> (last visited 21 September 2018); See also, Hossain, Mohammad A. and Tisdell, Clement A. (2005). "Closing the gender gap in Bangladesh: inequality in education, employment and earnings", 32 (5) *International Journal of Social Economics*, pp. 439–453

38) "BJS Examination", *Prothom Alo* (Bengali daily new paper in Bangladesh), on January 21, 2017.

39) The Supreme Court of Bangladesh (2017). "Telephone Directory of the Judges of Subordinate Courts", Supreme Court of Bangladesh, Dhaka.

*Rin* Courts (Money Loan Courts), and Family Courts.<sup>40)</sup> Following the continuation of women empowerment in the judiciary and other places, former district and sessions judge Ms. Kabita Khanam has broken the jinx to become the first woman election commissioner in the history of Bangladesh.<sup>41)</sup> This scenario reveals the fact that women empowerment through their leadership and dominant role in the area of delivering justice is in the process of attaining an appropriate shape and proper representation.

### The Hurdles and Unattained Success of Female Judges in Judiciary

It can be said that in the judiciary, both at the Supreme Court and the Subordinate court, female judges have been successfully attained their role both as a women and judges at the same time. However, there exists lack of opportunities of adequate leadership amongst them for the effective and more participatory activities of the women judges in the judiciary, and therefore, still, the women judges are less represented in different key posts of judicial sector. It has been stated earlier in the study that the number of District Judges who are holding the district judicial administration is only four and the figure is not satisfactory for ensuring the leadership role of the women in the District Judiciary. Currently, women judges are holding important policy making posts in the Ministry of Law, Justice and Parliamentary Affairs of Bangladesh and Supreme Court of Bangladesh for a good length of time but their number is not adequate in comparison to male counterparts.

Apart from this, the rotating judicial posting is also a great impediment

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40) Ibid.

41) On 7<sup>th</sup> February 2017, the retired District Judge Ms. Kavita Khanam took the oath as the first woman election commissioner in the 45 years' history of Bangladesh.

for the smooth continuance of service for the women who always have to achieve a balance between their familial and official responsibilities.<sup>42)</sup> Sometimes, the frequent changes of the working stations pose difficulties in carrying out official and domestic obligations effectively. Despite various difficulties, the women judicial officers are playing an outstanding role while discharging their responsibilities as judges to uplift access to justice in Bangladesh.

**Box 1 : Hurdles of Female Judges in Judiciary- A Perspective from a Female Justice of the High Court, Bangladesh**

Several days ago, one of the authors of this article had the opportunity to meet Ms. Justice Nazmun Ara and Ms Justice Farah Mahbub. At that time, the author asked them as regards to the pre-conditions for building successful careers as women Judges and lawyers in Bangladesh. They were also asked them about the barriers they faced while struggling to stand on their feet. The honorable judges also shared their thoughts about the quantity, quality and role of women judges in the subordinate judiciary of Bangladesh.

Ms Justice Nazmun Ara said that women judges, if utilize their full potentiality and capability, they can excel in this profession like any other profession and they are leaving a mark of success in every position, including the position of District Judges in the districts. Her Lordship commented that being the authority of the judges of subordinate judiciary, she, most of the time got a good record of performance from women district judges of a particular district. She added that family members have the responsibility to facilitate her to

42) As a judge at Chittagong and Sylhet (i.e. two districts far remote from Capital city of Dhaka), one of the authors of this article had the same problem of taking care of her family based in Dhaka.

build up and sustain a carrier to the optimum level as a woman professional has the duties to discharge both to their family and to workplace.

When it was interviewed with Justice Farah Mahbub, and she said that for achieving the goal, what ultimately counts are the attempt on the part of women in their true sincerity and sheer tenacity. According to her, one of the core necessities to become a well-reputed judge is the constant gaining of knowledge and maintaining the personality and patient attitude towards the Bar and the litigant public. Justice said Farah Mahbub also stated that a woman professional, throughout her life, has to accept and face the challenge of maintaining a balance between taking care of the family and discharging the professional duty with proper care.

### Participation of Women Lawyers in the Judiciary

The participation of women lawyers in the legal profession is essential to ensuring leadership, collective voice, and for the equality of women under the law. The overall performance of women lawyers can be visualised to some extent by the following information collected from different sources.

- As regards, the legal professionals, especially, women advocates their representation in only 10 percent.<sup>43)</sup>
- The number of women lawyers practising in the Supreme Court of Bangladesh is approximately 1,500 among the total 5,500

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43) Above note 34.

lawyers of the High Court Division of Bangladesh.<sup>44)</sup>

- In the Legal Aid Committee of the Supreme Court of Bangladesh, the participation of women lawyers is 35%. Their number is in total 30 out of 86 panel lawyers both in Appellate division and in High Court Division.<sup>45)</sup>

There is no concrete source about the actual number of woman lawyers working either in the higher judiciary or in the subordinate judiciary. However, the information mentioned above reflects the fact that though the ratio of women participation as a lawyer is not according to the expectation, their number both in Supreme Court and in the subordinate courts shows an increasing trend, if it is compared with 1990s.

Thus, the number of female lawyers does not convey a good picture of women's participation as legal practitioners. Among law students, 35% are females who study law in the law departments of different public and private universities.<sup>46)</sup> About 87% of respondents who are aged 18-23 studying law reported a positive experience studying at law faculty.<sup>47)</sup> However, the female participation in the field of legal practice (only 10%) depicts that though female professionals choose to enter into the legal profession, they cannot sustain in the profession up to the higher level as a practitioner due to some reasons. This situation has been marked with

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44) Vice-president of Supreme Court Bar Association, Ms. Rekha, Umme Kulsum Begum (2017) was also interviewed for this purpose and she gave her opinion about the number of women lawyers in Supreme Court right now and also in the year 1990-1991 when she joined in the Supreme Court Bar. Other several interviewees also revealed the same number and also agreed that a pro-women change has been done in the Judiciary of Bangladesh.

45) The data is collected from the Legal Aid Committee of the Supreme Court of Bangladesh.

46) Supra note 34.

47) Ibid.



some reasons, including social expectations and gender bias among clients and by the colleagues in the workplace.<sup>48)</sup>

Apart from female lawyers practising in the courts, there are women-oriented lawyers' organisations, which represent a sound picture of women representation and their contributions as lawyers. Apart from the quantitative change in last few years, we shall focus on whether any qualitative change has happened in the performance of women lawyers in the following discussion,

### Female Lawyers Serving in Key Positions to Represent the State

The law officers of the Government (i. e. Attorney General, Additional Attorney General, Deputy Attorney General and Assistant Attorney General) of Bangladesh hold office at the pleasure of the President of the State.<sup>49)</sup> The statutory qualification for appointment as Attorney General, Additional Attorney General or Deputy Attorney General is that they must be qualified to be appointed as Judges of the Supreme Court.<sup>50)</sup> No woman attorney general or additional attorney general has yet been appointed in Bangladesh until now. Nevertheless, there is a woman prosecutor of the International Crimes Tribunal, and her position is equivalent to the Additional Attorney General of Bangladesh.<sup>51)</sup> The working experience at the office of attorney general is one of the most effective ways of learning and consequently to become a good lawyer.<sup>52)</sup> While carrying out the duty,

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48) Different woman legal professionals in the districts of Dhaka and Narsingdi were interviewed and they expressed the same view. Also 52% of the respondents of the survey by USAID conveyed the similar message.

49) Section 2 and 4 (1), The Law Officers Order, 1972.

50) Section 2 and 3, The Law Officers Order, 1972.

51) Barrister Turin Afroze is discharging responsibilities as the Prosecutor (Additional Attorney General) of the International Crimes Tribunal, Bangladesh; see more at (<http://www.bracu.ac.bd/about/people/dr-tureen-afroz#sthash.zqL Ckh5n.dpuf>) (last visited August 16, 2018).

the lawyer has to prepare the case on his /her own without any interference from a senior lawyer or colleagues.<sup>53)</sup>

Hence, it can be regarded as an opportunity for women lawyers to increase their capacity as a successful legal professional in the future. Currently, total 46 and 94 deputy attorney generals and assistant attorney generals respectively are discharging their duties in the Supreme Court of Bangladesh.<sup>54)</sup> Among them, 7 and 26 deputy and assistant attorney generals respectively are women.<sup>55)</sup> In 2007, 2 out of 10 deputy attorney generals and 11 out of 39 Assistant attorney generals were appointed<sup>56)</sup> which leads to a positive change in the role of women empowerment as a legal practitioner.

The women pleaders (lawyers appointed by the government) and public prosecutors<sup>57)</sup> seem to lag behind in reaching equality of numbers with their male counterparts. In Bangladesh, there is only one female government pleader<sup>58)</sup> in the district of Narayanganj until the date of 31. 1. 2017.<sup>59)</sup> Nonetheless, the number of Assistant Government Pleader (AGP) is on its way to becoming dominant. In different courts of Dhaka, the total

52) Mahbub, Justice Farah (2018). Interview with the author, May 2018.

53) Ibid.

54) Ministry of Law (2017). Solicit wing, Ministry of Law, Justice and Parliamentary Affairs, Dhaka.

55) Ibid.

56) bdnews24.com (2007). "15 deputy attorneys general appointed", *available at* <http://bangladesh/2007/06/21/15-deputy-attorneys-general-appointed> (last visited in December 26, 2018).

57) There are two other categories of Officers who work as lawyers on behalf of the State and the Government. They are, (a) the Public Prosecutor (PP), and (b) the Government Pleader (GP). Public Prosecutor conducts prosecution before subordinate criminal courts and special tribunals. Whereas, Government Pleader conducts civil cases in subordinate civil courts and Assistant Government Pleaders assists him in those matters. These lawyers of the Government are selected from advocates of repute who practice as members of Local Bar Associations. The Government determines the terms of their appointment as well as other conditions of service.

Table 3: Presence of women in public prosecution in Bangladesh

	No. of Special PP		No of Additional PP		No of Assistant pp	
	Women	Total	Women	Total	Women	Total
Dhaka	6	39	5 out of 39		86 (In the district court, Metropolitan sessions Court, Chief Metropolitan Magistrate Court)	
Chittagong	1	53	2 out of 53		4 out of 56	
Rajshahi	1		3		5 out of 30	
Khulna	0		1		17 out of 91	
Barishal	0		0		8 out of 25	

number of AGP is more than 80, and the women government pleader is only 15 in number.<sup>60)</sup> In the district of Khulna, there is one additional government pleaders and four AGPs, though their total number is more than 20.<sup>61)</sup> The number AGP is four out of a total number of 32 AGPs in the district of Chittagong.<sup>62)</sup> The Rajshahi district is no way different, and the number of AGP is only two.<sup>63)</sup>

The number of women public Prosecutors is only 2 (1 in *Nari O Shishu Nirjatan Daman Tribunal*, Dhaka and another is in Khulna),<sup>64)</sup> the women special and additional public prosecutors participation is not upto

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58) The Government Pleader is defined in Section 2 (7) of Code of Civil Procedure which includes any officer appointed by the State Government to perform all or any of the functions expressly imposed by the Code of Civil Procedure on the Government Pleader and also any Pleader acting under the directions of Government Pleader.

59) Ministry of Law (2018). Information collected from GP and PP section of soliciting wing on January 7, 2018, Ministry of Law, Justice and Parliamentary Affairs, Dhaka.

60) Ibid

61) Ibid

62) Ibid

63) Ibid

64) Ibid

expectation either. The scenario of women participation as special PP, additional PP and assistant PP in Dhaka, Chittagong, Rajshahi, Khulna and Barishal are shown in the Table 3.<sup>65)</sup>

The data in the Table mentioned above depicts the situation of fewer women participation, which can be regarded as a visible problem for providing leadership, advancement and equality of women in this particular field.

### Female Lawyers' Organisation in Bangladesh

Bangladesh has some organisations who work for the protection of rights and empowerment of disadvantaged sections, particularly, for promoting women rights in the community. Amongst them, the Bangladesh National Women's Lawyers' Association (BNWLA) works to create equal opportunities and equal rights for women in the country.<sup>66)</sup> One of the main tasks of this organization is to (1) advocacy for introduction and reform of law/policies (including research, dialogues, seminars/workshops, Public Interest Litigation (PIL), media, Networking, Partnership); (2) right-based prevention, protection & integration supports (including comprehensive women friendly packages like legal, shelter, development, psychosocial counseling & others); (3) enhancing member women lawyers' professional capacity to resist countrywide violence against women and fulfill its vision "to establish rule of law with gender equality."<sup>67)</sup> In the case of Bangladesh National Women Lawyers Association (BNWLA) vs. The Government of Bangladesh and Others,<sup>68)</sup>

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65) Ibid

66) BNWLA (2018). "NAMATI", *Bangladesh National Women's Lawyers Association*, Dhaka, available at <https://namati.org/network/.../bangladesh-national-woman-lawyers-association-bnwla/> (last visited December 262018).

67) Ibid.

The Supreme Court of Bangladesh defined “sexual harassment” and laid down directives in the form of guidelines to protect women and girl children from sexual harassment at the workplace and educational institutions in both the public and private sectors “to be followed and observed ... until adequate legislation is made in this field.”<sup>69)</sup> Bangladesh National Women Lawyers’ Association did a survey, which depicts that almost 90 percent of girls aged 10-18 years have experienced what is known locally as “eve-teasing.”<sup>70)</sup> The activity above if continued will contribute a considerable extent to change the lawyer women representation in the legal sphere.

Ain O Shalish Kendra (ASK) currently consisting 56 female lawyers<sup>71)</sup> is a national human right and legal aid organisation, and it consists of several units such as training for Capacity Building of Human Rights Actors, Mediation of the family disputes and other domestic violence, Investigation, Publication and communication, etc.<sup>72)</sup> ASK disseminates legal aid services to the women awaiting mediation and litigation, and also to ASK staff and the staff of partner NGOs to strengthen their capacities through mobilisation, coordination and guidance.<sup>73)</sup> In 2014, ASK mediated 702 complaints and resolved 70% cases successfully. On the

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68) *Supreme Court of Bangladesh (2008). “Bangladesh National Women Lawyers Association (BNWLA) vs. The Government of Bangladesh and Others”, Writ Petition No. 5916 of 2008.*

69) Rahaman, Md. Razidur and Jahan, Nishat (2015). “Sexual Harassment in Workplace in South Asia: A Comparative Study on Bangladesh, India, Nepal and Srilanka” 17 (6) IOSR Journal of Business and Management pp. 49-57, 53, available at <[www.iosrjournals.org/iosr-jbm/papers/Vol17-issue6/Version-1/G017614957](http://www.iosrjournals.org/iosr-jbm/papers/Vol17-issue6/Version-1/G017614957)> (last visited December 26, 2018).

70) *Ibid.* PP 49-57.

71) ASK (2018). Interview with the Program Lawyer on January 23, 2018, Ain O Shalish Kendra, Dhaka.

72) ASK (20164). “Rallying Human Rights Activism”, *Annual Report*, Ain O Shalish Kendra, p. 9.

73) *Ibid.*, P. 24.

other hand, out of 1092 pending cases, disposed of the number of 242 cases.<sup>74)</sup> With the help of ASK lawyers, the case against Limon was withdrawn, and a writ petition was filed to restore constitutional guarantee and to end impunity of security forces.<sup>75)</sup> Ain O Shalish Kendra was created with a vision to invest women's leadership and empowerment, and today, as an organisation, it is working to change the women lives from torture and discrimination through the contribution of women lawyers of this organisation.

Likewise, BLAST is one of the leading legal services organisation consisting of 2300 panel lawyers across the country.<sup>76)</sup>

'... among which a good number of women lawyers are trying to reach out to the women, children and other marginalised section of society, raising their awareness and understanding of available rights, remedies and services, and seeking to ensure greater responsiveness to their needs from within the justice system.'<sup>77)</sup>

According to the Final Progress Report titled 'Women in Justice' submitted by BLAST for the period beginning 01. 19. 2014 and ending 01. 18. 2016, the Women In Justice Project resulted in several notable achievements. Women arranged different meetings, seminars and workshops in Justice for increasing the professional capacity of the judicial

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74) Ibid. P. 32.

75) ASK (2013). "In Defense of Human Rights", *Annual Report, 2012*, Ain O Shalish Kendro, PP. 1-5. *available at* <[www.askbd.org/ask/2013/04/annual-report-2012/](http://www.askbd.org/ask/2013/04/annual-report-2012/)> (last visited December 2, 2018)

76) BLAST (2016). "Who we are, Panel Lawyers", Bangladesh Legal Aid and Services Trust, Dhaka, *available at* <<https://www.blast.org.bd>> (last visited December 26, 2018).

77) BLAST (2018). "Our programmes", Bangladesh Legal Aid and Services Trust, Dhaka, *available at* <<https://www.blast.org.bd>> (last visited December 26, 2018).

officials, lawyers, academics and students and creating the networks among them. Thus, BLAST can be said to have been trying to serve as a platform for women legal professionals to share their experiences as well as generate ideas that will help them to excel in their careers.

### Challenges Faced by Women Lawyers' Organizations

Organisations like BLAST, ASK etc., they are not free from day to day Challenges. In the course of conducting human rights awareness programme, social conservatism is a great challenge, that is, a selection of people, including a handful of teachers, persist in opposing acting, singing, and dancing as trivial, socially unproductive and therefore, immoral.<sup>78)</sup> On the other hand, pervasive corruption and low appreciation for the law is marked as a barrier to the advancement of providing proper justice. As the organisations are engaged in providing access to legal assistance, the wrong-doers sometimes find shelter from the powerful local community.<sup>79)</sup> Sometimes lack of funds poses a great challenge for the smooth functioning of the legal awareness and other programs. The BNWLA is currently not engaging in awareness raising workshops and exchange programs due to lack of funds.<sup>80)</sup> Some organisation often curtail their activities or manpower due to a deficit of funds.<sup>81)</sup> Thus, the scenarios reveal the fact that these women professional oriented organizations face hurdles to accomplish their tasks due to the surrounding circumstances mentioned above.

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78) ASK (2014). "Rallying Human Rights Activism", *Annual Report 2014*, Ain O Shalish Kendra, p. 16.

79) Ibid. p. 23.

80) Due to fund constraint, BNWLA is not currently arranging the program of disseminating awareness about *Paribarik Shahingshota Protirodh o Shurokha Ain* (the Domestic Violence Prevention and Protection Act), 2010 and other laws to different stake holders in the legal as well as other profession.

81) An employee of ASK mentioned that they had to lessen the number of employee because of the deficiency of NGO fund.

### The Hurdles of Female Lawyers in Judiciary

**Lack of opportunity for capacity building.** In the society we live, women's leadership and their proper representation are still in the process of a transition period, and a lot of hurdles are ahead to overcome the same. The judicial service and the remaining field of the legal arena in Bangladesh is not an exception to this overall situation prevailing in our society. At the time of the interview with Ms. Justice Farah Mahbub, she said, *"when I started my career as a lawyer in the court, the lawyer to whom I was junior was not keen to teach me. This non-cooperation of the senior lawyers tends to throw the young lawyers, especially the women lawyer into a big hurdle at the beginning of their profession. A young woman lawyer often faces other harassments in the unfavourable working environment. I was fortunate enough to have my father as a senior member of the Bar, and I had the opportunity to learn a lot from my father in a positive professional environment"*.

Further, Justice Farah Mahbub elaborated her initial experience in the judiciary in the following words: *"Later on, during my work in the attorney general's office, I gained essential knowledge and experience as I had to prepare the case by myself and contested the cases against almost all the well-reputed lawyers of the bar."* She further added that *"both hard work and sincerity on my part and favourable learning situation in the profession paved the way of my becoming what I am today. Nevertheless, I could never achieve the goal without the constant care and support of my husband and in-laws towards my child. Thus, a woman lawyer needs qualities of her own at first, and on the other hand, she needs the favourable working environment and supportive family to sustain her effort and career as a legal professional"*. Therefore, for the capacity building of the women lawyers, developing the skill as a lawyer is of utmost importance. Without proper learning, expertise and experience, it is not possible to flourish one's career as a



successful woman lawyer.

The lawyers, more specifically, the women lawyers, after their law graduation, do not get enough opportunity to receive institutional training to achieve the expertise in understanding and application of the law.<sup>82)</sup> This underlines the need for continuing legal education for lawyers, especially the women lawyers because they sometimes have to sustain more difficulties in learning from their respective working environment.

**Lack of a proper working environment for the woman lawyers.** One of the greatest challenges for the profession involves workplace structures that fail to accommodate a balanced life. A considerable number of women lawyers' report experience work/family conflict and most believe that it is the greatest barrier to women's advancement. Only a fifth of surveyed lawyers is satisfied with the allocation of time between work and personal needs, or with their opportunities to pursue the social good. A woman sometimes has to have extended leaves or reduced schedules for the sake of family responsibilities. However, the profession of legal practitioners needs the work of late hours, and therefore, it becomes a barrier for the proper grooming up of the female lawyers.<sup>83)</sup>

It is one of the main challenges to work in the appropriate chamber environment free from any apprehension of sexual harassment.<sup>84) 85)</sup> Apart from this, gender discrimination is a common and vital factor, and the clients often underestimate female lawyers as less qualified and less

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82) Interviewed several practicing female lawyers who said that they do not receive any institutionalized training during their tenure as a lawyer.

83) Interviewed several women lawyers of the Dhaka Judge Court Bangladesh.

84) BNWLA (2018). Interview with Advocate *Fahmida* on June 2018, Bangladesh National Women Lawyers' Association, Dhaka.

85) BLAST (2014). "Participation of Women in Justice, Barriers and Future Action", paper presented in the seminar on *Women in Justice Project*, Bangladesh Legal Aid and Services Trust, on June 23, 2014, *Rajshahi* University, *Rajshahi*.

dependable than the male lawyers. Moreover, the working environment is not always suitable for them as there remains of poor accommodation and logistics to work long hours on the court premises. The apprehension of sexual harassment of the female practitioners tends to make the working environment unfavourable to the female lawyers.<sup>86)</sup> Until today, it is relatively easy for the daughter of the house to join the chamber of her father or family member without having to worry about harassment in a male-dominated profession.<sup>87) 88)</sup> Consequently, it can be vehemently stated by Rhode that:

'These mixed messages leave many women with the uncomfortable sense that whatever they are doing; they should be doing something else.'<sup>89)</sup>

**Difficulties in balancing professional and family responsibilities.** It is always expected from the family as well as the society that women professionals will perform their official duties after accomplishing their domestic responsibilities. In the article, '*Difference makes Women and Leadership*' it has been quoted that:

Assumptions about the inadequate commitment of working mothers

86) Ibid; See also, Chowdhury, Dilara (2005). "Sexual Harassment of Bangladeshi Women in Workplace", Forum on Women in Security and International Affairs, Dhaka.

87) Kohli, Justice Hima available at [sowllindia.com/upload/SpeechJusticeHimaKohli.pdf](http://sowllindia.com/upload/SpeechJusticeHimaKohli.pdf). Several female lawyers interviewed also expressed the same view. Last visited at 26/12/2018 See also.

88) While interviewed with advocate of the Supreme Court Ms. Umme Kulsum Begum Rekha, Vice president of Supreme Court Bar, she shared that she had a huge family support to flourish her career as an advocate. She has her husband and elder brother both practicing as a lawyer in the Supreme Court.

89) Rhode, Deborah L. (2000) 'In the Interest of Justice: Reforming the Legal Profession' Oxford University Press P. no 26 Available at <https://books.google.com.bd/books?isbn=0195347374>

can influence performance evaluations, promotion decisions, and opportunities for the advancement of this profession.’<sup>90)</sup>

In short, the gender biases, poor working conditions and unfavourable social and family expectation and conservativeness towards women legal practitioners pose a barrier to the advancement of women community in this field.<sup>91)</sup>

For woman legal practitioners, it is a huge challenge to cope with their family responsibilities while building up their career simultaneously.<sup>92)</sup> Although some women start their legal profession as a matter of the first choice, most of them are compelled to leave soon after their marriage.<sup>93)</sup> Although some women join the legal profession as a career of the first choice, most of them opt out immediately or soon after marriage.<sup>94)</sup> It has been cited in ‘Women in Indian Courts of Law: A Study of Women Legal Professionals in the District Court of Lucknow, Uttar Pradesh, India’ by Mishra that:

‘It is really shocking that very few women are able to continue after the age of forty. This is the stage when the legal practitioners have acquired experience and would be at the height of success. Evidently, family pressures after marriage are depriving women legal profes-

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90) Leborah L. Rhode (ed) (2003) ‘Difference makes Women and Leadership’ p. 48 available at <https://books.google.com.bd/books?isbn=0804746354>

91) Interviews were also conducted with Supreme Court Advocate Barrister Mousmee Kavita and Advocate Golria Sarker as regards to their opinions about women in legal professionals. They also opined in the same line.

92) Mishra, Saurabh Kumar (2015). “Women in Indian Courts of Law: A Study of Women Legal Professionals in the District Court of Lucknow, Uttar Pradesh, India” p. 50. available at [journals.openedition.org/eces/1976](http://journals.openedition.org/eces/1976) (last visited December 27, 2018; See also, Abel, Richard (1988), Comparative Sociology of Legal Professions: An Explanatory Essay. *American Bar Foundation Research Journal*, 10 (1), Winter, 1-80.

93) Ibid

94) Ibid

nals of the fruit of their hard work put in during their initial years in the profession.<sup>95)</sup>

**Lack of support to the woman lawyers.** According to the words of According to Professor Dr. Siddiqua, Faculty of Law, Rajshahi University, Bangladesh:

'Society, state and family don't give enough support to women to study law. Women have their own capabilities; they do not need to depend on everyone. Most of the case women don't get enough support from their in-law to move forward.'<sup>96)</sup>

The surroundings are no longer the same in the recent past and in recent years, there have been acute pressures of economic necessity in every family, At present, most of the cases, the external environment is no longer hostile against the grooming up of the women in the professional field.<sup>97)</sup> The public opinion is also no longer unreceptive, and there are lots of opportunities for women today. However, the between the family and work go on throughout their lives, and by overcoming those obstacles, women are conquering the judicial as well as legal professions.

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95) Ibid

96) Begum Asma Siddiqua shared her views on law career and the fact of facing political problem, social problem and family problem. She said women cannot struggle against family but they can converse with them and make them understandable their point of view regarding law profession. Siddiqua, Begum Asma (2017). Speech delivered in Faculty of Law, Rajshahi University, *available at* <<https://www.blast.org.bd>> (last visited March 19, 2017); See also, Bashevkin, Sylvia (2009), "Vexatious Vixens", in Bashevkin, Sylvia, *Women, Power, Politics: The Hidden Story of Canada's Unfinished Democracy*, Oxford University Press, pp. 86-89, ISBN 9780195431704.

97) McGill, Audrey Kobayashi (ed) (1994) 'Women, Work and the Place' Queen's University Press, available at <https://www.jstor.org/stable/j.ctt80f8n>

## Recommendations

### 1. Self-development of women professionals in the judiciary

Now a days, a good number of women work hard to establish themselves as successful professionals.

Every lawyer should work hard to acquire enough confidence so that she can win the trust and faith of her colleagues and clients.<sup>98)</sup> Thus, a woman professional in the legal field has an obligation to build up their competence to face any professional challenge, and discriminations at workplace or from their families, for gaining adequate knowledge and experiences to challenge the reality and overcome hurdles.

### 2. State responsibilities to develop women professionals' capabilities

On the other hand, it is the solemn duty of every State and society to facilitate her to build up and sustain a carrier to the optimum level. A legal framework that guarantees women's right to work effectively is of fundamental importance and States must eliminate discriminatory norms and any other gender-based obstacles that deprive women judges and other legal professions of their right to equal access to justice. States must also take active measures to ensure special consideration and a holistic approach towards a favourable working condition of women legal professionals and prioritize the participation of women in key posts.

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98) Nahar, Nazmun (2014). expressed the same view on March 8, 2014, USAID's Justice for ALL Program, in collaboration with Bangladesh Legal Aid and Services Trust (BLAST), organized a panel discussion on "Women's Participation in the Justice Sector: Challenges and Expectation" at Dhaka University. Available at <https://www.blast.org.bd> last visited 19/3/2017 See also Wilson, Suzanna Bex (1992) Eliminating Sex Discrimination in the Legal Profession: The Key to Widespread Social Reform' Indiana University School of Law.

### 3. Urge for promoting a pro-women environment in the court

In order to sustain and flourish the representation and increase their qualitative performance of the woman judges, proper logistic support (such as, common room, separate chambers etc.) in the Bangladesh Supreme Court Bar is still wanting, and it requires to be increased immediately. Apart from this, if a woman lawyer gets professional support both from her colleagues and from family members, it is a pleasurable profession to learn and to give the relief to the litigants and the society at large.<sup>99)</sup>

### 4. Need for quality legal education with sufficient monitoring for the women lawyers

Institutional, vocational and legal education for the lawyers should be introduced for the women lawyers, and they should be provided with this type of training time to time during their tenure in practice. It is to be mentioned that Bangladesh Bar Council conducts continuing legal education for young lawyers and law graduates as a requirement for enrollment in the Bar.<sup>100)</sup> Besides the training, during the intimation period, continuous legal education to the female lawyers is an important requirement for capacity building of the women lawyers. Gender disaggregated data should be maintained by the Bar of both Supreme Court and District Courts so that women-lawyers can acquire uniform compulsory continuing training for achieving professional and intellectual pursuit.

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99) Interview was taken with Ms. Umme Kulsum Begum Rekha, Advocatae, Supreme Court of Bangladesh.

100) Bangladesh Bar Council (2015). "About Us", available at <[www.barcouncil.gov.bd/about-us/](http://www.barcouncil.gov.bd/about-us/)> (last visited 31 December); see also, Section 10 (i), The Bangladesh Legal Practitioner's and Bar Council Order.

To identify their role in establishing gender equality and creating a gender-sensitive environment in the courts, the following points are of fundamental importance (1) providing institutional support to women law graduates during the intimation process. This support can be given by maintaining a roster of names of lawyers from the Dhaka Bar who will provide women graduates' with internship certificates. Gender equality may also be promoted through this initiative (2) maintaining gender-disaggregated data regarding advocates enrolled with the Dhaka Bar for monitoring purposes etc.<sup>101)</sup>

Other matters that would increase the professional capability is important both at the intimation stage and at subsequent stages of the legal profession. As discussed earlier, though different organisations try to disseminate the training to the female lawyers, the training must be disbursed in a more systematic and organised way.<sup>102)</sup> Ms Justice Farah Mahbub exchanged her view to this effect that a woman whether she be a lawyer or judge, must maintain her, dignity and acquire the highest standard of knowledge to achieve success professional life.

## Conclusion

As observed in the paper, although some women were more than capable of competing in various professions, as a group they were seen as less intelligent and more emotional than men. Due to this, they were believed as less qualified for work, especially in the judicial system. In the

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101) BLAST (2015). "Policy Advocacy", minute of meeting conducted among BLAST officials and elected members of the Dhaka Bar Association, held on May 31, 2015, available at <https://www.blast.org.bd> (last visited March 19, 2017).

102) Yesmin, Ms. Farzana (2017), Interview with the author on September 2017.

Early 20th century, there was more mobility for women in the work force. Women were starting to continue their education and their standards were raised. They were supported to take care of their home and maintain a career. Today, the number of women working in the judicial system, has also increased. Women nowadays are not seen as subordinate to men as they were before.

To sum up, women have arrived centre stage in the judiciary as well as in other legal professions - they have been successfully negotiating and performing their role as judges and lawyers. Thus, at this stage it would not be an exaggeration if we conclude with the lines of Justice Eqbal that *'given their immense talent and enterprise and inherent sensitivity, it is not surprising that they have made their mark in the legal profession.'*<sup>103)</sup>

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### Acknowledgement

All interviewees who shared their valuable opinions on this issue  
 Ain O Shalish Kendra, a renowned NGO in Bangladesh  
 Bangladesh Legal Aid Services Trust, a renowned NGO in Bangladesh  
 Bangladesh National Women Lawyers Association, a renowned NGO in Bangladesh  
 District Judge Court, Dhaka, Bangladesh  
 Legal Aid Committee, Supreme Court of Bangladesh  
 Solicit Wing, Ministry of Law, Justice and Parliamentary Affairs, Bangladesh  
 USAID Justice for All Programme