

## **Field Notes** **Lady Advocates of Pakistan**

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The field notes consist of interviews with lady advocates (the expression used for female advocates in Pakistan) in the district and sessions courts, from different parts of mostly Punjab in Pakistan. The detailed interviews of the female advocates were conducted by a team. A questionnaire was devised for conducting a qualitative nature of research; it was constantly improved during the interviewing process in the light of new facts appearing.

The interviews conducted during the last three years show various issues in the professional lives of female advocates in Pakistan. The extracts of the interviews are provided under the issues selected which were found to be most common and related to their everyday professional life, for example encouragement and support to enter the profession on the home front, marriage, married life and legal profession, discrimination against female advocates in the courts, problems with social attitudes, harassment, integration with the customs and culture of the courts (corruption, softness and care, alternative methods of resolving disputes), and participation in the organisational life of the courts. Some of these issues seem to be overlapping but it is considered important to distinguish them in the light of the experiences of female advocates.

It should also be noted that female lawyers have varied experiences depending on economic class, educational status, age group, urban or rural background, etc. Interviews under some issues revealed a glaring contrast in the experiences they have in their chosen professions.

The number of advocates in various courts of Pakistan in the year 2011 was as follows:

Supreme Court Advocates: Total number 4118

High Courts Advocates: Balochistan 1531; Khyberpakhthunkwa 3,171; Punjab 30,000; Sindh 6,840.

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Subordinate Courts Advocates: Balochistan 2,144; Khyberpakhthunkwa 10,606; Punjab 22,000; Sindh 9,214 (Hussain 2011).

We do not know the exact number of female advocates. But it is clear that the number of female advocates, though remarkably less compared to men, has been visibly increasing to a greater extent. The Bar Council Act says:

Rule 29. "Eligibility of women for admission – "No women shall be disqualified for admission as an advocate for reason only of her sex."<sup>3</sup>

### **Criteria for Enrolment as an Advocate in Pakistan**

Criteria for enrolment as an advocate of the lower courts in Pakistan are a minimum Bachelor Degree, LLB (3 years) from Pakistan or abroad; in case of a Pakistani LLB degree one has to pass an "Intimation Exam" conducted by the Provincial Bar Council, from which 45% marks are required to qualify. Then the lawyer is to undergo training with a Senior Advocate for at least six months. Thereafter, an apprenticeship certificate is given by the senior lawyer, and the candidate also provides a list of cases in which he/she has been appearing along with the senior lawyer. On completion of the apprenticeship the candidate appears before two elected members of the Provincial Bar Council and takes a *viva voce* examination. If declared successful in the examination a license to practise in the lower courts is awarded by the Provincial Bar Council. All courts below the High Court are lower courts. However, all the above steps are exempted if the person is foreign qualified and license to practise in the lower courts has been awarded.

After two years of practice in the lower courts, the case is processed by Provincial Bar Council for enrolment of the lawyer as an Advocate of the High Court.

To get a license for appearing in the Supreme Court a minimum 10 years standing as an advocate of the High Court is required; a list of cases conducted in the High Court along with reported cases is to be provided; two senior High Court judges give a *viva voce* exam and if the applicant passed, a fitness certificate is issued. Thereafter the case is sent to the Pakistan Bar Council, and the advocate has to appear before one or two judges of the Supreme Court of Pakistan and one member of the Pakistan Bar Council (Committee) to take another *viva voce* exam. If passed and after completion of formalities and re-signing of the roll of Supreme Court of Pakistan the advocate becomes an advocate of the Supreme Court of Pakistan.

### **The Development of the Court System under Colonial Rule: Culture of Legal Profession in Pakistan**

It will help to understand female advocates and their situation in the legal profession if we briefly look at the historical background of the origin of courts in colonial times and their development in post-colonial Pakistan. In 1726 letters patent of George I enabled the courts in India to give judgments according to justice and right.

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<sup>3</sup> LEGAL PRACTITIONERS & BAR COUNCILS ACT, 1973 [XXXV OF 1973] WITH RULES AS AMENDED UP TO SEPTEMBER, 2005. PUNJAB

Islamic and Hindu rules were retained in personal statutes, though these rules were interpreted by British judges or by indigenous judges with British training. The central aim on the part of the British was uniformity of laws but this uniformity was provided at the cost of imposing rigid Islamic or Hindu rules. They underestimated the diversity in the vast territory of India and had a text-book approach (Anderson 1993). The values of the British legal culture were different from the values of Indian legal culture. For example equality before the law and clear-cut decision instead of compromise were at odds with Indian legal culture (Chaudhary 2011: 37). Therefore there was a direct clash of the values of the two societies. "It is argued that the British norms brought to the new judicial arrangements in the Deccan were adopted, reshaped, and reconstructed by Indian litigants who sought to pursue their cases in British-administered *panchayats*. Their cases focus upon the construction of stories that fit the new administration's definition of justice, equity, and fairness" (Jaffe 2011: 61). In the words of another writer: "Indians in response thought only of manipulating the new situation and did not use the courts to settle disputes but only to further them" (Cohn, 1989). Courts were used as a competition for social status and political and economic dominance in the village. Cases were brought to the court to harass one's opponents to satisfy the insulted and for revenge (Cohn 1967). The natural outcome of this scenario and the deep distrust towards state courts gave rise to the emergence of legal plural institutions for the dispensation of justice. This situation exists until today.

In the early post-independence period in Pakistan the common-law style courts persisted. Even after Islamisation of laws not only the basic structure of the common law legal system stayed intact but the original character of the courts in the common people's mind continued (Chaudhary 1999).

A legal career, however, became increasingly attractive. With the passage of time the legal profession became overcrowded. Dropouts from other places become lawyers, therefore now there are all categories of lawyers: those who have passed examinations after studying "Guides to Examination" and the ones who are foreign-qualified from prestigious law schools. The chambers where lawyers sit are usually around the courts and they also differ according to their economic standard. Some of them have fine offices, while other sit with a table and chair which are traditionally locked together with chains after working hours to prevent them from being stolen. These open-air chambers can be compared to the fish market where clerks are still found with their old-fashioned typewriters. In the seventies the description provided by Rahman about the lower courts more or less still persists till today. He wrote:

"...lawyers are also known not to have any respect for code of conduct. For example they are known for having contact with the judges, state attorneys, police officers and other higher officers.... They also get money from their clients in the name of judge, state Attorney, police or other higher officers of the courts" (Rahman 1978: 174-175).

"They are also known for keeping 'touts'. This has [an] old history from the colonial period. They bring clients for the advocates, provide bail bonds, and provide witnesses. This is considered to be a very strong group in the courts and many efforts to abolish them have failed. And those who support to clear them have also faced violence at their hand. *Munshis* (clerks) of the advocates also play an important role. They are considered to be the right hand of the advocates." (Rahman 1978: 188).

Yasin and Shah (2004: 86-87) note:

“The legal profession is also partly responsible for the delays in court cases. At times lawyers oblige their clients who are interested in delaying their cases by seeking adjournments and filing frivolous appeals and revisions”.

However one of the new developments in Pakistan after the movement for the independence of the judiciary, it should be noted, are reconstructions of District Courts Buildings at least in the major cities of Pakistan. It remains to be seen if this would also affect the above mentioned situation of the lower courts of Pakistan.

### **Women and the Legal Profession**

In the beginning of the history of Pakistan we do not hear much about women advocates and judges. To understand the courts in Pakistan, as a workplace for women, one big indication is that until recently there have been no toilets for women in the lower courts, even in the big cities of Pakistan. The High Courts and the Supreme Court are exceptions with their new modern buildings, where toilets are available for clients and professional women. However, in the District Courts of the big cities a separate bar room has been set up for women advocates with an attached toilet. But there are still no sitting places and toilets for women clients.

The atmosphere of the courts is very much ‘male and money’ dominated. Traditionally women do not contact the courts in Pakistan.

In this background where courts seem to be hard and crude, where all dealings are done by “only men”, the entrance of lady lawyers was a big change and resistance to provide space to them was natural.

The results of the interviews are put under the following headings.

### **Encouragement on the home front**

There were mixed instances how many female advocates got encouragement from their family members to join this profession. It is interesting to note that most of them were encouraged by their fathers to join the law profession. The experience of joining the profession was also varied. As one interviewee put it:

“I didn’t want to be a lawyer, but my father wanted his daughters to be independent, and he was keen that I pursue law. Once I started studying law, I too became interested in it and was fortunate to marry a man who has been supportive and encouraging. My husband and in-laws have helped with the raising of my two daughters. I couldn’t have managed without their support. Although juggling with my career and family life is pretty challenging, I feel being a lawyer allows me an independence no other profession can enjoy. I am self-employed, have my own timings, and answerable to no one. My success depends on my knowledge of the law, and I think it is the best profession for a woman in Pakistan.”  
(Interviewer: Mariam Vine, interviewee: Shamsa Qamar District Courts Multan).

The predicament of a young woman of a provincial town aspiring to be a lawyer is well illustrated in these words:

“Poverty, family quarrels, mother’s tensions, no hope for fee and books, no money to pay for transport, unorganised educational system, and social pressure to get married, above all countless hurdles from paternal uncles and aunts in a joint family system!

While handling all these hurdles I never had bad grades or excuses in education. I was determined to become a lawyer like my father. It was really building a new personality. Where girls are supposed to be quiet and inexpressive I developed abusive language. The sour experience took away the softness in my behaviour. But still I am a well-wisher and want good for everyone. Dream for a loving husband and for kids was still alive. But that dream was never in my way to become a lawyer. Actually nothing was in my way to become a lawyer!!

People started showing the horrible pictures to me that if I choose law as my father did, I will face criminals in the court and will always have to work among men with bad mentality. No one will look at me with grace; above all no one would like to marry me. My answer was I don’t want to be married to a guy who can’t accept me the way I am. I don’t mind facing criminals. I don’t care what society thinks of me. I care for God and He is my strength.

My mother was very supporting throughout my career as a lawyer. My father was a lawyer too but he was an addict and was never successful in his job.

I am a lawyer now. But struggle is never ending. I joined few lawyers to assist them and to learn how to work in courts. Everyone found me hardworking and tried to get their job done through me as much as possible. I couldn’t take it so I established my own chamber.” (Interviewer: Fatima Malik Interviewee: Mehreen, Court in South Punjab).

Some other accounts are as follows:

“My father wanted me to study law. My father’s friend encouraged me and I am the first girl of my village who has studied law. My family is very proud of me that I practise. Also my village is very proud of me because they think that I am the brave girl of the village.

...Advocate profession is a very hard job. We have to spend the whole day with clients and after that the whole evening studying for the next day.” (Interviewer RM Interviewee: Zuhr Nisa from the Attock courts).

Another described:

“For me personally it has been a struggle. My family was never encouraging. They were not happy with my choice of profession. When a woman comes into this profession the whole family looks at her critically, therefore most young girls do not join this profession. This is the reason that women are in a minority in this profession. My parents feel I haven’t achieved anything. They don’t understand that it takes time to establish oneself as a lawyer. Initially I had no guidance, no support and I was not very dedicated, so perhaps I have not gone as far as others have, yet. When I started to work long hours it took a toll on my social life, but I’ve reduced my work hours and it has affected my career.” (Interviewer: Mariam Ahmed, Interviewee: Farida, Courts in Islamabad).

Another said:

“I got my law education from Mardan, Khyberpankthunkwa. In my law class there were 100 boys and 13 girls and I am the only among the 13 who is working as an advocate. Though my father was not an educated man and I am the youngest of seven sisters, when I was born my father said she is like a son for me. Therefore I have always felt like a boy and I decided to prove to my father that he should be proud of me.” (Interviewer: RM, Interviewee: Farzana Jahangir, District Courts, Attock).

## Marriage and profession

There are again mixed experiences of female advocates concerning their married life in combination with the legal profession. They often seem to be divided between family life and profession.

“I do not want to get married because firstly it is difficult to find a husband who would allow his wife to work as an advocate. And secondly, even if a man says that he would allow me, I do not trust, and what would I do if he changes his mind after marriage?” (Interviewer: RM Interviewee: Farzana Jahangir, Attock District Courts)

One of the advocates said:

“I don’t think that I would have a problem with marriage as some people came and asked for my hand in marriage and my parents are looking for an appropriate match. I work to a limited extent and earn money which is enough for me. I don’t want to burden myself with too much work as this can affect married life. I think marriage is a protection for the female advocates. When the clients and other colleagues in the court know that she is married, nobody dares to say anything to her and in this way she can gain more respect.” (Interviewer: Rashdeen Nawaz, Interviewee: Faiza, District Courts Lahore).

Another said:

“It also becomes difficult for an advocate girl to get married. If they want to get married the family of husband’s side should be open-minded people otherwise if a female advocate is talking to another man this is difficult for the common families to tolerate. If a woman talks to a man outside the family, it becomes a question of honour for the husband’s family. However I would like to be married to a person who has full trust in me.” (Interviewer: RM Interviewee: Zuhr Nisa Jahangir, Attock District Courts).

Another confirmed:

“We have to face a lot of problems regarding marriage. Well, I have a personal experience of it. There came a proposal for marriage (*rishta*) for me from a family and my brother told my mother about the offer. That family didn’t know that I was a lawyer, so on knowing they neither visited the home nor wished to see me.” (Interviewer: Sajid Sultan; Interviewee: Fatima, Multan District Courts).

There are varied experiences; however this can be seen from the following:

“Actually marriage is a positive thing in my life. I was becoming lonelier with time. Brothers were busy in their lives and with their wives. So I needed a companion. My husband doesn’t mind my work, actually it is a financial support for the whole family. But sometimes we get into fights when I don’t have time for him.

My mother-in-law who lives with us taunts me a lot that I work much but don’t earn enough, so I should stay home and help her in household activities. She does not mean it because without my earning the joint-family will be in trouble. When my children (I got two small kids) are ill I am much stressed, as I also feel guilty for not giving enough time to my children. I work hard at home too and try to help my sister-in-law’s interest towards studies and I also support my brother-in-law (both of them living with us) who has many psychological problems.” (Interviewer: Fatima Malik Interviewee: Mehreen, District Court in South Punjab).

### **Male-dominated profession**

Advocacy is seen as a typical male profession where a total commitment of the work is required. Women find it more difficult to sustain an intensive devotion to work at the expense of family over a longer period of time. Particularly married women find themselves unable to make that kind of total commitment to work. Faiza is a lawyer from an affluent family and has been practising in Islamabad since 2002. She describes her experience like this:

"When I entered the field in 2001 as an apprentice-lawyer for 6 months, it was and still is mainly a male profession. The system has been created for men, by men. Most men have a wife/mother/sister that ensures his breakfast is laid out in the morning; he simply has to pick up his briefcase and leave the house. Women on the other hand have to either prepare their own meals, or ensure their meals are prepared, and take care of the households' chores before they leave home for work. A woman is expected to take care of the mundane day to day matters of the home and her attention is thus divided between work at home and work at the office." (Interviewer: Mariam Vine, interviewee: Faiza, District Courts in Islamabad)

Female advocates do not all have a similar response to male dominance in legal profession. A young advocate coming from a comparatively strong social background argued:

"I think it makes a woman stronger knowing the law and being able to use it to her advantage. I can go as far as I want to be in this field, it all depends on the amount of work I put in. I don't have to kowtow to anyone to get ahead, at the end of the day it all comes down to sheer hard work. I can earn as much as the men in this profession." (Interviewer: Mariam Ahmed, interviewee: Shamsa Qamar, District Courts Multan).

Another explains the situation more bluntly:

"The lower courts are small rooms where the Reader is male, the *Pukaraa* (who announces the cases) is male and the judge is male. 90% of the people involved in the legal profession are male. Sometimes the *Pukaraa* or the Reader are rude, and being a woman I can't tell them off the way a man would, and if we're polite they just ignore us. Anything a woman does in and around the courts is subject to scrutiny and gossip. And gossip spreads like wild fire, your reputation suffers. Similarly the Record Room is always full of men. The clerks are men, and the rooms are again small and cramped, and when a single woman enters a room full of men they stare at you; that is very intimidating, at least for me it is. The clerks will just stare at us, deliberately delay or not do our work because we are women, they intentionally harass us." (Interviewer: Mariam Ahmed, Interviewee: Faiza, Districts Courts Multan).

A female advocate from Islamabad explains how they have struggled to make more space for themselves in the profession:

"When I started visiting the Islamabad District Courts in 2002, there were no separate toilets for women; you could smell the toilets from far away. We had to fight for them. There was no place for women to sit and relax, if you sit at the canteens men tend to stare and if you sit with the men they think you're fast. As the number of women has increased, these things have also improved, we now have our own bar room as well as a daycare. The new crop of female lawyers has been struggling to change the status quo." (Interviewer: Mariam Ahmed, Interviewee: Farida, Islamabad Districts Courts).

### **Discrimination against Female Advocates in the Profession**

When asked about the discrimination against female advocates in the legal profession, female advocates affirmed the presence of discrimination made by clients, male advocates, and male as well as female judges. However the incident of discrimination is interpreted in various tones. The following are expressions to show different feelings toward discrimination:

"A number of clients do not come to me because I am a woman and they do not trust and would not take their serious problems to a female advocate. Most of the cases I get are from

women with family cases of maintenance, custody of children and dissolution of marriage.” (Interviewer: RM, Interviewee: Farzana Jahangir, Attock District Courts).

“Females are discouraged to study law and once they study it they never practise it. If they practise they face much discrimination in the courts. When they appear before a judge some of them do not take them seriously and they are also discriminated by the clients.” (Interviewer: RM Interviewee: Zuhr Nisa Jahangir, Attock District Courts).

Another said:

“As I am a woman from the urban set-up I face fewer difficulties in being a professional lawyer. I don’t experience much discrimination on the basis of gender. Moreover we are more trusted than men as women are hardworking, they are honest and don’t much opt for unfair means. However I have been facing difficulties from amongst my own colleagues. Like when I win a case in front of a female judge the male opponent counsel in the court would say it’s woman to woman solidarity. And when I defeat a male attorney in the court of a male judge, the same counsel would comment: ‘Why not, she is after all a woman’.” (Interviewer: SJ; Interviewee Parveen Sunderdass, advocate H.C. Mardan Bar).

## **Attitude of Senior Male/Female Advocates towards Female Junior Advocates**

“If we ask a senior about something they do guide us but no proper system is working here to provide guidelines to the new male or female lawyer who joins here. If a system is set up in the courts (*kachehri*) for newcomers and the Bar should tackle it by itself, then many of the problems shall stand solved. Look, the female senior lawyers have very little work so they cannot afford the juniors with them. So it’s a problem for them to adjust a junior female lawyer with them.” (Interviewer: Sajid Sultan Interviewee: Fatima, District Court Multan).

One of the biggest problems for the female junior advocates is financial and their seniors, who are mostly males, do not support them:

“When I joined this field I thought of doing a lot of things like this and that - but when I entered the courts (*kachehri*), the first thing I had to face was the financial crisis. Such are the problems that the seniors do not accommodate the juniors. Even they do not refer the cases to juniors. What I think is that seniors should refer the small and minor cases to their juniors.” (Interviewer: Sajid Sultan, Interviewee: Fatima, Multan Districts Courts).

“The attitude of the senior female lawyers has not been very positive. They want to reap the benefits of their labour not share them, so they don’t take the time to help or encourage fresh young lawyers, in fact they can be very discouraging. Most of them don’t have time for you and very few of them will deal well with a new female lawyer. They don’t take the time to discuss your case with you, they just want results. It’s not all about reading and research; you need guidance on a practical level which just isn’t there if you work with a senior female lawyer. There are very few women at the upper level, and perhaps that’s because most of them had some other form of financial support so they didn’t need to struggle and pursue their careers the way men do.” (Interviewer: Mariam Ahmed Interviewee: Farida, Islamabad District Court).

## **Attitude of the judges**

“Some of the judges are very polite with lady advocates but some judges are very rude. Lady Judges prefer to work with male advocates as they learn more with them.” (Interviewer: Rashdeen Nawaz, Interviewee: Parveen, Lahore Districts Courts).

“Similarly gender sensitisation workshops have made a difference by improving the attitude of judges towards female lawyers. Some are very nice, though those are few in number, about 30-40% of the total Judges, others have a dirty mind, you can tell. Some tend to treat you like an imbecile if you are a woman or try to discourage you. In my early years as a lawyer, a judge was once very rude to me in court and I didn't have the confidence to speak up for myself, but now I do. If a judge crosses the line I tell him off very politely. But as I said, things are improving; new female lawyers are now being awarded pro-bono cases, whereas previously judges would prefer giving them to the men.” (Interviewer: Mariam Ahmed, Interviewee: Farida, Islamabad District Court).

### Issues with social attitudes

The following words of a female advocate reveal a positive attitude of the general public towards female advocates

“My uniform (white *shalwar kameez* and black coat) is respected wherever I go. If a woman is dressed as a lawyer, men don't stare at her or treat her as a woman, they treat her like a lawyer, as they would treat a male lawyer. We are as respected as the men in our profession, perhaps more. I have never felt at a disadvantage being female as a lawyer.” (Interviewer: Mariam Ahmed, Interviewee: Shamsa Qamar, District Courts Multan).

On the other hand one can also notice clearly the difficulty of social attitudes towards them:

“The law is a tough profession especially for women; you work long hours and have a lot of public dealings. I have to deal with people from all levels of society. Some are very crude, they think because you're a woman working in a male environment you have no morals. As a female lawyer I have to be very careful about how I present myself and who I'm seen with. You can't wear much make-up, you have to be properly covered, wearing our white *shalwar kameez* and black coat with our sensible closed shoes. If you dress like this you are taken seriously, if you wear flashy jewelry or heels you are thought frivolous. How you dress is very important. Similarly how you deal with male lawyers is also very important. Initially I tried breaking the barrier between myself and my male colleagues, but the feedback I got was very negative. The way society and people start discussing you, is very discouraging. I think men tend to treat you differently and it is they who keep the barriers in place.” (Interviewer: Mariam Ahmed Interviewee: Shamsa Qamar, Multan District Courts).

### Harassment

We came across some female advocates who faced harassment, which is expressed by them in these words:

“Personally speaking I was a very submissive and subdued young woman when I entered the profession. I came from a much protected environment where I never had to deal with the people from different walk of life especially crude men. I remember my first experience outside the courts where a man touched me inappropriately and I scolded him out loud, I was more embarrassed by the incident than angry. Since then I've learned to deal with such incidents, but initially it caused me a lot of grief. I had no support at home; there was no one I could discuss these issues with. If I had mentioned these incidents to my family they would have said that it had been my decision to become a lawyer, so I should deal with it myself. So I grew up, and now I can face the world with confidence.” (Interviewer: Mariam Ahmed, Interviewee: Faiza, Courts Islamabad).

Another female lawyer said:

“When someone passes by commenting over us then it’s troublesome and in my opinion it’s great harassment when they comment. And if they want to talk to us they can do that on the face, but they say such things while crossing or behind us and then make that thing spread throughout the courts. So it’s a wrong thing and whatever is the problem can be cleared on the face.” (Interviewer: Sajid Sultan, Interviewee: Laila, Multan District Courts).

### **Integration with the Culture of the Court**

Culture of the court includes a few practices which have become customary or tradition of this working place. This includes the way advocates conduct public relations, which is a part of promoting their profession. These relations include wider contacts through attending family wedding parties, funerals and other social occasions. This also includes how advocates increase their clientage and other connections in and outside the courts to successfully conduct their cases.

#### *Networking*

Female advocates feel professional isolation as a hindrance in their way to progress in profession, which they describe in these words:

“The only other disadvantage I feel is the networking and making contacts. I cannot go to men’s offices and leave my card or have tea and *chitchat*. A lot of our clients are referrals that come to you through your contacts, and in Multan mostly men tend to hire lawyers; women usually have a male family member acting on their behalf.” (Interviewer: Mariam Ahmed, interviewee: Shamsa Qamar, District Courts in Multan).

Another described:

“The major problem for the females is that their PR ship is too low to talk to their male colleagues and clients as the male advocate can do with their clients. Male advocates can *chitchat* easily with clients and have drinks, tea and lunch in the canteen. Whereas the major problem with the female lawyers is that if they even talk to their male colleague, the next day it will be spreading throughout the courts that who is having an affair with whom. (Interviewer: Sajid Sultan, Interviewee: Fatima, Multan Districts Courts).

One more maintained:

“The females have to face a lot of problems to get a case because of the shortage of a wider network. When we go home from the courts then we usually remain home and later it is difficult for the females to come out to meet and visit people, therefore females have a very small number of cases because of limited social network.” (Interviewer: Sajid Sultan, Interviewee: Fatima, Multan Districts Courts).

Another one confirmed the statements of others:

“It’s all about PR as far as clients are concerned. Men feel more comfortable with other men, male lawyers can take their clients or prospective clients out for dinner, or visit them at their offices. As a woman society will label me if I was to take a male client out to dinner, my parents would not approve of it, and I personally do not feel comfortable doing it.” (Interviewer: Mariam Ahmed, Interviewee: Farida, District Courts Islamabad).

### *Corrupt dealings*

One of the biggest challenges for female advocates in the profession is so-called “manly dealings” which has become almost the legal culture of the country and may not be considered appropriate for women to do. Here are some descriptions of it:

“It so happens that as the staff is habitual to demand money from the male lawyers as their share (*khercha*), they of course demand the same from females, but females do not give them this, at least I don’t give money and even I refuse.” (Interviewer: Sajid Sultan, Interviewee: Laila, Multan District Courts).

Another can see the pressure and is more compromising:

“I don’t think it’s good to make payments to the court personnel to move the cases in the court, but now it has become the culture. For example when we need a short date for the case or need a copy of papers we always have to pay money for that. We have to act according to the culture of the court, otherwise we will not be able to progress with our cases and in the profession.” (Interviewer: Rashdeen Nawz, Interviewee: Parveen, District Courts Lahore).

One described:

“I think that lady lawyers tend to be more honest as they go by the book, accepting no bribes etc. And that’s why people, even men clients, prefer us to contest their grievances.” (Interviewer: SJ, Interviewee: Ms. Naureen Mumtaz, Attorney, District Session Courts Rawalpindi).

Another said:

“Clients also feel that male lawyers can be more aggressive, and few have scruples when it comes to bribery or pay offs. I discourage these dealings right from the start so that their first impression of me is that I don’t do any backhand deals, if anyone asks me for a bribe I politely explain to them that I don’t work this way. There are a few women, who do, but they never do it directly, it’s always through a clerk or junior staff member. The majority of women are not corrupt, and although we haven’t wiped out corruption, we have created a hindrance against it”. (Interviewer: Mariam Ahmed, Interviewee: Farida, District Courts Islamabad).

### **Participation in the Organisational Life of the Courts**

Female lawyers tend to organise themselves and feel the need for it. In their own words, they said:

“When I joined I tried to establish an NGO of my own. Everyone discouraged me that you can’t do this, and what would you do ahead and people whisper this and that over it. I heard a lot over it but at least I got it registered. I got my NGO, Bandagi Law Associates, registered and now am working on it and we also provided lists in the courts.” (Interviewer: Sajid Sultan, Interviewee: Fatima, Multan Courts).

“I fully participate in the social activities of the Bar room and sit with male and female colleagues to chat over a cup of tea. I have never been a candidate for election but I fully participate in the election activity. I think Lady Lawyers should have an organisation where they can discuss their problems and this platform should work for the promotion and encouragement of lady lawyers. It should also work for the economic security of lady lawyers and unite them on one platform.” (Interviewer: Rashdeen Nawaz, Interviewee: Parveen, District Courts Lahore).

### *Organisation through Committee club/system*

Mostly in the provincial settings it is noteworthy to observe that female advocates organise the legal professional community through the committee club/system for money saving. The system works that a fixed amount of money is deposited by participants of the committee members every month and the total amount collected is given to one member each month. Turn of member receiving money is usually fixed through a lottery draw. The system runs basically on a relationship of trust. Besides monetary connection committee members tend to become socially attached to each other. This system of committee is usually run by women. For example one of the female lawyers said:

“Reader of the court is more sympathetic toward me as we are members of the same committee club”

This is an indication of different methods of networking women lawyers use in this male-dominated milieu.

### **Lawyer’s Movement: Participation of Female Advocates**

In the movement for the independence of the judiciary in 2007/08, an internationally known historical movement in the history of Pakistan, some female lawyers actively participated while others were completely isolated.

“I was not part of the lawyers’ movement because I was too busy studying for my examination.” (Interviewer: RM Interviewee: Farzana Jahangir, Attock Districts Courts).”

“I was also active in the lawyers’ movement and also went to the Rawalpindi Bar Council call for meeting.” (Interviewer: RM, Interviewee: Zuhr Nisa, Attock Districts Courts).

“I came all the way long from Abbottabad and joined hands with the civil society/political and human rights activists in their rallies against Musharraf, and chanted slogans like “Go Musharraf Go, Go Musharraf Go”. During one of the protest rallies, right in front of Chief Justices’ residence, I was arrested along with 10-15 other activists, including women and we were taken into custody in police station secretariat, Islamabad. (It’s worth noting as well that the tear gas chemical that was used was not for riots, rather for military use as it was much more potent). I remained under police custody for two days, whereas till date I am forced to be present in the courts on different dates as I was released on bail. I have spent almost Rs 50,000 from my own pocket as I would be shuttling from Shangla Park, Swat (in Malakand Division, my work place) all the way long, residing in hotels/guest houses in Islamabad.”(Interviewer: SJ, Interviewee: Qamrunissa, Advocate, H.C. Peshawar).

### **What make Female Advocates Different from Male Advocates?**

Under this heading some popularly expressed features about female advocates are depicted. It is however arguable if the following features associated with female advocates can be attributed to their weakness and limitation or something which may lead to positive contributions for delivery of justice and the legal profession.

#### *Softness and care*

Softness and care is traditionally considered to be a feminine attribute.

“I can earn as much as the men in this profession, but I am perhaps soft hearted. If I feel my clients are unable to pay my rates, I often reduce it; sometimes I even take cases for free. I

try to resolve issues out of court specially those concerning families and divorce. Naturally women prefer dealing with other women when it comes to personal matters, so I find myself counseling them as well.” (Interviewer: Mariam Vine, Interviewee: Shamsa Qamar, District Courts Multan).

“It is said that females are weak hearted so I think they are even afraid of being dishonest (*haira phairi*).” (Interviewer: Sajid Sultan, Interviewee: Fatima, Multan District Courts).

### *Hardworking and time abiding*

“I think lady lawyers have contributed to make discipline and are time abiding. I don’t think that lady lawyers have much contributed for the delivery of justice. I work hard and believe that with hard work everything could be achieved and all hurdles can be overcome and desired targets achieved with consistency and hard work. (Interviewer: Rashdeen Nawaz, Interviewee: Parveen, District Courts Multan).

“As the profession requires hard work and women being more hardworking than men, proved to be the best attorneys and judges.” (Interviewer: SJ, Interviewee: Ms. Naureen Mumtaz, Attorney, District Session Courts Rawalpindi).

### *Understanding in family cases*

It is commonly assumed that women can better understand family problems. The following is the view of two female lawyers:

“Female clients feel more comfortable with women, especially when discussing personal matters, so we tend to get a lot of family cases. The better judges also give more weight to your argument if you are a female lawyer in such cases and often they give you a lot of relief in family cases.” (Interviewer: Mariam Ahmed, Interviewee: Farida, Districts Courts Islamabad).

“Besides that in family matters, cases can’t be dealt with by men lawyers, because in male milieu men don’t try to listen and understand female clients.” (Interviewer: SJ, Interviewee: Ms. Naureen Mumtaz, Attorney, District Session Courts Rawalpindi).

### *Understanding of legal pluralism in Pakistani society*

It reflects through the interviews that female advocates tend to use alternative methods of resolving disputes more than male advocates. Alternative methods may include mediation and in provincial courts also ‘metaphysical’ means which is widespread practice in the South Punjab. A female advocate coming from a rural background of South Punjab described:

“I also pray for my clients and sometime recommend them to get amulets and use metaphysical means of resolving disputes.” (Interviewer: RM, Interviewee: Zuhr Nisa Jahangir, Attock District Courts).

“I have strong belief in prayers. I read the Quran and understand the meanings of the lines and recommend people to read specific lines for specific purposes or solutions. Or, I tell different names of God for solution to different problems. I do that with my clients too. Before I start a case, I pray to God and ask for help. I tell my clients at the start of the case to pray for their best too.” (Interviewer: Fatima Malik, Interviewee: Mahreen, District Courts in South Punjab).

## **Comments**

After looking through the above interviews on different aspects of female advocates and their professional lives, we can make the following comments:

Women entrances in the male-dominated profession have not been easy for the female advocates in Pakistan. But their struggle and appearance has raised many issues. These issues can be divided into five.

The first type of issues are widely related to gender discrimination and demand for gender equality, for example issues faced by women on the home front, male dominated profession and discrimination against female advocates in the profession.

There is dire need which is also expressed by the interviewees themselves is gender sensitisation workshops and other training. The main practical side of the issue is daycare for children.

The second is the economic aspect in the lives of lady-lawyers

The third is the cultural perception of justice and corruption which is in grounded in the legal system of Pakistan from the colonial period when “Indian litigants sought to adopt themselves to the newly-imposed system of British justice at the same time that they sought to use the system to project and restructure their standing in this new world.” (Jefte 2011: 76). The question is that of adjustments. What differences can the emergence of women in the legal profession make in long-rooted practices; or manipulated justice which has become the requirement of materialising the interaction of varied systems of justice? Further questions arise that if women are to become successful lawyers, do they have to master this “manipulated justice” or is there way to free oneself from the jargon of justice created in the colonial times?.

The fourth aspect is what difference women can make with their special ways of looking at the profession. It also seems that females have more consideration for alternative methods of resolving disputes, while our legal system seems to have fully closed eyes from this fact.

Fifth is the ways female can organise themselves in the professional life to get integrated and break through the isolation which is also a hindrance in their progress.

## **Bibliography**

Anderson, Michael R. (1993) “Islamic Law and the Colonial Encounter in British India” in D. Arnold and P. Robb (eds.), *Institutions and Ideologies: A SOAS South Asian Reader*. London: Curzon, 165-185.

Chaudhary, M. Azam (2011) *Corruption in Pakistani Courts in the light of Local Cultural Context: The Case Study of the Pakistani Punjab*. *Journal of Law and Social Research*, Multan. 33-44.

Cohn, Bernard C. (1989) *Law and Colonial State in India*. In: *History and Power in the Study of Law: New Directions in Legal Anthropology*, June Starr and Jane F. Collier (eds.), New York: Cornell University.

Cohn, Bernard C. (1967) Some Note on Law and Change in North India. In: Law and Warfare: Studies in the Anthropology of Conflict. Paul Bohannan (ed.), New York, Natural History Press.

Hoebel, E. Adamson (1965) Fundamental Cultural Postulates and Judicial Lawmaking in Pakistan. In: American Anthropologist, Special Publication.

Hussain, Faqir, (Registrar, Supreme Court of Pakistan) (2011) *The Judicial System of Pakistan*. [http://www.supremecourt.gov.pk/web/user\\_files/File/thejudicialsystemofPakistan.pdf](http://www.supremecourt.gov.pk/web/user_files/File/thejudicialsystemofPakistan.pdf)

Ibrahim, Nik Hasyila Bte Nik. (2012) The training, appointment, and supervision of Islamic lawyers in Singapore. 21 Pac. Rim L. & Pol'y J. 215-221.

Jaffe, James (2012) 'Constructing Corruption: Narratives of Panchayat Justice under British Rule during the early Nineteenth Century', Journal of Law and Social Research (JLSR), Vol 2: 61-76.

Lukito, Ratno (2012) 'The training, appointment, and supervision of Islamic lawyers in Indonesia'. Pacific Rim Law & Policy Journal, 21: 65-83.

Moore, Erin (1985) Conflict and Compromise: Justice in an Indian Village. New York: New York University, Press of America.

Rahman, Munshi, Abdul (1978) *The Life of khachari (courts): In the Light of Fifty Years of Observations and Experiences*. Multan: Karvan Adab.

Whiting, Amanda (2012) 'The training, appointment, and supervision of Islamic lawyers in the Federal Territories of Malaysia'. Pacific. Rim Law & Policy Journal, 21: 133-161.

Yasin, Mohammad & Shah, Sardar (2004) 'Administration of Justice in Pakistan.' In Mohammad Yasin and Tariq Banuri (eds.) *The Dispensation of Justice in Pakistan*, Karachi: Oxford University Press.

