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A COMPREHENSIVE INVESTIGATION INTO GENDER INEQUALITY AND FINANCIAL DISPARITIES IN THE LEGAL PROFESSION OF PAKISTAN RESULTING UNDER-REPRESENTATION OF FEMALE LAWYERS

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Abstract

The legal profession of South Asia grapples with persistent gender inequality. Although the underrepresentation of female lawyers in Pakistan has recently become a topic of discussion in NGO seminars and the media, a comprehensive study addressing the factors contributing to this disparity is notably absent. This study aims to fill this gap by investigating potential obstacles hindering the presence of female lawyers in the legal profession in Pakistan. A detailed examination of bar council data reveals a substantial gender imbalance among legal professionals across all four provinces of Pakistan. Notably, the study emphasizes the lack of literature on this issue, in contrast to Western countries where extensive research exists on women's professional experiences.

Drawing on qualitative data collected from interviews, focus groups, and key informant discussions, this research highlights the critical issue of inadequate financial incentives as a significant deterrent for female lawyers. Examining the economic factors affecting female lawyers, the study finds that low or non-payment of salaries is pervasive, particularly during the initial years of practice. Despite global conversations on equal pay, female lawyers in Pakistan struggle to secure even a basic living wage. The study underscores the importance of financial remuneration as a matter of human rights and dignity, urging law firms to adopt humane policies, fair compensation, and transparent recruitment practices. The research reveals that senior figures in the legal profession justify the non-payment of wages, perpetuating a culture of exploitation. Female lawyers face additional challenges, including biased hiring practices, longer probationary periods, and discriminatory salary gaps compared to their male counterparts. The study emphasizes the need for a remuneration package, comprehensive training programs, law clinics, and linguistic training to address these issues and enhance gender balance within the legal profession.

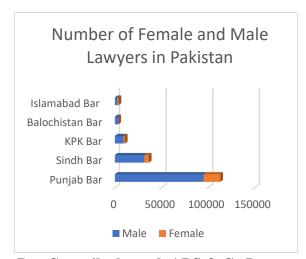
To rectify the situation, the study proposes recommendations such as introducing a living wage, flexible work arrangements, and government support for minimum wage structures. The findings underscore the urgency of collaborative efforts by bar councils, the Supreme Court, and the government to establish a comprehensive solution and eradicate the prevailing exploitative practices that deter the entry and retention of female lawyers in the legal profession.

Introduction

The legal profession still lacks gender equality worldwide, both horizontally and vertically. The profession has been hit by a lack of disparity horizontally in Western countries (Aulakh, 2017) and vertically in Asian countries such as India, Pakistan, Bangladesh etc. (Saigol et al., 2020). The topic of the under-representation of female lawyers in Pakistan has been under discussion in seminars arranged by NGOs and the press lately. However, there has not been a detailed study on this topic in Pakistan to inquire about the factors causing this disparity in the profession.

This study delves into the potential factors impeding the presence of female lawyers in the legal profession. It can be argued that, unlike in the West where there is a wealth of literature on women's professions, including law, no comprehensive study of this nature has been conducted in Pakistan. Nevertheless, insights from studies on women's representation in management or education in Pakistan have informed this research through qualitative data collection. The study's importance becomes evident when considering the ratio of female to male lawyers across all four provinces of Pakistan, including Islamabad.

Bar Council	Total	Male	Female
	Members	members	Members
Punjab Bar	113000	95000	18000
Sindh Bar	36392	31492	4900
KPK Bar	10754	9026	1728
Balochistan Bar	3800	3710	90
Islamabad Bar	4000	2600	1400
Total	167946	141828	26118



Source: Secretaries Bar Councils through ABS & Co Lawyers, Islamabad (2020)

Many studies comprehend that women's under-representation is influenced by their personal factors (Van Eck and Volman, 1996). Chaudhary (2017) established several personal factors that can cause under-representation in the legal profession, and one of the significant factors is the economic return. There has not been much research on the topic of underpayment to trainees or newly qualified solicitors in the West. This is due to the Law Society's good remuneration guidelines for trainee solicitors who, after becoming qualified solicitors, start earning handsome salary packages from law firms. Law Society of England and Wales recommends a salary of £26068 per annum for trainee solicitors trained in London firms and £23122 for those outside London (Law Society of England and Wales, 2023). The Law Society of Scotland recommends £22500 for the first year of training and £26125 for the second year (Law Society of Scotland, 2023). After qualifying as a solicitor in the UK, the average salary starts from £35000 per annum. In France, a newly qualified solicitor starts from

36000 Euros (Conceil Nationel Des Barreaux, 2023); in the USA, the package is \$45000 (American Bar Association, 2023). However, it is shocking to note that while the world is furiously debating and taking actions about equal pay and pay transparency, young lawyers, especially female lawyers, are struggling to establish a case for a basic wage, let alone a basic living wage in a profession that is premised on rights (Chaudhry, 2023). The Chief Justice of India, DY Chandrachund, pleaded in an address to the Bar Council of India, urging the senior lawyers to pay the young lawyers properly (Parkash, 2022).

"For far too long, we have regarded youngsters in our profession as slave workers. Because that is how we grew up.....They have rent to pay, transportation, food,....This must change, and the burden of doing that is on us, as senior members of the profession".

In an online survey conducted by 'Women in Law' in 2021 on 'Fair Representation in Law' comprising 102 female participants from the law colleges, trainees and newly qualified lawyers and the legal community, 91% revealed that there was no formal recruitment or remuneration policy in the law firms, never discussed, displayed, or shared with the employees. In the same survey, 86% of participants responded that there were no policies for progression and that they remained discretionary (Chaudhary, 2023). In another survey conducted by PTProfit, the extent of the issue can be seen from the comments made by one of the female participants working in a large law firm based on anonymity (Amir, 2023):

"No, when I say nothing, I don't mean next-to-nothing," says S, a junior associate at a prestigious law firm in Lahore. "The next-to-nothing guys are still lucky enough to be able to cover their fuel costs. Me, I've had to mooch off my folks, even for petrol."

In the same survey, another female participant compared herself with the teaboy working in the same office:

"I'm just saying that between the two of us, he's the one earning a wage, not me, with my fancy degree that my folks paid through the nose for."

Several seminars and articles have been written in the press on this topic in Pakistan lately, and many senior lawyers have stood up in favour of a proper wage structure. At the same time, there has been a strong justification from equally established senior lawyers justifying the reasons for non-payment in the early years of the newly qualified lawyers, especially the female lawyers. Therefore, this detailed and comprehensive study attempts to determine if a lack of financial return contributes to the underrepresentation of female lawyers in Pakistan.

Literature Review

Financial incentives are "something that is intended to encourage people to do something" (Dent et al., 2016). It must be stated that to be paid is inherent in the dignity of the person and their right to work. There has been a substantial amount of research carried out on the gender pay gap, showing that women are being paid less than men in the same positions (Shakir and Siddiqui, 2014). Despite equal opportunity laws, women are still discriminated against in employment opportunities and financial incentives in civil and private organisations (Bullard and Wright, 1993; Guy, 1993; Naff, 1994; Alkadry and Tower, 2006; Zeigler, 2006). It is absurd that when the world is concentrating on equal pay rights and opportunities, Pakistan has only started to highlight the cycle of exploitation of fresh law graduates by law firms who do not pay any salary or stipend for years. It is not surprising that there are no studies or literature on full-time employment without salary, the reason being it is called slavery all over the world, as stated by Chief Justice of India Chandrachun referred to above (Parakash, 2022). The legal profession of South Asia, especially Pakistan, can be called a profession where lawyers are either not paid at all or paid a marginal salary, which is less than the minimum wage fixed by the governments of all four provinces of Pakistan. Fresh law graduates starting their career in law firms get between PRS 15000 (£41) and PRS 30000 (£83) per month (Reham, 2023), and that is the case when they are paid. The latest debate on underpayment to fresh law graduates has found that junior lawyers are compensated very poorly (Ijaz, 2023). It has further transpired that even in the well-established law firms of Pakistan, fresh law graduates are expected to complete their two-year training without any salary or stipend (Chaudhary, 2023). It has been further found that the Apprenticeship Ordinance 1962 (ILO.org) and Apprenticeship Act 2021 (http://punjablaws.gov.pk/laws/2796.html) both have failed to influence such situations of nonpayment (Meerub, 2023). Moreover, there are no rules or policies about remuneration, and this practice remains non-transparent (Chaudhary, 2023).

If the situation is so dire for male law graduates, the females in this profession suffer even more. The founder of 'Women in Law', Nida Usman Chaudhary, has elaborated on this issue in great depth. Chaudhary (2023) argued that it is an open secret that law firms prefer not to hire female law graduates because they do not feel comfortable sending them to the courts due to the male-dominated atmosphere. She added that the firms avoid taking on female lawyers as they think females are likely to get married and leave the profession, so why invest in them? It was also found that the female probationary period tends to be longer than their male counterparts. Usman (2023) has argued that female lawyers who will leave after their marriage are considered a 'flight risk'. He further argued that female lawyers instead choose marriage as an option because of their disappointment with the profession. It was also pointed out that a salary gap existed between female and male lawyers in practice (Riaz, 2020) working for the same number of years. The reason for such discrimination is the perception that women do not bear the added responsibility of financially supporting their family (Reham and Ayesha, 2023), which is usually a man's responsibility. Furthermore, it has also been found that women are not seen as worth as much as men despite substantial evidence proving the contrary (Rosener, 1995). Reham and Ayesha (2023) have concluded that young female lawyers are then left with the difficult decision of choosing a legal career without proper remuneration or pursuing a career in other sectors.

It is embarrassing to note that there are a large number of senior lawyers of Pakistan and firms who justify this slavery in the legal profession of Pakistan. Faisal Naqvi (2023), a renowned lawyer and senior partner of the largest law firms in Pakistan, argued that non-payment of a salary for two years is justified as the seniors have to invest time and effort to train the junior counsels in order to get quality work from them. Naqvi wrote, "To summarise, a fresh graduate is a net loss for a law firm". Moiz Jaferi, Senior partner at HWP Law, pointed out that law firms cannot afford to pay them (Meerub, 2023). A senior partner at Axis Law Chamber justified the non-payment of wages by stating that the nature of exposure and learning provided by the firms compensates for the absence of minimum wages (ibid). A senior partner at ABS Law advised that the nature of payments received poses logistical restraints to payment (ibid). Hasnain (2023) has explored the fundamental reasons behind this slavery. According to him, poor education standards, lack of practical training, influence of capitalism, diminished human element, oversupply of lawyers, limited commercial activity, economic inequality and hypocrisy are the possible cases of low or non-payment of wages. Meerub (2023) has pointed out three reasons for such low or non-payment: "the size of the market for legal services in Pakistan, the nature of payments and unaffordability, and the inexperience and inefficiency of junior lawyers.".

Despite any reason, whether the market, oversupply of lawyers, or early marriages of female lawyers, the low or non-payment of salary is unjustified and unethical for law firms or senior lawyers. While it may be convenient for law firms to attribute this issue to the early marriages of female lawyers, there has been a notable absence of initiatives to implement flexible arrangements or provide daycare provisions to address the matter (Chaudhary, 2023). The firms have yet to take any actions to foster a culture that attracts new talent and considers long-term growth prospects, ensuring that female lawyers feel secure and view themselves as valuable long-term assets to the firm, rather than merely individuals assigned to handle case numbers or research tasks (ibid).

Methodology

A qualitative method approach was used to conduct this research, which involved data collection through semi-structured interviewing and focus groups. For this study, twenty-nine male and

female lawyers were arranged. Out of these twenty-nine, fourteen male and female lawyers were interviewed, and three focus groups of five lawyers were arranged in each focus group. Furthermore, key informants were also interviewed, such as the Ex-District Judge, the Ex-President of the Islamabad Bar Council, the Ex-Additional Attorney General of Punjab and the spokesperson of the Law Ministry of Pakistan.

These interviews were vital for this study to take on board these key informants' experiences, knowledge and views. These key informants had firsthand knowledge about the issues raised in the study. The participants were asked open-ended questions about the under-representation of female lawyers in the legal profession and steps that can be taken to improve the balance in the legal profession.

This research aims to examine the perceptions of lawyers from both genders on the issue of women's participation in the Pakistani legal profession. The researcher interviewed lawyers from all four provinces and Islamabad Bar to be equally representative. Regarding the choice of the lawyers, both junior and senior-level lawyers have been interviewed. The choice of the lawyers was made through the provincial bar councils. The bar councils emailed all those who were available on their database. Those male and female lawyers who responded were chosen carefully by the researcher to bring in the viewpoint of all the participants, including trainee lawyers practising at the local tehsil level and senior lawyers practising at the Pakistan Supreme Court level.

The researcher employed the NVivo software to analyse qualitative data, as it provides an efficient method for adequately analysing and organising massive interview data sets. The researcher relied on computer-assisted qualitative data analysis for expediency but added a manual assessment to obtain confidence in the interpretation.

Findings

Lack of financial incentives is found to be the most significant impediment for females to continue their practice in this profession. In the study, 72% declared financial incentives to be the primary cause of the under-representation of female lawyers in the legal profession. The participants displayed their concerns about a non-existent recruitment and rumination system, which was the reason for the exploitation of not only the female lawyers but also the male fresh graduates. Participants highlighted the substantial difference in starting salaries between the legal profession and other disciplines. They stated that comparatively lower starting salaries in the legal field might make it less appealing to recent graduates, particularly compared to the higher earning potential in other industries, such as banking and multinational corporations, which offer more lucrative financial opportunities immediately after graduation. This can be especially attractive to women who desire greater earning potential and financial security. One of the participants stated:

"The minute you graduate, you can start working for a bank or multinational company. You can earn 80k to 90k easily from what I know; the girls in school with me, who took alternative career paths, have all started on salaries between 60k and 100k. Whereas when you get paid at the start in this profession, it's pretty minimum; it varies between 10 to 15K, and that is if you get". (S.F.LHE)

In the focus group held in Lahore, the participants shared that it is regrettable, especially for young lawyers, that they do not get paid for the efforts they put into work.

"I think this is a huge factor where you feel you have studied so much and your parents have invested a lot in you, you have family's support, and at the end of the day, you are starting your career, and you are going to job, when you are giving your best to the organisation where you are working and to be in courts you are not remunerated the way you should be." (FG.LHE)

They shared that many law firms are taking advantage of female lawyers' situation by not giving them the incentives they deserve. Because of this same reason, females opt for professions like teaching

and other managerial jobs. The perceived lack of incentives within law firms may contribute to higher female lawyer attrition rates. Failure to offer equitable incentives may have a negative effect on gender diversity in the legal profession. According to the participant from a focus group in Islamabad:

"There is huge, what do you say, a problem as far as getting paid is concerned. You do not have a system where, okay, if you spend this number of hours, you are automatically entitled to this amount of money; no, there is not". (T.FG.ISB)

The law student interviewed expressed her plans after graduating from the top law school in Islamabad.

"I have heard many stories of not being paid for years after graduating. Therefore, I am also looking for opportunities out of the legal profession, maybe in a bank from where I can start earning wages as soon as I am employed".(S.ISB)

One of the senior participants from the Islamabad focus group also agreed that this is a critical issue for most lawyers. They shared that they have been experiencing such discrimination for almost a couple of decades.

"I was not been paid for two years when I came into this profession, and the situation has not changed". (K.FG.ISB)

One of the stakeholders, an ex-district judge, commented that big firms need to pay female lawyers adequately; most females have to cover their travel expenses for their fieldwork from their own pockets, which is unjust and unacceptable as they work hard and diligently and need a decent income. This participant complained that neither the bar council nor the government is taking any initiative to deal with this issue, and the law firms keep misusing their hiring power.

"We are not demanding that government should pay from their funds, but there should be a mechanism for the law firms to pay the lawyers accordingly, and the government should make sure of it." (MB.ISB)

The stakeholder, who is a senior lawyer and is an additional Attorney General of the Punjab Government, also shared that:

"The situation overall, especially for female fresh law graduates, is alarming. I have seen many females coming and leaving the profession quickly. The reason is obvious: How can you expect these females to maintain themselves financially without salary? (A.LHE)

The data analysis shows that male lawyers also think the lack of financial incentives is a severe issue for many female lawyers in our country. One of the participants interviewed forwarded his view that law firms hire young lawyers but do not pay them adequately, and their salary does not cover their travelling expenses. He added that sometimes, the young lawyers have to spend their money to do fieldwork, which is unfortunate and off-putting.

"They go to Kachehris to see clients and gather evidence, but there is no trend of paying your interns. So this is very difficult for the young lawyers; they manage their own food and travel expenses, which puts them off this profession." (M.LHE)

According to the male participants of the focus group, the lack of monetary incentives is why some females choose other professions. At the same time, some get married and leave this profession for good. The lack of competitive financial incentives within the legal profession could make alternative career options more attractive. Inadequate financial support can be a barrier to entry for female law students. This may discourage talented individuals from pursuing a career in law.

"Because of these reasons, when someone wants to pursue this career, they back off and try to do something else, and you must have seen that so many people have done law but aren't registered lawyers, and if they are, then they aren't practising. When people enter this profession, no one is there to welcome them by paying them, and no government policy is there to help their case." (G.FG.KPK)

One of the participants, a young lawyer in the focus group in KPK, expressed:

"I have been working for 10 hours a day and some weeks seven days a week. The salary I get does not even pay for my fuel to come to work, let alone for food and other expenses". (J.FG.KPK)

The ex-bar president, one of the stakeholders interviewed, criticised the larger law firms by stating: "The larger law firms, so-called elite firms, make millions of rupees from cases, but all the money goes to the senior partner's pockets. The young trainee gets nothing. They are the ones who are making the water muddy". (A.ISB)

The researcher noticed that the lack of incentives was not only an issue for female lawyers but also for male lawyers. During the interviews, both the male and female lawyers explicitly declared that lack of incentives was one of the major causes of young lawyers leaving the profession. However, for this reason, the percentage leaving the profession was more female lawyers than males, as male lawyers could make some money from other means.

Recommendations

Financial Incentives

The financial incentives package has been recommended by 66% of the participants, which can be substantiated by the study's findings, where 72% identified the lack of financial incentives as the main reason for the under-representation of female lawyers in the legal profession. The participants highlighted that trainees or newly qualified lawyers are expected to fetch clients and work longer hours, so there should be a minimum remuneration package for all those working for law firms, especially female lawyers. Safeguarding the financial interests of the newly qualified lawyers and the trainees will help secure their place in the legal profession. This minimum salary should be reviewed annually. This minimum salary or allowance will pay for the basic needs of the trainee and newly qualified female and male lawyers, such as transportation, lunches and daily expenses. This will motivate the trainees and newly qualified lawyers as the lack of motivation results in quitting the profession for other professions where salary is available from the start.

Most participants agreed that newly qualified lawyers struggle for the first three years after they start practice independently. These have been classed as 'struggling years' by the participants. The participants recommended that bar councils, with the assistance of the government, should have a system in place whereby a stipend should be handed down to all deserving lawyers to motivate them to continue to pursue their careers as lawyers. It was also recommended that all these steps be taken through government legislation to ensure results.

Training Programs

The training was the third most important recommendation made by the participants. The study findings revealed that no female participants were practising criminal /litigation, which was disturbing. It was because the law firms did not provide opportunities to female law graduates, and they were only left to deal with the filing, preparing case bundles or research work. Most participants agreed that training was missing from the internships during the training contracts. It was also found that bar councils, law firms or the Ministry of Law had never run appropriate training programmes to teach those litigation techniques. It was emphasised that female lawyers should be introduced to litigation and should be trained in litigation during law degrees. Some participants pointed out that some law schools were running law moots; however, it was expressed that legal practising training should be more generalised and institutionalised so lawyers can learn in practical and real life.

The participants also highlighted the importance of law clinics, which can expose student or trainee lawyers to legal practice. The examples were given of law schools abroad in Europe, which provide such opportunities, but Pakistan has yet to introduce such a trend.

It was also recommended that bar councils take an active part by developing and organising special training courses and workshops to provide quality training to newly graduated lawyers, as the current apprenticeship model is old and inadequate. This old system was declared inefficient and inappropriate for today's needs. Some participants also pointed towards the lack of use of technology in the legal profession. It was also emphasised that law graduates were unfamiliar with the technology required to boost their business. It was therefore recommended that training in IT should also be made available to those who needed it.

It was also identified that there were linguistic contradictions in the courts, archival law books and the FIRs. The participants expressed difficulties understanding FIRs and court orders in technical Urdu, but the archival law materials were in English. It was indicated that those who graduated from Urdu-teaching law schools found English legal books hard to follow and vice versa. It was recommended that law schools and bar councils run training seminars to understand the complicated jargon of these languages properly.

Lastly and most importantly, it was recommended by the female participants that male lawyers should also be trained at an academic and professional level to adopt a gender balance approach. It was suggested that male lawyers should be 'acclimatised' to work professionally with their female counterparts, which will address the issue of male dominance and sexual harassment. It was argued that these training programmes would provide confidence to the female law graduates, subsequently influencing the culture of paid work for these trained young lawyers. It will create a comfortable and professional environment for male and female lawyers. It is only through targeted training that the worth of female lawyers can be boosted, which would make them desirable in the jobs. In return, a decent remuneration package can be attracted.

Government Support

The participants expressed that the government has ignored the legal profession since the birth of Pakistan in 1947. The participants recommended that the government introduce a living wage, which should be viewed as a human rights matter. To address the under-representation of female lawyers, the Pakistani government can play a vital role by introducing minimum wage and flexible work arrangements for working mothers.

The participants recommended that the government work collectively with the bar councils to implement the wage structure through awareness sessions, exchange of ideas, capacity building and constructive dialogues to provide economic assistance to young lawyers.

The participants specified that media is a powerful medium to communicate the message to everyone involved. The government can play its role by promoting fee-sharing and gender-inclusive messages within society.

Conclusion

The lack of any literature addressing such a pressing issue is difficult to comprehend. Only recently have certain non-governmental organizations (NGOs), senior lawyers, and legal institutes begun discussing this matter in the media. The findings of this study affirm that this is a pivotal factor contributing to the under-representation of female lawyers in the legal profession. Unquestionably, senior figures in the profession have allowed this issue to persist. Establishing a livable wage should be regarded as a matter of human rights and dignity. Ensuring productivity and long-term commitment to both the firm and the profession can be achieved by providing incentives, fair compensation, and clear progression opportunities within an enabling environment—something currently lacking in many large and busy law firms. While it's convenient for law firms to attribute the departure of fresh law graduates to marriage or the establishment of their own practices, it's crucial to consider what incentives or attractions have been offered to encourage them to stay. Firms and senior partners must acknowledge that prevailing exploitative practices significantly discourage newly qualified lawyers and trainees.

A comprehensive solution to this large-scale problem is required through collaborative efforts of the bar councils, the Supreme Court and the government. The government has failed the legal profession by not being interested in this matter. The latest example is the introduction of 'The Lawyers Welfare and Protection Act, 2023', which has failed to consider the concerns of young lawyers, especially female lawyers, regarding stipends, parental leaves, daycare, and other needs. On the other hand, the associates must also take steps by openly discussing wages and working conditions with their colleagues and asking employers to pay them fair compensation. Law firms should adopt more humane policies with higher pay, benefits, and precise work schedules. Stringent regulations and their enforcement need to be monitored at the national level to enhance industry standards, eliminating barriers to market entry and establishing standardized recruitment policies for recent graduates. The resolution of this issue necessitates transparent discussions where remuneration and job descriptions are openly advertised, aligning with practices in all other professions in Pakistan.

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