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Why Representation Is Not Authority: Theorising Women Lawyers' Careers in Shekhawati, India

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Abstract: Although women join legal schools across India nowadays, there exist difficulties in building successful careers in law, both in terms of their work as practitioners and judges. This research clarifies the reasons why such barriers remain unresolved, and the study is limited by the metropolises and High Court systems. This theoretical article builds an integrative model explaining the mechanisms of women's career development based on gender norms and pressures, their professional autonomy, and the importance of institutional support in this process. By creatively combining ideas of gendered organizations theory, feminist institutionalism, and agency/structure theory, the study formulates a number of hypotheses related to factors affecting women's careers in law. The study, including empirical data from the Sikar district, demonstrates that women have the opportunity to represent themselves within local organizations but do not have real political power. Moreover, some evidence indicates the influence of caste on the environment in which women work. Since the existing studies do not include women in the region, all hypotheses still require further verification.

Keywords: women lawyers, gendered organisations, professional agency, feminist institutionalism, intersectionality, Shekhawati, Rajasthan

Introduction:

The legal profession in India has traditionally been viewed as exclusively for men, and despite increasing numbers of women in law schools, there is no corresponding figure in the legal system. The question is not about entry, but conversion. In the 2023-2024 academic year, women represented 37% of all law students, whereas they made up only 15.3% of practicing lawyers as of 2022. Moreover, this figure is potentially even lower, as the governing boards at the State Bar Council did not parse their figures by gender, even though the total percentage of women in those 15 councils that reported gender was 18.4% (Kotha & Kumar, 2026). Even if we look at the figures again, it is clear that the percentage of women drops even further, showing that women account for only 14% of judges in High Courts, 2

out of 34 in the Supreme Court, 3.4% of all senior advocates, and 2% of all elected Board members in State Bar Council (Kotha & Kumar, 2026). Among all levels of the judiciary, only the district judiciary is an exception, where women account for around 38.3%. This data is illustrated below (Tata Trusts, 2025).

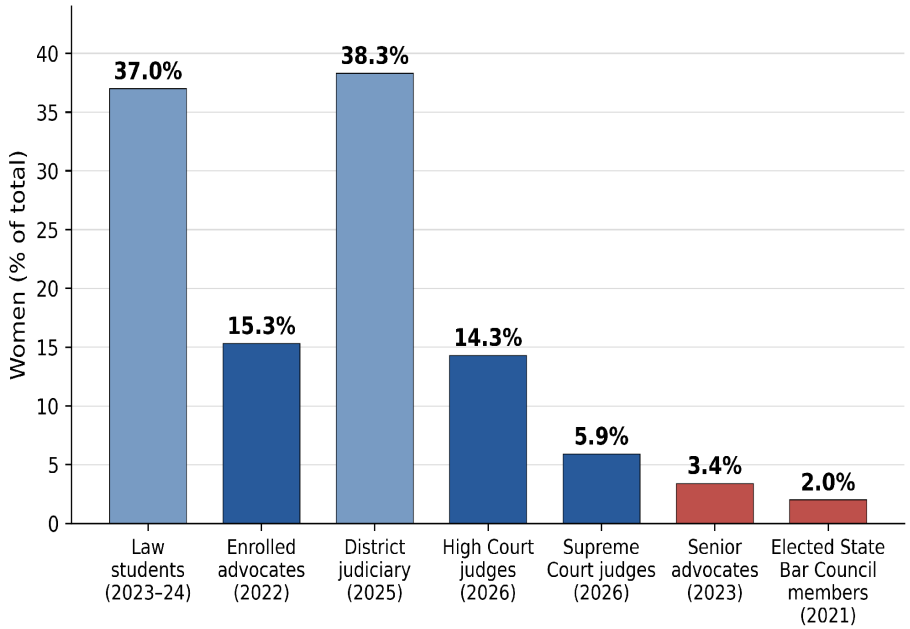


Figure 1. Women's share across the Indian legal pipeline. Sources: law students (AISHE 2023–24), enrolled advocates (Lok Sabha reply, 2022), High Court and Supreme Court judges (2026), senior advocates (2023) and elected State Bar Council members (2021), all as compiled by Kotha and Kumar (2026); district judiciary from the India Justice Report (Tata Trusts, 2025).

The disparities indicate the decreased probability of women being promoted from the Bar, an increased chance of non-confirmation even after being put forth for promotion, and the delay in their appointments resulting in shorter tenure and limited opportunities to enter collegium and become Chief Justices(Kothari et al., 2025). A national survey confirms that retention, rather than entry, is the issue: in the 2026 Survey of Supreme Court Bar Association, 81% of female advocates agreed that their career is tougher than that of men, whereas 83.1% of them were first-generation lawyers and lacked professional connections, and 84% of the female participants expressed that the previous year of their work was full of stress and burnout (Supreme Court Bar Association, 2026).

This study was motivated by three limitations. First, the Indian evidence used comes from places that are expected to be highly conducive to women: New Delhi, Lucknow (Mishra, 2015), the Calcutta High Court (Sinha & Bhattacharyya, 2022), Jharkhand High Court, and the superior judiciary (Kaur, 2025; Kothari et al., 2025). Second, Indian literature mostly focuses on barriers rather than explaining their continuation (Pillai, 2025), while theories

developed in Anglophone and European contexts (Pringle et al., 2017; Tomlinson et al., 2013) could help understand persistence. Finally, the literature mixes agency with change. Among 68 women and minority ethnic lawyers in England and Wales, five out of six strategies were reproducing and not transforming the opportunity structure (Tomlinson et al., 2013); the parallel analysis showed that four out of five strategies were doing the same (Muzio & Tomlinson, 2012). This study contributes with an integrated framework with eight propositions, separation of agency and transformation, specification of Shekhawati case with caste and class being constitutive, and research design.

2. The regional setting

2.1 Definition

There is no administrative unit called Shekhawati. Published reports place it across the three districts of Jhunjhunu, Sikar, and Churu but treat Churu as partly inside the region (Boyat, 2025; Choudhary, 2025). In this study, we accept the three-district version of Shekhawati as the correct procedure for scholarly works. The boundaries also changed: a Neem Ka Thana district created from Sikar and Jhunjhunu in 2023 was dissolved in December 2024, leaving Rajasthan with 41 districts (Scroll.in, 2024)

2.2 Profile

During the 2011 Census, it was recorded that 22.89% of the people residing in Jhunjhunu belonged to urban areas, the female literacy rate stood at a mere 60.95% against 86.9% for men, and the child sex ratio was that of 837 girls for every 1000 boys, which was the least among all other districts in the state, Rajasthan at that time (Office of the Registrar General & Census Commissioner, India, 2011). The agriculture sector had been the backbone of this district (Bishnoi, 2026). Nonetheless, both the discrepancies have shown positive trends lately as NFHS-5 (2019-21) reports the child sex ratio at 937 for the district (International Institute for Population Sciences, 2021), thus making it clear that the figure shown in 2011 is a mark of son-preference etc. in a historical sense and not in today's scenario. The present state of the area is that it is more of a rural area with caste-based structures in the society along with intricate networks of relationship.

2.3 Caste and market work

Eswaran et al. (2013) used national rural data to show that with increased caste status and wealth, the ratio of women's to men's market work declines significantly, with a much more pronounced effect among the higher castes. Education decreases the market work of women of the higher castes, which is attributed to family status concerns. In the case of legal practice, which is characterized as being open to outside interests, mobile, and male-led, a conflict seems to arise between what is feasible and what is allowed, since families that can finance legal studies might be those in which women suffer the greatest penalty for working in public service. Few studies in the Indian legal market present caste-mixed data. In rural Rajasthan,

outdoor work does not necessarily lead to women having more power within a household (Suri, 2001).

3. Theoretical foundations

3.1 Gendered organisations

According to Acker (1990), gender is produced by the division of labor, symbols, images, social relations, identities, and the logic of organizations. This means that some ostensibly neutral practices reproduce inequality even when they do not intend to discriminate (Atena, F. W., & Tiron-Tudor, A. (2019)). Acker's later notion of inequality regimes brings in class and race along with gender (Acker, 2006), and thus enables the inclusion of caste into the analysis even without an independent theory.

3.2 Feminist institutionalism and institutional work

Acker's theory explains continuity more clearly than change (Clavero & Galligan, 2020). Feminist institutionalism wants to know how institutions can reproduce inequalities and promote equality in name and emphasizes the answer in supposedly neutral rules and in professional identities formed through a male socialization process (Dudau & McAllister, 2018; Krook & Mackay, 2011). Institutional work regards gender as an institution being formed in the process of daily routine (talk, writing, communication, and social practices) and focuses on what actions people perform to do something about inequality (McCarthy & Moon, 2018). Assumptions of the critical mass theory are questionable because changes depend on critical personalities regardless of their gender (Hinze, 2024).

3.3 Agency structure

Morphogenetic theory proposed by Archer and the notion of a temporal agency (Archer, 1995; Emirbayer & Mische, 1998) provide explanations for the typology of strategies suggested by Tomlinson et al. (2013), which clarifies why competent entrepreneurs in businesses where equity is promoted frequently perpetuate existing structures. The strategies devised by women to solve their specific issues (Maunganidze, 2020). External limitations may soon be internalized by women and viewed as their choices (Menkel-Meadow, 1986).

3.4 Intersectionality

Crenshaw (2021) describes intersectionality as a fundamental concept. The concept of gender in India intersects with caste, class, religion, and geography in determining employment opportunities for women (Dhar-Bhattacharjee & Richardson, 2018; Haq, 2013). In Shekhawati, caste is an important factor determining whether women can take up market work (Eswaran et al. 2013). Therefore, using caste only as a confounding variable in the analysis of female labor force participation will lead to a false understanding of how the system operates.

4. The framework and its propositions

Table 1. Propositions, supporting evidence and status

S.No	Proposition	Supporting evidence (jurisdiction)	Status
P1	Normative constraint on women's public market work rises with caste position and family wealth; education's effect is weaker at higher caste positions	Eswaran et al. (2013) (rural India)	Supported nationally
P2	The penalty is greater for work involving mobility, interaction with men and male-dominated occupations	Afridi et al. (2025) (north India)	Supported for employment generally
P3	Apparently objective performance measures are gendered because they depend on socially constructed assignment allocation	Azmat & Ferrer (2017); Sterling & Reichman (2013) (USA)	Supported in US law
P4	Women's strategies are mainly reproductive, even when individually effective	Tomlinson et al. (2013); Pringle et al. (2017); Staven & Seabrooke (2025)	Supported in Anglophone and Nordic law
P5	Institutional support advances careers only where it opens informal networks; formal provision alone produces compliance	Epstein et al. (1995); Padilla (2006); Böhmer & Schinnenburg (2020)	Moderation claim not established
P6	Descriptive representation does not yield substantive authority without critical actors	Hinze (2024); Kothari et al. (2025)	Supported in local governance
P7	Work–family conflict predicts exit, mediated by schedule control and purchased care, which vary by class and geography	Anker & Krill (2021)	Mediation proposed
P8	Institutional change comes from the accumulated work of critical actors, not demographic change	McCarthy & Moon (2018); Clavero & Galligan (2020)	Theoretical

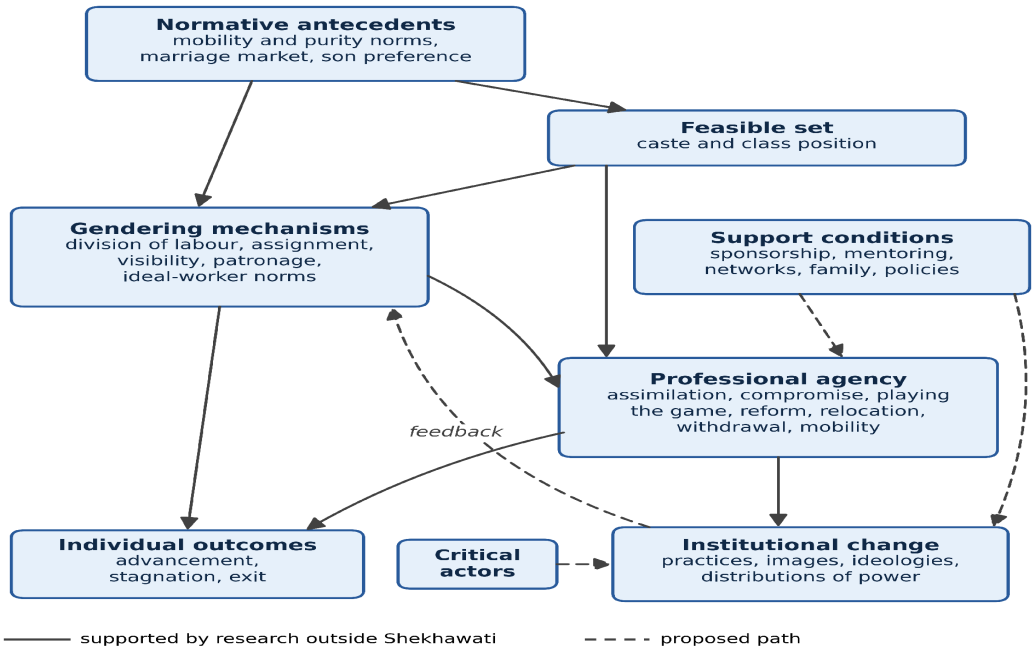


Figure 2. The conceptual framework

5. Evidence-informed analysis

5.1 Normative antecedents (P1–P2)

While surveying in India, 52 percent of women stated that their husbands were the decision-makers regarding whether they would work. Furthermore, perceived male norms determined female employment (Field et al., 2021). In Northern India, the norm disallowing women to work may be attributed to the elite and rich patriarchal ruling class, devoted to the ban of the jobs implemented by females, involving mobility and contacts with males (Afridi et al., 2025). Practice may be described as a combination of aspects mentioned above. Therefore, if P1 is satisfied, the entrance in the field of practice should depend positively on the pedigree of a woman and her wealth, which is a hypothesis rather than a finding occurring in reality.

5.2 Gendering mechanisms (P3)

Lawyers in the US are evaluated on the hours they bill and the revenue from new clients (Azmat & Ferrer, 2017), but the number of hours depends on both the assignments that lawyers are given and the stereotypes that drive the assignment process, such as the belief that women do not travel much (Sterling & Reichman, 2012). Extreme hours norms and patronage have a detrimental impact on women's careers and lead to the fact that women have to practice fields of lower prestige, such as family law (Lee et al., 2024).

5.3 Agency (P4)

Strategies include assimilation, compromise, playing the game, reforming the system, relocation, and withdrawal (Tomlinson et al., 2013); compromise or satisficing is very noticeable among parents (Maunganidze, 2020). In Auckland companies, women in partner roles accepted the hierarchy, while women below the partner level were unhappy but did not exert their agency for change (Pringle et al., 2017). In India, women working in the Calcutta High Court indicated that virtual courts during the pandemic resulted in fewer cases and more care responsibilities (Sinha & Bhattacharyya, 2022).

5.4 Support conditions (P5)

Sponsorship recommendations in assignments, introduction to senior partners, and safeguarding was declared as critical for partnerships (Epstein et al., 1995), while mentors assigned have become “nothing but name” (Padilla, 2006). Indian findings connect mentoring and organizational assistance with perceived career achievement (Chauhan et al., 2021) and demonstrate that mentoring requirement may change with career development (Dutta & Purang, 2025). The most significant point for Shekhawati is that women’s work–life balance depends on informal relationships predominantly with men, whereas reciprocity is more significant than regulation (Böhmer & Schinnenburg, 2020). Indian legal data confirm this, as 83.1% of female lawyers of the national SCBA survey are first generation lawyers, about 60% declare work opportunities as restricted, while 55.5% state that government

appointments are available for men first (Supreme Court Bar Association, 2026). For the networks based on kinship and castes, such support can be available only through men's relatives.

5.5 Work–family conflict (P7)

The study found that many more women attorneys reported having thought of leaving their jobs because of mental health problems than men (24.2% versus 17.4%). In addition, women with a high level of work–family conflict were more than 4.5 times more likely to leave (Anker and Krill, 2021). Hours worked did not reveal any trend relating to the conflict of the married lawyers, while working for a law firm did, whereas women lawyers addressed this issue by means of purchasing some care and controlling schedules (Wallace, 1999). All women lawyers, including those wanting to gain partnerships, viewed their chances as being very constrained, mainly due to the culture of the firm and flexibility (Walsh, 2012), which is a significant counterargument in favor of theories based only on preferences. The data from India confirm the findings, with 84% of surveyed women lawyers claiming burnout and work-related stress, and 94.4% of early-career lawyers (Supreme Court Bar Association, 2026). Since paid care and control over the schedule are likely to be generally less available in rural areas, we hypothesize that there is likely to be more intensive and more severe tension between work and family.

5.6 Representation and authority (P6, P8)

In Sikar, formal inclusion comes together with mediated authority; however, mere numerical presence in top judicial institutions does not translate into institutional power (Kothari et al., 2025). Hence, change must work towards changing the everyday practices of allocation of work and introduction and recommendation of people (McCarthy & Moon, 2018).

Figure 3 summarises how these strands connect.

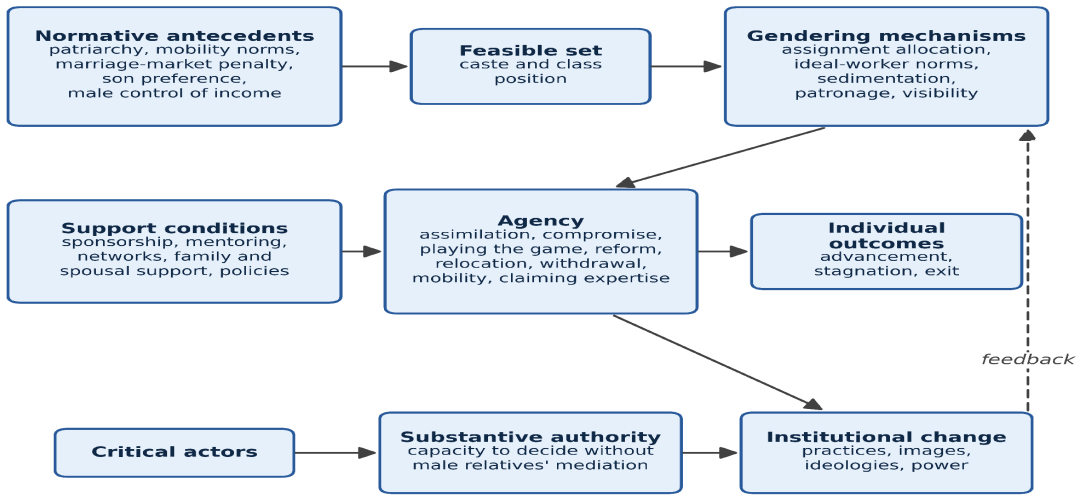


Figure 3. Thematic synthesis map

6. Application to Shekhawati

Table 2. Predictions for Shekhawati and testable indicators

S.No.	Prediction	Indicator
P1	Entry is non-monotonic across caste and wealth: capability highest, permissibility lowest, in wealthier higher-caste households	Caste and income disaggregated enrolment and practice conversion rates
P2	Litigation attracts a greater normative penalty than advisory or desk-based work	Practice area distribution by gender; reported family objections
P3	In chamber based practice, allocation runs through patronage and kinship with the same gendered effect	Audit of case allocation across chambers
P4	Accommodative strategies dominate; reform is least observed and mobility least available	Strategy coding of interviews
P5	Informal sponsorship runs through male relatives and caste networks	Mapping of mentor relationships and how they formed
P6	More women in bar associations does not by itself bring influence	Decision making autonomy of women office bearers
P7	Work family conflict is stronger and less mitigated than in metropolitan practice	Care arrangements; availability of domestic labour
P8	Change requires identifiable critical actors	Actors who altered allocation or evaluation practice

Infrastructure is another obstruction unique to India: only 19% of women advocates have an office near court, 12% have no office, and 16.1% reported sexual harassment in the work environment (Supreme Court Bar Association, 2026). The Supreme Court also instructed that all states must provide washrooms for women in all courts (Kotha & Kumar, 2026).

6.1 Recalibrating the framework for district practice

According to the SCBA profile (Supreme Court Bar Association, 2026), first-generation entry, solo practice, absence of clerical staff, and lack of office space district-level practices take place in chambers of advocates. Therefore, mechanisms from firms must be revised: assignment allocation (P3) occurs through senior advocate with whom junior is attached; sponsorship (P5) is realized on the base of access to senior's chambers and clients; and schedule control (P7) is provided on the base of dependence on court cause list.

7. Research design for testing the framework

The idea of the specific framework is adoption of a series of mixed-method studies conducted sequentially across the district courts located in Jhunjhunu, Sikar, and Churu, that is expected to receive approval by the ethics committee of the institution, concerning the generation of informed consent and the usage of anonymized report. The first stage of the study would include mapping the gender-disaggregated lists of lawyers registered in the three district bar associations of Rajasthan and the Bar Council of Rajasthan starting from the year of enrollment and finishing with the state of active practice. The second stage of the study would be a survey, which is based on a national-scale SCBA instrument that has to be

adjusted for the needs of study participants – women lawyers that can be reached polled on caste, class, home status, entry into job opportunities, distribution of cases, and sources of funding. The third stage would consist of the interviews of around 30 women lawyers randomly selected without clear restrictions regarding caste and area in the profession.

8. Discussion and implications

The overall argument of the framework is that persistent inequality in legal practice is the result of the alliance of three structures: norms determining which women are allowed to pursue careers in the public sector (Eswaran et al., 2013), institutions providing rewards for certain strategies (Dudau & McAllister, 2019), and supports establishing which strategies are available (Böhmer & Schinnenburg, 2020).

Four contributions can be specified. First, the situation where most strategies confirm the structures (Tomlinson et al., 2013) is interpreted as evidence about institutions, not about women. Second, 'choice' becomes the outcome rather than the reason (Menkel-Meadow, 1986; Walsh, 2012). Third, castes and classes are constitutive (Eswaran et al., 2013; Suri, 2001). Fourth, the change occurs due to the actions of crucial players acting through their prevailing practices (Hinze, 2024; McCarthy & Moon, 2018).

Regarding implications based on the evidence and not yet proven in the Indian legal context, it is recommended to analyze substantive work performed rather than hours taken (Sterling & Reichman, 2012); to analyze mentoring according to the help provided by advocacy, not by assigning mentors (Epstein et al., 1995; Padilla, 2006); to adjust the type of support depending on the career stage (Dutta & Purang, 2026) and on the stage of having children (Schipani, 2015); at last, treat court infrastructure as a prerequisite.

9. Conclusion

The theories and empirical findings on gendering mechanisms in legal careers are available. While the idea of agency is indeed present among women, it seems to reproduce rather than change the structures of opportunities, which necessitates a separate analysis of agency and transformation. In fact, the unique characteristics of the region, such as son preference (Office of the Registrar General and Census Commissioner, India, 2011), caste-based occupations (Eswaran et al, 2013), autonomous but hardly resulting in real power (Suri, 2001), and mediated formal power in Sikar give rise to testable hypotheses.

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