
Ancient Legal Wisdom And The Concept Of Laws: Unveiling The Court Insight

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Introduction

In the era, where women are actively participating in every sphere of working fields it becomes the duty of the administration to make them available with the basic needs of livelihood at their working places. Not just for women, even men are subjected to get these basic facilities like separate washrooms and toilets, common room. But where are we standing? Even the noble profession of advocacy is struggling to get these basic requirements at their working place- court campus or premises.

Women have struggled a lot from gaining education to practising professions of their own choice, from stepping out from their homes to serving the Nation, even still facing criticism from their family or society. Even after being a part of its whole journey law field is still said to be dominating, as is seen by the proportion of male and female advocates registered at the Bar Council and Bar Associations in India. Women are fighting hard against this male-dominated mentality to establish themselves in the field of law resulting in increasing numbers of women registrations, female Magistrates and Judges at different levels. Although the number of lady advocates is on rise but the provision of sufficient facilities like separate toilets, girls' common rooms, feeding rooms, crèches, etc., for them is still sadly lacking.

Even the public infrastructure is designed to cater to men. A report in 2012 found that there are almost twice as many public toilets for men than there are for women in Mumbai. Additionally, the toilets that do exist, lack proper hygiene standards and are often unsafe. A 2017 study by ActionAid India found that 35% of the 229 toilets surveyed in Delhi did not have a separate section for women, 53 percent did not have running water and 45% did not have mechanisms to lock the door from inside.

Women are nowhere lacking at proficient in their work but this lack of basic facilities in the court premises is creating hindrances in their active working in the field, leaving female advocates struggling to find availability of these basic facilities near court premises and this is discouraging them from entering or serving this legal system through advocacy. These facilities are not just required for the female advocates but also for the female

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staff working in the court, practising interns, female clients and visitors.

Basic Requisites

Any infrastructure is required to have at least the following basic facilities available.

- Separate and adequate number of toilets: every court campus must provide a separate and adequate number of toilets so that she does not have to stand in a long queue or to find toilets at nearby places. It must ensure that these toilets are to be clean and properly equipped, must have proper water and electricity

supply, sufficient numbers of dustbin, dispensing anti-bacterial soaps, etc., are the very basic requirement that must be availed not just in the court premises but at every workplace and public places. Ensuring the toilets are regularly cleaned and disinfected.

- **Ladies' common room:** as it is seen that many female advocates does not have their own chambers or personal place to sit in the court complex in this case a ladies common room must be provided to them where they can comfortably sit, rest, study, have informal discussions in free time. This room should be equipped with drinking water facility, a water cooler with water purifier, attached washroom with a sanitary napkin vending machine, chairs to seat, properly ventilated, well lit, neat and clean.
- **Feeding room:** a female advocate is not just a working women but can also be a mother. Non existence of feeding room force mother advocates to stay their home in order to regularly feed their small children. A feeding room should be located in a physically separate area, with direct access away from restrooms but close to the workspace. It must also ensure privacy, so entrances must therefore be closed properly and the facilities must be designed to ensure that mothers using room are not visible from the outside. Ideally, these room should have handwashing facilities and necessary supplies such as drinking water, liquid soap, dispenser, hand sanitizer, cleaner for surfaces and paper towels.
- **Creche:** a crèche is a facility which enables parents to leave their children while they are at work and where children are provided stimulating environment for their holistic development. Crèche are designed to provide group care to children, usually up to 6 years of age, who need care, guidance and supervision away from their home during the day.

Creche need to be available near the workplace so that female advocates can work freely without worrying about the care of their children. Crèche should have adequate space for all the children, preferably on the ground floor, physical environment should be reasonably suitable for children with special need, facilitating with well lighted with adequate

ventilation, food and cooking facilities, health check-up, medicine & first aid kit, equipment and play material.

- Others facilities like proper security, CCTV cameras, medical facilities, etc.

Poor Facilities at Different Courts of India

- A 2019 report by the Vidhi Centre for Legal Reform Policy found that among the 74 district courts in Uttar Pradesh, four didn't have a single washroom at all, while seven had no facilities for women.
- At the Hapur District Court, out of four tiny toilets for women, only one is functional. The toilet's door is cracked leaving no privacy for women, and there is no running water.
- Highlighting the major concern over judicial infrastructure in the country, Chief Justice of India N.V. Ramana stated on October 23, 2021 that 26 per cent of the court premises have no separate toilets for

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women and 16 per cent even do not have toilets, while only 54 per cent courts have purified drinking water facilities.

- Union Law Minister- Kiren Rijju told the Rajya Sabha that twenty-six percent of court complexes in India do not have a separate toilet for women on December 02, 2021.
- In Andhra Pradesh, 69 per cent court complexes did

not have washrooms for women. In Odhisha, 60 per cent and Assam 59 per cent court complexes are facing these conditions.

- No toilet for women lawyers in Ooty Court complex for the last 25 years.

Challenges she faces due to Lack of Basic Requisites in Court Campus

• Lack of Inadequate and Separate Toilet Facilities

It is seen that these inadequate and poor functioning toilets are not just problems for women but men also faces the same in the court premises but the difference is they are less constrained by inadequate sanitation due to their willingness and ability to relieve themselves in public and the absence of social stigma and personal safety risk associated with men doing so, whereas the women has these social stigma and risk of sexual harassment or assault, means they are unable to relieve in public. This left them with no choice except to wait until they reached home or go in search of toilets near court premises. Such search affects the number of hours they spent on working.

Inadequate number of toilets forced them to spend lot of time in long queues just to use toilets which discourages women from using the facilities resulting in having less water intake to avoid using toilets frequently.

Even where such toilet facilities are available they lack at proper functioning and cleanliness this affects women the most as they are expected to always exhibit a certain degree of cleanliness. During the time of menstruation, she is highly in need of services or infrastructure particularly a private, clean and equipped place which she can use to change, wash or dispose of sanitary materials safely and discretely. But due to lack of use place in the court premises lady advocates mostly avoid working in fields rather prefer to stay at home so they do not face the problem of inadequate or dirty toilets and lack of facilities.

The health burden of inadequate sanitation may cause women to purposely restrict their fluid intake, despite thirst or heat signals, to avoid the need for a toilet. Delaying urination and refraining from drinking water to avoid using toilets often lead to dehydration in heat and cause internal injuries such as acute kidney injuries (AKI) or UTIs. For women who are menstruating, the need for adequate sanitation becomes even more acute and lack of access

to it puts them at a higher risk of urogenital infections.

Such sanitation problems not just affect the physical health of the lady advocates but equally affect their mental health of them, affecting proficiency in their work and even causing financial loss to them.

It is also observed that in many court premises toilets are at hidden places which leaves the women with the fear of being sexually assaulted or attacked. These problems are not just faced by the lady advocates but also are matters of concern for the law interns, clients and visitors.

• Lack of other Facilities

Alike importance of proper facilities of toilet, other facilities like common room, feeding room, crèche, etc.,

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are equally important. On giving general thought over it, it seems to be less important but is creating hindrance in their working.

Lack of availability of general facilities act as a drawback for the women who are working hard to make their name in this field of law. Where women are the integral part of this field, women should have get these requisites decades before, even before raising demand for it.

Governing Statues

- The Constitution of India under Article 14 guarantees gender equality, that no person shall be discriminated on the basis of different gender.
- The Constitution of India does not recognize the right to sanitation explicitly but it does recognize it indirectly under different articles. Article 15(3) empowers the State to enforce special provisions and laws for protecting the interests of women and children.
- Article 21 “Protection of Life and Personal Liberty” also ensure right to sanitation.

- Article 47 of the Indian Constitution is among the Directive Principles of State Policy, directing the State to raise the level of nutrition and the standard of living and to improve public health as among its primary duties.
- Article 48A directs the States to endeavour to protect and improve the environment which indirectly instructs to have a proper sanitation system in order to protect and improve the environment.
- According to section 33 of Building and Other Construction Workers (Regulation of Employment and Conditions of Services) Act 1996, it is the duty of employer to provide sufficient latrine and urinal facilities at work place.-When such law understand the importance of availing latrine and urinal facilities at work place then why there is not such law to avail such facilities in the court premises which is the work place for many advocates and lawyers.
- Section 8 of Person with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, held the Government is responsible for availing sufficient facilities at toilets according to the requirements of persons with disabilities.
- The National Human Right Commission provides it is a mandatory duty to provide basic sanitation facilities that is a right to have separate toilets for men and women at public places, school and workplaces.

Judicial Precedent

- In L.K. Koolwal v. State of Rajasthan
The honorable High Court of Rajasthan observed that maintenance of health, preservation of sanitation and environment falls within the purview of Article 21 of the Indian Constitution as it adversely affect the life of the citizen and amounts to slow poisoning and reducing the life of the citizens because hazards created, if not checked.
- Virendra Gaur v. State of Haryana
The Honorable Supreme Court of India states that Article 21 protects the right to life as a fundamental right. Enjoyment of life and its attainment, including the right to life with human dignity encompasses within its ambit and sanitation without which life cannot be enjoyed.
- P. Saravanan v. Union Of India
The Honorable Madras High Court mentioned that the right conferred by Article 21 of the Constitution of India cannot be meaningful, if facilities of clean and hygienic toilets are not provided.

Conclusion & Suggestion

Lack of basic general facilities for women is a wide spread problem faced by she in serving in this legal system as an advocate. This is not just affecting their working but also to their physical and mental health. It is somewhere dragging women behind; making all the struggles and fight she did to get in this profession meaningless. At the time where she should be facilitated with facilities such as a common girls room, feeding room, proper cleanliness, dustbin, etc she has to fly to fulfil such a basic requirement of toilet in court premises, this shows where our Nation is standing in growth and development.

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not be at certain corners of the premises as it increases the fear. It needs to be at the center for easy accessibility of women. Ensuring the toilets are regularly cleaned and disinfected, facilities like dustbins, dispensing anti-bacterial soaps. It must have properly trained female caretakers mainly for the women's toilets to ensure the facilities are always clean to use.

Apart from these government should ensure that it does not approve any such project of infrastructure that does not possess the basic facilities like separate women's toilets or washrooms, common rooms, feeding rooms, crèches, etc., to ensure that the dignity of women is maintained and are given equal importance as it is given to men at the workplace. As availing of these basic facilities is a sign of the real level of inclusion of women in the legal system or the field of law.

