CHAPTER II

STATUS OF WOMEN: VEDIC TIMES TO MODERN ERA

If gender issues are well addressed the three unfreedoms named by Dr. Amartya Sen namely illiteracy, malnutrition and lack of health care can be overcome.7

Women, even if they belong to the majority regional community and the majority linguistic community both at once, that is even if everything is correct – know exactly how it feels to be a minority. Because women happen to be women, men believe they are different and women should live up to the standards set by them, howsoever hypocritical, irrational or unjust the standards may be.

The history of womankind bears testimony to the all pervasive subordination of women in all spheres of life. Regardless of race, religion, continent, physical characteristic; men have always oppressed women. The subjugation and oppression of women has been a global phenomenon.

Historically and universally men have treated women as objects of sense gratification. Men indulge in wars but women face the brunt of it as the victorious army celebrates victory by mass rape of the women of the vanquished enemy. The internet portrays the female body in the most debasing, demeaning and degrading way. nude and semi nude photographs of women in advertisement and films have become a common phenomenon and are a setback to the dignity of women. A woman’s sex appeal attracts men which results in women becoming the subject of poetry, painting and sculpture to be viewed by men for satisfying their lust.

7 Justice J.S. Verma, Human Rights News letter, April, 2001
Advancement of technology in communication has led to many complex cases like sexually explicit multi-media message service clips, digital viewing discs, sex scandals, cyber pornography, morphed obscene pictures et al. There is rampant proliferation of pornography on the Internet. Westernisation is becoming synonymous with modernization. The youth are lured into accepting everything which is western whether it be the clothes, way of dressing, behaviour, attitudes, use of language and they reject their own culture, ways, attitudes, way of behaviour, thinking, as ‘desi’ or archaic. Because of the shift in our culture, values and development of technology, pornography has become ubiquitous in our society. Obscenity is at the heart of mainstream culture.

The world is full of temptations and enticement towards sexual activities. An average modern person is exposed to a lot of obscenity. Hardly any aspect of modern culture is more pervasive and influential than the media. It is continuously changing, offering a wide array of products in a wide variety of forms. Life is a give and take stimuli through the mass media. Advertisements and other persuasive communication invade life with doses of aphrodisiac images. Satellite television services include a number of channels devoted exclusively to the broadcast of sexually explicit materials. Mainstream music videos depict explicitness. Exhibition of obscenity in local productions and foreign shows on television is rampant. These shows are inundated with episodes of sex, vulgarity and indecency. They are focused at earning profits by making the viewers feel sexually excited.

Obscenity lowers the dignity of women. The depiction of women in positions of subordination to men in advertisements, in pornographic materials becomes instrumental in undermining the status of women in the social condition within which they live. Obscenity objectifies women. It infringes on the human rights of women. She is reduced to body specific parts, an object for sexual access. It is an insult to womanhood. It dehumanizes women. Pornography is an invasion of rights of privacy of women and therefore it is unconstitutional.
Sex is used as a weapon to try to debase the woman, to train her to accept a demeaning self view, to see herself as a thing rather than a person in her own right. The world wide websites make available to any person freely and easily sexually explicit material at the click of a ‘mouse’. Today sex is only for entertainment. The sanctity behind a sexual relationship is lost.

Pornography and obscenity are dependent on the exploitation of women. It suppresses the development and growth of women by expressing and perpetuating negative notions, opinions, thoughts and images. The regular confrontation with negative self images negatives the process of women’s emancipation and progress. It is a risk to their real potential, irrespective of the absence of a conclusive connection between violent crimes against women and obscenity.

The root cause of subjugation is the experience of economic dependency, lack of education, poverty, experience of resentment, aggression and violence, subjection to negative attitude, women being regarded as mere bodies for enjoyment of male lust, different forms of discrimination, limited power and lack of influence in decision making in public and private spheres. It is also the invisibility of women’s economic and social contribution which is to a great extent responsible for their repression. Sexual harassment of women is inextricably linked not only to her job outside, but also inside her home, resulting in a depressing impact on her personality. The heterogeneity of women’s experiences has to be examined to understand how the concept of gender discrimination affects the lives of women.

The rising incidence of crime and violence against women are indicators of a decline in the status and respect of women in society. Studies connect violence against women to their lack of monetary resources, prevailing customary and long established social practices and religious ideology and beliefs regarding the position and functions of women in the family and society. Violence against women is a manifestation of historically unequal power relations between men.
and women. The use of violence against women has allowed men to dominate women and prevent her full advancement. Violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.\(^8\)

From womb to tomb the story of a large section of women is of utter disregard, discrimination and experience of cruelty. Women have always been discriminated against and have suffered and are suffering discrimination in silence. In spite of their nature of self-sacrifice and self-denial, they are subjected to all kinds of indignities and inequalities.

Gender insensitivity is not an isolated phenomenon. The present dominant paradigm of development in the society is marked by materialism, selfishness, short-term gains, violence and deterioration in the value system. Cultural and religious norms, social structure and value system are crucial determinants of women's roles and their position in society. The idea that a particular work can be attributed to the female gender only reinforces the patriarchal attitudes.

This chapter chronicles the history and vicissitudes of the status and position of women in India through the ages from the Vedic period to the present time. It has been observed that subjugation of women and marginalization of her rights and denudation of her status is more or less a universal phenomenon. Women in most parts of the world suffer discrimination, poverty, lack of independence. One of the primary reasons for this is the patriarchal and chauvinistic mind set of the society. The world over the position of women has not been satisfactory. They have been denuded of status and have suffered indignities.

\(^8\) Declaration on the Elimination of Violence against women—— General Assembly Resolution 48/104, 20th December, 1993
Status of Women

According to Law Lexicon, the status of a person means his personal legal conditioning to say a man's legal condition only so far as his personal rights and burdens are concerned. Whether or not a particular condition or relationship is one of status depends primarily on the existence and extent of the social interest in the creation and supervision of such a condition or relationship. Social status is the position occupied by persons. It determines rights, privileges, immunities and other behavior including the extent of the relationships with persons of other position in comparison to him or her. Status was defined by Brett L.J. in the case of Niboyet v. Niboyet as the legal position of the individual in or with regard to the rest of the community.

Many societies ascribe status to a person based on their sex and age. A person's gender becomes a means to categorize people into males or females. The societal norms give females a role, a set pattern of behaviour, a goal that she should get married and have children and bring up the children. But these roles which society gives to an individual change as per the development of the society. The levels of financial equality and independence are the real indicators to measure the place of prominence of women in any society. The status of women -social and political can be defined as the degree of equality and freedom enjoyed by women in the shaping and sharing of power and in the value given by society to this role of women. It has been observed by Justice Krishna Iyer, 'The fight is not for women's status but for human worth. The claim is not to end inequality of women but to restore universal justice. The bid is not for loaves and fishes for the forsaken gender but for cosmic harmony which never comes till woman comes.'

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10 Ibid
11 (1878) LR 4PD 1,11
12 Afesar Banoo, The Indian women—A changing face, Kilaso Books, New Delhi, 2003, P.163
Status of women is the benchmark of social progress that the society has made. The position of women in any society is an indicator of the extent of social and cultural development of the society. Empowerment means women’s realization of her own capacities and her own power so that she can face and overcome social and cultural hurdles in the way of her progress. Lord Denning has very aptly narrated, ‘a woman feels as keenly, thinks as clearly as a man. She in her sphere does work as useful as man does in his. She has as much right to her freedom – to develop her personality to the full, as a man. When she marries, she does not become the husband’s servant but his equal partner. Neither is above the other or under the other.’ 14 This statement of Lord Denning succinctly gives the reasons for according women equal status with men.

Internationally it is found that Myra Bradwell was fully qualified to practice law but denied entry into the legal profession because she was a woman. In Britain, after a prolonged and sustained campaign by the suffragette, in 1929, the courts finally granted women the right to be independent persons. The United States and the United Kingdom granted franchise to women after World War I, after decades of struggle by their women. Japan granted franchise to women in 1946, China in 1949, France granted franchise to women in 1945 and Switzerland in 1971. In United States, it was not until 1977 that the New York Statute made it a crime for a man to shoot, stab, beat or brutalise his wife.15 There are few countries in the ancient times, where women commanded full position and status. In Egypt, Celtic and Japan, queens and empresses ruled their kingdoms. Men served only in subservient roles. Marriage was a contract between two equals. Women could divorce and on divorce they had the right to the custody of their children and alimony. A setback to this trend was received due to the spread of Greek and Roman empires. Women in Greek and Rome were not given any respect or rights.

15 Dr. Swarna Lata Sharma, Gender Discrimination and Human Rights, K.K.Publications, New Delhi, 2002, P.102
A beginning was made by the Seneca Falls Declaration 1848 to fight for the rights of women all over the world. Despite the removal of legal hurdles to the right to vote by American women in 1920, the enactment of Married Women’s Property Act throughout the United States in the latter half of 19th century and the prohibition against gender discrimination in employment contained in the civil Rights Act of 1964, sex based legal inequality continued. The decision of the United States Court in Bradwell v. Illinois\textsuperscript{16} that, ‘The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life --- Women are to fulfill the noble and benign offices of wife and mother. This is the law of the creator.’ This statement from the Justice in United States did not favour giving equal rights to women and uplifting their position. In Miller v. Oregon\textsuperscript{17} the American Court held that ‘Women’s physical structure and the performance of the mental functions place her at a disadvantage in the struggle for subsistence and her physical well-being becomes an object of public interest and care in order to preserve the strength and vigour of the race.’

Equality of women is necessary not only on the grounds of social justice, but as a basic condition for social, political, and economic development of the nation. In the year 1869 itself, John Staurt Mill recognized the need for women to be treated equally with men. He wrote in his book ‘The Subjection of Women’ as, ‘The principle, which regulates the existing social relations between the two sexes --- the legal subordination of one sex to the other is wrong in itself, and now one of the chief hindrances to human improvement; it ought to be replaced by a principle of perfect equality admitting no power or privilege on the one side nor disability on the other.’\textsuperscript{18} Men and women are equal in the sense that they share the same broad qualities. Men and women are unequal in sex, size, shape, character traits, personality, and other natural endowments. Though women are equal in all respect to men, the treatment accorded to them has been unequal.

\textsuperscript{16} 83 US 130(1973)
\textsuperscript{17} 52 Ed. 551
\textsuperscript{18} John Staurt Mill, Liberty with the Subjection of Women and chapters on Socialism (Cambridge ; Cambridge University Press, 1989, P. 119
They have been discriminated against unfavourably. Women cannot evolve and achieve to their full potential till they are given equality of status. It is reiterated by Locke, ‘all men are naturally in a state of equality, wherein all the power and jurisdiction is reciprocal, no one having more than others, there being nothing more evident than that creatures of the same species and rank promiscuously born to all the same advantage of nature and the use of the same facilities, should also be equal one amongst another without subordination or subjection.19.

In the social context, equality implies certain opportunities and treatments. Women all over the world with very few exceptions, have since centuries, endured their segregation, their repression and their sufferings in silence, accepting their unfortunate destiny without any defiance. Although, genetically speaking, everyone’s life is originally female, and only when a new substance is added to the foetus, does its gender change.

Rapid changes during the last few decades due to social pressure of urbanization, demonstration of money power and geographical mobility have resulted in a moral and psychological atmosphere which is not conducive for the growth and development of women. Simone de Beauvoir has very aptly described the relation of men and women which prevailed in the society of most countries in the world as, ‘This humanity is male and man defines woman not in herself, but as relative to him; she is not regarded as an autonomous being.... She is defined and differentiated with reference to man and not with reference to her; she is the incidental, the inessential as opposed to the essential, he is the Subject, he is the Absolute – she is the other’.20 Even men of God have found women to be children of a lesser God.

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It was only at the end of the 19th century that some favourable changes in some spheres of the life of women took place leading to the betterment of their status. Still, women have a long march ahead for acquiring equal status in all spheres.

**Universality of subjugation of women**

The discriminatory attack on women is beyond any national or time barrier. The under mentioned phrases indicate that in many countries women were completely denuded of any status in ancient times. The position or respect or the lack of it which women had is revealed from the following phrases:

The wise men of China have offered free advice for the benefit of husbands in these words:

‘Listen to the counsel of your wife but act against it.’\(^{21}\)

The old men of Russia have said:

‘There is only one soul among ten women.’\(^{22}\)

The Spaniards say: ‘We shall save ourselves from wicked women and should never be captivated by any that have good looks.’\(^{23}\)

The Italians go a step further and pronounce:

‘As a horse, whether good or bad requires spurs, a woman whether good or bad requires thrashing.’\(^{24}\)

In Roman law, a woman could not exercise any civil or public office, --- could not be a witness, surety, tutor or curator, she could not adopt or be adopted, or make


\(^{22}\) Ibid

\(^{23}\) Ibid

\(^{24}\) Ibid
will or contract. She was completely dependent, if married, her property along with her person, passed into the power of her husband—— the wife was the purchased property of her husband and like a slave acquired only for his benefit. Husbands had absolute control over their wives and treated them as slaves. The wife was - 'A babe, a minor, a ward, a person incapable of doing or acting anything according to her own individual taste, a person continually under the tutelage and guardianship of her husband."

The Greek in their period of highest culture detained their women within their homes and deprived them of all rights. Even the great philosophers and thinkers of those times had the under mentioned opinion about women: - According to Confucius, the subordination of woman to man was one of the supreme principles of government. Aristotle deemed the dominion of the male over the female in our constitution of the family to be natural and necessary. In his Classic work 'Politics', Aristotle has written 'Equality – the relation of a male to the female is by nature such that one is superior and the other is inferior, one dominates and the other is dominated.' The German philosopher Nietzsche said, 'when you go to meet a woman, take your whip along.' According to the socialist view the inferior status of women is rooted in private property, and class-divided society. However, Jeremy Bentham had a radical approach and was a covert feminist eager to put the untapped brains and energy of women to use.
Rousseau’s views about women are in fact representative of the whole western world. In his book, ‘The Discourse of Inequality’, he holds private property responsible for inequality. Her procreative faculties make her unlike men, who have been categorized in terms of a generally limitless potential, rational, tough and creative, woman has been viewed as functionally determined by her reproductive role, her potential which is stunted.\(^{34}\)

In the Durkheimian tradition it is contended that normative enforcement of gender specific roles is a function of the strength of the definitions of deviance attached to them.\(^{35}\) It is observed that without known exceptions women are almost always using Simon de Beauvoir’s expression, ‘the second sex’ possessing a secondary status. Nearly all societies in the world have been male dominated. Women played subservient roles in all spheres of work, whether in family and home or outside it. Women are conventionally regarded as sinners, obstacles to men’s liberation, responsible for men’s downfall, worthy to be mastered by force, inferior to men by nature, mild and morally weak, lowly to be reprimanded and belaboured and deserving to be kept under perpetual surveillance and control.\(^{36}\) In Mosaic Law, the wife was betrothed. Encyclopedia Biblica states, ‘to betroth a wife to oneself meant simply to acquire possession of her by payment of the purchase money, the betrothed is a girl for whom the purchase money has been paid.’\(^{37}\) All history attests that man has subjugated woman as per his desire, used her as a means to satisfy his sexual gratification, but never has he desired to raise her status. She was oppressed and her rights were subjugated.

The position of women was the worst in Pre- Islamic Middle East. The role of the women was only to satisfy the sexual lust of the males in the absence of the


\(^{37}\) Encyclopedia Biblica, 1902, Vol.3, P. 2942
recognition of the institution of marriage. Fathers used to bury alive their daughters as soon as they were born. Birth of a daughter was regarded as a great calamity. It was believed that women are the whips of Satan. Among the pagan Arabs, a woman was considered to be mere chattel. She formed an essential part of the entourage of her husband or her father. The widow of a man descended to his sons by right of inheritance as any of his other property. A man could bear anything but the mention of his wives. In annual fairs in Arabia, before the advent of Islam, women were made to dance naked and the poets used to compose poems on different parts of their body. Women of Arabia had no rights whatsoever in the social and political life of the country. Before Islam woman was not free to contract her own marriage. It was the right of her father, brother, or other male members of her family to contract her into marriage. A male was free to release himself of any marriage at any time without any reason. In all the twelve Middle East countries, the law even presently does not allow women to seek employment, open a bank account or apply for a loan without their husband’s authorization. Women need a male guardian for all legal transactions like acquiring or transferring property. In Saudi Arabia, even today, women cannot vote, drive or show their faces or talk with non-relative males.

The position of women in other countries was also highly derogatory. They were only used as objects of sexual desire for the satisfaction of male lust. They were denuded of any status in the public or the private sphere. In Halhed’s Book, the Chapter ‘Of what concern women, it reads ,’ A man, both day and night must keep his wife in so much subjection that she by no means be mistress of her own actions. ‘39

In Brazil, women who were physically abused by their husbands, had no legal protection and men could invoke the ‘honour defense’ in the court to justify
murdering their wives or daughters.\textsuperscript{40} In Pakistan, under the Hudood law, not the rapist but a rape victim has every possibility to be charged and punished for adultery as it needs the evidence of only four adults to prove that the case was not force but was of mutual consent. Besides, it is the woman who is punished for such so-called adultery, not the man despite his equal involvement. Resultantly in 75\% of the cases it is the rape victim who suffers while the rapist is exonerated.\textsuperscript{41}

In Peru, the rape law drafted in the year 1924 allowed a rapist to marry the victim of his rape and thus be acquitted of any punishment for his crime. The wishes of the victim whether to marry him or not did not affect his acquittal at all. In fourteen other Latin American countries, the rapist is exonerated if he offers the victim marriage and she accepts.\textsuperscript{42} Even in South Asia and West Africa the archaic laws allow the rapist to escape imprisonment by marrying his victim. The penal code of Guatemala provides that the rapist can be exonerated if he marries the victim, as long as the victim is 12 years old and above. However, in Victorian times, in United Kingdom, the offence of rape ranked amongst the most serious crimes second only to murder, for which the penalty was 25 years of imprisonment.

\textbf{Status of Women in India}

In a complex society like ours, the status of women naturally differs from region to region, class to class, caste to caste, religion to religion and from occupation to occupation. India had a rich tradition and legal framework to support a just and equitable order conducive to the all round growth and development of women. But those rights came to be undermined with time. Though all religions believe that every living being, not only men and women are God’s creations, yet the interpretation of religion is gender biased. As per the Hindu mythology, when

\textsuperscript{40} The Brazilian, Superior Justice Tribunal in a landmark decision recently rejected the honour defense as valid legal argument, Time Magazine, New York, April 1997, P. 50
\textsuperscript{41} Pak ki kirkiri,' Amar Ujala, Dehradun, May 3,1999, P.11
\textsuperscript{42} Femina, May, 1997, Mumbai, P. 102
God made the world, he designated all important portfolios to women. He gave finance to Lakshmi, defence to Durga and education to Saraswati. But unfortunately, man has made himself responsible for the most shocking oppression of the better half of humanity. Religion in the ancient times and media in the modern times lays down women’s roles and limitations for women. In the thousands of years of recorded history, some women indeed have risen above the stereotypes of their time. But their numbers are few. In current times also some women in India have found their place under the Sun and created a niche for themselves against all odds. Women have been chief ministers and even prime minister, president, judges, cardiac surgeons, pilots, engine drivers, space astronauts, chairpersons of multinational companies, chief executive officers of financial institutions, banks et al. This shows that if given the opportunity women can achieve not just anything but everything under the Sun. Women in statesmanship, managing territories, governing countries, even making war have proved themselves equal to men if not superior. However, in the same country we have female infanticide, female foeticide, or the use of In-Vitro Fertilization which assures that a girl child is not even born, dowry deaths and dowry related harassment, poverty, deprivation, and sexual harassment. Female infanticide is a dreadful practice which is indicative of the prejudice against a girl child. Trafficking in persons is "modern-day slavery" a term aptly coined by George Bush, former President of the United States of America. This crime transcends geographical boundaries of the nation. Indian women are forced into prostitution due to economic necessity. Prostitutes have a degraded status but their customers remain respectable and blameless.

The gross under reporting of violence against women cannot camouflage the enormity and frequency of the crime. Various social and economic indicators

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43 Renuka Choudhary, DNA, Mumbai, March 1, 2009, P.5
44 Ibid

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provide evidence of inequalities and vulnerabilities of women in all sectors—economic, social and demographic.\textsuperscript{46} Indian women face an alarming amount of discrimination in every sphere of their lives, whether it be at home or outside. Women are given the status of either a devi or a dasi. Roopkunwar of Deorala in Rajasthan was given a devi’s status after her death when she immolated herself on her dead husband’s pyre in the year 1987.

The representation of women in Indian society is complex, defined by low legal status, disapproval, and lack of veneration. The interpolation and interpretation of the religious scriptures by men have been largely responsible for the low status of women. Sexual assault within marriage is the most prevalent of abuses perpetrated against women. Men brought forth the idea that women were created only for giving them progeny and to satisfy their sexual lust. Men depend on women for the satisfaction of their sexual lust and this dependence has made them to do all that was necessary to keep women under their control.

Subjugation and exploitation of women is a legacy of a feudal, dictatorial society with minimal social mobility. In India one sees the most intense, hideous and abominable forms of exploitation of women because society has been resistant and reluctant to break links with its feudal past. It is pointed out by John Stuart in his work, The Subjection of Women, ‘The existing relations between the sexes, the legal subordination of one sex to the other is wrong in itself.’\textsuperscript{47} The husband’s access to the wife’s body for sexual purposes is accepted as consonant with the definition of marriage.’ Sex has always been the means of subjugation of women by men. Men want to control women sexually by keeping her in subordination.

In India, the status of women had less ups and more downs. Though in some periods she was given honour and respect but in other periods she was treated

\textsuperscript{46} Justice V.R.Krishna Iyer - Dimensions and Frustrations and the March to the Future Edited by C. Bhandare - The world of Gender Justice—Justice Sunanda Bhandare Foundation-----Har-Anand Publications, New Delhi, 1999, P.67

\textsuperscript{47} John Charret, Feminism, Debtand Sons Ltd., London, 1982, P. 34
with utmost contempt and tortured. It is important to understand the Hindu concept of dharma and philosophy to understand the position of women in our country.

**Hindu philosophy, morality and the concept of ‘dharma’**

Hindu philosophy is the eternal philosophy called Sanatan dharma. Both in life and philosophy, spiritual dimension was predominant. It manifested itself in every duty of a person, man or woman, whether secular or religious. Philosophy was to be lived. Life was an exercise in moral and physical purification. The duties of every person were divided into *artha* (materialism), *kama* (desire), *dharma* (duties) and *moksha* (liberation). All activities of man or woman were to lead to the ultimate goal which was to get liberation from the cycle of birth and death. According to Hinduism the mode of living which is founded upon a total harmlessness towards all creatures or in case of actual necessity upon a minimum of such harm is the highest morality.

Hindus believe that the soul is immortal. There is a chain of birth, death and rebirth till one attains liberation or salvation. For Hindus, the goal of life is very important. Life’s pleasures and pains depend upon one’s karma viz. one’s actions. One’s karma which can be *prarabdha*, *agami* or *sanchit* which destine one’s life on this earth. *Prarabdha* is considered to be the result of one’s accumulated action of previous births which will bear fruits in the future. *Agami* means actions done in the present to bear fruits in future. *Sanchit* means accumulated actions of the last births which could bear fruits, if not neutralised by the actions of the present birth. *Srimad Bhagavad Gita* tells that there are three kinds of karma viz. *karma, akarma* and *vikarma* which a person indulges in. *Akarma* means

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48 Hindu word is etymologically derived from the advent of Greek who called the inhabitants of the Indus Valley as indoi.
49 Santiparva 262.5-6 as quoted in Sarvepalli Radhakrishnan and Charles A. Moore, *Indian Philosophy*, Princeton University Press, New Jersey, 1971, P. 165
actions which will not bind the person to its results, karma means prescribed
duty, that which will bind, but will yield good results and *vikarma* is actions
which are prohibited, which do bind a person and the result will not be favourable.

A human being is not a material being, having a material experience, but a
spiritual being having a material experience. The essence of a human being is the
*atma* or soul which transmigrates from one species of life to another in a natural
process of evolution. The human being with his power of discrimination is the
highest form of life. As such a human being is expected to inquire about his
constitutional position and attempt to compress life times of experience and
natural evolution into one life time. Hence, every pursuit, every action, every duty
has an underline goal of spiritual advancement.

In the ancient Hindu way of life one does not see a wife as an object of sense
gratification but as a partner in spiritual progress. Srimad Bhagavatam
recommends that only a man capable of leading his wife to liberation should get
married. In such a backdrop, where *kama* was subservient to *moksha*, exploitation
of women as modern men know and understand it simply did not exist. Just as
today it is inconceivable to imagine life without fossil fuels and electricity so, it
was inconceivable that women could be exploited by men. Obscenity regarding
women could not have existed in this background when the philosophy of life was
so pervasive and clearly defined to rule every action of a human being.

Religion is the most important segment of the culture of a society. It conditions
the social values, norms, attitudes and behavioral patterns of its followers.
Women were sought to be always protected, cared for and treated with highest
regard. In the Hindu philosophical beliefs and theories, there was natural
blending, interlinking of religious, moral and legal principles. Life was not
divided into compartments, but was a wonderful blend of religion, law and secular
activities. The ultimate goal of liberation was never lost sight of. Hindu males and
females, begin the life with bramhacharya - celibacy and returned to celibacy during their vanprastha (preparing for renunciation). Only in grihastya ashram (householder life) could they seek physical pleasures. Premarital and extra-marital sex was sinful and immoral. Most Hindus were averse to any open display of sexual activity. At the same time, kama sutra (aphorism of love) written by Vatsayana, who himself was a celibate, gives an insight into sexual mores. But he also lays down that the highest goal of life is self realization. All other pleasures of the world are of a fleeting nature.

Dharma (duty) in Hindu law stands for all types of duties, moral, legal, social and religious. All these duties are harmoniously synthesised and put forth as the dharma of a person which he or she is ordained to observe.

In Indian mythology, the goddess of learning is Sarasvati, the Goddess of wealth is Laxmi and of power is Parvati. ‘Every woman is Thy image, -- thou residest concealed in the form of all women in this world.’51 This is the prayer which Hindu men and women have been narrating since years. In Hindu mythology, Purush could not face certain demons, and to conquer them, had to create shakti, a goddess, not another Purush. So Durga was created which means ‘Beyond reach.’ Her awesome and overwhelming power is legendary. Devi challenges the stereotype patterns of belief, as that she is on her own. Sakti is also known as svatantrya meaning independence or freedom, because her existence does not depend on anything extraneous to herself.

From Kashmir through the Vindhya range to South India, monuments dating from as early as 8000 to 2000 B.C., there are various temples dedicated to Devi where people offer their obeisance and worship. In the ancient times the main guiding force which influenced human behaviour was religion. Devi Mahatyam or glory of the goddess provides a role model at variance with women’s conventional

51 Mahanirvana Tantra, X 79-80, Ramakrishna math, Chennai, 2000, P.108-115
identity. When God is worshipped in a female form, when She is considered all powerful, all mighty and capable of all that which God a male form could not achieve, this itself reflects that in ancient times women enjoyed a very honorable position. The recitations in Devi Mahatmaya is,' All forms of knowledge are aspects of Thee; and all mothers throughout the world are Thy Forms.\textsuperscript{52} This is the general prayer for men and women both.

In Tantric and Sakta doctrine the feminine power is supreme. Sometimes a Goddess bears the name of the whole region for example Mumbai is named after Mumba Devi, Mangalore is named after Mangla Devi. No religion in the world except Hinduism conceives of woman as goddess which is consistent with the historical claims of superiority. Women can be worshipped as divine only because people admire their qualities, their greatness. The society which considered women as great, in fact so great to the extent of worship could not have treated women with disregard and denigrated her status. The female power has been given expression in a multitude of female figures, both in sculpture and in painting in which the emphasized forms of breasts, belly, hips, yoni and things seem an incarnation of the themes of the universe. In the cosmic scheme man represents Purusha (the Person, Spirit) and woman, Prakriti (nature, primal Matter) both unite to create a progeny. Male and female are equal partners in the creation of life. The Indian concept of Ardhanaishwar succinctly depicts this view.

\textbf{Indus Valley civilization (6000....1900) Aryans and the Vedic period (1500...500 B.C.)}

The earliest historical culture in India is of Mohenjodaro and Harappa, chief cities of the Indus valley civilization. A fundamental trait of this civilization may be

\textsuperscript{52} Devi, Translation by Swami Jagdishwaranand, Rama Krishna Math, Chennai, 2008, P.50
Some early anthropologists like J.L. Lubbock, L.H. Morgan, J.G. Frazer and R. Briffault have forwarded the theory that the original state of mankind was one of animal-like sexual promiscuity with no stable marital relationship among them. The matriarchal family prevailed among the primitive people who led nomadic or hunting lives. The absence of the father from the home made it necessary for the woman to take the role of the man. It is believed by Briffant and some other anthropologists that the earliest form of family was matriarchal and that only with the development of agriculture and economic dominance of men the patriarchal set up emerged. But this is one view. The other view is that patriarchal society prevailed from the beginning. Men, because of their physical strength, could always keep women subordinate to them.

The pre-Aryan society regulated the social and domestic life on considerations of eternal logic and spiritual consideration. A great emphasis was laid on chastity and fidelity. Women were highly educated and cultured. They proved to be good teachers in the upbringing of their children in all spheres of life. Women held high status in this civilization. The numerous figures representing Mother Earth point to the fact that God was worshipped in the female form.

The invaders who brought an end to Indus civilization in about 500 B.C. are called Aryans, who were the authors of Vedic literature. By 15th century B.C. Aryans entered India from north west in search of pasture lands. They were not the original inhabitants of India. The Rig-Veda was compiled by Aryan rishi Bhardwaja, Atriyyee, Vanndev, Vasistha and Kanva. The Aryans led a highly cultured and civilized life directed towards the spiritual goal of self liberation from the cycle of birth and death and rebirth.

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53 Rohan Peter, Utsav Manihara, Panorama of Indian Culture, Dominate Publishers and Distributors, New Delhi, 1 Edition, 2001, P. 1
The basic unit of Aryan society was the patriarchal family. But the relation between husband and wife was of mutual love and respect for each other. There was no mention of child marriages. The Aryan married not so much for love as for higher and more permanent needs, for the propagation of their race and they were bound for the world of life immortal and to the world of virtuous action. The Aryan wife attended all sacrifices in the Aryan family along with her husband. Even the Gods they worshipped came in pairs to accept oblations offered to them. This indicated that women enjoyed an important role in society.

The thinkers and leaders of the Vedic – Aryan society have formulated a rite of the first sexual approach of a man to his wife. The attitude of people towards sex was free. Priests, teachers and Brahmins were not very much restricted by the strict rules of marital morality and they freely indulged in sexual gratification with their maid servants or cooks, whether married or unmarried.

However, there is a diverse and contrary view about the status of women in the Aryan society. According to Dr. Babasaheb Ambedkar the position of the women was as under, 'The Aryan Community of his time was steeped in the worst kind of debauchery; social, religious and spiritual. Gambling had become as widespread among the Aryan’s as drinking.

The habit of drinking was common among of all classes and even Brahmin women were not free from it. That liquor and dancing was indulged in by the Aryan women is clear from the Kausitaki Grihya Sutra (11-12), which says; "Four or eight women who are not widowed, after having been regaled with wine and food are to dance for four times on the night previous to the wedding ceremony."

54 Rig-Veda M-1 (S.124 S.122 S.116 ) as quoted in Dr. Anjani Kant, Women and the Law, A.P.H. Publishing Corporation, New Delhi, 2003, P. 22
55 Rig-veda X.85,23 as cited in Bhagawaat Saran Upadhya, Women in Rig –Veda, Nand Kishore and Brothers, Benares, II Edition, 1941, P. 89
In the Rig-Veda there is an episode related of Yama and Yami brother and sister. According to this episode Yami the sister invites her brother Yama to cohabit with her and becomes angry when he refuses to do so. A father could marry his daughter. Vashishta married his own daughter Shatrupa when she came of age. Manu married his daughter Ilia. Janhu married his daughter Janhavi. Surya married his daughter Usha. Dauhitra gave his 27 daughters to his father Soma for cohabitation and procreation. These rites used to be performed on the Yadnya bhumi. If any woman came there and expressed a desire for sexual intercourse and asked the sage to satisfy her, the sage used to cohabit with her then and there in the open on the Yadnya bhumi. Instances of this may be mentioned. The case of the sage Parashara had sexual intercourse with Satyavati and also of Dirghatapa. That this was very common is clear from the fact that religious injunctions had to be issued against such a practice.

Besides the practice of letting out women to others temporarily at a rent was prevalent among the Aryans, another practice namely allowing procreation by the best amongst them. Among the Aryans there was a class of persons called Devas who were Aryans but of a superior status and prowess. The Aryans allowed their women to have sexual intercourse with any one of the class of Devas in the interest of good breeding. This practice prevailed so extensively that the Devas came to regard prelibation in respect of the Aryan Women as their prescriptive right. No Aryan women could be married unless this right of prelibation had been redeemed and the woman released from the control of the Devas by offering what was technically called Avadan. There was no rule of chastity for maidens. A girl

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56 Rig. Veda as cited in Dr. Babasaheb Ambedkar, Writings and Speeches, Vol.3 Compiled by Vasant Moon, education Department, Government of Maharashtra, 1987, P. 153-157
57 Hari Vansha Adh. II
58 Ibid. Adh. X.
59 Yask Nirutta Adh. V. Khanda VI.
60 Ibid
could have sexual intercourse with and also progeny from anybody without contracting marriage.  

The other commonly accepted view is that most venerating regard for women is found in Vedic culture. Vedic culture had regards for the qualities of women. Vedic history has many women who have risen to great heights in spirituality, literature, and even as warriors on the battlefield. In the matter of religious duties, women stood as the foundation of moral development. There were women rishis. The hymns attributed to women are of three classes—hymns entirely belonging to female Rishis, hymns partly chanted by them, and those that are believed to have been sung by them. In the first group can be included Vishvavaraaand Apala. In the second group belong Lopamudra and Shashijasi. In the last group can be included Ghosha. In the Vedic culture a man regarded every women other than his wife as his mother and addressed her as such, and a girl as his daughter. Women were never treated as objects meant only for the satisfaction of lust. Obscenity as understood now simply did not exist in the minds of people. Sex was a highly elevating activity with the purpose of having progeny. Women were respected for the role they played and not for their sex appeal. Women were actively involved and associated with men in every socio-religious ritual and ceremony.

Marriage was considered as joint partnership and not subservience as it came to be construed during later times. The idea of equality was most forcibly expressed in the Rig-Veda. It means thus: 'The wife and husband, being the equal halves of one substance, are equal in every respect; therefore both should join and take equal parts in all work, religious and secular.' No other scripture of the world have ever given to the woman such equality with the man as the Vedas of the Hindus. In the Vedic era, equality, justice and dignity were accepted as a

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62 Dr. Babasaheb Ambedkar, Writings and Speeches, Vol.3 Compiled by Vasant Moon, Education Department, Government of Maharashtra, 1987, P. 153-157
63 Sen Gupta, The Story of Women of India, India Book Company, New Delhi, 1974, P. 42
64 Book 5, hymn 61, verse 8, Rig Veda
65 Ibid
way in which people conducted themselves. Women were cultured, civilized and educated. Panini's distinction between acarya or upadhyaya (a preceptor) and acaryani or upadhyayani (a lady teacher or a preceptor's wife), indicates that women at that time could not only be students but also the teachers of the sacred Vedas. In Gurukulas boys and girls were educated together. Fine arts like music, dancing and painting were especially encouraged in the case of girls. Girls had Upanayana performed for them and carried out the Sandhya rites. Seclusion of women from men in secular and spiritual activities was unknown in the Vedic times. Both Panini and Patanjali refer to women being admitted to Vedic study. Thus a woman-student of the Katha school was called a Kathi, and the Rig Vedic Bahvricha school, Bahvrichi. Female students were also admitted to the study of mimamsa—the science of metaphysics. There are a dozen names of women revealers of the Vedic wisdom, such as Visvavara, Shashvati, Gargi, Maitreyi, Apala, Ghosha, and Aditi. Every one of them lived the ideal life of spirituality, being untouched by the things of the world. They are called in Sanskrit Brahmavadinis, the speakers and revealers of Brahman. Brihadaranyakya records the famous discussion of Gargi with Yagnavalkya. While Bramhavadani girls were taught Vedic wisdom, girls of the Ksatriya were taught the use of the bow and arrow. Women were to learn and be adept in sixty four arts which included reading of books (pustaka-vachanam), preparing medicines, recitation of difficult slokas, (durvachakayoga), knowledge of dramas and stories (natakakhyanya -darsanam), knowledge of languages of different countries (desabhasha-vijnanam) and knowledge of science of physical exercise and development of body (vyayamikanam vidyanam jnanam).

Girls had the freedom to remain unmarried if they so desired. A girl who remained and grew old in her father's house was called Amajur. According to Rig- Veda, the prayers at the time of marriage are, 'Be thou the mother of heroic

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66 www.experiencefestival.com/a/kala P.I as seen on July 2,2009. The KamaSutra as its primary subject matter has 64 secret arts abhyantara kala. In addition to these it has 64 bahya kalas or practical arts.
children, devoted to God, be thou Queen in thy father-in-laws household. May all Gods unite the hearts of us two into one. The concept of married women as ardhagini suggests that there was equality between men and women. Wife was regarded as grihalaxmi, ardhagini and samarajyi meaning she is the goddess of her house, she is the other half of her husband and she is the mistress of her household. The Sanskrit words for the wife were Pathni, one who leads the husband through life, Dharmapathni - one who guides the husband in dharma and Sahadharmacharini - one who moves with the husband on the path of dharma - righteousness and duty.

A married woman was regarded as life partner having a fourfold character- she is ardhagini-half of her husband, sahadharmi-partner in the accomplishment of his spiritual goals, Sahakarmini-a partner in all the husband's actions and sahayogini-a veritable co-operator in all his ventures. The concept of married women as ardhagini suggests that there was equality between men and women. Husband and wife together are called dampati, joint owners of the household, sharing work in terms of their biological, psychological and individual dharma.

As life partner a Hindu wife has equal right to participate in religious rites and ceremonies. Hindu law makers like Gobhila and Asvalayana ordain that no ritual or sacrifice can be complete without the presence of the wife. Vedas gave the married women the right to talk and debate independently. The husband was required to take an oath that he would not transgress the rights and interests of his wife in economic matters. Women could take part in tournaments in which their husbands participated.

Love marriages called Gandharva marriages were common. It was the special injunction of the Vedas that no married man should perform any religious rite,
ceremony or sacrifice without his wife participating in it. The wife was considered a partaker and partner in the spiritual life of her husband.

Being equal halves of one essence, husband and wife are partners in joy and sorrow and in the fulfillment of the fourfold aims of life-\textit{dharma} (ethical perfection), \textit{arth} (material), \textit{Kama} (pleasure), and \textit{Moksha} (salvation). Neither husband or wife is superior to the other as each has different natural functions to perform and social obligations to fulfill.\textsuperscript{70} \textit{Vartha mihira} (6\textsuperscript{TH} century A.D.) in his \textit{Brhat-Samhita} (chapter seventy-four) makes a spirited defense of women and eulogizes them highly. It is stated by him that on women depends \textit{dharma} and \textit{artha} and from them man derives the pleasures of the senses and the blessings of sons, that they are the Laxmi of the house and should be always given honour and wealth.\textsuperscript{71} He condemns those who follow the path of asceticism and other worldliness, proclaim the demerits of women and are silent about their virtues and pertinently asks, 'tell me truly, what faults attributed to women have not been practiced by men?'\textsuperscript{72} Married women must be saluted according to the respective ages of their husbands.\textsuperscript{73} Marriage for Hindus from the very beginning of civilization was sacrosanct, inviolable and an eternal union, not only for the present life but for seven lives to come. Derett puts it succinctly thus, 'the intention of the sacrament is to make the husband and wife one, physically and psychologically, for secular and spiritual purposes, for this life and for afterlives.'\textsuperscript{74} The \textit{Kamasutra} says that women are like flowers.\textsuperscript{75} The \textit{Ramayan} has mentioned that the wife is the very soul of the husband.\textsuperscript{76} According to Satpatha

\begin{itemize}
\item \textsuperscript{70} Dr. Usha Kapoor, \textit{Hindu Woman As Life Partner, Prabhuddha Bharata or Awakened India,} Vol.110, July 2005, P. 362
\item \textsuperscript{71} Dr. P.V.Kane, \textit{History of Dharmasastra}, Vol. II, Part I, Bhandarkar Oriental Research Institute, Pune, 1946, P. 579
\item \textsuperscript{72} Ibid
\item \textsuperscript{73} Hari Dev Kohli, \textit{Hinduism and Divorce : From Sastric Law to Statutory Law, A Critical Study,} Vol. I, Decent Books, New Delhi, 2000, P. 24
\item \textsuperscript{74} J. Duncan M. Derrett, \textit{A Critique of Modern Hindu Law,} N.M. Tripathy Pvt. Ltd., Bombay, 1970, P. 287
\item \textsuperscript{75} Dr. P.V.Kane, \textit{History of Dharmasastra}, Vol. II, Part I, Bhandarkar Oriental Research Institute, Pune, 1946, P.575
\item \textsuperscript{76} Paras Diwan, \textit{Modern Hindu Law,} Allahabad Law Agency, Faridabad, VIII Edition, 2007, P.64
\end{itemize}
Brahmana, 'The wife is verily the half of the husband.' Thus when a member of a royal family was crowned king, he was originally crowned along with his wife. The community respected women and women could play a significant role in the family, social and political life. Polygamy during the Rig-Veda period was a privilege only of the kings, nobles and the priests.

Rig-Vedic verses suggest that the women married at a mature age and they had freedom to select their husbands. Rig –Veda has stated as, 'Never think of giving in marriage a daughter of very young age.' There were fairs called samana where young men and girls met to find their life partners. Maidens at the samana were grown up and knew about the implications of love-making. The attendance of the girls at the samanas was encouraged by the elders of the family and we have a reference to the mothers decorating their daughters for attending them with a view to matrimony. Women were known by their first names. Women and girls were allowed to use cosmetics. In fact, getting dressed up was an art which every woman was supposed to be adept in. The Rig -Veda mentions that an unmarried young learned daughter should be married to a bridegroom who like her is learned.

The custom of sati after the death of her husband was not practiced. It is mentioned that there was a practice when a widow lying with the corpse of her husband, was asked by either her younger brother -in -law or some other sapinda relative to rise up and enjoy the world in his company and not to mourn for the dead. It is mentioned in Satapath IV as, 'Rise up woman, thou art lying by one whose life is gone away, thy husband and become wife of him who hold thy hand and is willing to marry you.' Remarriage of widows were thus recognized. A

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77 Ibid
78 Bhagawaat Saran Upadhya, Women in Rig Veda, Nand Kishore and Brothers, Benares, II Edition, 1941, P.174
79 Ibid P. 46
80 Ibid P.174
widow in ancient India in Vedic times was given the right to remarry. Widows were never disfigured or disallowed from wearing jewellery.\textsuperscript{82} She could have children by 'niyoga',\textsuperscript{83} if she was childless. However niyoga was forbidden in the later Vedic period, and remarriage of a widow was prescribed. No aversion is expressed anywhere in the Rig-Veda to the remarriage of a widow. The custom of a widow marrying the younger brother of her deceased husband was very common and hence the word devara literally meaning husband. Narada says that widows that are virtuous must be maintained with food and raiment by the eldest brother of the deceased or by the father-in-law or by any other gotraj\textsuperscript{a}.\textsuperscript{84} The begetting of children was considered very important and the absence or death of a husband was not to put an end to this role of women.

There was sexual laxity between the Aryan male and his female slaves. It was considered natural for the kings and aristocrats to be surrounded by women in various relationships. These female slaves called vadhus were given away at the time of marriage along with the bride. Sometimes these female slaves were given the status of a wife or a permanent concubine.

The position of women in India during the Rig-Veda could be compared to the women of Homeric Athens, who were free and dignified. During this period the power which women could control and the influence they exerted were at their zenith. Women were respected and they were required for the physical as well as religious needs of the men. Women could move freely, attend sabhas and assemblies of learned persons. They mingled freely with men without any veil or purdah at gatherings during festivals and occasions. In this period, women were being conceded the highest intellectual honours.

\textsuperscript{82} Ibid
\textsuperscript{83} Niyoga is the practice by which a woman could have sex with the brother or other sapinda of her husband when the husband was dead only for the purpose of having a son.
\textsuperscript{84} Dr P.V.Kane, \textit{History of Dharmasastra}, Vol. II, Part I, Bhandarkar Oriental Research Institute, Pune, 1946, P. 805
The Atharva-Veda, named after Atharvan, represents the life of another branch of Aryans. They came after the Aryans of the Rig-Veda. Their reference to the Iranian and Roman customs indicate the influence they had of Iranian culture. The Yajur-Veda and Sama-Veda are based on the Rig-Veda and they are concerned mainly with the ritualistic side of the sacrifices. They do not throw any light on the social condition of the society and in particular on the women. In the Atharva-Veda period, the position of women was not as glorified as in the Rig-Veda period. In the Atharva-Veda and Sama-Veda mantra there are prayers in which husband and wife pray for the boon of a male child. They pray, 'Unto the womb let a foetus come, a male one, as an arrow to a quiver, let a hero be born unto thee here. Give birth to a male, a son, after him let a male be born, may thou be mother of sons, of those born and whom thou shall bear etc.' 85

The Atharva-Veda contains rituals to ensure the birth of a son in preference to that of a daughter. During this time, 'the birth of a daughter was distinctly deprecated and prayers and ceremonies to prevent it have come into existence.' 86 However, the feeling of dissatisfaction and dejection at the birth of a girl was a fleeting one. It did not lead to female infanticide. Varaha Purana laid down, 'Killer of a woman and cow, being the greatest sin is condemned to hell for a period as long as the tenure of fourteen Indras (the ruler of heaven). 87 In Agni Purana there is a mention that a person can get rid of every sin except the sin of foeticide by recitation of Gayatri mantra. 88 If the girl was born, she was treated with full respect, love and affection due to her. An unmarried girl was entitled to receive maintenance from her father and after his death from his estate. Once a girl was born, she was not regarded as a burden. The position of a girl born in the family was such that she was valued as an object for marriage.

85 Saroj Gulati, Women and Society, Northern India in 11th and 12th Centuries, Chanakya Publications, Delhi, 1 Edition, 1985, P. 16
86 Shakuntala Rao Shastri, Women in the Vedic Age, Bhartiya Vidya Bhavan, 1960, Bombay, P. 41
88 Agni Purana, Ibid
In patriarchal society, a son was required to continue the line of his father and inherit his property. In royal families, normally a son was preferred because of the need to continue the dynasty. In tribal society, it was necessary for each family to have its quota of brave men to fight inter-tribal wars, cattle-raids etc. So it was natural to have preference for sons. Even when society ceased to be unorganized the need for a son continued. The son was needed for looking after his aged parents. Another reason was the son could perform the shradha rites of his dead parents. In ancient times in all patriarchal societies the birth of a girl was generally an unwelcome event. A son was an important economic asset to the family.

During the Atharva Vedic period, marriage was imperative for a girl though no restrictions prevailed as to her age of marriage. Women were revered as mothers. They symbolized tolerance, patience, sacrifice and strength. Motherhood is considered the greatest glory of Hindu women. The Taittiriya Upanishad teaches, "Matridevo bhava" - "Let your mother be the God to you." 89 For the Vedic period the best facet of a women was her motherhood. Hindu tradition recognizes mother and motherhood as superior to even heaven.

Divorce and remarriage were recognized under certain circumstances. It is mentioned by sage Parasara that in five cases a woman may abandon her husband and take another: 1. missing, 2. dead, 3. ascetic, 4. impotent, 5. out-caste.90 The husband could also abandon his wife if she had blemishes like if she was suffering from leprosy or loss of virginity before her marriage and the fact was hidden from the husband.91 It is also mentioned by Narada and Parasar as, ‘He who has unjustly forsaken his wife shall put on an ass’s skin, with the hair turned outside and beg in seven houses, saying, ‘Give

89 Swami Gambhirananda, Taittreyaya Upanishad, chapter II, Shikshavalli, Verse 2, Advaita Ashram, Kolkata, v Impression, 2004, P.49
91 Ibid
alms to him who forsook his wife' that shall be his livelihood for six months'\textsuperscript{92}

But the sonlessness of a woman was in a way a license for her husband to remarry.\textsuperscript{93}

Ancient India had no issues with nudity or sex as sculptures on temples of Konark and Khajuraho depicted sex and nudity openly. Kamasutra is an example of the positive, open minded attitudes of people towards sex. In spiritual society, there is too much emphasis on the morality practiced by the people so the question of obscenity always took a backseat. However, in spite of this, lawless unions were found in few cases. Women enjoyed a lot of freedom for their own moral safety. The culture of the Vedic period has given topmost position and supremacy to sex. The injunctions of the Vedas were that there should be mutual fidelity between husband and wife till death. The highest dharma for the wife was to remain faithful to her husband. In primitive times there are few cases of incestuous connection between a father and his daughter and a son and his mother. Sexual liberalism in a society can be defined as how tolerant or pluralistic that society is to open sexual behavior and different sexual preferences or practices. The actual ideological makeup of sexual conservatism differs from culture to culture. India played a significant role in the history of sex, by writing the first literature Kamasutra by Vatsayana that treated sexual intercourse as a science. It may be argued that India pioneered the use of sexual education through art and literature.

**Status of Women in the Smriti Period (200 BC to 1200 AD)**

The recorded reasons for the happening of the two most widely known epics namely the Mahabharata and the Ramayana were honour of women. Ramayan, because Sita was abducted by Ravana and Mahabharata because Draupadi was disrobed in an assembly by the Kauravas. Both are against the principles of

\textsuperscript{92} Ibid
\textsuperscript{93} Neelam Upadhyay and Rekha Pandey, *Women in India – Past and Present*, Church Publication, Allahabad, 1990, P. 6-7
morality. Kaikayee, the queen of King Dashrath had led Dashrath's chariot into battle and ultimately saved his life. The Ramayana describes the coronation of Rama with Sita, Mahabharata describes coronation of Yudhishtira with Draupadi. However, the presence of the queens were only as an addendum to their husbands without any actual powers conferred on them. Even in cases of Sita and Draupadi, one was exiled without any fault of hers and the other was placed as a stake in gambling by her husband.

In this period, the birth of a girl was certainly unwelcome. During the Vedic period from 400 B.C. to 100 A.D. the marriageable age of a girl was lowered and the tendency on the whole was to marry a girl at the time of puberty or before that period. It became the duty of the parents to get her married off at an early age. Some reasons for the early marriages of the girls could have been the statements made in the Dharmasutra that if a man does not give away his daughter in marriage while she is still going about naked, the father or guardian incur the sin of killing a brahmana or killing a human embryo. Yajnavalkya insisted that the girls should be married before the age of puberty, otherwise every month their guardians will be guilty of the destruction of an embryo. The fear of incurring such a sin must have made a man give away his daughter in marriage as soon as possible. In later periods, the dread of post puberty marriage became so terrible that the smritis brought down the marriageable age still further. They divided the marriageable girls into five classes: 1. nagnika (naked) 2. gauri (8 years old) 3. rohini (9 years old) 4. kanya (10 years old and 5. rajasvala (above 10 years). Nagnika, meaning one is so young that she cannot dress up on her own, was regarded as most suitable for marriage. Due to the early marriage of young girls their education suffered a setback. It also adversely affected their overall growth potential. The status of women deteriorated during this time. But even during this period special efforts were made to train the girls, particularly of

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94 Suraj Gulati, Women and Society, Northern India in 11th and 12th Centuries, Chanakya Publications, Delhi, 1 Edition, 1985, P. 62
95 Ibid P. 66
aristocratic families, in music, dance, painting, household work, culinary arts etc. Women in general could read and write in Sanskrit.

The statements like the one quoted here that 'through a son he conquers the world, through a son’s son he obtains immortality but through his son’s son he gains the world of Sun'\textsuperscript{96} in the scriptures led to son being preferred over daughters. From about 200 A.D. pre puberty marriages became the order of the day. The cause of women’s education suffered a good deal after 300 B.C. on account of child marriage. By about the eighth and ninth century A.D. the marriageable age for girls was about nine to ten years. One of the reason for the prevalence of child marriages could be that girls enjoyed more freedom in their father’s house which could lead to unchastity. So to prevent unchastity of women, it was thought that the girl should get married at the early age. The girl had no freedom in the choice of her husband. The parents of the girls arranged the matrimonial partners for the girls. From the nuptial hymns it appears that the husband was the absolute master of the wife, and appropriated the dowry as well as the earnings of his wife.\textsuperscript{97} The ideal for the wife was to be good and affectionate to her husband. Courtesans were respected in the society. Women were forbidden to go to the assemblies. This is mentioned both in the \textit{Aitareya Brahmana and Maitrayani Samhita}.\textsuperscript{98} In the later period, domination by the Brahmins and the prevalence of the caste system led to a decline in the status of women.

Though marriage was regarded as a sacramental and indissoluble union, women hardly enjoyed any status after marriage. In fact there was a fall in her status after marriage vis-a-vis her position during the Rig-Veda times. Lack of education could be one of the reason for the same. It is seen that the upanayana samskara

\textsuperscript{97} Shakuntala Rao Shastri, \textit{Women in the Vedic Age}, Bhartiya Vidya Bhavan, 1960, Bombay, P.53
\textsuperscript{98} Ibid P.74
which was performed for boys and girls, both during the Rig-Veda and later Vedic period lost its importance in the days of Manu and it was substituted by their vivaha samskara. Even in the marriage ceremony the ritual is that the husband leads the wife around the fire. This is symbolic in the sense that it is indicated that it is the husband who will lead her way. In all spheres of her life she was to be firm like a stone and be faithful to her husband, but no such vows of faithfulness towards the wife were to be made by the husband. The husband was the master of his wife who was to be respected and obeyed under all circumstances. It is laid down by Manu that the husband should be worshipped like God even though he is a man of bad character with no qualities or a be goonda. The husband should be obeyed as long as he lives and wife should remain faithful to his memory even after his death. The general belief was that if she had cohabited with any man after the death of her husband, she could be tormented by diseases as punishment for her sin. But under certain circumstances, smritikars allowed a wife to abandon her husband and take another. It is said by sage Vasistha as follows, ‘A damsels betrothed to one who is devoid of character and good family or afflicted by impotency, blindness and the like or an epileptic or an infidel or incurably diseased should be taken away from him and married to another.’ But this text is confined only to betrothal. According to Yajnavalkya, ‘the wife should obey her husband and a woman should always be honoured’. Nobody should partake of the food offered by woman who disobeys her husband. She was to be treated as debauchee. In Manu Smriti edited by Max Muller it is stated ‘But for disloyalty to her husband, a wife is ensured among men, and she is born in the womb of a jackal and tormented by diseases, the punishment of her sin.’

101 Ibid
102 Yajnavalkya — S (Acara) 77, Yajnavalkya Smriti, trans. by J.R. Ghorpure, Bombay, 1939
Smritikars imposed many obligations on women. Brihaspati, giving the duties of a woman laid down, ‘Rising before the elders, preparing food and condiments, always occupying a low seat and bed, thus have the duties of woman been declared.’ A woman was not required to perform any yajna or ceremony or undertake fast for her salvation. She was believed to attain better life by service to her husband. Manu laid down that no sacrifice, no vow, no fast must be performed by women apart from their husband; if a wife obeys her husband, she will for that reason alone be exalted in heaven.

The woman as a mother reached a greater height in India than anywhere else. The son could not abandon a mother even if she was socially boycotted. The exalted position of a woman as a mother of a son continued even in this period.

In the smriti period, though divorce was not recognized as such, in some exceptional cases the husband and the wife both had the right to discontinue their relationship. Customary divorce amongst the lower castes prevailed. According to Apastamba Dharmasutras, ‘Dharma and progeny are the objects of a marriage. When the wives follow dharma and have progeny, another must not be taken’. Dowry system was not known. According to Abul Fazl, the famous historians, women who performed sati fell into a number of categories: those who out of sheer love for their husbands consigned themselves to flames, those who from fear of reproach surrendered to get burnt, those who were swayed by family considerations and customs, and finally those who were forced to get burnt with their deceased husbands.

104 Brihaspati Smriti, XXV. 10, edited by Max Muller, Sacred Books of the East, Motilal Banaridas, Delhi, Vol. XXXIII, Delhi, 1965, P. 193
105 Manu Smriti, chapter V, 155, edited by Max Muller, Sacred Books of the East, Motilal Banaridas, Delhi, Vol. XXXIII, Delhi, 1965, P. 196
106 Apastamba Dharmasutras II 5.11.12, edited by A. Chinnaswami Shastri, Benaras, 1932
In this smriti period a Hindu woman lost her individuality and status in the society. Her life, her existence and her happiness depended totally on her husband. A man had absolute right over his wife and the prescribed behavior for a married woman was to be a *pativrata* (following the will of the husband). Later the word *pativrata* came to denote chastity. Marriage involved transfer of dominion over the damsel from father to husband. Marriage could not be broken by divorce and persisted irrespective of the wishes or conditions of the parties. No proprietary rights were given to women, for she herself was an object. The age difference between the husband and wife, her physical weakness and financial dependence made the wife subservient to her husband. The position of women deteriorated during the medieval times due to the social and economic conditions.

Chastity among women was very important and to protect it, she needed a man, be it a father, brother, husband or a son. A woman was not to even think of any other man except her husband. This was expected from women of good and respectable families. Women's remarriage was socially unacceptable. But men could have plural marriages either consecutively or even concurrently. Manu and various other *sutrakars* have permitted remarriage for women whose husbands have left them. It was thought necessary to maintain the sanctity of marriage by guarding womb. It is written in the Brihaspati Smriti *Considering that the highest duty of all castes, even weak husbands must strive to guard their wives*.108 Yajnavalkya did not consider wealth as the only thing to be given to the superseded wife. He says that the superseded wife should be honoured with gifts and good treatment as before otherwise by not maintaining her, there would be a great sin, and where there is no harmony between husband and wife there only is a daily increase of *Dharma*.109 These verses indicate that women were protected in all situations and under all circumstances and were never discarded or uncared for.

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A married Hindu wife was always protected and her husband could not abandon her even if she indulged in sexual relations outside her marriage or was raped. It is laid down by Manu that a wife guilty of adultery should be confined by the husband in the same house and should be made to undergo the same penance as a man guilty of adultery has to undergo.\(^{110}\) Yajnavalkya laid down that only if the woman conceives through adultery with a *sudra* or kills her foetus or attempts the death of her husband or is guilty of grave sins, she shall be abandoned.\(^{111}\) The texts have laid down that widows guilty of adultery are purified afterwards by penance and may be restored to all their social privileges. The wife who violated her duty of chastity must undergo a penance, but she should be kept under guard and be given food.\(^{112}\) There is no absolute right of abandonment of wife by the husband on the ground of adultery because adultery was considered a minor sin, which could be atoned by appropriate penance by the wife who had committed adultery. Once she has undergone a penance, she is to be restored to all the ordinary rights of the wives.\(^{113}\) Also, abandonment consisted in disallowing the wife in religious and conjugal matters, but she was not thrown on the streets. If women were raped it was the man who was held guilty, and not the woman. It is observed that men provided protection to women but they did not give independence to women.

There has been no law expressly declaring that daughters cannot inherit property, though on account of the needs of disturbed times, women did not generally assume the role of rulers. The *smritikars* from Gautam and Manu acknowledged a concept of property ownership for women which they called *stridhan* i.e. women's exclusive property. The first mention of *stridhan* is found in Gautama Dharmasutra. He provided not only for women's separate property but distinct

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\(^{111}\) Dr.P.V.Kane, *History of Dharmasastra*, Bhandarkar Oriental Research Institute, Pune, 1946, Vol.II, P. 806


and separate rules for its succession. According to Manu – what was given before the nuptial fire (adhyagani), what was given on the bridal procession (padavandanika), what was given in token of love (padavandanika), and what was received from her brother, mother or father this was called the six fold property of a woman. Such property as well as gift subsequent to her marriage and what was given to her by her affectionate husband constituted her streedhan. Women had complete ownership and rights on the use and disposal of their streedhan. Manu laid down comprehensive rules regarding women’s separate property almost 2000 years before the English system could do the same. While Manu laid down six forms of streedhan, Katyayana added five more and Yajnavalkya expanded its scope by using the term etyadi meaning etc. Streedhan devolved on unmarried daughters first and only in the absence of unmarried daughters, it could devolve on other relatives.

Wife was not ordinarily liable for the debts contracted by the husband, nor was the husband liable for the debts contracted by the wife alone, unless the debt was for family purpose. Similarly, the husband could exercise no dominion over the wife’s own property except in a famine or for a necessary religious purpose or in disease or when he was imprisoned.

According to Manu’s dictate, friends and relations of a woman, who out of folly or avarice, live upon the property belonging to her, or the wicked one’s who deprive her of the enjoyment of her own belongings go to hell. This dictate is reaffirmed by later Smritikars such as Katyayana. If anyone grabs her property

116 Dr. P.V.Kane, History of Dharmashstra, Vol.II, Bhandarkar Oriental Research Institute, Pune, 1941, P.573
117 Ibid
118 Flavia Agnes, Law and Gender Inequality –The Politics of Women’s Rights in India, Oxford University Press, New Delhi, 2004, P.3
during her life time, that person deserves to be punished like a thief. These verses show that women along with their property were guarded and protected by men. They had the freedom to enjoy the use of their property without any male interference.

A number of quotations are made from Manu Samhita as that was one scripture which was regarded as most authoritative by the people. After the Vedic period the position of women instead of evolving, became degraded because of the patriarchal setup of family life, and interpolation and misinterpretation of the scriptures by men to suit themselves. During this period, the family owned joint coparcenary property. Under the Mitakshara system, only the eldest male member could become the manager of the coparcenary property and only the male ancestor and his male lineal descendant of three generation could be the joint owners of the family property. As women could not become coparcener, they could not own any property. The Mitakshara system was prevalent all over India except West Bengal and certain parts of Assam. The only right a women was entitled to was the right of maintenance and stay in the residential house and if, she was unmarried, the expenses of her marriage. However, they were entitled to *stridhan* with full rights of alienation. The Mitakshara on the question of the widow’s right of succession establishes the proposition that the widow, if chaste is entitled to the whole of her deceased sonless husband’s wealth. Almost all the writers since the time of Mitakshara accepted the widow’s right to succeed to her husband’s wealth. A Hindu widow could not adopt without the authority of her husband given during his life time. During the time of Vignaneswara the laws changed for the benefit of women.

Manu ordained that one must maintain even at the cost of committing a hundred misdeeds, one’s aged parents, one’s virtuous wife, and one’s minor children. The husband was bound to maintain his wife despite all her faults which could be her quarrelsome nature, neglect of household duties and adultery, though the quantum could be reduced depending on the severity of her faults. The husband was allowed to marry again during the subsistence of his marriage, but he was under an obligation to continue to maintain the first wife. Also, the wife was entitled as suppression fee an equal share of the property, which the husband gifted to the new wife. Yajnavalkya stated that if a man abandoned a wife who was obedient, diligent, the mother of a son and agreeable in speech he was to be made to give one third of his property to the wife and to maintain her if he had no property. Even Smritkar Vishnu mentioned that the man who abandons his blameless wife should be punished like a thief. A widow was entitled to receive maintenance from her sons. A wife or a widow was always to be maintained because society as such had a lot of reverence for women. They were not allowed to become destitute.

According to Mitakshara where there may be no ancestral property but that has been self-acquired, the only persons whose maintenance out of such property is imperative are aged parents, wife and minor children. The unmarried daughter was entitled to maintenance from her father and after him from his estate. Manu states that the brothers should get their unmarried sisters married by giving them one fourth share. Marriage or sexual connections between one’s mothers, sisters, daughters or any near relations was regarded as highest sin. Unchastity of the widow disentitled her to receive maintenance from the estate of her husband. The shares on inheritance of the daughters was well protected.

121 Dr. P.V. Kane, History of Dharmashastra, Vol.II, Part I, Bhandarkar Oriental Research Institute, Pune, 1946, P. 569
122 Ibid
123 Dr.P.V.Kane, History of Dharmashastra, Vol. III, Bhandarkar Oriental Research Institute, Pune, 1946, P.619
In Mahabharata, Madri the wife of King Pandu burnt herself with her husband’s body. It is stated in Vishnu Purana that eight queens of Krishna entered into fire on the death of Krishna. It is seen that when widow remarriage and niyoga prevailed the practice of sati and child marriage were absent and when the former declined the latter came into vogue. Yajnavalkya laid down, ‘At her pleasure let her emaciate her body by living on pure flowers, roots, and fruit: but she must never even mention the name of another man after her husband has died.’ However, he prescribed remarriage for a virgin widow. Manu believed in the indissolubility of union between husband and wife. Manu did not favour remarriage of widows.

The position of a Hindu widow was pitiable. A widow had to lead a life of total celibacy and even if she was a child widow, she was to lead a life like that of an ascetic. A widow could not to take part in festivities, was poorly fed and was not allowed to wear colourful clothes. Her presence was considered to be inauspicious. She was hardly given any rights over the property left by her husband. If at all she inherited any property of her husband, it was only a life interest which she could transfer only in cases of family necessity, or for the spiritual benefit to her husband. If the widow had any son, she was entitled only to maintenance. Widows in certain parts of Bengal and Andhra Pradesh even till today are not allowed to eat meat and fish and restrictions about their colourful clothes are prevalent in most parts of India.

Also are the cliché, prostitution is the oldest profession does underscore the fact that the buying and selling of sexual services exists in almost all societies including post revolutionary ones. What ever may have been the status of Kautilya’s Ganikas, according to Kautilya’s Arthshastra, providing sexual entertainment using trained ganikas or devdasis or tawaifs, was common. In the

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125 Rakesh Shukla, Women with Multiple Sex Partners in Commercial Context, Economic & Political Weekly, Jan. 6-12, Vol. XLII No. 1, P. 18
Dharmasastras different classes of dasis are mentioned viz. 1. Datta—one who gives herself to temple 2. Vikrta—one who sells herself for the same purpose 3. Bhrtya—one who joins a temple out of devotion 4. Harita—one who is enticed away and presented to the temple 5. Alankara—one who being well trained in her profession and profusely decked is presented to a temple by kings and noble men 6. Rudragopika—who receives regular wages from the temple and is employed to sing and dance. Courtesans were an established institution.

When King Dhritisrashtra's wife Gandhari became pregnant, there is a narration in Adiparva which mentions how a vaishya meaning a prostitute, used to wait for the King. Yajnavalkya divides concubines into two categories-avaruddha—one who is kept in the house itself and forbidden to have intercourse with any other male and bhujisyas—the concubine who is kept elsewhere and is in the special keeping of the person and another person cannot have intercourse with her.

During the Smriti period description of women is limited to her physique. They talk of women only by way of describing her breasts, hips, waist, naval, lips, hair. In Mahabharata, at one place Draupadi is described as trirgambhira sadunnate rakta pancasu pancasu-she was deep at three places, red at six ones and raised at five. Sex is the highest expression of the divine love is the religious belief of some sects. Gita Govinda of Jayadeva a lyric written in 12th century which describes the erotic love of Krishna and Radha is a highly revered piece of mythological literature. Shilpa shastra confirm that the potency of women’s fertility and its equation with growth, abundance and prosperity led to women becoming a sign of auspiciousness. In fact, women seem to have served an apostrophic function whereby their auspiciousness was magically transformed to

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127 Adiparva (115-39)
128 Yajnavalkya, II 290, Dr. P.V. Kane, History of Dharmasastra, Bhandarkar Oriental Research Institute, Pune, 1946, Vol.II, Part I, P. 638
129 Edited by M.A.Kelkar and Deepti Gangavane, Feminism in search of an identity, Sucheta Paranjpe, Position and Role of Women in Rig-Veda, Rawat Publications, Delhi and Jaipur, 2003, P.48
the monument upon which she was sculpted or painted. Sexual morality varied from time to time and between cultures. Ordinarily, sex was allowed only within marriage and only at certain age and all other sexual activities were considered to be immoral.

Hinduism is based on numerous texts, which are varied in authority, authenticity, content and theme. The position of women in Hinduism is widely dependent on the specific text and the content. It is difficult to know how much are the genuine compositions of the original Manu and his predecessors and how much we owe to other authors. We find that at some places Manu talks of ‘worshipping’ women, while at other times he is extremely harsh on them. If these statements are looked at, for instance, ‘Where the female relations live in grief, not being duly honoured, pronounce a curse, perish completely, as if destroyed by magic’ and ‘where women are honoured, there Gods are pleased; but where they are not honoured, no sacred rite yields rewards’, it is noticed that Manu had regard for women. Manu instructed others to make way for the bride and pregnant women and generally women were not to be killed on any account. But at the same time, it is found that he was truly unsympathetic to them by statements such as given below, ‘it is the nature of women to seduce men, they are lascivious, fickle minded, devoid of love and come to dislike their husbands and resort to another man, whether handsome or ugly, simply because he is a man."

In around the same period, we also get texts which give contradictory statements, but most of them are derogatory to the position of women. The Maitrayani Samhita places a woman on par with dice and drink and describes her as one of

130 Vidya Dehejia, *Representing the Body: Gender Issues in Indian Art*, Kali for Women, New Delhi, 1997, P. 6
the major evils in human society. According to the Mahabharata (*Shanti Parva*), the following categories of persons are to be excluded from the place where a king holds any consultations: dwarfs, hump backed persons, lean men, blind men, idiots, eunuchs, and women. But at the same time *Dronaparva* mentions numerous objects which Arjuna looked at and touched as auspicious when starting for battle, among which well-decked maidens are mentioned. By a girl, by a young woman or even by an aged one, nothing must be done independently, even in her own house. A wife, a son and a slave, these three are declared to have no property, the wealth which they earn is acquired for him to whom they belong. Baudhayana has laid down, *Women do not possess any independence and they are protected in all stages of their lives.* Even Smritikar Vashishta has reiterated that a woman is not independent, the males are her masters. The *Aitareya Brahmana* remarks, *A wife is a comrade, a daughter, a misery and a son a light in the highest heaven.* In the Medieval periods at the same time feminine divinity was regarded as power of her consort God and she was often represented as superior to Him. Shrines to the great goddess are found throughout the length and breadth of India.

It has been written by Jaimini as under, *Men alone have the right to perform sacrifices because they have capacity to possess wealth as is evidenced by the sale and purchase of the things but women have not the capacity to own wealth as they themselves are treated as chattel by men*. The subsequent Hindu

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140 Ibid P 25
literature, epics and *puranas* gave a very degrading account of women. Examples are—"There is nothing more sinful than woman. Verily women are the roots of all evils." The post Vedic religious books became gender biased and discriminatory against women. Some examples are: "Women are “as whimsical as the leaves of a lotus flower, as sharp as the edges of a sword and as unsettled as the blast of a storm”\(^{145}\). There is none whom a woman sincerely loves. She for serving her purpose, does not hesitate to kill even her husband, children and brothers.\(^{146}\) These vices are innate in the female sex for example falsehood, inconsistency, deceit, stupidity, greed.\(^{147}\) The position of women declined at the start of the *smriti* period. A woman was regarded as a member of the family like someone’s sister, daughter or wife, without any individual identity of her own. A Hindu woman’s life became a life full of sacrifices. She was denied education. Her role in life was reduced to only child bearing and rearing. Child marriages were frequent. Polygamy was recognized. Many held the view that during the *sutra* period the status of women took a nose dive. Many verses which appeared in sutras are contrasting and self contradictory. Women were declared ineligible for the study of the Vedas. Among the Aryan communities the position of women deteriorated during the medieval times due to social and economic conditions. The statements like ‘In childhood, a female must be subject to her father, in youth to her husband, when her father is dead to her sons, woman should never be independent.’\(^{148}\) The *Shastras* made women completely dependent of their husbands or other male members of their families. However Aiyengar has different view. He says, ‘The idea of the perpetual tutelage of the Indian woman is a myth. It is contradicted by the large freedom enjoyed by the wife in the management of the household, in the wife’s concurrence being necessary for all

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147 Ibid at P. 43
gifts by the husband, in their enjoying rights of separate property and by the rule that family estate should not be partitioned between the sons during the lifetime of the widowed mother'.

Towards the end of the Smriti period the position of women deteriorated further. In this period women were regarded as subservient to man and confined to house chores. Divorce was not recognized, except under certain customary practices. Manu laid a lot of emphasis on the virtues of women. A Hindu women's life was full of sacrifice. Child marriage, denial of education to females, polygamy and restrictions on her free movements were the main factors for the degradation of Hindu women's status. Manu thought that a woman, 'should be guarded against evil inclinations, however trifling they may appear, for if not guarded she may go astray'. The verse of Tulsidas in Tulsi Ramayan that drums, morons, sudras, cattles and women are objects fit to be beaten, whether originally written by him or a later interpolation certainly helped in lowering the status of women. A male did not change his surname, or place of his residence after their marriage as marriages were patrilocal. The husband wore no distinctive marks signifying his marital status. But the wife had to wear marks signifying her marital status, change her residence to that of her husband and adopt his surname.

The smritikars imposed duties on everyone. The father's duty towards the children, duty of the wife towards her husband, husband's duty towards the wife. Unfortunately, with time the duties imposed on men were sidelined and duties imposed on women overemphasized. The 'pati-parmeshwar' concept became a law. Irrespective of the qualities of her 'parmeshwar' a woman was supposed to obey and worship her husband. The words 'sacrifice and tolerance' came to be considered a woman's second nature. Women were eulogized for their sacrifice. Any woman who was assertive or demanding or wanted to voice her wishes was

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149 Aiyengar, Aspects of the Social and Political System of the Manusmriti, P.164
150 Manu 5.151, G. Buhler, P. Max Muller, Sacred Books of the East, Vol.XXV, Motilal Banarsidaass, Delhi, 1970, P. 328
151 Ramcharitrmanas, (Hindi)Geeta Press, Gorakhpur
looked down upon. It was a male conspiracy to always keep women subordinate to them by systematically making interpolations in the scriptures. They carefully cultivated the mindset that women should not be given any independence. The right to receive a share by birth under the Mitakshara system for a son is the main cause of inequality between male and females. A Hindu woman was given the right to *streedhan* properties but not the right to family property, in which she had only the right of maintenance. A widow could not adopt a child except if the authority to adopt was given by the husband during his life time. In the Vedic literature there is no reference to the annulment of marriage and there is not much evidence of it in post-Vedic literature. It is observed by Altekar, ‘Denied the benefits of education, brought up in the authoritarian atmosphere, having no opportunities to develop their natural capacities, women became helpless, illiterate, narrow minded and peevish---- the theory of perpetual tutelage of women became more and more deep-rooted in society.’153 With the invasion of India by Alexander and the Huns, the position of women in India was reduced to that of war prisoners.

An attempt is made to study the status of women in different major religion, because religion is one of the most important factor to accord status to women.

**Status of Women in Jainism (399 B.C. onwards)**

The Jains do not accept the authority of the Vedas. They do not believe in the personal existence of God. They also do not even accept an impersonal God is the creator of this world. This religious movement sprang up against the exploitation of the Brahmanas during the medieval period onwards. Jainism does not believe that any intermediately in the form of any person is needed to attain salvation.

152 Hindus were governed by either of the two systems of law- Mitakshara in most part of India and Dayabhaga in West Bengal.

For the Jains, the way to deliverance is through right faith, right knowledge and right conduct. A lot of emphasis is on the conduct of a person. In Jainism, women and men are both considered to be *atma* (spirit souls) whose goal in life is to get liberation from the cycle of birth and death. Rishabha Deva, the first *tirthankar* of Jainism encouraged education for women. He himself imparted the knowledge of mathematics and language first to his daughters, and after that to his sons. He taught the Jain alphabets to his daughter Brahmi, from which is derived the name of the language *Brahmalipi*. Chandanbala was the first disciple of the last *tirthankar* Mahavira. She was greatly instrumental in propagating the Jain philosophy. In Jainism, women like men could also renounce the material life in search of truth and they could live like mendicants. Some of the Jain nuns have excelled in their fields. To mention a few names are Kamalashree, Brahmilee, Gunamahi, Sudarshan as mentioned in the kannada work 'Voddarathane' of the 10th Century. Yakini Mahathara defeated a Brahmin Pundit named Haribhadra Suri in theoretical arguments. She was acknowledged as the greatest intellect of her times.

However, in *Digamber* sect of Jainism, salvation for women is not possible. The belief is that they have to be reborn as men to attain liberation. Women nuns who are much older and senior than the male monks have to bow down in respect to the male monk much younger and junior to them. As this religion is comparatively of recent origin, some evil practices of the society like *sati* prevailing at that time have been done away with in this religious philosophy.

**Status of Women in Sikhism**

Guru Nanak (1469-1539 A.D.) gave women a position of equality with men. There was no priesthood and men were not given a more important role to play in relations between God and ordinary mortals. The concept of equality of woman with man not only gave woman an identity of her own, but freed her from all
kinds of fetters to which she was bound in Hindu society. Sikhism brought a revolutionary change in the status of women. The Sikh women could participate in the sangat and pangat established by Shri Guru Nanak. A sikh woman is allowed to lead religious congregation, to take part in Akhand path which is the continuous recitation of Holy scriptures, to perform kirtan, to work as a granthi and to participate in religious and secular activities. Guru Amardas opened 22 centers called Manjis and to manage them he appointed 35 men and 52 women. Female infanticide is prohibited in the sikh religion. Monogamy in marriage is the rule for them. The practice of Sati is not recognized, instead remarriage of widow is recognized. The sikhism condemned purdah system for women.

**Status of Women in Buddhism in India (500 B.C. onwards)**

Buddha taught that man’s life is dominated by the cumulative effect of his own actions and man should nullify the chain of his accumulated karma to attain nirvana, the state of perfection. The cause of suffering is traced to ignorance and selfish craving. When one gets rid of ignorance and its practical consequence of selfishness, one attains nirvana. The path to the attainment of nirvana, to the elimination of ignorance and selfishness is the famous eight fold path of morality viz. right views, right intention, right speech, right action, right livelihood, right effort, right mindfulness, right concentration. Women were allowed to become nuns—bhikunmi. Conscientisation helps a woman to bring about new values and changes by action and reflection which lead towards her development. Nirvana was a realizable possibility for men and women alike. Sanghmrita, sister of Emperor Ashoka went to Srilanka to spread Buddhism.

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155 Sangat — body of men and women who meet religiously in the presence of Gururangrath sahib
156 Pangat — commensality

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Buddha allowed women to join his sangh, but predicted that the life of the sangh will become half after women join it. Buddhism consider women to be responsible for obstruction due to her sensuality in the path of men’s salvation. In Burma, women recite as a part of their Buddhist religion the following prayer, 'I pray that I may be reborn as a male in a future existence'.

Marriage was a civil contract. Polygamy was allowed but not polyandry. Divorce was recognized and given by mutual consent. To sell or mortgage any joint property of the husband and wife, the consent of the wife was mandatory. Concubines had legal status and could inherit property. Woman had same rights of inheritance as men. On marriage, the couple had joint interest on their estate.

An important teaching of Buddha is that one should not pursue sensual pleasure (kama sukha) which is vulgar and coarse. Sensual desire is regarded as the five hindrances to spiritual progress. Jains and Buddhist rejected the sacramental notion of marriage and considered marriage inferior to celibacy. Buddhism preaches that one should follow the teachings of Lord Buddha, follow Dhamma and follow Sangha.

Status of Women in the Moghul Period (1200-1757 A.D.)

The decline of the status of women in India hastened because of foreign invaders. They looked upon women as objects of sexual enjoyment and exploitation. Women began to be viewed more as objects of gratification or property to be possessed and controlled. Obscenity and backwardness took on more serious connotations with notions of decadence and lascivious lifestyles of medieval Muslim rulers. The modest standard of dress for women developed sometime after the 15th Century due to the conservative demands of Muslim rulers. Early marriages for girls, female infanticide and sati became common practices during this period.
However, in spite of such prevailing conditions, some women rose above their situation and made a mark for themselves in the history of great Indian women. Razia Sultan, the daughter of Altamish, was the only woman to occupy the throne of Dehli. The Gond queen Durgavati ruled for fifteen years, before she lost her life in a battle with Mughal emperor Akbar's general Asaf Khan. Chand Bibi defended Ahmednagar against the mighty Moghal forces of Akbar. Jehangir's wife Nur Jehan effectively wielded imperial power and was recognized as the real force behind the Moghal throne. Shivaji's mother, Jijabai was known for her ability as an administrator. In South India, many women administered villages, towns, divisions and heralded social and religious institutions.

In many parts of Punjab and Uttar Pradesh, Muslim women were denied the rights of inheritance, while among the Mappilas of Malabar, matriarchal rules of succession were followed. During the 20th Century, North India was under the rule of Delhi sultans. The powerful Muslims started marrying Hindu women forcibly by converting them to Islam. Women preferred to burn themselves rather than be captive by the Muslim kings and suffer sexual assault and rape by them. The Hindus started keeping the women in seclusion away from the Muslim male's gaze. Akbar was said to have issued an order that no widow should be forced to be a sati. Jehangir also prohibited sati. In 1663 A.D, Aurangzeb issued an order banning the sati system. Only those widows who had no children were allowed to perform sati. However, the practice of sati and its grossest form jauhar continued during the Moghul rule. Rani Padmini of Chitor along with 13,000 ladies of Chitor performed jauhar when the fort of Chitor was captured by Ala-ud-din Khilji on August 29,1303. Chastity and honour for woman was more precious than anything –even their lives. Sati was not prevalent amongst women of lower castes.

During the rule of Moghuls, women remained within the confines of their homes. They were in seclusion from male members and purdah system was prevalent.
The question whether purdah was introduced by the Moghuls has no certain reply. According to N.R. Farooqi, professor of History at Allahabad University, purdah was a custom that the Moghuls had probably borrowed from the Rajputs. Historian Haribans Mukhia in his book, ‘The Moghuls of India’, cites the Babaurnama and Humayunnama to state that the Moghul were never in purdah. According to Farooqi, Moghul women were introduced to purdah only after Akbar married a Rajput princess who supposedly brought this custom with her.158

As a result of the Moghul invasion sex became a dirty word. The Muslim rulers did not interfere with local customs and civil laws of the Indians, although they introduced the Islamic criminal courts. It becomes necessary to have an overall picture of the position of women in the eyes of different philosophers which ultimately reflects the normative behavioral of an individual.

**Status of Women in Islam (7th B.C. onwards)**

After the advent of Prophet Mohammed the status of women improved considerably. According to him salvation can be achieved by men and women both with their faith, virtuous deeds and divine grace. The Koran consistently describes the creation of humanity by God in egalitarian terms. The meaning of the word Islam is peace submission to the will of God. Allah can never be guilty of ‘ulm’ (tyranny, oppression or wrong doing). The Holy Quran cannot be made the source of human injustice. According to Tawhid, God is just and God’s justice lies in his never doing ‘Zulm’ tyranny to human beings. Islam brought radical and positive changes for women despite the patriarchy of Pre Islamic Arabia. Koran has condemned the practice of female infanticide. It is believed that men and women both are essentially necessary for their creation. Neither has priority or superiority over the other. They both complement each other and act according to one’s gender, though there are physical and biological differences between them.

158Sunday Times, Mumbai, June 24, 2007 P.1
The Koran states that within the pairs in which humankind is created, the one to be most honoured is the most righteous, be it man or woman. There is no gender differentiation or inequality due to biological difference between men and women. A woman was respected and given many rights. Women’s position as wives is explained by the Koran as follows: ‘But consort with them in kindness, for if you hate them it may happen that you hate a thing wherein God placed much good.’ They are your garment and you are their garment. Holy Koran says, ‘They are raiment for you and you are raiment for them’. It means that what is ugly or what ever shortcomings a person has should be covered by his or her spouse.

Women are independent individuals, accountable for their actions. Islam brought radical changes regarding women. In Islam sex in marriage is viewed positively for both men and women for pleasure and procreation. It is regarded as an act of ibadah—devotion. In Islam, the sexual gratification of desire has been legalized through the institution of marriage. If a woman is separated from her husband due to his death or divorce from him, she can contract second marriage after the period of iddat. The doctrine of Islam denied the idea of woman as evil seductress, responsible for the original sin and fall of mankind. Islam granted women rights of inheritance, the right to choice in marriage and the right to full discretion in the disposal of her personal assets. It was Koran which addressed the sexuality of the human being as a matter of dignity and not evil. Whereas the father is the inheritor of legacy, the mother too is the legal inheritor, in some cases she gets 1/3 and in others 1/6 of inheritance. She has not been deprived of legacy

161 *The Holy Koran*(IV:19), A. Yusuf Ali, Islamic Propogation International
164 Iddat is the period of chastity which a Muslim women has to observe on the dissolution of her marriage. On divorce, the period is three months’,tuhrs’ and on death , it is four months and ten days. This is in order to ascertain the paternity of the child.
merely on the ground of being a woman.\textsuperscript{166} A married woman does not lose any of her rights which she had before her marriage on her property. She was free to carry on any work she liked. Khadija, wife of Prophet Mohammad, ran her business, engaged her own employees and chose her own husband. Women were respected as mothers. In ancient Hadith the Prophet has said: 'Paradise lies at the feet of mothers'.\textsuperscript{167}

However in Ahadith we find statements like , 'Majority of women are in hell.'\textsuperscript{168} A woman is like a rib—that is why she has crookedness.\textsuperscript{169} Polygamy was permitted due to the political condition and frequent wars which left fewer men alive. So it became necessary that women and unmarried girls should be protected. This is one of the reasons for the prevalence of polygamy. Women could be taken to task when they were guilty of open obscenity. The Koran gives a system of laws to support harmonious interactions between the sexes. In Islam sex within the bounds is to be enjoyed as one of the pleasures of this world. Islam forbid celibacy. But sexual activities of all kinds outside the marriage were considered sinful. Even premarital sex was forbidden. The relevant verse of the Holy Koran states that whoever commits open licentiousness, man or woman must be punished.\textsuperscript{170} Sexual relationship between husband and wife was considered as ordained by the will of the Almighty.

Theologically the history of women’s inferior status in the Muslim and Christian tradition began from the story that Eve was created from Adam’s ribs. But from the degrading status of women in the pre – Islamic times, the status of Muslim women in Islam became favourable. But a lot of practices still needs to be changed to enable women to enjoy their full rights and position. In India, the Muslim husbands enjoy the right to practice polygamy and right to divorce his

\textsuperscript{167} Ibn Maja and Ibn Hanbal, Dr. Shamshuddin Shams, \textit{Women, Law and Social Change}, Ahish Publishing House, New Delhi, 1991, P. 14
\textsuperscript{168} Bukhari 1.6.301
\textsuperscript{169} Bukhari 7.62.113
\textsuperscript{170} \textit{The Holy Koran}, (4:16) A. Yusuf Ali, Islamic Propogation International
wife without any cause or reason. Also until the recent enactment of Muslim Women (Protection of Right on Divorce) Act, 1986 a divorced Muslim women did not have a right under Islamic law to receive maintenance from her husband after the period of *iddat*, which is about three months. All Caliphs in Islam are men. Many sects of Muslim do not allow women even till today to go to mosque. Such misogynistic views of women date from the time of ancient Athens when women were likened to what was dark and unspeakable in human nature, viewed their bodies as evil, polluting and open to demonic possession and believed that they threatened male order, life and sanity.171 There is no lady *maulvi* or *kazi* even till today.

**The Bhakti Movement (800-1700 A.D.)**

The renaissance of Hindu women was due to the *Bhakti* Movement. The *Bhakti* movement was founded in South India and spread by sixty three *Nayars* (*Shaivite* devotees) and the twelve *Alvars* (*Vaishnava* devotees). This movement explores the path of devotion as the means to salvation. The Haridas movement of *bhakti* spread during the rule of Vijayanagar Empire in South India, in the 12th and the 13th century A.D. The *dvaita*172 philosophy of Shri Madhavacharya was propagated by his disciples in Karnataka. It resulted in poetic Kannada literature in praise of Lord Vishnu. Some of the main leaders of Kannada devotional music were Purandaradas and Kanakadas. The *Bhakti* movement spread in the North of India during the Muslim domination. It was against the unjust social practices of the Hindus. It was considered as unorthodox as it rebelled against the caste distinctions. It disregarded the *brahmanic* rituals. The great saints of the *Bhakti* movement were Shri Chaitanya Mahaprabhu, Vallabhacharya, Meera Bai, Tulsi das, Tukaram, Kabir das who were instrumental in spreading this movement all across the country.

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172 In this philosophy God and his devotee have separate existence and a loving relationship can be formed between the two.
In this movement God can be approached not through expensive *Yagnas* (fire sacrifices) which could be performed only by Brahmin male priests, but through establishing a loving relationship with God. One can establish a direct, personal relationship with God in five ways—— it can be *dasya bhava* meaning serving God like his servant, it can be *sakha bhava* meaning being a friend of God, it can be *vatsalya bhava* meaning that one can be treating God like one’s child, *madhurya bhava* meaning thinking of God as one’s lover and *santa bhava* meaning a neutral relationship with God. There are different ways to approach God. It can be by remembering his names, by chanting his names, by remembering Him, by serving Him, by being God’s friend, by serving at His lotus feet, by surrendering completely unto God.\footnote{Bhagvat Purana, Chapter 7, Part 5, Sloka 23,24 and in Narada Bhakti Sutra, translation by Swami Tyagishananda, R. K.Math, Chennai, 2007, XIII Edition, P.148}

The saints in different parts of India propagated devotion as the path to self realization, which was open for men and women both. According to *vaishnavite* (Bhakti) philosophy, all souls are feminine to the Supreme Personality of God. The Bhagavad Gita lays down, ‘Surrendering all duties into me, seek refuge in me alone. I shall absolve you of all sins, fear not.’\footnote{Chap.XVIII, Canton 66, Bhagavad Gita, Gita Press, Gorakhpur, 1978} The teachings of Gita provided a lot of solace and peace to the women who were harassed since years due to political reasons and oppression from the men. Women took to this path in great numbers. The British took over the administration of the country from the Muslim and Maratha rulers in 18\textsuperscript{th} century.

**Status of Women in the British Period (1751-1947)**

With the decline in Moghul power, the law and order situation in the country had became disrupted. With the advent of British rule, the position of Indian women reached its lowest point from the point of view of literacy, individuality, health, social status, freedom of movement and economic independence, position and

\footnote{Chap.XVIII, Canton 66, Bhagavad Gita, Gita Press, Gorakhpur, 1978}
respect in the family. Very few women received education. Literacy reached an all time low after the year 1857 where there was probably one woman in a hundred who could read and write. Women were treated like chattels. They could not have any property rights over the father's estate. So women suffered a great deal in the initial period of British rule.

The British introduced the system of administration of justice through courts. They enacted 211 legislations. Lord Macaulay introduced a new system of criminal law through the enactment of Indian Penal Code. The provisions of Indian Penal Code deal with obscenity and punishment was provided for obscenity for the first time under this Act. But they adopted a policy of non interference for the Hindus and Muslims concerning their personal laws. The fact that men and women were perceived themselves as representative of different sexes and not as human beings was another reason for the inferior legal position of the women at Common law. One has only to recall the position of married women in Britain in the nineteenth and early twentieth century. A married women could not own any property, because she had no legal entity of her own. In Britain, a married woman did not have her legal identity. She could not enter into a contract because she could not be sued, nor she could sue. The husband being the woman's guardian, he has the right to chastise her. Under the English Common Law, the husband had a right to whip the wife provided he used a stick not thicker than his thumb for correctional purposes under a legally accepted notion called the thumb rule.175 The women in England received the right to own property only in 1882 and the right to vote in 1918. In England down to the Middle of the last century, a divorce could be obtained only by an Act of Parliament. A wife who committed adultery lost her right to receive maintenance from her husband unless the husband had connived at the adultery or condoned it. These principles of British were introduced into the Indian legal system which were derogatory to the status of women.

The British Government legislated a number of enactments especially for women. The Warren Hasting Plan of 1772 began the process of discovering customary and religious norms and establishing these as the basis of law. In 1773 Warren Hastings directed 11 pundits to compile a digest of Hindu Law. The work was completed in the year 1775 and was entitled *Vivadar Nava Setu*. It was printed as a code of Gentoo laws, which became an authentic source of Hindu Law for the colonial rulers.

Indians were made to accept Macaulay’s minute on education in which all Indians thoughts in all ages were dismissed as dogmas of Brahminical superstition. The system of education was designed to bring a class of people who would be only Indian in blood and colour but English in tastes, in opinion, in morals and intellect.

After a lot of struggle by the Indian social reformers, the British Government introduced certain legislations like Sati Pratha Abolition Act, 1829, Castes Disability Removal Act, 1850, Hindu Widow’s Remarriage Act, 1856, Age of Consent Act 1860, Prohibition of Female Infanticide Act, 1872, Child Marriage Restraint Act, 1929, Special Marriage Act, 1872, Indian Majority Act, 1875, Indian Succession Act, 1870, Inheritance (Removal of Disabilities Act), 1928, Hindu Law of Inheritance (Amendment) Act, 1929, Hindu Women’s Right to Property Act, 1937, Arya Marriage Validation Act, 1937, Hindu Marriage Disabilities Removal Act, 1946, for the protection of women and upliftment of the status of Indian women. History reveals that British administrations were keen on completely eradicating female infanticide. It was due to the tireless efforts of Montgomery and Walker that open female infanticide was brought to a halt.176

The struggle for the upliftment of the Indian women which began in the Nineteenth Century was started by men like Raja Ram Mohan Roy, Ishwar Chandra Vidyasagar, Keshav Chandra Sen, Gopalrao Agarkar, Jyotiba Phule,

M.G. Ranade, Maharishi Dhondo Keshav Karve and others. Along with these men, women like Sarojini Naidu, Sarladevi Chaudharani, Saroj Nalini Dutt, Pandita Ramabai, Rakhma bai, Tarabai Shinde, Hansa Mehta, Savitri Phule, Annie Besant and others also participated in the struggle along with men.

Women lacked freedom in social and economic life, they were deprived of education and were confined to the household. During the colonial period, the image of women was built as oppressed and dependent. The wife’s position in the household was in a sorry state of affairs because of the evil socio-religious practices, sinister customs, irrational religious rites and inhuman superstitious, unknown in the ancient period, which had crept into the society during the British period. Patriarchal norms relegated women to a position of insignificance. There are social and legal causes. But what is even more disturbing is that through a series of judicial decisions during the period between 1860-1930, the Privy Council thwarted the concept of streedhan. Though the Britishers initially did not interfere with the religious and cultural life of the country but after the year 1813 they started transforming the social and cultural life of the Indians.

Colonial authority underwrote the power of orientalist scholarship to define Hindu religious norms. Women were considered to be weak and frail, who lived in the shadow of their husbands. Therefore there was a need of constant guidance to them by men. Many social evils like the purdah system, child marriages, female infanticide, sati etc. which was widespread during the Moghul rule came to stay even during this period. By the end of the 19th century many social reformers like Rajaram Mohan Roy, Keshab Chandra Sen, Anand Mohan Bose, Pandit Shastri, Jyotiba Phule and Savitri Phule revived the system of education for women. Ahalya Bai of the Holkar State in Central India displayed exemplary courage and rare determination in fighting the Britishers. Rani Lakshmi Bai, the Queen of Jhansi led the Indian Rebellion of 1857 against the British. Begum Hazrat Mahal,

177 Maitrayee Mukhopadhyay, Gender, Sexuality and the Process of Law, Stree, Calcutta, 1998, P.16

69
the co-ruler of Awadh, was another ruler who led the revolt of 1857. She refused to deal with the British and later retreated to Nepal. The Begums of Bhopal were also few of the notable female rulers during this period. They did not observe *purdah* and were trained in martial arts.

The Christian Missionaries opened schools for girls in many parts of India. Under the leadership of Mahatma Gandhi, many women took part in the national freedom movement and openly demonstrated against British rule. The growth of socio-political consciousness among Indian women gained an impetus when Gandhi organized the mass struggle for freedom. This improved their self-confidence. Pre-independence days prepared the ground for women’s participation in public life.

Women formed organizations such as Women’s Indian Association 1917, National Council of Women and All India Women’s Conference 1927. But ‘*the English principles of justice, equity and good conscience were used as direct channels for introducing English laws and customs into areas reserved as personal laws*’. Due to the distortion in scriptural texts and introduction of the British principles of male dominance, women’s position in India was highly deplorable.

The Government of India Act, 1858 changed the Indian administration. Indian Divorce Act took the jurisdiction from Ecclesial court to civil court. Barring few piecemeal reforms, no reform in the Hindu law could be introduced until independence. The Indian Divorce Act, 1869, The Christian Marriages Act, 1872, The Indian Succession Act, 1865 were enacted during this period. But the English notions of restitution of conjugal rights, judicial separation, annulment of marriage, found place in these laws. The British with their prudish Victorian

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180 Waghela Rajsanji v. Shekh Musuddin 1887,14 IA 89
phase considered public talk or display of sex as obscene in total reversion of India tradition.181

In 1917, the first women's delegation met the Secretary of State to demand women's political rights, supported by the Indian National Congress. The All India Women's Education Conference was held in Pune in 1927. In 1929, the Child Marriage Restraint Act was passed, stipulating fourteen as the minimum age of marriage for a girl. After the political upheaval of 1857, when the administration of India shifted from the East India Company to the British Crown, a reassurance of non interference in religious beliefs and practices became imperative.

Raja Ram Mohan Roy started propagating through his writings and speeches issues concerning women's rights from the year 1818. With his support Lord Bentinck declared the practice of sati an illegal and punishable offence in 1829. Ishwar chandara Vidyasagar's crowning achievement was the passing of the Widow Remarriage Act in 1856.

By the beginning of 1930 the women's movements were articulating their demands for gender equality. The debates in the Constituent Assembly reveal the eagerness to guarantee equality of sexes in the political and to a certain extent, in the economic field, but there was strong opposition to gender equality in the spheres of marriage and family area which were governed by religious laws.

Women played an important part in India's independence struggle. Some of the famous freedom fighters include Bhikaji Cama, Dr. Annie Besant, Pritilata Waddedar, Vijayalakshmi Pandit, Rajkumari Amrit Kaur, Aruna Asaf Ali, Sucheta Kriplani and Kasturba Gandhi. Other notable names include

181 www.nrcw.nic.in P.1 as seen on 25.8.2006
Muthulakshmi Reddi, Durgabai Deshmukh etc. The Rani of Jhansi Regiment of Subhash Chandra Bose, Indian National Army consisted entirely of women including Captain Lakshmi Sahgal. Sarojini Naidu, a poet and a freedom fighter was the first Indian woman to become the President of the Indian National Congress and the first woman to become the governor of a State in independent India.

**Status of Women in Christianity in India (1498 B.C.)**

The position of women in Christian cultural heritage seems to have been influenced by the Mosaic Law. Women were described by the early Church fathers (like St. Bernard, St. Anthony, St. Banaventure, St. Jerome and St. Cyprian, St. Jerome and St. Demaocene) as the ‘gateway to hell,’ ‘the origin of the Devil,’ ‘the mother of all evils’, a scorpion ever ready to sting, lance of the demon, daughters of falsehood, sentiment of hell and the enemy of peace’. The mythology that Eve persuaded Adam to eat the forbidden fruit deeply embedded in the collective minds that women is the cause of the fall of man. Even in the Ten Commandments, a wife, a servant, a maid servant, an ox and an ass have been kept in the same category. Bible states ‘Of the woman came the beginning of sin and through her we all die.’ ‘I find more bitter than death the woman whose hands are chains. The man who pleases God will escape her, but the sinner she will ensure—I find one upright man among a thousand but not one upright woman among them all’.

In another part of the Hebrew literature found in Catholic Bible, ‘No wickedness comes anywhere near the wickedness of a woman’. In Christianity though women are baptized, they are never given ecclesiastic responsibility in the church.

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183 (EX. 20/17)
184 (Ecclesiastes 25:22)
185 (Ecclesiasticus 7:26-28).
186 Ecclesiastes 25:19, 25:24
Even Martin Luther (1483—1546) said, 'If they (women) become tired or even die, that does not matter. Let them die in childbirth, that's why they are there.'

However the Bible allows women the freedom to reach the kingdom of God just like a man through her efforts. She has the right to visit and pray in the church. All people, men and women have the opportunity to become children of God—presumably without regard to gender, race, sexual orientation, nationality etc. It does not look on women as evil or an object only for fulfillment of sexual desire. Marriage in Christianity emphasizes on the establishment of a mutual relationship between husband and wife and on their duty towards each other. It does not recognize polygamy. As a result the status of women is raised. Women are entitled to attend and participate in all religious activities. She can remain unmarried and become a nun. There is no purdah for Christian women and no segregation of the sexes. Women were entitled to receive education and take up employment. In fact, in the Nineteenth and early Twentieth Century Christian girls were way ahead of others in education and employment. The first educational and vocational institutions for girls and women in India were started by Christian missionaries.

**Post Independence Period (1947 A.D. onwards)**

When India became independent, the social, economic and political structures and the cultural milieu were dominated by patriarchal ideology. The Constitution of India gave certain status and rights to women. But the Constitution was also not clear in granting equality to women. It gave equality and equal protection under Article 14 and Article 15 of the Constitution, but it retained the personal laws of various religions which were antithetical to gender equality. Due to the changes in

188 John 1:12 Bible as cited in www.religioustolerance.org on 12.07.2007, P.5
the political situation, various policies for the improvement of the status of women were introduced. It was affirmed by the National Policy on Education, Government of India 1967 as follows, 'The education system must produce young men and women of character and ability committed to national service and development.' The literacy rate of women in India in 1901 was 0.6%. It increased to 54.16% in 2001. As per 2001 census 75.85% men are literate while only 54.16% of women are literate.190

The literacy rate in the country has increased from 18.33% in 1951 to 65.38% as per 2001 census. The female literacy rate has also increased from 8.86% in 1951 to 54.16%. However, this percentage goes on diminishing sharply as they reach higher education.191 The data on education facilities reveals that approximately only one out of every two women in the country is literate.

The problem of inequalities suffered by women was not perceived in a manner that viewed it as ingrained in the social, economic and political composition of society and polity. The chapter on women and welfare in the first five year plan opened by emphasizing on women's legitimate role in family and community and to fulfill that role adequate services needed to be provided.192 In this regard the activities that were identified were recreation, education, arts and crafts and co-operative participation in social and economic activities of the country.193

190 Iloveindiacom/populationofindia/sexratio as seen on June 3, 2009
192 Government of India, Planning Commission, Fifth Five Year Plan, 1974-78, P. 621
193 Ibid

74
The women's issue and the commitment to eliminate gender bias disappeared from the agenda between 1956 to 1975. Existing laws were not comprehensive or complete to grant women equal rights and status. By the year 1970 women's movement rose and by 1980 spread and addressed a number of issues affecting women like violence against women, education, health and job opportunities. Towards Equality report 1974 and Five Year Plans have recognized the importance of education as a means of establishing gender equality.
The colonial policies which deteriorated the status of women were not reversed in the independent India. These policies led to marginalization of women’s rights in the political and economic arena and contributed to increasing dependence of women on men. The social reform did create conditions for emancipation of women by stopping practices of sati, child marriage, restraints on widow remarriage, due to the legislations enacted for the same. The second and third Five Year Plans stressed the need for educating women. The ideology of domestication of women affects women’s position in significant ways as it promotes a view of women according to which household activities and care of family and children are the primary tasks which women not only perform but ought to perform.194

Integration of women in development became a declared goal of the decade 1975-1985 due to international and national pressure. Though this concept of integrating women into economic development carried with it the ideas of education, employment, equality and empowerment of women, it was the first two that received immediate attention in the decade. The Sixth Five Year Plan laid greater emphasis on women’s economic role. New concepts of development, recognition of women especially rural women as victims of development and modernization and identification of women as a ‘vital human resource’ that has remained under utilized and the need to integrate them into mainstream of development became issues before planners. It is seen that till the year 1960, the approach of government was welfarist, which perceived women’s development programme only in the sphere of social welfare. Now the shift came in the form of encouraging their full participation in mainstream activities. By the mid eighties another change came in the State’s approach towards women. The Seventh Plan adopted during this period stressed on participation of women in the development process. The Eighth Year Plan did not have a separate chapter on women and development but women came under social welfare chapter. The Ninth Year Plan

included a chapter on empowerment of women and children. National Policy for Empowerment of Women 1996 laid down that media will be used to portray a positive image of girls and women. It will strive to remove demeaning, degrading and negative conventional stereotypes images of women and violence against women.

The new education policy 1990 was formulated which saw gender equality as central component of education. The Government of India declared 2001 as the Year of Women's Empowerment (Swashakti). The Ninth Plan recommended the adoption of national policy for the empowerment of women along with a well defined Gender Development Index for the monitoring and evaluation of women’s rights and empowerment.

The National Plan for Action for Girl Child (1991—2000) ensured survival, protection and development of the girl child with the ultimate objective of building up a better future for the girl child. The Tenth Plan also reflects this endeavour to bring about women’s empowerment. The National Policy for the Empowerment of Women was passed in 2001. Modernisation process of developing economies has in many instances actually worsened the plight of women, since development policies have in many cases bypassed the needs of women and also eroded their existing positions without providing adequate alternatives. There was a proliferation of policies, programmes for the welfare and benefit of women. Projects and legislations were designed ostensibly to improve the conditions of women since 1970. Despite the efforts made by the Government from time to time to ensure survival and protection of girl child, the realities are far from the goal. The Census Report for the last 100 years shows that

195 Kumari Jayawardena, *Feminism and Nationalism in the Third World*, Kali for Women, New Delhi, 1986, P.3
There has been a steady decline in the number of women in India as indicated below.\(^{196}\)

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+ 1000 + 1000 + 1000 + 1000 + 1000 + 1000 + 1000
  972  955  945  941  930  927  933
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This indicates that there is a sharp decline in the sex ratio of women. The sex ratio of 2001 is the lowest in the world.

**Encapsulating the status change of women**

This chapter is a study encapsulating the status change of women through times. India’s demographic profile and multi-cultured, multi-religious configuration make the problems faced by women complex. The history of womankind bears testimony to the continuous oppression and subordination of women and marginalisation of their rights in all spheres of their lives. This is not an isolated local phenomenon of a country, but a global practice. The status of women in any country is a reliable indicator of the social and economic progress made by the country. The subjugation and oppression of women is a global phenomenon from the ancient times.

In India, the graph and the status of the women has been uneven with a strong negative bias. It is against the historical backdrop of oscillation between the high and low that the question of women’s status is traced. In today’s times, a small percentage of Indian women have created a visible niche for themselves in society overcoming various odds. Women in today times are pilots, engine drivers, cardiac surgeons, space astronauts, managing directors of multi-national companies, chairpersons of banks etc. Traditionally, all these fields were exclusively reserved for men. Our society still has the evils of female infanticide, female foeticide, Intra Vitro fertilization which ensure that the girl child is not even allowed to be born, dowry deaths, sexual harassment in private as well as public spheres, and gender discrimination in almost all economic and social sectors.

In India, during the Vedic times women were highly respected, after marriage wives were treated as partners in spiritual life with the goal of self-realisation and salvation. From the available historical records from the period of Indus Valley civilization, it can be seen that a high status was accorded to women. India has witnessed the process of Mother-worship in different forms. Here the Mother Goddess has been revered since pre-Vedic times. The possible reasons for mother worship could be the position which women occupied in the house and society and the feeling of warmth and security that an aspirant feels by the natural love of the mother towards her children.

In the Vedic age, the Rig-Vedic sub-period was the best for women during which they enjoyed the rights to obtain education, to marry at a fairly matured age, to choose their life partners themselves, to develop special skills, to be equal partners in marriage, to be the controller of the husband’s household and to remarry if widowed. A special respect was given to all women who were mothers. Married women were regarded as life partners and joint owners of property in the husband’s household. They shared their husband’s joys and sorrows in the
fulfillment of their four-fold duties of life – i.e. *arth* (economic development), *kama* (pleasure), *dharma* (prescribed duties) and *moksha* (salvation).

Though the basic family unit was patriarchal women were given independence to study the Vedas, to become teachers and composers of the *Shastras*, to participate and discuss in the assembly of learned men. Women in the Rig-Vedic period rose to great intellectual and spiritual heights. The Vedic Aryans being highly spiritual gave their women full opportunities to develop their potential in secular as well as spiritual fields. The various temples of ‘*devi*’ or the Supreme Being in female form is an indication that women were honored in society. In the Vedic era itself, the status of women began to decline during the Atharva Vedic period. The position of women deteriorated in the post Vedic era. At various places, it is found that *Smritikars* like Manu, Narada, Brihaspati, Parasar and others were actually insensitive to women. But though they severely curtailed her independence, they were forgiving and kind to her in other matters. Briefly speaking, only if women did not transgress the confines of the injunctions of the *Smritikars*, they were protected and treated with a certain measure of respect and care.

In the Smriti period, women were not accorded the status and rights as they received during the Vedic period. In this period, women lost their individuality. Due to early marriages, their education took a backseat. After marriage, they became totally dependent on their husbands. The *Smritikars* laid down that women could not own any property independently, because a woman herself was reduced to an object, a unit of moveable property belonging to the husband. Their role in life was reduced to child bearing and rearing. However, at the same time, Smritikar Gautam recognized the right of women over their *stridhan*. This right of *stridhan* was accorded to the Hindu women much before any other system recognized a similar right. She had complete and absolute power of disposition over the *stridhan*. In the Manu *Smriti*, which was the most influential text governing social customs in India, there are contradictions regarding the rights
of women between the earlier part of the *Smriti* and the latter part of that *smriti*. From the times of Manu, apart from one or two references, all the digest writers give a daughter's right to inheritance only in the absence of a son. As Derret has pointed out, 'On the whole, the shastra turns a blind eye to the customs of the non—Aryan peoples in particular, non patrilineal communities.'

The two religions which sprang up as a revolt to tyrannical Brahminical practices were Jainism and Buddhism. In both these religions women were accorded status and given rights. Even in Sikhism the position of women was fairly good, with respect and independence given them.

Women suffered a lot during the Moghul rule. The practices of female infanticide and sati became common. Education for women took a backseat. Early marriages of girls led to their full domination by their husbands. Subversion of rights of the majority of women in India continued in British period. The British rulers had thrust on the masses a patriarchal judicial system with prudish Victorian ideas of morality, virginity and equality. A child wife with no education could hardly command any respect from her husband or any other members of the family. Child marriage was popular. Husband could exert full control over his wife. Reform movement started in the British period. Problems of *sati*, widow remarriage and child marriage were addressed and legislations were introduced for solving them. But the process of emancipation of women was very slow. Due to the loss of morality and culture, the respect which women commanded in the country was reduced. The efforts for educating women failed to penetrate in any significant manner the mass of illiterate women. In Christianity, women's position was deplorable in the sense that they were considered to be the cause of original fall. However, they were allowed to be educated and take employment. Also they could go to church and pray and ultimately could enter the kingdom of God through their efforts just like a man.

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The situation of women in post independent India started to improve. Government of India made various plans and policies for betterment of their status. In terms of Five Year Plans the Fifth Five Year Plan 1974-1978 is considered to be crucial from the point of view of women development with 1975 being declared as the International Year of Women. From agricultural society to global society, the role of women has changed significantly. The goal of the National Policy for the Empowerment of Women is to bring about the advancement, development and empowerment of women. Some of the specific objectives of this policy are creating an environment through positive, economic and social policies for full development of women to enable them to realize their full potential. The Governments, from time to time, tried to ameliorate the lot of women. The Ninth Plan recommended the adoption of National Policy for the Empowerment of Women along with a well defined Gender Development Index for the monitoring and evaluation of women’s rights and empowerment. The Government has been implementing various schemes for the socio economic advancement and development of women in the country. The National Policy for Empowerment of Women was adopted in 2001 with the objective of ensuring women their rightful place in society by empowering them as agents of socio-economic change and development. ‘Empowerment of Women’, is therefore, an important approach adopted in the Tenth Five Year Plan (2002-07) for development of women. Development is a multi-dimensional evolution on social, economic, political, cultural, ecological, and human planes. Development involves a transformation of lifestyles for the better. The conception of women’s status has evolved from the mere consideration of women’s problems to women’s issues, and finally to women’s perspectives on development.

Programmes have suffered because development has been viewed as a process wherein women have been viewed as recipients and beneficiaries. Such an approach has not contributed towards reducing the prevailing gender inequalities and oppressive conditions of women, mainly because it did not involve adequate effort to change attitudes towards oppressed sections of the society. Due to
various socio-economic, traditional beliefs, women have degraded status. They are exploited and their rights are subverted. Indian women face a formidable amount of discrimination in every sphere of their lives, whether it be at home or outside her home.

For emancipation of women and for raising their status in the society a lot has to be done. Men have promises to keep and women have miles to go before they sleep.