Chapter - 2

WOMEN WELFARE: A HISTORICAL PERSPECTIVE

The question of women welfare is likely to have various dimensions in different societies and will tend to differ in terms of the milieu, scriptural codes, cultural traditions, types of polity and, above all, levels of societal awareness about the equality of sexes. The whole issue needs to be placed in a historical perspective with a view to examining the role and position of women, their saga of subjections, their failings and foibles, their rights and obligations, and the status assigned to them by tradition, religion and social structure.

Women enjoyed an almost equal status with men in the Rigvedic period. This is evident from the well known aphorism jayvedaste which means that the wife is the home. The mother in the household sets the model for the conception of the Rigvedic goddesses vis. Aditi, 'the eternal mother of all beings', Indrani, 'the imperious mistress of the household', Vak, 'the eternal cosmic energy of the universe', Saraswati, 'the pattern of fine arts and learning', Usha, 'the breath and life of all beings', Ila, 'the first teacher', Bharati, 'the all surpassing goddess of speech', and so on. Among the seers and philosophers who

compiled the Vedic hymns there were a number of women namely, 
Wishavvara, Apala, Ghoasa, Shashvati, Lopamudra, Maitreyi, Sarasvati 
and Vishvamata.

Women were regarded not only as the energy-aspect of 
the Lord but also the epitome of the world, and the personifi-
cation of such virtues as patience, grace and love. They could 
participate in state functions, important assemblies and 
discussions. Evil practices like sati, infanticide, child 
marrige had not yet come into being. Widows were not treated 
as pariahs. They could remarry if they so desired. Their heads 
were not shaved. Education was not restricted to men-folk, as 
in the later period. Brides were not burnt at the altar of dowry.

The *Svayamvara* system of marriage seems to have begun in this 
period. Husband and wife were regarded as equal halves of one 
essence, and they together partook in religious ceremonies.

Divorce was mostly discouraged as the couple was united for ever, 
not only in his present life but also in the other world. Much 
later, Kautilya allowed the dissolution of some forms of marriage 
such as *Brahma Daiva, Araha*, and *Prajapatiya* with the consent of 
both parties.


4. In ancient India, many forms of marriage were practised by 
the Hindus, of which eight were commonly recognised. The 
*Brahma* type of marriage used to be arranged by parents, but 
a suitable dowry was obligatory to it. In the *Daiva* form, a 
girl was given to a priest as a gift, or as a sacrificial 
fee. In the *Araha* form, the father of the bride received from the bridesroom, a pair of cattle in exchange of his 
daughter. In the *Prajapatiya* form, both husband and wife 
were to perform their civil and religious duties together. 
In the *Raksha* form, the girl was carried off by force 
or under false pretext. In the *Asura* form, the relatives
During the Upanishadic period women continued to enjoy a respectable place in the Hindu social organization. In the Brihadaryaka Upanishad one meets women of wisdom such as Maitreyi and Gargi. The former abandoned wealth for wisdom, and the latter joined in a debate with the sage Yajnavalkya at the court of Janaka. One may, however, discern signs of the degeneration of women in the later Vedic period. The Atharva Veda (III, 23, 2-4), for example, echoes forth a general desire for the birth of a son, and suggests ways for changing the sex of a baby in the foetus.

The status of women in the Epic period depended upon the role which she played in a family as daughter, daughter-in-law, mother or a widow. Although she was never totally free, she was firmly established in the household, and enjoyed religious freedom. In the Ramayana, Kaushalaya offers oblations to the fire-god (agni), and Tara performs the Svaastvyayana ritual for the success of her husband Bali against Sugriva. Women of those days were quite learned in the Vedic lore. Draupadi was a brahmavadini, and Tara, an adept at reciting mystic syllables.

4. (Contd.) of the bride extracted money from the bridegroom. The Gandharva form of marriage meant the romantic type of union between lovers; it was consummated without any nuptial rites. See Benjamin Walker, op. cit., pp. 39-40; see also A.R. Gupta, Women in Hindu Society (New Delhi: Jyotana Prakashan, 1982), pp. 29-31.

5. Much later, Saraswati, the wife of Mandanmishra who was a scholar of repute, acted as a judge between Shankaracharya and her husband.

The *Ramayana* alludes to the performance of *Brahma* and *Prajapatya* forms of marriage in those days. But during the period of the *Mahabharata*, *Gandharva*, *Rakshasa* and *Asura* forms of marriages were also solemnized. However, no women could be forced to marry against her wishes. Although the common people were monogamists, polygamy and polyandry were also in vogue among the higher classes. The cases of King Dashratha who had four wives, and Draupadi, who had five husbands, simply reveal this trend. The practice of *nitya* for progeny through the agency of a person other than husband does not find mention in the *Ramayana*. But the *Mahabharata* does allude to its performance. 

The Epics speak of women in an ambivalent manner. On the one hand, she is hailed as *virsa* for producing heroes, as *dakshina* for being the holy fire to be deified, and as *abhi* or *Lakshmi*, the goddess of fortune. On the other hand, she is described as fickle, sensual, greedy, impure, cruel, and the root of all evil. Even Lord Rama is said to have shabbily treated his wife, Sita, on a flimsy charge of adultery, and banished her from his kingdom when she was pregnant. Yudhishthra, the eldest of Pandava brothers, gave away Draupadi to his wily cousin, Duryodhana, after losing a game of dice. Madri, the


8. Ibid., pp. 83, 94-95, 156-71, passim.
second wife of Pandu had to burn herself on the funeral pyre of her husband.9

The status of women further declined during the Smriti period when they were forbidden to study the Vedas. It came to be believed that the performance of sacrificial ceremonies by women annoyed gods.10 Although Manu unequivocally stated that women must be honoured and respected by everyone in the family, that where women were honoured, there the very gods were pleased; that anyone who desired prosperity must always respect the women-folk, and that the family in which they suffered crumbled to pieces,11 yet, on the other hand he declared: 'Day and night women must be kept in subordination to the walls of the family; in childhood to the father, in youth to her husband, in old age to her sons.12 And again: 'Women are destitute of strength, and destitute of the knowledge of the Vedic texts, and are as impure as falsehood itself. That is a fixed rule'.13

12. Ibid., Chapter V, Verses 147-48, p. 276.
13. Ibid., Chapter IX, Verse 18, p. 460.
Although such observations are not representative of the entire Dharmashastra tradition, the fact remains that the old concept of the universe in which a woman represented prakriti and a man represented purusha both of whom united to keep the world going - was fast losing its grip over people. From the lofty status of a sandharmini and ardhahamini, she was being reduced to the position of a pativrata (husband-deifying) whose only task was to please her husband even if he were destitute of virtue.

During the Maurya period, women generally led a comfortable life. However, they were restricted from moving about freely in society. Kautilya gave them freedom to visit the houses of kinsmen in case of death, disease, calamities and confinement. He laid down conditions for divorce and remarriage which included, among others, long absence, loose character, moral depravity, and loss of virility. But while he laid stress on female chastity he did not have any objection to the employment of prostitutes at the royal court. During this very period, the South Indian temples started maintaining girls called devadasis, or female attendants of gods. These girls were trained by brahmins in dancing and the erotic arts, and served as temple prostitutes available to the public.

Yajnavalkya and Narada, *amritikaras* of the Gupta period laid stress on the sanctity of the institution of marriage, and disapproved of divorce in ordinary circumstances. But they erred in reducing the marriageable age of girls. Although Yajnavalkya forbade women to study the Vedic literature, there are instances to show that girls of well-to-do families received literary and cultural education, and in some cases, acted as *upadhyayas* (female teachers). The Ajanta frescoes show that women did not use any veil to cover them, and that they freely mixed with men in public life. Only the childless women were abhorred. The custom of *sati* was not common even though occasional references to it can be found in the works of Bhasa, Kalidasa and Sudraka. Women of royal families played a distinguished role in administration. Prabhavati Gupta, for example, controlled the reins of the Vakataka kingdom after the death of her husband. Likewise, Kumar Devi and Datta Devi figured on Gupta coins along with their husbands, Chandragupta I and Samudragupta respectively.16

During the period of Harsha, women wielded considerable influence in society, yet they remained subordinate to their husbands. The birth of a girl was still a source of much anxiety and sorrow, as it is clearly evident from a study of Bana's *Harshacharita*. Woman as a wife was considered 'an obedient and faithful partner' to her husband. 'Mothers are nothing more to their daughters than nurses. In bestowing them, the father is the

authority', said Yashomati, wife of King Prabhakarvardhan of Thaneshwar who ruled towards the close of sixth century A.D. It is difficult to say whether the custom of parda was prevalent during this period or not. From Bana's account we learn that women coming from upper class families did not strictly observe parda. Royal women were given training in fine arts. At times, they occupied seats of honour, as in the case of Rajyashri, the widowed sister of King Harsha. Sati had, more or less 'a ritualistic importance'.

Women during the Medieval Age

The general position of women declined during the medieval period despite the fact that some of them took an active part in political and intellectual pursuits. The first example of a queen who is said to have influenced state affairs is that of Shah Turka, the wife of Iltutmish who ruled over Delhi during A.D. 1211-36. It is a known fact that Iltutmish had nominated Basia as his successor in preference to his indolent sons. Although she was a competent ruler, she could not stem the tide of increasing opposition against her, and was ultimately killed. Other women of nobility who influenced politics before the arrival of Mughals in India include Malika-i-Jahan, wife of Jalaluddin, Khudavandasada, sister of Muhammad Tughlaq, Bibi Mattu, widow of Islam Khan, an Afghan leader, Shams Khatun, queen of Bahlol Lodhi, and Bibi Ambha,

mother of Sikandar Lodhi. The names of Fatuha and Nasrat Khatun in the field of singing, and that of Nasrat Bibi and Mehr Feros in the field of dancing have become a legend. Women of royal households were also known for their philanthropic activities and religious pursuits.

The position of Hindu women registered a gradual decline after the advent of Muslims in India. As a result of the fall of a fort or a city at the hands of Muslim invaders, many of them were molested or forcibly taken away. As a bulwark against such humiliations, many women, especially among Rajput families, performed ‘sahar’ by voluntarily burning themselves to death. The nefarious custom of infanticide also gained ground.

Parda, a common practice among Muslims became popular among Hindu families too. Economically, the Muslim women were much better than their counterparts among Hindus. While the former were entitled to a definite share in the property of their parents even after marriage, the latter were usually deprived of it. The interest of a Muslim lady was further safeguarded by ‘wider’ by which she could lay claim to the property of her husband’s parents. On the other hand, a Hindu woman had to remain contented with her ‘stridhan’ consisting of jewellery, costly apparel, etc. and was not generally allowed to sell them.19


Although polygamy was practised by the affluent among Muslims and Hindus, the common man was monogamous during the Mughal rule. Akbar had issued definite orders that a man of ordinary means should not possess more than one wife unless the first proved to be barren. Divorce and remarriage were quite common among the Muslims, but not so among the Hindus. Widowhood was considered a punishment for the sins of one's previous life. Sati became the order of the day, and it could not be completely curbed despite state regulations issued by Akbar and Jahangir.20

Many European travellers to India like Ovington, Grose, Mandelalo and Hamilton noted that the Muslim men were extremely jealous of their wives. Ovington, for example, wrote: 'All the women of fashion in India are closely preserved by their husbands who forbid them the very sight of strangers'. Interestingly enough, when a woman from a royal family fell ill, her attendants rubbed a handkerchief all over her body, and then put it in a jar of water so that the male doctor could diagnose the malady by smelling it. Such restrictions were, however, not imposed on common women who could take bath at river sides, fetch water from far-off places, visit places of pilgrimage, and so on.

As under the Delhi Sultans, women belonging to the nobility


had ample opportunities to prove their worth. But this was not true of their counterparts among middle and lower sections of society. The Vedic concept of a woman as a devil (goddess) was gradually dying. At times, she was given away to the victor or the opponent as a part of the game of diplomacy. Prostitution was rampant, and the profession of dancing girls was patronised by the affluent. Women were, at best, a domestic slave, and at worst, a blunder of nature. The Bhakti reformers felt excruciated at their pitiable condition, and made every effort to ameliorate their lot. Guru Nanak Dev, the founder of Sikh religion, wrote thus:

> From women is our birth  
> In the women's wombs are we shaped.  
> Women are our friend,  
> And from women is the family.  
> If one woman dies we seek another,  
> Through women are the bonds of the world.  
> O, why call women evil,  
> Who giveth birth to kings'.

**Women during the British Period**

The servility of Indian women during the medieval age was both the result of social conventions and religious taboos. As in all underdeveloped societies, India too had its quota of irrational

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22. Ehsan Daulat Begam and Mahim Begam assisted Babar in his administrative tasks. Khansada Begam commanded the affairs of the harem during the reign of Humayun. Gulbadan Begam, Humayun's sister, wrote the famous Humayunnama. Maham Anga, the chief nurse of Akbar, controlled the affairs of the Mughal state for four years. Chand Bibi was another brilliant woman who ruled Ahmadnagar. The influence of Nurjahan and Mumtaj Mahal on state administration was immense.

beliefs and practices which found expression in social inequalities of heinous variety. However, the position somewhat changed with the advent of British rule. The establishment of a new political system followed by the impact of Christianity and western education, the dawn of new ideas of liberty, equality and fraternity, the new social legislations aimed at rooting out inhuman rites and customs, and the general national awakening generated a ferment which provided an antidote to the reactionary ideas and forces that had existed through the ages.\textsuperscript{24}

Illiteracy breeds ignorance which is the root cause of many social evils. Although there are instances to show that women of high-caste or rich families were quite enlightened during the British period, the vast majority remained without any formal education, and performed only household duties. William Adam, a prominent British official, lamented that ignorance was, in general, the lot of women.\textsuperscript{25} Although the East India Company remained totally indifferent to female education till the passing of the Charter Act of 1813, the Christian missionaries made earnest efforts in this direction.


\textsuperscript{26} Kali Kinkar Datta, \textit{A Social History of Modern India} (New Delhi: Macmillan, 1979), pp. 111-12.
The pioneer of lower female education in India was one Mr May, who started a girls school at Chinsurah in Bengal. But it was closed down by the Company's government soon after his death. In the following year, some Baptist missionaries made a successful attempt to initiate the work in that direction. They issued a public appeal asking for help. This elicited an encouraging response from a number of English women who founded the Calcutta Female Juvenile Society in 1819, with Reverend W.H. Pierce as its President, 'for the establishment and support of female Bengalee schools'. By the end of the year, the society had eighty female students. In 1823, the Society maintained 160 girl students in six schools.27

The surveys made by the Calcutta School Society revealed that only four hundred women out of approximately four million could read and write. It was then that the British and Foreign School Society of London deputed Miss Mary Ann Cooke (popularly known as Mrs. Wilson) to educate poor Hindu Girls in India in 1821,→

By 1824, she had set up sixteen more schools and enrolled 400 students. In the same year, the management of schools under her was transferred to a Society for Native Female Education in Calcutta with Lady Amherst as its patroness.28

27. Ibid., pp. 112, 114.
The example of Mrs Wilson was followed by missionaries in other parts of India. In 1824, the American Missionary Society opened a school at Bombay. This was followed by one private school for girls at Poona, and two at Ahmedabad in 1851. By 1854 the number of girls schools in the Bombay Presidency had risen to sixty-five. Approximately 4,000 pupils were studying in them.

In Madras, female education was, by far, the most advanced in India. The establishment of the Hindu Balika Vidyalaya in Calcutta, in May 1849, due to the efforts of J.E. Drinkwater Bethune, Law Member of the governor-general's council, and of Pandit Ishwar Chander Vidyasagar, marked a turning point in the history of female education in India. Although the school could not find favour with many orthodox Hindus, and even the East India Company's government, it was, on its own merit, privately financed by Lord Dalhousie after Bethune's death in 1851. Five years later, it was taken over by the government and became "the first institution in India dedicated to the higher education of women." 30

Sir Charles Wood's despatch of 1854 stated, inter alia, that the importance of female education could not be overrated. 31

31. R.C. Majumdar, op. cit., p. 66.
East India Company in 1858, the Government under the Crown continued to observe a policy of caution, the reason being that even some educated Indians opposed female education. However, the girls schools, nearly 1,640 in number, were supported by the government through grants-in-aid.

The Hunter's Education Commission of 1882 unequivocally stated that female education was 'in an extremely backward condition', and that it needed to be fostered in every legitimate way. Henceforth, government-aid for such institutions increased to a great extent. Despite all this, the development of female education was very slow. In 1939, there were approximately, three million girl students which represented about two percent of the then female population.

Since the task of imparting education to women involved a fundamental change in the attitude of Indian communities, the onus fell on a number of social reformers. An enlightened public opinion in favour of female education began to build up as a result of the efforts of Raja Ram Mohan Roy, Raja Baidyanath Ray, Raja Radhakanta Deb, Dwarka Nath Tagore, and many others. Attempts

32. A curious example was Kasiprasad who wrote a number of articles against female education in his English Journal, Hindu Intelligencer. For more details, see Kali Kinkar Datta, op. cit., 134-35.
33. R.C. Majumdar, op. cit., p. 67.
34. In 1901-02, there were 12 female colleges - three each in Madras and Bengal, and six in the U.P. The total number of girl students in colleges was 177 — 55 in Bengal, 35 in Madras, 30 in Bombay, 49 in the U.P. and 8 in Burma. The number of primary schools for girls was 5628, and that of secondary schools, 461. In all, there were 390,000 girls in primary and secondary schools. Ibid., p. 67.
were made not only to educate them but also to raise their status by repudiating such outworn customs as sati, infanticide, child marriage, purdah, polygamy, and temple prostitution.

The pioneer among these reformers was Raja Ram Mohan Roy (1772-1833) who was to the Indian renaissance what Luther and Melanchthon were to the German Reformation. Although the Serampore missionaries were the first to ridicule the evil of sati, it was Raja Ram Mohan Roy who reopened the subject in 1818, and challenged his opponents to prove that the abominable Hindu custom had a Vedic sanction.

Company to abolish sati. Despite severe opposition from some quarters, he succeeded in persuading Lord William Bentinck to make sati illegal in 1829. Raja Ram Mohan Roy supported the right of females to seek education and established schools both for boys and girls. He proved that while polygamy had no scriptural sanction, inter-caste marriages were quite in vogue in ancient times. He was one of the earliest advocates of widow remarriage, and the property rights of women.

The Brahmo Samaj founded by Raja Ram Mohan Roy continued to serve the cause of women even after his death. Debendranath Tagore (1817-1905) and Keshab Chandra Sen (1838-1884) put the education of women in the forefront of their programme of social reforms. In 1863, Keshab started an organization for educating women at home, he founded another body for publishing books and journals for the same purpose. He was also instrumental in getting the Native Marriage Act (popularly known as the Civil Marriage Act) passed in 1872 which permitted inter-caste marriage and divorce, and prohibited polygamy. 38

While the Brahmo Samaj was active mainly in Bengal and northern India, the Prarthana Samaj (1867) provided support to the women's cause in western India, especially in the field of education. Mahadev Govind Ranade (1842-1901) and Dr. R.G. Bhandarkar (1837-1925) goaded the Shankaracharya to debate with them the issue whether or not the Hindu scriptures sanctioned widow remarriage. Ranade was also instrumental in founding the Indian National Social Conference in 1887 which was to take up various social issues with the representatives of other associations. His wife, Mrs. Ramabai Ranade (1862-1924) together with G.K. Deodhar (1849-1935) founded the Sewa Sadan at Poona to train women workers, and to provide them medical and educational facilities. 39

Kashinath Trimbak Talang (1850-1893) another leading Prarthana Samajist, became the founder member of the Bombay Widow Reforms Association which organized the first widow remarriage in 1869.

Two other members of the association, R.G. Bhandarkar and Chandavarkar accepted the Vice-Chancellorship of the Women's University started by Professor D.K. Karve in 1916. 40

Swami Dayananda (1824-1883) who founded the Arya Samaj at Bombay in 1875 described women, in the true Vedic spirit, as 'a divine helpmate of man.' He found a religious sanction for the women's movement in the Vedas, and intended to give women the lofty status which they had enjoyed in Vedic Society in the past. 41 He denounced purda, child marriage, and the supposed inequality between the sexes, and prescribed similar education and religious training for boys and girls. Although he was, in principle, opposed to remarriage yet he favoured the remarriage of child widows. The social work initiated by him was continued by his successors in almost the same spirit, but sometime in a different manner. The later Arya Samajists considered widow remarriage as an important part of their social welfare campaigns. Associated with it was the cause of female education which received universal support from all Arya Samajists, despite their differences. Besides, they established homes for widows, orphans, destitutes and the distressed. 42


Swami Vivekananda (1863-1902), the founder of the Ramakrishna Mission, regarded women as shakti - the visible manifestation of God. But he lamented that they had been turned into weaklings under the pressure of circumstances. Since liberty was the first condition of growth, women must first be given an opportunity to carve out their own destiny so that they could become instrumental to social change. He further advocated that women must be put in a position to solve their own problems in their own way as they were quite capable of doing it. He ridiculed the custom of child marriage.

But he was not that keen a supporter of remarriage of widows. 'I have yet to see a nation whose fate is determined by the number of husbands their widows get.'

The Ramakrishna Mission (estd. 1897) trained women as teachers and preachers, and instilled new confidence in them. Slowly and gradually, the women's movement became naturalised, as it were, within Indian society.

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44. Ibid., Vol. V, p. 47.
45. Ibid., p. 231.
46. Ibid., pp. 229-30, see also Vol. VIII, p. 91.
Vidyasagar (1820-1891) spearheaded the movement resulting in the passage of Act XV of 1856 – the Hindu Widow Remarriage Act in spite of the stiff opposition of the orthodox. Behramji M. Malabari (1853-1912) a Parsi from Bombay, was largely instrumental in securing the enactment of the Age of Consent Act of 1891. Pandita Ramabai (1858-1922) a learned Brahmin widow, who later became a Christian, first started the Arya Mahila Samaj in Poona in 1882, and when it met with little success, floated another organisation, the Sarada Saman in 1889, with a view to rehabilitating the widows. Sasipada Bannerji (1840-1925), a prominent Bengali reformer, not only opened a Home for Hindu widows in 1887, but also, on the death of his first wife, married a widow. His work inspired many others to make similar efforts for their upliftment.

All in all, the socio-religious reform movements provided a leaven which set into motion the process of the awakening of Indian women. To call them elitist would be a sheer travesty of facts. But it is, nonetheless, true that most of the reformers concerned themselves mainly with ameliorative measures.

51. R.C. Majumdar (ed.), op. cit., p. 266.
52. Among them were Prof. D.K. Karve who established a Widows’ Home in Poona in 1896, and Veerasingam Pantulu who made a similar venture in Madras two years later.
It was natural that a small minority of enlightened women should seek to redress their grievances, and participate in the political and other domains of life. Sister Nivedita (earlier Margaret E. Noble), the celebrated English disciple of Swami Vivekananda, exhorted women to grow in modern outlook and intellectual robustness. 'For long they had dwelt in their family ideal; they had now to adopt the civic ideal too, which fostered the spirit of public service'. Besides supporting the cause of education of women, she became the most forceful and devoted friend of nationalists. She roused public opinion against Lord Curzon's address in which he had described Indians as 'untruthful', arranged protest meetings against the partition of Bengal in 1905, attended the Congress session at Varanasi which adopted resolutions in favour of swadeshi and boycott, and became a member of revolutionary organizations like the Dawn Society and the Anushilan Smiti. She thus set a personal example for other women to take part in the movements for national movement.

Mrs. Annie Besant (1847-1933), the theosophist leader, contributed greatly to the cause of Indian freedom movement by launching the Home Rule Movement in 1916, and by doing fiery writings and speeches. 'Who has the right to give to her (India) or to withhold from her the freedom?' she asked. 'She is no pauper begging for alms, for the crumbs of freedom that fall from

55. Ibid., pp. 49-50.
the tables of Western liberty. She is discrowned queen claiming her heritage. 56

The new awakening became manifest in the emergence of a number of women's organisations such as the Women's Indian Association in Madras in 1917, and the All-India Women's Conference in 1926. With the passage of time, the former agency merged in the latter. The All India Women Conference 'took on a political hinge, becoming an unofficial Congress auxiliary.' 57 But it also proved to be 'one of the most important organisations which was to generate and successfully lead the women's movement for the next quarter of a century.' 58

The political cause of women got an impetus in 1917 when a deputation of fourteen women leaders led by Sarojini Naidu (1879-1949) and inspired by Margaret Cousins (1878-1954), submitted a memorandum to Lord Montague, the then Secretary of State for India, asking for the enfranchisement of women on an equal basis with men. When the South Borough Committee intending to elicit views on the question of franchise visited Bombay in 1919, a requisition signed by eight hundred women of the Presidency was submitted to it. 59 Similar requisitions were sent by the Women Graduates Union of Bombay, the Women's branch of the Home Rule League, the Bharat Istri Mandal, and all the

forty branches of the Women's India Association. The South Borough Committee rejected the said demand on the flimsy ground that Indian society was still not ready for it. As the women persisted, it was finally decided that the matter should be left to the elected legislatures in the provinces. After the promulgation of the Montague Chelmsford Reforms, Madras became the first province to enfranchise women on 1st April 1921. By 1929, all provincial legislatures had followed suit.

Even the Lothian Committee set up in 1932 to undertake Indian political reforms, rejected the plea of nine women leaders, for the introduction of adult franchise. The Act of 1935, however, gave women over 21, the right to vote, provided they had 'the property qualification in their own right', or who were 'wives or widows of men so qualified' or who were 'pensioned widows or mothers of members of the military or police forces', or who possessed 'a literary qualification'. It was hoped thereby 'to give the vote to more than 6 million women as opposed to 28 or 29 million men, a striking improvement on the 335,000 under the Act of 1919'.

The Saga of Indian women's struggle for their rights would be incomplete without a mention of Mahatma Gandhi who was a great

champion of the cause of women. 'To call women the weaker sex is a libel', he wrote. 'If by strength is meant brute strength, then indeed is woman less brute than man'. Mahatma Gandhi lamented that man had regarded woman as his tool, and she, in turn, had laboured under 'his hypnotic influence'. Mahatma Gandhi lamented that man had regarded woman as his tool, and she, in turn, had laboured under 'his hypnotic influence'. 'Refuse to be slaves of your own whims and fancies and the slaves of men.... Come to your own and deliver your message again', he exhorted. Mahatma Gandhi wanted that Indian woman should realize that she was 'the queen, not the slave of the household'. He asked Congressmen to 'give the women of India a lifting hand'.

Mahatma Gandhi saw to it that women became equal partners in the battle for swaraj (self government). During the Civil Disobedience Movement of 1930-31, women hailing from different communities and regions came out openly to break salt laws, forest laws and other government regulations. They took out prabhat pheris (morning processions), picketed liquor shops, and held meetings and demonstrations in support of the movement. Some 2000 women were imprisoned during 1930-32. Despite severe...
repression of women by the government, protest activities by them continued. It would be worthwhile mentioning that Sarojini Naidu raided the Dharasana salt works, Kamala Devi Chattopadhyaya attacked salt fields in the precincts of Bombay, Swaroop Rani Nehru (wife of Moti Lal Nehru) led the procession of satyagrahis in Allahabad along with others, and Urmila Devi (sister of Deshbandhu C.R. Das) led the lady picketers in Calcutta. Such was the impact of these activities that the government had to ban a number of women organisations in Bengal, namely, Ladies Picketing Board, Nari Satyagraha Committee, and Nikhil Jatiya Nari Sangh.

All this was unprecedented in the history of India. Women continued to participate in the struggle for freedom in the years to come. A number of women gave arrest when Vinoba Bhave launched the individual satyagraha in 1940, and when Mahatma Gandhi gave the call 'Do or Die' at the time of the Quit India Movement in 1942. The Indian National Army of Subhas Chandra Bose had a women regiment named after Rani Jhansi, the hero of the first war of Indian independence (1857). Dr. Lakshmi Swaminathan was the commander of this regiment as also the Minister for Social Welfare and Medicine in the Asad Hind Cabinet.69

Apart from their participation in political activities, a section of women also remained active in the field of social work, seeking inspiration and guidance from Mahatma Gandhi. This included

69. Ibid., pp. 209-44.
participation in and often taking charge of the village re-
construction programmes, work for the removal of untouchability
and other forms of social or economic oppression and attempts to
root out illiteracy, orthodoxy, superstition and communal
separatism.\textsuperscript{70} The ground for future work had thus been prepared.

\textbf{Women After Independence}

After independence, the Indian women attained the bona fide
citizenship of the new nation. Although the framers of the Indian
constitution agreed on the basic principle of equality yet they
expressed divergent views when it was applied to the traditional
strongholds of male privileges, viz. the right to property and
the overall male dominance in the family. While one group accepted
equality as a determining principle in all matters relating to
men and women, the second argued that it will not suit Indian
conditions. The third group felt that it could not be put into
practice. However, it was widely felt that women should be
assigned an equal status with men not merely on grounds of justice
but also as a basic condition of growth, and that steps should
be taken for transforming 'de jure into de facto equality'.\textsuperscript{71}

Much later, Indira Gandhi, the late Indian Prime Minister
(1917-84) tersely remarked: 'I don't think that any society can

\textsuperscript{70} \textit{Towards Equality, op. cit.,} p. 284.
\textsuperscript{71} \textit{Ibid.,} pp. 7-8.
progress if half of its members do not have equal opportunity, and their talent and capabilities are ignored.\textsuperscript{72}

The extent of women's participation in various nation-building activities is an important indicator of social progress.\textsuperscript{73} It would be worthwhile examining the nature of the various constitutional, legal and administrative provisions which have a bearing on the status of women.

The Preamble to the Indian Constitution undertakes 'to secure to all citizens justice — Social, economic and Political; Liberty of thought, expression, belief, faith and worship; Equality of status and opportunity; and to promote among them all fraternity, assuring the dignity of the individual and the unity of the nation'. For achieving these objectives, the Constitution contains a number of provisions. Articles 14-16 guarantee to all citizens, irrespective of sex, 'equality before the law, equal protection of the law, and equality of opportunity in matters of public employment'. However, there is one specific clause in Article 15(3) which empowers the state to make any provision for women and children 'even in violation of the principle of equality among citizens'.\textsuperscript{74} This special clause has formed the basis of


\textsuperscript{73} Government of India, Ministry of Labour and Rehabilitation, \textit{Equal Pay for Equal Work; It is Women's Right} (A leaflet), New Delhi, September, 1984.

\textsuperscript{74} For a detailed study of this aspect, see Balram Gupta, 'Protective Discrimination in Favour of Women Under the Indian Constitution', \textit{Law Journal of Guru Nanak Dev University}, Vol. 10, No. 2 (June 30, 1982), pp. 5-12.
many laws for the welfare of women, especially in the domain of social legislation. The Employees State Insurance Act (1948) applies to all factories. The benefits provided by it include sickness benefit, maternity benefit, disablement benefit, dependant benefit, medical and funeral benefit. The Factories Act (1948), the Mines Act (1952), and the Plantation Labour Act (1951) prohibit the employment of women in factories, mines and plantations between 7 P.M. to 6 A.M., regulate their working hours, and provide for their welfare and safety. The Maternity Benefits Act (1961) provides for payment of maternity benefit at the rate of the average daily wage during the period of her actual absence. The Contract Labour Act (1970) regulates the working conditions of labour and payment of wages, and ensures welfare facilities and creches for the children of working women engaged in the work of construction.

Several provisions laid down in the Criminal Procedure Code, the Hindu Marriage Act, and the Hindu Adoption and Maintenance Act, provide special protection to women. Section 488 of Criminal Procedure Code, for example, provides that wife can claim maintenance from the husband, but no such provision exists for the latter. Section 13(2) of the Hindu Marriage Act puts forth certain

special grounds for obtaining divorce by the wife besides certain common grounds which are available to both. Likewise, section 18(2) of the Hindu Adoption and Maintenance Act entitles a woman to claim maintenance while living separately under conditions laid down therein.76

The Directive Principles of State Policy which embody the lofty ideals of a democratic polity lay down that the state shall secure 'equal pay for equal work' and ensure 'adequate means of livelihood' for both men and women.77 During the International Women's year (1975), the Government of India promulgated the 'Equal Remuneration Ordinance' which was replaced by the 'Equal Remuneration Act', a year later. It was first made applicable to certain specified vocations and industries but later extended to cover all employments and industries throughout the country.78 According to

The Hindu Marriage Act (1955) puts an end to the prevailing system of polygamy making it punishable under section 17, and extends the right to divorce, to women as well. Similarly, the Hindu Succession Act (1956) gives women the right to the absolute ownership of property. They may also make a will, leaving their share of property to others. Another legislation, the Hindu

77. Article 19a & B.
78. Equal Pay for Equal Work (A Leaflet), op. cit.
Minority and Guardianship Act (1956) makes the consent of the wife obligatory in case of adoption. It also confers the right of the custody of a minor child (under 5) with the mother. The Hindu Adoption and Maintenance Act (1956) gives to any female Hindu the right to adopt a son or daughter in her own name under certain conditions. The Act (section 9) makes the consent of both father and mother obligatory for giving their child in adoption. Section 19 of the Act gives the widowed daughter-in-law the right to ask for maintenance from her father-in-law.79

Of late, the Criminal Law (second Amendment) Act (No. 46 of 1983) has tightened its grip on persons who get involved in bride-burning cases by adding a new section 498-A in the Indian Penal Code, according to which the husband of a woman or his relatives would be liable to punishment for subjecting her to cruelty. Likewise, the Criminal Law (Amendment) Act (No. 43 of 1983) gives special protection to women victims of rape. Under section 376 of the Act, the minimum punishment for this offence has been raised to seven years imprisonment which can be extended to life.80 The Code of Criminal Procedure (1973) has also been amended to make the enquiry or trial of rape cases to be conducted in camera. Much earlier, the Suppression of Immoral Traffic in Women and Girls Act (1956) was enacted to inhibit trafficking in women and girls for purposes of prostitution as an organized means of living. All this proves that

80. For details, see R.V. Kalkar, Outlines of Criminal Procedure (Lucknow: Eastern Book Company, 1984), pp. LXXII-LXXVIII.
the legal rights of women are, in no way, less than their counterparts in Western countries.  

More dastardly than social anomalies which existed in the past is the evil of dowry which has been institutionalised over the years despite the Dowry Prohibition Act of 1961. Dowry, in its present form, is not a feudal remnant. 'It is a product of an emerging capitalist ethos — the offshoot of an unequal society, a result of rampant consumerism'. The form and content of dowry today, is a modern phenomenon, aided and abetted by the blackmarket economy. In ancient times, stridhan was regarded as 'a woman's security' and given in the form of jewellery and clothes. The degree of these contents has now drastically changed. 

Even the Muslim society is not free from this acquisitive trend. The patriarchal Muslims in Kerala are said to observe the custom of giving cash to the bridegroom. In Andhra Pradesh, this money is known as Jode Ka Paisa i.e. cash given to the bridegroom's outfit. In other parts of the country, the bridegroom is given cash after the nikah ceremony. This is called salami. It has been

81. For a critical study of the legal status of Indian women, see Justice V. S. Deshpande’s paper ‘Women and the Law’ presented at the International seminar on women and Development held at Jaipur in February 1985.


83. The Times of India, August 14, 1983.

noted that Muslim women who receive meher rights, witnessed and registered by the Kazi are usually expected to waive this right on their wedding night. Sometimes Muslim women are constantly harassed, starved, and beaten, so that they may seek divorce, in which case again, meher rights are forfeited.85

The orthodox Christians of Kerala and Catholics of Mangalore also observe the custom of dowry. The Report of the Committee on the Status of Women in India stated, inter alia, that in Kerala, there were special community marriages in which dowry was given by the Church with the help of donations, and expenditure of feasting was taken care of.86

Legislation notwithstanding, dowry has entered into the vitals of Indian society, both horizontally and vertically. It is therefore natural for women’s organizations to have stepped up their crusade against this evil by helping genuine victims of greedy in-laws, and by assisting the courts in administering justice. In metropolitan cities like Bombay and Delhi some organizations have been campaigning against this practice, and putting pressures on families asking for dowry. In Bombay, such organizations have been making door to door campaigns besides doing street plays, issuing leaflets and even boycotting families that have abetted dowry deaths.87

85. The Times of India, August 14, 1983.
A somewhat disturbing phenomenon with regard to the status of women is that the male population in India has grown at a faster rate than the female population since 1901 except during 1941-51. While during 1921-31, the female population registered an increase of 12%, the male population grew by 13%. This differential growth has brought about a decline in the sex ratio - from 972 females for every 1,000 males in 1901 to 933 females per 1,000 males in 1981. It has also been observed that the female life expectancy is lower than that of males, and the death rate higher in the former case up to the age of 40. This is due to a number of factors viz. sex bias against female infants, early marriage in some cases, heavy work-load, frequent pregnancies, miscarriages or abortions, economic hardships, inadequate working conditions, and lack of awareness about various health-care facilities provided by the government and voluntary agencies.88

Another point to be noted is that there exists a wide gap between the literacy rates not only among males and females but also among rural and urban females. The Seventh Five Year Plan ruefully noted that women have lagged behind in many spheres, especially in education. The female literacy rate has consistently been lower in rural as well as urban sectors. In rural areas, where 77% of the female population lives, women's literacy rate is only 17.96%. The urban literacy rate for females is 47.82%. The literacy rate for females varies from 65.73% in Kerala to only 11.42% in Rajasthan.

88. For an excellent study of this aspect, see the papers covered by Theme 3 (Women Health and Nutrition) at the International Seminar on Women and Development held at Jaipur, 13-16 February 1985.
There are many reasons for this, generally of sociological nature. Nearly half the males and three fourth of the females in the country are still illiterate. However, among the interior areas, the Punjab stands out prominently for its relatively high female literacy rate of 33.69%. This is partly because of the growing awareness of the people about the need of education in the present age, and partly because of the increasing prosperity of the state.

Since the introduction of Community Development Programmes in 1952 which included schemes for the improvement of the health of women, their education, their social status and ways of living, efforts have been made to ensure their participation in all development sectors. In rural areas, women have been encouraged to organize themselves into Mahila Mandals, take up production oriented and other activities, and become members of Panchayats, Dairy Co-operatives, and similar organisations.

Surprisingly, the first Five Year Plans (1951-79), despite their emphasis on accelerating the pace of social work did not take up women as a special category. The sixth plan, however, introduced

90. Government of India, Ministry of Information and Broadcasting (Publication Division), India 1985: A Reference Annual, New Delhi, p. 11.
'Development of Women and Children in Rural Areas' (DWCRA) as a sub-scheme of Integrated Rural Development Programme. It was started in 1982-83 as a pilot project in 50 blocks of the country. Women who were not in a position to take advantage of schemes under the Integrated Rural Development Programme were organized into homogeneous groups of 15 to 20. Each group was provided training in a chosen economic activity such as weaving, fish-vending, broom and rope-making, brick-making, pickle-making, and baking. More than 1,900 groups were formed and trained which provided benefit to about 30,000 women during 1983-85.93

Many more steps have been taken up to ameliorate the working conditions of women, and to raise their social and economic status in recent years. A special cell to look after the employment of women and monitor the implementation of the Equal Remuneration Act was formed in 1976. Three regional vocational training centres, one each at Bangalore, Bombay and Trivandrum, and a National Vocational Training Institute at New Delhi, with a total annual intake capacity of 600 women trainees, were set up by the Directorate General of Employment and Training. Special Programmes have been taken up for women in adult education centres providing education in subjects like health, nutrition, child care, and family planning. The enrolment of women under the Adult Education Programme was reported to be 2.89 million towards the end of 1984. Besides, 4,62,000 women benefited from another scheme entitled 'Functional

Women have also benefitted from the government sponsored projects for development of smokeless chullahs, use of solar cookers, setting up bio-gas plants, and devices for water purification. The Punjab government has also taken some steps to ameliorate the cause of women. These include, among others, a scheme for financial assistance to widows and destitute women at the rate of Rs. 50/- per month, per head. Besides, the government is running three major institutions: Home for Widows and Destitute Women, Jalandhar, After Care Home for Girls (Nari Niketan) Amritsar, and State Protective Home, Amritsar.

Most of the schemes for women welfare under different ministries of the Government of India, are implemented through voluntary agencies. Out of the six schemes formulated by the Ministry of Social Welfare, four schemes, namely, Construction/Expansion of Working Women Hostels, Training Programmes for Women in Distress, Organisational Assistance to Major Voluntary Social Welfare Organisations, and Scheme of Aid for Women in Social and Moral Danger — are implemented by voluntary agencies with two years standing. The other two schemes are implemented by public sector industrial units and the state governments. Likewise, all five schemes started by the CSWB are

implemented through registered voluntary agencies with three years standing.  

The Seventh Five Year Plan (1985-90) aims at stimulating the voluntary agencies to extend their programmes to rural, hilly and backward areas, to create public opinion against social evils like child marriage, dowry, illiteracy, and atrocities on women, and to bring in awareness among women about their rights and privileges. It also intends to form Women's Development Corporations for promoting employment-generating activities by supporting schemes for women's groups and women from poorer sections of society.  

The above description shows that traditional discrimination against women has not totally come to an end, irrespective of statutory provisions to that effect. There is little awareness about the existing social legislation to protect the interests of women. The patriarchal traditions which isolate them from the mainstream of national life have not, as yet, been altered. Illiteracy of women continues to have a baneful influence on society. Obnoxious customs like sati are still performed and even glorified, as in medieval times. Although the major onus of household work falls on women, few have adequate control over family resources or the power to take important decisions.

97. Seventh Five Year Plan, op. cit., p. 328.
 Wife-beating often remains unreported. Cases of bride burning and rape keep on increasing. There is more emphasis on therapeutic and rehabilitative services than on preventive care. Even as late as 1983, the late Indian Prime Minister, Indira Gandhi, admitted: 'Although many more women are active in all branches of public activity, it is true that women are, by and large, not really considered first class citizens'.

The need is to have an integrated view of women's problems and strive for their solution by effective social campaigns and political measures. Co-ordination between voluntary and governmental agencies is the sine qua non for such a social cause.