CHAPTER -II
STATUS OF WOMEN IN INDIA

The position of women since long has been pitiable in all aspects of life and her subjugation by males has been throughout a matter of history. She could not feel independent, and act so, barring a few exceptions. Even today, the struggle for establishing her independent identity is being pursued though with more vigour. A movement is going on with a hope of success. What shall be its extent of success and how could it be achieved has worried researchers and law makers for a long time. Therefore, this study is directed towards achieving this goal and an attempt is being made to find out in a chronological order the state of affair of Indian Women and extent of success in achieving true liberation and real emancipation.

Indian women are becoming more and more conscious of their constitutional and statutory rights. This consciousness has awakened in them a sense of urgency in experiencing equality and social justice. Without equality and social justice there cannot be democracy in the real sense.

The equality is a relative term, but it does have philosophical, sociological, economic, legal and political ramifications. It has to be understood in the social context. "Men and women are equal" means they are equal in all respect. Civilized human beings consider the notion of equality and liberty as the basis of modern society. The society, wherein if one of the notions is not accepted, is known as an unjust or unrighteous one. These ideas have more relevance.
today, because they are treated as the foundation of today’s society on which the entire structure of democracy is built. And for that reason no one will oppose “freedom and equality” openly unless one is authoritarian. The notion of equality has various dimensions and perceptions. The true nearing of equality in short is uniformity or legal rights for all.

The Universal Declaration of Human Rights adopted by United Nations General Assembly in 1948 claims that all human beings are born free and equal in dignity and rights. For egalitarianism, men and women are equal before the law and there must be ‘equality of opportunity.’

The holistic development of man and woman is impossible without social justice. It protects the weak and limits the powers of the strong and acts for the welfare of the former as well as the latter. Justice involves the notion of impartiality. People must be treated in the same manner unless there are good or special grounds for treating them differently. Now justice is recognized universally as some sort of equality.

Justice to men and women is the abiding creed in Constitution of India. It is our faith in the dignity of woman governed by moral, natural and written laws. Social justice to woman defines our full view of life. It establishes beyond doubt a woman’s inalienable rights, which belong to not only educated women but also the illiterate ones. Social justice provides strength to a woman, because she is no more a prisoner of customs and history.

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1 Article 7 Universal Declaration of Human Rights 1948.
Women in India as a group are more vulnerable than men to the extremes of exploitation and subjugation. The discrimination being a female are obvious in the Indian Society, such as the lower life expectancy, minimum education, poorly paid jobs, lower status expectations and very few rewards than men in comparable situations.

The process of selection and elimination operating through a complex system of institutional network results in the narrowing down of options for women. Sex role differentiation and ideological assumptions about “women’s place” is linked to the unequal distribution of resources, rewards, rights and authority between men and women which in turn influence patterns of family and work life.²

One of the major goals of the emergence and stabilization of certain values in the society is the development of women, which can help women to achieve a richer and happier life. To bring about such value change and subsequent development, conscientisation is necessary. Problem-posing education can appeal a woman to re-create her life. It provides her a new insight that she is a distinct individual with rights and duties and is able to “make” and change her world. She can put herself into a distance from her environment, think ahead by creating mental images of the future, as it should be for her and act on nature and re-build her life and surroundings. Conscientisation helps a woman to bring about new values and changes by action and reflection, which

lead toward her development.\textsuperscript{3} Conscientisation among women operated by discovering "generative themes" such as certain crucial situations and events which are pivotal in the life of women. This could be issues like inequality, oppression lack or absence of freedom, bride burning, rape, property rights, unemployment, wage disparities, lack of leisure, exploitation etc.\textsuperscript{4} It is the need of the hour now to allow women to have freedom and justice, to enjoy the fruits of her work and equal status.

The total development of women is imperative for the development of a society, such a development is inclusive of economic development, but also emphasizes the development in terms of economic, political and social, cultural and environmental aspects. In a society there are various hurdles in ensuring the participation of women who are highly stratified and are culturally and economically divided in to small groups. The challenge of development of women, in the society, is not only a problem of finance but also a problem of motivating and mobilizing women. The problem of motivation and mobilization of women, who belong to various castes and classes, is inextricably intertwined with the developmental programmes in a society.\textsuperscript{5}

Though in history at some point we find such assertion as "\textit{Yatra Naarayasu Poojyante ramante tatra Devatah}" means where women are respected, divine grace adores that place. Women were adored, respected and

\textsuperscript{3} Ibid, p.3  
\textsuperscript{4} Ibid.  
\textsuperscript{5} Ibid, p.3
recognized. She had the identity of her own and received same respect that was given to males.

However, there assertion to the effect that woman's are sub-human specie, and therefore the same respect need not given.\textsuperscript{6} Various studies on status of women reveals that there was no practical equality between man and woman in any society including Indian society.\textsuperscript{7} In theory they might be enjoying a respectable status but in practice they were subject to all sorts of ill treatment and misbehaviour. In the advanced society the laws might have placed them in a high status but in reality they continue to suffer from discrimination and humiliation. Although some sort of exception may be there, the social attitude and prevailing customs and traditions are mainly responsible for such a situation. To understand the reality there is a need to evaluate the status of woman in the history so that one can find suitable measures that are required to ameliorate there condition.

\textbf{2.1 Status of Women in Ancient India}

During the period of Indus valley civilization women enjoyed very high status and were highly respected. The figures of mother goddesses affirm the fact that women were not only a source of entertainment and house-keepers but also worshipped in the society in the form of mother goddess.\textsuperscript{8} While analyzing the historical records of our country, it throws light on the position of women in

\begin{flushright}
\textsuperscript{7} \textit{Ibid.}
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different ages and evidently proves that deterioration in the status of women and their criminal victimization are the outcome of the influence of later Vedic literatures like Smriti, Sutra, Puranas and their religious injunctions. Moreover in the later Smriti age the new conventional usages arose from the exigencies of political and other situations resulting in increasing victimization of women. According to Indian tradition, since the inception of society womanhood has been respected, though occasionally we find derogatory references to women. There is a widespread misconception regarding the true status of women in ancient Indian society. It is mainly due to deplorable ignorance of texts of the Veda, Upanishad and Smriti in which are to be found the laws, customs and traditions, which define the true status of women in early times.

2.1.1 Vedic Period

The most authoritative text on the subject is the Rigveda which contains the seeds and sources from which the entire course of the Hindu thought through the ages has been derived and flew in so many streams. The Rigveda, being the masterpiece of great scholars and the oldest developed authoritative written text of the world, provides ample evidence on the history of ancient Indian culture. The Vedic Age, the refulgent golden age of women, their social position and status was at the apex, and they enjoyed considerable freedom and privilege in the spheres of family, religion and public life.⁹ Wife was then considered as the Ardhangini and the founding stone of the family arch. In the family, she was

usually expected to play the vital role of a sympathetic mother and beloved wife, but while she used to serve the family like a servant, she presided over it like a Queen.\textsuperscript{10}

In the ancient society, girls were entitled to undergo the \textit{Upanayana} ceremony and studied \textit{Vedic} literature. The oldest \textit{Rigveda} followed by \textit{Sama}, \textit{Yajur} and \textit{Atharva} along with other Upanishads, portrayed woman as the incarnation of the almighty mother.\textsuperscript{11}

In the \textit{Vedic} period women on whole occupied a position of honour, respect and equality with men. \textit{Rigveda}, the meditative master-mind product, is the excellent projection of the highest religious truth of thoughts, which dawned on the saints and seers as a result of their contemplation in a life of complete asceticism and penance, shows evidence pointing to the fact that women were fully the equals of men as regards access to and capacity for the highest knowledge of Brahma.\textsuperscript{12} During this age, women were held in high esteem. In every sphere of life they enjoyed equality with men. No religious rite could be performed without their presence. They occupied an important place in the social and religious gatherings. Accordingly R.C. Majumdar “There is no evidence in the ‘\textit{Rigveda}’ of the seclusion of women, and the ladies trooped to the festal gathering”.\textsuperscript{13}

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\textsuperscript{10} \textit{Ibid.}
\textsuperscript{11} \textit{Ibid}, at p. 3.
\textsuperscript{12} \textit{Ibid}, at p. 24.
\textsuperscript{13} Dr. K.L. Kurana, \textit{supra} note 8, at p. 38.
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Absence of ‘Purdah’ and ‘Sutee’ also indicates their respectable position in the society. Women were not deprived of the right of education. They received similar education as men, and often took part in philosophical debates. The ‘Rigveda’ mentions the names of learned women like, Lopamudra, Sikata, Nivavasi, Vishwavara, Ghosha and Apala who composed hymns and attained the title of ‘Rishis’.\textsuperscript{14} Saunaka in Brahmadevta mentions 27 Brahmavadinis great scholar- who contributed Suktas in the Rigveda. Women were married at a mature age, participated in religious ceremonies and had freedom in the choice of husbands.\textsuperscript{15} The Rigveda points to a highly organized society. Monogamy was the general rule, but among the princes, polygamy was also practiced. However, polyandry was absolutely unknown.\textsuperscript{16} The marriage was a sacred bond which could not be broken by any human action. However, widows were allowed to re marry particularly when they were without a child, for the Rigveda recognizes in full the keep desire of the Vedic Indian for a child to perform his funeral rites.\textsuperscript{17} Dowry was usual at the time of marriage, but sometimes money had to be paid by a son-in-law to purchase his bride. The marriage of girls was not considered to be essential and there are references to girls remaining unmarried till late age and living with their fathers and brothers.

\textsuperscript{14} Ibid.
\textsuperscript{15} Dr. Amrita Das, History of Women in India, p.1 A paper read by her in a seminar held in I.T. College, Lucknow on ‘Position of Women’ in the year 1988.
\textsuperscript{17} V.D. Mahajan, supra note 16.
The position and status of Indian women in the *Vedic* age was much higher than in any other ancient society like that of Greece and Rome.\(^\text{18}\) The general position of a wife was of high dignity and she enjoyed peace, happiness and prosperity in family along with the members.

In *Vedic* age the wife in a family enjoyed full religious rights with her husband and regularly participated in religious ceremonies with him. In the absence of wife, such performance of religious ceremonies were considered invalid and she was given the position of full partner in life, and this system also continued in *Upanishadic* Age.\(^\text{19}\)

The status of woman in family being the same as that of man, many women proved themselves as famous scholars and authors, and took part in the industrial life of early times. They were manufacturing arrows and bows, making baskets, weaving cloth, and participating in outdoor agriculture work and also practicing many outdoor professions. But women as Kings and political authority do not figure in the early *Vedic* society. In view of frequent wars, there was patriarchal society with male-domination. As regards the property rights, though a woman had no share in her father’s property, yet each unmarried daughter was entitled to a share in the property along with the brothers. After the death of the mother, her property was equally divided among sons and unmarried daughters. However, married daughters used to receive certain property as a token of respect. As a wife, she had no direct share in her husband’s wealth. But if the

\[\text{18} \text{ Prabha Chandra Tripathy, } \textit{supra note 9, p. 25.}\]
\[\text{19} \text{ ibid.}\]
property was divided during the lifetime of the husband, his wife is entitled to get an equal share along with her sons. As a widow, as she is supposed to lead an ascetic life, she had no share in her husband's property but as a windowed mother she enjoyed certain rights.

In reality, women's role has been described differently at different places in the Vedas, what is said in 'Yajura Veda'. Is not the same in other Vedas, it is likewise, varying in 'Samavaveda' and 'Athavarveda'. There are discrepancies in the same text; differences abound between chapter and chapter and verse and verse, which confuse. The Vedic period extended over hundred of years relatively. The 'Rigveda' period was better from the point of view of women's status. Still there was discrimination between sons and daughters. Women's position began declining during the 'YajurVedic' period and reached its Nadir in the age of Samavaveda. The degradation became complete by the time of 'Atharvaveda'.

2.1.2 Later Vedic or Epic Period

Our two great epics Ramayan and Mahabharat also placed women in high status. In Mahabharat women were placed not only at the centre of domestic life, they were also playing vital roles in the social structure. The position of women was better at the beginning but there was a decline towards the end. Drupadi is called a Brahmavadini and she questioned the right of Yudhishthira to give her away in gamble. It appears that the system of Purdah had begun. The system

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of Sati existed in the Punjab as Madri burnt herself on the funeral pyre of her husband.

However, when we go to the other side of the story we find that women enjoy a very low status in the society and some held women to be weak-minded and unworthy of being trusted. They were regarded as means of satisfying the physical desire of men, to serve them and to secure their progeny.21

The condition of women deteriorated during the Epic Age as compared to the Vedic period. She was not honoured and respected as the women of the Vedic period.22 The two great epics while placed women with high respect also used derogatory words thereby undermining their position. In Mahabharat it is said, “here is nothing that is more sinful than woman”. Woman is a burning fire.23 She is the illusion that Daitya Maya created. She is the sharp edge of a razor, she is fire. The Ramayana also described that the faces of women are like flowers: their words are like the drops of honey but their heart are like sharp razor: the interior of them no one can know.24 But it does not mean that they had no respect at all. There had been some very influential ladies like Gargi, Maitreyi, Sita, Savitri and Damayanti. ‘The Brihadaranyakopanishd’ describes about the two philosophical discussions, one between Yajnavalkya and Gargi and the other between Yajnavalkya and his wife Maitreyi on philosophical subjects. During later Vedic period conferences of learned persons were

22 Dr. K.L. Khurana, supra note 8, at p. 51.
23 Ram Ahuja, supra note.22.
organized and for this conference learned persons were summoned from time to
time and all the learned men and women of the age were assembled on that
occasion to discuss important questions. Reference to such a conference
summoned by King Janaka was pertinent. Women like Gargi and Maitreyi were
considered to be highly advanced intellectually. Gargi was one of the learned
persons summoned by King Janaka to attend the conference convened by him.25

The *Upanishads* refer to a conversation between Maitreyi and her
husband, Yajnavalkya. It is true that there were some gifted ladies during this
period and some of them are referred to as *Brahmavadinis*, but on the whole,
their condition changed for the worse. They lost the right to the *Upayana*
ceremony. There was no recitation of the *Vedic* hymns at the time of their
*Samskaras*. They were free to choose their husbands from among several
suitors and take part in discussions.26 They had not yet fallen victim to early
marriage, *Sutee* and *Purdah* system. During this period, the caste system
developed further. Different occupations were taken over by different castes.
However, the system was not so rigid as it became later on in the Sutra period.
At this time, it was midway between the laxity of the *Rigveda* and the rigidity of
the Sutras. According to the *Satapatha Brahmana*, marriages among relations of
third and fourth degree were prohibited. While the *Bhrahmanas* and *Kshatriyas*
could marry women from the *Vaishyas* and the *Shudras*, the *Vaishyas* and the
*Shudras* could not marry *Brahmana* and *Kshtriya* girls. Marriages were also

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26 Dr. K.L. Khurana, *supra* note 8, at p. 51.
allowed between the Brahmanas and the Kshtriyas. Thus, Brahmana Chyavana married a Kshtriya girl called Sukanya.

Generally marriage ceremony was performed at the age of 25 years. Among Kshtriyas certain conditions were laid before the marriage to test the bravery and wisdom of the youth. Swayamvara system was also prevalent among the royal families. In the case of Sita and Draupadi, the Swayamvara was organized and Rama and Arjuna won the hands of Sita and Draupadi respectively.

According to the Satapatha Brahmana, the wife was one-half of her husband and she alone completed him. However, in actual practice, there was a decline in her status and dignity. Many of the religious ceremonies which were formerly left to the wife were now performed by the priests and she was not allowed to attend political assemblies. An ideal wife was considered to be one who was submissive, did not talk at all and took her meals after her husband. The birth of a daughter was considered to be the unhappy occasion. She was considered to be a source of misery while a son was regarded as the saviour of the family. Women were taught to sing and dance and many kinds of musical instruments such as drums, flutes, lyre and cymbals were employed for that purpose.

During the time of Epics, in addition to the four traditional castes, many other castes came into existence. That was partly due to the inter-marriages

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28 Ibid.
between the different castes. The institution of marriage lost its old sanctity. Polygamy and polyandry were both practised. Dasratha had three wives. Ravana also had many wives. It is pointed out that Draupadi married the five Pandavas. A man was not allowed to marry a woman from a higher caste although he could marry a woman from the lower caste. Later on, even that was disallowed. The Shudras occupied a very low position and were punished if they practiced penance and austerities. The practice of Niyoga was in vogue. There is no reference to widow re-marriage although early marriages started towards the end of the Epic age. Women were not allowed much freedom in the matter of their marriages. However, the system of Swayamvara for the royal families existed. This is clear from the Swayamvara of Sita and Draupadi. It is pointed out that maidens were exhibited for sale and given to the highest bidders. Kaikeyi and Madri were secured by giving large presents. Rakshas marriage was another name for abduction and the abductor was allowed to keep the girl if he could defeat her relatives.

The dawn of Pauranic period witnessed a significant change in the role of Hindu women and a concept began to gain strength that the role and activity of the women had to be limited and restrained to the basic ends of Hindu existence. The current was flowing then in different directions. The men wanted their dominance and making the Hindu women subservient to them. Neither they were left with freedom of choice; they became only the means for Hindu men to

29 Ibid, at p. 119.
30 Ibid.
31 V.D. Mahajan, supra note 16, at p. 119.
attain their end. The women lost their past status and glory. They made them to feel subjugated at men’s whims. The concept of dual existence and rhythm of cycle of birth and death and rebirth and theory of Pind Dan threw the Hindu women to a place of subservience, whatever they received in the Vedic period, they began to lose in the Pauranic period. The women became dependant on men. The marriage also lost its independent value. It failed to secure a firm grip in the changing events of Hindu life. The role of Hindu women conjugal right began to be confined to the kitchen and producing of son. The daughters became unwelcome to the then society. The new social ideals did not believe in giving freedom to Hindu women. They became physical machines of production of the Praja for the family. Where they failed their life became hellish. Son became important to them because through son the Hindu began to find his salvation. The Hindu pantheon god began to be figurative than super natural power in the mind of the Hindus and everything began to be understood in the light of attaining Moksha through son.

It was the period of transformation because the role of Hindu women changed substantially. Now, marriage began to be treated as Sanskar and a religious act. It became obligatory to marry. The freedom to marry or not to marry was then not allowed by religion. The question of choice also lost its meaning because that period attached no significance to consent of the girl in marriage. The marital life was tagged with religion and religion made her dependant because to her through marriage alone were granted salvation. The virtually degraded the position of Hindu women in the Pauranic era, whatever
independence she enjoyed in Vedic period seemingly began to rail with the passage of time and made her condition pitiable. Marriage was the only sanskar for her and her consent became immaterial. The concept of Son-ship was affiliated to theory of Pind-dan, and for offering the Pind to the deceased the presence of the son was essential. Therefore, the women who could not beget a son for the husband suffered indignity and hollowness of her physical existence. One can then find a significant change in the attitude of the men towards women. The story of desertion, cruel treatment, hostile, callous attitude began to show its seeds towards the Hindu women with far reaching effects.

2.1.3 The Age of Dharam - Sastras

The Manu, Yajvavalkya, Vishnu, Narada, were the greatest Smritikara’s in the Dharma sastras. The Shastras picturised the better half to be instinctively imbued with qualities of head and heart and glorified her significant role in smoothening the daily life of her male consort and portrayed her noble qualities to be:

- Bhojyeshu Mata, Karyeshu Mantree;
- Bachneshu Dasee, Shayaneshu Rambha(I)
- Dharmanukula Kshamaya Dharatree,
- Bharyachakhad Gunavteeh Durlabha (III)

Thus Shastras attributed the noble and ideal wife with characteristics of affectionate mother in serving and feeding the family. A reliable and trusted adviser to her male counterpart in deciding her family problems, a devoted and

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32 Prabha Chandra Tripathy, supra note 9, at p. 2.
humble servant in serving the family, a sexually pleasing partner like Apsara, Rambha and a religious, dutiful obedient, tolerating woman with quality of pardoning others like the mother Earth. While incorporating these qualities of women as wife, Shastras also enumerated her rights in the family and placed her in a very prestigious position. In fact, women being the attraction and inspiration of her male counterpart, is also depicted as the living ideal of affection, pleasure, confidence, devotion and faith and described her as women, you are mere faith in the silver mountain-foot of confidence.

But during the Smriti period i.e., at about 500 B.C. gradually some new notions got established in the society, eventually affecting the position of women. The influence of later Vedic literatures like Smriti, Sutra, Purana and their religious injunctions, adversely affected the status of women. These authors of Smritis and Puranas in real practice without portraying the actual state of things in society projected the thoughts which they regarded as ideal for their Brahminical class. The new conventional usages and the developed political exigencies further enhanced the criminal victimization of women. As, during this Smriti period, women were exploited in all walks of their lives, the period was termed as Dark Age for women’s progress.

In Smriti Age it was also noticed that there was deterioration in the status of women. Though the Hindu Sasstra kept mother’s power in a high position, it was described by Manu, “Day and Night women must be kept in dependent by the Males (of) their families, her father protects (her) in childhood, her husband

33 Ibid, at p. 3.
protects (her) in youth and her sons protect (her) in old age, a woman is never fit for independence.  

Manu also declared in clear tune that women are subordinate to men and they require protection throughout their lives. The thought that *Binasraya Nabartante Kabita, Banita, Lata*, i.e., the idea of subordination of women was ingrained in the minds of people and established in the society. In regulating the wife and husband relationship, Manu laid down that wife should always remain obedient to her husband, must not do anything which displeased him. She should remain faithful even to his memory after death and should not think of any other man, even though the husband is of a bad character and seeks pleasure elsewhere. The wife should worship her husband like God to get the salvation. The preaching's thus cast the liability of chastity only on women and widow-remarriage was prohibited in the society.

Religious injunctions were imposed on the widow to remain faithful to the memory of her deceased husband, but no corresponding duty was prescribed for her male counterpart. A husband of a deceased wife was allowed to marry again. At this juncture widows without protest, resigned herself to her fate and led the rest of her life in sorrows and sufferings, tender less service and sacrifice; renouncing all her joys and happiness. But, even then the selfish male-centred society termed her as inauspicious on festive occasions and being dishonoured, she was avoided by the family.

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34 Prabha Chandra Tripathy, supra note 9, at p. 24.
The *Upanayana Samskara* of girls was discontinued in *Smriti* Age and became only a formal *Samskara*. Manu prohibited recitation of *Vedic* mantras in the *Upanayana* of girls while authors like Yagnavalkya straightly opined to disallow the *Upanayana* to girls. So, ultimately without the support of the society, the system was gradually abolished. Revocation of *Upanayana* ceremony reduced slowly the status of woman to that of *Shudra* and since 300 BC, it has been argued that women like *Shudras* are ineligible for *Vedic* study. The *Smritis* also declared that women being destitute of strength and *Vedic* knowledge, were impure like falsehood. They were also observed to be of wicked character and disloyal. Husbands were instructed to guard their wives properly.

In the later literature of *Smritis Brahmanas* and Sutras, there was gradual hardening of the caste system and position of *Vaisya, Shudra* and women deteriorated. The *Vedic* word *Dampati* which denoted joint ownership of wife and husband in family property was wrongly interpreted during *Smriti* period and the property right of women was withdrawn. The later *Vedic Sastras* projected the view that a vicious husband must be worshipped, but a bad wife may at any time be replaced by another wife and for committing minor faults, beating punishment was prescribed for woman. Neither by sale nor repudiation, a wife by no means was held capable to be released from the clutches of an ungrateful husband.

Introduction of child marriage in this Age resulted in denial of educational right to woman. During *Vedic* and *Upanishadic* Age, women who composed *hymns* of *Veda* and imparted knowledge to others, became blind followers of the preaching's of *Smriti*, Sutra and *Brahmana* and led a miserable life. They spent
a slavish life in their in-laws' houses and turned into a child-bearing machine. Early marriage affected their health, but still under the Purdah system they remained within the four corners of their husbands' house and being aloof from all the worldly developments, led the life of a helpless creature.

In Smriti Age when the child marriage prevailed, existence of the sixth form of marriage gradually disappeared from society. The marriageable age of girls which was about 14 to 15 years at 600 B.C., began to be lowered further and further. The three years period of grace after puberty that was permitted in the beginning for performing the marriage, was gradually withdrawn. Smriti writers advocated girl's marriages at puberty, at about the age of twelve. Easier and more pleasure-loving life of the age was considered only one reason for this change. During that period girls were married in very tender age without proper education or Upanayana Samskaras which were previously in existence during the Vedic and Upanishadic Age. In the society, women in Smriti period were regarded as ineligible for any holy sacraments and religious sacrifices and as married at a very young age, unable to exercise any influence on the choice of her husband, lost their high status and position in family as a wife and automatically there was a steady deterioration in status of women in this Age.36

In Smriti period girls were married at the age before twelve and the average woman scarcely received any education. Under the circumstances, it was natural that there should hardly be any women in society who were following high careers. In later times marriageable age of ordinary girls was reduced to

36 Prabha Chandra Tripathy, supra note 9, at p. 35.
eight or nine and they practically received no education. Their position vis-à-vis their husbands, therefore, deteriorated considerably. Widowers of the age of forty to forty five had to marry immature girls of eleven or twelve and very often were tempted to keep concubines. Denied the benefits of education, brought up in the authoritarian atmosphere of the house of the mother-in-law, having no opportunities to develop their natural capacities and faculties, women became helpless, illiterate, narrow-minded and peevish. The theory of the perpetual tutelage of women became more and more deep-rooted in society.37

But in the *Smriti* period some new notions were gradually getting established in society, which eventually affected the position of women profoundly. In this changing scenario Manu for regulating the relations between husband and wife laid down some injunctions.

No doubt, the wife was a regular participator in the sacrificial offerings of her husband, but her right of independently offering oblation appears to have been restricted in later *Smriti* time. By then injunction was imposed on wife that she should take her food, not with but after the husband. Polygamy was freely allowed in society and the obligation of chastity was laid on the weaker sex alone as reflected in *Shataptha Brahmana*.

After the *Vedic* Age, the refulgent golden age of women and all round supreme progress and perfection, there was deterioration in the status of women during the dark period of *Smriti* age. This deterioration was not only due to

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37 Alitekar, Prof. Anant Sadasiv, "Ideal and Position of Indian Women in Social Life", "Great Women of India" (Calcutta: 18 Hem Naskar, 1982), p. 34.
religious injunctions of Smriti, but that was more due to conventional usage springing from the exigencies of political and other situations. In the later Smritis, Brahmanas, and Sutras time there was gradual hardening of the caste system and position of Vaisya, Sudra and women deteriorated.

The Smriti of Yajnavalkya is more systematic than that of Manu. It is in an abridged form but it gives new material or many points, which were not discussed by Manu. Manu allowed a Brahman to marry a Sudra girl but this is condemned by Yajnavalkya. While Manu condemned Niyoga, Yajnavalkya did not. Yajnavalkya clearly defines the rights of widows, but that was not done by Manu.38

Vishnu Smriti was written after the Smriti of Yajnavalkya as many things have been borrowed in this Smriti from that of Yajnavalkya. He also refers to the practice of Sati. Narada Smriti was written by Narada after that of Manu. Some of the verses are common between the two and the arrangement of the two books is also the same. Yajnavalkya referred to five ordeals but Narada added two more. Manu was against Niyoga and remarriage of women, but that was not the case with Narada.

In the prevailing unfavourable atmosphere of this era, many crimes like Sati, Devadasum Child Marriage, Dowry and Female Infanticide evolved and women were victimized in all vistas of the society.

During this period, to escape from the responsibility of maintaining the widow after death of her husband and to misappropriate her share of property

38 V.D. Mahajan, supra note 16, at p. 126.
under religious cover, she was instigated to commit suicide on the funeral pyre of her husband as Sati. This evil system of Sati was again glorified and got a boost to upkeep the interest of male dominated society. The noble religious Devadasi system in rolling of times changed as a corrupted system and Devadasis turned as temple prostitutes. Still the society kept this system in continuance and designated them as fifth class above the untouchables for fulfilment of the immoral desires of influential people of the society. Thus Devadasi, being the women torturing institution, is kept alive in temples of worship, in complete contradictions of Hindu philosophy, which speaks Yatrastu Pujiyate Nari, Ramyante Tatra Debata.

2.1.4 Women during religious movements

Women were not honoured as much as they were during the Vedic period. Buddha himself did not allow women to be included into the Buddhist Sangha in the beginning. And later on when admitted as Nuns, were placed in an inferior position to male Monks. It was laid down in Buddha’s Dharmagrantha that a Nun though hundred years old, must stand in reverence even before a young monk just-initiated to the institution. It was also told that the nuns could only become the teacher of female novices, but not of the male ones and they were given an inferior position to that of men in the monastic administration. As a whole, there was unfavourable atmosphere for women and they were in inferior status in comparison to their male counterparts. However, it does not mean that women

39 Dr. K.L. Khurana, supra note 8, at p. 104
40 Prabha Chandra Tripathy, supra note 9, p. 29.
were not respected at all. They were educated properly. We come across references of some worthy ladies such as Khema, Jayanti, Subhadra and Kesha. Jayanti was so learned that she had discussions with Mahavira Swami, while Khema compelled Prasenjit to bow down before her learning. The two major heterodox religions, Buddhism and Jainism supported greater freedom for women. Sanghamitra, the daughter of King Ashoka established a nunnery in Sri Lanka and is remembered even today for her message of universal love. In South India, women enjoyed a higher status because of the prevalence of the matriarchal system.41

Purdah system was not in fashion but stray references to ‘Sati’ during this period are available. Prostitutes used to like in the society. Amrapali was the most famous prostitute of Vaisali during this period.

The marriages of young boys and girls were arranged by parents. In royal families the ‘Swayamvara’ system was also in vogue. Besides Kshtriyas, some other castes had also adopted the ‘Swayamvara’ system. But child marriages had not yet begun to take place. Inter-caste marriages were also prevalent. The Jataka stories relate that polygamy was also prevalent in the society. On the whole women’s are enjoyed considerable measure of freedom.

2.1.5 Women in Mauryan Period

We have much information about the position of women from the account of Megasthenes and ‘Arthashastra’ of Kautilya. Women did not occupy a high and respectable position in the society at that time. They were regarded as a

41 Dr. Amrita Das, supra note 15, at p. 3.
source of recreation and luxury. They were confined within the boundary walls of their homes.\textsuperscript{42} Purdah system was prevalent. According to Megasthenes, women were treated as a commodity for bargaining and they were sold and purchased freely.\textsuperscript{43} The system of dowry was also popular. A woman had the right to knock at the doors of court in order to get justice on her claim over dowry property and presents. Women also had the right to widow marriage and divorce. According to Kautilya provision of punishment existed for those women who stepped out of their homes without the consent of their husband or disobeyed their husband. References to prostitutes being a part of the society are available. Kautilya has also mentioned certain rules and regulations for prostitutes. There were some women who were well versed in music, dance, painting and other fine arts. Megasthenes has written about the female bodyguards of Chandragupta Maurya. These bodyguards, wearing military uniforms, appeared mounted on chariots, horses and elephants; it appeared as if they were going on a military expedition.\textsuperscript{44} On the whole, the social status of women during the Mauryan period was not as high and respectable as it is now.

During the Mauryan period, joint family system was prevalent; but in some cases, families were divided, for which the custom of polygamy was responsible. Megasthenes has given an interesting account of a system of marriage in which a pair of oxen was given in gift by the father of the girl to the bridegroom. A boy of sixteen years and a girl of twelve were thought fit for their marriage. Polygamy

\textsuperscript{42} Dr. K.L. Khurana, supra note 8, at p. 163.
\textsuperscript{43} Ibid.
\textsuperscript{44} Ibid.
was prevalent in the society. Megasthenes also mentions that polygamy was popular in the society. According to him a man could marry more than one woman for sexual pleasures and for begetting children. Polygamy was prevalent not only amongst the common people but in the royal family also. Ashoka himself had a number of wives. In the same way, the system of divorce and remarriage was also in force. Kautilya has given in his book ‘Arthashastra’, definite rules for remarriage and divorce.

2.1.6 Women in Satavahanas period

The salient feature of the Indian society under Satavahanas was that women occupied a high status and respectable position in the society. They were given more freedom than during the Mauryan period. They were provided with the facility of higher education. They took over the administration into their hands in times of emergency. For instance, when Sri Satakarni died, both of his sons Vedsri and Shaktisri were minors. Under such circumstances, the administrative charge was held by Naganika, the queen of Sri Satakarni. During this age, the mothers were highly honoured. Many rules of this dynasty prefixed their mother's name to their names. Gautamiputra, Vashathiputra, Mathariputra, Kaushiputra are some of the titles adopted by the rulers of Satavahana dynasty. These titles indicate that there was a high and respectable position of women in the society of that period. Besides, women also participated in religious functions with their husbands. It is evident from the Nanghata inscription that

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45 Dr. K.L. Khurana, supra note 8, at p. 187.
46 Ibid.
queen Naganika participated in the ‘Ashvamedha Yajna’ performed by her husband, Satakarni. Widowhood was not regarded as a curse or a sign of bad woman. Due regard was given to the widows in the society, and thus, their life was not so hard and full of sufferings as it was earlier.

2.1.7 During Gupta Dynasty

During the Gupta period, the position of women in the framework of Indian society had largely deteriorated in certain respects. Pre-puberty marriages were prevalent to a large extent. The ‘Smritis’ also enjoin that a girl should be married before puberty, i.e., at the age of twelve or thirteen years. It makes clear that women had no voice in the settlement of their marriages. Owing to early marriages, they got no chance of higher education. Polygamy was the order of the day.

In spite of the above, the facilities of higher education were given to girls in well-to-do families. The Purdah system was not in vogue and thus women could participate with their husbands in religious and social functions. Literary and cultural education was imparted to girls belonging to the higher families and other arts. They also took active part in administration. Some women like Sila Bhattarika, etc., had been famous as poetesses and authoresses.

‘Sati’ System was gradually coming into vogue. We learn from the Eran inscription of 510 A.D. that when Goparaja, the commander of Bhanugupta was killed in the battle against the Hunas, his wife was compelled to become ‘Sati’

47 Dr. K.L. Khurana, supra note 8, at p. 255.
48 Ibid.
i.e., to burn herself on the funeral pyre of her husband. Widow marriages were not looked upon with favour.49

2.1.8 Women in Harasha Period

During this period the chains of caste system had been tightened. Shudras and Chandalas were not allowed to live in the city. Untouchability was prevalent. The Purdah system was not in practice.

Inter caste marriages were not allowed, but the custom of child marriage and 'sati' was in force. Harsha's sister Rajyasri was married at the age of twelve and the mother of King Harsha had burnt herself on her husband's funeral pyre. The widows were not permitted to marry again.

2.1.9 Status of women in between 650 to 1000 A.D.

During this period, the institution of slavery existed. In some cases, the slaves were required to cultivate the lands of the priests. Female slaves helped their mistresses in the household work. Some of them were also used for sexual enjoyment by their masters. As a general rule, girls, were given in marriage by their guardians, but love marriages were also known. The Gandharva form of marriage was censured by Medhatithi. Medhartithi would make marriages of Brahmanas with Kshtriyas and Vaisya women altogether exceptional, while forbidding the marriage of a Brahmana with Sudra girl. A woman was allowed to take a second husband in the event of 5 calamities, viz., when her husband was

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49 Ibid, at p.256.
lost or unheard of, or was dead, or had adopted the life of a recluse, or was impotent or had become an outcaste.\textsuperscript{50}

There was great emphasis on the purity of sexual life. Heavy punishments were inflicted on those who were guilty of the offence of adultery. In some cases, both the man and women were put to death. In other cases, lesser punishments were inflicted. Married women were required to be devoted to their husbands and also obey them. They were also required to serve them. This was so if the husband followed the righteous path. It was the duty of the husband to maintain his wife under all circumstances. The faithful wife was not to be abandoned even if she was disagreeable in look or harsh in speech, etc., the widow was required to live a life of strict celibacy and self-restraint, the rite of Sati was enjoined by some authorities but condemned by others. However, the wives of kings sometimes burnt themselves on the funeral pyres of their husbands but it was for them to exercise their option in the matter. The custom of dedicating maidens for service in temple was prevalent. The class of prostitutes known as Ganikas existed as a distinct social unit during this period. A Ganika was expected to possess high qualifications, both of body and mind.\textsuperscript{51}

2.1.10 Status of women in Rajaput period

In the Rajput society great honour and respect was given to the womenfolk. Rajput women enjoyed complete liberty.\textsuperscript{52} They were not compelled to confine themselves within four walls of the house and had the right to select

\textsuperscript{50} V.D. Mahajan, \textit{supra note} 16, at p. 69.
\textsuperscript{51} V.D. Mahajan, \textit{supra note} 16, at p. 669.
\textsuperscript{52} Dr. K.L. Kurana, \textit{supra note} 8, at p. 362.
their husbands. ‘Swayamvara Pratha’ was prevalent. Proper attention was paid to the education of women. Alberuni writes.

"Women were all educated and took an active part in public life. Girls could read and write and understand Sanskrit. They learnt to play, dance and paint portraits. Women participated in discussions on various subjects with men and there are references where they defeated men in the discussions. The wife of Mandan Mishra had defeated the great Brahman scholar Shankaracharya in discussion. The famous Sanskrit poet Raj Shekhar’s wife Avanti Sundari was a great scholar".53

Rajput women were also well versed in warfare. They learnt how to use sword and spear. In fact, Rajput women were capable of holding pen with as much facility as the sword. Some women controlled the administration efficiently. Akkadevi, king Vikramaditya’s sister, proved to be a great administrator. She led a military campaign and proved her worth on the battlefield.

The Rajput women had a great feeling of patriotism and chastity. They preferred embracing death to dishonour at the hands of enemy. At the time of calamities, the Rajput women proved their mettle. They used to perform ‘Jauhar’ and reduced themselves to ashes by jumping into blazing fire to save their self-respect, honour and chastity.

‘Sati’ system was also prevalent among Rajput women. On the death of her husband, a Rajput woman never liked to live in this world. They used to burn themselves on the funeral pyre of their husbands. In spite of their bravery and

53 Dr. K.L. Kurana, supra note 8, at p. 362.
courage, evil practice prevailed among some Rajputs who regarded the birth of a daughter as a bad omen and such female children were killed at birth.

Normally, people used to have only one wife but in case of royal families and the Samantas, polygamy was in vogue. The kings used to have several wives. Child marriages were also prevalent in Rajput society.

2.1.11 Women in Cholas period

It appears that there was not much improvement in the status of women.54 However, some queens were associated with the administration of the country. "Modesty was considered the highest among their (women's) graces. There were child marriages among the higher castes. The practice of Sati prevailed although the same was not common. It is pointed out that Vanavan Mahadevi, queen of Sundra Chola, committed suicide. Marco Polo also refers to the practice of Sati in the country. Women who were proficient in dancing were attached to the temples and they were known as Devadasis. There were also women slaves.

2.2 Status of women in Medieval period

The Muslim era marked a significant change in the attitude towards women. The Hindu society under the socio-political impact of Islamic rule suffered a setback and Hindus were forced to adopt certain Muslims customs. The Muslims ruled India for about 700 years and during these days there was complete breakdown of social institutions. During their rule, especially in the pre-mogul period, the Hindus suffered a lot as they were subject to all kinds of

54 V.D. Mahajan, supra note 16, at p. 601.
stresses and strains i.e. cultural, social and political thereby affecting their style and way of living. The fundamentalist Muslims forced upon the Hindus their own laws, customs and religious practices. They were not treated equally with Muslims and there was complete discrimination in all fields. Facilities of education were denied to women and they were forced to remain under seclusion. The traditional political structure came to a standstill and the economy was badly affected. All these contributed to the general depression among the people especially among the women and the social, religious and cultural life of the people was severely degraded. Although the Moghul rulers especially Akbar changed to some extent in adopting a policy of tolerance and non-discrimination towards Hindus, the plight of Hindus continued and the subsequent rulers could not maintain this as their personal style of functioning dominated the administration. Thus, the basic principles of human dignity, equality and justice have got no meaning at all for them.

Several evil emerged in Indian society due to social complexities. The child marriage, polygamy, Sati System, female infanticide, Devadasi system and others were eating into the vitals of the society like white ants and Indian society was falling prey to superstitions and narrow fatalistic tendencies. It was not expected of such a society to be able to face the foreign invaders. Dr. R.C. Majumdar has written, ‘No public upheaval greets the foreigners, nor are any
organized efforts made to stop their progress. Like a paralysed body, the Indian people helplessly look on, while the conquerors march on their corpses.  

In mughal period the position of women in general was subordinate to men. As Prof. Ashraf has observed, "the functions and the position of a woman were distinctly subordinate and in the long run came to be understood as the service of the male and dependence upon him in every stage of life". As a daughter, a woman lived under the ward-ship of her father, as a wife under the tutelage of her husband and as widow (that is, if she was permitted to survive her husband) under the care of her eldest son. In a word her life was a state of perpetual ward-ship and the social laws and customs stamped her with a sort of mental deficiency. The girls were considered a liability right from the time of their birth. A mother giving birth to a number of girls in succession was despised. Amongst some of the Rajput clans the girls were killed at the time of their birth.

As a wife also woman had to follow the commands of the mother-in-law and win other members of husband's family through dedicated service. However, generally in course of time the women acquired freedom to manage the household. Even the Muslim wives were expected to pull on properly with the mother-in-law failing to do so could lead to divorce. The women on family way were treated with great respect by relatives as well as neighbours.

55 Dr. K.L. Khurana, supra note 8, at p. 405.
56 Anjanikant, supra note 2, at p.51.
However, when they actually delivered the child they were not touched by anyone except the midwife. In relation to her husband also the women enjoyed a subordinate position. The final word in most of the matters rested with the husband even though he often consulted his wife and gave due weightage to her counsel. No social function amongst the Hindus could be performed without wife, which was described as the better half of man. In short, even though the wives were accorded a subordinate position to husband they were treated with respect and importance.

The position of Hindu women who were treated at par with men and given a position of pride considerably declined during the medieval period. One of the immediate impact of the coming of Muslims in India was the introduction of Purdah system. Purdah of veiling of women, was a common practice among the Muslims and was adopted by the Hindus women under the stress of circumstances. The chief reason for the adoption of purdah by the Hindus women was to protect beautiful young girls from the ill-designs of rich nobles.\(^{58}\)

In Delhi, Bihar and Bengal the custom of seclusion of women spread especially among the upper class of those areas were Muslim influence had been mostly marked. In the south and west of India there had been no such seclusion of women, except to some extent among the Moslems.\(^{59}\)

Female education which was practically non-existent among both Hindus and Muhammadans in Mughal days. The author of Qanun-I-Islam speaks of girls

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\(^{58}\) Neelam Upadhyay & Rekha Pandey, supra note 59.

being taught the Koran from beginning to end and elementary reading, but their studies ceased at such an early age that they could not have learnt much. Occasionally also the daughters of the imperial house and of rich nobles were given tuition within the precincts of the harem, as for example at the palace in Fatehpursikri, in which certain rooms were specially set apart for this purpose by Akbar. Some of the ladies so taught distinguished themselves in the paths of literature; Babur's daughter, Gulbadan Begam, wrote the Humayun-nama; Humayun's niece, Salima Sultana, was the author of many Persian poems; Jahangir's queen, Nur jahan, was highly educated and well versed in Persian and Arabic Literature; so also was Mumtaz Mahal, wife of Shah Jahan. Jahanara Begam daughter of Shah Jahan, was taught the Koran and the Persian language by a learned Persian lady.

It was observed that, the Hindus by and large practiced monogamy (One wife), however, a small section of Hindu population consisting of princes and wealthy persons married more than once. The Hindus of middle class married second time only if their wife proved to be barren or died. This was also done with the consent of the Brahmins. On the other the Muslims who were permitted by Quran to have four wives at a time also generally practiced monogamy. Only rich Muslims took to polygamy (more than two wives) and maintained three or four wives at a time. As a general rule the girls were married at an early age in both the communities. Generally they were married at the age of 7 or 8. Usually

60 Neelam Upadhyay & Rekha Pandey, supra note 59.
61 Neelam Upadhyay & Rekha Pandey, supra note 56.
the girls of middle and lower classes were not given much education. The existence of early marriage naturally implied that the selection of the bride or bridegroom was made by the parents and the practice of seeing the girls before marriage did not exist.

Divorce was rather uncommon among the Hindus, even though it was quite a regular feature amongst the Muslims. The divorce amongst the shias was more regulated than among the Sunnis. In matters of divorce the husband enjoyed absolute and unquestioned power, while the wives were denied such right. There was also provision for re-union after divorce.

Widow Remarriage was virtually non-existent among the Hindus. A Hindu widow had either to live a life of celibacy for the rest of the life or burn herself on the funeral pyre of the dead husband. According to A.I. Biruni “they generally choose the latter course. On the other hand widow marriage was permitted amongst the Muslims but the widows were given the status of a second -rate wife”.

2.2.1 Status of the women during Vijayanagar times

It is observed that during Vijayanagar times the child marriage and the sati were in practice. The dowry system was prevalent as it revealed by some inscriptions. Those who refused to follow the sati were obliged to have their heads shaven. Linchinston a traveler has condemned it as barbarous practice that prevailed among the Brahmins. Some of the poor women run small hotels to earn their living.

62 Neelam Upadhyay & Rekha Pandey; supra note 56, at p. 17.
Women were honoured and respected in the society, but their sphere of activity was very much limited. Many of them were scholars. Some were proficient in music and dance. Ganga Devi, Chinnamba, Varadambika, Tirumalamba, Mohanangi, Bhadramba and Honnamma were great among scholars. Chinnamba the second wife of Krishnadevaraya was an expert dancer. Honnamma was an informant in the court of Proudhadevarya. Tirumalamba was a great Sanskrit poetess who lived during the time of Achyuta. In dramas the role of the ladies would often be taken by men. Sometimes women themselves played those roles. There is an evidence to show that Patri daughter of Thimmaiah had enacted in the drama “Tayikunda” Purandaradasa has made fun of the pseudo-acting of those days in his Keertanas.

The Devadasi system, the Sati and prostitution were in vogue. In the name of God, the Devadasi often had become means of pleasure to the laymen. They were good at dance and belonged both to the temple and the palace. They were recognized by religion as servants dedicated to God. It was mere blind belief and many women become victims to it. Prostitutes used to take part in the dramas. Abdul Razzaak has given a detailed account of the prostitution in his memoirs. Prostitution was a legalized profession and tax was imposed on it. The tax collected from that source, as Razaak says would meet the expenditure of the guards of the palace. Slavery was in practice. The debtors would often

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become salves and thus repay the debt. There were some women among these slaves. The slaves were treated kindly, but they did not enjoy total freedom.

Monogamy was the order of the day, but polygamy was also in practice. It was common among the wealthy and members of the royal family. Krishnadevaraya had many wives – Like Tirumalamba Chinna Devi and Jaganmohini.

2.3 Position of Indian Women during the British Rule

The Position of Women was not satisfactory in the early period of British Rule; the reason being that they were the subject of abject exploitation and discrimination as was ordained in the Sastric texts.

It was obvious, as Britisher's being totally ignorant of their plight in the early stage and further felt disinterested in interfering with the Personal Laws of the Hindus. They not only lacked interest in bringing reforms in the state of Hindu Law, but they otherwise were busy in other important matter. The position of woman in the words of Shastri appeared to be as follows:

"The enforced child-marriages; the exposure of the female children by throwing them at the junction of the Ganges and the sea, the violence used to make women follow the Sati rule and thus, end their miserable existence, the shameful treatment accorded to a widow the famous kulinism which make marriage a profession rather than a sacrament made woman not only an object
of pity but many a woman sighed in the secret recess of her heart and wished that she had never been born a woman in the unfortunate country".  

According to 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...."  

Cursing the curse of polygamy, Vidyasagar says that:

"With the Coolin Brahmin, the sacred rite of matrimony had been notoriously degraded to a system of shameful traffic. These men for some sordid gain of some paltry sum visited village after village accepting the hands of scores of maidens, the great majority of whom were destined never to enjoy the blessing of a wedded life".  

Describing the pathetic condition of the Hindu widows, who did not burn themselves to remain alive, the proceedings of the Legislative Council of India remarks that:

"Not only must she see no man, she must also-avoid very approach to ease, finery and pleasure. She must neglect the care of her person, must bear no ornaments, her hair must be shaved or, at least, must be worn dishevelled. She must not see her face in a mirror, nor use perfume or flowers must not anoint her body, and her dress must be coarse and dirty. The use of any kind of

66 Anjanikant, supra note 2, at p. 58.
conveyance is prohibited. And, she must not rest in bed. Her food is limited as to quantity and quality. She must not take more than a single course meal a day. Besides other facts perhaps a dozen in a year, a Hindu widow is required to abstain absolutely from food and drink from which not even severe sickness can give her dispensation".67

Strange notions developed around women’s education:

"Notion of providing the means of instruction for female never enters into the minds of parents. A superstitious feeling is alleged to exist in the majority of Hindu families, principally cherished by the women and not discouraged by men, that a girl taught to write and read will soon after marriage become a widow. And the belief is also generally entertained ... that intrigue is facilitated by knowledge of letters on the parts of females".68

Christian missionaries carried out religious propagation in the British India in 1813, which soon spread all over the country. They attacked the Hindu religious beliefs, converted untouchables and lower classes to Christianity, started educational institutions on Western lines, opened orphanages and dispensaries, took up famine relief work, and assured to the converted mass a better position in society, financial assistance and suitable jobs. They openly criticized the evils of early marriage, polygamy, dowry, infanticide and temple dancing.69

67 Anjanikant, supra note 2, at p. 58.
68 Ibid, at p. 59.
Their educational institutions infused a new understanding, a better appreciation of life in the community and created congenial atmosphere for rethinking of social values. They condemned seclusion of women and their colossal illiteracy. The most significant outcome of these missionary activities was that hereinafter it came to be generally accepted that there is a need to bring changes in the social life, particularly in matters relating to the treatment of women.\textsuperscript{70} In that process, the realization of the necessity and importance of female education grew space in the country.

The movement of social reform began during the British rule though with a slow pace when a few educated Indians coming in contact with western ideals started taking keen interest in ameliorating the condition of Hindu women. Ishwar Chand Vidya Sagar, Mahatma Gandhi, Raja Ram Mohan Roy, Tilak and other prominent figures laid emphasis on the education of the Hindu Female, abolition of child marriage, lifting of \textit{Purdah} system, removal of dowry evil and sati pratha. The movement started with their efforts and there was realization of feeling that the legislature should step in and to take some concrete steps by giving statutory recognition to their rights and provide some kind of identity and recognition to them in the society. Though their efforts possessed a limited character nevertheless it created a kind of awareness that after all their position has to be improves. It was the beginning during the British rule but it took a concrete shape during the course of time in the post independent era when

parliament passed notable legislations for improving upon the status of the Hindu women by passing many legislations in that regard.

In the nineteenth century, India began to discover her long cherished ideals and cultural self-consciousness. This came to be known as the period of “Renaissance” in India. The remodelling of her cultural modes and indigenous values began herein. It meant a reawakening, a process of rediscovery, and a reform of the self. The reformers, who advocated the emancipation of women, aspired the restoration of such healthy and congenial conditions which once prevailed in the early Vedic period. The renaissance of Indian women attained its fruition by ‘the renewed awareness of Indian’s glorious past.’

This implies that the removal of evil social practices was perceived not in the light of new liberal though of the west but on the basis of revival of the Vedic feminine ideals which was thought to be truly democratic.

In response to the enlightened Indian public opinion, the British rules legislated against the glaring social evils. Significant legal reforms were the abolition of sati in 1827, the suppression of infanticide in 1725 and 1804, and the removal of restriction on remarriage of the widow in 1856. Although these early reforms and legislations were not able to bring intended results, they did succeed in creating resurgence among Indian women. Under the western impact, Indian women experienced an air of as has been the penetration of the west in the men’s ideas of religion, caste and national status, it has nowhere penetrated more deeply than its revaluation of women, it brought to women a total new

71 Anjanikant, supra note 2, at p. 62.
concept of themselves as persons "individually important and nationally needed".\textsuperscript{72}

To be sure social reformers woke up in the different parts of the country who worked for the cause of women. The wave of reformist thought in the nineteenth century initiated by social reformers led to very significant legislative, social and educational changes. It would be instructive to describe briefly the effects of the enlightened men and women.

The father of the Indian Renaissance was Raja Ram Mohan Roy (1774) in West Bengal. He pleaded that it was erroneous to consider women as weak in intellect and virtue and deficient in resolution, trustworthiness and control over passion.\textsuperscript{73} He opposed the custom of sati and polygamy and encouraged remarriage. He founded Brahma Samaj in 1828 and used English education to transform the social system responsible for the misery of women.

In fact, West Bengal produced several other social reformers. For instance, Devendra Nath Tagore (1817) and Iswar Chandra Vidya Sagar (1820) who supported the views of Raja Ram Mohan Roy. Keshab Chandra Sen attacked Kulinism, public dances by women, and tried his best to make women men's true partner in life. He brought out a monthly magazine, Bamabodhini, exclusively meant for women. He denounced polygamy, encouraged inter-caste marriages and opposed \textit{Purdah} system for women. It was due to his courage

\textsuperscript{72} Ibid.
\textsuperscript{73} Anjanikant, supra note 2, at p. 63.
perseverance that the Civil Marriage Act of 1872 was passed. Rabindra Nath Tagore (1861) and Swami Vivekanand (1863) also supported these views.

Swami Dayanand Saraswati, born in Gujarat in 1824, advocated the female education, widow remarriage, and marriage by consent, like ancient Swayamvara and procured readmission into Hindu society of those who have once been converted to other religions through Suddhi. He founded the Arya Samaj in 1875 at Bombay. Mahadev Govind Ranade, born in Bombay 1842 founded Indian Social Conference and supported the cause of woman. He favoured freedom of choice in marriage partners and wanted to infuse traditional virtues. Behramji Malabari (1853) published a journal, Indian Spectator, to spread his reformist ideas. He opposed infant marriage and enforced widowhood. It was his effort which led to the Age of Consent Act, 1881 that raised the age of consent to 12 years. Gopal Krishna Gokhale (1866) established Servants of Indian Society to carry out the work of social reform. He was deeply interested in the propagation of female education. He opposed the seclusion of woman.

Gandhi (1869) emerged on the Indian political scene in 1918. He appreciated qualities of Indian women. "To call women the weaker sex is a libel; it is man's injustice to woman. If by strength is meant moral power, then woman is immeasurably man's superior. Has she not greater intuition, is she not more self-sacrificing, has she not greater powers of endurance, has she not greater

74 Madhu Kishwar, "The Daughters of Aryavarta", (1986) 23, The Indian Economic and Social History Review.
courage? Without her man could not be. If non-violence is the law of our being, the future is with women. 75

Gandhi devoted his attention to women's cause. He opposed child marriage 76 and deplored the treatment meted out to Hindu widows. 77 He wanted to give every widow the right to marry. He condemned the system of Purdah and appealed to the parents to be broadminded. For him, the system of dowry was a real drag on society. 78 He wanted to bring women on equal footing with men. 79 He held men responsible for women's degradation.

It was Gandhi above all who was responsible for the creation of a new myth of Indian womanhood. He was aware of the unrest and revolutionary potential among the masses of oppressed Indian women. Gandhi identified with the enslaved women and channelised their rebellion into his non-violent, anti-colonial struggle. The Gandhian ideology of Indian womanhood combined the female virtues which orthodox Hinduism had preached for several thousand years with certain qualities of the modern women.

Between 1910 and 1920, the number of social organizations for women grew rapidly. Called by various names Mahila Samitis, Women's Clubs, Ladies Societies – they emerged in the cities and towns of British India and the native states. In 1917, the women of Madras formed the Women's Indian Association which fostered branches and affiliated many of the small societies already in

75 Anjanikant, supra note 2. at p. 66.
76 Ibid.
77 Ibid.
78 Ibid.
79 Ibid.
existence. During the next ten years, two additional all India organizations were founded to represent the interests of women; the National Council of Women in India (1925) and the All India Women's Conference (1927).

The All India Women's Conference (AIWC), which was founded in 1927, was the product of the reawakening of women. At its first meet in Poona in 1927, AIWC confined itself to the educational programme for women, but it soon enlarged the scope of its activities. Unfortunately, a great proportion of its activities were confined only to the passing of numerous resolutions: the practical work undertaken to implement those resolution was, however, extremely meagre. Thus, the demands embodied in the bold resolution of AIWC often remained, in substance, paper demands. This was partly due to the fact that the members of AIWC were generally upper middle class women who participated in it more with a desire to dabble in social work.

To be sure there were many other women of renown who took the cause of women. Margaret E.Cousins (1878-1954) was keenly interested in the progress of female education. Margaret Nobel (1867-1911), later known as Sister Nivedita, Sarla Devi Chaudhury (1872), Sarojini Naidu (1879-1949), Rustomiji Fairdoonji, Heerabai Tata, S.Muthulakshmi Reddi (1886), Durgabai Deshmukh(1909), Rajkumari Amrit Kaur (1929), Vijay Lakshmi Pandit (1900), Kamala Devi Chattopadhyay (1903), Begum Sarifka Hamid Ali, Lady Magalammal Sadasiva Iyer, Cornelia Sorabjee are some of the most prominent
names among others, who took part in the national movement and worked towards advancement of women.\textsuperscript{80}

2.4 Conclusion

The British period saw the period of Renaissance. The English people encouraged women to pursue academic pursuits of life, passed legislation for remarriage of widows, abolished Sati, restrained child marriages and permitted them to come out of Purdah and share liberty with their counterparts. There was all-round development during the British period. They gave more stress on the economic aspect with little interest on the laws governing Hindus and Muslims. But the impact of their rule could be felt in almost all fields, economic, political, social as well as legal. Initiation of the doctrine of law, equality before law, streaming the administrative process affected to a great extent the social and political changes those were taking place during this period. Remarkable changes were also noticed in the lifestyle of the people. During this period the status of women changed to a great extent and remarkable developments could be noticed which affected both economic and social structure of the society. Almost all the evil social customs were abolished thereby improving the quality of life of women. They were treated equal with men and substantial progress in the field of education, employment, social rights etc., was achieved. Women were given a place of pride in both social and economic structure of the society. They also enjoyed certain political rights. Thus substantial development of women took place during the British rule. But picture remained as gloomy as it had been in

\textsuperscript{80} Anjanikant, \textit{supra} note 2, at p. 71.
the past. Social bias and religious injunctions proved to be more ineffective in blocking their emancipation. The movement lacked revolutionary character. The women proved to be indifferent to the effort of the social reformer and indifferent to the British legislation. When one is not interested in availing benefits showered on her, the legislation could do nothing and efforts of social reformers go in vain. Therefore, one is constrained to remark that during the British period, the gain to Hindu women remained minimal and improvement of their position negligible. Though, it is an undeniable fact, that process of awakening did start but with little effect.