CHAPTER – 2
CONFOUNDING STATUS OF WOMEN IN INDIA: A JOURNEY THROUGH AGES

A woman is the full circle within her is the power to create, nurture and transform.

--- Diane Mariechild

2.1 Introductory

“The teacher who teaches true knowledge is more important than ten instructors. The father is more important than ten such teachers of true knowledge and the mother is more important than ten such fathers. There is no greater guru than mother.”

--- Mahabharta

Yet again, the sagacity got reflected in following lines: - "|| [Atulam yatra tattejah sarvadevasarirajam| Ekastham tadabhunnari vyaptalokatrayam tvisa]] A free translation of the aforesaid is reproduced below:- "The incomparable valour (effulgence) born from the physical frames of all the gods, spreading the three worlds by its radiance and combining together took the form of a woman." 

According to Giorgio Basta ‘The angel of the Family is Woman. Mother, wife, or sister, Woman is the caress of life, the soothing sweetness of affection shed over its toils, a reflection for the individual of the loving providence which watches over Humanity. In her there is treasure enough of consoling tenderness to allay every pain. Moreover for every one of us she is the initiator of the future. The mother's first kiss teaches the child love; the first holy kiss of the woman he loves teaches man hope and faith in life; and love and faith create a desire for perfection and the power of reaching towards it step by step; create the future, in short, of which the living symbol is the child, link between us and the generations to come. Through her the Family, with its divine mystery of reproduction, points to Eternity’.

Swami Vivekananda has also said "In India the mother is the center of the family and our highest ideal. She is to us the representative of God, as God is the mother of the universe. It was a female sage who first found the unity of God, and laid down this

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1 As said by Bhishma Pitamaha in Mahabharata, Shantiparva, Chapter 30, sloka 9
2 Voluntary Health Association of Punjab v. Union of India & Others [Writ Petition (Civil) No. 349 of 2006], decision 3rd march, 2013
3 http://www.hinduwisdom.ino/Women_in_Hinduism.htm (Visited on July 2,2013)
doctrine in one of the first hymns of the Vedas. Our God is both personal and absolute, the absolute is male, the personal, female. And thus it comes that we now say: 'The first manifestation of God is the hand that rocks the cradle'.

2.2 Women in India: Historical Perspective

In ancient India, women occupied a very important position, in fact a superior position to, men. It is a culture whose only words for strength and power are feminine -"Shakti" means "power" and "strength." All male power comes from the feminine. Literary evidence suggests that kings and towns were destroyed because a single woman was wronged by the state. For example, Valmiki's Ramayana teaches us that Ravana and his entire clan was wiped out because he abducted Sita. Veda Vyasa's Mahabharatha teaches us that all the Kauravas were killed because they humiliated Draupadi in public. Elango Adigal's Sillapathigaram teaches us Madurai, the capital of the Pandyas was burnt because Pandyan Nedunchezhiyan mistakenly killed her husband on theft charges.

In Vedic times women and men were equal as far as education and religion was concerned. Women participated in the public sacrifices alongside men. One text mentions a female rishi Visvara. Some Vedic hymns, are attributed to women such as Apala, the daughter of Atri, Ghosa, the daughter of Kaksivant or Indrani, the wife of Indra. Apparently in early Vedic times women also received the sacred thread and could study the Vedas. The Haritasmrti mentions the names of several noteworthy women scholars of the past such as Kathi, Kalapi, and Bahvici. The Rig Veda also refers to women engaged in warfare. One queen Bispala is mentioned, and even as late a witness as Megasthenes (fifth century B.C. E.) mentions heavily armed women guards protecting Chandragupta's palace.

It is not surprising that women in India are often described as having two sharply contrasting aspects. On the one hand she is put at a high pedestal as goddesses. The other is the clouded face of the domestic handmaiden trailing behind men in life expectancy, nutrition, health, education, pay, and other rights on the subcontinent.

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5 http://shodhganga.inflibnet.ac.in/bitstream/10603/8105/10/10_chapter%202.pdf (Visited on April 20, 2014)
6 Ibid
the relevant question here is what Indian women actually are – the powerful mother goddess or the domestic handmaidens, have they been agents of their own destinies or voiceless victims of patriarchy\(^7\).

2.2.1 Women and Vedas

The decades bracketing the turn of century have witnessed intense and unprecedented political contestations of culture, particularly in relation to women\(^8\). Much has been written recently about the plight of women in India. Were all Indian women saints and powerful agents, or hapless victims throughout history. However women have been both objects and agents, occasionally both on different fronts. There are examples of their active resistance, avenues for self-expression, negotiations with patriarchy, and even their support of oppressive traditions\(^9\). It is certainly true that on the scale of most economic and social indicators, women are lagging behind men. India is also facing the disturbing prospect of a serious gender gap. Indeed according to the 2011 Census, one of the most prosperous states of India – Haryana – has the highest shortfall of female children vis. a vis. male children i.e. 861/1000\(^10\). This provides some evidence that mere prosperity will not be enough to eliminate gender discrimination from India. Mahatma Gandhi once wrote

“The way we treat our women is an indicator of our barbarism. Whereas men may have greater physical energy than women the latter clearly have more internal and emotional energy. It is not without reason then that women are identified with shakti in our civilization. If women are kept suppressed this shakti will be denied to the family and the society weakening all of them”\(^11\).

UNESCAP’s 2007 Economic and Social Survey of Asia and the Pacific estimates that if women’s participation in the labor market in 2006 had been as high as that in the US,

India’s growth rate would have been higher by 1.08 per cent. This would have meant a gain of $ 19 billion to the country’s GDP. Even

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\(^8\) Kavita Punjabi & Paromita Chakravarti (eds.), *Women Contesting Culture—Changing Frames of Gender Politics in India* xv (16 Southern Avenue, Kolkata, 2012)

\(^9\) Sita Anantha Raman, *Women in India – A Social and Cultural History, Volume 1* i (ABC-CLIO, California, 2009)

\(^10\) Available at: file:///C:/Users/sahara/Desktop/Sex%20Ratio,2011.htm (Visited on Jan. 4, 2013)

\(^11\) Ibid
with a 10 per cent increase in the labor market participation rate for women growth would have gone up by 0.31 per cent and amounted to a gain of $5.4 billion to India’s GDP. In addition there are losses due to gender gap in education in addition to the social and personal costs.  

What is to blame for this state of affairs and what is the way forward? Is there something inherently wrong with the way Santana dharma or Hindu culture treats womanhood? If we were to go by the commentaries on some texts such as the Manusmriti we would be led to believe that this is indeed the case. However, the ultimate and the only authority on the practices of Sanatana Dharma are the four Vedas. The message of the Vedas is sometimes very subtle and many learned people regard the Mahabharata as the fifth Veda, which explains in simpler terms the messages of the Vedas. Our vast religious literature has been polluted by the hypocritical behavior and selfish intents of some so-called pundits (the Matsyapurna says that these people are rakshas born in Kaliyuga in the family lineage of Brahmans) and centuries of subjugation by colonial forces. It is likely that the Manusmriti has been affected thus. This is evident from some other passages in the Manusmriti extolling the virtues of women. Thus we have:

“Women are worthy of worship. They are the fate of the household, the lamp of enlightenment for all in the household. They bring solace to the family and are an integral part of dharmic life. Even heaven is under the control of women. The gods reside in those households where women are worshipped and in households where women are slighted all efforts at improvement go in vain”

It is hard to imagine that the same Manu who wrote this passage would write the passages denigrating women in other parts of the Manusmriti. Indeed, since it is supposed to guide the conduct of Hindu society the Manusmriti would be a natural candidate for distortion – by the pundits to serve their narrow selfish ends and by the colonial powers to denigrate Hindu culture and society. This practice continues to this day.

Be that as it may - if one is truly interested in ascertaining whether there exists a link

between Sanatana Dharma and the treatment of women in India one must go the basic scriptures – the Vedas and the Mahabharata – to discover what Sanatana Dharma has to say about marriage, the role of women in society and the like. Extolling the virtue of the Vedas Lord Krishna says in the Srimad Bhagwat Gita:  

“And I am seated in the hearts of all; from Me are memory, knowledge, as well as their loss; I am verily that which has to be known by all the Vedas; I am indeed the author of the Vedanta as well as the knower of the Veda.”

It is indeed illuminating to note the passages about the role of women in the hallowed texts of the Vedas and the Mahabharata. And indeed there are no contradictory passages. I will quote some of these passages to illustrate this point. This beautifully lyrical sloka from the Atharvaveda clearly states that the woman leads the man:

“The sun god follows the first illuminated and enlightened goddess Usha (dawn) in the same manner as men emulate and follow women.”

Women were considered to be the embodiment of great virtue and wisdom. Thus we have:

“O bride! May the knowledge of the Vedas be in front of you and behind you, in your centre and in your ends. May you conduct your life after attaining the knowledge of the Vedas. May you be benevolent, the harbinger of good fortune and health and live in great dignity and indeed be illumined in your husband’s home.”

“The wife should do agnihotra (yagna), sandhya (puja) and all other daily religious rituals. If, for some reason, her husband is not present, the woman alone has full rights to do yagna.” That women and men are equal in the eyes of dharma is made explicit in a beautiful sloka from the Rigveda:

14 Ibid
17 Atharva Veda 14-1-64
“O women! These mantras are given to you equally (as to men). May your thoughts, too, be harmonious. May your assemblies be open to all without discrimination. Your mind and consciousness should be harmonious. I (the rishi) give you these mantras equally as to men and give you all and equal powers to absorb (the full powers) of these mantras.”

Indeed the virtues of the loyal and virtuous (pativrata) wife are comparable to only those of agnideva (the fire god). “… This agnideva is pure and worthy of worship just as pativrata women.”

Men are extolled to consider womanhood as being worthy of worship and it is made clear that it is normal for men to praise their wives. “Just as Indradeva is praised like tree bearing fruit and warriors dexterous in the use of weapons and by newly trained rishis, we too pray to the much adorned and venerated Indradeva just as man praises his wife.”

The Vedic period was glorified by the tradition. Many rishis were women. Indeed several of them authored many of the slokas in the Vedas. For instance in the Rigveda there is a list of women rishis. Some of these names are: Ghoshsha, Godha, Vishwawra, Apala, Upanishad, Brahmjaya, Aditi, Indrani, Sarma, Romsha, Urvashi, Lopamudra, Yami, Shashwati, Sri, Laksha and many others. In the Vedic period women were free to enter into brahmacharya just as men and become sannyasins. There is mention in the Mahabharata of many such sannyasins. For example, Shrutavati, a daughter of Rishi Bharadwaj remained a brahmacharini all her life and entered into deep study of the Vedas. Shrimati, a daughter of Mahatma Shandilya, led a similar life. This was not confined to sannyasins. Sulabha was an authority on the Vedas and entered into Vedic arguments with King Janaka (Janaka is like a title and there are known to be 19 such with the father of Goddess Sita being one of them). Even married women were known to be acknowledged authorities on the Vedas. There are many such examples and it is not possible to mention all of them. My only intention here is to indicate that men and women were granted equal rights in such matters. God provided the knowledge of the Vedas in the hearts of women just as He did in the case of men. How can God who is the embodiment of kindness, just and fair

20 Rigvedasamhita, Part -1, sukta 73, sloka 829.
21 Rigvedasamhita, Part-2, sukta 21, sloka 3287
discriminate between man and woman among his own children?

Two other points require mention: the issue of sati and child marriage, which are both very prominent issues and are often said to be adopted from ancient tradition and in fact, the first point to realise about Sati is that Goddess Sati, consort of Lord Mahadeva, after whom the practice is named, did not commit Sati in the form that it is known today. In modern times sati is supposed to be committed by a widow on the funeral pyre of her husband. Lord, Mahadeva, consort of Goddess Sati, is swayambhu, i.e., is self-born and without parents and is eternal and lives forever. He was very much alive when Goddess Sati created yogagni which consumed her body. Only the likes of Goddess Sati have the spiritual powers to create yogagni. What has been practised as Sati in recent times is just plain murder. When Rani Padmawati killed herself she did it to prevent herself from falling in the hands of the enemies. But then so many men have committed suicide to avoid falling in the hands of their enemies. Why isn’t this called Sati? In our scriptures there are hardly any instances of women self immolating themselves upon the death of their husbands. The three queens of King Dasratha were widowed but none committed self immolation. All the wives of Lord Krishna were widowed, but none committed self immolation. The original Ramayan, the Valmiki Ramayana, does not say that the widow of Meghnada, committed self immolation. This is mentioned only in later versions which were written during the middle ages and when, probably, widowed girls killed themselves to avoid facing dishonour. This was later exalted to the status of a good religious practice by so-called pundits who saw, in this practice, the opportunity to make bucks, quick as well as sustained as sati shrines became venerated among the population. Madri, widow of Pandu, did self immolate herself on her husband’s funeral pyre but she did this of her own volition and, probably out of a sense of guilt, since their coming together in love, according to the Mahabharata, was the cause of Pandu’s death. Hence, let us be clear: Sanatana Dharma does not advocate or sanctify sati.

In the case of child marriage, again, there is nothing in our scriptures that promotes it. Child marriage, probably, became common because girls entering puberty were often kidnapped in the lawless middle ages. None of our scriptures suggests that girls should be married off when they are kids. Indeed a certain maturity is expected of

\[\text{Supra note no27}\]
women who are married. As an example, we have this remarkable sloka: “O bride! May you be like the empress of your mother-in-law, father-in-law, sisters-in-law and brothers-in-law (sisters and brothers of the groom). May your writ run in your house.”

Great saints like Swami Vivekananda have predicted that the 21st century will be the century of women. Women (and men!) can draw strength from our great Vedic traditions to ensure that women get their rightful place in society.

2.2.2 God is both Father as well as Mother

"If God is our- father, why cannot God be our Mother! If we are the children of our heavenly Father, why cannot we be the children of our heavenly Mother!" This rhetorical question is the basis of why Hindus recognize and accept both male and female aspects of Nature and worship the Supreme Reality in the form of Mother, Father, Friend, Master, Guru, and Savior. Thus Lord Krishna declares in the Bhagawad Gita:

"I am the Father- of this Universe. I am the Mother of this universe, and the Creator- of all. I am the Highest to be known, the Purifier, the holy OM, and the three Vedas."

The worship of God in the form of Mother- is a unique Feature of Hinduism. Through the ages, the doctrine of the Motherhood of God has established a firm root in Hinduism. Today Hindus worship the Divine Mother in many popular forms such as Durga, Kali, Lakshmi, Saraswati, Ambika, and Uma.

By worshipping God as the Divine Mother, a Hindu can more easily attribute Motherly traits to the Lord, such as tenderness and forgivingness. The natural love between a Mother- and her- child is the best expression of the Lord's unconditional love for us as children of God. In the most representative Hindu view, the universe is the manifestation of the creative power (shakti) of Brahman, whose essence is absolute existence, consciousness, and bliss (or in Sanskrit, sat-chit-ananda). Since all created forms proceed from the womb of the mother, the creative power shakti) of God is recognized by Hindus as the female principle or the motherly aspect of nature. In this sense we are all children of the Divine Mother. We are contained by her before

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23 *RigvedaSamhita* Part -4, sukta 85, sloka 9712
our - manifestation and nourished by her throughout our existence.

Sri Ramakrishna, one of the greatest Indian sages of modern times, worshipped the Divine Mother Kali during his entire life. He established a personal relationship with her and was always conscious of her presence by his side\textsuperscript{25}.

In Hinduism, Divine Mother is the first manifestation of Divine Energy. Thus with the name of Divine Mother comes the idea of energy, omnipotence, omnipresence, love, intelligence, and wisdom. Just as a child believes its mother to be all-powerful, and capable of doing anything for the child, a devotee believes the Divine Mother to be all merciful, all-powerful and eternally guiding and protecting him with her invisible arms.

The worship of God as Mother has had a significant impact on Hinduism. The position of women in the Hindu religion is dignified because each woman is considered a manifestation of the Divine Mother. Hindus view man and woman as the two wings of the same bird. Thus, a man is considered incomplete without a woman, since "it is not possible for- a bird to fly on only one wing"---Swami Vivekananda.

Through the worship of God in the form of Mother, Hinduism offers a unique reverence to womanhood\textsuperscript{26}.

Swami Vivekananda has demonstrated powers of mother goddess as supreme and as an embodiment of love and harmony for her children.

2.2.3 \textit{Hymn to the Divine Mother}\textsuperscript{27}

\begin{center}
अम्बास्तोत्रम्।

कात्वंशेशिवकरेसुखदु́हस्ते

आधूर्णितंबवजरंप्रफरोशभिबङगग्।

शान्ततववधातुशभहककंफहुधाववबग्नाभ्

भात्प्रमत्नऩयभाशससदगवववस्वे॥
\end{center}

O Thou most beautiful! Whose holy hands Hold pleasure and hold pain! Doer of

\textsuperscript{25} Ibid
\textsuperscript{26} Supra note no. 7
good! Who art Thou? The water of existence By Thee is whirled and tossed in mighty waves. Is it, O Mother, to restore again This universe's broken harmony That Thou, without cessation, art at work?

संपाद्यत्त्वात्त्वाविरतत्वाविरामावृता
यावैस्थिताकृतृत्वकृत्स्यनेत्री।
सामेभवतनुदिनवरदाभवानी
जानाम्यहेुसितेुदृतकमिपाशा॥

Oh! May the Mother of the universe—In whose activity no respite rests, Incessantly distributing the fruits Of action done, guiding unceasingly All action yet to come—bestow Her boon Of blessing on me, Her child, for evermore. I realise, I know, that it is Thou Who holdest in Thy hands dread Karma's rope.

कोवाधरःक्रमकृतःकपाललेखः
किवास्प्राकृतस्मिनस्तितिहिताविनाभः
इच्छाशाशियामिन्तानियमःस्वतत्तैः
यस्यानेत्रीभवसंसाशरणमनमाद्य॥

Is it inherent nature? Something uncreate? Or Destiny? Some unforeseen result?—Who lacking nothing, is accountable, Whose chain of will, untrammelled, grasps the laws, May She, the Primal Guide, my shelter be!

सन्तानंविन्त्यजाज्ञिनिमृत्युजालं
समभावयन्त्यविकृतंविकृतंविभगनम्।
यस्याविभूतिःहामितश्चितःपाला:
नाप्रित्यतांवदकुःशरणव्रजाम्॥

Manifestations of Her glory show In power of immeasurable might, Throughout the universe, powers that swell The sea of birth and death, forces that change And break up the Unchanged and changed again. Lo! Where shall we seek refuge,

28 Ibid
29 Id at p.11
save in Her?

To friend and foe Thy lotus-eyes are even; Ever Thine animating touch brings fruit
To fortunate and unfortunate alike; The shade of death and immortality—Both these,
O mother, are Thy grace Supreme! Mother Supreme! Oh, may Thy gracious face
Never be turned away from me, Thy child!

What Thou art, the Mother! the All. How praise? My understanding is so little worth.
'Twere like desire to seize with hands of mine The sole Supporter of the universe!
So, at Thy blessed feet—contemplated By the Goddess of Fortune Herself—the abode
Of fearlessness, worshipped by service true— There, at those blessed feet, I take
refuge!

She who, since birth, has ever led me on Through paths of trouble to perfection's
goal, Mother-wise, in Her own sweet playful ways, She, who has always through my
life inspired My understanding, She, my Mother, She, The All, is my resort, whether
my work O'erdow with full fruition or with none.

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30 *Id* at p.11
2.2.4 Glory of Women in Ancient India

Glory of womanhood
In this country of Bharat was born Savitri, the woman of chastity,
Who could fight with Yama, the God of Death, and bring back to life her dead husband.
In this country of Bharat was born Chandramathi, the paragon of virtue,
Who suffered the terrible ordeals of her husband, Harischandra.
Sita, the devoted consort of Rama and the divine daughter of Mother Earth, Who demonstrated her chastity by coming out of blazing fire unscathed, was born in this Bharat.
Damayanthi, also a woman of pristine purity and chastity, who stood by her husband Nala Through thick and thin, was born in the sacred land of Bharat. Sathya Sai Speaks, Volume 31 104

Embodiments of Love! This Bharat is the land of sanctity and chastity, which has given birth to such great women of exceptional character, who lent glory to Bharat as a nation of heroic women.

From ancient times, the presiding deity of Gayathri mantra, Gayathri Devi, has been worshipped as the Mother of the Scriptures of wisdom. Vedas, which are held as the most ancient and authoritative scriptures of wisdom.

2.3 Journey of Indian women: Through ages Till Date

2.3.1 Medieval Indian Women

Medieval India was not women's age it is supposed to be the 'dark age' for them. Medieval India saw many foreign conquests, which resulted in the decline in women's status. When foreign conquerors like Muslims invaded India they brought with them their own culture. For them women was the sole property of her father, brother or husband and she does not have any will of her own. This type of thinking also crept

into the minds of Indian people and they also began to treat their own women like this. One more reason for the decline in women's status and freedom was that original Indians wanted to shield their women folk from the barbarous Muslim invaders. As polygamy was a norm for these invaders they picked up any women they wanted and kept her in their "harems". In order to protect them Indian women started using 'Purdah', (a veil), which covers body. Due to this reason their freedom also became affected. They were not allowed to move freely and this lead to the further deterioration of their status. These problems related with women resulted in changed mindset of people. Now they began to consider a girl as misery and a burden, which has to be shielded from the eyes of intruders and needs extra care. Whereas a boy child will not need such extra care and instead will be helpful as an earning hand. Thus a vicious circle started in which women was at the receiving end. All this gave rise to some new evils such as Child Marriage, Sati, Jauhar and restriction on girl education.

Sati

The ritual of dying at the funeral pyre of the husband is known as "Sati" or "Sahagaman". According to some of the Hindu scriptures women dying at the funeral pyre of her husband go straight to heaven so it's good to practice this ritual. Initially it was not obligatory for the women but if she practiced such a custom she was highly respected by the society. Sati was considered to be the better option then living as a widow as the plight of widows in Hindu society was even worse. Some of the scriptures like 'Medhatiti' had different views it say that Sati is like committing suicide so one should avoid this.

Jauhar:

It is also more or less similar to Sati but it is a mass suicide. Jauhar was prevalent in the Rajput societies. In this custom wives immolated themselves while their husband were still alive. When people of Rajput clan became sure that they were going to die at the hands of their enemy then all the women arrange a large pyre and set themselves afire, while their husband used to fight the last decisive battle known as "Shaka", with the enemy. Thus protecting the sanctity of the women and the whole clan.

33 Ibid
34 Ibid
Bal Vivah (Child Marriage)

It was a norm in medieval India. Girls were married off at the age of 8-10. They were not allowed access to education and were treated as the material being. The plight of women can be imagined by one of the shloka of Tulsidas where he writes [r1] "Dhol, gawar, shudra, pashu, nari, ye sab tadankeadhikari". Meaning that animals, illiterates, lower castes and women should be subjected to beating. Thus women were compared with animals and were married off at an early age. The child marriage along with it brought some more problems such as increased birth rate, poor health of women due to repeated child bearing and high mortality rate of women and children.\(^{35}\)

Restriction on Widow Remarriage:

The condition of widows in medieval India was very bad. They were not treated as human beings and were subjected to a lot of restrictions. They were supposed to live pious life after their husband died and were not allowed entry in any celebration. Their presence in any good work was considered to be a bad omen. Sometimes heads of widows were also shaved down. They were not allowed to remarry. Any woman remarrying was looked down by the society. This cruelty on widows was one of the main reasons for the large number of women committing Sati. In medieval India living as a Hindu widow was a sort of a curse\(^{36}\).

Purdah System:

The veil or the 'Purdah' system was widely prevalent in medieval Indian society. It was used to protect the women folk from the eyes of foreign rulers who invaded India in medieval period. But this system curtailed the freedom of women.

Girl Education:

The girls of medieval India and especially Hindu society were not given formal education. They were given education related to household chores. But a famous Indian philosopher 'Vatsyayana' wrote that women were supposed to be perfect in sixty four arts which included cooking, spinning, grinding, knowledge of medicine, recitation and many more.

Though these evils were present in medieval Indian society but they were mainly

\(^{35}\) Ibid \\
\(^{36}\) Supra note no 42
confined to Hindu society. As compared to Hindu society other societies such as Buddhism, Jainism and Christians were a bit lenient. Women in those societies enjoyed far more freedom. They had easy access to education and were more liberal in their approach. According to these religions gender was not the issue in attaining salvation. Any person whether a man or a woman is entitled to get the grace of god. During the time of king Ashoka women took part in religious preaching. According to Hiuen Tsang, the famous traveler of that time, Rajyashri, the sister of Harshavardhana was a distinguished scholar of her time. Another such example is the daughter of king Ashoka, Sanghmitra. She along with her brother Mahendra went to Sri Lanka to preach Buddhism.\footnote{Ibid}

The status of women in Southern India was better than the North India. While in Northern India there were not many women administrators, in Southern India we can find some names that made women of that time proud. Priyaketaladevi, queen of ChalukyaVikramaditya ruled three villages. Another women named Jakkiabbe used to rule seventy villages. In South India women had representation in each and every field. Domingo Paes, famous Portuguese traveler testifies to it. He has written in his account that in Vijaynagar kingdom women were present in each and every field. He says that women could wrestle, blow trumpet and handle sword with equal perfection. Nuniz, another famous traveler to the South also agrees to it and says that women were employed in writing accounts of expenses, recording the affairs of kingdom, which shows that they were educated. There is no evidence of any public school in northern India but according to famous historian IbnBatuta there were 13 schools for girls and 24 for boys in Honavar. There was one major evil present in South India of medieval time. It was the custom of Devadasis.

\textit{Devadasis:}

It was a custom prevalent in Southern India. In this system girls were dedicated to temples in the name of gods and goddesses. The girls were then onwards known as 'Devadasis' meaning servant of god. These Devadasis were supposed to live the life of celibacy. All the requirements of Devadasis were fulfilled by the grants given to the temples. In temple they used to spend their time in worship of god and by singing and dancing for the god. Some kings used to invite temple dancers to perform at their
court for the pleasure of courtiers and thus some Devadasis converted to Rajadasis (palace dancers) prevalent in some tribes of South India like Yellamma cult.

The plight of women in medieval India and at the starting of modern India can be summed up in the words of great poet Rabindranath Tagore:

“O Lord! Why have you not given woman the right to conquer her destiny?
Why does she have to wait head bowed,
By the roadside, Waiting with tired patience,
Hoping for a miracle in the morrow”?

2.4 Present Position of Women in India

The status of women in modern India is a sort of a paradox. If on one hand she is at the peak of ladder of success, on the other hand she is mutely suffering the violence afflicted on her by her own family members. As compared with past women in modern times have achieved a lot but in reality they have to still travel a long way. Their path is full of roadblocks. The women have left the secured domain of their home and are now in the battlefield of life, fully armored with their talent. They had proven themselves. But in India they are yet to get their dues. The sex ratio of India shows that the Indian society is still prejudiced against female. There are 914 females per thousand males in India according to the census of 2011, which is much below the world average of 990 females. There are many problems which women in India have to go through daily. These problems have become the part and parcel of life of Indian women and some of them have accepted them as their fate.

India ranked poorly at global level in Gender Inequality Index (GII) having 129th position out of 145 countries surveyed. A G-20 survey has ranked India as the worst place for a woman. The National Crime Records Bureau shows that a crime is committed against a woman every third minute, a woman is raped every 29th minute, a dowry death occurs every 77th minute and one case of cruelty, committed by either the husband or relative of the victim, every ninth minute.”

Adding to these pathetic conditions, the UNICEF’s Global Report Card on Adolescents 2012, shows that 57% of boys and 53% of girls in India think that a

38 Supra note no. 47
husband is justified in hitting or beating his wife.

Furthermore, as per the data issued by the National Crime Records Bureau, Ministry of Home Affairs, Government of India in the name of SNAPSHOTS – 2012, incidences of crime against women have increased from 2,28,650 in 2011 to 2,44,270 in 2012.\(^{41}\) The State of West Bengal alone reported 12.7% of total such cases in the country (30,942 out of 2,44,270).\(^{42}\) The proportion of IPC\(^{43}\) crimes committed against women under total IPC crimes has increased during last 5 years from 8.9% in the year 2008 to 9.4% during the year 2012.

According India’s constitution, women are legal citizens of the country and have equal rights with men (Indian Parliament). Because of lack of acceptance from the male dominant society, Indian women suffer immensely. Women are responsible for bearing children, yet they are malnourished and in poor health. Women are also overworked in the field and complete the all of the domestic work. Most Indian women are uneducated. Although the country’s constitution says women have equal status to men, women are powerless and are mistreated. Even though the constitution guarantees free primary schooling to everyone up to 14 years of age (Indian Parliament), very few females attend school. Only about 39 percent of all women in India actually attend primary schools.\(^{44}\)

Presently, the main problems by which Indian women encounter includes:

**Malnutrition**

Generally in India, women are the one who eat last and least in the whole family. So they eat whatever is left after men folk are satiated. As a result most of the times their food intake does not contain the nutritional value required in maintaining the healthy body. In villages, sometimes women do not get to eat the whole meal due to poverty. The UNICEF report of 1996 clearly states that the women of South Asia are not given proper care, which results in higher level of malnutrition among the women of South Asia than anywhere else in the world. This nutritional deficiency has two major consequences for women first they become anemic and second they never achieve

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\(^{41}\) See also, National Crime Records Bureau (2013), “Crime in India 2012 Statistics,” Ministry of Home Affairs, Government of India. Notably in 2012 the incidences of cognizable crimes under IPC have been multiplied 296 times as compare to 1953. (From 6,01,964 incidences in 1953 to 23,87,188 in 2012).

\(^{42}\) Ibid.

\(^{43}\) Indian Penal Code, 1860 (Act no. 45 of 1860)

\(^{44}\) [http://global_india1.tripod.com/current.htm](http://global_india1.tripod.com/current.htm) (Visited on May 12, 2011)
their full growth, which leads to an unending cycle of undergrowth as malnourished women cannot give birth to a healthy baby\textsuperscript{45}.

\textit{Poor Health}

The malnutrition results in poor health of women. The women of India are prejudiced from the birth itself. They are not breastfed for long. In the want of a son the women wants to get pregnant as soon as possible which decreases the caring period to the girl child whereas the male members get adequate care and nutrition. Women are not given the right to free movement that means that they cannot go anywhere on their own if they want and they have to take the permission of male member of family or have to take them along. This results in decrease in women's visit to doctor and she could not pay attention to her health as a result.

\textit{Maternal Mortality}

The mortality rate in India is among highest in the world. As females are not given proper attention, which results in the malnutrition and then they are married at an early age which leads to pregnancies at younger age when the body is not ready to bear the burden of a child. All this results in complications, which may lead to gynecological problems, which may become serious with time and may ultimately, lead to death.\textsuperscript{46}

\textit{Lack of education}

In India women education never got its due share of attention. From the medieval India women were debarred from the educational field. According to medieval perception women need just household education and this perception of medieval India still persists in villages of India even today. Girls are supposed to fulfill domestic duties and education becomes secondary for them whereas it is considered to be important for boys. Although scenario in urban areas has changed a lot and women are opting for higher education but majority of Indian population residing in villages still live in medieval times. The people of villages consider girls to be curse and they do not want to waste money and time on them as they think that women should be wedded off as soon as possible.

The main reason for not sending girls to school is the poor economic condition.

\footnote{Supra note no. 42} \footnote{Ibid}
Another reason is far off location of schools. In Indian society virginity and purity is
given utmost importance during marriage and people are afraid to send their girl child
to far off schools were male teacher teach them along with boys.

The lack of education is the root cause for many other problems. An uneducated
mother cannot look after her children properly and she is not aware of the deadly
diseases and their cure, which leads to the poor health of the children. An uneducated
person does not know about hygiene this lack of knowledge of hygiene may lead to
poor health of the whole family.

Mistreatment

In India violence against women is a common evil. Not just in remote parts but in
cities also women bear the brunt. They are subjected to physical and mental violence.
They are the one who work most but are not given their due. The women is not safe
anywhere neither at home nor at workplace. Every hour a woman is raped in India and
every 77 minutes a woman is burnt to death due to dowry problem\(^47\). There are many
laws such as The Hindu Marriage Act of 1955, The Hindu Succession Act of 1956,
The Hindu Widow Remarriage Act of 1856, The Hindu Women Right to Property Act
of 1937, The Dowry Prohibition Act of 1961, to protect women and punishment is
severe but the conviction rate of crime against women is very low in India.

Overworked

Indian women work more than men of India but their work is hardly recognized as
they mainly do unskilled work. Their household chores is never counted as a work, if
a woman is working in a field to help her husband it will also be not counted as a
work. A study conducted by Mies in 1986 states that in Andhra Pradesh a woman
works around 15 hours a day during the agricultural season whereas a male on an
average works for around 7-8 hours.

Lack of power

In India a large percentage of women do not have power. They cannot take decisions
independently not even related to their own life. They have to take permission of male
members for each and every issue. They don't have any say in important household
matters and not in matter of their own marriage.

\(^{47}\) http://www.pemai.com/forums/interesting_facts/798/crime_against_women_india.html.(Visited on
June 15, 2011)
Marriage

The family mainly fixes the marriages in India. The scenario in villages is very bad. The girl is not consulted but is told to marry a guy whom her family has chosen for him. They are taught to abide by the whims and fancies of their husbands. Going against the wishes of husband is considered to be a sin. In marriage husband always has the upper hand. The groom and his parents show as if they are obliging the girl by marrying her and in return they demand hefty dowry.

Dowry

It's a serious issue. Courts are flooded with cases related to death due to dowry harassment by husband and in-laws. In ancient times women were given 'Stridhan' when they departed from the house of their parents. This amount of money was given to her as a gift which she can use on her and her children but her in-laws did not have any right on that amount. This amount was supposed to help the girl in time of need. Slowly this tradition became obligatory and took the form of dowry. Nowadays parents have to give hefty amount in dowry, the in-laws of their girl are not concerned whether they can afford it or not. If a girl brings large amount of dowry she is given respect and is treated well in her new home and if she does not bring dowry according to expectations of her in-laws then she has to suffer harassment. Due to this evil practice many newly wed women of India have to lose their lives.

Female infanticide and feticide

As women were supposed to be and in some areas of India are still considered to be curse by some strata of society their birth was taken as a burden. So in past times they were killed as soon as they were born. In some of the Rajput clans of Rajasthan newly born girl child was dropped in a large bowl of milk and was killed. Today with the help of technology the sex of the unborn baby is determined and if it is a girl child then it is aborted down. In all this procedure women do not have any say they have to do according to the wish of their husbands even if she does not wan to abort she have any choice.

Divorce

The divorce rate in India is not so high compared to western countries but it does not mean that marriages are more successful here. The reason behind low level of divorce rate is that it is looked down by the society. It is regarded as the sign of failure of
marriage, especially of women. She is treated as if she has committed some crime by divorcing her husband. In some communities like Muslims women did not have the right to divorce their husband they were divorced at just the pronouncement of "I divorce you" by their husband thrice and they could not do anything except to be the mute spectator. Recently Muslim Law Board has given right of divorce to women. After divorce women is entitled to get her "Mehr" for herself and her children's sustenance. In Hindu society women get maintenance for themselves and their children after divorce.

The statistics testifies to the brutalities afflicted on women folk

<table>
<thead>
<tr>
<th>Social Indicator</th>
<th>India</th>
<th>World</th>
</tr>
</thead>
<tbody>
<tr>
<td>Infant Mortality Rate, per 1000 live births</td>
<td>73</td>
<td>60</td>
</tr>
<tr>
<td>Maternal Mortality Rate, per 100,000 live births</td>
<td>570</td>
<td>430</td>
</tr>
<tr>
<td>Female Literacy, %</td>
<td>58</td>
<td>77.6</td>
</tr>
<tr>
<td>Female School Enrollment</td>
<td>47</td>
<td>62</td>
</tr>
<tr>
<td>Earned Income by females, %</td>
<td>26</td>
<td>58</td>
</tr>
<tr>
<td>Underweight Children, %</td>
<td>53</td>
<td>30</td>
</tr>
<tr>
<td>Total Fertility Rate</td>
<td>3.2</td>
<td>2.9</td>
</tr>
<tr>
<td>Women in Government, %</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>Contraception usage, %</td>
<td>44</td>
<td>56</td>
</tr>
<tr>
<td>Low birth weight babies, %</td>
<td>33</td>
<td>17</td>
</tr>
</tbody>
</table>

Though there are problems in the lives of Indian women but they are always ready to fight all the odds and enjoy their life to the full they have their own talent, hobbies, and they socialize according to Indian custom.

2.5 Women's Struggle and Reforms

Though women of India are not at par with her counterpart in Western world but she is struggling hard to make her mark in men's world. We can count on certain names from the British India where women put the example of extraordinary bravery which even men might not be able to show. Rani Lakshmi Bai of Jhansi was the one such
woman. She was the one who put even British rulers to shame with her extraordinary feats in battle. She fought for her kingdom, which Dalhousie, British Governor General, had unlawfully annexed. She was in a true sense the leader of uprising of 1857. There are certain men who took the cause of women in India. There have been social reformers like Raja Ram Mohan Roy, Ishwar Chandra Vidyasagar, Swami Vivekanand, Swami Dayananda Saraswati who have helped women gain their previous status in society.

2.6 Some Bright Spots

- India has world's largest number of professionally qualified women.
- India has largest population of working women in the world.
- India has more number of doctors, surgeons, scientists, professors than the United States.

2.6.1 Women Achiever

With the help of these social reformers women of India slowly started recognizing her true potential. She started questioning the rules laid down for her by the society. As a result, started breaking barriers and earned a respectable position in the world. Today Indian women have excelled in each and every field from social work to visiting space station. There is no arena, which remained unconquered by Indian women. Whether it is politics, sports, entertainment, literature, technology everywhere we can hear applauses for her.

2.6.1.1 Politics

Women of India are highly active today in this area. Sarojini Naidu, Vijaylakshami Pandit, Sucheta Kriplani were the torchbearer for the women of India. Mrs. Vijay Lakshami Pandit was the first Indian woman to hold a post in the cabinet. Thus paving the way for other women. The most important name in the category of women politicians of recent times is Mrs Indira Gandhi. She was the one who made world stop and notice the talent and potential of Indian women. She was the first women Prime Minister of independent India. Today her daughter-in law Mrs Sonia Gandhi is following her footsteps and leading the Indian National Congress.

Other women who have made their name in politics of India are the leader of opposition in lok sabha Sushma Swaraj, Shiela Dixit, Uma Bharti, Jayalalitha,
Vasundhara Raje, Mayawati and Mamata Banerjee.

2.6.1.2 Sports

Indian women have achieved great laurels for the nation in every sport. Whether it is cricket or hockey India have national women team for every game. Indian women cricket team has won Asia Cup of 2004 and 2005 and made country proud. Some women sports icons of India are:

- P.T. Usha (Athletics)
- Saina Nehwal (badminton)
- Kunjarani Devi (Weight lifting)
- Diana Edulji (Cricket)
- Sania Mirza (Tennis)
- Karnam Malleshwari (Weight lifting)

2.6.1.3 Art and Entertainment

This arena is full of Indian women. We have many names to boast of like M.S. Subbulakshmi, Indian Nightingale Lata Mangeshkar, Asha Bhosle as famous singers. Madhu Bala, Rekha, Aishwarya Rai as Bollywood queens. Today Indian woman is a painter, an actor, a singer, and a beauty queen.

2.6.1.4 Literature

In past, women of India used to write, but their work did not get the recognition. Today they are getting their dues. Arundhati Roy, Anita Desai, Kiran Desai, Shobhaa De, Jhumpa Lahiri are famous names in Indian literature. Not just in India now these women are recognized all over the world. Arundhati Roy has been awarded with the Booker Prize of 1997 for her work "God of Small Things". Kiran Desai has been given Booker Prize of 2006 and Jhumpa Lahiri got recognition in the form of Pulitzer prize.

2.6.1.5 Corporate Divas

Kiran Majumdar Shaw is the undisputed corporate queen of India. She is the richest Indian woman. She is the MD of Biocon India. She is the wealthiest entrepreneur of India Kiran wanted to become a doctor but could not get admission in medical colleges but even then she did not lose courage and went on to become India's first woman 'Brew Master' and subsequently corporate queen. Other names in this list include Vidya Mohan Chhabaria, Chairperson of Jumbo Group, Naina Lal Kidwai,
Vice Chairperson and Managing Director of HSBC Securities and Capital Market, Sullaijja Firodia Motwani and Mallika Srinivasan.

2.6.1.6 Social Saints

The Indian saint of today's times Mother Teresa is the name which every Indian whether rich or poor is familiar with. She was the person who used to consider the smile of her countrymen as her wealth. She worked for those whom even their own families have deserted. She did not care whether she is in the company of a person suffering from communicable disease or whether it is day or night. Whenever or wherever one needed her she was present. She opened various homes for these people most famous of which is 'Nirmal Hriday'. It is open to everyone irrespective of caste, creed or religion.

Another important names working for the cause of people includes Aruna Roy who worked for the save RTI Campaign and Medha Patekar who is associated with Narmada Bachao Andolan.

2.6.1.7 Universal Queens

Indian women have not just made their mark on earth but they have engraven their name in the whole universe by flying to space. Kalpana Chawla, who was the member of Colombia Space Shuttle, which exploded on its way back, was the first Indian women astronaut who visited space station. And now following on her footsteps another woman of Indian origin Sunita Williams has become the second one to be the member of International Space Station crew.

Indian women have mastered anything and everything which a woman can dream of. But she still has to go a long way to achieve equal status in the minds of Indian men.

2.7 Women in India: Position under Indian Constitution

The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favour of women. Within the framework of a democratic polity, our laws, development policies, Plans and programmes have aimed at women’s advancement in different spheres. India has also ratified various international conventions and human rights instruments committing to secure equal
rights of women. Key among them is the ratification of the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) in 1993.

2.7.1 Constitutional Provisions

The Constitution of India not only grants equality to women but also empowers the State to adopt measures of positive discrimination in favour of women for neutralizing the cumulative socio economic, education and political disadvantages faced by them. Fundamental Rights, among others, ensure equality before the law and equal protection of law; prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth, and guarantee equality of opportunity to all citizens in matters relating to employment. Articles 14, 15, 15(3), 16, 39(a), 39(b), 39(c) and 42 of the Constitution are of specific importance in this regard.

- Constitutional Privileges
- Equality before law for women (Article 14)\(^{48}\)
- The State not to discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them (Article 15 (i))
- The State to make any special provision in favour of women and children (Article 15 (3))\(^{49}\)
- Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State (Article 16)
- The State to direct its policy towards securing for men and women equally the right to an adequate means of livelihood (Article 39(a)); and equal pay for equal work for both men and women (Article 39(d))
- To promote justice, on a basis of equal opportunity and to provide free legal aid by suitable legislation or scheme or in any other way to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities (Article 39 A)
- The State to make provision for securing just and humane conditions of work and for maternity relief (Article 42)

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\(^{48}\) P.M. Bakshi, *The Constitution of India* 16 (Universal publications, Delhi, 2007)

\(^{49}\) P.M. Bakshi, *The Constitution of India* 26 (Universal publications, Delhi, 2007)
• The State to promote with special care the educational and economic interests of the weaker sections of the people and to protect them from social injustice and all forms of exploitation (Article 46)

• The State to raise the level of nutrition and the standard of living of its people (Article 47)

• To promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women (Article 51(A) (e))

• Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat to be reserved for women and such seats to be allotted by rotation to different constituencies in a Panchayat (Article 243 D(3))

• Not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level to be reserved for women (Article 243 D (4))

• Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality to be reserved for women and such seats to be allotted by rotation to different constituencies in a Municipality (Article 243 T (3))

• Reservation of offices of Chairpersons in Municipalities for the Scheduled Castes, the Scheduled Tribes and women in such manner as the legislature of a State may by law provide (Article 243 T (4))

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50 P.M. Bakshi, *The Constitution of India* 206 (Universal publications, Delhi, 2007)

51 P.M. Bakshi, *The Constitution of India* 212 (Universal publications, Delhi, 2007)