

STATUS OF WOMEN IN INDIAN SOCIETY

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ABSTRACT

Women a girl a wife, a mothers, a grandmother, overall women is a key & a family. Home can never be complete without women. Law is set & rules enforced to govern the behavior & people from the beginning of this world women is treated as a weaker section & society and they were the victims & crimes like rape, eve-teasing, female infanticide dowry, domestic violence, child marriage and acid throwing.

INTRODUCTION

Half of the Indian population is women. Women have always been discriminated against and have suffered and are suffering discrimination in silence. Self-sacrifice and self-derail are their nobility and fortitude and yet they have been subjected to all equities indignities, inequality and discrimination.

-Justice K. Rama Sina

Status of women in different human societies of the world is different whether it is developed, developing or under developed society women occupy a unique position. In almost all the present and contemporary societies in different parts of the world are male dominated. Males are active part and the females only passive part of the different society only a thing of as we all are very well aware from the fact that, all over the world 50% of population is constituted by women. But in our country only there is decreasing ratio & women on the basis of sex selection abortion. The situation & decreasing sex ratio of male to female is the reason of unequal social states of women with men. It is evident from our culture that at one side we treat woman as goddess in the form of Lakshmi, Sarawsati, Durga and very next movement all the heinous and

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illegal offences being committed against than like rape. Sexual exploitation, kidnapping and importantly nowadays female feticide

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Yatra naraystu puiyante

ramante tatra devatah

Yatraitastu na Pujyante

Sarvastatraphatah Kriyah

In ancient India Women were respective and there was gender dignity Manu Says: where women are honoured, Gods are happy where women are not respected, all efforts come to naught.

Hindu women has an honoured place during the vedic period. They inherited and possessed property.

During the 'Rigveda' Period women enjoyed a very high status still there was discrimination between sons and daughter. Women status began, to decline during the 'Yajur Vedic' period and further declined during the 'Sama Veda' The degradation reached its nadir during the 'Atharva Veda' Period.

In Kartyana Smriti, It is provided that in the case of all offences, women should be made to pay half of the fine in money prescribed for men. When the punishment for an offence is death sentence in the case of males, the punishment for women would be cutting of limb²

In Mahabharata, Vyasa rightly observes that there is no better shade than mother, no better security than mother, and no better affection than that of mother. In Chanakya

¹ Manusmriti III, 56

² Karthyana Smriti, Stanza 487 cite by Justice M. Rama Jois : Legal and constitutional history & India (Universal Law Publishing Company Pvt. Ltd.)

neethi Chanakya emphasizes the needs for protection of women. He observes that during the bad days one should save money women should be protected even if it involves the taking & money saved. But for self Preservation the money and the women should be sacrificed it required.

STATUS OF WOMEN IN ANCIENT PERIOD

(a) Women in Pre Vedic Period :-

Historically studies and the scriptures indicate that Indian women enjoyed a comparatively high status during the early Vedic Period. The Rig Veda Provides ample evidence to prove the concept & equality of women with men as regards access and capacity to acquire the highest knowledge, even the absolute knowledge.

The Rig Veda has rendered the highest social status to qualified women & those But status & women fell in later vedic and Epic period.

Though the women participated in each family ceremony with men but they oney played a role as silent observer not an active participated. As per manu, men always enjoy wives unchallenged authority over their child marriage. Polygamy and Sati were prevalent at that time still out of all these things women at that time were respected by the society. Saints and Supporter & bhakti movement were expanded and spoken about equality & women with man.¹

During these period men were Polygamous and widow burning was an accepted norms Arthasastra imposed more Stigma on women as Kautilya dismissed women's liberation. They were not free even to go elsewhere without husband's permission.

Though the overall position & women was lower than men, yet on the whole the position & was good.

¹ <http://www.importantindia.com/2954/stauts-&-women- in-vedic-age/> posted in Essay, Paragraphs and Articles by Vikash Mehra on Feb 19, 2014 last visited 01.09.2018.

In post Vedic period, women started being discriminated on the ground & education and rights the child marriage emphasis on physical Chastity & women and their unquestioned obedience to husband lead's to pregrcistive deterioration of their position.

In Vedic Period :-

During the Vedic period women enjoyed a fair amount & freedom and equality. The Vedic Period & feminine glory and also of masculine sagacity and liberalism. Women participated in all spheres like men. They studied in Gurukuls and enjoyed equality in learning the Veda Girls in higher society were allowed to undergo Upnayana rite.

Great women like **Gargi, Atreyi, Ghosa, Apala, Lapamudra, Visvara Indrani and Yami** were accomplished in art, music, dance and even warfare. The Vedic period is Characterised by the absence of the Pardah System, equal rights in selecting life partner, Polygamy being rare, mainly confined to the ruling class. The dowry system was prevalent only in rich and royal families and only in the form & movable gift. A widow could marry again or could undertake recourse to liverage (niyoga.) There was no discrimination between a boy and a girls. Girls were allowed to undergo Upanayana or thread ceremony.

In Post Vedic Period :-

In post Vedic Period, the status of women suffered a set back when various restrictions were put on woman's rights and privileges by Manu. This decline dates back to the period & the Manusmriti and the increasing authority of man. The birth of a daughter, which was not a source & anxiety during the Vedic period, became the source of disaster for the father. Education, which had been an accepted norm for women was neglected and later on girls were totally denied access to education. **Upanayana** or the sacred thread ceremony which was performed to initiate a person into the vedic studies were prohibited in the case of women and Shudras, thus closing the doors to any formal education. The marriageable age & girls was lowered to 9 or 10 year, which not only gave a final blow to any effort at educating women but began the sinister practice &

Pre-Puberty marriage. In the Vedic Period women had all rights similar to men in studying the Vedas. It is important to remember that Vedas, Shastras, Sanhitas, Upanishads in ancient times were taught in Gurukulas, similar to schooling education in modern times.

All the Vedic hymns were actually revealed to different Vedic scholars. In Rig Veda alone there are around 30 women Vedic scholars to whom different hymns have been attributed.

Panini in his **Ashtadhyayi** refers to **Kathi** as a female student of the **Katha Shakha** of the Vedic School. He also refers to **Bahvoichi** as a female student who is well versed in many hymns of the Rig Veda.

The Rig Vedic women in India enjoyed high status in society. Their condition was good. The women were provided opportunity to attain high intellectual and spiritual standards. There were many women Rishis during this period.

There has been a growing emphasis on the social, economic, political and cultural life of women in general as well as that of royal women & the Mughal period. On the basis of available evidence on the rights enjoyed by women it can be gathered that the right of women to be sovereign & kingdom was familiar to the Persians; The Mongols as well as the Turkish royal women also enjoyed certain political privileges.

The position and status of women in the Mughal period was not quite high. *Pardah* and child marriage had become common. Except those of the lower classes, women in the Mughal Period did not move & their houses.

The Muslim women observed *Pardah* much more strictly than the Hindus. The birth of a daughter was considered inauspicious, while that of a son was an occasion for rejoicing. On account of early marriage there were many widows in our society. Generally women in the Mughal Period were not allowed to remarry.

Polygamy was common among rich society. Divorce was not common among the Hindus while it was permitted both for Muslim men and women.

Though the overall position of women in Mughal period was low, there were many Hindu and Muslim women of outstanding ability, whose fame is still relevant today like, **Rani Durgawati of Gondwana Mira Bai, Tara Bai** etc. Among the muslim, women in Mughal period **Chand Bibi Jahanara, Ravshanar etc** played an important part in the affair & that time. Abortion was also there in ancient time, families also aborted the foetus in different ways. It was mostly found in tribal people. The women who performed an abortion against the will of her husband was subiceted to severe punishment and the higher caste women, who performed abortion with the help & slave, that slave was also punished with hard punishment. At that time religion and community always criticized the abortion and preferred preparation or self-punishment for abortion and namely enforced other punishment. pregnancy can be terminated by way of consuming some herbs, by using injurious weapons.

In this way in ancient time also there were a system of abortion and no medical facility available or medical science not improved at that time but it could be done by them by using traditional harmful method. So at that time also abortion was punishable and punishment was being inflicted upon that person who is personally liable for women.

WOMEN IN MEDIEVAL PERIOD

With the invasion & India by Alexander and the Huns the position of women was further degraded. Their education and training come to a sudden halt. For reason & security movement outside was restricted which in turn denied opportunities in community affairs. With invading armies roaming the country side, women were put behind the veil. Uneducated and devoid & any status, they come to bereted as chattels. Social evils like Sati, child marriage, female infanticide arose women suffered great disabilities.

Despite the overall social and cultural subordination of women, it is surprising to final that law givers recognized the right to properly, Particularly that which was known as Stridhana, women's property mane defined, Stridhana as "that which was given to her

before nuptial fire in bridal procession, in taken & love and which she has received from brother mother, father and husband"¹

Status of women in medieval period :-

The Position of women become worse in medieval period. During the medieval period only, system of Pardah and 'Jauhar' were by Muslim and Rajput community against woman. Firstly 'Pardah' means, woman in Muslim community is fully covered with clothes, so as to cover their body from male. Secondly Jauhar means, woman with that own consent Immolate themselves so as to save their body and property from detention & enemy, if they are from defeated warriors family. In both system liberty & woman was curtailed by the community that they were not giving right to moment their lives without any restrictions, women at that time actively participated in Social Political, educational and religious restriction of fear and without burden. In this period Bhakti movement had played a very important role for improvement and impoverishment the status of women. These were movement which tried to give equal status to woman in society at that time. The best example, who Preached the equality & men and woman at that time was **Guru Nanak**. He advocates equality of Woman in each sector that is religious, Political and cultural.²

Women in British Period :-

The During the British Period, there were two major movements which affected the position & women. There were the Social Reform movement & the 19th century and the Nationalist Movement of the 20th century both these movements raised the question & equal status & women. The issue which attracted the attention & the 19th Century Social reformers were Sati, ill-treatment & widows the Ban on widow marriage, Polygamy, Child marriage denial of Property rights and education to women.

¹ A.S. Altekar, the position & women in Hindu Civilization (Motilal Bnarisdass Delhi 1962)

² In. Wikipedia. org/wiki/woman-in-India

During the Period & East India Company, Many Social Reformers such as Raja Ram Mohan Roy, Ishwarchandra Vidya Sagar and Jyotiba Phule had struggled for the improvement of status of woman in India Society. Peary Charan Sarkar had firstly started girls school in India in 1847 at Calcutta. Under this Period only with the help of Governor Bentinck Raja Ram Mohan Roy had succeeded to the Reforms thought that by giving women access to deviation and by enacting progressive legislation, Social change could be initiated. Raja Ram Mohan Ray Ishwar Chandra Vidyalaya, M.G. Ranade, Mahatma Phule and others from all putts of the country raised their voice against the clines practices, while revivalists like Dayananda Saraswati, Swami Vivekananda and Annic Besant believed in reviving the old vedik Society, Presumed to be ideal for women.¹

Many laws were enacted which tried to eradicate certain social exils. These included on Act legalising remarriage of widows.

Child Marriage Restraint Act, 1929, an Act recognizing Hindu women's right to Property etc. Besides Social legislation, there work status affecting women's work status: Such as limiting hours of work in organized industries, Prohibiting night work, restricting work in mines abolishment of crèches etc.

Thus, in short, during the British rule, an awareness was created for the removal of social malaises, while education Increased women's mobility. The laws also were on their side as several legal enactments rectifying women's unequal position were passed.

Contemporary India:-

The most important event after Independence has been the drafting of the constitution of this country enshrining the principles of equality liberty and social fustic. The framers of the constitution were aware of the Sociology & the Problem of emancipation

¹ Neera Desi of Maithreji Krishna Raj, Women and society in India (2nd. EdA. Ajanta Publication, New Delhi 1987)

the female sex. They realised that equality was important for the development of the nation.

The preamble to the India constitution resolved to secure to all its citizen fustics-Social, economic and Political, liberty of thought expression, belief, faith and worship, equality of status and of opportunity, and to promote among them all fraternity assuring the dignity of the individual and the unity and Integrity of the nation. Indian women are beneficiaries of these right in the same manner as men. Art. 14, 15 and 16 ensure equality and prohibit discrimination on the basis, inter alia, of sex.

Pursuant to a request by The United Nations General Assembly to Prepare a report on the Status & women in the country, The Committee on the status of women in India (CSWI) was constituted in 1971. The terms of reference of the committee were as follows :-

- i. To examine the Constitutional, legal and administration Prevision that have a bearing on the social status of women their education and employment.
- ii. To assess the impact of these Provisions during the last two decades on the status of women in the Country Particularly in the rural sector and to suggest more effective measures.

Constitutional Period

The Constitutional framers storied their work much before independence when they first met in the constituent Assembly on 9th December 1946. The farmers of the constitution took almost three years (2 years 11 month 17 days) to frame the constitution. The cabinet mission recommended that the members are to be chosen through indirect election by the member of provincial legislative assembly and thereafter 292 members blare elected 93 members represented the Princely states and 4 member represented the Chief Commissioner's Provinces, Among the framers of the constitution the Prominent names were. Dr. Ambedkar, Dr. Rajendra Prasad, Sardar Patel, Maulana Azad, Acharya Kriplani and Pandit Govind Pant.

When the constitution was being drafted Pt. Nehru about the liberty of thought, expression, belief religion and worship of all citizen of India. He said that women have the right to equality and equity according to him, The Indian customs and Practices very intelligent allotted inferior status to women and in such a social condition women were unable to realize their full potential. These eminent Personalities thus made an effort to ensure that rights of women under Indian constitution are at par with that of men and accordingly they framed the constitution. Several Acts were passed to ensure equal rights of women such as child marriage Act, the special Marriage Act, the Hindu succession Act Dowry prohibition Act.

The Preamble of the constitution clearly states that equality should be given to all citizens in term of status and opportunity. It must be understood that guaranteeing rights to people of a community become useless and until those Rights are equality enjoyed by all members of the community. The framers of the constitution aimed at ensuring equality of status and opportunity through preamble.

Equality is the touch stone of Indian constitution. The Preamble of the constitution inter alia talks about Social Political and economic justice for all citizen of India. The preamble talks about Social justice which should be understood in the light of ensuring abolition of all sorts of inequalities which may result from inequality in wealth, status, class, caste, sex race title etc. Economic justice ensure that every person should get his just dues for the labour given by him/her irrespective of caste, creed, sex, status etc.

CONSTITUTIONAL PROVISION

The Constitution of India not only grants equality to women but also empowers the state to adopt measures of positive thoughts about Women's and their rights. It also a tool for eradicating the problems for women's in India by this way the discrimination in favour of men for neutralizing the cumulative socio economic, educational and political disadvantages faced by them. Fundamental rights, among other ensures equality before law, equal Protection to law's Prohibits discrimination against any citizen on grounds of religion race caste, sex or place of birth and guarantees equality

of opportunity to all citizen in matters relating to all citizen in matters relating to employment.

- Art 14 in the constitution Equality before law the state shall not deny to any person equality before law or the level protection of the laws within the territory of India.
- The state is empowered to make any special provision for women. In other words, this provisions enables the slate to make affirmative discrimination in favour of women Art 15 (3)
- No citizen shall be discriminated against or be ineligible for any employment or office under that state on the ground of sex Art. 16 (2)
- Traffic in human beings and forced labor are proverbial Art. 23 (1)
- The state to secure for men and women equally the right to an adequate means of livelihood Art. 39 (a)
- The state to secure equal pay for equal work for both Indian men and women Art. 39 (d).
- The State shall make Provision for securing just and human conditions & work and mattering relief. **Art. 42**
- One-third of the total number & Seats to be filled by direct election in every Panchayats shall be reserved for women. **Art- 243 - D (3)**
- One-Third of the total number of offices of Chairpersons in the Panchayats shall be reserved for women. **Art - 243 - D (4)**
- One- Third of the total number of seats to be filled by direct election in every Municipality shall be reserved for women. **Art - 243 - T - (3)**

JUDICIAL TRENDS AND PRACTICAL REALITY

It was rightly decided in the landmark Case of **Nargesh Mishra V. AIR India**¹ that a women shall not be denied employment merely on the ground that she in women. This leads to violation of **Art-14** of the constitution. In the present case, on our-hostess of Air India Challenged the services rules of Air India where Air hostess were barred from getting married with in a period of 4 years from the date of their joining. The rule farther stated that the air hostesses shall loose their jobs if they become Pregnant and also that they will retire at the age of 35 years. The appex court that even though the first Provision is reasonable the second and theirs Provision are cruel arbitrary and Unconstitutional.

In the case of **Randhir Singh V. Union of India**² The apex court talked about the doctrine of equal pay for equal work. It was held that the doctrine is applicable incase of both men and women. **Art- 39 (d)** of the Indian constitution provides that there shall be equal pay for equal work for both men and women. But Art. 37 on the contrary says that-directive Principles are not enforceable in nature. But when fixation of pay scales of govt. employees is based on. Unreasonable in nature. But when fixation of pay scales of govt. employees is based on unreasonable classification which violates **Art. 14 and Art. 16** of the constitution. The courts are allowed to enforce the doctrine of equal pay for equal work.

LEGAL RIGHT

To bring out the constitutional mandate the state has enclosed patented to ensure equal rights to counter social discriminate on and various forms of violence and atrocities and to provide support services especially to working women although women may be victim in any of the crimes be it one **Murder, Robbery, Cheating**. Or any other crimes to crimes which are directed specifically against- women are characterised as **Crime against Women**.

¹ 1981 AIR 1829, 1982 SCR (1) 438.

² 1982 AIR 879, 1982 SCR (3) 298

1- The crime identified under IPC Rape (Sec. 376 IPC)

- Kidnapping & Abduction for different Purpose (Sec 363- 373) IPC
- Torture, both mental and physical (Sec 498-A IPC)
- Molestation (Sec 509 - IPC)
- Improtation of girls (upto 21 years of age) (Sec. 366-B IPC)

VARIOUS LEGISLATION'S CONTAINED SEVERAL RIGHT'S AND SAFEGUARD FOR WOMEN

Dowary Prohibition Act (1961) Prohibits the giving or taking of dowry act or before or any time after marriage from women.

Maternity Benefit Act (1961) regulates the employment women in certain establishment for certain period before and after child birth and provided for maternity benefit and certain other benefits.

Dissolution of Muslim Marriage Act (1939) Groups a Muslim wife right to seek the dissolution of her marriage.

Hindu Marriage Act (1955) introduced monogamy and allowed divorce on certain ground. It provides equal rights to Indian man and women in respect of marriage and divorce.

Protection of women from Domestic Violence Act (2005) is comprehensive legislation to protect women in India from all forms of domestic violence. It also covers women who have been/are in a relationship with the abuser and are subjected to violence of any kind physical, sexual mental, verbal or emotional.

Commission of Sati (Prevention) Act (1987)

Provides for the more effective Prevention of the commission of sati and its glorification on women.

Pre-conception and Pre-Natal Diagnostic Techniques (Prohibition of sex selection) Act- 1994) Prohibits sex selection before or after conception and prevents the misuse of pre-natal diagnostic techniques for sex determination leading to female feticide.

Recommendation and suggestion to ensure safe and secure women

- The waiting rooms at the railway station should be safe, under surveillance of the Police cameras. It should have women securing 24/7. All the platforms should be well light after dusk.
- Bus shelters should be well lit.
- Access to safe public telephone booths.
- Every bus should have a few Panic buttons which alerts two Police control rooms so as to run to a lady in distress.
- Police patrol to be intensified. It is better to have them in bikes to ensure effectiveness, efficiency and a wider reach.
- A women protection force from department will be a progressive idea for law and order situation to improve women safety.
- Provide self defense training programmes for all women.
- Vices like alcohol, drugs etc has to be checked to curtail the amount of crimes against women taking into account the larger picture. Breath analyzers have to be used more effectively.

STATISTICAL DATA CRIME AGAINST WOMEN

The Statistics are grim and shocking. According to the national crime records, which reflects the social degeneration almost 75% of the rapists are married man¹

56% women do not feel safe in cities three out of every ten rapists are either friend or relatives of victims.²

According to WHO every 54 minutes women raped in India. In recently Railway has introduced 33% of sub quota for women in the allotment of food stalls at railway premises as a special provision in the new catering Policy.

¹ Reported in India today 9.9.2002

² Survey by a team C-Voter, a Private research group in Delhi.

CONCLUSION

Violence against women is a problem around the world. It affects women of all races, ethnic group, castes and nationalities. It is a life threatening Problem for individual women and a serious problem for societies. In many countries, women fall victim to traditional Practices that violates their human rights, violence affects the lives of millions of women worldwide in all socio-economic and educational classes. It cuts across cultural and religious barriers impeding the right of women to participate fully in society.

Some women fall prey to violence before they are born, When expectant Parents abort their unborn daughter, hoping for sons instead. In other societies girls are subjected to such traditional Practices as circumcision, which leave them maimed and traumatized. In other words they are compelled to marry at an early age before they are physically, mentally or emotionally mature. Moreover rape is still being used as weapon of war, A strategy used to subjugate and terrify entire communities.

Women's role began to change towards greater emancipation from the domination of man with the advent of the British rule, democracy and liberalism all over the world in 18th century. This new freedom brought about new changes in the role of women.