

**POSITION OF WOMEN IN VEDIC, POST- VEDIC, MEDIEVAL, BRITISH AND IN
CONTEMPORARY INDIA**

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ABSTRACT

The status of women has undergone many changes throughout the Indian history. From the early Vedic period where the women have enjoyed considerable freedom and honor to medieval ages where freedom had been restricted due to foreign invasions. The patriarchal set up and the various social evils present at that time have led to the declining position of women. In the post-Vedic age, the denial of education and early marriage added to the already declining trend. Understanding the deep rooted causes of downtrodden status of women, many Social Reformers paved way for reforms that uprooted social evils like Sati. During the British Period, the much needed push in the form of education and increase participation of women in political affairs gradually strengthened women position. After Independence, the Constitution of India provided various provisions that cater to the need of every citizen of India, including women and many laws enacted to deter the increasing crime against women.

However, with the increasing number of crimes that make way in the newspapers and news channels daily, raises a potent question that after travelling such a long way, can we say, that women have actually got their deserving freedom? In my quest, I shall try to answer this pertinent question.

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INTRODUCTION

It is difficult to define a woman, she is a daughter, a wife, a mother and an individual who is strong and at the same time, affectionate. In our land of culture, we call our country as Motherland, we worship Goddesses, we have rivers like *Ganga*, who we Indians consider as auspicious and treat her as mother. Then why, after associating so much respect to women as mother, women still seek equality, freedom and liberty to live as they wish?

Even if we say, that the position of women in Urban India is better in terms of freedom and modernization, but we cannot say the same thing as far as Rural India is concerned. But one thing is common in both Urban and Rural India, which is the increasing number of crime rates that make way in the newspapers and news channels daily. Such ghastly crimes, at such high rate, are taking place that shake human conscience. According to Crime in India 2016, report by the National Crime Bureau of India (NCRB), as many as 39 crimes against women are reported in India every hour. Even though there has been an increase in the crime rates and reported crimes i.e. 83% increase in reported cases in 2016 over a decade, but in 2016, there was also lowest conviction rate i.e. 18.9% for crimes against women in a decade. Cruelty by husband/relatives was the most reported crimes, followed by assault on women with intent to outrage her modesty, kidnapping and abduction of women and rape. Four rape cases were reported every hour in the country in 2016.²

In order to understand the plight of women, it is important to understand the causes behind this situation, and therefore, it is necessary to have scan of the events that took place in the Indian

² Chaitanya Mallapur, *Crimes against women up 83%, but conviction rate hits 10-year low; Delhi reports highest crime rate in India*, Firstpost, Dec. 12, 2017, <https://www.firstpost.com/india/crimes-against-women-up-83-but-conviction-rate-hits-10-year-low-delhi-reports-highest-crime-rate-in-india-4254313.html>.

History and then we can get the clear picture. Starting from the early Vedic to the British Period and also understanding the present scenario.

VEDIC AGE

At the Rig-Vedic age, women enjoyed considerable freedom and was given respect in the society. Even though there was patriarchal set up at that time, but it did not come in the way. Women took active participation in public life and were free to choose their life partners. The evils like child marriage, *Sati Pratha* and *Pardah System* was not part of that time. Even the widows were allowed to remarry. Women were allowed to gather education from *Gurukuls* and were given equal rights to learn *Vedas*. They enjoy the social and religious rights and were allowed to undergo *Upanyana Samskara* or the sacred thread ceremony which was performed to initiate vedic studies.³ Monogamy was prevalent; however polygamy was also in practice.

The women at that time, not only took keen interest in fine arts, that included musical and dance training, but also they learn martial training. Women warriors like *Vadhrimati* and *Vishpala* actually took part in battlefield and fought bravely.⁴ On the other hand, women also contributed in spiritual awakening, there were also many women *rishis* who revealed the supreme knowledge of Vedas like *Romasha* and *Lopamudra*. Other revealers of the Vedic wisdom and higher knowledge of Brahman (Supreme God) were *Visvavara*, *Shashvati*, *Gardim Maitreyi*, *Apala*,

³ MAMTA RAO, LAW RELATING TO WOMEN AND CHILDREN, 20-21 (Eastern Book Company, 2nd ed, 2011).

⁴ Neorem Jiteswori Devi, Kambhampati Subramanyam, *Women in the Rig Vedic Age*, International Journal of Yoga, Philosophy, Psychology and Parapsychology, 2014, Vol: 2, Issue: 1, at 1-3, <http://www.ijoyppp.org/article.asp?issn=2347-5633;year=2014;volume=2;issue=1;spage=1;epage=3;aulast=Devi>.

Ghosh and *Aditi*.⁵ So, it can be aptly said, that it was the golden period of liberty, freedom and equality for women.

POST-VEDIC AGE

From the golden Vedic age, the status of women gradually underwent a declining trend. The birth of a girl child was now looked down upon and importance was given to birth of male child, which was the result of patriarchal set up and male dominated society. The *Upanayana Samskar* which was allowed to girls in Vedic times was being denied by this time. Soon child marriage also took place, which also undermines the need of education for women and closed all doors for access to education for women. Dowry was another social evil that made its way by this time. They were also denied religious rights and were not allowed to participate in political assemblies. Polygamy also became prevalent by this time and monogamy for females. However, in such condition also, *Streedhan* i.e. the right to property to women was recognized.

The freedom of women underwent drastic change which has been depicted in *Manu Smriti* which says, that a girl is supposed to be in the custody of her father, when a woman is married she must be under the custody of her husband, and when a widow, under the custody of her sons and in no circumstances she is allowed to assert herself independently. *Manu Smriti* had contradictory *shlokas*, where on one hand, womanhood is praised but on the other hand, an inferior status was accorded to her.⁶ Women have been advised to constantly worship and serve, even their non-virtuous husbands. Punishment was also prescribed for women who disobey her husband. *Manu*

⁵ Status of Women in Vedic Culture, <https://www.booksfact.com/vedas/status-of-women-in-vedic-culture.html>.

⁶ *Manu's* view on Status of Women, <http://www.yourarticlelibrary.com/women/manus-view-on-the-status-of-women/47392>.

was not against women in general, but considered women as inferior to men and husbands as lords and master of wife.

MEDIEVAL TIME

Suffering a set-back in the earlier time, the position of women worsened even more. Various foreign invasions took place in this time and from the security point of view their movement was curtailed. With the establishment of Muslim rule, it greatly impacted India which influenced Hindus also at that time and *Pardah* system which was prevalent among Muslim women, was also being observed by the Hindu women to save their honor from the invaders. Muslims curbed the freedom of Muslim women and kept them in four walls of the house. The social condition at that time deteriorated and social evils got deep rooted. The *Rajput* women however, were not rigid with *Purdah* system and were well-trained in the art warfare. Sometimes, *jauhars* also was performed by the *Rajput* women. There was also a custom among rulers of keeping slave girls in a place called *harem*. *Devdasi* system was also prevalent in Andhra Pradesh.

Due to steep decline in the status of women, as far as their identity apart from their husbands is concerned, *Sati* also became prevalent. This was the Dark Age for women in India. The Muslim rulers like *Akhbar*, tried to curb *Sati* but could not stop it. Child marriage became the order of the day and condition of widows worsened.

As aptly remarked by Altekar, “for nearly 2,000 years from 200 B.C. to 1800 A.D., the position of women steadily deteriorated though she was fondled by the parents, loved by the husband and

revered by her children. The revival of Sati, the prohibition of remarriage, the spread of Purda and the greater prevalence of polygamy made the position of women very bad.”⁷

Even if the status of women was low, some women still made a mark and stood against all odds. *Razia Sultan* became the first and only women ruler of the Delhi Sultanate. *Rani Durgawati*, the ruler of *Godwana* after the death of her husband, she fought bravely against Mughal Emperor, *Akhbar* and died in the battlefield. Some other names worth mentioning are *Chand Bibi*, *Tarabai* and many who portrayed their strength in tough times.

BRITISH PERIOD

With the expansion of British dominion in India, many changes took place in India. The British Rule in India had many negative aspects, but still with some positive impacts in the form of development also. With the incoming of new ideologies and western impact on India, it slowly made way in eradicating social evils by bringing in socio-cultural reforms. Special emphasis was also laid on women education.

Some of the Governor Generals of India like *Lord Cornwallis*, *Minto* and *Lord Hastings* took steps to abolish the practice of *Sati*. A name worth-mention in this list is *William Bentinck* (1828-35). His contribution towards eradication of social evils like *Sati* and female infanticide was commendable. He took the necessary step in a form of legislation i.e. *Regulation No. XVII of December 1829*, which declared the practice of *Sati* as illegal.⁸

⁷ S.R. MYNENI, *SOCIOLOGY FOR PRE-LAW FIRST YEAR*, 484 (Allahabad Law Agency, 2nd ed. 2009).

⁸ B.L. GROVER AND ALKA MEHTA, *A NEW LOOK AT MODERN INDIAN HISTORY, FROM 1707 TO THE MODERN TIMES*, 273-286 (S. Chand and Company Limited, 32nd ed., 2018).

During the 19th century, many social reforms took place due to western impact along with neo-Hinduism approach. Secularism and rationalized approach to religion evolved. *Rammohan Roy*, the founder of *Brahmo Samaj* started a campaign in uprooting social evils from Indian Society. He worked for the cause of women and campaigned for the abolition of *Sati*, he condemned polygamy, concubinage and supported the right of re-marriage of Hindu Widows. He also condemned *Purdah* system and voiced against child marriage. He focused on importance of education for women. The *Arya Samaj*, founder *Swami Dayanand* also advocated for the equal status of women and laid great emphasis on education. *Mrs. Annie Besant*, the then president of the *Theosophical society*, also did much for female education.

The efforts of *Pt. Ishwar Chandra Vidyasaga* are worth-mentioning in enactment of the Hindu *Widow's Remarriage Act (Act XV of 1856)* which legalized widow's remarriage. *Prof. D.K. Karve* also played major role in uplifting condition of Hindu widows and he also set up Indian Women's University at Bombay in 1916.⁹ Child marriage was also curbed by legislation. In 1854, *Charles Wood's dispatch on Education* also laid emphasis on the need of education for women. More social reforms took place in the 20th century under the leadership of Gandhi and women also participated in the struggle for Independence.

During the British Rule, women also participated in freedom struggle and contributed in achieving India's independence. Some of them are, the Queen of Jhansi, *Rani Laxmi Bai* during the first armed rebellion of 1857, refused to surrender before the British and fought bravely. *Begum Hazrat Mehal*, the Queen of Awadh did not accepted British suzerainty and rebelled. A British socialist, *Annie Besant* supported Indian self-rule, started Home Rule league along with

⁹ *Id.* at 284.

Lokmanya Tilak and joined Indian National Congress and also became the first woman president of Indian National Congress. *Kasturba Gandhi* was a political activist, fought for civil rights and participated in freedom struggle. *Sarojini Naidu* launched the Women's India Association in 1917 and she was the first Indian woman President of Indian National Congress and also the first woman to become Governor of any Indian State. *Kamala Nehru* organized women group and contributed in the Non-cooperation Movement. *Aruna Asaf Ali*, an active member of Indian National Congress, during her imprisonment she protested and achieved improved conditions of *Tihar Jail* prisoners, *Durga Bai Deshmukh* took active part in Gandhi *Satyagraha* and she was also the member of Planning Commission of India and worked for improvement of education.¹⁰

CONTEMPORARY INDIA

In 1947, India got its independence. The Constitution of India, i.e. the most fundamental document for any society or country, was adopted on November 26, 1949 and came into force on January 26, 1950. The Constitution makers took into account the plight of women and ensured social justice. The Constitution ensures equality of opportunity and status to women, as they were fully aware of the long history of suppression of women and included pro-women provisions to ameliorate their condition.

The Preamble to constitution envisages the noble ideas and aspirations of the Constitution makers. It secures to its citizens, Justice, Liberty and Equality. **Part III** of the Indian Constitution i.e. the Fundamental Rights secure to its citizens basic inalienable human rights that are also justiciable. **Article 15** of the Constitution provides for prohibition against discrimination, also on the ground of sex. Clause (3) of Article 15 also makes special provision

¹⁰ Top 12 Women Freedom Fighters of India, <https://listaka.com/top-12-women-freedom-fighters-of-india/>.

for women and children, empowering the State to make legislations in this regard. **Article 16** provides for equality of opportunity for all citizens in matters of employment in public office, and no discrimination on grounds of sex also. The Supreme Court has also struck down such discriminatory provisions in many cases.¹¹

Article 23 provides right against exploitation that prohibits trafficking in human beings. This practice has been prevalent in India for a long time in the form of prostitution and sale and purchase of human beings. Laws like *the Immoral Traffic (Prevention) Act, 1956* and *A.P. Devdasis (Prohibition of Dedication) Act, 1988* also passed in this respect. The Supreme Court in case of *Gaurav Jain v. Union of India*¹² has also laid down guidelines for the protection of women in prostitution and for the rehabilitation of their children.

Part IV of the Constitution provides for Directive Principle of State Policy, that is fundamental in the governance of the country and are guiding light for the policy makers to direct its policy in securing these to its citizens. However, these are non-justiciable in nature. Some of the directives are providing adequate means of livelihood to both men and women¹³, equal pay for equal work¹⁴ and for furthering this the Parliament also enacted the *Equal Remuneration Act, 1976*, to make provisions for securing just and humane conditions of work and also maternity relief¹⁵ and State implemented it by legislating *Maternity Benefit Act, 1961*, *The Factories Act*, etc. **Article**

¹¹ C.B. Muthumma v. Union of India (1979) 4 SCC 260; Air-India, India v. Nargesh Mirza (1981) 4 SCC 335; Anuj Garg v. Hotel Association of India (2008) 3 SCC 1.

¹² AIR 1997 SC 3021.

¹³ INDIA CONST. Art. 39(a).

¹⁴ *Id.*, Art. 39(d).

¹⁵ *Id.*, Art.42.

44 calls for Uniform Civil Code and the Supreme Court also recognized the injustice caused to the women in matter of personal laws.¹⁶

Part IV-A of the Constitution also provides for certain fundamental duties to its citizen. Article **51-A (e)** casts a duty on citizens to renounce practices that are derogatory to women. It is important that this duty is implemented effectively. Many incidents like eve-teasing, sexual harassment, stalking, and even crimes like rape are the outcome of not taking this duty seriously. It is needed to be followed in letter and spirit.

Political justice is also ensured by 73rd and 74th amendment inserting **Article 243-D** and **243-T** that provides for reservation of seats for women in *Panchayats* and Municipal Corporations, respectively.

✓ **PRO-WOMEN LAWS**

Law can be seen as a reflection of societal problems and the need to regulate, maintain or control what is out of order. Law creates deterrence that makes the wrongdoer, at least realize, that whatever he/she is doing is against the law and that would have punitive consequences. Much legislation has been enacted and also amendment took place, taking into account the change in the pattern of crimes in society, similar is the case of laws regarding women. Some of the pro-women laws are as follows-

- **The Dowry Prohibition Act, 1961**

The Act aims at eliminating the evil practice of dowry. The Act prohibits not only the receiving of dowry, but also the mere demand of it made before the marriage.¹⁷ Section 3 of the Act also

¹⁶ Mohd. Ahmad Khan v. Shah Bano Begam (1985) 2 SCC 556.

prescribes punishment for the giving and taking of dowry. Any agreement relating to dowry has also been declared void by section 4. Death caused by dowry is a criminal offence under IPC and if death of women is caused by harassment and cruelty in relation to dowry demand, the Court shall presume dowry death by such person.¹⁸ The State Government may also appoint Dowry Prohibition Officers to see the compliance of the Act, prevention, collection of evidence and perform such additional functions.¹⁹

- **The Medical Termination of Pregnancy Act, 1971**

The Act has legalized the termination of pregnancy on various socio-medical grounds like health issues to the mother, humanitarian grounds like that of rape victim, if there is substantial risk to life of child. The Act also aims at eliminating untrained persons and in unhygienic conditions thereby reducing maternal morbidity and mortality.²⁰

- **The National Commission for Women Act, 1990**

Successive women Commissions suggested the constitution of an agency, taking into account the unequal status to the women, for carrying on surveillance function and also facilitating grievance Redressal. The Act was enacted by the Parliament for addressing the issue and a National Commission for Women was constituted.²¹ The Commission is entrusted with the task of studying and monitoring all matter with regard to constitutional safeguards provided for the women, reviewing existing legislation and suggesting amendment, taking up complaints and *suo moto* notice of cases of deprivation of rights of women, non-implementation of laws, policy

¹⁷ The Dowry Prohibition Act, 1961, s. 2.

¹⁸ The Indian Evidence Act, 1872, s. 113B.

¹⁹ The Dowry Prohibition Act, 1961, s. 8-B.

²⁰ The Medical Termination of Pregnancy Act, 1971, Amendment 64 of 2002- Statement of Objects and Reasons.

²¹ The National Commission for Women Act, 1990- Statements of Objects and Reasons.

decisions etc, funding litigation, inspection, investigation, undertaking research etc.²² for the upliftment of women.

- **The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994**

The Act regulates the misuse of the Pre-natal techniques for the purposes of sex-determination thereby curbing female foeticide. The Act permits the use of the technique only for detection of abnormalities and disorders, prohibits the determination of sex and also prohibits advertisement relating to pre-conception and pre-natal determination of sex and provides punishment in case of violation of the Act. The Act also provides for constitution of Central and State Supervisory Board and other appropriate and Advisory bodies for carrying out functions supervision, regulation, implementation, taking actions under the Act.

- **The Protection of Women from Domestic Violence Act, 2005**

The scope of the Act is that it provides protection to women and also to women in live-in relationships from domestic violence. It is an important legislation in this regard that punishes domestic violence. The Act covers woman in relation with abuser who are living together at any point of time and are related by consanguinity, marriage or relationship in nature of marriage. The Act covers women living in joint families and women include sister, widows, mother and single women, entitling them legal protection.²³ Physical, mental, emotional, verbal, psychological and economic abuse or threats are covered within the ambit of domestic

²² *Id.*, s.10.

²³ DR. S.C. TRIPATHI, WOMEN AND CRIMINAL LAW 113 (Central Law Publications, 1st Ed., 2010).

violence.²⁴ The Act protects women right of residence in the shared household²⁵, empowers the Magistrate to pass protection orders²⁶ and also provides for the appointment of protection officer by State Government²⁷ and voluntary associations registered with State Government as service provider²⁸ for providing assistance like medical examination, legal aid, shelter home etc. to aggrieved in case of domestic violence.

- **The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**

Sexual Harassment is gross violation of women's right to live with dignity. A safe working environment is necessary to ensure economic independence to women. It is also the mandate of the constitution to ensure the right to life and personal liberty and equality of opportunity to all. In a landmark judgment of *Vishaka v. State of Rajasthan*²⁹, the Supreme Court created legally binding guidelines on the basis of right to equality and dignity guided by the Constitution of India and the United Nation Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The Supreme Court obligates the workplaces, institutions and responsible authorities by prohibiting, preventing and redressing such incidents of sexual harassment. In 2013, the Act was notified consistent with the guidelines of *Vishaka* judgment.³⁰

²⁴ The Protection of Women from Domestic Violence Act, 2005, s. 3.

²⁵ *Id.*, s.19.

²⁶ *Id.*, s.18.

²⁷ The Protection of Women from Domestic Violence Act, 2005, s.8 and 9.

²⁸ *Id.* s.10.

²⁹ AIR 1997 SC 3011.

³⁰ Handbook on Sexual Harassment of Women at Workplace (Prevention, Prohibition, Redressal) Act, 2013 for Employers/Institutions/Organisations/Internal Complaints Committee/Local Complaints Committee, Government of India, Ministry of Women and Child Development, November 2015, <https://www.iitk.ac.in/wc/data/Handbook%20on%20Sexual%20Harassment%20of%20Women%20at%20Workplace.pdf>.

Section 2(n) of the Act defines sexual harassment which includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:

- i. Physical contacts and advances; or
- ii. A demand or request for sexual favours; or
- iii. Making sexually coloured remarks; or
- iv. Showing pornography; or
- v. Any other unwelcome physical, verbal or non-verbal of sexual nature.

The Act seeks to protect every woman visiting any workplace including government, private sectors, unorganized sector, NGOs, any institute, hospital, house etc, in whatever capacity and time duration. The Act provides constitution of Internal Complaints Committee by every employer, Local Complaints Committee as may be notified by appropriate Government in every District, monitoring, inquiry, redressal and penalties in case of contravention, and also states the duty of an employer. With the proper implementation of Act, it can boost women to work, give them security and it can contribute to women empowerment.

✓ **OTHER RELEVANT PROVISIONS OF LAWS**

Apart from the laws made specifically for women, there are other laws also that make provisions in favour of women. Some of them are as follows:

- **The Indian Penal Code, 1860:**

The Code provides punishment in case of dowry death³¹, causing miscarriage without women's consent³², kidnapping or abducting woman to compel her to marriage³³, procurement of minor girl for illicit intercourse³⁴, buying minor for purpose of prostitution etc.³⁵, marrying again during the lifetime of spouse³⁶, adultery³⁷, cruelty against women by Husband or his relative³⁸ and other provisions that protects women and punishes the culprit.

The Criminal Law (Amendment) Act, 2013, enacted in light of the *Nirbhaya* incident made necessary changes in rape laws. The ambit of definition of rape under section 375 has been widened. Section 376A provides punishment of death also, in case of death or resulting in the persistent vegetative state of the victim. Punishment which may also extend to life imprisonment is also put in place in case of Gang rape.³⁹ There is also punishment that may extend to death in case of repeated offenders.⁴⁰ Some other changes were also brought by providing for punishment of sexual harassment at workplace⁴¹, assault or use of criminal force with intent to disrobe⁴², voyeurism⁴³, stalking⁴⁴ and acid attacks⁴⁵.

- **The Hindu Marriage Act, 1955**

³¹The Indian Penal Code, 1860, s. 304-B.

³² *Id.* s. 313.

³³ *Id.* s. 366.

³⁴ *Id.* s. 366-A.

³⁵ *Id.* s. 373.

³⁶ *Id.* s. 494.

³⁷ *Id.*, s. 497.

³⁸ *Id.* s. 498A.

³⁹*Id.* s. 376 D.

⁴⁰*Id.* s. 376E.

⁴¹ The Indian Penal Code, 1860, s. 354A.

⁴² *Id.* s.354 B.

⁴³*Id.* s. 354 C.

⁴⁴ *Id.* s.354 D.

⁴⁵ *Id.* s. 326A and 326B.

The Act governs Hindus in matters relating to marriage. Section 5 of the Act, provides certain grounds for a valid Hindu marriage, and one of them is that, it prohibits polygamy as one of the grounds of valid condition of marriage⁴⁶. A bigamous marriage is void⁴⁷ and is punishable under section 494 and 495 of the Indian Penal Code, 1860⁴⁸. Another ground is that the bridegroom and bride should have completed 21 and 18 years respectively for a valid marriage.⁴⁹ A marriage is contravention of age requirement is punishable under section 18 of the Act. Section 13 provides various ground for dissolution of marriage to both the spouse and cruelty is also one of the grounds. The Act also provides special grounds to women for divorce i.e. remarriage by Husband, husband being guilty of rape, sodomy etc., non-resumption of co-habitation and repudiation of marriage whose marriage was solemnized before attaining the age of 15 years and repudiate before attaining age of 18 years.⁵⁰ The Act allows remarriage, on final dissolution of earlier marriage.⁵¹ The Act makes provision for granting maintenance to the wife *pendente lite* and expenses of the proceedings by the Court⁵² and also permanent alimony and maintenance to the wife⁵³. By virtue of section 26, a Hindu woman is entitled to keep the custody of her minor child, if the Court is satisfied.

- **The Hindu Succession Act, 1956**

⁴⁶ The Hindu Marriage Act, s. 5(i).

⁴⁷ *Id.* s. 11.

⁴⁸ The Hindu Marriage Act, 1955, s. 17.

⁴⁹ *Id.* s. 5(iii).

⁵⁰ *Id.* s. 13(2).

⁵¹ *Id.* s. 15.

⁵² *Id.* s. 24.

⁵³ *Id.* s. 25.

The laws relating to property in India has been biased in favor of men. The rights of women have been subservient to that of the male counterpart. With the enactment of Constitution of India and furtherance of concept of social and economic justice, time is changing. Now the daughter in a joined Hindu family governed by the *Mitakshara* law has been given the coparcenary rights and she has been given same rights and subjected to same liability as that of a son with the commencement of the Hindu Succession (Amendment) Act, 2005.⁵⁴ However, this will not affect any disposition or alienation including partition or testamentary disposition which took place before 20th day of December, 2004. It is a significant amendment in favor of married as well as unmarried daughters.

- **The Hindu Minority and Guardianship Act, 1956**

The Act brought about important changes in the law of succession and it supplements the provision of Guardians and Wards Act, 1890. The Act provides four categories of guardian i.e. natural, testamentary, Court appointed guardian and any person empowered under an enactment relating to court of wards.⁵⁵ According to section 6, father is the natural guardian of the person and property of minor son and daughter and ‘after him’ the mother. The Supreme Court⁵⁶ gave the liberal meaning to the expression ‘after him’ and held that it does not necessarily mean ‘after the lifetime’ but it appears ‘in the absence of’ and in case the father is unable to take care of the minor child, the mother can be the natural guardian. A Hindu mother can also appoint testamentary guardian in certain circumstances.⁵⁷

⁵⁴ The Hindu Succession Act, 1956, s. 6.

⁵⁵ The Hindu Minority and Guardianship Act, 1956, s. 4.

⁵⁶ *Githa Hariharan v. Reserve Bank of India*, AIR 1999 SC 1149.

⁵⁷ The Hindu Minority and Guardianship Act, 1956, s. 9.

- **The Hindu Adoption and Maintenance Act, 1956**

Under the old Hindu Law, the adoption rights to women were very restricted in nature. A married woman could not adopt without the consent of husband, a widow has to take permission from specified persons and unmarried girls had no right to adopt. Now, Section 9 of the Act provides that any Hindu female who is sound, major, unmarried, or divorced or a widow has the capacity to take a son or daughter in adoption. The Act also makes provision for maintenance of wife, widowed daughter-in-law, children and aged parents and to dependants. Apart from this, a speedy remedy is also available in the form of section 125 of the Code of Criminal Procedure, 1973. Section 125 and the present Act are mutually complimentary to each other.

- **The Muslim Women (Protection of Rights on Divorce) Act, 1986**

The Act provides protection of the rights of Muslim women on divorce. The Act casts a duty on the former Husband to make a reasonable and fair provision of maintenance to be paid within the *iddat* period to the former wife⁵⁸, which is not only limited to *iddat* period but it extends until her lifetime, till her re-marriage⁵⁹. She is also entitled to properties given at the time, before and after marriage by the relatives, friends or husband.⁶⁰ Non-compliance with the maintenance order is made punishable under the Act.⁶¹ An order of maintenance can also be passed directing the relatives, children, parents of divorced, and even the State *Wakf* Board, for the welfare of Muslim woman unable to maintain herself.⁶²

⁵⁸ The Muslim Women (Protection of Rights on Divorce) Act, 1986, s. 3(a).

⁵⁹ *Danial Latifi v. Union of India*, (2001) 7 SCC 740.

⁶⁰ The Muslim Women (Protection of Rights on Divorce) Act, 1986, s. 3(d).

⁶¹ *Id.* s. 3(4).

⁶² *Id.* s. 4.

A significant change took place recently, when the Supreme Court held that *talaq-e-biddat* i.e. practice of instant triple *talaq* as unconstitutional, thereby curbing such whimsical practice by the Muslim Husbands.⁶³

✓ **WOMEN ACHIEVERS - CONTEMPORARY INDIA**

The time has changed now, and for good. The position of Indian women has improved and now there is hardly any field left to be explored by Indian women. Welcoming changes are taking place, those open doors for women empowerment. Women are touching the sky and beyond, which reminds us of *Kalpana Chawala*, the first women of India origin to go in Space. *Tessy Thomas*, the first women Indian scientist to head a missile project in India. Indian women has ruled in politics also like, *Mrs. Indira Gandhi*, the first female Prime Minister of India, *Mrs. Pratibha Devisingh Patil*, the first female President of India, and *Meira Kumar* became the first women speaker of Lok Sabha. When it comes to giving justice, we remember *Fathima Beevi* who became the first female of the Apex Court, *Leila Seth* became the first female Chief Justice of a State High Court.

Women are also leading when it comes to protection of country like, *Flight Lt. Harita Kaur Deol*, the first Indian female pilot in the Indian Air Forces, *Punita Arora*, the first Indian woman to become a Lt. General and Vice Admiral, *Puja Thakur*, the first women to lead the Guard of Honour for the Barack Obama on his visit to India, and many who are part of the combat forces. More recently, history was created when the first batch of female pilots- *Avani Chaturvedi*, *Bhawana Kanth* and *Mohana Singh* were inducted in the Indian Air Force Fighter Squadron. Beauty of Indian women was honored when *Sushmita Sen* became the first Indian Miss

⁶³ Shayara Bano v. Union of India and others, Writ Petition (C) No. 118 of 2016, Judgment dated: Aug. 22, 2017.

Universe. She has also excelled in sports like *Mary Kom*, *Saina Nehwal*, *P.V. Sindhu*, *Sakshi Malik*, *Dipa Karmakar*, *Deepa Malik* and many. Successful business women of India like *Chanda Kochhar*, Managing Director and CEO of ICICI Bank, the Indian television soap queen *Ekta Kapoor*, *Arundhati Bhattacharya*, the first women Chairperson of State Bank of India. This list can never be exhaustive. In every field, women have come out in flying colors.

CONCLUSION

So, from the above observations it can be seen that there are plethora of laws for the protection of women. They have certainly brought about some productive changes in women position. But, women are still struggling for gender justice and after celebrating 73 years of Independence, women are still not secure to walk in their own country in night alone. They are being criticized on the kind of dress they wore, the time of the day they wander, in case of mishaps.

Every now and then, we listen to news of rape and even a girl child is not safe in our country. The recent case of gang rape and murder of an 8 year old girl in *Kathua* and also the exploitation and rape of a 17 year old in *Unnao* shows the level of degradation in society. At such time, when the law enforcing authorities should be more vigilant and lend a hand to hapless victim, sometimes police inaction and political influence leads to more victimization of the victim. We still need more stringent laws and fast track courts for immediate convictions and a strong political will to curb this ever-growing menace.

For uprooting a disease, the root-cause needs to be cured and it the mindset deterioration, whatsoever the reason is. It is very important that we deal with the matter more sensitively. It is necessary that society becomes gender sensitive. The whole mindset needs to be revamped. The

coming generation need to be sensitive about the problems, and a sense of respect needs to be developed among the male counter-part towards female-counterpart. If there is respect and empathy, then there can be no place for disrespect and crimes. It is the role of Government, society, voluntary organizations, institutions, media to create conducive environment for women by educating the masses. The social evils prevalent in early India, to an extent, have been curbed by putting in place effective legislations, but there are still miles to go before actual freedom for women is achieved.