

CHAPTER - II

HISTORICAL PERSPECTIVE

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HISTORICAL RETROSPECT

Almost half of the world's population consists of women yet she is subjected to various kinds of discrimination, oppression and prejudice in the male- dominated society. It is said by Swami Vivekananda that *"there is no chance for welfare of the world unless the condition of women is improved. It is not possible for a bird to fly on only one wing."*¹ By quoting this he wants to lay emphasis upon the fact that one-half of the mankind is suffering from prejudice, discrimination and oppression in a male dominated society, and unless their position and status in the society is improved we cannot move towards a better world.

The status of women of a nation is the mirror of its civilization. The development of a nation is measured by the status of women held in that nation. Where a woman enjoys a good status it shows that the society has reached a level of maturity and sense of responsibility. However, if she is deprived of a good status, it conjures up the image of a nation. Hence, it has been aptly marked by the first Prime Minister of India, Pt, Jawaharlal Nehru, *"You can tell the condition of a nation by looking at the status of women"*. Swami Vivekananda too had observed *"That country and that nation which do not respect women have never become great nor will ever be in future. The principal reason why your race is so much degraded is that you have no respect for these living images of 'shakti'. If you do not raise the women who are living embodiments of the Divine Mother,*

1. D.C. Bhattacharya, *Sociology*, Vijaya Publishing House, Kolkata, 2002, P.498.

don't think you have any other way raise."² Thus, it is clear that the status and position of women and the respect given to her actually derives the kind of a society.

The glimpses of history are evident that women have contributed tremendously for the development of a society and they have enjoyed if not greater but then not less than men, a good status in the society. Similarly, in the Indian society the status and position of women didn't remain static. With time her position and status in a society too has undergone various changes. From the very ancient Indian society till now her status and position in a society has suffered gradual deterioration which has gone from bad to worse. Hence, it is important for us to study the history of the status and position of women in an Indian society which is not only interesting and instructive but also provides us with the society's high sense of justice and fair play or lack of it. Though the Constitution of the Republic India ensures equality for women and men in every sphere of life and activity, be it in the matters relating to education, employment and legal status. The women have been legally and constitutionally access to as well as right to venture in every walk of life, it is not an unknown fact that still a majority of women in India are illiterate and uneducated. This is a paradoxical situation which must be understood and seen in its historical perspective. This chapter, thus, focuses on the vicissitudes in status and position of women in the Indian society. The study of the status and position of women in the Indian society can be divided under the following heads:-

1. Ancient India,
2. Medieval India
3. Pre-Independent India,
4. Post-Independent India.

2. H.V.Sreenivasa Murthy, *History of India – Part I*, Eastern Book Co, Lucknow, 1993, P.112

1. ANCIENT INDIA: - The study of women in the ancient India can again be divided into the following heads:-

(A) PRIMITIVE PERIOD: -

The status of women in ancient period can be traced back from the primitive period. Still a stimulating debate exists regarding the status of women in primitive communities. It has been brought forward by various scholars that basically there was no civilization in the primitive period, hence, for their livelihood humans used to depend upon hunting since agriculture was not known to them. It is a known fact that men are physically stronger than women. At that period the humans were of barbaric nature so the men's physical prowess, bodily vigor and muscular strength established them naturally as well as permanently superior than the women. Due to the indispensable element of muscle, in a family the role of man and a woman were assigned accordingly. The men were provided with the job of "economic-provider" role and the women, the "child bearing role". Hence, women were made subordinate to male authority and they were largely excluded from the position of prestige and power. However, as per Altekar the role of woman as the gatherer has been grossly underestimated owing to the male bias in anthropology and while some anthropologists emphatically maintain that early societies were sexually egalitarian having relations of reciprocity rather than subordination.....in the hunting societies too, which according to them subordinated women to men in certain respects, men did not exercise the amount of control over women as they did in the class societies.³

3. H.V. Sreenivasa Murthy, *History of India – Part I*, Eastern Book Co., Lucknow, 1993, P.113.

(B) VEDIC PERIOD: -

The status and position of women in Vedic period was better than the primitive community as gradually the state of food gathering and hunting, which was the prime means of livelihood during that period, was being replaced by agriculture and civilization. In other words, we can say that the society was moving towards settlement rather than leading the life as nomadic. During this period India saw the invasions of Aryans who became the main habitants of India. These people were mainly Brahmins and they used to give the status of goddess to the women. A famous Sanskrit Shloka signifies the status of women in that era – “*Yatra naryastu pujayante, ramante tatra devta*”⁴ which means that the place where women are worshipped, god themselves inhabit that place.

The status and position of women under the vedic period can be studies under the following heads: -

- (i) Educational Rights.
- (ii) Marriage System.
- (iii) Religious Rights.
- (iv) Property Rights.

(i) Educational Right: - During the Vedic period women enjoyed a fair amount of freedom and equality with men specifically in the fields of education and religion. Women used to take part in the intellectual life of the society during the Vedic period. They were required to undergo ‘*upanayana*’ ceremonies in Vedic studies. The women too used to devote their time, till their marriage, to specialize in Vedic theology and philosophy like the boys. Proper training in the sacred lore was considered essential for a maiden to succeed in her married life as both husband and wife used to take equal part in the sacrificial rites. The education of women

4. *Manusmriti*.

was given importance in the *ATHARVAVEDA* by stating: - “the success of women in her married life depends upon her proper training during the *Brahmacharya*. ”⁵

The *Upanishads* carry various references of women having high intellectual attainments such as Gargi Vacknavi (who was one of the interlocutors of Janaka Yajnavalkya) who possessed the highest spiritual knowledge. Another example is that of Maitreye (the wife of Yajnavalkya) who held a philosophical discussion on the relationship of the universal soul (*paramatma*) to the individual soul (*jivatma*). These are the instances which demonstrate the height of intellectual and spiritual attainments to which a woman could rise. The available resource provides that there are instances which proves that education to the women was considered a must and the areas wherein women excelled in the education. The Vedas provides us with various instances which also give us a clear picture that women were not confined to domestic life only; she also excelled and held the position of teachers. There were two classes of girls – (a) the *Brahamavadini* students, who donned the sacred thread, constant reminder of the holy vows, tend the fire and study the Vedas, but, in distinction from the boy students, do the begging for alms within their own parental homes, and (b) the *Sadyovadhey*, who are given only symbolically and formally, immediately before marriage.⁶ It means that *Sadyovadhey* were those women who used to prosecute their studies till their marriage. The women used to take teaching as their profession and such women were known as *Upadhyayas* or *Upadhyasis*. The sacred books of Hindus provides us with names of women such as Sita, two daughters of Dakshyana, Damayanti, Draupadi and three of the Panchkanyas:

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5. Lila Samatani, *Status of women in vedic times-A Revealing Monograph*, Maharshi Academy of Vedic Science-88. Quoted in Baidyanath Choudhury, *Human Rights and Women in India*, IX CILQ 374 (1996).
 6. V.K. Dewan, *Law Relating to Offences Against Women*, Orient Law House, New Delhi, 1996, P.32.

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Ahilya, Tara, and Mandodari, who are still remembered with great reverence in Indian society.⁷

(ii) Marriage System: - Marriage has often been defined as joining of man and woman in body and soul. It has often been denoted as a social institution which is complete in itself. Marriage was looked upon as a religious and social duty. Several Hindu writers attach great importance to the marriage of a woman. A man is deemed to be incomplete if he does not get married. Wife is the source of the “*purusharthas*”, not only of *dharma*, *artha* and *kama*, but even of *moksa*. It was a social and religious duty and necessity and it was obligatory for girls as there will be more pitfalls in the path of an unmarried women.⁸ However, it was not looked upon as compulsory for every girl. There was also no limitation on the age of marriage. The women who remained unmarried and grew old in the house of her parents were called ‘*Amajur*’, a girl who grew old in her father’s house. The Vedic women being grown up and educated had a voice in the selection of their husbands.⁹ The sacred books of Hindus provide us with various instances wherein the Vedic women had the right to choose their own life partner. The process of choosing one’s own life partner was known as ‘*Swayamvar*’ in which the men interested in the lady holding it assemble at the house of the bride and she choose one whom she likes as her groom. The known and famous example is that which is described in Maharishi Ved Vyas in his *Mahabharata* wherein Draupadi’s father arranged for her ‘*swayamvar*’ and Arjuna was chosen by her after he successfully managed to fulfill the conditions and became eligible to marry her. Even Maharishi Valmiki’s *Ramayana* bear testimonial to this wherein Lord Rama won

7. Vijender Kumar, *Law Relating to Domestic Violence*, S. Gogia and Company, Hyderabad, 2007, P.19.

8. H.V. Sreenivasa Murthy, *History of India – Part I*, Eastern Book Company, Lucknow, 1993, P.121.

9. Baidyanath Choudhury, *Human Rights and Women in India*, IX CILQ 374 (1996), P.375.

Sita by breaking the '*shiv dhanusha*'. This system for choosing a husband was followed not just by princely women but the common women were also given the same right. In fact women were so important that many of the major battles of ancient India was fought for them, i.e., Mahabharata which was the fiercest battle of ancient India which was fought for the honour of Draupadi. Even Ramayana is evident of the cause of death of most learned man of his time – *Ravana* who was killed by Lord Rama for abducting Sita in order to marry her forcibly.

The Hindus used to consider marriage as a sacramental union- i.e. a sacrosanct (inviolable), permanent, indissoluble and eternal union. However, there are various instances in the sacred texts where woman was allowed to abandon her husband and take another. '*Narada*' and '*Parasara*' mention five cases in which a woman may abandon her husband and take another. They are:-

- (a) when the husband is missing,
- (b) when he is dead,
- (c) when he becomes an ascetic,
- (d) when he is impotent,
- (e) when he is an out-caste.¹⁰

They also laid down two circumstances wherein remarriage of women was permissible –

- (a) when the damsel was abducted and not married according to sacred rites, and
- (b) if the husband died before consummation of marriage.

Kautilya too gave detailed rules of divorce in his Arthashastra. He too laid down grounds under which woman may abandon her husband. The grounds are mentioned as under:-

- (a) if he is of bad character,

10. Paras Diwan, *Modern Hindu Law*, Allahabad Law Agency, Faridabad, 1998, P. 59.

- (b) if he is absent for a long time,
- (c) if he becomes traitor,
- (d) he is likely to endanger her life,
- (e) he is an outcaste,
- (f) has lost his manhood virility or is impotent.¹¹

The plight of women after the death of husband can be presumed the Vedic period as the evidence in the *Rig Veda* regarding the widow is too meager to form any idea of her position. In other words, we can say that *Rig Veda* never mentioned anywhere the practice of the burning of widows with their dead husbands. Even if it was practiced, it can be said that it was not popular or must have confined to the *rajanya* class. Though in the *Rig Veda* the life of widow was not characterized by restrictions, remarriage was allowed i.e., of a childless widow to get a son by levirate (*niyoga*). The *niyoga* was to be primarily with her brother-in-law and not with any stranger. The purpose being that the child would have the maximum amount of the family blood running in his vein and the property of the joint family would not be affected.¹² Widow remarriage and upholding the right of widow in her husband's property proofs that Sati was not prevalent in the Vedic period.

(iii) Religious Rights: - Marriage is a spiritual union of husband and wife. The patriarchal society of the *Rig Vedic* Hindus too considered it to be the sacramental union. According to Satpatta Brahmana "*The wife is verily the half of the husband. Man is only half, not complete until he marries.*"¹³ The Taittiriya Samhita is to the same effect "*half is she of the husband that is wife.*"¹⁴ In the *shastra*, husband and

11. *Ibid.*

12. H.V. Sreenivasa Murthy, *History of India – Part I*, Eastern Book Company, Lucknow, 1993, P.131.

13. Satapada Brahmana V.16,10.

14. Taittiriya Samhita III, 1,2,57.

wife are referred to by several names such as husband is known as 'bhatri' because he supports his wife; he is also called 'pati' as he has the duty to protect her. The Mahabharata makes it clear that one must cherish woman as by doing so he virtually worships the goddess of prosperity herself and by afflicting her he afflicts the goddess of prosperity. Wife is not only half of her husband but she is also source of *Dharma*, *Artha*, *Kama* and even *Moksha*. In Ramayan, the wife is said to be the very soul of her husband. She is 'grihini' (the lady of the house) in her husband's household, 'sachiva' (wise counsellor), 'sakhi' (confidante) to her husband and dearest disciple of her husband in the pursuit of art.¹⁵ Her role is as 'dharmapatni' and 'sahadharmacharini'. Hence, both husband and wife were regarded as joint heads of household with female obedience at the centre of domestic bliss. An intellectual companions, friends and loving helpers in the journey of life they supported the partner in religious performance of duties. Hence, in the shastras it was prescribed that every Hindu must marry as the one who is unmarried was not competent to offer the ritual prayers and sacrifices. As a matter of fact, the duty of singing the mantras at the sacrificial ceremony was to be performed by the wife. She had to perform, like the husband, a special *upanayana* on the occasion of some sacrifices.¹⁶ The Ramayana provides us with instances wherein Sita is described as offering sandhya prayers i.e., ritual prayers which are offered with mantras in the morning, noon and evening. She was not seen as an obstacle in the religious path in fact her presence and co-operation were absolutely necessary in religious rites and ceremonies. It means that no religious ritual of Hindu Brahmins was supposed to be complete without the presence of the women. An incident of Ramayana is a proof of this fact wherein Lord Rama was performing "Ashvamedha Yajna" wherein his wife Sita was not with him and he

15. Paras Diwan, *Modern Hindu Law*, Allahabad Law Agency, Faridabad, 1998, P. 58.

16. H.V. Sreenivasa Murthy, *History of India-Part I*, Eastern Book Company, Lucknow, 2003, P.114.

had to use the gold idol of his wife to compensate for her presence.¹⁷ This is evident enough that women used to enjoy high religious status and her presence was indispensable from the religious and spiritual point of view. Even the daughters were not unpopular in ancient India as they were allowed Vedic studies and were entitled to offer sacrifice to the God. The son was not absolutely necessary for this purpose.

(iv) Property Rights: - In the *Rig Veda*, the husband and wife are called "*dampati*" which indicates that the relationship between the sexes was based on reciprocity and autonomy in their respective spheres of activity. Both the husband and wife were joint owners of the property. Hindu women had right to inherit and possess the property.

Besides all the above rights, women during the *Vedic* period also attended the assemblies and state occasions and distinguished themselves in science and were considered as intellectual companions of their husband. She was not a mute participant in the affairs of the assembly in fact she enjoyed an equal voice with men. The *Vidatha* tradition of woman's share in the public affairs can be traced in the place given to her in the list of *ratnins*.¹⁸ In the Taittiriya Brahmana there consists twelve *ratnins* out of which three, namely, *Mahisi*, *Vavata* and *Parivrikti* are women. This shows that one-fourth of those whose voice and support counted in the consecration of the king consisted of women.¹⁹

17. <http://www.mapsofindia.com/culture/Indian-women.html> [Visited on 27th Feb' 2007].

18. H.V. Sreenivasa Murthy, *History of India-Part I*, Eastern Book Company, Lucknow, 2003, P.114.

19. R.S. Sharma, *Aspects of Political Ideas and institutions in Ancient India*, 79-81, [Quoted in H.V. Sreenivasa Murthy, *History of India-Part I*, Eastern Book Company, Lucknow, 2003, P. 1].

(C) POST-VEDIC PERIOD: -

Although the women were given footage in the Vedic society, we can not ignore the fact that as the Vedic age was progressing or we can say moving towards development and civilization the status of women started to deteriorate. It can be said that the post-Vedic period can be marked as the period from where the status of women declined in the Hindu society. Gradually the gender inequality crept in the society and the same women who held the status of goddesses and without whom no religious rights could be performed and whose opinion mattered even in political field was degraded to such an extent that she was deprived of not only her freedom but also basic rights which was given even to the 'shudras'. Manu who opined that where women are respected, divine graces adore that home himself gives a very contradictory opinion regarding the women in his "*Manusmriti*". The society was of view that women can not be left independent as she is fickle, quarrelsome, untruthful, a veritable pot of poison, therefore, she must remain under the control of man all her life.²⁰ Manu, who gave her a respectable place in the society, was also of view that if a woman doesn't confirm to the image which society has built for her than she should be beaten with a stick or rope as thick as one's thumb. We can say that society has an image for a woman and she had to mould into that image which was approved by the society. As far as she confirms to that image or does not deviates from the said image she shall be worshipped, but wherein she deviates herself from it she would be liable for punishment. Saint Tulsi Das also in his world famous epic "*Ram Charit Manasa*" declares that if women are liberated they shall become corrupt [*Jimi swatantra bhaye bigarahin Naaree*]. He even declares that the women

20. Gangotri Chakraborty, *Emerging Necessities of Gender Balance in law*, in Nirmal Kanti Chakrabarti and Shachi Chakrabarti's, *Gender Justice*, R. Cambray and Company Pvt, Ltd., 2006, P. 20.

deserves beating or punishment like and animal “*Dhol, ganwar, shoodra, pashu naaree sakal tadana ke adhikaaree*” which means that drum, rustics, shudras, animals and women, all deserve beating.²¹ These incidences are enough to provide us the picture of status and position of women in Hindu society in the ancient India which changed from better to worse.

OTHER RELIGIONS: - During the post-Vedic period the status and position of women in the Hindu society (which was the only religion practiced in India at that period) deteriorated to such an extent that in the society her status was not better than the slaves. Umpteen times she has been regarded as the source of all the sins of the world and is blamed for misfortunes to men in the world. In fact, it is also believed that women can not get salvation, in order to gain it she has to be incarnated as men. The *Rig Veda* is evident enough to provide us with incidences wherein women participated in political activities and no religious ritual was complete without her. However, with time this too underwent a surge of change and some religious cult not only prohibited the women to read the religious scriptures but also denied any religious rights of women to participate in any religious practices. These practices hindered and obstructed the upliftment of women in the society she was subjected to extreme discrimination and degrading attitudes. This was also the period where other religions (which can be said to be the branches of Hindu religion) started to flourish in India giving women a new lease of life as they provided a new outlook and attitude towards women. Out of these there are two distinct religions, i.e., Buddhism and Jainism, which developed and worked towards the better status and position of women in the society. It would be better if we discuss the status and position of women under these religions.

21. Manjula Batra, *Women and Law and Law relating to Children in India*, Allahabad Law Agency, Faridabad, P.3.

(i) **BUDDHISM:** - Buddhism flourished under the guidance of Lord Buddha. Buddhism can boast to be the only religion which provides the least discriminatory attitude towards women. Buddha made his appearance in India at that period wherein women were considered inferior to men – both physically and mentally. She was looked down upon as a mere possession or a thing. Though husband could marry as many times he wishes to wherein his wife fails to bear child or wherein no male child is produced by her but the same liberty was not given to women. Even her religious rights were denied. In fact, it can be said that Buddha was the first religious teacher who gave women equal and unfettered opportunities in the field of spiritual development. He made them eligible for admission to “*Bikkhuni Sangha*” – the Order of Nuns. By doing this he not only provided them with religious freedom but opened new avenues of culture and social service and ample opportunities for public life. It also brought recognition of their importance to the society and enhanced their social status.

In the Hindu society there were many practices, superstitious beliefs and meaningless rights and rituals which resulted in social injustices and prejudices that were rampant against women. Buddha by his teachings tried to extinguish such belief and thoughts. He gave emphasis upon ‘*Karma*’ (one is responsible for their own actions) and ‘*sansaric wanderings*’. This gave rise to considerable changes in the societies view towards women. Unlike any other religious teacher, Buddha paid a glowing tribute to women. He considered them to be more discerning and wise than men and also considered them capable of attaining perfection or sainthood.

According to Buddhism women had liberty to lead an independent life and go about their own business. Unlike the Brahmin’s, Buddhism didn’t believe in view that a son was essential for father’s passage to

heaven. Daughters became quite as good as sons and marriage was no longer a compulsory necessity.

However, these ideas providing freedom to women under Buddhism was short lived as the admission of women into the Order was a step too advanced for that period. The people were also unable to adapt themselves to the improved conditions and to top it all the Brahmins found that by such ideas their caste system will be undermined. These were the factors that caused the decline of the Order. Although Buddha elevated the status of women socially he also pointed out that though men and women are equal, their roles in the society as well as in family are different. This attitude can also be seen in the separation of monks and nuns. According to a rule ascribed to the Buddha, "*a nun even if she has been ordained for a hundred years, must salute every monk in the most reverential manner, even if he has only just joined the Order, must remain standing in his presence, raise folded hands and show him due honour.*"²² These incidents show that though Buddhism provided certain freedom to women but did not favour structural equalities.

Apart from all this we can not deny this fact that Buddha is considered as the first emancipator of women. Due to *Buddha-Dhamma* women were not despised off or looked down but were given equal status as that with men in their spiritual endeavors to gain wisdom.

(ii) JAINISM: - The origin of Jainism could be traced back to the ninth century B.C. The teachings of Jainism are attributed to *Parshvanatha* (the twenty-third *tirthankara*, who belonged to a royal family of Benaras) who gave up royal life and became an ascetic. However, it is *Vardhamana Mahavira*, his spiritual successor who is considered as the real founder of Jainism. Apart from some of

22. Albet Schweitzer, *Indian Thought and its Development*, 100.

the social issues like the sexual relationship, marriage, family, varna system etc, the jain acharyas also discussed the role and status of women in the society. Jain acharyas accorded women an equal status to men. Tirthankara Mahavira made a distinctive contribution for raising the status of women in the society. During the post-*Vedic* period women partially had no place in the religious life of the society. She was neglected and was degraded by the people. Lord Mahavira removed the restrictions which were imposed on women. Under Jainism both the sexes were given equal opportunity in the matters of religion like the study of scriptures, observing the necessary duties, practice of '*vratas*' i.e., vows, entrance into ascetic order, practice of penance, making spiritual progress etc. It is stated that in Tirthankara Mahavira's fourfold religious order there were about 14000 *sadhus* (male ascetics); 36000 *sadhvi* (female ascetics); 1,00,000 *shravakas* (male householders) and 3,00,000 *shravikas* (female householders).²³ This shows that the female members outnumbered the male members in both the categories. This proves that the Jainism gave more priority to women than the men. Mother's of Tirthankaras are given special honour through communal worship.

Apart from religious freedom, equality of opportunity was accorded to women in several social spheres of action. In the field of education too women were given equal treatment. Infact, the importance of education was realized by *Rishabhadna*, the first Tirthankara. He advised his two young daughters, Brahmi and Sundari that "*only when you would adorn yourself with education your life would be fruitful because just as a learned man is held in high esteem by educated persons, learned lady also occupies the highest position in female world.*"²⁴ It is also said that he have imparted the knowledge of language

23. <http://www.jainworld.com/book/lifelegacymahavirs/index.asp> [Visited on 19th July 2007].

24. *Ibid.*

and mathematics to his daughters first and only then to his sons.²⁵ Jain women not only kept up the pace of female education but also made original contributions to literatures. The greatest name among them was Kanti who was one of the gems that adorned the court of Hoyasala King Ballal I (A.D. 1100 – 1106) in Karnataka. She was a redoubtable orator and poet. Similarly, a Jain lay Avviyara was also the most admired poet in Tamil language. Thus, Jain women are celebrated not only for their learning and their exceptional contributions in the field of education, culture and religion but they also excelled in the political field and proved themselves as remarkable warriors.

2. MEDIEVAL INDIA: -

Medieval India was not women's age it is supposed to be 'dark age' for them.²⁶ During the medieval period India saw many foreign conquests which resulted in deterioration of women's status in the society and their subjugation in the religious as well as legal sphere. With invasions of India by Alexander and the Huns, the position of women further degraded.²⁷ Due to these invasions her position was reduced to that of 'war prison'. Women were considered to be inferior to men and their place was at home. The identity of women remained that of wife, mother and daughter, apart from this she did not had any significant role. The advent of Mughals brought changes in the society of India since they brought with them their own culture. As a result of this the medieval Indian society was divided into religion and their respective customs, i.e., of Hindus and Muslims. The study of the status and position of women in medieval Indian society can, hence, be studied under the following heads: -

25. V.K. Dewan, *Law relating to Offences Against Women*, Orient Law House, New Delhi, 1996, P.35.

26. <http://www.mapsofindia.com/culture/Indian-women.html> [Visited on 23rd April 2007].

27. Mamta Rao, *Law Relating to Women and Children*, Eastern Book Company, Lucknow, 2005, P.21.

- (a) Under the Hindu society, and
- (b) Under the Muslim society.

(a) Under the Hindu Society: - The position of Hindu women was deteriorating since the post – Vedic period, but with the advent of Muslims in India, the Hindu society became more strict and rigid which resulted in further decline in the status and position of women in the society. As it is women were suffering from religious disabilities, the advent of foreign invader's put a sudden halt in their education and training too. In fact, there was decline in the literacy rate among Hindu women. They had to follow strict social observances and if violated they were severely punished. This rigidity or strictness in Hindu society gave rise to many social evils in the society which worked against women. One of the prime reasons of such rigidity can be that the original Indians wanted to shield their women from the barbarous Muslim invaders. In order to protect themselves the Hindu women started to use '*purdah*' (a veil) which covers body. This may be the reason that their freedom got affected. In order to protect their women Hindu's restricted their free movement which led to further decline in their status. Such problems changed the mindset of people. The people who used to regard girl child as a gift of goddess *Lakshmi* (the goddess of prosperity) began to consider a girl as a misery and a burden, which has to be shielded from the eyes of intruders and needs extra care. As a result girl child was not welcomed in the family. Birth of a daughter was considered inauspicious. Due to these beliefs the society started to practice female infanticide. Another misery which women had to face was that of child marriage. The said problem also reduced the age of marriage for girls. The 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 child marriage brought some more problems along with it such as increased birth rate, poor health of women

due to repeated child bearing, and mortality rate of women and children. The early marriages of girls resulted in explosion of child widows in the Hindu society. The condition of widows in medieval India was very bad. They were subjected to a lot of restrictions, such as, they were supposed to live pious life after their husband's death, were not allowed to enter any celebration, their presence in any good work was considered to be a bad omen, they were not allowed to remarry etc. In some of the cases their heads were shaved off. In the medieval India living as a Hindu widow was a sort of a curse. Another evil practice which was prevalent in medieval India was '*sati*' or '*sahagaman*'. It is the ritual of dying at the funeral pyre of the husband. There are incidents in the history which throws some light on this practice. The Rajput women preferred death to dishonour and performed '*jauhar*' in large numbers. This is attested to by the numerous '*satisatta*' stones found today in different parts of Rajasthan. They are similar to the '*mastikals*' or '*mahasatikals*' found in Karnataka.²⁸ Though this practice was not obligatory for women but if she practiced it she was highly respected by the society. *Sati* was considered a better option than living a life of a widow in the Hindu society.

Along with all these evil practices, the medieval India also saw rise in another practice which with time took an evil face i.e., dowry system. With time this custom took the face of an obligation on the part of the bride's family and was demanded by the bridegroom. There are instances mentioned in history wherein the marriages were broken due to unfulfillment of dowry and bridegroom marrying a women having more age than him. The menace of dowry grew during this period. It grew so much so that Akbar made reformation against the dowry system.

28. H.V. Sreenivasa Murthy, *History of India – Part I*, Eastern Book Company, Lucknow, 2002, P. 250.

Despite the above evil practices women had right to inherit the property of her husband and widow's too had right to alienate her estate. The scope of '*stridhan*' was expanded to include all kinds of property. In normal times the husband was not allowed to touch the property of his wife. However, Hindu women did not have honour to be the coparcener in the family property which may have resulted from all the imposed traditions and cultures of the society.

(b) Under the Muslim Society: - In the medieval India it was the Muslims who invaded India and it was their customs which paralyzed the Indian women in India for the said period. The status and position of Muslim women were in no way better than their Hindu counterparts when compared. In India, the Muslim followed the older traditions of ancient Persians which gave women an inferior position in the society. Strict veiling of women was the common practice among the Mohammedans in their native lands. Naturally in a foreign county like India, greater stress was laid upon it.²⁹ As the outsiders the Muslim men confined their women in between the four walls of the house and even if they stepped out of their house they had to come out in the '*burkha*'. This '*purdah system*' was imposed on them. In fact, a girl begins to observe seclusion as soon as she reaches the age of puberty. Muslim women had to follow the '*purdah*' very strictly. If, for any reason, a Muslim lady of rank discarded *purdah* even for a temporary period, the consequences for her were disastrous.³⁰

Although the religion which Muslim follows is Islam which is a democratic religion, however, in practice the women were treated as second class citizens. Women under the Muslim society did not enjoy any religious freedom or equality. She was not permitted to join men in general worship of the

27. The History and Culture of the Indian People-Vol VII [*The Mughul Empire*], Bhartiya Vidya Bhawan, Bombay, 1994, P.699.

30. *Ibid.*

God nor could take part in public life. Even the education to women was denied in the Muslim society, only few had any education. In relation to the marriage the men were allowed to marry more than one wife. A Sunni Muslim was permitted to have four wives at a time, while a Shia Muslim had the liberty to have even more wives than four.³¹ As polygamy was a norm for these invaders they picked up any women they wanted and kept her in their 'harems'.³² Under the Muslim personal law women had right to hold the property and to obtain divorce, but in reality she hardly could take any advantage of such rights. Not only this she was also denied any maintenance allowance by her husband. Basically she was a slave to her husband. However, this fact cannot be ignored that Muslim women in India have excelled not only in the field of education but also in the field of politics despite such rigid customs which was followed by the Muslims in the medieval period. The history shows the instances of *Razia Sultana* who was the sole woman ruler of the Muslim history in India and how men were not prepared to reconcile to the rule of woman. There are other instances like that of *Chandbibi*, *Begums of Bhopal* and Mughal princesses like *Jahanara* and *Roshanara* who played an active part in politics from behind the veil. These were the exceptional women who defied the rules and customs of then India. Even in the field of literature the names of Mughal royal household like *Gulbadan Begum* (daughter of Babur) who wrote 'Humayun – nama', *Jahanara* (daughter of Shahjahan) and *Zeib-un-Nisa* (daughter of Aurangzeb), who were poetesses. Besides these incidents, history is evident that Akbar did make some vital amendments in the personal laws of Muslims, especially in those relating to marriage and divorce. For example, he ordered that a man should marry only one wife, and that if she were barren, he

31. H.V. Sreenivasa Murthy, *History of India – Part I*, Eastern Book Company, Lucknow, 2002, P. 251.

32. <http://www.mapsofindia.com/culture/Indian-women.html> [Visited on 23rd April 2007].

could marry another. But normally the rule was 'one man, one wife.'³³ One more step which Akbar took was that no one should marry a woman who was 12 years older than himself and boys below 12 years of age should not be circumcised. This law was enacted because of the menace of the dowry system which gripped the Indian society during the medieval period. He also interfered with the personal laws of Hindus and made regulations relating to the age of marriage for boys and girls. Irrespective of the religion i.e., whether Hindu or Muslim he also made monogamy applicable to members of both the communities. He also took steps against the 'sati pratha' by allowing widow remarriages.

SIKHISM AND RIGHTS OF WOMEN IN MEDIEVAL PERIOD: -

The medieval Indian society was gripped with a serious crisis as the society was divided into two religions i.e., among Hindus and Muslims. There was in fact a gap between these two religions which resulted in the deterioration of status and position of women in India. Many historians believe that foreign invasions into India created a situation, which considered unsafe for Indian women specially the Hindu women. This subjugated the women further because they then became victim of unequal power equation.³⁴ In order to improve the situation of the society the honest attempts were made by the Bhakti saints to bridge the gulf between the two communities and to some extent they became successful to bring in the social reforms. Sikhism was one of the Bhakti cults which tried to improve the situation of the society. It can be said that Sikhism was a reaction against the oppression of the Muslims. Another factor which gave rise to the growth and development of Sikhism was the iniquitous barriers between

33. The History and Culture of the Indian People, Vol VII [*The Mughul Empire*], Bhartiya Vidya Bhavan's, Bombay, 1994, P.540.

34. Gangotri Chakraborty, *Emerging Necessities of Gender Balance in Law*, in Nirmal Kanti Chakraborti and Shachi Chkrabarti's, *Gender Justice*, R Cambray and Company Pvt. Ltd, P.20.

man and man which were built by the Hindu society through its caste-system. The Sikh Gurus laid down a healthy, egalitarian and progressive social order. These gurus advocated the principle of universal equality and brotherhood which transcended the narrow considerations of caste, creed, time, sex and colour. According to Sikh gurus women are equal to men in every field of life and they preached the public for equal rights and privileges for women – both in religious and socio-political fields. Unlike Hinduism, Sikhism does not debar women from attaining salvation. She can realize the highest religious goal while remaining a woman. She is not debarred from reading the scriptures and can also act as priest, conduct the service and lead a prayer in the *gurdwara*. She can join any congregation without any inhibition and restriction. She doesn't have to veil herself while sitting in a congregation. She can receive as well as impart baptism. She enjoys equal religious rights.³⁵ Guru Amardas opened 22 centres called "*Manjis*" and to manage them, he appointed 35 men and 52 women.³⁶ He not only assigned women the responsibility by supervising the community in certain sectors but also invested them with the office of preacher ship and missionary work. Women received great consideration from Nanak. She was given equal status with man. She was allowed to attend his sermons along with men. '*Purdah*' was discouraged. Women joined in the chorus in singing hymns. For '*langar*' men brought provisions and fuel wood, while women cooked food. Men and women both served meals to the '*pangat*'. Nanak condemned 'sati' or the custom of self-immolation of widows on the pyres of their dead husbands.³⁷

The basic tenets of Sikh religion provide that women have full freedom for worship, education and vocation. She may work in a field or a

35. <http://www.allaboutsikhs.com/articles/role-and-status-of-women-in-sikhism.html> [Visited on 19th July 2007].

36. V.K. Dewan, *Law relating to Offences Against Women*, Orient Law House, New Delhi, P.35.

37. The History and Culture of the Indian People, Vol VII [The Mughul *Empire*], Bharatiya Vidya Bhavan's, Bombay, 1994, P. 659.

factory or go to the battlefield as a soldier. In fact, the Sikh history records with appreciation the historic deeds performed by some of the Sikh women, for example; Mata Gujri, Mata SahibKaur, Mai Bhago, Mai Sada Kaur, Maharani Jind Kaur and Maharani Sahib Kaur who not only participated in political affairs but also war affairs of the Sikhs.

As per Sikhism, women must be treated with a difference as she is the source of man's physical existence and his entire social life. The Guru said: "*How can they be called inferior when they give birth to great men? Women as well as men share in the grace of God and are equally responsible for their actions to Him.*"³⁸ As a matter of fact, the Sikh gurus denounced all those practices and restrictions which tended to reduce women to a position of inferiority. Hence, Sikhism regarded that man and woman complement each other which means that one is incomplete without the other. Sikhism under the guidance of Guru Nanak did not criticize any religion but stressed on this fact that woman play a useful role in a society. He also tried to remove this false notion that women were unclean, a source of sin, an evil or a seductress, and considered them as a respected member of the society. Overall, under Sikhism the women had a very significant role in the society and her status was equal to that of man.

3. PRE – INDEPENDENT INDIA: -

There were many intruders before the British who came to India and settled within her frontiers, adopted her superior culture and became a part of its land and its people. However, the British conquest over India had totally a different impact over Indian society and its culture from what India had known before. In contrast to Europe, which was in the vanguard of civilization in the 18th

38. Quoted in *The History and Culture of the Indian People*, Vol VII [*The Mughul Empire*], Bhartiya Vidya Bhavan's, Bombay, 1994, P. 659.

century, India presented the picture of a stagnant civilization and a static and decadent society. Thus, for the first time, India encountered an invader who considered himself racially superior and culturally more advanced.³⁹ When British entered India, the Indian society was basically divided into two religions – Hindu and Muslim. Both the religion had diverse systems of law. The Hindu community had their own law and the Muslim community had their own. Similarly the various tribes had their own law. Hence, there was no uniform law applicable to the people in general.

The Indian society was bowled over by the new western ideas and values in life introduced by this new ruler i.e., the British. As a result of this western impact over the socio-cultural life and due to the impact of education, the attitude, behaviour and living pattern of Hindu society changed. The advent of the British rule in India was the first time resulted in a conscious effort to tackle the instance of violence against women.⁴⁰ Initially the British Policy was not to interfere in the country's social and religious customs and the problems arising out of it as the East India Company was basically concerned with trade and commerce as well as spreading the rule of the Queen. However, gradually their non-interference policy was replaced by a more active approach towards identifying the need for reform. Moreover, the English-educated Indian welcomed modernity provided by the British and firmly believed that if such modernity is introduced to the Indian society, it would get rid of the barbarism existing in the Hindu society and could bring an era of civilization.

During the British Regime, apart from the efforts made by efforts made by the Governor-Generals of India to eradicate the social evils from

39. B.L. Grover and S. Grover, *A New Look at Modern Indian History*, S. Chand and Co. Ltd, New Delhi, 2003, P. 392.

40. Vijender Kumar, *Law Relating to Domestic Violence*, S.Gogia and Company, Hyderabad, 2007, P. 22.

the society generated against the women, the educated youths of Indian society brought two major movements – the Social Reform Movement of the 19th century and the Nationalist Movement of the 20th Century. Both these movements brought forward the question regarding the equality and the status of women in the society.

At the beginning of the 19th century there were numerous social evils existing in the society which were tolerated partly out of veneration for old customs and partly out of sheer inertia. With the conquest of British and English education some of the educated youth developed a revulsion against the subsisting social evils of the Hindu religion which were counter to the practices observed in the old times. Hence, the Indian leaders stimulated by the new knowledge sought to reform Hinduism from within and sought to purge it of superstitious beliefs and practices.

In the 19th century it can be seen that the Hindu society was going towards gradual but steady degradation in the position of women which attracted the attention of the Social Reformists. The degrading position of women in Hindu society at the beginning of the 19th century was indeed most deplorable. It was a long tale of suffering and humiliation almost from birth to death.⁴¹ These social evils were infanticide, early marriage, less educational facilities to women, *Sati*, no right over inheriting the property of husband, prohibition of remarriage of widow, polygamy, and various other absententions enforced upon women. With the help of the British Government, the reformists like Raja Rammohan Roy, Ishwar Chand Vidyasagar, M.G. Ranade, Mahatma Phule, Lokhitwadi, Aurobindo and others all over India raised their voice against the unjust practices of Hindu religion while revivalists like Dayanand Saraswati, Swami Vivekanada and Annie Besant believed in reviving the old Vedic society presumed to the ideal for

41. The History and Culture of the Indian People, Vol X [*British Paramountcy and Indian Renaissance (1818-1905 A.D.)*], Part II, Bhartiya Vidya Bhavans, Bombay, 1990, P. 26.

women. In order to know the significant works done by these reformists as well as revivalist with the help of the Britishers in the area of improving the degrading position and status of women in the society we must study each social evils against women separately and the reforms made by the reformists and revivalists in the respective fields. They are: -

(a) Sati: - The *Sati pratha* or self immolation was one of the worst and the most highlighted social evil brought by the Hindu society. Even before the British there were some Indian princes who had taken steps to abolish this cruel practice. The Indian rulers such as Akbar, the Marathas and the Peshwas had also taken steps towards the abolition. Although the East India Company adhered to its declared policy of non-interference with the social customs of the people of India, yet the early Governor-Generals like Cornwallis, Minto and Lord Hastings took steps to restrict the practice of sati by discouraging compulsion, forbidding administration of intoxicating drugs to the sorrow-stricken widow, putting ban on the burning of pregnant women or widows below 16 years of age and, above all, making compulsory presence of police officials at the time of sacrifice, who were to see that no compulsion was used.⁴² However, these restrictions proved to be inadequate and unsuccessful. It was the social reformist Raja Rammohan Roy (the founder of Brahma Samaj) who urged William Bentinck (then the Governor-General of India) to take necessary steps and declare sati as an illegal practice. As a result of this William Bentinck in Dec' 1829 declared sati an illegal practice and made it punishable by criminal courts as culpable homicide. However, the Regulation of 1829 was applicable to Bengal Presidency alone but later on was extended with slight modification to Madras and Bombay Presidencies in 1830.

42. B.L. Grover and S. Grover, *A New Look at Modern Indian History*, S.Chand and Co, Ltd., New Delhi, 2003, P. 183.

(b) Infanticide: - This was another horrible and cruel practice among the Hindus wherein the infant daughters were killed at their birth itself. Moreover, unlike the *Sati* system the practice of killing of infant girls had no religious sanction behind it. All over India this practice was more prevalent in Bengalis and the Rajputs as among them the birth of daughter was considered to be inauspicious. Another reason may be that in the certain tribes of Rajputs the marriage between the families of same clan or tribes was not allowed as a result the girl was given in marriage to a person outside ones clan which required social customs and conventions and in return it demanded a very heavy expenditure on the marriage ceremony. A Rajput was often heard to say "*accursed to the day when a women child is born to me.*"⁴³ To make the things worse if the parents could not marry off their daughters it was considered a social disgrace as well as violation of religious injunctions. In order to avoid such burden certain tribes started to practice killing their infant daughters at their birth. The Britishers as well as the reformists were of unanimous opinion of condemning infanticide. In 1785 the Bengal Regulations XXI and III of 1804 declared infanticide illegal and made it equivalent to committing a murder. Even the Government of India passed an Act in 1870 making it compulsory for parents to register the birth of all babies and providing for verification of female children for some years after birth.

(c) Remarriage of Widows: - The abolition of *Sati* is incomplete without widow remarriages which was although not prohibited in the Hindu religion, but was not prevalent among the Hindus. The Brahmo Samaj debated the question of widow remarriage and popularized it among the Brahmos. This had a great repercussion on the orthodox Hindu society. Even Ishwar Chandra Vidyasagar, a renowned Sanskrit scholar and Principal of the Sanskrit College, Calcutta, dug up old

43. Quoted in the History and Culture of the Indian People, Vol VII [*The Mughul Empire*], Bhartiya Vidya Bhavans, Bombay 1990, P. 699.

Sanskrit references and proved that vedic texts sanctioned widow remarriage. He sent a petition signed by 987 persons to the Government of India urging it for legislative action. As a result the Hindu Widows Remarriage Act, 1856 was enacted which legalized the widow remarriages. Despite this in Bengal widow remarriage reforms achieved little success.

In the Western India, Prof, D.K. Karve took up the cause of widow remarriage and in Madras Veerasalingam Pantulu made huge effort in the same direction. Prof. Karve not only devoted his entire life to uplift the Hindu widows and became the Secretary of the Widow Remarriage Association; he also refused to marry a teenager and married a Brahmin widow in 1893.

(d) Child Marriage: - Another reason for the degrading position of women in the Hindu society is the early marriage of the women. This not only increased the number of widows in the society but also aggravated the problem of *sati* in the society. In order to stop this practice legislative action in prohibiting child-marriage came in 1872, popularly known as Civil Marriage Act, wherein marriage of girls below the age of 14 and boys below the age of 18 years was forbidden. This Act was passed on account of courage and perseverance of Kasha Chandra Sen. However, this legislation was not applicable to Hindus, Muslim and other recognized faiths. As a result a Parsi reformer of the 19th century, B.M. Malabari, started raise his voice against child marriage and ultimately legislation was enacted which prohibited marriages of girls below the age of 12 years. The Act was called Age of Consent Act, 1891. The Sharda Act, 1930 further raised the age of marriage and provided that whoever will solemnize marriages of boys under 18 years and girls under 14 years of age will be punished.

(e) Abolition of *Purdah* System: - Seclusion of women by way of *purdah* system has been vehemently criticized by many eminent scholars. In fact, this system was

the main root cause for women's degrading position in the society as well as inequality in the religious, political as well as the social fields. The observation of *purdah* was basically practiced by the Muslim women but gradually the Hindu women too started to practice it or rather such practice was imposed on her. Although this social cause did not take much importance with the reformists as well as the British rulers, yet many worked towards abolishing this social evil. Gandhiji attacked the *purdah* system and have said, "*The sight of the screen made me sad. It pained and humiliated me deeply... Let us not live with one limb completely and partially paralysed... Let us tear down the purdah with one mighty effort.*"⁴⁴ The All India Women's Conference was established in 1927 and it too denounced the practice of *purdah* system and emphasized it as a social evil. Gandhiji also appealed to women to come out of their veil and participate in the nationalist struggle by picketing and spinning. The civil disobediences in thirties liberated the women from the oppressive custom of *purdah*.⁴⁵

(f) Polygamy: - Along with the above mentioned social evils which a woman had to go through, one more social practice which not only demeaned the woman's pride but also subjected her status in the society as that of chattels was the practice of polygamy or marrying more than one wife. On the one side, women were subjected to a barbarous as well as cruel practice of *sati*, and were prohibited to remarry even after the death of their husbands. On the other side, men could marry as many wives as they could not only after the death of their wife but also during the life time of his wife. Husbands were also permitted to keep the concubines. Although the social reformists fought against this social evil too but no legislation prohibiting such practice was passed by the Government of India.

44. Quoted in B.L.Grover and S. Grover, *A New Look at Modern Indian History*, S. Chand and Co.Ltd, New Delhi, 2003, P. 409.

45. Baidyanath Choudhury, *Human Rights and women in India*, IX CILQ 378 (1996).

(g) Denial of Education: - History is evident enough to prove that women had attained high education during the Vedic period. However, gradually till the period of the 19th century the situation of female education was practically unknown in most parts of India. Education to girls was discouraged. This was the greatest evil among all from which the women in the Indian society suffered. Women were denied educational right partly due to early marriage and partly due to superstitious belief that an educated woman is fated to become a widow.

The first effort towards female education was made by the Christian missionaries, almost immediately after the restrictions against missionary work in this country were removed by the Charter Act of 1813.⁴⁶ These Missionaries was inspired by the zeal of spreading gospel among the natives however, they thought that first of all it is necessary to eradicate the superstitions and idolatry from the minds of the Hindu women. Whatever may be the motive of these Christian missionaries but they were the first one to establish schools in India for educating girls. These schools could not attain success as the most necessary thing for the improvement of female education was to remove the prejudices against it from the minds of the people.

The social reformists too worked towards providing education to the girls. Raja Rammohan Roy, the founder of Brahmo Samaj, was the great defender of women's rights and some of the prominent members of the samaj started journals for the promotion of education and culture among women. The Arya Samaj made arrangements for women's education through institutions like "*Mahakanya Vidyalaya*" at Jullunder in the Punjab, and some others started here and there.⁴⁷ The Prarthana samaj and the Deccan Education society too made

46. The History and Culture of Indian People, Vol X [British Paramountcy and Indian Renaissance (1818-1905), Part II], Bhartiya Vidya Bhavan's, 1990, P. 284.

47. *Ibid*, P. 66.

important contributions to the cause of female education. An attempt in this direction was made by Pandit Gaurmohan Vidyalkar, who wrote in 1822 a pamphlet entitled '*strisiksha-vidhyaka* wherein he quoted numerous examples producing beneficial effect upon the intellectual and moral development of women and domestic peace and happiness. The most important landmark in the history of women's higher education in Bengal was the foundation in May, 1849, of a school in Calcutta by J.E.D. Bethune, whose name will be forever remembered as a great patron of female education.⁴⁸ Ishwar Chand Vidhyasagar too rendered his services to the cause of women's education in Bengal. He also opened thirty-five schools in Bengal to educate girls between November, 1857 and May, 1858. In Bombay the women led a comparatively free life as *pardah* was not practiced by the Marathas. Both in Bombay as well as in Poona English-educated men started to spread education to girls through schools. In fact, Jotiba Phule, a social reformist, took up the cause of women and downtrodden masses. In 1851 he opened a girl's school in Poona with the assistance of his wife. Despite the vigorous support of female education and work done for the said purpose the spirit of hostility against it continued among certain sections of people. *Purdah* system is also considered to be a great obstacle to girls attending schools. The Parsi community of Bombay too felt the need of such education.

The policy of the British Government in relation to women's education in India was still one of caution. Lord Canning's government declared that government cannot take such initiative in the matter of girl's education as the girls school was mainly supported by voluntary aid and the government used to encourage these schools by only giving grants-in-aids. After reviewing the situation regarding the female education in India the Education Commission of 1882 remarked that it was still in "*an extremely backward condition, and that it*

48. *Ibid*, P. 291.

needs to be fostered in every legitimate way."⁴⁹ After this the government of India granted aids liberally to the development of girl's school for the emancipation of female education. Not only the higher secondary education but the girls also started to receive college/university education after this. By 1901-02 there were 12 female colleges.

Women's participation in Politics and its impact on the status and position of the women in the society: -

The entire history of the struggle for freedom is incomplete without mentioning the active participation of women. Their courage, leadership and initiative not only displayed their political involvement for independence from colonial rule but it also gave them for reaching importance in the Indian society. There were many prominent women played a leading role in the freedom movement. During the uprising of 1857, women of the ling class came together along with men to fructify their ambition for an independent India.⁵⁰ The names of Maharani Ahilyabai Holkar, the famous Rani Lakshmi Bai of Jhansi who fought valiantly and led her soldiers to war against the British, and Begum Hazrat Mahal who is also remembered as the Begum of Oudh took active part in defending Lucknow against the British, are some of the examples of women who lit the candle of women's participation in the freedom movement. However, it was the later half of the 20th century wherein the struggle for freedom gained momentum and the participation of women increased for the said cause.

Women's role in the National Struggle for freedom is not restricted to non-violent *Satyagraha* Movement only; they also took active participation in violent or armed revolution. Women's early contribution to the

49. *Ibid*, P. 67.

50. <http://nrcw.nic.in/index2.asp?sublinkid=451> [Visited on 26th August 2007].

national movement started in the late 19th century with women's participation in the Indian National Congress. The National Movement for Independence took an important turn with the partition of Bengal in 1905, wherein women joined men in protesting the division by boycotting foreign goods and buying only those goods produced in the province of Bengal. Mrs. Nonibala Devi Joined the new '*Jugantar*' party which was dedicated to violent movement in the early 20th century. Another form of National Movement for freedom started under the guidance of Shri Mohandas Karamchand Gandhi, who called women to join the "*Satyagraha*" Movement. This increased the participation of women in National Movement for freedom. There were some important women who played a very active role in the '*Swadeshi*' Movement. Gandhiji encouraged women to participate in the political movement of India. According to him no nation can prosper without the equal participation of women and men. Swami Vivekananda too in the last decade of the 19th century gave a tremendous impetus to the emancipation of women from seclusion and bondage. He had said that "*The countries and the nation which did not respect women have never become great nor will ever become great in future.*"⁵¹ Dr. Sarojini Naidu who joined the Home Rule movement launched by Annie Besant joined the Indian National Congress in 1915 and propounded the idea of Swarajya in her powerful speech at the Lucknow Conference in 1916. In 1921 she participated in the non-cooperation movement launched by Gandhiji and became the President of the Congress in 1925. She became the principal assistant of Gandhiji when he started his Civil disobedience movement in 1930. She was arrested but this did not deter her spirits and in 1942 she joined Quit India Movement launched by Gandhiji. The repeated jail terms only gave her more courage and she continued to take active part in the freedom movement. In the leadership of Sarojini Naidu women submitted a deputation in

51. Baidyanath Choudhury, *Human Rights of Women in India*, IX CILQ 376-378(1996).

Dec' 1917 wherein a memorandum to Montague demanding the voting facilities for women. As a result of this the British Parliament appointed a Committee Southborough Committee in 1918 to make recommendation regarding franchise and ultimately the Provincial Legislative Councils accepted the right of women for franchise. By the 20th century the Indian history saw the rapid entry of women into politics especially after 1919. Sarojini's daughter, Miss Padmaja Naidu, too played a great role in the freedom movement. Kasturba Gandhi, the wife of Gandhiji, too contributed to the freedom movement in a subtle manner. The names of Swarup Rani and Kamala Nehru (mother and wife of Jawaharlal Nehru) is worth mentioning as they gave their children and husband for the country's cause. Very few knows about the tales of bravery of Smt. Kamala Nehru when she faced lathi-charges, picketed liquor shops and languished in jail for the cause of Indian independence. Vijay Laxmi Pandit (sister of Jawaharlal Nehru) too played an important part in the freedom movement. Smt. Indira Gandhi's name is worth mentioning as she was the most remarkable women in modern India who participated actively in the national liberation struggle from her early years. During the 1930 movement she formed the "*Vanar Sena*" (a children brigade) to help freedom fighters. She also became a member of the Indian National Congress in 1938 and plunged into politics actively in March 1941. Besides them there were women not only from educated and enlightened families who joined Gandhiji in his non-cooperation movement but women belonging to rural areas too joined him for the said cause. In fact, women who joined the national movement were not only from the higher strata of Indian society, but from all walks of life, all castes, religious and communities. Overall the effect was that women's participation in the freedom movement made them come out of their shell and actively participate in the political revolution of the country.

Apart from the above mentioned women who participated in the non-violent movement of Gandhiji, there were some women of Bengal and other parts of India who played a key role in the armed revolution. Women played a major role in the Lahore Student's Union of Bhagat Singh and the Kakori Case. The *Mahila Rashtriya Sangha* was set up in 1928 by Latika Ghosh, an Oxford educated teacher. Veena Das who shot at the Governor of Bengal, and Kamala Das Gupta and Kalyani Das were all active within the revolutionary groups. In April 1930, the Indian Republican Army, a revolutionary group led by Surya Sen, attacked the city armoury of Chittagong. Kalyani Das, Priti Lata Waddedar, and other women were part of this revolutionary attack. Women fearlessly participated in violent and non-violent movements.⁵² Women even took part in the Indian National Army (INA), established by Netaji Subhash Chandra Bose. As a matter of fact he recruited about 1000 women for the Rani of Jhansi Regiment from different South East Asian countries, which was led by no other than Dr. Lakshmi Swaminathan. Women as young as 17 years of age were members of INA. These women were given same training as that given to men. Even their uniform was similar to that of men soldiers. INA has left a psychological impact on the women of India.

Besides the Indian women some of the British women too actively participated in the emancipation of women in India from the political aspect while fighting for its independence. In 1917, Annie Besant enlightened the British women who were settled in India since 1803 and launched the Home Rule agitation for the liberation of women. She was also elected the President of the Calcutta Session of the Indian National Congress. The Nagpur Session in 1919 was attended by about 200 women which was a striking evidence of the political awakening of the Indian women. Apart from her Sister Nivedita, though was born

52. <http://nrcw.nic.in/index2asp?sublinkid=451>[Visited on 26th August 2007].

in Ireland was impressed by the ideals of womanhood in India and remarked it to be the land of great women which in the British India gone through many stages of deterioration. In order to uplift their status in the society she not only attended the Benaras Congress but also supported the Swadeshi Movement. For the said purpose she propagated for the cause of India throughout America and Europe.

The above mentioned names are the list of those women who impressively participated in the freedom struggle. They not only fought for the freedom of the country but also fought for the cause of women. As per a Resolution passed on January 26, 1931 "*We record our homage and deep admiration for the Womanhood of India who in the hour of peril for the motherland forsook the shelter of their homes and with unfailing courage and endurance stood shoulder to shoulder with their menfolk, in the frontline of India's national army to share with them the sacrifices and triumphs of the struggle.*"⁵³ Hence, it can be concluded that due to the equal participation with the men in the national struggle, the traditional conceptions about the role and status of women in the society was changed and the attitude of the society towards them too changed. The change is evident wherein a number of women were made ministers, under-secretaries and deputy speakers of Provisional Legislatures when Congress Government was formed.

4. POST – INDEPENDENT INDIA: -

Policies regarding the emancipation of women during the British regime in India lifted up the status and improved the position of women to certain extent. Women's participation in the National Movement for independence too gave some kind of recognition to women in the society. Hence, when India became independent the framers of the Constitution enshrined the principles of

53. http://www.aicc.org.in/women_and_india%E?%80%99s_independence_movement.phl
[Visited on 26th August 2007].

equality, liberty and social justice as they were aware of the sociology of the problem of emancipation of the female sex. It was realized that in order to eliminate inequality against women in the independent India it is necessary to promote education and economic interests of women which can protect women from exploitation and provide social justice. The first Prime Minister of India, Jawaharlal Nehru had said that "*you can tell the condition of a nation by looking at the status of its women*" which is absolutely true as they are the mirror of a nations civilization. Hence, keeping this in mind the framers of the Constitution had enshrined the above mentioned ideals not only in the various parts of the Constitution as well as enacted various legislations wherein the rights of the women are protected against various forms of discrimination.⁵⁴

54. See, *infra*, National Instruments: Gender Justice and Protection of Women from Domestic Violence, under Chapter III: Domestic Violence and Gender Justice.