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## **Women Are Not Born, But Made: Place of Women in the Indian Society**

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### **ABSTRACT**

*The preamble is the key to constitution it does not discriminate men and women but treats them alike. In India, the history of elimination of women is very decrepit and long which is responsible for including general and special provision for upliftment and development of status of women.*

*Women constitute half of the world population perform nearly 2/3<sup>rd</sup> of work hours receive 1/10<sup>th</sup> of the world income and own less than 100% of world's property.*

*According to Historian Romilla Thaper*

*“Within the Indian subcontinent there have been infinite variations on status of women diverging according to cultural malices, family structure, caste, class, property rights and morals*

*In ancient India women enjoyed full respect and honour. The ancient period of Indian history was the golden period of women. But during the Muslim period in Indian history, the position of Indian women deteriorated. There came a ray of hope in the live of Indian women during the British period. They threw up Purdah and women were allowed to study.*

*The year 1975 was observed as Internal Women's Year. A World Women's Conference was held in Mexico and a 10 year programme was chalked out for removing discrimination on ground of sex, in social, economic and political fields*

*Our first law-giver Manu said, “Where women are respected, the gods reside and feel happy and where they are not, all efforts and work prove, useless.”*

**Keywords:** *Constitution, Preamble, Respect, Honor, Malices, Discrimination, Suppression, Upliftment.*

*“Just as a bird cannot fly with one wing only, a Nation cannot march forward if the women are left behind”*

*-Swami Vivekananda.*

### **INTRODUCTION**

Man and woman are like two wheels of a carriage. The life of one without the other is fragmentary. Man and woman both pony up to the development of each other's personality. All our holy books and scriptures have been glorifying the role of woman in the life of man. Woman is the maker and the etch of a nation's destiny. Although she is delicate and soft yet she has a heart for stronger and nobler ideas than that of man. She is the supreme inspiration, embodiment of love, pity and compassion. Gandhiji once said, “When you educate a man you educate a family but when you educate a woman, you educate the whole society.”

The sociologist had described the women by propounding different perceptions. In India, the history speaks that the women are considered as a celestial force but the multi-cultured Indian society placed the women at different positions. Thus, there is no uniform status of women in the Indian Society. The Indian Philosophy possess the women with dual humor on the one hand, she is considered arable, quiet, benevolent but on the other hand she is considered aggressive and represents “Shakti”.

### **I.) Position of Women in Pre independence period**

To study the position of women it is necessary to discuss the position of women during the Vedic period, post Vedic period and medieval period.

#### **1.) Vedic period**

Undoubtedly, the position of women during the Vedic period was remarkable on account of freedom and equality. During this period, the women aid in every jaunt of life. Women studied in Gurukuls and enjoyed Liberty in every sphere. The great Women like Apala, Visvara, Yamini, Gargi and Ghosa stole the limelight and became front runners in society. In Rigved the wife has been beatified to live as a Queen in the husbands condominium. In Upanishads, the wife has been regarded as a true companion of husband. In Mahabharata the wife has been called the root of prosperity and dharma. This shows the high status of women. The men was not religiously competent to perform religious duty without his wife. There was absence of the purdah system, right to select life partners in the form of swayamvar. However, the system of polygamy and dowry was only extensive in the ruling class. There was no embargo in the remarriage of widow and also no discrimination between a boy and girl. As a result, girls were approved to undergo thread ceremony (Upanayana sanskar).

#### **2.) Post vedic period**

“During the post Vedic period, the women had endure drastic adversity and restraint”

##### **Manu**

He attempted to arrange male dominated society by developing the authority of men. The birth of a girl child was treated as a catastrophe for the family. Girls were refute access to education. Girls were not allowed to undergo thread ceremony. During this period, Pre-Puberty marriage system was begun, thus the marriageable age of girls was lowered to 9-10years. However, girls belonging to ruling class were allowed to receive education, training in military science, administration and fine arts to some extent. Daughters were brought up under surveillance of her father, as wife of her husband, as a mother of her son.

Notably, in post Vedic period, the women’s right to property was recognized and the concept of “Stridhan” prevailed. As Manu defined Stridhan means - “That which was given to her nuptial fire, in bridal procession, in token of love and which she has received from father, mother, brother and husband”.

#### **3.) Medieval period-**

The women’s position was degraded during the medieval period with invasions of India by Alexander and Hans. Society observed security threats invading soldiers, roaming country

sides considerably women were placed behind the wheel. Women were deprived of education and attendance in community affair. During the medieval period the social evil like child marriage, Sati, female infanticide mushroomed extensively. Further, social curse like dowry had become inevitable particularly in Rajasthan. The scheme of devdasi and polygamy had also compass widely in country side. Thus, during the medieval period the women were oppressed in every sphere.

## **WOMEN'S POSITION DURING THE BRITISH PERIOD**

In the British period the position of women had borne dire changes mainly due to western impact on the Indian socio-cultural pattern. The concept of equality, liberty and individual secularism, despite, crop up but limited to ruling class.

Two major movements took place during the British regime. These are:-

- 1.) **Social reforms movement** - This movement emerged during the 19<sup>th</sup> Century and raised the question of equal status of women. Social reformers demonstrated the interest regarding problems of *sati*, prohibition on re-marriage, denial of right to property, child remarriage and education to women. The reformers were of the view that by giving women access to education and by introducing progressive legislation social reforms in respect of women can be achieved. Swami Vivekananda, Dayanand Saraswati and Annie Besant were of opinion that old Vedic period should be recovered which was optimal for women's status. The *Father of Nation* Mr. M.K. Gandhi strongly criticized the system of child marriage, sati, prohibition of widow's, re-marriage and Devdasi system.
- 2.) **Nationalist movement** - The nationalist movement drew the scrutiny of a large number of people and achieved confidence among women to raise their voice against oppressive system. In 1927, All India Women's Conference was formed and it proved to be a crucial movement towards the right to equality of women. Consequently, a number of legislations were enacted like Widow's Remarriage Act, Child Marriage Act and Hindu Women's Right to Property Act, which contracted to eradicate certain social evils. Even, provisions of industrial laws were appropriately amended to restore the status of women which prevailed during the Vedic period. The establishment of crèches, reduction of working hours, prohibition on night working hours and restriction to work in mines were introduced under the banner of nationalist movement.

It is submitted that during the British period public awareness was created although women's political and social participation earned momentum.

### **3.) Women's movement**

Various thinkers have propounded the women's subordination in different perceptions with different approaches. It is true that women have subordination rather lower status in the field of politics, economics and education. Even, in society they have been placed below the men. To end this subordination and different perceptions, three major ideological movements of women emerged. These are:-

1. **Liberal movement** - The feminism movement occurred during the 18<sup>th</sup> Century. The concept of individualism meant to give freedom to individual to do what he/she wished to do without interference from people. Ardent supporters:-

**Mary Wollstone Craft**

He was the prominent supporter of women's causes 'Vindication of the Rights of Women' was published by Mary Wollstone Craft in 1792 in which it was mentioned that one has to accept that women are human beings and not only sexual beings and if women are denied equal human rights, one has to prove that they have no rational capacity to claim equal participation and equal right.

**John Stuart**

The existing relations between the sexes, the legal subordination of sex to the other, is wrong in itself and now one of the chief barrier to human advancement and that it ought to be replaced by perfect admitting no function or privilege on the one side nor ailment on the other side.

2. **Radical movement** - This second phase of movement occurred around 1969 - 1970 which had important link with liberal movement sexual oppression and sexual division of labour relating to women were overlooked in liberal movement. Incorporation of enactments was not the proper and effective measures unless the attitude of society is reformed by education and participation in politics and economics. There is need to establish a true gender equality and eradication of patriarchal system.

The radical movement reformers complained for removal of all sex distinction and man was contemplated as foe and subordination of women was taken as bio-psychological supremacy of man over woman. The radical movement reformers believed in collective child care, free sex and control over one's body. They were of opinion that rape, pornography and sexual violence are the result of masculine hostility against women. The eradication of male dominance can be achieved by a complete sexual revolution and traditional sexual prohibition can be destroyed by showing solidarity of women's movement.

3. **Socialist movement** - The thinkers of sociological school prominently *Karl Marx* and *Engels* defend the socialist pattern of movement. This pattern of society is against capitalism and patriarchy system but the secondary condition of women cannot be entrenched out unless the notion of prevalent society is wiped out.

Indian social reformers of 19<sup>th</sup> century did approach on the line Liberal movement, campaigning right of education of women so that women become better mothers and wives and they also campaign for removal of social evils like sati, child marriage, prohibition of widow remarriage etc.

## **II.) POST INDEPENDENCE PERIOD**

The constitution of India, 1950 has certain provisions relating to women. It makes special provisions for the treatment and development of women in sphere of life. Undoubtedly, the Preamble contains assorted ambitions including "The equality of

status and opportunities” to all the citizens. This detached has been inserted with the view to give equal status to man and woman in terms of the opportunity.

## **FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES**

Part III & IV of constitution of India deals with the fundamental rights and directive principles. The provisions regarding fundamental rights have been preserved in article 12-35 which are applicable to all the citizen irrespective of sex. Nonetheless, certain provisions assure the rights of women. Section 14-15 deals with equality and discrimination. Articles 19-22 deals with freedom. Article 23 talks about right against exploitation.

### **“A Woman Shall Not Be Denied a Job Merely Because She is a Woman”**

In the land mark judgment the apex court in *Air India v. Nergesh Mirza*<sup>i</sup>, has held that a women shall not be denied employment merely on the ground that she is a women as it amounts to violation of Art. 14 of constitution.

### **Denial of Seniority, Promotion on the Ground of Sex.**

In the landmark judgment of *Miss, C.B. Muthamma v. UOI*<sup>ii</sup> the question was raised in contravention of Article 15 of constitution of Indian therefore after this case the provisions for denial promotion and seniority have been eliminated.

### **Reservation of Seats for Women in College**

In *Dattatraya Motiram More v. State of Bombay*<sup>iii</sup> it was held that reservation of some seats in women’s colleges is not unconstitutional. The court observed that establishment of educational institution exclusively for women is not hit by Art 15 of constitution.

## **GRANTING LICENSE FOR OPENING A LIQUOR SHOP**

The Allahabad High court in *Smt. Savitri Agarwal v.K.K. Bose*<sup>iv</sup> according to the decision of authorities to prefer men over women in granting licenses for opening a liquor shop was smacked down as impending within the prohibition of article 15(1). It was further held that such a discrimination was not permitted under Art.15(1).

**In the post independence period** the bundle of rights, immunities, privileges are huddled upon Indian women. All the three organs of the state fully contribute in strengthening the prestige of women.

## **LEGISLATION PASSED MANY ACTS, LIKE**

- 1.) Protection from domestic violence act,2005
- 2.) Hindu Marriage act,1955
- 3.) Hindu succession act,1956
- 4.) Hindu adoption and maintenance act,1956



- 5.) The dowry prohibition act,1961
- 6.) The Medical termination of pregnancy act,1971
- 7.) Protection of women against sexual harassment at work place bill,2010.

Apart from the above, Constitution of India inserted the Articles likes Art.15 (3) 23,24,39(a),39(d),39(c),42,45,51(a),243D,which expressly talks about special provision for women and their protection. These provisions crystal clearly shows that our legislation is gender sensitive. Recently after the Verma Committee Report 2013 women are being added protection from heinous offences like rape and stalking etc. By passing a new law and making amendments in the year 2013 our vibrant judiciary too delivered historic judgement of Vishaka vs. State of Rajasthan.<sup>v</sup> which led down guidelines no sexual harassment at workplace against women.

It is irony of our country's fate that we are unable to understand that-**"Injustice any where is threat to justice everywhere."**

## CONCLUSION

In the present anarchic world, only women can handle the situation and do it in a superior and more standardized demeanor. Women must be allowed to explicit and affirm their identity and vigorously engage in all orbs of activity. It is to be remembered that even today discrimination against is rampant at many levels. Unequal treatment is still meted out to them. In India many traditional beliefs that degrade women are still given importance. For many women, oppression and suppression are a way of life. But they have overpowered it all to crop up with combined strength and vision.

Linkwith this, the educational level of women must be upgraded. They must be made aware of their duties, rights and responsibilities. Superstitions and traditional beliefs about women must be checked on the barometer of rationality and an equal status be accorded them in society.

Despite plentiful efforts regarding women empowerment and her preservation from crimes we are not able to cope up with the present deplorable condition of women. The clip of empowerment is very sluggish which needs to be accelerated. This can be done through circulate information about affairs akin to her development, fast and speedy trial of the cases, delivering and executing decision by courts on time to attain complete justice. In our country the laws are sufficient, the only thing our country demand is' to watch the patrolman' i.e. alertness, proper execution and implementation. In simple words it can be said that it is good laws and bad implementation. People now should now realize it is the man who makes the houses but it's the women who make it a home.

As per the present condition of woman, we could only pray to God-

"God please give her Audacity'  
To switch the things  
Which she can change...  
God give her power  
To condone the things  
Which she can not change!!

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And, God give her wisdom  
To differentiate between those two.”

## ENDNOTES

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- <sup>i</sup> AIR 1981 SC 1829
- <sup>ii</sup> AIR1979 SC 1868
- <sup>iii</sup> AIR 1953 Bom.311
- <sup>iv</sup> AIR1972 All 305
- <sup>v</sup> AIR1997 SC 3011.

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