Changing dimensions of status of women in India

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Abstract---Female collectively constitute maximum portion of the population worldwide, and they are also granted with the equal rights like men but then also the women are subjected to bigotry. They are not able to get desired place in the society like men and there is no such society till now where women can enjoy satisfactory level of equality with men. Numerous times the females face discrimination on various grounds like gender, physical ability and many more, and there are numerous countries where they are subjected to bigotry because of their weaker financial position or capacity. There is an essential requirement which needs to be complied with, that the Union and the concerned State governments are collectively required to pay their important attention towards this issue because as we all know that women are also having certain rights like the Right to hold any estate, house, or any other tangible or intangible property which is important for their dignified life and also for the prospects of their children’s. The expansion of the rights of Human beings which includes females too, came into light when there is marking change
took place in the society, as a result of which the role of women in society gets changed and they took a step forward towards public life. So here we discuss how legislature ensures protection of the women rights and gender equivalence for them in the civilization and also we tried to touch other aspects of female rights briefly.

**Keywords**---violence, women, discrimination, women rights, social status, gender equality.

**Introduction**

As we all know that the women are always considered as a vulnerable group of our society because of their physical build and many other reasons as a result of which we always said that women’s need special care and protection from the society and the legislature because a women alone is not capable of protecting herself so it is the duty of the society to protect them because as we all are aware of the fact that in ancient times the societies was considered as a male dominant society and we considered a male to be the more stronger as compare to a female in both the terms means Physically and Mentally because in the ancient times the society believes that only the males are having the duty and responsibility to earn money and to work outside which require physical stress and also have the responsibility to earn livelihood for his family because of which they thinks that they are the only responsible persons of this society, as a result of which the domination of the one particular gender starts increasing very quickly and they starts treating the women’s like an object and just bound the women’s only within the territory of four closed walls and also the society tells the women’s that you are having only one work that is to manage the household activities and to take care of their children’s and to do the service of their husbands and to follow the commands and orders of their husbands only. In a civil society like ours, we are having a duty to pay respect towards human rights is an essential and basic element for the free survival of Humans. The united nation’s center for the rights of humans defined human rights like they are permanently inclusive in our nature or environment and without having nature the survival of humans is not possible these freedoms related to life, parity, security, and protection against all kinds of discrimination and so on. (Gupta & Uniyal, 2019) Human rights was been included officially in the UN as an important priority at the international level also. And we can imagine the glory of the women by this that In India the statue which is denoting the (Justice) is itself of a ‘Lady’ named Justitia.

**Development of Rights of Women**

Due to the restrictive administrative structure protecting their dignity and sense of common humanity in a world controlled by males, men’s have generally monopolized the discussion about human liberties. Civil and political rights were explained in the seventeenth century in male-monopolized societies. Plato was the very 1st Greek philosopher to urge for women’s independence from home responsibilities, and qualifying them to actively contribute to the advancement of a country and state. This was a logical option for him to make when discussing about spouse communism in regard to the guardian class."Women’s literacy and
a desire for equality these were the most significant contributors to women’s human rights, as they allowed and enable women to explore the world and prove their rights and capabilities a certain philosophical tradition developed that called for women’s complete participation in the public sphere.” (Kumar D. K.-1., 2014)

**Status of the Women in Indian Society**

“Bharat has a comprehensive and descriptive list of Reformers who spoke out against gender inequality and made commendable attempts to provide women with equal rights with males and also tried to elevate the position of women in society in 19th century. One of the most well-known reformer was Raja Ram Mohan Roy in (1772-1832) peoples also addressed her as a Father of Modern India”. (Kumar D. K., 2014)

The researcher wishes to discuss about the status of females in Indian society in different periods,

- Vedic period
- Period of epics
- Period of Jainism and Buddhism
- Medieval period
- Modern period

**Position of women in Vedic period**

In Vedic period the status of women in society is good and the women were enjoying similar and equal rights and freedoms as men. (Uniyal & Bahuguna, 2020) And this period was also called as the period of women’s upliftment and parity among males and females. In this period females were used to taking part in every opportunity of growth like men we can say that in this period women feel the real essence of freedom and equality and it is also called as the golden era for women. Women were entitled to take education in gurukula and observe equal treatment like men in the process of learning the Vedas and Dharma Shasta’s. The status of female was such that, the mother’s name was added before the name of her son. Ex.: Ruler Gautamiputra satakarni.

**Position of women in the period of Epics**

As we all know that the females in the duration of epics had a respectable position in society and in the families too. We have our two main epics called (Ramayana and Mahabharata) in both of these epics we have seen how the women got the honorable position; In both these epics, the woman is considered as a branch of prosperity, happiness, and Dharma which is rooted very deep in the society in the period of epics. In both these epics, we encountered and came to know about the female those were in themselves are the noted examples of the expression of (Self-belief, Courage, Calmness, and Strong willpower) for example: Mata Sita, Draupadi, Kekai, Kausalya and Satyabhama
**Position of women in the period of Jainism & Buddhism**

During this period, women's social position changed, though not much. The caste system put various limits and prohibitions on women, although they have been liberalized. As an advocate of gender equality, ‘Buddha’ inspired his followers to play their part to make the world a better place for both men and women where the females can also enjoyed the similar rights and liberties as males. In addition, Buddha worked tirelessly to elevate the position of women in society on all fronts (social, educational, and religious).

So, when Buddhist rulers like Chandragupta Maurya and Asoka came to power and devised regulations that allowed women to reestablish themselves with a respected social standing that they had lost due to the rise of ill-practices, this was all done because of the fruitful Buddhist philosophy. Not only were ladies permitted to engage in religious practices during this time period, but females were also permitted to become Sanyasis Though this period was favorable to women's rights, but the financial and political situation of women has remained largely unaddressed, which we believe to be a fundamental shortcoming of the said period.

**Position of women in Medieval India**

“Women's status was further diminished during the invasions on India by Alexander the Great and the Huns. Here the education and training had abruptly come to an end, Due to security concerns people were unable to participate in communal affairs. Women were forced to wear the veil to protect themselves from the advancing army. They were considered chattels since they were illiterate and had no social rank. Many social problems, including child marriages and female infanticide, occurred as a result of these social changes. Women were hampered greatly by their gender. In Rajasthan, the sin of dowry had become ingrained. Polygamy and the devadasi system had already taken hold in India. Women were repressed in feudal societies and patriarchal households during the mediaeval period”. (Rao, Law Relating To Women and Children, 2012)

It is not to be the wrong statement if we say “that this period was like a scary dream for the women and the girls” but it is not mare a dream for them in this period they were facing Exploitation, discrimination, and violence in reality. And why the researcher is addressing this particular period as a scary dream and curse for the females in the society because in this period numerous Social evils had taken birth in the society namely Purdah system, solemnization of marriage of girl child, practice of Sati which are directly in contravention with the freedoms and liberties of the women as a result of which the social status and rights of the women continuously keeps on degrading in this period.

**Position of women in Modern India**

The social status of the women and females suddenly gets changed in this period, the modern period is said to be started after (1750 A.D).Now we are going to discuss about the status of women in the modern period in India, so this period is divided into two sections is Pre-Independent India & Post-Independent India:
a) Status of women in pre-independence India-

After Mughal dominance ended, Britain gained political prominence in India and they succeeded in influencing Indians. Britishers strove to address sexual disparity in spheres like education despite female’s unchanged standing in society in the spheres like (Social freedoms, Learning, and in Job opportunities). Wedding of minors, Pardha practice, and sati were forbidden to shield female’s rights, British and Indian social reformers tried to eliminated sexual inequality collectively from the civilization.

b) Status of women in Post-Independence India:

The females acquired parity with male in post-independence India, and biasness against female and their oppression stopped, giving female the same rights as men. Shrimati. Indira Gandhi, Nation’s 1st prime minister, worked for female welfare. Ladies are empowered. It aided females in administrative field, science, technology, sports, entertainment, etc.

In the Independent, the Indian government enacted some specific laws for the protection and improvement of the social status of women and they are: The Hindu Marriage Act, 1995, The Hindu Succession Act, 1956, The Dowry Prohibition Act, 1961 and Protection of Women from Domestic Violence Act, 2005, The Commission of Sati (Prevention) Act, 1987 and many other statutes were passed for the women safety in the society.

**Legislative Swords available with the Females**

In the above paragraphs we discussed the status of women in Indian society in different periods. After a brief analysis we found that the status of women was nearly the same in both the periods, namely the Vedic and Epics. Their respect remained and they enjoyed equal rights as males. However, in the subsequent period of Buddhism, the settled principles made it impossible for the females to achieve the equal rights as males. Furthermore, in the medieval period there was a drastic downfall in the status of women, as India become the target of Mughal invaders, as the result of which the rights of women was greatly compromised. The women were subjected to the immense level of discrimination and exploitation of their rights and liberties in this period.

After the introduction of Grand Norm of India, in the year 1950, by the virtue of this enactment the women was shielded with the numerous rights as enshrined under Art. 14 which guarantees parity before law for both the genders in all the spheres of their life. Art. 15(3) empowers the law drafters to enact specific enactments for the protection of the suppressed class of community which includes females also. Further Art. 16 allows the females to take free entry into public job prospects without subjected to any bigotry in any form, then Art. 19 of the India’s Grand Norm guarantees the basic rights to all the nationals of country India without any bigotry on any ground such as gender and place of birth & Art. 21 of the said enactment provides “Right to life and not only life but a dignified life” (Menaka Gandhi v. Union of India, 1978). Prior to these enactments the females were mere an object, they were treated as a medium to continue their bloodline. Furthermore, the state enacted the following special statutes for the protection of female’s dignity in the civilization.
Sati (Prevention) Act, 1987: The intent of the statute drafters behind drafting this very statute is that the statute tries to prevent sati, the voluntary or coerced burning or burial alive of a widow, and to outlaw celebration of this conduct by ceremonies, processions, financial trusts, temples, or other activities to memorialize or celebrate a widow who committed sati. As this said evil practice was in direct contravention with the Right as highlighted under Art. 21 of Grand Norm of India it was been struck down by this said statute.

The Dowry Prohibition Act, 1961: Forbids the solicitation, payment, or receipt of a dowry "as wedding incentive," where "dowry" is a premarital gift. Presents without a stipulation are not dowry and are lawful. This statute also penalizes the encouragement for taking dowry.

The Immoral Traffic prevention Act, 1956: Section 3 of the said statute states the Penalty for keeping a place where sex work carried out or granting any place to be utilized as a brothel, Section, any person convicted under sub clause 1 of this section shall be penalized at first conviction carries a sentence of one to three years in jail and a monitory penalty of up to 2,000 Rs. A 2nd or succeeding conviction carries a sentence of 2 to 5 years in jail and a 2,000 rupee fine. Sec. 5 provides the punishment for the offence of Securing or taking anyone for the purpose of sex work, with the strict custodial detention of min. 3 years and max. 7 years and penalty of Rs. 2k. And if it was done against the consent of the individual then the penalty will be Min. 7 years Max. 14 years.

The Protection of Women from Domestic Violence Act, 2005: This statute has been approved by the Indian Parliament to safeguard female from family abuse. Female who dwell in a home, such as siblings, widowed, or moms, are also covered by the legislation, which was originally passed to safeguard the spouse or man live-in partner and his family members from family abuse. Bodily, sexual, verbal, mental, and/or financial abuse are all examples of domestic violence under very statute.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013: This statute ensures the safety and protection of rights and liberties of a female at her place of employment and also impose obligation upon the occupier to assure the safety of the female workers within the premises in all aspects.

The Muslim Female (Protection of Rights on Marriage) Act, 2019: This statute invalidates talaq. Spouses who pronounced instant Triple Talaq shall be jailed and punished with three years custodial detention. This statute safeguarded the Muslim females dignity by protecting their matrimonial rights, Muslim lady presently have a legislative security against the inadequate delivering of Triple Talaq to her by her spouse. This Statute was the fruitful outcome of ‘Shayara Bano v. Union of India’ (Shayara bano v. Union of India, 2017).

The Medical Termination of Pregnancy (Amendment) Act, 2021: In case of contraception technique or device failure, a married lady may discontinue her pregnancy up to twenty weeks. Now, this also applies to unmarried females. Incubation age bar was previously twenty weeks for any notion but by virtue of
this amendment now it is Twenty four weeks for the sufferers of section 375 IPC. And advice of the medical board operative at state level is crucial for an incubation to be discontinued after twenty four weeks in case of significant fetal irregularities and if any individual convicted for violating the privacy of any female under this statute shall be penalized with one year of custodial detention, prior to this amendment the penalty for infringing privacy of female was 1k Rs. These Statutes drives their authority from Art. 15(3) of Grand Norm of India.

Indian Judiciary and women

As we all know that women are always oppressed by the so-called male dominant society like ours and the same we also discussed in the above paragraphs, now we slightly look into the (judicial takes) towards women rights in India, and how judiciary played its role towards improving the status of the women in the society. According to Judge J.S Varma, "Active response of Judicial System inevitably imply the healthy system for rendition of the 'rule of legislation' crucial for the conservation of an operative democracy." (Deep, 2006) As per the view of Retired Chief Judge of India A.M Ahmadi, Judicial Activism is, “as a vital accessory of the judicial capacity since the preservation of public concern as contradicted with concern in personam appears to be its central focus area”. (A.M.Ahmad, 1996)

a) In the case Vishakha v. State of Rajasthan (Vishakha v. State of Rajasthan, 1997) a PIL is been filed before the Honorable Supreme Court by an NGO called ‘Vaisakha’ which was working for women against the Government of state of Rajasthan and the Union government of India, this was done after the happening of a brutal act of gang rape against a lady named Bhanwari Devi who was a social worker and operating against the evil of child marriage. Then in this litigation (SC) issued the “Vaisakha Guidelines” for the protection of women from sexual harassment at the workplace. And also directed the legislative authority to frame the impactful statute on this, which results in the enactment of The Sexual Harassment of Women at Workplace Prevention, Prohibition and Redressal Act, 2013.

b) In the case Mary Roy v. State of Kerala (Mary Roy v. State of Kerala, 1986), the issue was related to the inheritance rights of a daughter into her dad’s estate, so there was a lady who has bring the suit for obtaining inheritance rights in her dad’s estate before the subordinate court but her litigation was gets dismissed, then the verdict pronounced by the concerned subordinate court gets overruled by “Kerala High Court” and in 1986, Apex Court of India gave the right to the women to seek the ‘equal share in her father’s estate.

c) In the case Lata Singh v. State of Uttar Pradesh (Lata Singh v. State of Uttar Pradesh, 2006), there was a lady named Lata Singh who bring a writ petition before the Apex Court by virtue of Art. 32 of Grand Norm of India for execution of her right, for solemnizing her wedding with a person of her own choice, mainly this wedding is an inter caste marriage, and in this litigation, Court allowed her petition and state that she was an major and she possess right to marry with an individual of her own wish and ‘Right to Marry’ is embodied under Art. 21 of India’s Grand norm.

d) In the case State of Tamil Nadu v. Suhas Katti (State of Tamil Nadu v. Suhas Katti, 2004), the sufferer was been harassed by the wrongdoer, the said
culprit used to send obscene and defamatory texts to the sufferer via numerous social networking sites and he also made her contact number public, because of which the victim had begun to receive the calls from several unknown contact numbers and they were just seeking sex work from her and the accused has done all this because the victim has refused his wedding request. Then in February/2004 the culprit had been pronounced guilty by the law of forum, and presently this verdict is acting as a sword for the females and girls who are the sufferers of these kinds of trolls and ill treatment so the lady can use it for securing their dignity and status in the civilization.

e) This case *Laxmi v. Union of India* (Laxmi v. Union of India, 2014), just acted as an antidote for acid attack survivors and also for all the females in community. This suit is of the year 2006, In this litigation, there was an acid attack survivor whose name was Laxmi who had bring a petition before the apex court of India for seeking the remedy against the sale and distribution and procurement of Acid in the market, so when (SC) taking the cognizance of several acid attacks cases then the Apex Court took the immediate step against this heinous act operated against the women in the civilization, and the court had inflicted certain strict boundations and regulations on the sale and supply of acid in the market area and further court also pronounced the order for delivering the amount of compensation to the sufferers, Additionally, this verdict seized the sale of acid in all over the nation, and anybody who holds a valid permission granted by the authorized authority for selling the acid must get identification from the purchaser prior to handing over the acid, and the purchaser must be over the age of 18 years.

f) In the *Nirbhaya Rape Case*, (Mukesh & Anr vs State For Nct Of Delhi & Ors, 2017)This matter was of December/2012, In this suit, there was a girl who was an therapist by profession named as Nirbhaya who get Raped by a group of the 6 individuals in a public transport, who sexually humiliated Nirbhaya numerous times and also inflicted wounds to the private portions of her body and then the wrongdoers thrashed her outside the running Public bus. And on December/29/2012 she took her final breath at mount Elizabeth hospital in the country (State of Tamil Nadu v. Suhas Katti, 2004) Singapore. On March/13/2014 the ‘High Court of Delhi’ pronounced the sentence of Conviction and granted capital sentence to 4 adult culprits in the trial and further, they applied before the Apex Court and before Honorable ‘President of India’ by virtue of Art. 72 of Constitution to nullify the verdict of death penalty and permit their mercy appeal, ‘Apex Court and Mr. President’ abstained their petition on December/18/2019 and then the verdict of capital penalty was enforced on 20/3/2020 against all 4 adult offenders. After this case the Criminal Law 2nd amendment, Act of 1983 modified in the ye 2013 and |the obligation of proof get pushed upon the accused from the sufferer, and further it was added by this amendment that the Identity of the rape survivor, shall be protected secret and the litigations must continue in Camera|This suit brought up a big change in our justice system and also acts as a sword for the protection of the prestige and rights of women who are the sufferers of rape.

g) In the case *Indian Young Lawyers Association v. The State of Kerala and others* (Indian Young Lawyers Association v. The State of Kerala and others,
Hindus go to the Sabarimala shrine in Kerala to worship in the temple and the temple was dedicated to god, Ayyappan. Ladies between the age group of 10-50 were traditionally barred from entering in the temple since it was dedicated to a chaste god, and it was thought that their presence would degrade the temple’s reverence for purity. Because of their menstrual cycle, women between ages 10-50 are forbidden from entering under Rule 3(b) of the “KHPW Act". (Kerala Hindu Places of Public Worship (Authorization of Entry) Rules Act of 1965) In a 4:1 decision, the Apex Court said that the limitations on the entrance of ladies between the ages of 10-50 into the Said temple were unconstitutional and partial and that Rule 3(b) of the ‘KHPW Act’ was ineffective. After this verdict the true meaning of Art. 14 of India’s Grand Norm is achieved because if a female is allowed to anywhere without any restriction then a female have the similar freedom to enter into any shrine, church or any place of worship of her own belief without any restriction.

Although, we have all these legislations ensuring the protection of female rights in the society, along with numerous precedents pronounced by the several judicial forums to ensure the respectable status for women, but in the NCRB report of 2018-2020 it is evident truth that the ratio of offences toward the female did not reduce. Even after achieving an average literacy rate of 75% in India, the crime count has not shown any considerable fall as per the report of National Crime Record Bureau of 2018-2020. (affairs, National crime record bureau, 2018-20)

So, now we are going to briefly analyze this data and try to find out if there is any relation between literacy and crime rate against the female. After analyzing the NCRB data we can say that the State of Kerala recorded 55% of gross crimes against women in the year, 2020 with 10,139 cases, with the literacy rate of 96.2%. Further, that the UT Delhi recorded 106.4% of crimes against women in the year, 2020 with 10,093 cases, with the literacy rate of 88.7%, the state of Uttarakhand recorded 51.6% of crimes against women in the year, 2020 with 2,846 cases, with the literacy rate of 87.6%, the state of Himachal Pradesh recorded 51.6% of crimes against women in the year, 2020 with 1,614 cases, with the literacy rate of 86.6%, the state of Assam recorded 154% of crimes against women in the year, 2020 with 26,352 cases, with the literacy rate of 85.9%. This analysis vividly reflects that the literacy have no correlation with the rate of occurrence of offences against the women.

**Conclusion**

The Apex Court of India and the Apex legislative Body of our nation, accepted this fact that the females are the vital and an inseparable limb of any nation & human civilization, that without providing the equitable treatment and offering the parity in the field of avenues in the arena of growth the sexual parity and the vision of female empowerment cannot be accomplished in actual sense. A nation is like a tree which is full of fruits and having a fragrance of the feeling of parity and the females are the root of that tree so if we want to strengthen the limbs and the stamps of that tree then we need to work on enhancing the strength and depth of the roots of that tree, so keeping this view in the mind our law framers bring the female specific statutes time to time and our judiciary also played its vital role by
resolving the issues of the female rights and the matters which are concerned to females and keep on sweating and working out in making the female specific statutes more rigid so that the invasions against the females can be minimized. Providing a significant place in the society which the females deserves to receive by the society to assure the same is the duty of the society itself. So now it’s only the duty of, we the nationals of country India to collectively fight against the inhumane treatment encountered by the females so that the cases of gender injustice and sex based bigotry can came to an end, now it’s our turn to assure the gender parity for the females in every sphere of growth so that females should also stand shoulder to shoulder with the males in the civilization. There is very popular poetry in Sanskrit on females that is (यत्रनार्यस्तुपूज्यतेरमांत्वंस्ते) it means that wherever the females are worshiped, their Gods and the Divinity rejoice.

Suggestions

1. We require more preventive steps to curb this issue, rather than punitive statutes.
2. To bring public sensitivity towards the offences against the female's.
3. Sexual prejudice and aggression may be averted if parents educate their children from an early age about the need of treating women with respect and decency.

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