

Customary and Legal Status of Indian Women

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Abstract: *Women rights in education and warship in the Vedic age were protected but in the next Vedic Period, women's rights remained vulnerable due the dominance of priests. In the Vedic age, the birth of a daughter was a symbol of good fortune, but in the later Vedic age it became the cause of parents' misfortune. As a result of early marriages, women's education opportunities were lost, as well as predated marriage customs were contrary to normal development of women's health. The women of elite families enjoying educational rights, in most cases, upper class women were detained in the family. In ancient times, women's rights were recognised in some cases, but the development of Buddhism played a somewhat positive role in women's rights. Due to the lack of preference of the priestly system, the rights of women were broadly a result of the development of 'Bhakti' Movement in the medieval period.*

In the nineteenth century, the injustice to widows, polygamy, early marriage and Satidaha were the important means of women's deprivation. In the upper class society, the widow was not entitled to remarriage, but in the so-called lower castes, the widow's remarriage had social rights. The most serious of violating the rights of Indian women was introduction of child marriage, regardless of caste and religion. When the British tried to eradicate the evil practice of Indian society, many of the leaders of India opposed the British Government intervention in the internal affairs of Indian society. The participation of India women widened their social and political rights. Some female organisations were born as the result of the liberation movement of the women. Despite the increased awareness of women in the last phase of the colonial rule, there are also many basic problems.

A new chapter had been initiated to increase the social status and legal rights of women in independent India. The legal steps on progress of Indian women played a significant role. In Indian constitution, it was said that Indian men and women would get equal access to all rights. In independent India, the government had been given the right to enact law for women's progress. Arranging the necessary material for the life of every person regardless of men and women, equal pay for equal work etc. some guidelines, to protect women awareness, several constitutional safeguards. Holidays had arranged after the delivery of children of married women employed in the service. All the people, regardless of men and women, had initiated the property. Polygamy, child marriage and dowry system etc. had been prohibited by law. The man had been forced to take responsibility for the maintenance of his child and wife.

Keywords: *Equal customary and legal status in between men and women will protect the balance of Indian society and widen the dignity of Indian women.*

Objective:

Remove the women molestation, women assault, women deprivation, bride torture, bride murder and the evil customs dowry system, polygamy early marriage in the native society of India. Empower women, to protect women's constitutional rights and to give the proper dignity of the forever deprived women in our country.

Limitation:

In the patriarchal society, it had been acknowledged that the oppression of women had been legal legitimized since ancient times. In ancient times, the Vaishya, Sudra and the women had been described as the whole of social status and it was said to be equal punishment for killing women and Sudra. Daughter child was nor desirous of parents in ancient in ancient, medieval and modern era. Vedic Mantra or Sutra was forbidden for women and Sudra, so once it was seen that there was no access to women in the educational institutions. Apart from losing women's education opportunities, prepuberty marriage customs closed the way for the development of women's health. The women deprived of all kinds of pleasures of life were regarded as the misfortune of the family. Indian women were cursed in the form of child marriage, regardless of race and religion. The most tragic curse of the life of Indian women is the tradition of 'Sati' before prepuberty, the marriage of the girl child had not been lost its social acceptance during the colonial period. Despite the increased awareness of women in the last phase of the colonial rule, despite the significant progress of women legal rights, some basic problems remained. Parents' inequitable behaviour towards daughter's children was contrary to normal development of women.

Delimitation:

In the preliminary phase of evolution of prehistoric societal system, women participated directly in men's economic education process. In Vedic age the daughters were not neglected and their education was in circulation. In the medieval period, women's education was arranged in the elite families. During the reign of Mughal emperors, the custom of 'Sati' was forbidden. In the nineteenth century, the custom of 'Sati' was revoked by the reform of the society. Along with abolishing the tradition of 'Sati' another step to recognise the social rights of women was the widow marriage. In early 19th century, the introduction of women's education in the country by the efforts of the Christian Missionaries was an important step in the progress of women. As a result of social reform and nationalist movement the revival women's rights of education had led to the advancement of women society.

Women participation in social, economic and political positions in independent India helped in increasing the status of women. The law of equal rights to all men and women of independent India was recognised. Indian Constitution established equality of men and women by eliminating gender inequality. The Indian Constitution provided legal protection to protect Indian women. The government of India declared the holidays for women's motherhood and maintaining the work environment. After the sex determination of India, the bribe embryo was

recognised as an offense punishable by law and dowry was a legally punished crime in parent day India. In favour women's dignity, the practice of dishonest polygamy was legally banned.

Hypothesis:

The birth of independent India has begun a new chapter in the rise of the Indian women's social status and legal rights. Although women of modern India were not deprived, they did not get equal rights in men in all respects. Although the rights of women were recognized in Indian Constitution, its real right application was not yet universally possible. The Indian Government has not yet taken the overall initiative to properly implement the laws written in the constitution to protect women's dignity. Because of women's political empowerment, today's women are very safe. The law established men and women in the same seat. Education raises awareness among women. At present the life of women is not limited to the veil. The economic prosperity of women has led them to progress. Women are honoured at various corners of the world even Indian women are no longer behind today. Girls are travelling freely from grass root level to higher level. Women are now half of the society and symbol of development.

Significance:

Since the beginning of Independent India, women's responsible status increased in social, economic and political fields. The United Nations Organisation played an important role in the progress of Indian women. Indian constitution gave the right to everyone to enjoy basic rights regardless men and women. In the case of Indian states jobs, gender discrimination was eliminated. Maintaining an environmentally active work environment and maternity leave of women in Indian Constitution was declared. The United Nations Organisation took several steps for women progress. Women trafficking and prostitution were legally closed around the world. Legal and administrative measures were taken at international and national level to stop sexual assault of women at work or at some other place. Several steps were taken to stop the neglect of the girl child. Although abortion is recognized, prenatal abortion of female by sex determination is a criminal offence and legally punishable. Dowry system was totally crime according to the Dowry Prohibition Act. Polygamy, early marriage, dowry system etc. all the social evil customs were totally stopped in the native society of India. Bride torture and bride murder are the legally punishable crime in demand of dowry. In India, women are equal payers of men for equal works. Everyone, regardless of men and women, is the heir to the property. Men are forced to take care and maintenance of their wife and children according to the law of The Hindu Adoption and Maintenance Act.

Findings:

Constitutional law has increased the status of Indian women. The social rights of women are recognized. Women are no longer deprived of economic. Political empowerment of women is a revolutionary step. Dowry practice, Polygamy, early marriage, all the evil customs against deprived women have been abolished from the society. Bride torture and bride murder are legally punished crime in the society. Equal pay for equal work is constitutionally recognized regardless men and women. All citizens are now obliged to respect women. Forcefully it has been closed the sexual exploitation or abuse of person's commercial purpose with the women. At work place and other places women's sexual assault has been closed. Although the rights of women are legally protected, various discriminations against them is still going on.

Introduction:

One of the most important topic in the History and Sociology is to discuss the ever position of women from ancient Indian society to today's Indian society. From this discussion, this unmistakable truth is found that the natural and necessary rights of women have been violated for ages. Women from all over the world have to face common problems from antiquity. There are various types of their traditional, conventional customary rights and legal positions in different regions and countries. The traditional and legal rights of women can be seen in such a wide variety, like India, in a wide Variety of cultural heritage countries. The motivation force of this variety is the diversity of India's multiculturalism, especially religious culture. As a result, Indian women have been legally enjoying different status for different ages of their religious identity. As well as the Indian tribal society, separate from the main culture of so-called Indian society. In relation to the traditional rights and legal status of Indian women, the subject matter discussed is in the phase from the colonial period to the present day. Besides, the rights of women of Indian tribal communities have been highlighted.

Indian Women's Rights: Pre-Colonial Period:

Before discussing the traditional and legal rights of women in colonial and independence India, the position of Indian women of pre-colonial period should be reviewed a little bit. Most historians discussed the position of Indian women in the context of the material property and social structure of the society of the pre-colonial and colonial period. While discussing about Indian women, many historians have highlighted the scale of economic development. Subira Jayswal thought that during the Vedic era the Indian population was mainly based on grazing and they travelled from one place to another. As a result, excessive surplus production was not possible at this time. Naturally the traditional rights of different social entities were relatively better. In the Vedic period, women's rights were protected in the form of education and worship, which continues to be vulnerable with the development of class based society by the caste based system. This deterioration of the traditional rights of women existed roughly from 500 BC to 1400 AD.

In ancient times, Law Books were bearing testimony to the deterioration of various social entities including the women, especially the lower caste community. These scriptures are largely legalized by patriarchal and patriarchal society-family domination of old man's authority and the system of oppression of women and people by multifaceted explanation. Even in 'Shrimadbhagabadgita' Vaishya and and Sudra castes and women are referred to as homogeneous in social dignity, in those families, the human birth is referred to as the consequence of the rebirth sin of rebirth. In 'Parasar Law Book' punishment for killing of women and Sudra was equal.

In ancient and medieval Indian society, there were some obstacles in which women enjoyed the natural rights. Although the girl child was respected in the Vedic period, it became a cause of parental fear in the later Vedic period. Women continued to contract in education gradually. The introduction of the formal education through the upright programme was stopped in women and Sudra. As a result, one time it was seen that there was no access to women in the educational institution. On the other hand, the marriage of girl came down from 9 to 10 in eighth centuries. As a result, with the loss of women's education opportunities, the prepuberty marriage custom was stopped in the normal development of women's health.

However, the women of the elite and ruling family enjoyed some rights in the arts, including traditional education and military rule. In ancient times, the existence some famous female like Gargi, Lopamudra, Maitreya, Biswabara, Amrapali were found as wise scholar. Likewise, medieval Indian women Mirabai became famous but they were exceptions. Indeed, upper class women were mainly barred from the four walls of the family. There was almost no right to enjoy women's rights as an independent entity. The provision of Manusamhita clearly stated that women under as a daughter of her father, as a wife of her husband and as a widow of her son.

According to the patriarchal society, women in the society were seen as the main vehicle for the protection of lineage. Women's role was important in protecting the holiness of the social caste system. So, marriages to unmarried age, as well as, the general liberty of own caste and other caste marriage custom violated the natural rights of women. In addition, the custom of marriage was prohibited with the marriage of the bride, i.e. the upper caste female lower caste male. The condition of the high caste widow was worst of her rights, she did not have the right to remarry, and she was seen as a misfortune of the family, depriving her from all the pleasures of life.

In spite of undermining the social and cultural rights of women, women's property rights were recognised in some cases. Scholars explained that women's rights were equal to property of women vandalism after the seventh century. But Ramasaran Sharma, Romila Thapar expressed doubts about the extent of the interpretation of the laws of rights to property.

While discussing the rights of women in ancient times, we must remember that the development of Buddhism and Jainism alongside Hinduism played a somewhat positive role in the enjoyment of women's rights. Women's position as a wife and mother was respected in Buddhist literature. Buddhist women's position as dancer and 'Bhikkuni' was honourable. But the right of 'Bhikkuni' was not protected in the patriarchal Buddhist association.

But the right of women were a little widespread due to the development of the medieval Bhakti movement. Propagators of devotion did not accept the need for priests or scholars in the middle of human beings from the bonds of this world. They also emphasized the promotion through the language of the people rather than the Sanskrit language. Like Mirabai and Lalla Devi of north India, Undal and Akka Mahadevi of south India Bahinabai of west India, the promotion of poets were very easy.

Indian Women's Rights: Colonial Period:

Continuing the trade and commerce since the last decade of the fifteenth century, the arrival of European nations in India added a new dimension to the social and legal rights of Indian women. After reaching Portuguese sailor Vasco Da Gama in Calicut harbour in 1498, Portuguese domination was established in the western southern region of India. The Danish, French, Dutch and Englishmen were present in India. However due to the industrial revolution of England, the expansion of English power in India rapidly expanded. In addition to the development of colonialism and capitalist economy in India, modernisation of the currency system, the commercialisation of agriculture and use of industrial products, etc., indicated special change in Indian society. But the social system of the pre-capitalist system i.e. caste system was not abolished. But it was noteworthy that the expansion of English power in India introduced new economic system as well as introduced new Indian ideas, especially rationalism.

In the spread of western education through English language and the western ideology of western education, especially the liberalism, equality, freedom, secularism, etc. helped in the enjoyment and equality of Indian women. Besides, in the first half of the nineteenth and early twentieth century, nationalist and political movements of Indian leadership to achieve social reform movement and independence highlighted the equality of women front of the colonial government or the Indian people.

In the Nineteenth century, Indian society reformer started mass movement to remove deprivation from injustice to widows, ban on widow marriage, polygamy, early marriage, property and education rights etc. The tradition of Sati practice was abolished from Bengal in the lucrative efforts of Rammohun Roy and Jyotiba Phule, Durgaram, Keshab Chandra Sen, Vidyasagar, Mahagovind Ranade and many others against the violation of women's rights in India. Many like Dayananda Saraswati, Annie Besant had said to return to ideas of the Vedic era.

A positive result of the social reform movement was a legal ban on the inhuman 'Sati' custom in long run among the upper class Hindus. 'Sati' custom which was scattered among upper caste Hindus, Mughal emperor Akbar (1542-1605) took the first step to stop this evil custom in contemporary Hindu society. The Portuguese ruler of Goa stopped the practice of 'Sati' in 1515, although there was sufficient suspicion about whether 'Sati' was in practice at Goa. The Dutch and French rulers, in their occupied territories, especially Chunchura and Pandicheri, prohibited the practice of 'Sati'. However, in the occupied territories of Serampore's Dine mar, the whole of India was known as the 'Satidaha' in the British colony throughout India till the nineteenth century.

Personally, many British officers were vocal to abolish about the practice of 'Sati'. The British took the first step to stop the practice of 'Sati', in 1778; the custom of 'Satidaha' was stopped in city of Calcutta in that year. But from the beginning of the nineteenth century, Christian Missionary William Carry and William Wilberforce 'Satidaha' pressurized the East India Company to stop the practice. As a result, 1813, AD East India Company started statistics of the incident of 'Sati' in Bengal Presidency. On the other hand King Rammohun Roy started the movement to stop the practice of 'Sati' from 1812. Finally, 4th December 1829, Lord William Bentinck Governor of Bengal banned the practice of 'Sati' by law. A counter attack against this law was started; at long last, The Privy Council in London would like to favour this law. Slowly the custom of 'Satidaha' was forbidden in other Presidencies. The custom of 'Satidaha' was introduced in various native states of India. In the end, in 1846, the law was adopted to stop the practice 'Sati', in Jaipur, which caused the legal end to one part of the deprivation of Indian women. But 'Sati' was not extinct forever from Indian thought.

Apart from shutting down 'Sati', there was another step to achieve the recognition of women's social rights. The Widow Remarriage Act, passed in 1856, and the attempt of Vidyasagar in adopting this law was unimaginable. Through this law, the remarriage of Hindu widow's women became legal recognition. It was noteworthy, that the law required for the remarriage of higher caste widows, but the social rights of the widows' remarriage in the so-called lower castes were not violated. But the community reform movement among the lower castes and tendency or culture to adopt social customs of upper class Hindus, at the end of the nineteenth century, they changed social behaviour among them. As a result, social deprivation of upper caste women entered them.

The most cursed aspect of violating the normal rights of Indian women was the introduction of child marriage, irrespective of race and religion. It had been mentioned before that the classical provisions for the marriage of girls before the age of the day had not lost its social acceptability even during the colonial period. So, the legal requirements of closing child marriage arise. According to the Brahama Samaj Marriage Act adopted by Keshab Chandra Sen in 1872 AD, followers of Brahmo Samaj accepted the age of marriageable girl as 14. But this act was the pioneer of the Special Marriage Act of 1955.

Many Indian leaders opposed it when the Age of Consent Bill was presented 1891 under the leadership of B.M. Malabari. In this case, many others, including Bal Gangadhar Tilak, argued that nationalism against British Government's intervention in the internal affairs of Indian

society. However, by adopting 'The Child Marriage Act 1929, the age of competent female was fixed at least 14. This law was called the 'Saroda Law'.

In addition to the social reform movement, the rapid development of nationalist movements from the beginning of the 20th century and the participation of Indian women in the political movement added new dimensions to their social and political rights. Social Reform Movement, Partition of Bengal, Swadeshi Movement, Civil Disobedience Movement, Revolutionary Movement, Non Cooperation Movement, Civil Disobedience Movement and during the Quit India Movement many Indian women participated. These movements had been identified as the supply of women's awareness. Vikaaji Rustom Cama, Savitribai Phule, Ramabai, Sunita devi, Pritilata Waddedar, Vijay Lakshmi Pandit, Amrita Kaur, Aruna Asaf Ali, Sarojini Naidu, Matangini Hazra, Kanaklata Barua etc. notable names of such women were significant in this case. AS a Result of social reformation and nationalist movement revitalized the right to education of women. Prior to the independence of India, women were very much resuscitated in different areas of society. So before attaining the independence of India, women's presence in multiple occupations was noticed.

As a result of the liberation movement of women, some women organizations were born in the first half of the 20th century. A group of Indian women, in 1917 met with the secretary for State to demand political rights. On the other hand, All India Women's Education held in Pune in 1927 encouraged the political and educational rights of Indian women. Despite The increased awareness of women due to various reasons during the last phase of the colonial rule, despite the significant progress of woman's legal rights, some basic problems remain. In particular, the unequal behaviour and negligence of parents towards the girl child was contrary to the normal development of women, such as polygamy and dowry system.

Women's rights in Independent India:

On 15th August 1947, the release of new India began a new chapter in the development of the social status and legal rights of Indian women, being released from the colonial rule. Since the beginning of independent India, significant participation of women in social, political and economic fields helped them to increase their dignity. As a back up to this dignity, the Indian Constitution played a significant role in United Nations Universal Declaration of Human Rights (1948), different International Convention on the women's progress in legal proceedings.

After the long discussion and debate, the Constitution, proposed of India was adopted on January 26th, 1950. The Constitution proposed the discussion of social, economic and political justice of all Indians' freedom of expression and freedom of worship and the development of sovereignty. To implement these noble objectives, some fundamental rights and freedoms were enacted in the constitution. In addition to male citizens, the opportunity to enjoy the Indian women and all these rights was gained.

Under article 14 of the Constitution, all the people regardless of caste, language and gender, are equal to the notice of law. On the other hand, Article 15 of the constitution says that the state shall not discriminate any citizen on the ground of sex. Under section 3 of this of this section (1513), it is said that the state can take special measures if it is wishes for the development of women. Even the government has the right to legislate and it is given for women's advancement. As well as the 16th section, it is guaranteed that the government cannot adopt any discriminatory policy in relation to employment for gender identity. Likewise, the number 42 in the field of work is to maintain a working environment and leave for mother's motherhood or maternity leave. Above all, the basic duty of all citizens to maintain the respect of women is stated in section 15A (c). Besides the suggestions and fundamental rights of the constitution, it directive principles of state policy has been written by the public welfare, the main objectives of the Indian state. Provision of education for all up to age of 14 is mentioned in the constitution and arranging the resources necessary for the life of everyone regardless of men and women, equal pay for equal works, etc. some guidelines, to protect women's awareness, some constitutional safeguards.

Indian constitution has provided legal protection to protect Indian women. International policy has been adopted all over the world for progress of women. Accepted by the United Nations Organisation it has been said Universal declaration of human rights – All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. Some fundamental rights of entire the world have been explicitly stated, regardless of the male and female religions of UNDRH. On the other hand, more two international code of human were adopted in 1966. These two are the codes-international covenant on economic, social and cultural rights (ICESCR) and International covenant on civil and political rights (ICCPR). These two codes give international recognition to equality of men and women. Although the rights of women are legally protected, various discrimination behaviours against them United Nations Organisation anxious to take more steps. As a result, The General Assembly of United Nations Organisation accepted the UN declaration on the elimination of violence against women (UN DEVW) in 1993. According to section 3 of the series, it is said that women are entitled to the equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, cultural and civil or any other field. In the United Nations Organisation it has also been said that all states will violence against women or their deprivation and will take legal and regulatory measures if necessary.

United Nations Organisation has taken more steps for women's progress. According to the Supplementary Slavery Convention (SSC) adopted in 1965, prohibition of doing business with them without the consent of women. In 1950, UN Convention for the suppression on Traffic in persons and exploitation of prostitution of others (UNCSTPEPO) UNDER United Nations Organisation ordered the all states of the world to stop Prostitution and women trafficking. As a response to the Supplementary Slavery Convention (SSC) on 9th August, 1956, Indian Government has taken the suppression of immoral traffic in women and Girl's Act (1956). Later, in 1978 and 1986, this law was amended to be applicable to children and the elderly and men. In 1986, the name of the law was called Immoral Traffic Prevention Act (1956). The main purpose of this act was to force anyone to stop employing someone for sex business. On the other hand legal and administrative measures are taken at international and national levels to stop any sexual assault at workplace or anywhere.

Several steps have been taken in India to stop neglect of the girl child. Abortion is acceptable for family planning and birth control, but after determining sex, female suffrage abortion is a legally punished crime. Accepted for this purpose The Parental Diagnostic Techniques Prevention of Misuse Act (1994) is especially notable. This act was further extended by amending 2003. As a result, it has been declared as a punishable offence by on vitro Fertilization (ITV) system before the conception of fetes. These laws may be said to try to stop Indian genetic demand for male child.

A burning indicator of downfall of Indian women is the continuity of the dowry practice. Without dowry Indian women cannot get married in marriage and it is very familiar scenario in the context of unfortunate Indian women. Bride torture and bride murder of sage to demand dowry, and most familiar matter of Indian women not married without dowry. To overcome this situation, Indian Government took Dowry Prohibition Act (1961) for saving a huge number of women of this country. It is said in this law that money or any other resource of property

as a dowry given and taken is described as a punishable offence. In the seven years of marriage, the bride has been termed as a punishable offence for demanding dowry which is applicable to everyone regardless of caste and creed.

As well as equal pay for equal work in India, The Maternity Benefit Act 1961, for married women engaged in the job of advance stage of pregnancy and holidays after childbirth and the law applies to abortion. Abreast, Employees State Insurance Act 1948, The Factoring Act 1948, Apprentice Act 1956, Mines Act 1952 and Plantation Labour Act 1951, and some of the women's work helpers have taken several measures. Besides, Hindu Succession Act Hindu has given succession to everyone regardless of the male and female. Disrespect to women's Disrespect to women's dignity, but polygamy from ancient times has been closed by Special Marriage Act 1955. Under this Law special importance has been given to the age of marriage, mental desire etc. In addition to The Hindu Adoption and Maintenance Act 1956, the man has been forced to take responsibility for the maintenance of his wife and child. The Indian Penal Code has taken special measures in this case. However, Muslim Code of Conduct acknowledges polygamy and many provisions. So, the fate of Indian Muslim women is determined by the Muslim Personal Law. The Indian Penal Code has taken several measures to curb the organized crime against Indian women. There is a wide range of discussion in the Indian Penal Code regarding the mire presentation and abduction of women in various illegal means. Such as:

1. Forcing women to forcibly marry or establish illegal sexual intercourse.
2. Taking any of the girls below the age of 18 years or taking them to another place.
3. To bring a woman under the age of 21 to India and to make a sexual relations.
4. Sell a woman less than 18 years of age or sell a woman for sex business. According to the Indian Penal Code section 312, 313 and 316 have also been mentioned in connection with abortions by establishing illegal relationship.

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