

## STATUS OF WOMAN IN ANCIENT, MEDIEVAL AND MODERN PERIOD

The fight is not for woman's status but for human worth. The claim is not to end inequality of woman but to restore universal justice. The bid is not for loaves and fishes for the forsaken gender but for cosmic harmony, which never comes till woman comes.<sup>17</sup> s we all are very well aware from the fact that, all over the world 50% of population is constituted by woman. But in our country only, there is decreasing ratio of woman on the basis of sex selection abortion. The situation of decreasing sex ratio of male to female is the reason of unequal social status of woman with men. On the other hand, in western countries woman's in reality are equal with men. But in India the situation is not so, in fact it is just on paper that we provide equal status to woman in our country also. It is evident from our culture that at one side we treat woman as goddess in the form of Lakshmi, Saraswati, Durga and very next movement all the heinous and illegal offences being committed against them like rape, sexual exploitation, kidnapping and most importantly nowadays 'Female Foeticide'. On the other hand, we can say that everybody treats them like a slave who work without any wages. Today as per our Constitution we provide equal status to woman on the basis of equality principle. But to achieve or gain this equality Indian woman have to struggle for a long time.

Our ancient era is the witness of this inequality, for example Draupadi, wife of five Pandavas was, used by them on the dice like goods. Woman were also used for dance to please the kings and other male members of kingship, woman was also not having right to speak loudly in home or public places, these are some instances which shows that in ancient period also woman was not being treated equally with men. Even she was not having right to participate freely in economic, social, political and personal activities. But in rise of 20th century Mahatma Gandhi has started national movement for liberalization of woman. During that time only Rajaram Mohan Roy, Ishwarchandra Vidyasagar and many other social workers started a movement for education of woman, prevention of sati system, restrain of polygamy marriages etc. The result of this was that, Parliament enacted laws for Sati prevention, Restrain of child marriages ,

Dowry prohibition, Equal rights of woman in property and remarriages of widow etc. After the independence of India, Parliament had made sufficient effort to give equal status to woman with men by removing inequality. For fulfillment of this purpose they have also created a firm by making enactment for Hindu Marriages which define the age for marriage, prevent polygamy and make monogamy marriages mandatory. They have also enacted adoption laws so that any men or woman competent to adopt the child and also make laws for maintenance to wife, children, parents etc. Through Constitution of India they have also protected equality of woman under article 14, 23, 15(3), 25, 42, 26, 51 (A) (E)<sup>27</sup> .In this way the Government on their level makes sufficient efforts to remove inequality of woman with men by providing equal status. Till today situation is as it is or we can say that, it becomes worse by committing crime of 'Female Foeticide' which results in to decreasing rate of woman in society. The occurrence of offences of 'Female Foeticide' and Infanticide is rooted in long back culture which results

into death on the basis of sex selection. The most important thing is that, the crime rate of commission of these offences is in the two largest countries in universe much high, i.e. India another is China and it's very disgraceful for our society. It shows the low status of woman in these countries. It is vicious and harsh demonstration against woman by the patriarchal supportive society. In this way status of woman has been changed from ancient time to modern age. But still 'Female Foeticide' and Infanticide are committed frequently in India and other countries.

## **Position Of Women In Ancient Period:**

Women in Pre-Vedic Period: Historical studies and the scriptures indicate that Indian woman enjoyed a comparatively high status during the early Vedic period (2000 B.C. to 1000 B.C.), surpassing contemporary civilizations in ancient Greece and Rome. The Aryans, who were mostly busy fighting wars, regarded woman as useful and productive members of society. The condition of Vedic Woman was good. Woman also enjoyed religious status like that of men, especially in Vedic initiation and studies. The Rig Veda provides ample evidence to prove the concept of equality of woman with men as regards access and capacity to acquire the highest knowledge, even the absolute knowledge. The Rig Veda had rendered the highest social status to qualified woman of those days. But status of woman fell in the later Vedic and Epic period. They were not at all treated equally with men or we can say that they were not enjoying equal rights and privileges as compared to men. Though the woman participated in each family ceremony with men but they only played a role as a silent observer not an active participant. As per Manu, men always enjoy unchallenged authority over their wives. Child marriages, Polygamy and Sati were prevalent at that time. Still out of all these things woman at that time were respected by the society. However, changes into the status of woman introduced in 15th century. Saints and supporters of bhakti movement were expounded and spoken about equality of woman with men.

During these period men were polygamous and widow burning was an accepted norm. Arthashastra imposed more stigmas on woman as Kautilya dismissed woman's liberation. They were not free even to go elsewhere without husband's permission. They became worse off in the Gupta period. But in Vedic period position of woman was not worse as that of today. Our history shows that woman in Vedic period was also on strong footage as compare to men and therefore they were not subjected to 'Female Foeticide' and Infanticide or people never think about that. Though the overall position of women was lower than men, yet on the whole the position of woman was good. In the post Vedic period, woman started being discriminated on the ground of education and other rights. The 'Child Marriage', emphasis on physical chastity of woman and their unquestioned obedience to husband lead's to progressive deterioration of their position. In the Smriti Sastras as well, as in Manu, it has been mentioned in strongest terms that woman should be honored. But then again Manu has given absolute rights to men to inflict corporeal punishment on her and discard her if she said anything disgraceful to him. Thus, a contradiction in the rules of treatment to woman was there. Manu's system continued for long after the Mauryan period in the Indian society. However, the upper class woman enjoyed freedom and were respected in society. Besides these woman, a vast majority worked in the fields and homes. Their condition worsened in the 20th century.

## **Position Of Woman In Vedic Age:**

As we have studied position of woman in Pre-Rig Vedic period was very high. In later Vedic period, the position enjoyed by woman in the early Vedic society, was not retained. In Vedic society participation of wives was required in many rituals. Woman could select their husband in an assembly called 'Sangha'. But in most cases the woman had to lead an unhappy married life. This was simply because their husbands were allowed to have more than one wives and this was especially quite common among the upper classes of the ancient Indian society. A widow was expected burn herself on the funeral pyre of her husband. This would make her 'Sati'. Manusmriti assigns to the Woman of Vedic age, a position of dependence, not of subordination. In the work called Amarakosh written in the Gupta era names of the teachers and professors are there and they belonged to female sex. They were the authors of Vedic scriptures and 'mantras'.

## Position Of Woman In Hindu Dharma:

The roots of Hindu religion are in Aryan society of patriarchal system. The family unit was large one, generally extending over three generations and with the male offspring living together. The birth of a son was especially welcomed in the Aryan family for the son's presence was essential and one of the important ceremonies. At the same time the position of woman was on the whole free. Hindus considered that the man and woman represent the two aspects of one person. Scriptures say that Lord Shiva consists of a body of two halves – one is of male and other is of female and he is called 'Shiva'. Woman was considered more powerful than man and treated as Goddess of 'Devi'. The society was governed by certain established norms approved by 'Dharma'. The highest social ends in ancient Indian Samyambhar means it is a form of marriage which had been followed in Vedic period. Bride select one of the bridegroom amongst all the eligible bachelors for example Dropadi's marriage in Mahabharata which is well known to everyone. The term is derived from the name of the goddess Sati, who self-immolated because she was unable to bear her father Daksha's humiliation to her husband Shiva. The Indian Commission of Sati (Prevention) Act, 1987 Part I, and Section 2(c) define sati as the act or rite itself. Society were four, Arth, Kaam and Moksha. Woman along with man participates in all activities equally and hence she was considered as 'Devi'. In the area of spirituality woman were not inferior to men. Yajunvalkyya had imparted divine knowledge of the most difficult nature to Maitraei and that she had not only been able to comprehend the high philosophy but had also actually attained divine knowledge. The traditions which brought the woman into slavery by fixing her duties to serve like Dasi (servant); to feed like mother; give advice like Minister; and give conjugal sanction like a Rambha of heaven. At the same time, woman is considered to be under the protection of father during childhood; under the protection of husband during youth and under the protection of son during old age. As the woman lost her property right she lost independence and became lifelong dependent on male dominated society.

Therefore, the social, cultural and religious backbone of Indian society is based on patriarchal structure which gives comprehensively secondary status to woman. Actually this philosophy of patriarchal family based on principle that, family tree grows up with male only, which makes man a valuable product of family, who needs special protection and attention. Second important thing in this philosophy is marriage, in which woman are given a subordinate status, having no right to say anything about their rights; body feeling or we can say that, men are the whole and sole owner of soul of woman. Hence in this way the derogation of social status of woman lead to 'Female Foeticide'. d. Women's Education in ancient India: In the golden age of Aryans wherein the men were free, brave, vigorous,

fearless themselves civilized and civilizing others, Nobel and deeply spiritual: and the woman were learned, free and highly cultured; conjointly they offer sacrifices to the gods, listening sweetly to discourses, and preferring spiritual upliftment to the pursuit of mere riches. Additionally, woman represented the best example of conjugal love, offering the supreme sacrifice of their lives as a demonstration of their feeling for their partners in the brief journey of life. This was to be an enduring legacy of Vedic woman who perform sacrifices to the gods by the side of her husband as an equal partner in offering

There were two types of scholarly woman firstly the Brahmavadinis, or the woman who never married and cultured the Vedas throughout their lives; and secondly the Sadyodvahas who studied the Vedas till they married. Panini mentioned of female students studying Vedas. Ashoka got his daughter, Sanghamitra, inducted into preaching Buddhism. From the Jain texts, we learn about the Kousambi princess, Jayanti, who remained a spinster to study religion and philosophy. Woman did write Sanskrit plays and verses, excelled in music, painting and other fine arts. It clearly shows that our kings were aware of woman education and even they were also interested to educate their children without the discrimination of male or female.

## **Position of Woman in Mughal Period:**

Unlike in the ancient Indian period, the position and status of woman in the Mughal period was not quite high. Purdah and child marriage had become common. Except those of the lower classes, woman in Mughal period did not move out of their houses. The Muslims woman observed purdah much more strictly than the Hindus. The birth of a daughter was considered inauspicious, while that of a son was an occasion for celebration. On account of early marriage, there were many widows in our society. Generally, woman in Mughal Period were not allowed to remarry. Polygamy was common among rich society. Divorce was not common among the Hindus, while it was permitted both for Muslim men and woman. However, woman exercised great influence at home and some of them helped their husbands in their occupations. Though, the overall position of woman in Mughal period was low, there were many Hindu and Muslim woman of outstanding ability, whose fame is still relevant today like, notably Rani Durgawati of Gondwana, Rani Karmawati, Mira Bai, Tarabai, etc. Among the Muslim woman in Mughal Period, Nur Jahan, Mumtaz, Chand Bibi, Jahanara, Raushanara, Zeb-un-nisa, etc. played an important part in the affairs of that time. Concept of Abortion and family planning in ancient time: Abortion was also there in ancient time.

Families also aborted the foetus in different ways. It was a mostly found in tribal people. The woman who performed an abortion against the will of her husband was subjected to severe punishment and the higher caste woman, who performed abortion with the help of slave, that slave was also punished with hard punishment. At that time religion and community always criticized the abortion and preferred preparation or self-punishment for abortion and rarely enforced other punishment. In ancient time, pregnancy can be terminated by way of consuming some herbs, by using injurious weapon, by creating abdominal pressure and many other ways. In 19th century, the British's declared some area as Infanticide prone. In 1805 they had found a high incident of female Infanticide among the Rajputs of Saurashtra. In Eastern Uttar Pradesh, there was a village with no daughters. In 1808, Alexander Walker, the chief authority in Baroda summoned the head of all the communities and asks them to give an understanding that they would not kill girl babies. In 1870, the British Government enacted the Prevention of Murder of

Female Infants Act. To begin with, it was to be enforced only in the Northwestern Provinces including Punjab and Oudh. In 1872 some areas were notified as Infanticide prone after census figure indicated 40% deficit of woman. Already the woman killer belt was getting established. In 1898, female Infanticide was recognized as a crime and a Government order was passed making it a cognizable offence. However, within eight years, in 1906, the Prevention of Female Infanticide Act was repealed as the Government claimed that Infanticide was no longer practiced in these areas. The 1901 census actually indicated that there were just 832 females to 1000 males in Punjab. So obviously the Act was withdrawn because of some other political consideration.<sup>36</sup> In this way in ancient time also there were a system of abortion and no medical facility available or medical science not improved at that time, but it could be done by them by using traditional harmful method. So at that time also abortion was punishable and Gita Arvamundan, Disappearing Daughter's,

The Tragedy of Female Foeticide, punishment was being inflicted upon that person who is personally liable for abortion. Therefore, the concept of abortion has embedded its roots from our forefather. g. Male ratio adverse female ratio: The decreasing ratio of woman from society is connected with status of woman in ancient period as well as religion and cultural influence of communities. In Hindu community as well as other community's son is always preferable than a girl child and it is deeply rooted in our culture from ancient period. Forgetting birth of a male child many prayers and offering made to God in every community. Even woman wants birth of a male child though they themselves are woman only. But because of prestige issue of the family or to run family tree or to enhance their status between all other family members they also want male child not female. Nowadays this choice of male and female fulfilled by Doctors by using medical Techniques that is by using ultra sounds Sonography machine. Therefore, due to this it has adversely affected on sex ratio of male and female child. Hence the ancient period is an evidence, which shown that as they were having importance of woman in their life. In the same way they were also the strong follower of male dominating society. They were of the view that woman have been actually made for their use only like giving birth to children, to enhance their family tree, and most importantly give them their heir in the form of son and lastly above all she is a servant of their own family who is the whole and sole care taker of the family with all responsibly. But as per above study it is clear that they were not of the view to kill the daughters in mother womb or after birth of girl child. Because at that time there were not found any reason of 'Female Foeticide' or increase of technology and most importantly family planning or anything else. Hence it is clear that, in Vedic period communities neither committed female Infanticide nor they were supporter of woman community. They were always treated woman in inferior status as compare to men and abortion was also illegal.

## **Status Of Woman In Medieval Period**

As by passage of time, the position of woman became worse in medieval period, rather to develop some good changes in their status. During the medieval period only, system of Purdah and Jauhar were being introduced by Muslim and Rajput community against woman. Firstly 'Purdah' means, woman in Muslim community is fully covered with clothes, so as to cover their body from male. Secondly 'Jauhar' means, woman with their own consent immolate themselves so as to save their body and property from detention of enemy, if they are from defeated Warriors family. In both the systems, liberty of woman was curtailed by the community that they were not giving right to moment or leave their lives without any restriction of fear and without any burden. Instead of all these religious restrictions, woman at that time actively participated in social, political educational and religious field like Raziya Sultan who was first

lady Monarch of Delhi, Chand Bibi who has defeated Akbar etc. in this period too, bhakti movement had played a very important role for improvement and impoverishment of the status of woman. These were the movements which tried to give equal status to woman in society at that time. The best example, who preaches the equality of men and woman at that time, was a 'Guru Nanak'. He advocates equality of woman in each sector that is religious, political, educational and cultural.

## **Position of woman during east India Company:**

During the period of East India Company, many social reformers such as Raja Ram Mohan Roy, Ishwarchandara Vidyasagar and Jyotiba Phule had struggled for the improvement of status of woman in Indian society. Peary Charan Sarkar had firstly started girl's school in India in 1847 at Calcutta. Under this period only with the help of Governor Bentinck Raja Ram Mohan Roy had succeeded to abolish sati system from India. Due to the efforts of Raja Ram Mohan Roy we have succeeded to introduce the concept of widow remarriage. Many woman social reformers such as Pandita Ramabai and other at that time also started movement of freedom against society for the protection of woman. Rani Lakshmi Bai is the best example who has started a war against the Britishers even though she was a lady who fought for her state of independence. In that period only there were many ladies who were expert in Marshal Art also. Though all the things were existing at that time regarding ability and capability of woman but still in that period also woman were not treated equally with men and it was followed in mediaeval period also. In spite of all these examples, status of woman in the society was unprivileged. They were not having any right to claim succession in the property of their own family members.

Therefore, so as to property matter is concern position of woman was not satisfactory because it shows that they were not having right of inheritance, and due to that only they have to depend on male members of the family. When the East India Company was there the position of woman was as it is, that woman had been treated as a slave, their position was always inferior in family overall they did not have any status as a living human being. As we all know woman played very crucial role in freedom fight against British rule in India for example Kasturba Gandhi, Anni Besant, Aruna Asaf Ali and Sarojini Naidu etc. Before rise of 20th century, Mahatma Gandhi started movement for removing disabilities against woman in society. In this way in a medieval period every attempt was made by social worker, freedom fighter, Bhakti movement figures and other persons to improve and enrich the position of woman in India. They also tried to give equal importance to woman with men therefore in this period only many legislative enactment has been enforced by legislator for protection and promotion of woman like Act of Sati (abolish) 1829, The Hindu Widow Remarriage Act, 1856, The Child Restriction Act, 1929, The Woman Property Right Act, 1937, The Hindu Marriage Act, 1955, The Hindu Adoptions and Maintenance Act, 1956, The Dowry Prohibition Act of 1961 etc.

On one hand in the same period above all legislative enactments were being implemented for protection and promotion of woman on priority basis at the same time on the other hand in some states of India social evil of 'Female Foeticide' and Infanticide was being embedding its roots in the society at large. Some burning examples of it are as follows: 33 b. Tamil Nadu: Gita Aravamundan who had conducted survey in Usilampatti area of Tamil Nadu stated in her book "Disappearing Daughter's" that, the year was 1994 and she was on way to Usilampatti in the Madurai district of Tamil Nadu on a strange and scary mission. She wanted to find out that whether really mothers killed their new born girl babies in this area. She also stated that some years ago and alarming number of baby girls had been disappearing

without a stress in the Madurai, Dharmapuri district of Tamil Nadu. The suspicion was that the baby girl had been killed by their own families. This terrible secret behind their disappearance came to light for the first time in December 1985 when the popular Tamil Nadu magazine 'Junior Vikatan' published an article on the killing of girl babies in Tamil Nadu district. The readers were shocked. The title of the article was very specific that, 'Feared of Dowry they kill girl babies'. Six months later, the English magazine 'India today' literally dug for the truth and came up with another chilling article complete with gruesome pictures of infant skeletons.

According to 'Born to Die', the girl babies had been killed by their own families and buried in shallow makeshift graves in their backyards. By reading this article the Government, local politicians NGOs and the national press woke up. The Usilampatti area caught the attention of the national media. Even the BBC did a programme on killer mothers. Meanwhile alarm bells were sounding in other directions. As early as 1990, even before the shocking 1991 decennial census figures for India were out, noted economist Amartya Sen had said that they were '10 million women missing in south Asia, West Asia and North Africa'. It was suspected that quite a large percentage of these 'missing' women might belong to India. One year later the new census figures indicated that the figures were even more alarming than most experts. These sex ratios in almost every state had dipped. Sex selective abortion, which had raised its ugly head in the big cities in the mid-1980s, had already had a devastating effect on urban populations. One study conducted by her indicated that in Jaipur, capital of Rajasthan, Pre-Natal sex determination tests resulted in the abortions of about 3500 female foetus annually. The UNICEF reported that in 1984 study on abortions after prenatal sex determination in 34 Mumbai found that 7999 out of 8000 of the aborted foetus were females. 'Sex determination', the UNICEF report stated, 'has become lucrative business.'<sup>38</sup> She also stated in her book that, eight years had passed still girl babies continue to disappear in the area of Tamil Nadu. Everyone knew where they were going and how they were killing and yet, not a single killer parent had been arrested.<sup>39</sup> See how worst it is? Where we are going? What we need? Why parents are killing their own child on the basis of sex selection?<sup>40</sup> We need to find out answers for this. c. Punjab: Anurag Agrwal in his book "'Female Foeticide' Myth and Reality" which is completely based on survey conducted in state of Punjab on 374 cases of woman who has undergone 'Female Foeticide'. He stated in his book that, there is lowest ratio of female in Punjab as compare to all over India. The sex ratio of birth in year 2001 was 747 girls behind 1000 boys. He also stated some examples that how and why female foetus killed by their own parents especially mother. Out of this survey one case was that, one lady namely Manjit was of 25-year-old matriculate, with an equally educated husband residing in Ludhiana, an industrial district of Punjab. She belongs to a medium class family, living with her in-laws. She was married for nine years ago and has only one living daughter. Her second daughter expired immediately after birth due to some medical problem, thereafter; she has undergone three abortions when it showed in Ultra-Sonography as girl. She rightly quoted in population and development review, 1993 Gita Aravamundan, disappearing daughters, As per survey conducted by Gita Aravamundan, it is clear that, though in Vedic period equal status given to woman with men and medieval period also an evidence of equal status and improvement of woman in India but in the same time only baby girls had been killed by their own parents. The human being without thinking anything killing another human being though that human being is so small but amounting to an offence and they are killing that human being which is not their enemy but a part of their own body. Without thinking about anything, on the basis of fear of social burden they are killing their own babies and it is against nature only. So now the time has come that, everyone should think about it very seriously and always try

to find out the solution for it. Because it is not problem of any state but it is problem of knows that husband is responsible for the sex of foetus and came to know about Ultrasound technology from her in-laws. She thinks that, this technology is not a good as after knowing the sex of the unborn child and the whole period of pregnancy is wrought with mental tensions if the child is female. According to her, the ideal family should comprise of a son and a daughter and the firstborn child can be of any sex, but should be of sound health. She blames her mother-in-law for instigating her husband to force her to undergo foeticide. On behest of her mother-in-law she was threatened by her husband to be left at her Pre-Natal place, if she does not to beget sons for him as all his brothers have a son. She was also physically abused by her husband. She feels that her sister-in-law who has sons has more say in the family than her and she is often subjected to taunts. She admitted that her social status is dismal and bearing a son would give her a more secure and happy life. She has also taken to some Mahatma by her mother-in-law who blessed her by giving some fruits so that she may bear a son, but in spite of that she conceived a female and had to get it aborted. She herself never wanted to go in for abortions and felt guilty about it, but because of ill treatment meted out to her by her husband and in-laws, she was forced to commit the sin of 'Female Foeticide'.

As per above discussion it is clear that, mother of foetus is also involved with offerings of 'Female Foeticide' though she has consented or not. As per the survey conducted by Anurag Agrawal it is clear that in many of the cases mother also involved with commission of crime of 'Female Foeticide' under influence of in-laws or husband. Out of above discussion it is also clear that mother very well knows about the fact that husband is responsible for the sex of male or female still she has undergone abortion. In this way modern period with the Empowerment of woman turn towards disempowerment of female child by killing female foetus in mother womb.

## **Status Of Woman In Modern Period:**

In ancient and medieval period status of woman is practically lower than the male but the in scripture; theoretically it has given higher status to woman. They are awarded with degree of perfect home maker by the society, because Indian woman have dedicated their whole life for welfare and wellbeing of their families. They are also praying by human being in the form of goddess. Still no change is there in their status. They are treated inferior as it is. As we all know that, it's a human nature, if they want some powerful things, they always pray to goddess in the form of 'Devi' but, if the woman who exist in their life as mother, sister and wife, they do not treat her like this or treat like a slave in their family, who works 24 hours for them without expecting anything. This position become worse, when she gave birth to girl child in educated or uneducated family after devoting her all possible efforts to her family. But the position and status of today's Woman in India is considerably changed in modern Indian Society. The population of woman is almost half of the total population of India.

A country or a community cannot be considered civilized where woman is not honored. Indian Laws are being made without discrimination against woman, as a result Indian woman enjoying high position in our society. Woman today occupy high ranking posts like I.A.S., I.P.S., also in our Defense Services. The modern Indian woman participate in various sports and games like football, hockey, cricket, table tennis, lawn tennis and also in athletics namely Saniya Mirza, Sayana Nehawal etc. The Contemporary Indian woman serve as M.P., M.L.A, Governors and Ministers. Woman of recent times like Mother Teresa, Soniya Gandhi, Vijay Lakshmi Pandit, M.S. Subhalakshmi, Lata Mangeskar and our



ex-president of India Pratibhatai Patil have achieved International fame. Woman have also achieved high fame in the areas of literature, music and acting. More over woman are joining the field of science and technology also. In fact, there is no sphere of activity in which women are unsuitable or incompetent. In modern period of India, our legislator made various legislative enactments to save and protect woman from crime and offences like Dowry death, 'Female Foeticide', Infanticide, cruelty etc. and it gives the concept of Empowerment of woman.

## **Empowerment of Woman:**

Woman Empowerment not only point towards their material development, but is oriented towards mere economic growth which generally plays an important role in the overall developmental strategy as has been conceived of in the case of other underprivileged classes. Woman Empowerment should be construed as the overall development of their faculty of self-realization, self-image and identity and the economic development which holds the keys to their real development.<sup>43</sup> Woman Empowerment has ceased to be a local or national issue. United Nations Charter, which significantly projected discrimination against woman as a problem of universal alarm. In order to weed it out the Charter in its preamble expressed to uphold Fundamental Rights one is Human Rights and another is equality between men and woman. This sufficiently shows the kind of concern of International community espoused with regard to the women's right in general and their right to equality with men in particular. The declaration provides that all the rights and fundamental freedoms are available equally to both men and woman without any distinction. Therefore the Universal Declaration of Human Rights also played very important role in protecting the rights of woman.

Myth and reality of empowerment of woman, means that researcher in this chapter want to compare the real situation faced by woman in their life and whether the Law really helps them under the name of empowerment. As well as researcher also want to state here that, whether the empowerment really works for the welfare and wellbeing of woman? If it works for this purpose then why the offences like, rape, cruelty, dowry death, female foeticide, infanticide etc. committed against them only? Whether the fault is lies with us or our Government failed to protect them? Then question has been raised in the researcher's mind that, where is empowerment on paper only? Whether every woman in India avails the benefit of Laws made for them? Whether the real equal status has been given to them? Answer for all these questions is the empowerment woman is only a propaganda and nothing because it failed miserably and burning example is Delhi gang rape case as well as increasing female foeticide in India and declining ration of girl child. Then again researcher want to ask that, where is empowerment?

## **Myth of Woman Empowerment in India:**

As discussed above it is clear that the seed of Woman Empowerment has been sowed in early 18th century on an International level. Then there after in 19th century it came to India. The Indian scene is more articulate with marked preference for boys and girls as reflected in nutritional and health differentials and clear disparity in discernible between male and female mortality rate. It has been seen that girls receive less food and medical services less frequently. Due to malnutrition the rate of maternal mortality is quite high in India. It has been observed that despite restraints placed on child marriages the practice is quite common particular rural area. It adds that prostitution is rampant in India. The report further pointed out that a Dowry giving, though illegal remain customary and brides often become victims

of mental and physical abuse when they fail to satisfy the avarice for more and more Dowry after being wedded. It reiterates that violence against woman as reported maybe the most pervasive yet least recognized Human Rights abuse in the world. Given the social scene hopes are finally pinned with law as an instrument of social change. It is believed that law empowered woman by equipping her with the rights and powers so as to enable her to fight against male hegemony. Woman Empowerment has to be seen as a concomitant of the total process of social change leading to a Just Society and therefore its success will depend upon the success of the supportive socio- economic policies and simultaneous changes in the political process. The operations on all these strategies have to be spontaneous, to achieve the desired results. This may not be achieved unless the present scenario is analyzed. The idea of justice required that, the law should likewise create similarities whenever possible. In order to correct the imbalance in the social system sex neutral language appears to be one of the tools for the reduction of inequality between sexes. Therefore, following are some legislative enactment enacted by the legislator for protection and promotion of Woman Empowerment in India which are discussed in this chapter by the researcher as follows: a. Hindu Widows Remarriage Act, 1856: The Hindu widow's remarriage act, 1856 was made by the Government of East India Company to render remarriage of Hindu widow valid and to legalize the legitimacy of children.

It is an Act to remove disability and which the Hindu widows were suffering and allowed them to remarry. They were given a right which they could not avail in the existing society. This Act applies to all Hindu widows, irrespective of caste regulations concerning remarriage. This Act was made to remove all legal obstacles to the marriage of Hindu widows and to promote good morals to the public welfare.<sup>46</sup> b. Indian Penal Code, 1860: The Indian penal code is a code which enacted by the legislators to penalize the person for the act which he has committed against other person. This Act comes under the substantive Criminal Law. It means that it defined every kind of offence i.e. offences against body as well as offences against property and other offences also. In the same way it has also defined different kinds of offences which has been committed against woman and also described punishment for that. Offences against woman includes death caused by Dowry, abetment or attempt to commit suicide, offences against pregnant woman like injury to an unborn child or infants, sexual harassment of woman and immoral or illegal trafficking of woman, hurt and grievous hurt, wrongful restraint and wrongful confinement, outraging the modesty of woman, kidnapping, abduction, slavery and forced labor, sexual offences, cohabitation by deceitful means, by bigamy, adultery etc. All these offences descriptively defined under this code with specific punishment. In this way the penal code provide protection to the woman against all the offences committed with her body or a property.

## **Indian Evidence Act, 1872:**

The Law of evidence also provides protection to the woman by inserting certain sections. Court can raise the presumption in certain offences against woman that is in case of Dowry death court shall presume that death is committed during seven years of marriage. It means it is a Dowry death, presumption as to abetment to suicide by married woman, even in case of husband and wife relationship court may consider certain things like in civil suit husband and wife cannot be stated against each other but in criminal case they are considered as one legal entity therefore they shall not be a witness against each other. The court may have forbidden by any questions or enquiries which it regards as indecent or scandalous, although such questions or enquiries may have some hearing on the questions before the court, unless they are related to fact any issue. In this way evidence in Indian Laws also contain special

provisions for women to men in their dignity and their respect by recording evidence. d. Law relating to marriages: India is the land of Aryans with tolerable culture and heritage. Majority people of India are Hindus by religion. They allow the people of different religions to settle and follow their religions in personal matters like marriage, succession, adoption and maintenance. The institution of marriage is the foundation for family system in India. Marriages are performed according to the teaching of their religions like Hinduism, Islam, and Christianity as religion plays a major role in the life of people. Therefore, for the effective implementation of this marriage institution Indian legislators have enacted different marriage Laws as per religions of people residing in India. It includes The Hindu Marriage Act 1955, The Special Marriage Act 1954. Under Muslim Law marriage is purely a civil contract. It is a contract between Muslim men and women. After attaining age of puberty only a girl is able to marry. For Christian also separate Marriage Act made by legislator that is the Indian Christian marriage and 1872.

## **Hindu Adoption and Maintenance Act, 1956:**

Hindus prefer to have a son as he is essential for religious performance. They consider the son as the reliever from hell. They believe that they fall down from heaven to hell if their son does not give oblation of 'दक्षिण' the performance of 'दक्षिण' . If they fail to section 113A 56section 151 41 get Aurasa Putra (Natural Son) they can adopt a son for a spiritual benefit. The Hindu Adoption and Maintenance Act, 1956 provides provisions for a valid adoption. This law of adoption enables a childless person to adopt child of another as his own. f. Laws Relating to Maintenance of Woman: In patriarchal society, under family system, the head of the family has to maintain the whole family. Under these circumstances, the position of woman, whether she is a daughter, wife or mother in Hindu Law, Muslim Law or Christian Law is under the maintenance of the men. The right of woman regarding the personal laws of marriage, divorce and maintenance differ on the basis of religious laws. The Central Government through various legislative enactments protected the right of maintenance of married woman after divorce. These enactments made on the basis of personal laws like maintenance of Hindu wives and children under Hindu Adoption and Maintenance Act, 1956, The Muslim Woman (Protection of Right on Divorce) Act, 1986, for Christian, The Maintenance of Christian Wives and Children Act, 1869 and for Parsi, The Parsi Marriage and Divorce Act, 1936.<sup>58</sup>In this way the Central Government each and every time made their effort to save the position of woman after divorce by maintaining financial status through enacting different maintenance laws as per their own religion.

## **Laws relating to Succession as per personal religion:**

Religion plays a major role in the succession of property by woman as the personal laws of religious communities are mostly dominated by the Scriptures of those religions. In earlier period, the law of succession was mostly un-codified and followed according to the traditions of those communities. As the society moves towards civilization, the Government started to codify the laws of succession. The codification mostly depends on the existing traditional practices. Hence there is no uniformity in the succession laws. The religion played a very important role in the formation of succession laws. Thus in India, the succession to property is based on religion of Hindus, Muslims, Christians and Parsis. As per The Hindu Succession Act, 1956 property of a male Hindu dying intestate shall devolve amongst his heirs including a daughter as well as son's daughter's daughter also. The Muslim Law of succession is uncodified; The Islamic Law of succession is based on the Holy Quran. No woman was excluded from inheritance only on the basis of sex. Woman have equal rights to share the property of deceased. The

newly created heirs are called as Quaranic heirs and their share is never excluded. The Christian Law of succession has been governed under The Indian Succession Act, 1925. According to this Act the property deceased who died in testate divided equally among his heirs including daughter and wife. In this way the Central Government has made special enactments to protect the status of woman in their own families by giving right of succession in the property of their own ancestors died intestate. h. Immoral Traffic of Woman: The offence of immoral trafficking of woman and children is increasing day by day all over the world. This situation is created a new institution of prostitution in societies. It has been in existence in name of Devdasi, Matangi etc; in Indian society.

Everyone knows that there were red light areas in every city in India. The reasons for prostitution are so many i.e. poverty, obscenity, lure of luxury, moral degradation, Dowry system, caste discrimination, over population, unemployment, illiteracy and nowadays 'Female Foeticide' and declining ratio of woman. In pursuance of this the Parliament has passed the prevention Immoral Traffic Prevention Act 1956.<sup>60</sup> In this way to protect the woman from illegal practice of sexual greed and business of prostitution, law has played its important role by enacting such kind of enactment. Prohibition of Dowry: Dowry practice in our society is most heinous practice. Due to this practice only, many offences committed against woman. This practice is actually connected with demand of money or anything in the form of commodity. This demand is proposed by bridegroom family to bride family. Sometime this demand is so irrelevant and impossible to the families to fulfill that demand, therefore the parents of daughters many times are not happy with the birth of girl child. To prevent all these things from society like such illegal demand, legislature has enacted the separate legislation that is Dowry Prohibition Act and prescribed with punishment. j. Maternity Benefit: Maternity is a natural thing for woman. Maternity coverage is more extensive than sickness coverage as maternity is entirely different from sickness. Maternity benefit is required only to the woman workers. The Indian Government has also passed the maternity benefit act 1961. This maternity benefit is also giving all the woman under the employees of state insurance to protect the health of mother and her children and to alleviate part of the financial hardship caused by the birth of the child.<sup>61</sup> In this way the Government also protected not only the rights of the woman after giving birth to a child but also empower every working woman to protect herself and her child.

## **The Medical Termination of Pregnancy:**

As the researcher has already discussed that, in ancient era there were no facilities of safe abortion on the other hand we can say that, they were somewhat under a fear of God that if they aborted child, they will definitely be punished by God. But nowadays due to introduction of Medical Termination of Pregnancy, anybody can abort a child easily with the help of Doctors. Sometime this pregnancy is terminated for a medical reason but it is a very disgraceful to note here that most of the time pregnancy is terminated only after determination of sex of a foetus. Therefore, the Government enacted the Medical Termination of Pregnancy Act as well as also prescribed punishment under the Indian Penal Code for illegal abortion. It has also prescribed that pregnancy should be terminated by register medical practitioner only.

**Sati Prevention:** We all know about 'Sati' as it was a traditional practice of widow burning with the pyre of deceased husband. Sati is an awesome practice of Indian womanhood, carrying both the association of a barbaric society and of the mystique of the Hindu woman who voluntarily and cheerfully mounted the

pyre of her husband. During East India Company Rural Governor General William Bentinck issued regulation prohibiting 'Sati' that was enacted on December 4, 1829. However, the practice of sati continued to be practiced rarely in some Orthodox families. Hence the Government enacted Sati Prevention Act, with objective to prevent this evil practice from society at large as well as to punish those persons who support this practice. m. National Commission for Woman Act, 1990 Beside all these enactments made by the Government the position of woman in India is as it is and to improve the position of woman in every walks of life Government decided to enact separate commission for Empowerment of woman. Because as history shows that many reformist and social workers fought for the redressal and improvement of condition of woman in India still everything was going on vague.

Therefore, several commissions have been set up by the Government to look into the matter of status of woman in the Indian society. All the commissions reported about unequal status of woman in every sphere of life. Hence the Government has decided to set up a Commission for woman and enacted the National Commission for Woman Act, 1990 with goal to achieve full Empowerment of woman in India. n. Prevention of 'Female Foeticide': Our Indian history shows that we really respect our goddess in the form of Mahalakshmi, Saraswati, Durga, etc. but in reality the fact is different one. Though as God we respect woman in the form of goddess but in real life woman is not a subject of respect in our society. As the researcher has discussed above the several legislative enactments made by the Parliament for the Empowerment of woman and to keep them in equal status with men still everything is as it is. From the ancient era to modern era woman have been treated unequal or at low status than men. This is actually the reason behind 'Female Foeticide' and Infanticide. When the medical technology was not in advance at that time baby girl had been killed by their own parents after birth. In the 19th and 20th century when this Ultrasound Sonography Technique has come into exist this ratio of killing baby girl has increased, but the method is different one. In Vedic period or mediaeval period baby girls had been killed after their birth by any way and in modern period they have been killed in mother's womb by using modern Technique after doing 'Sex Determination Test'. Due to this sex determination test the sex ratio between male and female is decreasing day by day and it is subject matter of serious concern. Therefore, the Government enacted 'Pre-Conception, Pre-Natal Diagnostic Techniques (Prohibition and Misuse) Act, 1994 And Rule 1996 to control this sex determination and 'Female Foeticide'. Though all above enactments are enforced for the Empowerment of woman, still the first step towards Empowerment of woman would be requirement of efforts to fix a place of woman in the family.

The dream of Woman Empowerment shall not be realized unless they are empowered to play equal, decisive and appropriate role in the family affairs, which is the basic unit of Empowerment. For the same reason new proprietary entitlements for woman such as first giving them a share in property under various personal laws and assuring them equal remuneration for equal work have been recognized. Secondly to protect the dignity and liberty of woman certain penal sanctions have been created. Woman have also been promised preferential treatment and compensatory discrimination in their favour by reserving jobs in local selfgoverning institutions. Although much has been done to empower woman yet infirmities continue to exist at various levels in matters like matrimony, registrations of marriage, adoption and property, which count much so far as Empowerment of woman. It is true as that Empowerment should begin from family but with regard to woman it continues to be the primary institution that has institutionalized impoverishment. Worst of all being promoting sex-based division that ultimately works against woman by undermining her intelligence and intellectual worth.

## : **Woman Empowerment in Reality**

To maintain this equality, they have made their possible effort by making different legislative enactment for protection and promotion of gender equality which has already mentioned by the researcher in this topic. Now the important thing is that, whether this equality really in exists? Whether these laws really effective to empower the woman? If the answer is in affirmative form then again the question came into researcher mind that, then why the offences of Sexual Assault, Dowry Death, Rape, Domestic Violence and most recently 'Female Foeticide' committed against woman. Why the baby girl shares unwanted right from her conception in mother womb. To be very frank, it is pertinent to note here that, 'Equality' and 'Empowerment' are only big words with shadow of protection and promotion of woman in different walks of life and which are only suitable in magazines, news and newspapers used by leaders for their personal gain, otherwise, in reality it always gives secondary position to woman in India. Our ancient culture and modern culture is not so different from each other, in ancient period expressly woman were differentiating from men whereas in modern context woman impliedly differentiated from men. However, it is not at all surprise to anyone who live in India that, brutal and heinous offences only committed against woman like recently a girl raped in running bus and then thrown her out of the bus i.e. Nirbhaya Rape case.

Female foetus, offered to ferocious dog as a meal with purpose to illegally dispose it in Beed District (Maharashtra). So, day by day position of woman becomes worst in India. Therefore, this concept of Woman Empowerment is miserably failed in India. Therefore, the researcher come to the conclusion that, though the Indian laws does not discriminate between men and woman, the status of woman of our country today is practically far below the status of men. Bride burning for failure to pay Dowry also continues unabated all over India. It is a matter of great astonishment that such cases are increasing in every year. In our country bride is burnt or murdered for non-payment of Dowry. The literacy rate of woman is also lower than that of male persons almost all over India. Though the status of today's Woman in India is high, the overall picture of woman's position in India is not satisfactory. Hence 'Woman's Empowerment' in modern India cannot take place unless woman come together and decide to self-empower themselves. Self-Empowerment should be all round in nature. Once this happens then we can think about galvanizing the system towards the direction of better health facilities, nutrition and educational facilities for woman at a very large scale. Self-Empowerment can begin by addressing day to day issues faced by individual woman and tackling them with a mindset of improving the overall living conditions of woman at every level and strata of the society. In this regard progressive and resourceful woman in the society need to come forward to help their less privileged sisters in as many ways as possible. This shall help us to reap the seeds for real Woman Empowerment in modern India. Thus, researcher is of the view that, when the real Woman Empowerment will come into light it will defiantly help to remove 'Female Foeticide' from our society. Moreover, every parent will feel proud to be a father and mother of girl child and it will help to remove all forms of discriminations and violation against woman.