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Voyage of Women in India: A Critical Analysis

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ABSTRACT

This Article analyses the status of women in different era in india including Vedic, Post Vedic, Medieval, Modern. The Author has tried to highlight the problems faced by the women folk in these era while detailing the status they had enjoyed. The Author further enumerates how the status of women has changed from one era to another. The Author strives to mark the provisions that are included in the Indian Constitution that are intended to protection the women, safeguard their rights and assist in their empowerment. The Author also analyses the role played by the judiciary in various stages while interpreting the concept of custom, religion and other personal laws that suppress the women and feed on the gender discrimination. Finally, the Author concludes by highlighting how the role of women has been exploited in the current scenario in the disguise of empowerment and the urgent need to address the hidden obstrucles in order to achieve parity along with men.

Keywords: Women, Empowerment, Status.

I. INTRODUCTION

"yatra naaryastu puujyante ramante tatra devataaH |

yatraitaastu na puujyante sarvaastatraaphalaaH kriyaaH ||"

“The divine are extremely happy where women are respected ; where they are not, all actions (projects) are fruitless.” [MANUSMRITHI]

Women are like water, they can exist in any form, they can be converted to any form, it is in the hands of men to learn how to treat them inorder to avoid suffering in the future. It is being said that men and women were created as equal beings. There were no discrimination initially, as the concept of power and domination was unknown to them in the beginning. Later as a slow process of change, concept of domination entered into the minds of men which made them to treat women as inferior to them. Women were treated as zero, without knowing the power of zero. Even in Indian epics like Ramayana and Mahabharatha, it has been mentioned about the devastating effects on the whole empire if any harm has been caused to any women.

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In a special gathering, Swami Vivekananda spoke about the current status and future prospects of women in the East. He expressed that the best gauge of a nation's advancement is how it treats its women. Referring to ancient Greece, he noted that men and women enjoyed equal status, with the notion of true equality firmly in place. In Hindu tradition, a man cannot become a priest unless he is married, as marriage completes him. According to Vivekananda, true womanhood represents complete independence. For the modern Hindu woman, chastity is a core principle, with the wife symbolically being the center of stability in her household, anchored by her virtue. It was an extreme adherence to this ideal that once led to the practice of widow-burning. Hindu women, he observed, are profoundly spiritual and devout, possibly more so than women elsewhere. He envisioned that if Hindu women could maintain these qualities while also developing intellectually, they could represent the ideal woman of the world in the future.²

In India, where culture and traditions were highly valued, women were treated with great care, as any harm to them would affect the family's reputation. This was the primary reason families were so vigilant about safeguarding women. However, over time, this protection—originally motivated by love and care—gradually transformed into restrictive constraints that confined women within the home, leaving them with little awareness of the outside world.

"Artho hi kanyaa parakeeya eva" - "A girl child is another man's property and she is held in trust by the parents." - Abhijnaanashaakuntalam Natakam (Mahakavi Kalidasa)³

In India, a patriarchal family structure is traditionally followed, where a girl is married off to a groom and sent to her husband's home, where she is expected to spend the rest of her life. A woman's status has varied throughout her life and across historical periods, evolving with factors such as religion, community, location, and political rule. In ancient India, the status of women was complex and often contradictory, with religious texts sometimes describing them as equal to men and other times depicting them with disrespect or even disdain.

Indian cultural history highlights that, in theory, women held an esteemed status, often viewed as "devi", or goddess, in Hindu religious texts. This respect is also reflected in the notion of a wife as "Ardhangini", or "better half." However, this ideal raises questions about its practical application, as women were sometimes treated as "chattel"—movable property with limited rights. Even in ancient times, women faced various challenges in phases like the Vedic and later

² **Swami Vivekananda**, *The Complete Works of Swami Vivekananda*, Vol. 8, "Notes of Class Talks and Lectures: Women of the East" (Advaita Ashrama 1955).

³ **Kalidāsa**, *Abhijnanasakuntal* P.R. Ramamurthy, Quotable Quotes from Sanskrit Classics", Prmamurthy 1931 (Nov. 14, 2010), <http://prmamurthy1931.blogspot.in/2010/11/quotable-quotes-from-sanskrit-classics.html>.

Vedic periods, including issues related to birth, marriage, divorce, widowhood, and property rights.⁴

II. RIG VEDIC PERIOD

Based on depictions in Hindu religious texts and epics, such as the Vedas, Smritis, and the epics "Ramayana" and "Mahabharata", it is generally believed that during the Rigvedic period, women enjoyed a status equal to that of men. Although they lacked property rights, women held a respected position in society, participated in major assemblies and celebrations. Women were even permitted to study the Vedas and composed hymns, primarily dedicated to deities. They were seen as intellectual partners to their husbands, supportive companions in life, shared in religious duties, and were central to domestic happiness.

In the Vedic era, women received education on par with men and had a say in choosing their husbands through a practice called "Svayamvara". Love marriages, referred to as "Gandharva" marriages, were common, and child marriage was unknown, reflecting the high regard for women. Verses in the Vedas emphasize the importance of education for girls, as seen in the "Rigveda": "An unmarried learned daughter should be married to a bridegroom who, like her, is learned. Never think of giving in marriage a daughter of very young age" (Rigveda III 55:16). A similar sentiment appears in the "Yajurveda": "A young daughter who has observed "Brahmacharya" (completed her studies) should be married to a bridegroom who, like her, is learned" (Yajurveda VIII.1). The "Atharvaveda" also stresses female education, indicating that young girls underwent an initiation ceremony and received education like boys.

Scholars agree that in the Rigvedic period, child marriage was virtually unknown, and girls were typically not married before the age of 16.⁵

There is no indication that women were isolated from domestic or social matters during the Vedic period; however, they remained lovingly reliant on their male relatives throughout their lives. Women such as Maitreyi, Gargi, Lopamudra, Ghosha, and Indrani were highly educated individuals who contributed their insights in the Upanishads.⁶

Women in the Vedic period had considerable freedom in domestic matters and participated fully in religious activities. Religious ceremonies required the wife's participation alongside her

⁴ **Women: Essay on the Position of Women in India**, *Your Article Library*, <http://www.yourarticlelibrary.com/essay/women-essay-on-the-position-of-women-in-india/31314/> (last visited Oct. 28, 2024)

⁵ **Women in Vedic Society**, *Hindu Perspective* (Feb. 6, 2013), <https://hinduperspective.com/2013/02/06/women-in-vedic-society/> (last visited : 24th Oct 2024)

⁶ **Status of Women in Vedic Period**, *Speaking Tree*, <http://www.speakingtree.in/blog/status-of-women-in-vedic-period> (last visited : 24th Oct 2024)

husband, as she was considered his "Ardhangini" or "better half." While references to widows in the "Rigveda" are limited, widowhood was not marked by the restrictions seen in later periods, and remarriage for widows was permitted. The custom of "Niyoga" also allowed a widow to marry her deceased husband's brother or another designated person.

Early "Dharamsastra" writers permitted divorce, with Kautilya outlining specific rules for it. Regarding property, husband and wife jointly owned property according to Vedic hymns. Women could inherit and hold property, although their rights were limited. As daughters, women had no claim to their father's property, and as wives, they had no direct share in their husband's property. Widows were expected to lead ascetic lives without inheriting their husband's property. In general, women of the Vedic period had a high status and nearly equal rights to men in most areas of life. However, this position changed over time; in the later Vedic period, women lost political rights, and child marriages became common.

There were eight types of marriage in the Vedic age, with four being more prominent: "Brahma" (gift of a daughter to a learned man), "Daiva" (gift of a daughter to a Vedic priest), "Arsha" (where the groom paid for the bride), and "Prajapatya" (where the groom vowed to be monogamous). Both "Kanyavivaha" (pre-puberty arranged marriage) and "Praudhavivaha" (post-puberty marriage) existed, along with "Swayamvara", where royal girls could choose their husbands from a selection of suitors.

After marriage, a woman became a "Grihini" (wife), the "Ardhangini" or "other half" of her husband, and shared in religious duties as the "Samrajni" (queen or mistress) of the home. Divorce and remarriage were allowed in special cases, and widows were not forced into the harsh practices that arose in later times, such as tonsuring, wearing red, or committing "Sahagamana" (dying on the husband's pyre). They could choose to live as hermits if they preferred.

Prostitution was part of Vedic society, with prostitutes, known as "Devadasis", being women dedicated to temple service and bound by a code of conduct. The feminine divine figures, such as Kali (destructive energy), Durga (protection), Lakshmi (nourishment), and Saraswati (creativity), emerged during this time, embodying aspects of the Absolute. Hinduism recognized both masculine and feminine aspects of the Divine, symbolized by pairs like "Radha-Krishna, Sita-Rama, Uma-Mahesh, and Lakshmi-Narayan", where the feminine aspect was often invoked first, highlighting its essential role in understanding the Divine.⁷

⁷ Manisha Dwivedi, Status of Women in Vedic Period, 6 J. Positive Sch. Psychol. 5693 (2022).

III. POST VEDIC ERA

The status of women declined significantly during the Later Vedic Age, which followed the Rigvedic period. This era saw the compilation of the Samaveda Samhita, Yajurveda Samhita, and Atharvaveda Samhita, along with the Brahmanas, Upanishads, and eventually the epics "Ramayana" and "Mahabharata". Women lost many of the rights and respect they held during the Rigvedic Age; they were no longer permitted to participate in the Upanayana ceremony, and most of their sacraments, except marriage, were performed without Vedic mantras. Polygamy became more common, and priests, rather than wives, increasingly conducted religious rituals. Women were excluded from political gatherings, and the birth of a daughter became undesirable, as daughters were seen as burdens.

Child marriage and dowry customs emerged during this period, further diminishing the status of women. Only sons were allowed to perform sacrificial rites, while daughters were barred from this right. Although the sacred thread ceremony was occasionally conducted for girls, they were typically married at a young age. Men were viewed as incomplete without a wife, who managed domestic responsibilities and held authority over family members. However, women took their meals only after their husbands, and in the "Yajurveda", they were grouped with wine and gambling, indicating their declining status. Nonetheless, some references in this period still highlight women teachers with profound spiritual knowledge.

In summary, the Later Vedic society was heavily influenced by caste distinctions, and while the economy advanced, traditional rituals remained central. Although women's roles deteriorated in several aspects, some improvements were seen compared to earlier periods.⁸

IV. MEDIEVAL ERA

During the Sultanate period, the social status of women, in both Hindu and Muslim communities, declined significantly. Women were viewed as property belonging to men, and the "purdah" system was strictly observed, generally restricting women from leaving the house. Firuz Shah Tughlaq (1309–1388) even prohibited women from visiting holy shrines, fearing that being outside might lead them into immoral behavior.⁹

During this period, women were seen as symbols of honor, though they were rarely treated with true respect. Among the Rajputs, especially after military defeats, men would kill their wives

⁸ Social Life During Later Vedic Civilization, Indianetzone, http://www.indianetzone.com/22/social_life_during_later_vedic_civilization.htm (last visited Oct. 28, 2024).

⁹ *Time Check: Women in Medieval India*, Dawn, <http://www.dawn.com/news/884672/time-check-women-in-medieval-india> (last visited Oct. 28, 2024).

and enslaved women to protect their honor. This was because, in war, the defeated side's wealth and possessions, including women, were distributed as spoils to the victorious army. Some Rajput women actively participated in battles, displaying courage equal to that of their male counterparts. The practice of "jauhar" was common: upon the defeat or death of their men in battle, Rajput women would commit mass self-immolation to preserve their dignity and self-respect.¹⁰

Women during this period had little freedom and faced suppression. Peasant women endured a harsh life, working both at home and in the fields, often without love or respect. Among Hindus, the practice of "sati", was widespread. Society preferred a woman's death over the risk of her falling into "evil" hands, and widows who did not perform "sati" were often looked down upon.

Women of noble backgrounds had some advantages, such as access to education at home and a degree of freedom, with a few even taking on significant political or administrative roles. However, from the time of Manu, women's status in society progressively declined, reaching its lowest point in this era. Manu's "Manusmriti" reflects a strict view on women's subordination, suggesting that while not seen as mere property, women were to be dependent: "In childhood, a female must be subject to her father, in youth to her husband, and in widowhood to her son. A woman must never be independent."¹¹

Women from the higher classes and ruling elite experienced some freedoms that were often denied to common women of the time. In contrast, common women were typically confined to their homes and relied on male family members. Child marriage and female infanticide were widespread. Polygamy was particularly common among the upper castes due to their economic stability, and widow remarriage was generally discouraged.¹²

In the eighth century, to handle Buddhism and reinforce the supremacy of Hinduism, Shankaracharya focused on developing Hindu society, advocating for equal status for women.

In the eleventh century, Muhammad Ghazni invaded India, leading to a breakdown of social institutions, disruption of traditional political structures, and economic decline that affected social life, particularly for women, until the mid-eighteenth century.

During the fifteenth century, Ramanujacharya initiated the Bhakti movement, which introduced new social and religious dynamics for Indian women. Saints like Chaitanya, Nanak, Meera,

¹⁰ Ibid.

¹¹ Ibid.

¹² *The Position of Women During the Medieval Period*, Your Article Library, <http://www.yourarticlelibrary.com/women/the-position-of-women-during-the-medieval-period/47394/> (last visited Oct. 28, 2024).

Kabir, Ramdas, Tulsi, and Tukaram advocated for women's right to worship, which opened the door to religious freedom and subsequently led to some social liberties for women. Firstly, the "purdah" system was abolished. Secondly, women began to break free from their restricted domestic lives by participating in religious gatherings, such as "kirtans". Thirdly, a saint could not renounce his family to become a "sanyasi" without his wife's consent, highlighting the wife's importance within the household. Fourthly, women gained access to education through religious texts. While the Bhakti movement positively impacted women's social status, it did not improve their economic situation, and women remained dependent on men for their livelihood. During this period, two main schools of Hindu inheritance law emerged: the Mitakshara and the Dayabhaga. Under the Dayabhaga school, Vijnaneswara supported a widow's right to inherit her husband's entire estate if there was no male child. However, this right was recognized only when the husband was separated from his co-parceners. Under the Dayabhaga system, women were allowed to inherit property from male relatives, regardless of whether they were joint or separated from co-parceners, to prevent the loss of family property.¹³

V. MODERN INDIA

Women in modern India have been significantly impacted by reform and upliftment programs, leading to a radical transformation in their status. Prior to British rule, Indian women faced a deplorable social situation, burdened by numerous oppressive societal rules.

During this time, a woman's youth was primarily focused on preparing for marriage, and her entire life was dependent on the male members of her family. She was subjected to various repressive customs, including "sati", child marriage, polygamy, a lack of proper education, and confinement to the home. The experiences of women regarding these rules and restrictions varied based on factors such as religion, caste, class, age, and their position within the family hierarchy.¹⁴

The condition of women during the British rule

The ongoing efforts of Indian reformers like Ram Mohan Roy, along with renewed initiatives from British reformers, led to gradual changes in the status of women in modern India. By the latter half of the nineteenth century, reform groups had emerged across British India, focusing on issues such as "sati", female infanticide, polygamy, child marriage, the "purdah" system, restrictions on female education, and the institution of Devadasis (temple dancers married to

¹³ Ibid.

¹⁴ *Women in Modern India*, Indianetzone, http://www.indianetzone.com/50/women_modern_india.htm (last visited Oct. 28, 2024).

gods), as well as the patriarchal joint family structure. Their efforts served as a catalyst for reform-minded individuals in various regions, paving the way for the emergence of all-India reform organizations.

The most significant transformations in women's lives during this period stemmed from British attempts to modernize Indian society. This issue became central in nineteenth-century British India as foreign rulers directed their attention to women's status. Influential British writers, driven by a "civilizing mission," criticized Indian religions, cultures, and societal norms regarding women. It was widely believed that a developed society relied on the relationship between men and women; in modern societies, women were treated as equals, whereas backward societies displayed contempt towards them. With the British aiming to govern and modernize the country, they sought to alter the male-female dynamic.

Missionaries also supported this perspective. Reverend E. Storrow, who arrived in India in 1848, asserted that the low status of women was a source of disunity in India. He highlighted that strong nations like Israel, Rome, and Western Europe drew their strength and virtue from the elevated status of women. By linking military strength to women's status, the British justified their dominance over India as natural and inevitable. Among the ideas that gained traction among British rulers were humanitarianism, utilitarianism, social Darwinism, and nationalism. They believed that India's future depended on the introduction of Western concepts and institutions. Consequently, westernization brought about a new gender ideology, and changing the treatment of women was seen as a crucial step towards any positive societal transformation.¹⁵

This brought about a significant transformation in the lives of women in modern India, leading to three key changes in their circumstances.

First, there were adjustments in the suitable roles and activities for women at various stages of their lives. Second, the range of acceptable actions for women expanded. Third, individualism began to take hold among the population. As a result of reform movements and the shifts initiated by British rule, by the late nineteenth century, many women were educated, articulate, mobile, and more engaged in public life. In rural areas, life continued to be largely centered around the household for both men and women. However, with rising urbanization and the emergence of new professions linked to colonial rule, the separation of work from home life became increasingly prominent.

New educational, religious, and social institutions began to emerge during this period. An

¹⁵ Ibid.

increasing number of girls started attending schools, participating in social events unrelated to family, and engaging in new religious ceremonies. Educated and socially active women played a crucial role in the modernization movement and advocated for the upliftment of women's status. The rise of publications aimed at women, both written by and for them, empowered their voices. Parents began to send their daughters to girls' schools and often postponed marriage until after their education was completed. Even young brides were encouraged to continue their studies, and many were given the opportunity to make their own choices.

A significant change during this time was the shift in what women were able to achieve, moving from a life confined to household duties to becoming active participants in the broader social and political spheres. Christian missionaries showed a strong interest in educating girls during British rule. In 1824, girls gained access to higher education with the establishment of the first girls' school in Bombay (Mumbai). Influential leaders like Mahatma Gandhi inspired women to participate in the freedom struggle, with their active involvement seen in the civil disobedience movement and other initiatives.

However, very few women were granted a public role, and those who were often had to balance it with their responsibilities as homemakers. Despite the Sharda Act passed in the 1950s to raise the legal marriage age for girls, child marriage remained prevalent in North India, even though the average age of marriage for females increased to 18. Significant inequalities continued to exist in access to education, healthcare, and resources, as well as in political, social, and cultural opportunities. Women often lacked the ability to make choices regarding marriage, careers, or their lives, and their voices were largely silenced. The practice of dowry persisted, with men generally receiving a better education than women, leading to increased demands for dowries.¹⁶

The Dowry Prohibition Act was enacted in 1961 to protect women and impose strict penalties, yet the conviction rates for crimes against women remain low in India. Societal norms have led to the belief that the birth of a girl child is inauspicious, resulting in the killing of female infants both before and after birth. This practice continues to this day, with UNICEF estimating that up to 50 million girls and women are "missing" from India's population due to female foeticide and high mortality rates among girls due to inadequate care.

Additionally, bigamy was abolished, which had long been a source of psychological suffering for women. The post-Independence Era introduced various changes related to marital rights, such as nullity, divorce, judicial separation, inheritance, and widow remarriage, although some

¹⁶ Youth Ki Awaaz, **Here's How the Status of Women Has Changed in India Since 1950 Till Date (Mar. 14, 2012)**, <http://www.youthkiawaaz.com/2012/03/heres-how-the-status-of-women-has-changed-in-india-since-1950-till-date/>.

of these changes have roots in the pre-Independence period. Women are now entitled to an equal share of their parents' property, and the legal marriage age has been raised to 21 for men and 18 for women.

Between 2000 and 2005, the dropout rates for girls decreased by 16.5%. Initiatives like the 'Sarva Shiksha Abhiyan' and the 'Saakshar Bharat Mission for Female Literacy' have contributed to an increase in literacy rates from below 10% to over 50% today. As a result, India boasts the largest number of professionally qualified women in the world, along with the highest population of working women globally, surpassing the United States in the number of doctors, surgeons, scientists, and professors.

Later many social legislations were brought in order to uphold the status of women in India as the change from a degraded position to an, uplifted is not a simple case of the progress of women in the modern era. The Acts that gained importance and Protection for Women are:

1. The Hindu Marriage Validity Act, 1949.
2. The Special Marriage Act, 1954.
3. The Hindu Marriage Act, 1955 (amended in 1986 and 2010).
4. The Hindu Succession Act, 1956.
5. Immoral Traffic (Prevention) Act, 1956.
6. The Sati Prevention Act, 1987.
7. The Dowry Prohibition Act, 1961.
8. Indecent Representation of Women (Prohibition) Act, 1986.
9. Prohibition of Child Marriage Act, 2007.
10. Protection of Women from Domestic Violence Act, 2005.
11. Compulsory Registration of Marriage Act, 2006.

Besides, the Acts especially related to employment are:

1. The Factory Act, 1948.
2. Employees Insurance Act, 1948.
3. The Maternity Benefit Act, 1961.
4. The Equal Remuneration Act, 1976.

VI. ROLE OF INDIAN CONSTITUTION

The Indian Constitution includes several provisions designed to protect and empower women, ensuring their rights to equality, dignity, and social justice. Here's an overview of key constitutional provisions that safeguard women in India:

1. Article 14 ensures equality before the law and equal protection of the laws for all citizens. This means women are entitled to equal legal rights, protections, and opportunities.

2. Article 15(1) prevents any form of gender-based discrimination and Art 15(3) enables the State to make special provisions for women which is an affirmative action.

3. Article 16 helps prevent gender discrimination in government jobs and promotes workplace equality for women.

4. Article 21 guarantees the right to life and personal liberty. The Supreme Court has interpreted this broadly to include the right to live with dignity, personal safety, and privacy—rights that are essential to women's empowerment and security.

5. Article 23 prohibits trafficking in human beings and forced labor. This is particularly significant for women, as it addresses issues such as human trafficking and exploitation. Article 24 prohibits the employment of children in hazardous environments, protecting young girls from exploitation and promoting a safe environment for them to grow up in.

6. Articles 29 and 30 protect the cultural and educational rights of minorities, which can also empower women belonging to minority communities to preserve their heritage and access equal education opportunities.

7. The Directive Principles guide the state in promoting social and economic welfare, indirectly benefiting women through these key articles:

a) Article 39(a): Directs the state to ensure that men and women equally have the right to an adequate means of livelihood.

b) Article 39(d): Calls for equal pay for equal work for both men and women, promoting workplace equality.

c) Article 39(e): Directs the state to prevent the abuse and exploitation of both men and women, especially in labor practices.

d) Article 42: Requires the state to make provisions for securing just and humane conditions of work and for maternity relief, protecting working women and supporting their health and well-being.

8. Article 51A(e) under the Fundamental Duties section encourages every citizen to renounce practices that are derogatory to the dignity of women. This provision promotes a culture of respect for women's rights and status in society.

9. Article 243D and Article 243T mandate the reservation of one-third of the seats for women in Panchayats and Municipalities, respectively. This ensures female representation and empowerment at the grassroots level, allowing women to actively participate in local governance.

10. The Constitution allows the government to make special laws and provisions for the welfare and advancement of women. Examples include the Protection of Women from Domestic Violence Act, 2005, the Dowry Prohibition Act, 1961, and the Maternity Benefit Act, 1961, among others.

VII. CONTRIBUTION OF JUDICIARY¹⁷

1. *CB Muthamma v. Union of India and Others* (1979)¹⁸ The Court recognized the clear gender-based discrimination and ruled that the rules violated the constitutional principles of equality. It stressed that the Constitution ensures equal opportunities for both men and women in public employment and that gender cannot serve as a valid basis for differential treatment.

2. *Air India v. Nergesh Mirza* (1981)¹⁹ The Supreme Court ruled that the policy compelling air hostesses to resign upon marriage was arbitrary and unreasonable. It underscored the significance of gender equality and dismissed the idea that marriage could serve as valid grounds for termination of employment.

3. *Mary Roy and Others v. State of Kerala and Others* (1986)²⁰ In its ruling, the Supreme Court recognized the discriminatory nature of the Act and declared the one-fourth share for women as unjust and unconstitutional, highlighting the necessity for gender-neutral inheritance laws.

4. *State of Maharashtra and Another v. Madhukar Narayan Mardikar* (1991)²¹ The Court noted, "Even a woman of easy virtue is entitled to privacy, and no one has the right to invade that privacy at will. Likewise, it is not acceptable for anyone to violate her person at their discretion. She has the right to defend herself against any unwanted violations and deserves

¹⁷ Bar & Bench, International Women's Day: 24 Supreme Court Judgments on Women's Rights in India (Mar. 8, 2024), <https://www.barandbench.com/columns/litigation-columns/international-womens-day-24-supreme-court-judgments-womens-rights-india>."

¹⁸ *CB Muthamma v. Union of India*, (1979) 3 SCC 457.

¹⁹ *Air India v. Nergesh Mirza*, (1981) 4 SCC 335.

²⁰ *Mary Roy & Ors. v. State of Kerala & Ors.*, (1986) 2 SCC 209.

²¹ *State of Maharashtra & Anr. v. Madhukar Narayan Mardikar*, (1991) 2 SCC 637.

legal protection. Therefore, her status as a woman of easy virtue does not invalidate her testimony."

5. *Vishaka and Others v. State of Rajasthan and Others (1997)*²² In this landmark case, the Supreme Court tackled the issue of sexual harassment in the workplace, establishing essential guidelines and a framework to prevent and address such incidents. These guidelines ultimately contributed to the creation of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act (POSH Act) in 2013.

6. *Githa Hariharan and Another v. Reserve Bank of India and Another (1999)*²³ The Court emphasized that it is an inherent truth that both parents are responsible for caring for their child's person and property, and therefore, both should be treated equally as guardians of the minor.

7. *Mohd Ahmed Khan v. Shah Bano Begum & Ors (1985)*²⁴ It clarified that a husband's obligation does not cease with the end of the iddat; in cases where the wife is destitute or in need, the husband must continue to support her even after the customary period.

8. *Suchita Srivastava and Another v. Chandigarh Administration (2009)*²⁵ The ruling emphasized that the right to reproductive choice is a crucial aspect of a woman's right to life and personal liberty under Article 21 of the Constitution.

9. *Joseph Shine v. Union of India (2018)*²⁶ The Supreme Court observed that "It is time to acknowledge that a husband is not the master of his wife. The legal dominance of one gender over another is unjust".

10. *Lata Singh v. State of Uttar Pradesh and Another (2006)*²⁷ In its ruling, the Supreme Court addressed the right of an adult woman to marry or cohabit with whomever she chooses. The Court also instructed the police to take criminal action against those who perpetrate violence against individuals who enter into inter-religious or inter-caste marriages. It noted that every individual has the right to marry and specifically the right to choose their life partner, as protected under Article 21 of the Constitution. This fundamental right of any citizen cannot be infringed upon by another person.

²² *Vishaka & Ors. v. State of Rajasthan & Ors.*, (1997) 6 SCC 241.

²³ *Githa Hariharan & Anr. v. Reserve Bank of India & Anr.*, (1999) 2 SCC 228.

²⁴ *Mohd. Ahmed Khan v. Shah Bano Begum & Ors.*, (1985) 2 S.C.C. 556.

²⁵ *Suchita Srivastava & Anr. v. Chandigarh Admin.*, (2009) 9 S.C.C. 1.

²⁶ *Joseph Shine v. Union of India*, (2018) 2 S.C.C. 189.

²⁷ *Lata Singh v. State of Uttar Pradesh & Another*, (2006) 5 S.C.C. 475.

11. State of Jharkhand v. Shailendra Kumar Rai and Others (2022)²⁸ The Court expressed disapproval of the continued use of two finger tests, stating that they lack scientific validity and further traumatize victims of sexual violence.

12. Deepika Singh v. Central Administrative Tribunal (2022)²⁹ The Court ruled that the Central Civil Services Rules (CCS Rules) regarding maternity leave should be interpreted in alignment with the objectives of the Maternity Benefit Act passed by Parliament. The Court emphasized that the purpose of granting maternity leave is to support and encourage women's participation in the workforce.

13. X v. The Principal Secretary Health and Family Welfare Department, Delhi NCT Government and Another (2022)³⁰ The Court affirmed that even unmarried women who become pregnant from consensual relationships have the right to terminate their pregnancy up to 24 weeks.

14. Shayara Bano Vs Union of India(2017)³¹ Shayara Bano's case resulted in the prohibition of the Muslim practice of Triple Talaq

15. Lily Thomas Vs Union of India (2000)³² The court emphasized that the freedom guaranteed under Article 25 of the Indian Constitution should not violate the rights and freedoms of others. It stated that converting to another religion solely to facilitate a second marriage is unacceptable, as the sanctity of marriage is of utmost importance.

16. Indian Young lawyers Association Vs State of Kerala (2018)³³ A constitutional bench of five judges, with a majority of 4:1, ruled to lift the ban on women's entry into the Sabarimala temple by striking down the rules set by the Dewasom board. The court declared that these rules were discriminatory against women's rights to equality and worship.

VIII. CONCLUSION

There is no separate field which could say no to the entry of women in India, currently. Almost in all the fields, women has marked their footprints. Women are making their presence felt in every field. It should be noted that here Womenfolk has come out not leaving their families, but has mastered the art of balancing both the professional life and domestic one. Enactment of various legislations has not devastated all the evils protracted on women, but to a few extent,

²⁸ *State of Jharkhand v. Shailendra Kumar Rai & Others*, (2022) 9 S.C.C. 476.

²⁹ *Deepika Singh v. Cent. Admin. Trib.*, (2022) 10 S.C.C. 1.

³⁰ *X v. Principal Sec'y, Health & Fam. Welfare Dep't, Delhi NCT Gov't & Another*, (2022) 10 S.C.C. 1.

³¹ *Shayara Bano v. Union of India*, (2017) 9 S.C.C. 1.

³² *Lily Thomas v. Union of India*, (2000) 6 S.C.C. 224.

³³ *Indian Young Lawyers Association v. State of Kerala*, (2018) 10 S.C.C. 4.

has reduced its vigorousness. The concept of dowry has changed its form to stridhana at many places. The matrimonial ads asking for slim and fair complexioned bride, fairness cream ads, usage of women in jewellery ads depicting that she looks beautiful only on wearing jewels, shampoo ads depicting women grew hair to attract men and it goes on. These advertisements may be attractive but degrades the respect for women. The laws on eve teasing were made strict only after the death of a college student, namely, Sarikasha. Guidelines for cases relating to sexual harassment at work places were given only after the gang rape committed on a social worker, in visakha vs state of Rajasthan. The number of acid attack cases reported across India in 2022 totalled 202.³⁴

The protection for women against sexual harassment gained importance only after Nirbhaya case. The documentary film based on Nirbhaya case, namely, “India’s daughter” depicted the view of few men on the freedom of women. It was also showed that at some places even women have different subservient views on women society and their freedom. This could be the outcome of illiteracy and unawareness on the measures and laws for the welfare of women. At some places even the culture has made the women to think that she is subservient to men and men has every right to do anything. Women not only works for her family also need to work a lot to maintain her individuality as she lives amidst various kinds of exploiters. Besides having legislation in her favour, women need to go a long way in order to be treated as on par with men, and to get back the freedom from no one she has given it to. This can be achieved not only through education to women, but also through social transformation in men.

³⁴**India: Number of Acid Attack Cases**, *Statista* (last visited [Oct. 24, 2024]), <https://www.statista.com/statistics/1103056/india-acid-attack-cases/>.