

HUMAN RIGHTS OF WOMEN IN ANCIENT INDIA: SOCIAL AND ECONOMIC ASPECT

DR. MADHVI SHUKLA*

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Abstract

The right to equality and all other human rights are all applicable to men and women equally. However, the ancient Sanskrit texts considered that having due regard to the special attributes of womanhood, they requires special protection, for it is indisputable that women are vulnerable to attack by men with evil propensities. It is a matter of common knowledge that offences against women by men have been a problem throughout human history and not vice-versa. Even at present, when we boast of modern civilization and scientific & technical advancement, the rate of offences against women are on the increase every year.As a solution to this problem, the ancient Sanskrit Rishis considered that the right to be protected was of utmost importance to women. They also come to the conclusion that the best method to protect the right was to ingrain the ideal of respect of womanhood in every individual (Matrivatparadareshu.....) by which the human right to protection and other rights could be secured to women.As we know that Human rights have also been acknowledged and honored in the constitution of India. It is indeed astonishing to note that the concept of human rights is upheld and sturdily propagated in ancient Sanskrit texts.

This research paper makes an attempt to identify the facts regarding women's rights, all through scattered and sometime subtle and latent, found in Sanskrit literature, which can guide us at this crucial juncture to prop up and promote human rights of women in its modern standpoint.

Keywords: Equality, Education, Social, Economic rights, Vedas, Smritis, and Classical Sanskrit Literature.

*Department of Political Science, SSSVS Government Post Graduate College (Chunar) Mirzapur (U.P.) India.

Introduction

Global regulation has not been uniform in relation to different countries due to economic, political, geographical and social circumstances; hence human rights being a global regulation has no-where been defined. First of all it is necessary here to make it clear that it is meant for those rights, which are essential to the human development, dignity and sustenance as well. Human right is related to them as it safe-guards the very human existence, so we the human beings have it by birth and our caste, color, creed, gender, language and nationality are no hindrances to them. Human rights are called fundamental rights. Latent rights and Inalienable rights as well. Here it is important to mention that there is no general definition of human rights; therefore every nation defines it at its own convenience. On the one hand the developed countries of the world restrict the definition, the definition of the Human rights to the mere political and civil rights of the humans, while on the other hand the developing countries along with India under the Human rights includes political, economical, social and cultural bases too. To a certain extent, China and Islamic countries are of the same view to define Human rights under cultural values, in other words cultural rights must be incorporated in to Human rights.

In fact the very outset man has been making efforts to obtain the rights the world over. The History of struggle to have the Human rights dates back hundreds of years. Magna Carta in the year 1215, Habeas Corpus Act in the year 1679, Bill of Rights in 1689, United States Declaration of Independence on July 4, 1776, French Declaration of the Rights of Man and of the Citizen in 1789 and Universal Declaration of Human Rights (UDHR) adopted by the United Nations General Assembly on 10 December 1948 at Palais de Chaillot, Paris etc are the mile-stones of tradition.

The three main and inter-related aims of the Human being have been to both individuals and groups – first, human existence, secondly subsistence and thirdly security. Security given by nature or may be environmental and ecological balance are necessary necessities of human's survival. For security to all the whole society and the state have to ensure fundamental rights to all.

Human rights are chiefly such rights which a man or woman gets by birth are integral part of his or her life. Social conditions are indispensable for enjoying such rights. These rights fulfil the material, spiritual and other needs of human being. So it is necessary that every state should incorporate these rights in their laws and constitution as a result of which the latent dignity and quality in man and woman be respected and protected.

From time immemorial India has carried human feelings and human rights. Violation of human rights in India started from the arrival of Britishers but after their departure the human rights have been respected, the proof of which is the constitution of India.

In the constitution of India every person is equal before law. No discrimination against any citizen has been made on grounds of religion, race, cast and sex. No citizen shall be subject to any disability, liability or restriction with regard to access their duties. Every person has been provided with the political, social, economical, religious and cultural rights in the constitution. Part III of the constitution these rights have been included under the heading of fundamental rights, which no one can violate. If these rights are violated, action is taken in the law-court. Even parliament by making amendments cannot deprive any person of these rights. In Indian constitution fundamental rights have been classified into six groups: (i) Right to Equality (ii) Right to freedom (iii) Right against Exploitation (iv) Right to freedom of Religion (v) Cultural and Educational Rights (vi) Right to Property and Right to constitutional Remedies. In our constitution Articles 14, 15(1), 16(1), 19(1) A, 19(2) B, 20, 21, 25 are such Articles where mention has been made with reference to Human rights.

The United Nations General Assembly adopted a charter of Universal human rights on 10th December 1948. It is acknowledged as a great achievement of the U.N.O. This Declaration contains one Preamble and 30 Articles. The Charter says that man has free having equal dignity and rights. According to the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom.

Generally Human rights have been divided into two classes-(i) Civil and Political rights. (ii) Economic, Social and Cultural Rights. Civil and Political Rights include rights to existence, liberty, security, freedom from dependence and slavery. Law, communication, dwelling, thought, conscience, freedom of religion, taking part in the government, entering the public services and nationality. Economic, social and cultural rights include rights to social security and participation in cultural activities and etc.

As for human rights, the questions on which the U.N. Charter has been adopted and universal suffrage is intended to be farmed are- Rights to women, Child, self-determination, development, elimination of every kind of religious intolerance, human rights related to technical development, security of migrant workers, safety against oppression and other kinds of inhuman behaviors, security of the minorities and prohibition of discrimination against aborigines. Thus, The U.N.O. has given fundamental rights to whole mankind without any discrimination and for their supervision has also established International Human Rights Commission which watches the situation of the Human Rights in different nations of the world from time to time. In view of the increasing wakefulness on the part of the human rights on a world level Human rights Commission has been constituted in our country on October 12, 1993. Human rights commission has been established in different states as well.

In this introductory part a brief history of human rights along with its global and Indian constitutional/legal frame has been given to discuss especially on women in Sanskrit texts. In other words, it's an attempt to revisit the past in few themes/heads or groups recognized by the constitution as fundamental rights all through scattered and sometime subtle and latent, found in Sanskrit literature.

Basically the concept of empowerment of women giving them the necessary social political and economic rights for total upliftment of humankind is considered to be relatively modern. Moreover it is thought that these ideas are of western origin and people tend to borrow a whole lot of guidelines from the west. Notwithstanding the western ideas of the modern times it is indeed an interesting study if we take even a cursory look in the Sanskrit texts of our country to find out what those ancient people thought in this regard. It will be found that some very bright ideas were embedded right over there. As it is well known that the philosophical basis of a social or a political need however strong that might be, cannot be realized in a society or in a political system due to so many constraints. It is indeed a matter of great interest how some of the seer, if not all, could come up with some very modern ideas living in a society so old. It is, however argued at the same time that the ancient India was infested with cast system and hence could not think about human rights leave aside the women's right or their empowerment. It should be pointed out in this connection that this is a much later period and the Vedic age exhibits somewhat higher degree of women involvement in different spheres of life.

The term Adhikara

The modern conception of *Adhikara* includes only the rights, which are meant to protect the basic human needs for survival and protect the individual against the state action. However in Sanskrit texts the term *Adhikara* come to mean both the right and duty, since both are complementary to each other e.g. *Avishramoyamlokatantradhikarah* (in *Abhijnanashakuntalam*), *Svadhikarat-pramattah* (in *Meghadoota*) etc.

Social Rights of Women

Human rights and social justice is a burning question in the modern society Vedic period was known as golden era in every aspect of Indian social and cultural structure. The birth of a daughter was not as welcome as that of a son, since a daughter was considered to be a source of misery, a son of light in the highest world;but for that girls were not exposed as unwanted babies. The position of women in the Vedic age was on the whole much more Where there is no discrimination between men and women. Birth of a girl child was equally celebrated in family and was a matter of great pleasure too. In later literature the Anushasana Parva, (Shloka 45) of Mahabharata daughter has given equal status in the following shloka: *yathaiivatmatathaputrahputrenaduhitasama*

Basically in ancient Indian society, women held enviable position. Scholars of Sanskrit believe that women, in Vedic period, enjoyed equal status with men in all spheres of life. They could avail of the highest learning in the society; works like Patanjali & Katyayana suggest that women were disseminated Vedic knowledge. Seers, Sages and philosophers like Romasha, Lopamudra, Vishvavara. Atreyi, Shashvati, Angirasi, Apala, Sikata, Nivari, Yami, Vaivashvati, Indrashnusha, Ghosha, Kakshivati, Aditi, Surya, Vaagamrini, Shraddha, Kamayani etc. List of Rishikas in Brahmadevat (Brahmadevata 24th chapter): *Indrani chendramata cha saramaromashormashi| Lopamudra ch nadyashcha Yami Nari cha Shashvati|| Shrih Lakshmi saarparagyivak shraddha medha cha dakshina* highlight the esteem which women enjoyed in ancient times. Here it is important to quote Bharathi, wife of Mandana Mishra, she was the judge of theosophical debate between Shankaracharya & Mandana Mishra because of her higher wisdom and spiritual attainments. Girls were, generally, not married till their late teens and sometimes even later. They also enjoyed full liberty in selection of their mates and we have the cases of Sita, Draupadi, Damayanti & Shakuntala which shows the prevalence of choosing groom by oneself- system at that time. Women were also allowed to observe celibacy.

The Rigveda and Atharvaveda show that even the ceremony of sacred thread (the Upanayana Samskara) used to be held for women. According to Rigveda Bhima jaya *brahmanasyopanitadurdhamdadhatiparamevyoman¹* and in Atharvaveda Rishi says *Brahmacharyena kanya yuvanamvindatepatim²*. Manu describes as; *Kritopanayanasyaasya vratadeshnamishyate| Brhamanograhamchaivakramenavidhipurvakam||*

Women were trained in fine arts and literature. Avantisundri, wife of poet Rajasekhar, was an accomplished artist & lyricist. Women partook in both social and business life. In scriptures, women have been shown teaching, training, running the businesses, ruling the kingdoms and even fighting at battlefields. Shila-Mahadevi ruled jointly with her husband Dhruva over the empire of Rastrakuta. Didda & Sugandha and several queens of Kara dynasty too were rulers. We have examples of queens like Kaikeyi who helped their husbands in the battlegrounds. It can be observed from the scriptures that there was not a single field where women didn't participate or excel their male counterparts. Interestingly, in ancient times, we had a tradition called Nagarvadhu (bride of the

city), similar to beauty contests in modern times, where the most beautiful woman was selected as Nagarvadhu. Though a Nagarvadhu was treated like a goddess, basically, she used to be a courtesan (a woman courtier & not a prostitute). Amrapali was a famous Nagarvadhu.

Views regarding Marriage, remarriage, love marriages, divorce and dowry or purchase, the custom of Sati etc of women in ancient Indian society as described in Sanskrit texts in long and important hymns were very much liberal or more or less acceptable in the modern age. The overall picture can be sum up in the lights of following statements scattered in Sanskrit literature.

1. Generally, the father made the final selection of the bridegroom, but there is evidence to show that grown-up girls sometimes made their own choice.³
 2. The bride-purchase was not unknown, and dowry is also sometimes referring to.⁴
 3. Indications of divorce are lacking, but there is evidence to show that widow marriages were prevalent.⁵
 4. The custom of Sati did not exist in the Vedic age, but the practice similar to that seems to be hinted at in a particular hymn when the widow is asked to get up from the funeral pyre of her husband, upon which she is lying.⁶
 5. Love marriages referred to in various passages also point at least to the freedom of movement of the grown-up maidens.
 6. Prayer for discomfiture of co-wives is found in Rigvedic hymn.⁷
 7. The term 'Dampati' would suggest that the husband and wife were regarded as the joint heads of the household.
 8. Inter-caste marriages were also prevalent in Sanskrit literature. Generally in the form of marriage a male of the higher caste used to marry a female of the lower caste; the smriti text call this type of marriage as 'anuloma'.⁸
 9. Polygamy was the rule of the day, 'since (many) wives are a form of prosperity or social eminence. *'sriyaivaetadrupamyatpatnyah'*'. On the other hand, polyandry was unknown and was not favored for the upkeep of the social order. Thus the Aitareya Brahmana (3.12.12) and Gopatha Brahmana (U.3.20.) state in clear terms- *ekasyabhvyo jaya bhavanti, na ekasyaibahavahsapatyah* 'One man may have many wives but one wife must not have more than one husband' and *ekasyapumsobahvyo jaya bhavanti* 'One man may have many wives'.
 10. There was cordial relation between the married couple. Marriage was almost compulsory, and a man was regarded incomplete without a wife. The Shatapatha Brahmana (V.1.6.10) declares *'ayajinyovaisayo 'patnikah'*
- Marriage was a religious ritual which enjoined the husband to regard his wife as a gift of God. The relation between husband and wife was inseparable. The tie of marriage was a binding force throughout life.

The status of women started declining with the advent of Manusmriti, since then, women have not been able to enjoy the same liberty as they used to have. Since independence, successful endeavors have been made to gain back the same liberty and status of women. The constitution of India guarantees equal status to women with that of men. And as history repeats itself, woman metamorphosed & saw herself, again, marching shoulder to shoulder with males in every sphere of the life. Though much has been done, we still have a long way to go before we shed our blind beliefs, taboos or social stigmas and start recognizing & respecting her individuality. From birth till death, Hindus perform hundreds of ceremonies and not a single of them can be performed without the presence of the wife/mother/women (Rigveda-5.102). Even today, though

Indian society is patriarchal in nature, mother enjoys similar or, very often, higher status than father.

Economic Rights of Women

Right to property or Economic rights for women has been recognized under Article no.17 in U.N. Declaration of Human Rights, Indian Constitution also corroborates this point in Chapter IV (Right to Property) Article 300A, The article chiefly stated that ‘No person shall be deprived of his property save by authority of law’. Women’s right to property is also discussed in Sanskrit texts.

Generally, in Indian society daughters are comparatively neglected. The provision in ancient Sanskrit texts regarding immovable property belonging to women was extremely strict, in other words no plea of adverse possession is tenable of property belonging to women. Katyayana lays down the following directive.

*na bhogam bhogamkalpayet strishuDevarajadhaneshucha*¹⁰

Maharshi Yaska has quoted a mantra from Rigveda (III.31.1.) on the topic whether a daughter’s right to inheritance or a son’s right is proper. Both the son and the daughter continue the generation so both are offspring and should have equal rights to inheritance without any distinction *avisheshenamithunaputrahdayada*.¹¹

Manu also admits this *avisheshenaputranamdayobhavatidharmatah, mithunanamvisargadaumanuhsvayanbhuvo’abravit*.¹²

Yaska has presented both the views in support or opposition on the rights of women on inherited property. Some lawgivers cite a rigvedic mantra (III.31.2) in support of their denial of a daughter’s right to inheritance. Some opine that the major share of inheritance should be given to a daughter. But in modern Indian society it is often noticed that daughter never enjoys equality with a son on succession and inheritance.

Smritikara Manu gives equal right to son and daughter in following shloka; *Yathaiivaatmatathaputrah, putrenaduhitasamaa| Tasyaamaatmanitishthantyaamkathamanyodhanamharet*¹³

Again in a shloka Manu stated that the son and daughter are the part of one mother and father *pautradauhitraylorloke na visheshostidharmatah. Tayorhimatapitarausambhutaautasyadehatah*.¹⁴

Adhyagni, adhyavahnika, priti-datta, bhratridatta, matridatta and pitridutta are Six types of Stridhana has been described by Manu.

According to Vyavaharadhyaya of Yagyavalkya equal share should be given to women *yadikuryatsamananshanpatnyahkaaryaasamaanshikaa. Na dattamstridhanamyasambhartraavaashvasurenava*.¹⁵

Conclusion

Scholars believe that in ancient India, the women enjoyed equal status with men in all fields of life. However, some others hold contrasting views. Works by ancient Indian grammarians such as Patanjali and Katyayana suggest that women were educated in the early Vedic period Rigvedic verses suggest that the women married at a mature age and were probably free to select their husband Scriptures such as Rig Veda and Upanishads mention several women sages and seers, notably Gargi and Maitreyi.

There are very few texts specifically dealing with the role of women; an important exception is the *Stri Dharma Paddhati* of Tryambakayajvan, an official at Thanjavur around c.1730. The text compiles strictures on womenly behaviour dating back to the Apastamba sutra (c. 4th c. BCE). The opening verse goes: *mukhyo dharmah smr^tiShu vihitobhartr^shushruShANam hi* : Women are enjoined to be of service to their husbands. Some kingdoms in the

ancient India had traditions such as *nagarvadhu* (“bride of the city”). Women competed to win the coveted title of the *nagarvadhu*. Amrapali is the most famous example of a *nagarvadhu*. According to studies, women enjoyed equal status and rights during the early Vedic period. However, later (approximately 500 B.C.), the status of women began to decline with the Smritis (esp. Manusmriti) and with the Islamic invasion of Babur and the Mughal empire and later Christianity curtailing women’s freedom and rights. Although reformatory movements such as Jainism allowed women to be admitted to the religious order, by and large, the women in India faced confinement and restrictions. The practice of child marriages is believed to have started from around sixth century.

All these references reveal that the Sanskrit texts were in favor of the women possessing social economic rights property as their own. The general attitude of the society regarding women as reflected in ancient Sanskrit texts is quite expressive towards women.

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²*Atharvaveda* 11/5/18
³*RV X* 27. 11.
⁴*RV X* 85. 46.
⁵*RV X* 27. 12.
⁶*RV X* 18. 8.
⁷*RV X* 145
⁸*ShatapathaBrahmana* IV.1.5.9 and *Brihaddevata* 5. 50
⁹*ShatapathaBrahmana* XIII.2. 6. 7
¹⁰*Katyayana*, 330
¹¹*Nirukta III.4*
¹²*Nirukta III.6*
¹³*Manusmriti*, 9/130
¹⁴*Manusmriti*, 9/26
¹⁵*yaagyavalkyasmriti* , *vyavaharadhyaya*, *Dayavibhaga*, 115.