

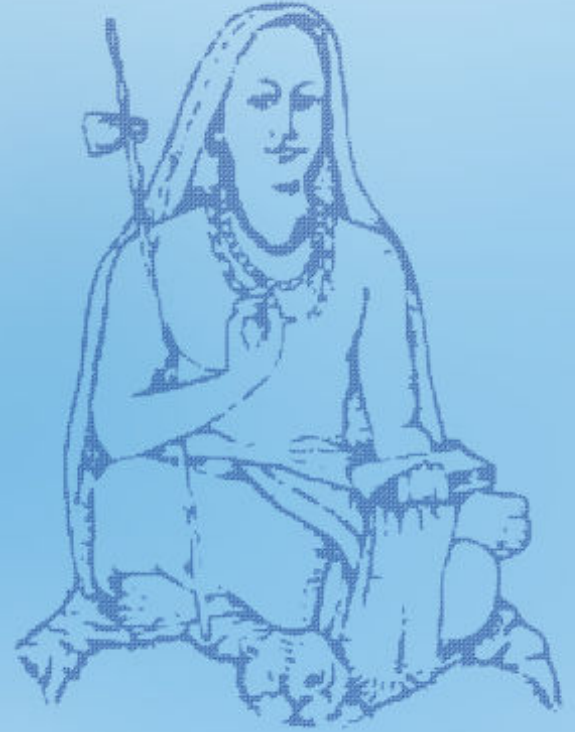
ISSN 0975-4067

# KIRANĀVALĪ

Journal of Sanskrit Research Foundation

The New Triyandrum Sanskrit Series  
Vol. XIV, Book. III -IV

JULY - DECEMBER 2022



SRET

किरणावली  
Sanskrit Research Foundation  
Thiruvananthapuram

# **KIRANĀVALĪ**

**Journal of Sanskrit Research Foundation**

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# *Status of Women Depicted in Manusmṛiti*

Dr. Shylaja S<sup>1</sup>

## *Introduction*

Manusmṛiti, the institutions of Manu is the authority of Dharmasastra (rites on actions) which is the most renowned Law-Book of ancient India, supposed to be a work codified 1500 years back. Even now it is a standard reference book, with authoritative civil and criminal rules, most popularly used.

Manu was the first of Brahma's (creator) sons and the progenitor of the human race. Therefore the exact date of the age of Manusmṛiti cannot be determined. But it can be stated that it was a law book coordinating all rules regarding human rites ever since man began to think about a fence defending unwanted social elements.

Manusmṛiti points to an ideal society and is the foundation stone of a strong society giving due respect to the society, the members, family and everything included in a prosperous life. According to the social rules, there are duties as well as responsibilities. The work inculcates discipline and ensures righteous conduct and observation of duties that every individual has to choose. He has to avoid sinful acts and harmful approaches to everybody. The work reflects the social conditions and values of rules and rites of ancient India.

Manusmṛiti is a code of conduct that regulates the duties of individuals of all four varnas and asramas. It also puts forth opinion on statecraft, trade and service. In other words, it is a book that attempts to control all aspects of human life.

There are 12 chapters with 2694 stanzas in the text. The details

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on dharma (rites), samskara (sacraments), upanayana (initiation towards education) marriage, hospitality, funeral rites, pollution, purification, conduct of women and wives, rules for kings etc. come under the contents. Charity, duty, spirit and soul, hell etc. are also discussed. The influence of Manu on all aspects of Hindu thought, particularly on women is profound.

Manusmṛti accords respect and rights to women generously. There is no other text arguing for women to match up to Manusmṛti. It unambiguously proclaims that women form the foundation of a prosperous society.

The society that provides respect and dignity to women flourishes with mobility and prosperity. A society that does not put women in such a high position faces miseries and failures in spite of all noble needs performed. – Manusmṛti—3.56. This law is applicable to any family, society, cult, caste and nation. One has to glorify the motherly force that supports the family throughout life without wear and tire.

We neglected this advice for centuries and are turning the situation from bad to worse. We are competent enough to build old age homes and still exploit the energy of age old mothers. Some of our reformers like Ram Mohan Roy, Dayanand Saraswathy and Ramakrishnaparamahansa had taken efforts to stop the ferocious customs prevailing against women. Some national movements gave high inspiration in upgrading the position of India as Bhāratāmba. Some women are stereotyped as sensual objects of pleasure. Some women also are willing to get themselves stereotyped as objects of pleasure for monetary benefits.

### ***A Happy Married Life***

Women, be it sister, daughter, wife or sister-in-law should be kept happy with nice behaviour, gentle words, respect, gift etc.. Those who desire prosperity must adopt this in life. - Manusmṛti—3.55. The man, who performs misdeeds and makes women unhappy, turns the home to destruction. The place, where women stay happy, is turned to prosperity. (Manusmṛti—3.57). The family, where women suffer a lot, faces all the miseries like the affected poison killing all. (Manusmṛti—3.58). A man desirous of glory must

not create miseries to women. Places where women are happy, prosperity and happiness shower forth. One has to give respect and please women with gifts. In all circumstances they must be revered. (Manusmṛiti—3.59).

When there is no respect and happiness it causes misery to the whole family. In short, women are the main foundation of happiness in the family. (Manusmṛiti—3.62). Women through their deeds bring conjugal bliss through their service to elders. (Manusmṛiti—9.28). The primary bliss women bring is in many forms- as mother, daughter, wife or partner in spiritual deeds. Women participate in all religious rituals and spiritual activities. (Manusmṛiti—9.96). Those who indulge in activities like fights and arguments (shouts) with family members are destroying the happiness in family. (Manusmṛiti—4.180).

The man who does not give his daughter in marriage properly, husband who does not fulfil the desires of wife, son who does not take care of his widow-mother deserve condemnation. (Manusmṛiti—9.4).

### ***Polygamy as a sin***

Husband and wife are inseparable partners. They are not expected to commit adultery. Those who justify polygamy will suffer miseries and breaking the code of Dharma. (Manusmṛiti—9.101).

### ***Leadership of women***

Women are caretakers in managing money matters, hygiene, spiritual and religious activities, nutrition, and overall supervision. (Manusmṛiti—9.11). It is a misleading argument that women have no right to conduct religious rituals. It was a popular custom to give initiation to girls and conduct sacred thread ceremonies (Yajñopaveeta).

Women should not be constrained at home. She should be restricted to her life inside home alone. Security comes only through capability and will power (Manusmṛiti—9.12). To provide security does not mean restriction. To extend security does not mean prohibition of independence. She has to be trained for defending her foes. Manu's law does not promote prohibition of freedom for

women.

### ***Security for women***

Any man is bound to protect his wife. Weakness in mind or body is not an excuse (Manusmṛti—9.6). Women should avoid company with vices. Virtues are her assets. When her chastity is lost everything is lost (Manusmṛti – 9.5).

Women should be sure as to the protection of her chastity. Her father, son and husband are bound to protect her. The inability to protect the women from dangers means inviting dangers intentionally.

The most obedient servants of India to protect women from dangers seem to be Rajaputs who paid great attention to the protection of chastity of the Rajaput ladies. But unfortunately we are now facing invaders in our own society of protectors. It is not advisable to keep a girl unmarried at home when she has become mature. Nor is it desirable to send her in marriage to an unsuitable man (Manusmṛti—9.89).

A girl is free to choose her husband if she is mature. If the parents fail to send her in marriage, she is free to choose a man of her own taste. - Manusmṛti—9.90,91. Parents were facilitators of the desires of their daughters or other girls in the family. Forced marriage was not in prevalence.

### ***Share for women***

Women were given property- shares equivalent to that of man. Nobody was authorised to receive her deserving right to share. Daughter alone was the sole heir for a mother's property. Instead sons had the right to receive the share of father. If a person has no other heirs his wealth was equally divided among brothers and sisters. If anyone forcibly claims the share, the law is there to punish him (Manusmṛti – 9.212.213). Even if it is a relative, the asset of a woman should not be forcibly taken. If a woman has no child or no man to provide for security it is the duty of govt. to provide security. Fortunately our country provides an income (though insufficient) to widows. The govt. of Manu's society imposed strict punishment on robbers and thieves.



### *Dowry System*

Manu's law and order never encouraged the dowry system. Even the slightest effort to demand each and kind for marriage from women was punishable. Such a marriage expecting dowry was considered as devils marriage.

Law of Manu strictly demands to provide a way for aged persons, diseased persons, groom, King, loading labourers, student and woman. Before feeding the guest, the newly married women, girls and pregnant women should be given food.

Molestation towards women is increasing in society day-by-day. Even little children beginning from six months and age old women upto 80 years are destined for molestation. The increasing rate of death by rape and crimes are due to the interruption from many corners in executing punishments. The period of Manu had witnessed even death punishments to those who try to abduct women. It was a punishable crime if any person had killed a woman, child or virtuous person. Death sentence was given to such people (Manusmṛti – 9.232).

The punishment for crime like rape or molestation was so harsh that one will not make an attempt to commit such crimes. Castration was accepted as the best punishment. The society during the period of Manu had enjoyed all concessions regarding the rights of women. A marriage was not at all dissolved by a man or woman. One cannot file such a divorce petition without the consent of his better half. In many cases women, though willing to continue her relationship with husband, are helpless if the man does not wish to continue the connection. Manu here supports the woman with the rule that man alone cannot dissolve the marriage relationship, without the consent of his spouse. The same rule exists in modern society. Whenever a person approaches the court for a divorce the court advises the person that divorce is possible only if there is mutual consent. Otherwise they have to wait for a long period for solid proof.

If a man or woman wants to disconnect a relationship, provided it is a fraudulent one or abusive one he or she can remarry. The woman can have a remarriage if the partner is missing or abandons

her. Chastity of women is given more importance. Women need full care and support from men. She must not be allowed to live without dependence. He uses the word 'svatantrya' i.e. that a woman must not suffer by finding earning for her living, her necessities and her desires. She must not be allowed to struggle for her survival. But the word 'svatantrya' is misunderstood in the sense of freedom. Freedom and independence are quite different words. Freedom is something allowing one to do what he desires. But independence is something which urges man to struggle for his survival. It is not an act of emancipation. When India was given independence, she had to look out for an earning with her limited convenience. It took years and years of hard work to come to the normal condition. She had no freedom to live or survive because there was no money, no facilities or no luxuries. But Manu preaches that a woman has to get protection from man and she should worship such a man as God. Women must be honoured and respected and gods rejoice where there is such a condition. Unless there is reverence and honour no sacred rite becomes fruitful.

### ***Illegal acts and property rights***

Illegal acts in marriage are also discussed. Practices like marriages outside varna (inter-community) such as between Brahmin and Shudra, women getting pregnant through a man who is not her husband and woman eloping with her husband were prevalent. There are special rules in such cases regarding heirship of properties. The rules are to be obeyed by children also. If a woman gets pregnant by a man other than husband, the child born will be considered as that of her husband only. A woman has six types of property rights- 1. received at marriage, 2. received during elopement, token of love before marriage, 4. gifts from mother's family, 5. or from husband subsequent to marriage and 6. as inheritance from deceased relatives (Manusmṛti – 9.192). Manusmṛti is still treated as a scripture codifying women's rights for Hindus.

To prepare such a law book like that of Manu, needs a high scholarship and it is the highest art of life where woman is venerated, respected and forwarded. The regulations he made were for our own

ancestry, which we are forgetting intentionally.

### ***The Status of Hindu Women in Ancient Times.***

There are contradictory views on the position of women ranging from mother Goddess, feminine leader, obedient daughter, better half of man, source of energy, essence of universe, creative matter, consciousness and so on. Some texts treat women as the most powerful, particularly Puranas. But the position of women in Hinduism is that she should accept all the relationships. A woman is not fully accepted till she has an offspring. At the same time she is revered and respected as the source of all good qualities in a family as exhorted by Manusmṛti. During the era of Manu, the dowry system was not at all prevalent. But it was socio-political development in later years of Indian history. The situation has now reached to the extent of dowry-deaths like all other evils in society. Women have become a money-yielding product. All financial problems are adjusted or solved when a woman becomes an earning member in most families. From ancient times history has presented women as divine and feminine among all religions. But when it reached the hands of British colonial rule, the ethical, religious and social systems were reduced to the preconceived notions of rulers gradually.

Manusmṛti has been upheld as an authoritative guide to lead a normal life. But it has been treated as a text with negative sanction regarding inequalities. It speaks of the duties to be performed by women within the household, disregarding the possibilities of women making good contributions to the world outside. The work has been misinterpreted as responsible for the derogatory position accorded to women.

Women have always been regarded as guardians of dharma and protectors of patriarchal values. Manusmṛti imparts detailed knowledge of rights and duties to be performed by married women and being subservient to her husband. Woman is portrayed as a dependent creature who needs permanent protection and guidance either by son, husband or father. The patriarchal values are elevated in the context of men instructing them not to accept food from a woman who has lost her husband. A section in Manusmṛti directs

woman to be obedient to her husband who may be devoid of good qualities. There is no independent sacrifice for a woman, no fasting or vow. She will be rewarded in heaven simply for the fact that she was obedient to her husband. She should do nothing displeasing to him. Even if he is dead, she should not do anything unfaithful. She should not do anything displeasing whether he is alive or dead. After his death, she is required to emaciate her body, eat pure flower, roots or fruits, and must not mention the name of another man. A single husband, patience, control of senses and celibacy are the unsurpassed laws.

Many people (Brahmins) have remained celibates from youth, without an offspring to continue the family line. Such people are sure to reach heaven after death. A good woman, though sonless, will go to heaven surely, if she adheres to the celibate life after her husband's death. If the woman is unfaithful to the law and prefers a child from another man, after the death of her husband she will be excluded from her husband's world. A second marriage after the death of a husband is not at all encouraged anywhere. If a woman abandons her husband and marries another man of a higher rank in caste matters, she brings disgrace to all. Being unfaithful to her husband, she becomes disgraced and takes the birth of a jackal, and gets afflicted by evil diseases. A good woman desirous of fame means she who has control over mind, speech, and body and is faithful to husband.

Such injunctions or partialities deformed the status of women. The classification under the term, a good woman and bad woman curtailing her freedom projects her as dependent. She is treated as a being created to suffer everything, get contented with all the limitations without expressing her grief. She is inclined to engage in cooking, cleaning and such other family matters.

The text states:

..... They must not pay attention to their beauty. They pay no heed to age. Whether handsome or ugly, a woman has to make love with the man. Women have to concentrate upon her family and production of progeny. The social status of women depends upon her fulfilment of household affairs and duties towards husband.

It supports the dominance of man and expresses intolerance in highlighting the abilities of women.

### ***Evaluation of laws regarding rights of woman***

The prevailing position of Hindu women's rights is supported by laws, customary and formal. During Vedic period, women were treated at par with men. They had equal rights in family affairs and properties. Women were not victims of gender based discrimination during Vedic period. Vedic hymns share equal position to both woman and man. In the case of property rights Manu seldom allows inheritance for daughters to enjoy the property of father. The position of widows was not in any way better. Even if women were allowed ownership of property, it was only a life-interest, which returns to its owner source after death.

In olden days Hindu women were not deprived from use of their property. But the days of Manu respects the rights of women to hold property, to get engaged only in family affairs, to get obliged to husband and so on. But this position is improved in the law books of Narada, Yajñavalkya and Kathyāyana. They went to the extent of saying that she was free to choose her own lifestyle and control her property even after marriage. The intention behind Manu's law was to check on the female population in society. To give women unbridled freedom can allow them to become independent. Independence was undesirable so far as some interpreters were concerned. The dowry given to the woman as a separate asset was not enjoyed completely by her. She needed her husband's consent to use even an ornament to her interest. Manu says:- Three persons- wife, son and slave are declared by law to have no wealth exclusively their own, the wealth which they may earn is regularly acquired by the man to whom they belong. This was interpreted with the view that women were categorised as slaves.

The evolution of legal rights like education, marital status, widow remarriage, inheritance to property and so on are prevalent in the present era as a result of risks taken by reformers like spiritual leaders as well as judiciary. Both wives and daughters married as well as unmarried women, widows as well as mothers are given

equal status in society. Vivekananda, Ramakrishnparamahamsa, Ramanamahrsrshi, Rajaram Mohan roy Mahatma Gandhi, Ambedkar and such other leaders are to be remembered in this context. The proper evaluation on the work highlights the fact that Manu does not regard women as a social evil. She has equally an important part as man. He treats woman as a component part of man and together they make a complete whole. Manu sees all the aspects, good or evil in both man and woman. He finds women weak enough to fall into falsehood. All positive ends have negative ends also. There are many positive ends like balancer of family affairs, custodian of money, manager of financial solutions, care - taker of children and so on. On the other hand she needs protection, rest, happiness, love and such other sweet considerations. Since home is the safe zone a restriction is provided at home. The increasing criminal cases are noted in spaces outside homes like Railway Station, Bus – stand, main road, dark evenings, dark interiors of vacant places etc. Criminal cases are rarely reported in homes occupied by more members.

Manu does not show any preference to male progeny. The female member should be well dressed and well ornamented and given happiness, for, unhappiness spoils the sanctity of home. Virginity and chastity are associated with dignity. If she is not willing to marry she should not suffer from such a married life. Pollution to women is considered a criminal offence. He advises parents not to name children with inauspicious and unacceptable names. He does not give any right to daughter over paternal property. But sons are given equal shares. As a compensation Hindu marriage is conducted with all pomp and pride, and marriage of women is celebrated luxuriously, giving gifts like gold, vessels, silk sarees, presentations from near and dear ones. Men are supposed to give money and dress to his relatives when their marriage is conducted. Women can inherit wealth from their mother and grand- mother – as Manu says “ the inheritance through six ways. In worldly matters and sacred duties, the proper heir to perform funeral rites of father, mother and grand- parents, is the daughter’s son. All the assets of the mother goes to the daughter only. He provides a methodology for social and religious reforms. He tried to frame and present a comprehensive law for Hindus which

has become a reference book to later authority.

He leaves unsympathetic comments on prostitutes. A Brahmin should not take food offered by her. Her home is worse than a slaughterhouse. She is a social evil and liable for punishment. He recommends penance and denies rite of post-mortem. But the system of prostitution did not stop, but flourished. He gives great reverence to mother. A celebate receives the first alms from his mother, indicating the honour extended to her. One should not show disrespect to mother, even if highly offended. She bears all troubles and pains for the sake of her children. The best form of austerity is obedience. The care offered to her and the care offered by her results in bliss in heaven. Abandonment of a mother by sons is a crime that provides punishment. Unfortunately, this type of crime is reported frequently in courts. Defaming mother is a punishable crime. The highest regards one can show is to carry the dead body of mother to the cremation ground. It is not at all a break of celibacy and does not demand a purification rite.

Virginity and chastity are mutually connected. Dignity, honour and reputation are hand in hand with chastity. Manu recommends a heavy fine to any man who defames a woman. He denies religious, arranged marriage for women who are not chaste. But he favours those who do not conceal the truth regarding physical and moral defects from the bridal family. Any fraud in marriage is not at all tolerated. The elder sister must be given in marriage first. An undignified man is he who marries the second girl while the first one remains unmarried. While feeding Brahmins, unmarried women must be given preference first. This is to avoid the feeling that she is in no way less auspicious. A parent has to give his daughter in marriage the right time. Otherwise, he is looked at with contempt. Otherwise, she is free to choose any man as her husband and marry him.

Manu was both a sociologist and a theologian. His law became so interdependent that it merged into Hindu code of conduct. His law was universally accepted and became transcendental in scope and application. He knew that a correct religious ideology with

scriptural support has the potent force to regulate and preserve human behaviour. He was the first law-maker to include theology, philosophy, ethics, and scripture in the formulation of laws. His laws were highly honoured, greatly idealised and mostly commented. In his approach the prisoner has no freedom, the accused has no dignity and slaves have no value. A woman caught in adultery may be heavily punished. His contribution in evolving laws cannot be denied. Dharma is not something connected to religion. It is a duty and it is a must. It means a task bound to be done. It is justice and cannot be left aside. He may not be able to come clean from the images as a man who impaired the image of a woman. In accordance with his laws, a woman is treated, brain-watched and taught that she has no separate identity.

### ***Conclusion***

From a predominant, male centred set of rights, the existing law has evolved, absolute rights to women in all fields. It was a misunderstanding that giving women the right equal to men would lead them to have too much freedom and sense of self – importance which may lead to eventual breakdown of social smooth functioning and lead to utter chaos. Such presumptions have become erroneous. The reality is very far from the black – letter of law. Even now women are not aware of the support of law they are capable of exercising. It is the duty of the ruling power to make awareness that this deficiency is remedied. The court orders have formed a significant figure to achieve gender equality envisaged by the framers of our constitution.

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**KIRANĀVALĪ**  
**Journal of Sanskrit Research Foundation**  
**The New Trivandrum Sanskrit Series Vol. XIV.**  
**Book III-IV**  
**JULY – DECEMBER 2022**

**ISSN 0975-4067**



Printed and published by: Dr.C.S.Sasikumar, Secretary, Sanskrit Research Foundation, Thiruvananthapuram, for Sanskrit Research Foundation, Thiruvananthapuram-36  
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