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# The Forgotten Religious Rights of Sanatani Women

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## ABSTRACT

*According to Hindu sources, women used to enjoy the same status as of man. No differentiation was made on the basis of their physical and biological appearance in participating in religious rituals and practicing yagnas. Women were never impure. Some people believe that bleeding women also called the 'living goddess'. But as the time passed the women lost their sanctity due to oppressed patriarchal society. Due to patriarchal imposition the violation against the women had been increased. Judiciary acts as the key to restore those religious rights of women by enacting various legislations. This paper (The Forgotten Religious Rights of Sanatani Women) considers about the status of religious rights which were enjoyed by the women during Vedic period and forgotten in this modern era, the laws governing the equal opportunities to practice religious rights of women as equal as that of man through the judicial trends.*

## I. INTRODUCTION

***“Where women are honored, divinity blossoms there, and where ever women are dishonored, all action no matter how noble it may be, remains unfruitful.”<sup>2</sup>***

In ancient India the Sanatani women used to enjoy equal status as that of men in all fields of life. In the early Vedic period women were well educated and have the highest position in participating in any religious activities before a man irrespective of their biological gesture and were 'Happy to Bleed'. No religious ceremonies could be performed without participation of the women. But as the time passed, approximately 500 B.C., the status of women was started to decline as mentioned in the Manusmriti. The Islamic invasion of Babar and the Mughal Empire brought up restrictions and confinement of women succeeding the invasion of British as well due to which many rights were curtailed. Later on a patriarchal society settled up as a result of social and political agendas which initiated a women dominating society where women's several rights were curtailed considering them as physically weak and impure. Taboos surrounding menstruation exclude women and girls from many aspects of social and

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<sup>2</sup> <https://www.speakingtree.in/allslides/test-slide-757859/in-sanskrit> on 17 December 2021.

cultural life.<sup>3</sup>

## **II. SOURCES OF SANATANA DHARMA**

The followers of Sanatana Dharma called as Sanatanis follows the Hindu duties as incorporated in The Vedas (The Rigveda, the Yajurveda, the Samaveda, and the Atharaveda), The Upanishads, The Manusmriti, the digests and commentaries from the schools of law like Dayabhaga and Mitkshara and other Hindu religious scriptures such as The Ramayana, The Mahabharata, The Bhagavada Gita which gives the basic form of living life and the duties to be maintained. The Dharmashastra literature covers all aspects of law, ethics and morality. Customs are other sources of Hindu Dharma.

## **III. RELIGIOUS STATUS OF WOMEN DURING VEDIC PERIOD**

During pre-Vedic period, the four Vedas never states anywhere that a woman is impure during her menstruation and that she cannot participate in rituals. The greatest myth is that women were never given equal status as that of men. But the truth is women were highly respected in Vedic period. Even the greatest war of all times, the Mahabharat was fought because a woman was disrespected. Not just that Mahabharat reflects that women used to be the guide of men in religious and social matters. Women had the equal rights as that of man to participate in religious activities. They were not kept in separate rooms or blocked for performing religious rituals during their bleeding. They were never meant as impure, as in modern era which made menstruation, a taboo from performing women out of the religious rituals. Manu, the father of Indian Political Theory, describes the position of women of Vedic age as a place of reliance and subordination.<sup>4</sup> According to Hindu Mythologies, women were known as the Shakti due to their divine power and spirituality. Due to the menstruation, most of the women now-a-days in modern era are called 'impure' and restricted from entering into temples and participate in religious activities whereas, in Vedic period they were considered as more sacred, powerful and strong enough to heal a sick under menstruation. In the Vedic period, women were not called impure and hence they were free to do daily Poojas. It is irony to believe that according to Vedas, one of the mahayagna i.e., Agnihotra Yagna, which is considered to be prominent among all the yagnas, should be performed without failing by both men and women. Then if yagnas had to be performed daily then how could be a woman perform it during the days she

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<sup>3</sup> Suneela Garg and Tanu Garg, Menstruation related myths in India: strategies for combating it, *Journal of Family Medicine and Primary Care*, Vol. 4(2), Apr-Jun 2015, 184-186.

<sup>4</sup> Govind Kumar Saxena and Major Gen. Praveen Kumar Sharma, Position of Women in Vedic, Post-Vedic, British, and Contemporary India, Vol. 4 Issue 4, *International Journal Of Legal Developments And Allied Issues*, July 2018, Page No. 372-380.

bleeds. Even the Madhavacharya, one of the hard-core traditionalists gives examples of Urvasi, Sami and Yami from the Vedas and doesn't restrict women from performing rituals during their menstruation calling them as impure. The right of worship was granted by God for man to worship as he pleased.<sup>5</sup>

#### **IV. LAWS GOVERNING EQUAL RIGHTS TO PRACTICE RELIGIOUS ACTIVITIES**

The Preamble and the Article 15 of the Indian Constitution<sup>6</sup> gives the equal rights of status and opportunities to all citizens irrespective of their gender as well as Article 25 to 28 deals with the right to freedom of religion. The Preamble of the Constitution states: "WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN, SOCIALIST, SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity; and to promote among them all;

FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation;

WE DO HEREBY GIVE TO OURSELVES THIS CONSTITUTION."<sup>7</sup>

Preamble of Indian Constitution directly connotes the word 'SECULAR'. Secularism is the part of the Indian Constitution, which means a State which does not recognize any religion as a State religion and treats all religion equally. Furthermore, Preamble also declares about 'LIBERTY' of thought, expression, belief, faith and worship and most importantly 'EQUALITY' of status and opportunity to the entire citizen in every field irrespective of their gender.

Generally, Article 15(1)<sup>8</sup> confers that State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them. Whereas Article 25<sup>9</sup> confers freedom of conscience and freedom to profess, practice and propagate religion subject to public order and health and all other provisions of Part III.

#### **V. JUDICIARY AS THE KEY TO GET BACK THE RELIGIOUS RIGHTS OF WOMEN**

Position of women in Indian society has witnessed a great change from her previous status in

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<sup>5</sup> Dr. J. N. Pandey, *Constitutional Law of India*, Central Law Agency: Allahabad, 55<sup>th</sup> Edition, 2018, Page No. 382.

<sup>6</sup> The Constitution of India, 1950, Article 15.

<sup>7</sup> <https://doj.gov.in/sites/default/files/preamble-eng.pdf>.

<sup>8</sup> The Constitution of India, 1950, Article 15(1).

<sup>9</sup> The Constitution of India, 1950, Article 25.

ancient, middle and more specifically in the post – modern period.<sup>10</sup> In the 16<sup>th</sup> Century, most of the prominent leaders from India specifically men stand up and raised their voices for promotion of equal rights of women. Due to which many legislative enactments enforced to curb up the evil cultural practices like Sati Pratha, child marriage, dowry prohibition, female foeticide, etc. were demolished through the laws enacted by the judiciary time to time. The forgotten rights of women which were once equal during the Vedic period, judiciary acts as the key to get back those rights in this modern era. In 1<sup>st</sup> April 2016, the **Bombay High Court** held that no law prevents women from entering into a place of worship; the women too should be permitted where men are allowed. The women were barred from entering in to the temple of Shani Shingnapur temple for over 400 years. Later on, the Maharashtra Hindu Places of Public Worship (entry authorization) Act, 1965 says that ‘no Hindu of whatsoever section or class shall in any manner be prevented, obstructed or discouraged from entering such place of public worship or from worshipping or offering prayers, or performing a religious service..’<sup>11</sup> As per the Act, preventing any person from entering into the temple premises would attract six months of imprisonment. Again, on 28<sup>th</sup> September, 2018, the Supreme Court overruled the **Kerala High Court’s** decision<sup>12</sup> passed in the year 1991 almost after 27 years by lifting the ban on entry of women in the one of the prominent pilgrim of South India, the Sabrimala Temple and gave the landmark judgment in the case of **Indian Young Lawyers Association V. The State of Kerala**<sup>13</sup> of by stating that discrimination against women on any grounds even on the religion is unconstitutional. The exception placed on women on the basis of biological difference attracts infringement of their religious rights. The six women members of the Indian Young Lawyers Association filed a petition in 2006 in the Supreme Court to lift out the ban on women aged between 10 to 50 years from entering into the premises of the temple. The restrictions on women were made on the grounds that Lord Ayyappa is Naishtik Brahmachari, and to preserve its celibacy. Due to patriarchal impositions, a culture of violating the women’s rights has increased, patriarchal norms have caused a fertile ground for infringement of women’s rights and her freedom is violated.

## VI. CONCLUSION

*PATRIARCHY AND OPPRESSION OF WOMEN HAVE EXISTED IN ALL PERIODS OF*

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<sup>10</sup> Simmi Jain, Encyclopedia of Indian of Women through the Ages, Volume- 4: Modern India, Kalpaz Publications: Delhi, 2003, Page No. 9.

<sup>11</sup> Mr. Ram Pandit, Entry of Women in Temples and Mosques- The Societal Injustice, the Violations and the Path Ahead, Vol 1, Issue 1, Law Audience Journal, Aug 2018.

<sup>12</sup> S. Mahendran V. The Secretary, Travancore (AIR 1993 Ker 42).

<sup>13</sup> Indian Young Lawyers Association V. The State of Kerala: Writ Petition (Civil) No. 373 of 2006.

*HISTORY; THE QUESTION IS WHAT THE EXTENT OF THIS OPPRESSION WAS.*<sup>14</sup>

India is a secular country where all the religions are treated equally and the citizens of India have all the rights to profess practice their beliefs irrespective of their sex or gender. God created the human beings but the difference between the men and women based on their physical and biological gesture which was created by the human beings themselves and not the Gods. The whole world took birth from the Yoni of women but still they are called impure as they bleed. The religious rights are infringed stating menstruation as taboo. Even though our judicial system initiates the changes and the rights has been given, still the larger part of the society yet to accept it and continues to remain in Medieval ages. It is hard to believe that some of the women as mother, grandmothers or great grandmothers themselves continue to remain and think alike that they were not equal as men on the basis of their biological presence and advise their daughters not to go to temples or participate or even touch any religious activities justifying this as ‘culture’ without going deep into the Vedas. So, this is the high time to think all the Homo sapiens all together irrespective of their biological forms about the forgotten religious rights of women which have lost its sanctity by the time. Menstruation is a human issue and not only a women’s issue<sup>15</sup> and hence it is equally important to understand that it concerns hygiene and is not a purity issue.

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<sup>14</sup> Umara Zainab, Did Women In Early India Really Enjoy A ‘High Status’?, *Feminism in India*, 10<sup>th</sup> July 2018.

<sup>15</sup> Dr. Vageshwari Deshwal, Menstruation does NOT make women impure ... period!, *The Times of India*, 16<sup>th</sup> February 2020.

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