

UGC sponsored Minor Project in Sanskrit
Crime against Women and its Consequences:
A study Based on

Ramayana and Mahabharata

Principal Investigator: **Dr. Ajitha. T.S** (Asst. Prof. of Sanskrit)

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Executive summary

Indian epics represent the struggle between right and wrong (Dharma and adharmā). They describe values, thoughts and ideals, moulded by the then prevalent law books called dharmasastras. So when we try to analyse the position of woman described in the epics, we can also see, what were the legal provisions offered by the state for women during their times. Both Ramayana and Mahabharata are the battle songs and the battles in both the texts were fought for woman. This itself marks the importance of woman characters in the main story.

Analysing the crimes committed against and by women is the easiest method of understanding the status of women in a society. Certain deeds are identified as crimes because they are not accepted by the then existing norms and values of the society. Women suffocated by their life will be deliberately committing certain crimes, so that society may get aware of a particular situation and will be forced to have a discussion on it. Even though such independent incidents won't change the history, they will definitely become the stepping stones for a better future. Indian life in its flourishing period as depicted in the earliest literary documents was identified to be very liberal towards women¹. But towards the end of Vedic age patriarchy got established and women got marginalized. They were gloried in scriptures, restricted by dharmasastras, deprived of any of the fundamental rights and harassed throughout their life. They were burdened by the rules of stridharma and pativrata. So womanhood always was a series of miseries, and hardships.

Both the Indian epics, Ramayana (c5th century BC to 1st century AD) and Mahabharata(c 1st to 5th century AD) are the stories of ruling class. Hence they

¹A.s.Altekar, The Position of Women in Hindu Civilization, Motilal Banarsidass Publishers, Delhi.

represent the direct intervention of the existing rules on woman life. Now let's evaluate the major women characters in both the epics so that we may analyse the status of women during their period of composition. Points to be discussed are the following

1. Crimes committed by women and the punishment given for that.

2. Crimes committed against women and the punishment if any given for that.

When the main story of the epics is analysed in the light of dharmasastra texts, following conclusions may be drawn.

In Ramayana, the concept of crime against woman was absent. The ideal world depicted in Ramayana wanted woman to be a property of man. Whenever someone comes out of the shadow of the so called possessor she was punished. Tataka, Surpanakha and Ahalya represent the brave women set in search of their dream. Though they got punished they were able to prove that there were some single but bold sounds to break the conventions. Abducting a woman was a punishable crime, still, abducting Sita was not considered as a crime against her. It was perceived as a crime committed against her husband Rama(the possessor), who avenged his insult by a war. Here the whole world assisted him in his venture but after his rescue mission, Rama turned insensitive to the insult Sita received. She was not considered as a victim but she was treated as a co-defendant. Rama showed little interest in accepting Sita, as his wife. He used harsh words to show his distrust and his kinsmen remained silent as if they had no role in the whole issue. Rama being the husband had all the power to take a decision about her fate, they thought. No one intervened and Sita was left alone to mount a funeral pyre. She used that as an ordeal to prove her chastity and got exonerated by the fire god himself. The burden of proof was on the woman and she succeeded in proving her chastity.

The concept of domestic violence was absent hence no one was ready to question Rama about his stand. He being the state could take the decision about her life. Once a victim, woman remains a victim forever. Sita's life is an example for this. Along with Ravana, she was also punished. When compared with the life long suffering she received, the death penalty for Ravana was not that harsh. Sita was

accused of adultery. Just because of her confinement in the kingdom of Ravana. She was neither reported to be raped nor be abused by Ravana. Still Rama reflecting the mindset of a jealous husband took it for granted that Sita was molested. She was treated as if she got involved in a serious crime. Though Rama was ready to accept her after the testimony given by the Agni, he never had a second thought to abandon her when the question of her chastity was once again raised by his citizen. The burden of prove was on the victim and Rama here played the role of an impartial and insensitive judge. He showed no empathy for his wife. His insensitiveness was glorified as his greatness. We can sense the ice-cold insensitiveness of the society towards the victim.

In Mahabharata the story seems somewhat changed. Here we can see Draupadi and Amba boldly raising their voice against the crimes committed against them and Ahalya consciously getting involved in adultery. What is special with Draupadi and Amba? We can see that the crimes committed against them were in public. Sita was imprisoned for almost one year by Ravana and he could do whatever he wished to do with his captive. This privacy was that which was later on got suspected by her husband and the public. Draupadi on the other hand was dragged by her hair to the court, abused and she escaped an attempt of getting stripped of her clothes. All the crime scenes were in public and her husbands were the direct witnesses. We can see that how Draupadi was escaping the situation of getting back to the harem as a maid. She was consciously avoiding a situation where anyone can molest her in private. She was continuously questioning the morale of the court to witness the crimes committed against her. She raised her questions in public and wanted to get them answered in public. When Kichaka was trying to molest her she somehow managed to enter the court of Virata and made the crime committed in public. So even after the murder of Kichaka no one was ready to suspect the character of Draupadi.

In the case of Amba also we can see that the crime in public is condemned by the society. Amba's pursuit of justice was admirable. She was bold enough to challenge a veteran like Bhishma. He was too powerful a person to get punished for his crime so he was left alone for his destiny. Still Amba by her determination, made Bhishma accept that he had committed a crime against her. Even though

Parasurama and others were not able to punish him he got haunted by his own prick of conscience. Bhishma himself selected not to fight against Sikhanti (Amba's second birth) and accepted the punishment given by the heavens.

Ahalya was a woman who daringly chose a crime to get indulged in. She marked the protest of a number of princesses who were destined to live with ascetics and lead an austere life. She had committed the sin and was ready to accept the punishment given by her husband.

Kunti and Madhavi were the puppets of their fate. They were not conscious that they were being harassed and hence were leading a miserable life.

Even though the society had formulated some sort of legal provisions for the protection of woman, they were not sufficient to provide desirable security. Dharmasastras wanted to establish patriarchy hence all the legal references found in them are very much keen in restricting women. The concept of **crime against woman** was missing in the dharmasastra. According to the dharmasastra texts, rape, and abuse were identified as crimes, but the punishment prescribed for them were almost negligible. The punishment for the crime was based mainly on the caste of the culprit and the state always wanted to have a compromise between the victim and the sinner. Paisaca type of marriage allows a rapist to marry his victim and find an amicable solution for the crime. Women whether they belong to the upper classes or the lower classes were provided with no right at all. Family is the only place where she could find her own space. She had to spend her life serving her husband and kids. Polygamy was prevalent and women were suffocated by jealousy and competition in the household. The crimes recorded to be committed by women in the dharmasastras show the emotional insecurity which made them get involved in certain serious crimes like inducing abortion, killing their husbands and in-laws etc. No concession was given for a woman convict. Capital punishment, amputation of limbs, abandonment etc. were the common punishments given for a woman. The laws advocated men to respect and honour women but they were not ready to punish a man for a crime conducted by him against a woman. In that age, humiliating a Brahmin was more serious a crime, than raping a woman.

The concept of **domestic violence** was absent and the husband was the master of the house. He was powerful enough to punish the inmates, including his wives. Imparting corporal punishment was also advocated by the dharmasastra texts. Women when harassed in public received some sort of support from the society. On the other hand if the crime took place in a private place she had to stand alone. Indian women were always burdened by their own customs, beliefs and thoughts. Even though the law books had framed some laws in favour of women these laws have little impact on their daily life. What is decided by their husband or father was their destiny. So the law and life always remained separate.

Even in the most helpless situation women were showing the spirit of revolt. Sita chose her own method of ordeal to prove her chastity. This attests her determination. By entering the womb of mother earth, she was actually rejecting the idea of continuing her life with Rama.

Draupadi on the other hand was a clever woman who can steer a mob towards a desired goal. Her life teaches a woman to get always vigilant about her own self. When Sita gets easily trapped by the magic deer Draupadi leaves no room for others to fool her. She inspires women to raise their voice whenever it is needed. She was confident enough to question the decision made by Yudhishtira. This reflects her scholarship and command over language. Knowledge always makes woman powerful and bold. Considering all men as enemies is also wrong. Draupadi keeps her husbands, Krishna and her own people by her side and makes them fight against her enemies. So Draupadi represents a real woman fighter. Amba's life portrays the difficulties a woman needs to face in her quest for justice.

In modern India, women are no longer marginalised. They are well educated and employed. They are participating in the mainstream functioning of the society. The state is very conscious about the position and participation of women in the social fabric. Hence it makes timely revisions of existing laws and frames new laws. But when it comes to the matter of crime against women, it is really surprising to find that even after centuries, situation remains the same. Crimes committed in public are always condemned and great protest is raised against such crimes. But when a crime is committed in private the burden of proof is still on the victim. Women in India are still burdened by the age long values and notions. They attach undue

importance to chastity. The attitude of the society is also the same. That's why a case of rape leads the victim to suicide. A victim of rape is tortured and humiliated throughout her life. So what we need is a total internal restructuring. Women themselves need to get aware of their own self. They should realise that their identity is something beyond their physical presence.

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