

## **Social Reforms and Women Empowerment in Colonial India**

**NIRANJAN SAHU**  
**Ph.D. Research Scholar**  
**Sambalpur University**  
**Jyotivihar, Burla.**  
**niranjanpsc@gmail.com**

### **Abstract:**

The late 19th and early 20th centuries witnessed a period of social reforms in India, prompted by the European criticism of Indian society as being backward and uncivilized in comparison to the enlightened European societies. This critique aimed to justify and perpetuate European imperialism in India, framing it as the responsibility of the White man to civilize the uncivilized world. The colonial aspiration to civilize the native Indian male served as the underlying motive behind numerous legal reforms attempted during the approximately ninety years between 1858 and India's independence in 1947. Within the realm of women's rights, three areas of law reform in India were closely influenced by changes in English law: modifications in age of consent laws, alterations in widow inheritance laws, and amendments in abortion laws. The first two reforms took place in the 19th century, while the last occurred in the 20th century after India gained independence. Nevertheless, the changes in abortion law still bore distinct imprints of colonial authority. Additionally, the establishment and expansion of British rule encouraged British missionaries to enter the colonies and establish schools, orphanages, and homes for widows. These missionaries opposed practices such as sati (widow burning), child marriage, purdah (seclusion of women), and polygamy. The new Indian elite, exposed to the ideals of European liberalism through Western education, felt an urgent need to reform their own society. This led to women's movements that yielded tangible results in subsequent periods.

**Key Words:** Women, Empowerment, Education, Rights, Reforms, Imperialism, Polygamy, Liberalism.

### **Introduction:**

In pre-colonial India, the cultural, religious, and political landscape was characterized by a diverse and fragmented structure, with no centralized authority representing a singular Hindu, Muslim, or Christian identity. The society comprised numerous tribes, castes, sects, and religious groups, resulting in a heterogeneous environment. The legal system of that era was primarily based on customary practices and lacked external recognition of legality. However, when the East India Company obtained the right to collect revenue, known as "diwani," in Bengal, Bihar, and Orissa in 1765, they faced the task of establishing a new political and legal framework for the territories they had acquired (Wright, 2007).

British colonial rule in India initially began as a political manoeuvre, primarily facilitated through the quasi-private entity known as the East India Company. This arrangement allowed the British to reap the benefits of imperialism without establishing a fully functioning sovereign state. However, a significant shift occurred in colonial rule after 1858 when the authority of the East India Company was replaced by direct control under the British Crown. During the Victorian period, the foundation of colonial authority relied heavily on the notion of a civilizing mission, both from an Indian and British perspective (Connelly, 2000). In India, the company justified its legitimacy by presenting itself as the force that defeated and replaced the Mughal rulers, who had previously held aristocratic power and authority. Meanwhile, back in England, the British population found validation for their colonial endeavours by portraying themselves as the agents of civilization, introducing reforms that reflected the Enlightenment ideals associated with progress and modernity.

### **Reforms in Socio-Economic Sphere:**

When the British arrived in India and established their rule, the status of women in Indian society was extremely marginalized. Cruel practices such as sati (widow burning), female infanticide, child

marriage, dowry, the mistreatment of widows, and the purdah system were prevalent and widely accepted as societal customs and norms. Women had no access to education, lacked influence in political and public matters, and were denied socio-cultural opportunities to express themselves. Furthermore, under the political and economic subjugation of the country, women faced additional setbacks in terms of their economic and social standing. They experienced economic exploitation and social suppression. Politically, they were isolated and rendered powerless (Alam, 2011).

The advent of British rule in India also brought industrialization and technological changes, which had a negative impact on the status of women. The introduction of new agricultural tools and techniques, for instance, was predominantly taught to men. Consequently, even in agriculture, which was the primary occupation of the common people, women were pushed to the sidelines and limited to performing simple manual tasks, further diminishing their standing in society. Moreover, industrialization resulted in the decline of traditional handicrafts, which dealt a significant blow to women who were engaged in these fields, depriving them of their means of livelihood (Ibid.).

The process of industrialization also led to the migration of families. However, as industries predominantly employed men and societal norms did not view women working in factories and industries with respect, women became economically dependent on men. This further eroded their status and position within society, as they lacked economic autonomy.

#### **Reforms in Personal Laws:**

When it came to personal laws, the British rulers made a promise not to alter them. In India, there existed a variety of personal laws that were specific to different religious, cultural, caste, and tribal groups. These laws included the traditional Hanafi Muslim law, Ithna Ashari Muslim law, Dayabhaga Hindu law, and Mitakshara Hindu law. However, the British encountered numerous challenges while attempting to apply these personal laws due to their limited understanding of their overall nature (Duara, 2017).

This lack of understanding was particularly pronounced with regards to the Muslim laws, as the British were not only unaware of the general character of these laws and the associated cultural context but also unfamiliar with the specific principles of the Islamic Shariah. Consequently, the British courts tended to take a conservative stance in their interpretation and application of these laws, assuming that people should strictly adhere to their religious legal principles, especially in the case of Muslims. However, there was inconsistency in the application of these laws, influenced by political considerations, particularly concerning women's property rights.

In situations where dividing land holdings of politically influential groups was believed to pose a threat to the stability of British rule, the judges allowed or even encouraged the exclusion of female heirs, as long as it served to maintain the existing social and economic order under British control. However, when it came to the payment of mehr (dowry), the British courts expanded the rights of women, providing them with greater protection and enforcement of their entitlements (Ibid.).

Prior to British rule, the concept of mehr in Muslim marriages held different significance. It was primarily seen as a symbolic ritual and a status symbol for the groom, and it was not expected for the entire amount to be paid. In fact, it was commonly anticipated that the wife would eventually waive her claim to the mehr. However, the British courts, in their strict adherence to Muslim laws, often ruled that the full promised amount must be paid. If the husband was unable to fulfil this obligation, the courts granted the wife the right to control the husband's property until the payment was made. As a result, the impact of the British courts and administration on women's right to property, particularly for Muslim women, varied significantly.

However, in general, the status of women during this period was quite low. Women were no longer viewed as economic assets to the family, and their activities were confined to the household. Furthermore, even the legal system assigned women an inferior position in relation to their husbands, sons, or brothers.

In the early 19th century, a significant reform movement advocating for women's rights emerged in India. This movement was led by Indian intellectuals who had received English education and were influenced by the Western ideology of equality. Prominent reformists of that period included Raja Rammohan Roy, Ishwar Chandra Vidyasagar, Sir Syed Ahmed Khan, Mrs. Annie Besant, and Swami Dayananda. These individuals played crucial roles in raising awareness and fighting for women's rights (Baugh, 2021).

Additionally, British ideas and civilization introduced a different perspective on prevailing Indian customs and practices. Practices such as female infanticide and sati were considered social evils by the British, and they took steps to abolish them through legislation. The British administration passed laws to outlaw these practices and actively worked towards their eradication. Both the efforts of Indian reformists and the influence of British ideas and legislation contributed to the movement for women's rights and the abolition of oppressive practices in India during that time.

#### **Abolition of Sati:**

The term "sati" originally referred to a "Pure and Virtuous Woman". It was a practice where a devoted wife, after the death of her husband, would voluntarily burn herself along with his dead body, with the belief of attaining perpetual and uninterrupted conjugal union in the afterlife. While the East India Company generally followed a policy of non-interference in social customs, some early Governors-General such as Cornwallis, Minto, and Lord Hastings took steps to restrict the practice of sati. They discouraged it, banned the sati of pregnant women and widows below the age of 16, and made it mandatory for a police official to be present during the ritual to ensure that no coercion took place. However, these measures proved insufficient and achieved limited success (Finn, M., & Smith, K., 2018).

In 1818, Sir William Bentinck, who had the courage to risk religious opposition, prohibited sati in Bengal. Regulation XVII of the Colonial Government on December 4, 1820, declared sati, the act of burning or burying alive of widows, illegal and punishable as culpable homicide. Bentinck sought the assistance of Ram Mohan Roy and asked him to promote the positive aspects of the new act. Raja Roy popularized the Abolition of Sati Act of 1829 and created a powerful public opinion in favour of the abolition through his writings and speeches. As a result, sati was eventually prohibited throughout the country (Ibid.).

#### **Widow Remarriage:**

In traditional Indian society, it was customary for lower-caste widows to marry the brother or father of their deceased husband. Remarriage of widows was generally considered a sin according to Hindu Sastras, as it was believed to bring guilt, disgrace on earth, and exclusion from heaven. However, the Brahmo Samaj, a reformist movement, engaged in debates about the practice of widow remarriage and actively promoted it among the Brahmin community (Sharma, I. et al., 2013).

Pt. Ishwar Chandra Vidyasagar, a prominent figure of the Brahmo Samaj, delved into ancient Sanskrit texts to find references supporting widow remarriage. Through his research, he discovered evidence in Vedic texts that sanctioned the practice. He collected signatures from 987 individuals and submitted a petition to the Government of India, urging legislative action.

As a result of Vidyasagar's efforts, the Hindu Widow Remarriage Act (Act XV of 1856) was passed, legalizing the marriage of widows and legitimizing the offspring from such marriages. This act brought significant benefits to many widows who were able to remarry and regain their social standing and rights (Ibid.).

Muslim women in India experienced significant improvements with the introduction of the Dissolution of Muslim Marriage Act in 1939. Prior to this act, the right to divorce was restricted to Muslim women belonging to the Hanafi sect. However, the Act expanded this right to all Muslim women, regardless of their sect. Additionally, the Act granted women broader grounds for divorce under Muslim law. It recognized cruelty as a valid reason for divorce, thereby providing wives with more options to seek dissolution of their marriages (Brown, K., 2006).

The Dissolution of Muslim Marriage Act, 1939 played a crucial role in empowering Muslim women by granting them greater agency in matters of divorce and recognizing their right to seek marital dissolution in cases of cruelty. This legislation marked a significant step towards enhancing the rights and autonomy of Muslim women in India.

#### **Abolition of Child Marriage:**

Efforts were made to abolish child marriage through the enactment of several laws. The first significant law in this regard was the Age of Consent Bill passed in 1860, which criminalized sexual intercourse with a girl below the age of ten as rape. This aimed to protect young girls from exploitation and abuse in the context of child marriage (Pitre, A., & Lingam, L., 2022).

Subsequently, the Civil Marriage Act of 1872 was enacted, which set the minimum age of marriage for girls at 14 and for boys at 18. This legislation was a result of the efforts led by Keshab Chandra Sen and others who advocated against early marriages (Ibid.).

On March 19, 1891, the Age of Consent Bill was passed, which made sexual intercourse with a girl below the age of 12, even if she was married, legally considered as rape. This legislation aimed to further protect young girls from sexual exploitation and abuse within child marriages (Ibid.).

Later, in 1930, after extensive debates in the Indian Legislative Assembly regarding the age of consent and the age at which legal intercourse could occur, the Sarda Act was passed. This act established 14 as the minimum age of marriage for females and 18 for males. These legislative measures were significant steps taken to address the issue of child marriage and protect the rights and well-being of young girls in India (Kosambi, M., 1991).

#### **Abolition of female infanticide:**

Infanticide, a cruel and abhorrent practice prevalent among certain communities, particularly the Bengalis and Rajputs, involved the killing of infant daughters, considering them to be a financial burden. This practice was also observed among socially backward tribes. The enlightened British and Indian society unanimously condemned this act of infanticide.

In response to the need for action, the British government took steps to address this issue. In Bengal, regulations XXI of 1775 and III of 1804 were enacted, declaring infanticide illegal and equating it to murder. As a precautionary measure, the Government of India passed an act in 1870, which required parents to register the birth of all babies and implemented a system for verifying the well-being of female children for a certain period after birth. These legislative measures aimed to combat the abhorrent practice of infanticide, protect the lives of innocent infants, and promote the rights and welfare of women in society (Ratte, M. L., 1977).

#### **Women's Property Rights:**

In terms of women's property rights, significant changes began in 1865 with the introduction of the Indian Succession Act, which adopted the English law of succession for Christians. Similar provisions were made for Jewish and Parsi women under the Parsi Succession Act, granting them limited property rights. These laws aimed to ensure equal rights for wives and children in matters of property inheritance. The Married Women's Property Act of 1874 further expanded married women's rights by granting them a share in their husbands' property (Chatterjee, N. 2010).

However, Hindu, Buddhist, Jain, and Sikh women were not initially included under these laws due to concerns about potential political backlash. It was not until the enactment of the New Indian (Hindu) Succession Act in 1925 that the situation began to change for these women. In 1929, the Hindu Law of Inheritance (Amendment) Act was passed, partially reinstating Vedic law on women's right to inheritance. According to this law, widows were granted the right to inherit their husband's estate in the absence of a son, agnatic grandson, or agnatic great-grandson. However, the widow's rights were limited to her lifetime, and upon her death, the property did not pass to her own heirs but to the nearest living heir of her deceased husband (Ibid.).

In 1937, women's property rights received a significant boost with the enactment of the Hindu Women's Right to Property Act. This act granted Hindu widows, who had previously been excluded from inheritance by the son, agnatic grandson, or agnatic great-grandson of their husband, an equal right to intestate succession in their husband's property. It also extended their rights to the entire interest in property subject to survivorship. In the same year, the Shariat Application Act was passed, restoring the true inheritance rights of Muslim women under Islamic law, which had long been denied to them due to local customs (Ibid.).

Overall, these legislative measures aimed to improve women's property rights and restore their rightful inheritance, ensuring greater gender equality and justice in matters of property ownership and succession.

#### **Abolition of Devadasi System:**

A Devadasi is a woman artist who devoted her life to serving and worshiping a deity or temple. However, during the British rule, Devadasis lost their traditional sources of support and patronage, and they became commonly associated with temple prostitution. To address the issues surrounding the degraded state of the Devadasi system, India's central legislative body enacted a law in 1928. This legislation aimed to address the challenges faced by Devadasis and bring about reform. In 1934, the Bombay legislature also passed the Bombay Devadasi Protection Act with the objective of putting an

end to the immoral practice of prostitution associated with Devadasis. These legal measures were the result of continuous advocacy and support from various social reformers (Sreenivas, M., 2011).

**Promotion of Female Education:**

During the 19th century, Indian society held false beliefs that Hindu scriptures did not support the education of women. However, the Christian missionaries took the initiative by establishing the Calcutta Female Juvenile Society in 1819, regardless of their underlying motives. The significance of female education was emphasized in Charles Wood's educational dispatch in 1854. Social reformers also recognized that through educating women, societal issues connected to the fundamental structure of families could be addressed, leading to the emergence of competent wives and mothers (Haggis, J., 1990).

Between 1855 and 1858 Ishwar Chandra Vidyasagar, played a vital role in establishing 48 girls' schools. M. G. Ranade and his wife actively promoted female education and established a girls' high school in 1884. In 1896, D. K. Karve, along with 15 colleagues, founded the Ananth Balikashram to provide education to widows. Additionally, Karve initiated the Mahila Vidyalaya in 1907 and the S.N.D.T. Women's University in 1916 as separate educational institutions for women, aiming to overcome resistance from conservative factions regarding women's education (Ibid.).

During the 20th century, specifically during the national movement in India, there was a significant advancement in the "Women Enhancement Movement". Women played a crucial role in the freedom movement, and starting from 1920, they began asserting their own rights. A notable development in 1927 was the establishment of the All Indian Women Congress (A.I.W.C.), which marked a significant effort by women in their pursuit of progress and empowerment (Kasturi, et al., 1994).

**Gandhi and Women Emancipation:**

The national movement for independence, led by Mahatma Gandhi, provided a significant boost to the efforts aimed at improving the status and rights of women in society. Gandhi not only encouraged women to actively participate in the freedom movement but also criticized the legal restrictions imposed on them. In his writings, such as in *Young India* in 1918, Gandhi advocated for gender equality, stating that women possess equal intellectual capabilities and should have the same rights and freedoms as men. He vehemently opposed the unjust customs that had granted unworthy men superiority over women. Gandhi firmly supported the cause of women's empowerment through education and called for reforms in marriage laws, firmly asserting his commitment to women's rights (Norvell, 1997).

Inspired by Gandhi's message, a significant number of women stepped out of their homes and actively contributed to the struggle for independence. Many remarkable women leaders emerged during this time, including Sarojini Naidu, Raj Kumari Amrit Kaur, Kamaladevi Chattopadhyaya, Durgabai Deshmukh, Dhanavati Rama Rau, and others, who passionately advocated for women's rights. Additionally, numerous women's organizations sprouted across the country between 1917 and 1947, dedicated to championing the cause of women and their rights (Ibid.).

During this era, there was a growing focus on advocating for women's political rights. In 1917, the All India Delegation of Women, led by Sarojini Naidu, officially demanded women's suffrage. The Indian National Congress and the Muslim League both endorsed this demand the following year. However, the British rulers left the decision of allowing women to vote in the Provincial Legislatures to the discretion of the individual provinces.

In line with this directive, the Madras Legislative Council took the lead and granted women the right to vote in 1921, becoming the first province to do so. By 1929, all Provincial Legislatures had extended this right to women. Additionally, starting from 1926, women were also eligible for seats in the Provincial Legislatures. However, the franchise was subject to property qualifications, and since most women did not possess property due to existing inheritance laws, only a few met the requirements to vote. Nevertheless, the granting of limited suffrage to women represented a positive step forward that could potentially pave the way for securing their full rights (Broome, 2012).

In the pursuit of political rights, the All India Women's Conference, established in 1926, took further action. In 1932, they appealed to the Lothian Committee for universal adult franchise, but their demand was unfortunately rejected. Women leaders also brought this issue to the attention of the Second Round Table Conference, but faced another rejection. To safeguard women's equal rights, Kamaladevi Chattopadhyay actively participated in drafting the terms of self-government to be presented at the next Indian National Congress meeting in Karachi in 1931. She ensured that

fundamental rights would be granted to all individuals regardless of their caste, creed, or gender (Chandra, 2016).

In 1946, the All India Women's Conference drafted an Indian Women's Charter of Rights and Duties, which they presented to the emerging new government. This charter outlined the rights and responsibilities of women in India, serving as a representation of their aspirations and expectations from the government.

As a result of the relentless struggle and unwavering efforts of both men and women, Indian women eventually secured the right to vote in independent India, which embraced the principle of universal adult franchise. Despite the various reforms mentioned earlier, gender discrimination still persisted during this period, particularly concerning pay and employment opportunities. Women were paid less than men and were prohibited from appearing for civil services and other competitive examinations conducted by the Government. This exclusion extended to important services such as the Indian Civil Service, forest, police, audit and accounts, railways, and aviation services, which were closed off to women. Furthermore, even in liberal professions like teaching and medicine, women were assigned lower grades compared to men, despite having identical qualifications. To make matters worse, women doctors and nurses were required to resign from their positions after marriage. These discriminatory practices against women remained in place until India gained independence.

#### **Ambedkar on Women Empowerment:**

Dr. B. R. Ambedkar conducted extensive research on the status of women, not only within Hinduism but also in other religions. He shed light on the denial of rights and individual status imposed on women. He highlighted the detrimental effects of the purdah system on Muslim women, which deprived them of intellectual and moral nourishment. Dr. Ambedkar advocated for Buddhism, as he believed it granted women equal status to men and recognized their potential for spiritual attainment. By embracing Buddhism, Dr. Ambedkar aimed to liberate marginalized groups, including women, and establish a dignified and egalitarian society. He rejected the worship of Hindu deities, freeing women from inhumane customs, rituals, and superstitions, and paving the way for their liberation (Bardia, 2009).

Education played a crucial role in Dr. Ambedkar's vision of empowerment. He viewed education as a powerful means for individuals to rise above oppression and actively participate in democracy. Dr. Ambedkar identified two purposes of knowledge: to acquire it for the betterment of others and to utilize it for personal growth. He criticized the British educational system, which aimed at creating a clerical workforce, and instead advocated for secular education that would lead to social emancipation and freedom. The primary objective of education, according to Dr. Ambedkar, was to enlighten the oppressed classes and promote their social, economic, and political upliftment. His social and ethical philosophy aimed at raising awareness among marginalized individuals, challenging their traditional thoughts and behaviours, and fostering unity and freedom through education. The core principles of his educational philosophy encompassed values such as liberty, equality, fraternity, justice, and moral character, applicable to boys and girls of all religions, regions, classes, and castes (Ibid.).

Dr. Ambedkar recognized the significance of education in women's empowerment and addressed the issue of restricted access to education for women belonging to lower castes. His speeches reveal his deep concern for women's rights and empowerment. Speaking at the Second All-India Depressed Classes Women's Conference in Nagpur in 1942, he emphasized the progress of a community by assessing the progress achieved by women. He encouraged cleanliness, avoidance of vices, and the provision of education for children, instilling in them ambition and a sense of destiny for greatness. Dr. Ambedkar believed that education was equally essential for females and males, as it would lead to significant progress and shape virtuous lives. He aimed to liberate women from suffering and economic dependence by advocating for their educational rights, equality, and property rights. Dr. Ambedkar called for co-education, believing that education would empower women to think independently and foster their intellectual and mental development (Raghavendra, 2016).

#### **Conclusion:**

The social reform movement of the 19th century in India aimed to embrace progressive Western values while simultaneously revitalizing the country's rich cultural heritage. The society, having experienced colonialism, naturally desired both change and the preservation of indigenous traditions. Although social reforms were limited by prevailing values and did not prioritize women's emancipation, they did bring about some minor changes without significantly altering the position of

women. This period is regarded as the groundwork for women's movements in India. These movements emphasized a rational understanding of social ideas and fostered a scientific and humanitarian perspective. Both reformers and British colonialists believed that modern ideas and culture could be effectively integrated into Indian cultural traditions. These reform movements sought social unity and strived for the principles of liberty, equality, and fraternity.

## References

- Chitnis, V. & Wright, D. (2007), "The Legacy of Colonialism: Law and Women's Rights in India", 64 Washington and Lee Law Review, 64: 1317.
- Alam, A. (2011), "Polygyny, Family and Sharafat: Discourses amongst North Indian Muslims, Circa 1870-1918", *Modern Asian Studies*, 45(3): 631-668.
- Connelly, J. L. (2000), *Theoretical perspectives on gender and development*, Canada: IDRC.
- Duara, J. G. (2017), *Gender Justice and Proportionality in India: Comparative Perspectives*, Abingdon: Routledge.
- Baugh, A. (2021), "Raja ram Mohan Roy's contributions to women's rights and education: its current relevance", *Towards excellence*, 13(3): 388-398.
- Finn, M., & Smith, K. (Eds.). (2018), *The East India Company at Home, 1757-1857*, London: UCL Press.
- Sharma, I., et al. (2013), "Hinduism, marriage and mental illness", *Indian journal of psychiatry*, 55(2): 243.
- Brown, K. (2006), "Realising Muslim women's rights: The role of Islamic identity among British Muslim women", In *Women's studies international forum*, 29(4): 417-430.
- Pitre, A., & Lingam, L. (2022), "Age of consent: challenges and contradictions of sexual violence laws in India", *Sexual and reproductive health matters*, 29(2): 461-474.
- Kosambi, M. (1991), "Girl-brides and socio-legal change: age of consent bill (1891) controversy", *Economic and Political Weekly*, 26(31/32): 1857-1868.
- Ratte, M. L. (1977), *The lotus and the violet: attitudes toward womanhood in Bengal, 1792-1854*, Ph.D. Thesis, Massachusetts: University of Massachusetts.
- Chatterjee, N. (2010), "Religious change, social conflict and legal competition: the emergence of Christian personal law in colonial India", *Modern Asian Studies*, 44(6): 1147-1195.
- Sreenivas, M. (2011), "Creating conjugal subjects: Devadasis and the politics of marriage in colonial Madras Presidency", *Feminist Studies*, 37(1): 63-92.
- Haggis, J. (1990), "Gendering colonialism or colonising gender?: Recent women's studies approaches to white women and the history of British colonialism", *Women's Studies International Forum*, 13(1-2): 105-115.
- Kasturi, L., et al. (1994), *Women and Indian nationalism* (No. 20), New Delhi: Vikas.
- Norvell, L. (1997), "Gandhi and the Indian women's movement", *The British Library Journal*, 23(1): 12-27.
- Broome, S. K. (2012), *Stri-Dharma: Voice of the Indian Women's Rights Movement 1928-1936*, Ph.D. Thesis, Georgia: Georgia State University.
- Chandra, B., et al. (2016), *India's struggle for independence*, UK: Penguin.
- Bardia, M. (2009), "Dr. BR Ambedkar his ideas about religion and conversion to Buddhism", *The Indian Journal of Political Science*, LXX(3): 737-749.
- Raghavendra, R. H. (2016), "Dr BR Ambedkar's ideas on social justice in Indian society", *Contemporary Voice of Dalit*, 8(1): 24-29.