



**A STUDY OF WOMAN AND HER STATUS IN NORTHERN INDIA
WITH SPECIAL REFERENCE TO HER ECONOMIC RIGHTS DURING
THE KUSHANA PERIOD**

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Abstract

The position of women throws considerable light on the cultural development of any society. It can be taken as the reflection of the excellence viz. a viz. limitation of that particular society. Almost every nation in the world has its own cultural peculiarities and accomplishments, which it adores and feels proud of. Apart from the milestones achieved by a nation throughout its long-standing history, it sometimes falls short of the expected growth and advancements in every sphere. India has a unique and great history with unprecedented accomplishments in different fields, which it may boast of having achieved. Still, the nation despite of great progress in almost every sphere has some shortcomings or problems, which it faced at many a time throughout its growth. One of such problems of Indian society, according to many scholars is the inferior position accorded to women. They opine that the women generally do not enjoy equal status and their condition is far from satisfactory. The position and status of women in India according to them is low despite being considered and adored as “goddess” and “shakti”. At one hand, she is considered the embodiment of power or shakti but on the other, there is the concept of this power having to be controlled and channelized by her male counterpart. It has been a general notion that the foreign invasions were one of the major factors for the deterioration of the position and status of women in India as the nation in general and the northern part of the country, in particular, was prone to such repeated invasions. The present study, in this context, is aimed at probing the condition, status and position of Indian women during the age of the imperial Kushanas who were migrants from central China. The literary works compiled during the period under study supplemented by the epigraphic record of the contemporary period is the basis of the observation and analysis.

Key Words: *Kushanas, Rigveda, Brahmans, Smritis, Niyoga, Stridhana.*

In almost all patriarchal societies throughout the world in general and in India in particular, a male member generally the elderly one is so called the head of the family. He is the personification of power and authority in the household structure or the family, while a woman, playing various roles such as that of mother, wife, sister and daughter etc. is generally considered as subordinate to the male. The position of women and her role in the

family and in the society was not always same rather it kept on changing with the passage of time.

The Rigvedic people lived in the *Sapt Sindhu* region, which comprises the northern regions of the Indian subcontinent. It was here that the *Rigveda* was compiled. The text through its hymns throws light on various aspects of political, economic and social life. While discussing the social life, the text throws a welcome light on the position of women. We find very frequent longing for a male child in the *Rigveda*.¹ In such a state the importance of the women becomes singular and the birth of a daughter as the potential mother is not altogether unwelcome. It is however surprising that not even a single desire for the birth of a daughter is ever expressed in the entire text. But if a daughter was born the parents had no anxiety because daughters also contributed to the happiness of the family by doing productive works such as milking of cows. It was for this reason that a daughter was called *duhitri*. They could study Vedic lore and perform sacrifices in order to advance spirituality. There are various references to women scholars such as Lopamudra, Vishvavara, Sikata, Nivavati and Ghosha etc. in the *Rigveda* who have composed many hymns. This indicates the attention paid to their education by their parents.² The *Atharvaveda* mentions some rituals which were performed by those parents who wished to have a son.³ The *Aitareya Brahmana* preserved an ancient *Gatha* in which the daughter has been characterized as a misery (*kripanam*).⁴ In the *Brihadaranyaka Upanishad* there is however a ritual which was performed by the parents in order to get a learned daughter.⁵ We come across frequent references in the *Rigveda* to daughters being fondly caressed and affectionately brought up by parents. They were lovingly treated by their mothers and shielded by the strength of their father and brother.⁶

A daughter generally lived under the protection of her parents. After the death of her father, a girl was looked after by her brother. In the later Vedic period, however, the daughter was regarded as a source of sorrow to the family, and only the son came to be regarded as the protector of the family.⁷

The marriage in the *Rigveda* was considered a sacrament and an individual who remained unmarried was considered impure.⁸ A wife in the *Rigveda* was not only an auxiliary in the management of the household but the very centre of the domestic world and empress in her home.⁹ She was considered auspicious who brings blessings and prosperity to the bipeds and quadrupeds of her husband's household.¹⁰ The *Shatapatha Brahmana* states that a man remains incomplete without his wife.¹¹ In the *Aitareya Brahmana* she was considered a

friend of the husband.¹² A mother who gave birth to a son had an honorable status in the family.¹³

Ordinarily, monogamy was the rule but in aristocratic families, polygamy was also prevalent.¹⁴ The girls were married at an advanced age¹⁵ and were free to select their life partners.¹⁶

In the later Vedic period, women did not take part in religious ceremonies or political assemblies. Women have been classed with wine and gambling.¹⁷ The wife took food after the husband had taken his meals. A woman who did not contradict her husband was considered of good temperament.¹⁸ The developments in the later period indicate some sort of deterioration in the position of women which she had enjoyed during the early Vedic period.

It is stated in the *Rigveda* that the widow did not burn herself with her husband's corpse.¹⁹ They were allowed to have a son through the custom of levirate or *niyoga*.²⁰ Widows were allowed to remarry.²¹

There was no veil (*parda*) system as we find references of women participating in public assemblies.²²

In the Vedic period, only that daughter who had no brother inherited her father's property.²³ If a daughter remained unmarried throughout her life she inherited a part of her father's property but ordinarily, a woman did not inherit any part of her father's property. The husband considered his wife as his movable property.²⁴

Thus from the Vedic literature particularly the early Vedic, it appears that women had a respectable status in society. In the family they showed due respect to elders and their views were generally accepted in all domestic matters. They took part with their husband in all social and religious functions.

The arena of political power shifted towards eastern India after the Vedic age. It was during the time of the Kushanas that the northern India once again became a significant seat of political power.

The Kushanas came from the Kan-su province of China and settled in the Bactria region somewhere around c. 125 BCE. Around c. 25 BCE they became powerful and under the leadership of Kujula Kadphises conquered various regions around Bactria and gradually became prominent power in the region. The dynasty reached at its climax during the period of Kanishka I and remained powerful enough for more than 100 years after him. The core region of the imperial Kushanas comprised the areas of Punjab, Haryana, eastern Uttar Pradesh and

the areas of modern Pakistan. The capital of the empire was Purushapura identified with modern Peshawar.

The literary documents pertaining to the Kushana period such as the *Arthashastra* of Kautilya, the *Manusmriti*, the *Yajnavalkyasmriti*, the *Vishnismriti*, the *Naradasmriti*, the *Milindapanho*, the *Mahavastu*, the *Mahabhashya* of Patanjali, the *Saundrananda* and the *Buddhacarita* of Ashvaghosha etc., corroborated by the epigraphic records contain significant information regarding the position of women during their period.

The *Manusmriti* states that the women must be kept in dependence all the times by the males of their family (families).²⁵ Her father protects her in childhood, her husband in youth and her sons in her old age. A woman, according to him, was never fit for independence.²⁶ Manu, however, has granted some liberties to women when he says that no man can completely guard women by force; but they can be guarded by the employment of the following expedients. Let the husband employ his wife in the collection and expenditure of his wealth, in keeping everything clean, in the fulfillment of religious duties, in the preparation of his food and in looking after the household utensils.²⁷

For women, according to Manu, no sacramental rite is performed.²⁸ Yajnavalkya too states that women should not have the *upanayana* sacrament. Thus they were completely deprived of the right of performing Vedic rituals.²⁹ Her sphere was the household. Manu has praised her as a lamp illuminating the household.³⁰

Marriage was regarded as an essential social element in the lives of people it was regarded to be indissoluble and a long life companionship which depended upon the reciprocal love and loyalty. Marriage was the base of a family the existence of which according to Manu was as essential for society as a soul for life.³¹ Patanjali states that a lawfully wedded wife was called *bharya*.³² The marriages according to him generally were arranged but sometimes the girls had their choice in matrimony which was rather popular in regal class.³³

A mother, according to Manu, was superior in merit to a thousand fathers.³⁴ This indicates the high status of women as mothers. The girls were generally married at the age of 12 or 13 years.³⁵ The practice of *niyoga* does not appear to be prevalent during the Kushana period as after c. 300 B. C. most of the law-givers did not approve this practice.³⁶ The widow was not generally permitted to remarry.³⁷ She, according to Manu should lead her life with self-control and observe fasts.³⁸ Narada, however, has permitted a woman to remarry on certain occasions such as after the death of her husband, when her husband cannot be traced

anywhere when her husband has become an ascetic when her husband is impotent and when her husband is outcaste etc.³⁹ There is however no reference to the practice of *sati* during the Kushana period as most of the law-givers such as Manu, Yajnavalkya and Narada etc. all are silent on the prevalence on the custom of *sati*.

The custom of keeping the women under a veil or the *parda* system does not appear to be in practice as none of the contemporary law-givers has mentioned it.

Generally, monogamy was practiced in the society, during the period under study, but we have certain references where people have more than one wife. Patanjali for example refers to co-wives (*katibhavato bharya iti*).⁴⁰ which suggests polygamy in practice. Various inscriptions belonging to the Kushana period, referring to first wife, second wife or third wife further testifies polygamy in the society.⁴¹

Regarding the education of women, there is no such reference to the *gurukulas* where the girls were sent. Still, we come across certain instances where we find that the girls were not only literate but were at par with the highly learned men in the intellect. The *Mahavastu*, the text belonging to the period under study, refers to various girls such as Shivali, Ashoka, Maya, Amara, Manohara etc. who were educated and were experts in different arts.⁴² Some inscriptions belonging to the Kushana period refer to certain nuns who had mastery over the *Tripitakas*.⁴³

The women also entered the religious order. The literary works contain references to many such women.⁴⁴ They have been referred to as *bhikshunis* and *upasikas* in the epigraphic records belonging to the Kushana period.⁴⁵

Ashvaghosha, the celebrated scholar of the Kushana period has described various good and virtuous (*sat*) and bad (*asat*) qualities of women in his works. In chapters IV and V of the *Saundrananda*, he describes them as virtuous, pleasant and beautiful as well as sinful, hateful and deceitful. In chapter IV of the *Buddhacarita*, he narrates the wiles of women to conquer men.

The prostitutes occupied a position of honour in the society. They were well-versed in fine arts and were wealthy enough to make big donations. The *Milindapanho* refers to prostitutes as Ganika, lasika and Kumbhadasi who live on prostitution and are treated as an ornament of a city (*nagarmandana*).⁴⁶ We come across various names such as Amrapali and Shyama etc. who were very famous courtesans and were very rich and respected. From Mathura we have got certain inscriptions belonging to the Kushana period which refer to the donations made by the prostitutes.⁴⁷

Regarding the property rights of women, most of the legal authorities in ancient India did not recognize the right of a woman to own property like land, houses etc., which came under the category of immovable property. But those authorities admitted the right of a woman to the *stridhana* (ornaments, jewellery etc.,) which were given to her at the time of her marriage by her husband, parents, relatives etc. The things which formed part of the *stridhana* could not be taken away from her even by her husband according to the Hindu law.

The *stridhana* is recognized as woman's property on the basis of sources from which the property was acquired, her status at the time of acquisition and the school to which she belongs. The woman is said to have had the absolute right of ownership over the *stridhana*. It means that she could dispose off the property at her pleasure. If the property could not be termed as *stridhana*, she could not dispose of it at her pleasure and she had only limited interest.

There are elaborate laws regarding the *stridhana*, which is of two types, i.e., maintenance (in money or land given by the husband) and anything else like ornaments given to her by her family, husband, in-laws and friends of her husband. The maximum amount of the first type might or might not be fixed by law, depending on the laws of the kingdom. But there was no limit to the second type, since these are gifts. Pre-nuptial contracts are mentioned where the groom would agree to give a said amount of bride price to both parents and the bride.

The *stridhana* is divided into various types such as the property given by parents at marriage, given by the parental family when she is going to her husband's house; given by her husband out of affection, and that property given separately by the brother, mother, father, in-laws anytime after marriage. If the groom gave the bride price in excess of what was originally agreed on, then the excess belongs to the bride alone and is considered the *stridhana*.

The earliest reference to women's property in the name of *stridhana* comes from the *Gautama Dharmasutra* on which she is said to have absolute control.⁴⁸ The *stridhana* comprised the ornaments, the wealth and the gifts she received from her father and relatives at the time of her marriage. The *Arthashastra* of Kautilya not only stated that the *stridhana* was the property of the married woman but also laid down that a woman could not own money up to two thousand *panas* (silver) or any sum that being held by her husband in trust on her behalf. The *stridhana* consisted of *vritti* or means of subsistence or *abandhya* such as ornaments. Her property used to pass on to her daughters and not to her sons or she was permitted to part with the *stridhana* if she wanted to give it as a present to her daughter. Moreover, the *Arthashastra* states that a remarried widow can retain her claim on the

stridhana given to her by her husband and husband's kin only if she marries with the permission of her senior in-laws, otherwise it must be handed over to her sons. While in the *Arthashastra* itself the king was advised to employ spies in the dwelling of rich widows. Hence it appears that all widows did not lose their *stridhana* by remarriage and many were left comfortably off.⁴⁹

Manu states that as the husband and wife were one, she could not own property.⁵⁰ In a joint family, according to him, she could not advance a claim to possession of separate wealth, nor of any share out of her own husband's earnings without his consent.⁵¹ She was however not kept financially miserable. Manu calls *stridhana* as wife's property which chiefly consisted of what the husband, mother, father, brother, and the relatives gave her.⁵² Vishnu includes in the *stridhana* the presents given by the son, those given by other relatives after marriage and the maintenance allowance paid to her.⁵³ According to Manu, both, the son and the daughter should inherit the mother's property.⁵⁴ According to Yajnavalkya, after the death of the son and his mother, the daughter, should inherit the whole of her father's property. Yajnavalkya defines *stridhana* as "what was given (to a woman) by the father, the mother, the husband or a brother or received by her before the nuptial fire or presented to her on her husband's marriage to another wife and the rest (*adya*) is denominated the *stridhana*. Which is given by kindred, as well as her marriage fee (*sulka*) and anything bestowed after marriage, gifts obtained from strangers except at the time of marriage and her acquisition of property by labour and skill was not considered to be the *stridhana*.

Manu recognised the *stridhana* of seven types such as (1) gifts before the nuptial fire (*adhyagni*) (2) gifts during the bridal procession to her husband's house (*adhyavahanika*) (3) gifts of love from father-in-law and mother-in-law (*prtidatta*) and gifts made at the time of obeisance at the feet of elders (*padavandanika*) (4) gifts made by her father, mother and brother (5) gifts received from her husband's family and father's family after marriage (*anvadheyaka*) (6) gift on supersession (*adhivedamika*). A present made to a wife on her husband's second marriage. (7) Gift by *bandhus* (*bandhudatta*), the gift made to her by her father's or mother's relations.⁵⁵

The property she obtained before marriage or after marriage from her father's and husband's family constitute *saudayikastridhana*.⁵⁶ A woman was given absolute right over her properties in the sense that nobody including father, mother, brother, husband and son can take the property away from her.

Manu, however, does not give the daughter any share in the parental estate. He clearly states that after the death of the father and the mother, the brothers shall divide the parental estate among themselves in equal shares.⁵⁷ Even if the property is divided during the lifetime of the parents, the sons are assigned the share in parental property.⁵⁸

Manu at one place states that the maiden sisters shall be severally given portions by the brothers out of their shares. One-fourth part of their shares is recommended by the lawgiver to be given. Those who, according to him, refuse to give the share will become outcastes.⁵⁹ Manu refers to the share of the maiden sisters, not of the married sisters which put a question mark on the share of the married daughters in parental property. Secondly, he assigns the share to be given out of the share of the brothers which implies that the property was firstly divided between the brothers and then the brothers were to give some part out of their shares to their maiden sisters. The entitled shares appear for the maintenance expenditures of the sisters and not their inherent titles in the property of their parents. This seems a moral duty on the part of the brothers rather a legal one. Manu, though does not seem to accept the right of the daughters in her father's property, yet he makes it a responsibility of the brothers to set apart a portion of the ancestral property for their sister's marriage expenses when the parents are no more alive. If it had been given for other purposes every sister irrespective of her marital status might have been entitled a share in parental property. Hence the meeting of the marriage expenses of the sisters is the sole consideration in making the allotment of shares to them in the shares of their brother's inherited property.

The reference to the brothers and sons in the above passage does not necessarily mean that the daughters or the sisters were deprived of parental property. Manu states that whatever property may have been given by her father to a wife (who has co-wives of different castes), that the daughter of the Brahmani wife shall take the daughter's issue.⁶⁰ He further states that if the eldest brother has died or is deprived of the share in the father's property, the younger brother (s) and the sister (s) should divide it among themselves.⁶¹ Manu advises the fathers that they should honour and adorn their daughters which in return will bring welfare and happiness to their family.⁶² The daughters were to be married by their parents without taking anything from the bridegroom as it was considered the sale of the daughter by the eminent lawgiver which he considers sin and hence advises to be avoided at any circumstance.⁶³ In the property of her mother, she had a definite share. In one instance Manu declares that after the death of the mother all the uterine brothers and sisters shall equally divide the mother's

estate.⁶⁴ He even assigns some share to the daughters of those daughters out of the estate of their maternal grandmother as a token of affection.⁶⁵

The daughter was not legally entitled to any share in the property of her father. She however was entitled to have a share in the transferred property which belonged to her brother. She could not carry the property to her husband's house or we may say that the share given to her by her brother was not in the category of immovable property.

In the second case, it is to be noted that the mother's property could be carried by her to her husband's house as it generally consisted of movable articles such as ornaments, clothes, and another household chattel, etc. which she could easily take away with her.

Manu does not give her the share in the immovable property of her father if she has brothers. She was only provided with nuptial expenses. If she was brotherless even then she was deprived of the right of inheritance or partition in her father's property for the spiritual benefits. In the matter of conferring spiritual benefits on the parents, she was considered inferior to the son. The change of the *gotra* after her marriage makes her spiritually undeserving and unfit for offering *pindas* to her parents. It was due to this fact that he does not allow even a brotherless daughter to succeed to her father's property. To deal with such a critical situation, Manu provides that the daughter shall be formally appointed as a *putrika*. For this the father shall declare as a procedural formality, the male child born of her shall perform his funeral rites.⁶⁶ He clearly states that between son's son and the son of a daughter there is no difference, neither with respect to worldly matters nor to sacred duties, for their father and mother respectively have sprung from the body of the same man.⁶⁷ In the absence of a son he profoundly maintains that none can take the estate when the daughter, whom he considers like a son, is still alive.⁶⁸ This indirectly indicates towards the transfer of the property to a daughter's son who shall perform funeral duties to his maternal grandfather. The right of inheritance in the ultimate analysis of things belongs to a son though he may not be his own.

Manu states that the son of a *putrika* shall take the whole estate of his maternal grandfather who leaves no son behind. He will first present a funeral cake to his father and then to his maternal grandfather.⁶⁹

There were a few questions to be considered carefully in such matters. The situation could have become awkward if no son was born to the appointed daughter (*putrika*) or died after her appointment. The situation could have worsened if a son was born to the father after the appointment of the daughter. In the second case, the property was to be divided between his

son and the son of the appointed daughter. The situation could become strange if the appointed daughter died sonless. In that case the whole property was to be transferred to her husband. To ward off such situations, Manu suggests that two or more daughters might be appointed so that there might not be any difficulty in getting at least, one male child for securing spiritual benefit through him.⁷⁰ Even this solution could have created complications. If all the appointed daughters have a few sons the property would have to be fragmented in many parts which could have created animosity among the sons of appointed daughters and confusion in the performance of funeral rites for their grandfather.

In order to avoid all these difficulties, Manu modifies the existing law and recommends that one of the daughter's sons should be chosen by the father for conferring spiritual benefits on him and the son so appointed should take away his whole property.⁷¹

Manu, as we have discussed earlier, appears to be very particular about the share of the unmarried daughters in his property when he assigns her one-fourth share in the property of her brother. The case of the brotherless daughters is totally different. One would naturally expect that the brotherless daughter should be getting more rights in her father's property but ironically the case is totally different. The reason for this is that the father having his own son was not at all worried about the spiritual benefits after his death which otherwise haunted his mind if he was sonless. Taking into consideration these worries of the sonless man makes the provision of appointed daughters so that he may transfer his property to her son who will confer spiritual benefits upon him. While doing so Manu has totally ignored the unmarried daughters and their shares which otherwise were provided by their brothers. The mother's property no doubt was to be divided among the unmarried daughters⁷² but that provision was insignificant, as that comprised a very paltry amount. According to Vishnu and Narada, the daughter should inherit the father's property only if she remained unmarried.⁷³ As far as the property rights of a widow are concerned, Vishnu⁷⁴ and Yajnavalkya⁷⁵ prescribe that she should inherit her husband's property but Manu⁷⁶ and Narada⁷⁷ disapprove it.

Thus, despite being a performer of economically productive works at home, woman in ancient times to a greater extent was considered to be a liability and expected to be under the protection if not the subordination of her male relation i.e. father, brother, husband and son etc. Her contribution as a homemaker, though seldom measured in monetary terms, was considered to be part of her daily duties to be performed at home. Many of them did a lot of household chores but even then were treated as economically dependent on their male counterparts for food, clothes, shelter and other such daily needs. The only economic or

property rights she was having was in the form of the *stridhana* which unfortunately for her was not clearly defined and legally sanctioned. It was theoretically presumed to be entirely belonging to her but that did not uplift her social and economic status in the family viz-à-viz society. She was more or less dependent on her husband and in-laws for her maintenance. From the inscriptions, it appears that she was given the freedom to donate for the religious merit of her family. Only the women belonging to the royal family, the richer section of the society or the courtesans enjoyed and exercised real control over the money in their possession. Despite of her subordinate status in society as well as inside the family, she was respected, loved, cared and protected as a mother, daughter and wife but was at the same time considered inferior to the men who possessed power endowed by the social setup to supervise, control, and protect women. Through the observations of the various aspects discussed so far which formed the integral parts of the day-to-day life of the ancient Indian society, we find the woman of north India during the Kushana period at almost same place where she used to be centuries before the coming of the Kushanas. The invaders in the form of the Kushanas do not appear to have made any substantial change in the Indian society in general and the position of women in particular. They rather adapted to the Indian scenario and adopted the norms and practices of the Indian social system, which reflects in the names of later Kushana rulers.

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