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Dr. Ambedkar and Indian Constitution on the Questions of Women Empowerment

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Abstract:

Dr. Ambedkar, an Indian jurist, economist, politician and social reformer who played a crucial role in shaping the destiny of free India, and inspired the Dalit Buddhist Movement and campaigned against social discriminations against untouchables, while the messiah of the depressed sections of society and also a votary of women's right. He was a first person who to break down the barriers in the way to advancement of women in India and prepared many laws in the constitution of India to empower women. And thus, he laid down the foundation of concrete and sincere efforts by codifying the common Civil Code for Hindus and other sections of our Indian society. Dr. Ambedkar made significant efforts to lead the society on the path of liberty, equality and fraternity. Being a leader of depressed class and founder of Indian constitution, Ambedkar's perception of women questions, emphasizing their right to education, equal treatment with men, right to property and involvement is the political process resembled the global feminists demand. Hence, the present paper is an attempt to highlight Dr. Ambedkar with Indian constitution on the questions of women empowerment in India.

Keywords: Women, Empowerment, Emancipator

Introduction: Born in 19th century, Bhimrao Ramji Ambedkar, popularly known as Baba Saheb, was as Indian jurist, economist, politician and social reformer who played a crucial role in shaping the destiny of free India, and inspired the Dalit Buddhist Movement and campaigned against social discriminations against Untouchables, while the messiah of the depressed sections of society and also a votary of women's right.

Before independence in India, the conditions of depressed classes were almost hellish. His heart was excessively charged with pathos when he found inhuman, discriminatory behaviour being practiced between man and man in the then society. He resolved against the social evils, and to eradicate them from the orthodox, traditional society. And he was heated for his exceptional fearlessness and outspokenness.

Dr. Ambedkar started struggles for movement in 1920. To provide the voice to the poor helpless people he started fierce propaganda against the Hindu social order launched are,

‘Mook Nayak’, Bahiskrit Bharat, ‘Janata’, ‘Samata’ was launched as the organ of the ‘Samaj Samata Sangh’ so on, thorough issues he put due stress on the gender equality and need for education and expose the problems of the depressed as well as women.

Dr. Ambedkar was greatly influenced by the thoughts of Lord Buddha, Saint Kabir and Jyoti Ba Phule. This is why he made significant efforts to lead the society as the path of liberty, equality, fraternity.

He was not only in favour of promoting the scheduled or depressed caste people but wanted to make better the wretched conditions of the backward caste people and was a loyal supporter of women’s right. The Hindu Code Bill, introduced by him, evidences his serious concerns in this regard. He made no any discrimination between son and daughter in Hindu family.

Dr. Ambedkar was not opposed to Hindu society or Hindu religion; he rather thought that Hindu society should be recognised on the basis of two crucial principles of equality and castelessness.

Dr. Ambedkar tried an adequate inclusion of depressed class and Woman’s right in the political vocabulary and constitution in India and sections of the Indian society. This present paper is an attempt to highlights Ambedkar and Indian constitution on the Questions of Women Empowerment.

Dr. Ambedkar on Women Empowerment: Being a leader of depressed class and founder of Indian constitution, Ambedkar’s perception of women questions, emphasizing their right to education, equal treatment with men, right to property and involvement is the political process resembled the global feminists demand.

As J.S. Mill expressed in the Subjection of Women, the legal subordination of one sex to the other is wrong in itself and one of the chief hindrance to human development, and ought to be replaced by a principle of perfect equality admitting no privilege or power on the one side, nor disability on the others, Ambedkar and also holds the same views on work for women.

Dr. Ambedkar believed in the strength of women and their role the process of social reform. He made social reform divisible into two parts, one, the reform of the Hindu family and the other, the reorganization and reconstruction of the Hindu society. The problems of sati, widow, remarriage, child marriage, etc. relate to the social reform of the Hindu family. He was also depressed with the inhuman and subserviced ordained in Dharma-Shastras (Manusmriti).

Women were denied the right to education and the right to property. They were treated as objects to please man. In this light, Man had prescribed that they must not be free in any respect. They required to be controlled vigilantly by their guardians. They did not have a right to divorce.

A wife was reduced by Manu to the level of a slave in the matter of property. She was subject to corporal punishment as the husband had the right to beat his wife. Women did not have a choice in selecting a spouse; the father had the right to settle the marriage of his daughter.

She had to worship a husband faithfully even if he be a debaucher or a man devoid of virtues and other human qualities. Manu made another new rule, which stated that killing a woman was only a Upapataka i.e., it was a minor offence.

Above mentioned some the laws made by Manu regarding women and are to be found in the Manusmriti.

There were made laws of the state in order to prevent women from getting out of the fold Hinduism. Thus, Dr. Ambedkar writes, "In the face of these questions can anybody doubt that it was Manu who was responsible for the degradation of women in India? Those the laws of Manu are the views of the Bramhinism even since Bramhinism was born in India. In order to strength the Brahminical faith, sacrifices, Varnasharawe dharma and achars. The Manusmriti stipulated various injunctions which inter alia, prohibited women from becoming nuns.

Regarding with these aspects, Dr. Ambedkar did not remain content with felling the story of the Hindu women as a result of the iniquitous injunctions laid down by the Manusmritis. In the constituent assembly, while speaking on the Hindu Code Bill, he urged the members to have a common code which could do any with the rules of Hindu law scattered in innumerable decisions of the High Courts and of the pricy council, a mostly of seven different matters, i.e.,

1. The right of property of deceased Hindu who has died intestate without making a will, to both female and male,
2. The order of succession among the different heirs to the property of deceased dying intestate,
3. The laws of maintenance,
4. Marriage
5. Divorce
6. Adoption and
7. Minority and guardianship (Constituent Assembly Debate Vol. IV).

From this it could be seen that Dr. Ambedkar had an intense dislike for injustice inflicted on women and he championed their cause with the zeal and enthusiasm comparable to that of Jyotiba phule and Raja Rammohun Roy. Rammohun Roy fought against the cruel custom of Sati Mahatma Jyotiba phule was the first Indian to start a school for the untouchables and for women. And Dr. Ambedkar tried to generally raise the status of women and to empower women through legal measures, without any regard to the dalit issues.

In 1955, the laws relating to marriage, adoption, maintenance, divorce etc. were passed in parliament. But many orthodox members of parliament opposed the Hindu Code Bill.

So much of hardwork by him, as Dr. Ambedkar was the Social Revolutionary in the human history of world. He considered his country's interest for most and above all, than any class of society.

In this speech dated 4th April, 1938 in Bombay Legislature he said, 'I want all people to be Indian first, Indian last and nothing else but Indians'. It appears for Dr. Ambedkar, to be an Indian foremost important than any sectarian, regional, religious and creed notions.

He was very keen on complete eradication of social evils which were imposed on women under the Umbrella of Hindu Social Order for which being a Law Minister, he proposed the Hindu Code Bill on 11th April 1947 (Saxena, 1998).

The Bill was moved for referring to the Select Committee on 9th April, 1948. The parliamentary debates continued for more than 4 years. This was the first longest discussion on any single Bill in the free India's Parliament. Dr. Ambedkar felt that the Government i.e., the Congress were not no eager to clear the Hindu Code. Even Jawaharlal Nehru who was at the initial stage in favour of passing of the Hindu Code Bill, later made a retreat bowing to the wishes of the orthodox sections of the Congress party because he wants to maintain at any cost the solidarity of his party. In order to oppose the Hindu Code Bill, many eminent people organised conference, meeting, delegations, petitions and demonstrations.

Dr. Ambedkar dug up the Hindu Code Bill, revised it and keeping in view the provisions made in the Constitution made amendment so as to give Hindu Women rights in the matter of marriage, divorce, succession, adoption, etc. The revised draft bill was printed on July 17, 1948, and circulated for inviting public comments. Ambedkar move the Bill 'to amend and codify certain branches of the main objections of the orthodox Hindu leaders and members of the Constituent Assembly were:

1. To lay the axe at the very root of Hindu religion and culture and structure of Hindu society.
2. Hinduism and Hindu society will be destroyed if the Bill is passed.
3. Neither Jawaharlal Nehru, Prime Minister of India, nor the B.R. Ambedkar, Minister of Law, had knowledge of the Hindu shastras and Hindu law. One is agnostic and the other is anti- Hindu.
4. Present government has no mandate to amend the Hindu personal law.
5. Government should have taken the cause of cow protection instead of the protection of the Hindu women. Hindu women have no grievances and there is no demand from Hindu women to amend the law excepting from some westernized women in Congress.

Dr. Ambedkar tried to allay the fears of the orthodox Hindus. He had studied the subject and had thorough knowledge of the Hindu law. He tried to explain the reasons for codification:

It is not just to say that the revision in the present Bill bore no relation to any of the Shastras and the Hindu religion. The Hindu Code Bill was neither revolutionary nor radical. The purpose of the Bill was to fulfil the three indispensable requirements of the Hindu law, namely certainty, uniformity and accessibility. A common denominator must be found on which the Civil Code must be based. And Hindu law being the law of the majority should be modified first so as to make it uniform in all aspects.

To provide equal rights to the women as enjoyed by men he produced the Bill in the Parliament. In desperation Dr. Ambedkar resigned from the Nehru's Cabinet. After winning election Nehru split the Code Bill into four separate bills, including the Hindu Marriage Act, the Hindu Succession Act, the Hindu Minority and Guardianship Act, and the Hindu Adoptions and Maintenance Act. These were met with significantly less opposition, and between the years of 1952 and 1956, each was effectively introduced in and passed by Parliament.

If talk on the Dalit Women: According To him, in a male domination society, Dalit women suffered unimaginable oppression, not only through caste, but gender too, from which there was no escape. Dalit women, highlighting the fact that Dalit women are a distinct social group and cannot be masked under the general categories of "Women" or "Dalits".

He discussed a number of problems of Hindu women and sought for their solutions in Bombay Legislative Council, in the Viceroy's Executive Council, as a Labour Member, in the Constituent Assembly as the Chairman of the Drafting Committee and also in the Parliament as first Law Minister of independent India.

With the rise of Dr. Ambedkar, women got their real emancipator. The Manusmriti was burnt in full public view by Dr. Ambedkar on 25th December 1927, thus he blew bugle of fight against discrimination and exploitation on the basis of one's caste, creed, sex or place of birth. His principle of life was to speak, work and fight for the just cause of oppressed depressed, exploited, illiterates, ill fed and ill-treated men and women irrespective of their caste or social status, place of birth affiliations and without caring for his personnel life discomforts. Till then woman was considered lowest of the low in the Indian Society, so he fought a very difficult battle for their cause. On March 19 and 20, 1927 he addressed a huge meeting of depressed classes, including women, and gave strong call for liberation of women.

He advised them to attend more to their development of mind and the spirit of self-help; He said that education was as necessary for development of women as was for men. He declared "As you are, so shall be your children". He advised, let every girl who marries, stand by her husband, claim to be her husband's friend and equal and refuse to his slave.

Ambedkar also advocated for equal wages for equal work without discrimination on the basis of sex, class, caste, besides grant of paid maternity leave to expecting mothers. While in Bombay Legislative Council in 1928, his arguments on the Maternity Benefit Bill and Birth Control were quite relevant to recognise the dignity of women. He vehemently supported the maternity bill. His argument was—

“It is in the interest of the nation that mother ought to get a certain amount of rest during the pre-natal period and also subsequently, and the principle of the Bill is based entirely on that principle...”

“That being so Sir, I am bound to admit that the burden of this ought to be largely borne by the Government; I am prepared to admit this fact is primary concern of the Government.

A part from this, Dr. Ambedkar argued that the employer should not be free from the liability. It is absolutely reasonable to state the employer gets certain special benefits by employing women instead of men.

Women started participating in satyagrahs and also launched women’s associations for Dalit Women for spreading education and awareness among them. He also advised to change their style of wearing sarees, wear lightweight ornaments, not to eat meat of dead animals. It was upper caste women like Tipnis who taught them proper way of wearing sarees. Meeting held to according support to the mass conversion move inaugurated at Yeola. Ambedkar made a fervent appeal, especially to the dalit women-

“Whether you change your religion along with us or not, it does not matter much to me. But I insist that if you want to be with the rest of us, you must give up your disgraceful life. You must marry and settle down to a normal domestic life as women of other classes do. Don’t continue to live under conditions, which inevitably drag you into prostitution”

At the All Depressed Classes Women’s Conference held at Nagpur on 20th July, 1940. Ambedkar emphasised that there could not be any progress without women. He spoke, “I am a great believer in women’s organisation. I know what they can do to improve the condition of the society if they are convinced. In the eradication of social evils they have rendered great services”. They should educate their children and instil high ambition in them. He served on a number of important sub-committees and prepared scheme of political safeguard for the protection of depressed classes and for the women in the future constitution of a self-governing India. Ambedkar also advocate the immediate introduction of adult franchise.

Therefore, by considering women’s equality both in formal and substantial senses he included special provisions for women’s equality both in formal and sustainable senses he included special provisions for women while all other general provisions are applicable to them, as to men constitutional provisions.

Ambedkar's vision of India, all citizens would be equal before law; they have equal civic rights, equal access to all institution so on. He pleaded for special privileges and safeguards for the Dalits as scheduled Castes and also for the women.

The Constitution of India contains various provisions, which provide for equal rights and opportunities for both men and women from every classes and castes. The salient features are:

1. Article 14 guarantees that the State shall not deny equality before the law and equal protection of the laws;
2. Article 15 prohibits discrimination against any citizen on the ground of sex;
3. Article 15 (3) empowers the State to make positive discrimination in favour of women and children;
4. Article 16 provides for Equality of Opportunity in matters of public employment;
5. Article 23 prohibits trafficking in human being and forced labour;
6. Article 39 (a) and (d) enjoins the State to provide equal means of livelihood and equal pay for equal work;
7. Article 42 enjoins upon the State to make provisions for securing just and humane conditions of work and for maternity relief;
8. Article 51A(e) impose a Fundamental Duty on every citizen to renounce the practices derogatory to the dignity of women;
9. Article 243D (3) provides that not less than 1/3rd of the total number of seats to be filled by direct election in every Panchayat to be reserved for women, and such seats to be allotted by rotation to different constituencies in a Panchayat;
10. Article 243T(3) provides that not less than 1/3rd of the total number of seats to be filled by direct election in every Municipalities for Sc, ST, Women and such seats may be allotted by rotation to different constituencies in a Municipality;
11. Article 243T(4) provides reservation of offices of Chairperson in Municipalities for Sc, ST Women in such manner as the legislature of a State, may be law provide;

With above mentioned Constitutional provisions, various numbers of legislative enactments have been framed to protect, safeguard and promote the interests of Women. Many of these legislative enactments have been in the sphere of labour laws to ameliorate the working conditions of women labour.

And many of good steps taken by the government of India for the empowerment of women, such as; Education of Women, Self Help Group, Capacity Building and Skill Formation, Skill Up-Gradation Training Programme, Women and Child Development etc.

Conclusion: Ambedkar was the first communist thinker who believed in egalitarian society. He did not differ between male and female. He suggested to formulate the new doctrinal basis of the Hindu religion "that will be in consonance with liberty, equality and fraternity". Ambedkar realised that to remove the evil practices over women they should be safeguarded by constitutional provisions. He believed in social democracy as well as political democracy. To him, democracy is an associated mode of social life.

His concept of ideal society would be based on egalitarian concept. Law can only be an instrument of change that must be effectively used. Some of the legislations passed over the years to vouchsafe the interests of women are being outlined in succeeding paragraphs;

1. The Dowry Prohibition Act 1961
2. The Maternity Act 1961
3. The Medical Termination of Pregnancy Act 1971
4. The Factories Act 1976 (Amendment)
5. The Equal Remuneration Act 1976
6. The Child Marriage Restraint (Amendment) Act 1976
7. The Contract Labour (Regulation) Act 1978
8. Criminal Law (Amendment) Act 1983
9. The Family Courts Act 1989
10. Indecent Representation of women prohibition Act 1986
11. The Commission of Sati (Prevention) Act 1987

Dr. Ambedkar could not succeed in getting passed the full Hindu Code Bill, but he successfully put the ball rolling and laid the foundation of equality for women of in India in all spheres of life. Due to his efforts the women are now holding high positions of authority in all fields.

Dr. Ambedkar's impassioned love for the 'fallen' women as a whole community and his advice to rescue themselves from the despised and disgraceful life was quite meaningful. Ambedkar accorded equal status to women and men in every sphere and he also warned the women against the misuse of their rights.

Therefore, it would be appropriate to regard Dr. Ambedkar as one of the saviours of Indian women. His contribution is unique and cherishable by the women of India. It should be the foremost duty of women's associations, groups, and organisations to actively participate in the processes of social change and welfare. The women's movement needs to be strengthened to overcome the artificial divisions and boundaries created by geography, economy and ideology.

While my attempt in this work is to highlighting Dr. Ambedkar's endeavour for woman's emancipation and how he balanced the demands of woman rights from tough Hindu cultures and made the laws which carry forwarding by Indian constitution to providing the equality and is the Indian women are secure and in equal position of man after having many laws, provisions, schemes and organisations for their development.

But if we see burning issues like rape of some girls, some cruel attacks on women like acid attack so on. (Were on it there is movie to make aware) so my questions will that why we women are facing such things after even having many special provisions and promotion, is those provisions the women were guaranteed to be safe in the society.

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