

Women Empowerment as reflected in Indian Constitution: A Study of Dr. B. R. Ambedkar

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Abstract: Dr Bhim Rao Ambedkar was not only the architect of Indian Constitution; he was a great freedom fighter, political leader, philosopher, thinker, economist, social reformer, revivalist of Buddhism ,and above all a crusader for securing the rightful place for the discriminated, deprived and downtrodden sections of our society. Ambedkar made sincere efforts in understanding the reality about the status of women in India and advocate a practical reformist measures especially comprehensive Hindu Code Bill for the upliftment of women.

Later on these measures form the basis of the legislation for providing better opportunities to women so that they can occupy a position of equality, respect and can realize their potentials for building an equitable and egalitarian society.

The Present Paper will try to give a brief outline of Ambedkar's vision for women upliftment and the required legislation which followed.

Keywords: Indian Constitution, Social reformer, Hindu Code Bill, Upliftment of women.

1. Introduction

Dr Bhim Rao Ambedkar was not only the architect of Indian Constitution; he was a great freedom fighter, political leader, philosopher, thinker, economist, social reformer, revivalist of Buddhism ,and above all a crusader for securing the rightful place for the discriminated, deprived and downtrodden sections of our society.

Ambedkar made sincere efforts in understanding the reality about the status of women in India and advocate a practical reformist measures especially comprehensive Hindu Code Bill for the upliftment of women. Later on these measures form the basis of the legislation for providing better opportunities to women so that they can occupy a position of equality, respect and can realize their potentials for building an equitable and egalitarian society. The Present Paper will try to give a brief outline of Ambedkar's vision for women upliftment and the required legislation which followed.

During the 19th century, Women's rights movements emerged in many countries such as American Women Suffrage Association, Women's Social and Political Union in U.K, with the achievements of franchise rights for women in Britain in 1918, and America in 1920 and created social awakening in India. Ambedkar's perception of women, emphasizing their right to education and property, equal treatment with men and involvement in 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 other, Ambedkar also holds the same views for women.

Dr. Ambedkar always believed in movements led by women in their strength and role in the process of social reform. In January 1928, a women's association was founded in Bombay with Ramabai, Ambedkar's wife, as its president. The historic Mahad Satyagraha for temple entry in 1927 and Kalaram Temple Entry Satyagraha at Nasik in 1930 witnessed participation of women along with men. Addressing a meeting of about 3000 women, he said, "I measure the progress of community by the degree of progress which women had achieved." He strongly advocated for family planning measures for women in Bombay Legislative Assembly.

In 1932 As Labour Minister of Executive Council of Governor General, he introduced a Maternity Benefit Bill. He provided several provisions in the constitution for protecting the welfare and civil rights of women. Besides, his secular perspective is known through his thoughts on the issues of Muslim women "Purdah" (Veil) system, religious conversions, their legal rights and their suppression under religious traditions, their marriages and so on. In his *The Riddle of the Woman*, *The Woman And the Counter Revolution*, *The Rise and Fall of Hindu Women*, *Castes in India: Their Mechanism Genesis and Development* and through the issues of his journals *Mooknayak* (1920) and *Bahishkrit Bharat* (1927), Ambedkar pointed out how the laws of Manu on the status of women have moulded the Hindu attitude and Indian perspective towards women. He attacked Manusmriti as a major source, which legitimizes the denial of freedom, self respect, right to education, property, divorce etc., to women, perpetuated and maintained through Hindu personal laws based on shastras, caste and endogamy, i.e. the base of Indian patriarchy. He put due stress on the gender equality and the need for education and also

suggests strategies for their emancipation from oppression in Buddhist religious philosophy, Buddha Dharma and Buddhist values, which promotes equality, self-respect and education. Ambedkar believes that Buddha treated women with respect and love, and never tried to degrade them like Manu did.

Ambedkar's emphasis was on reconstruction of the Hindu society on the basis of equality rather than the social reforms initiated by Brahma Samaj or Arya Samaj because their attempts were limited only to the upper classes. Ambedkar created awareness among poor, illiterate women and inspired them to fight against the unjust and social practices like child marriages and devdasi system. Running newspapers, women's hostels, boarding schools participating in Sathyagrahas were some of the activities of woman for acquiring the personality development to secure efficient administrative and leadership capacity as men have. He found education, inter-caste marriage and inter-dine as methods, which may eliminate castes and patriarchy, maintained through *endogamy*. By the mid 1910s, the Congress also started the movement against untouchability and worked towards constitutional reforms for the Depressed Classes.

In the first All India Conference of The Depressed Classes Mission Society of India on 23-24 March 1918 in Mumbai, Ambedkar demanded separate electorate and reserved seats for the Depressed Classes in proportion to population.

Dr. Babasaheb Ambedkar exclaimed, "I strongly believe in the movements run by women. If they are truly taken in to confidence, they may change the present picture of society which is very miserable. In past, they have played a significant role in improving the condition of weaker section and classes." He always honored women for their work and hardships. He, therefore, took initiative to draft and introduce the Hindu Code Bill in the Constituent Assembly, the most formidable legislative measure of modern India which sought among other reforms, to put an end to a variety of marriage systems prevailing in India and legalize only monogamous marriages. It put men and women on an equal level in all legal matters. The principles of codification covered:

- i) Right to property
- ii) Order of succession to the property
- iii) Maintenance, marriage, divorce, adoption, minority and guardianship.

The existing Hindu law especially dealing with succession and inheritance led to discrimination against the female heirs. Ambedkar wished to abolish this discrimination in the Hindu Code Bill. The points raised in the bill for consideration of the house, were these:

- i) The abolition of birth right and to take property by survivorship;
- ii) The giving of half share to the daughter;
- iii) The conversion of women's limited estate into an absolute state;
- iv) The abolition of caste in the matter of marriage and adoption;
- v) The principle of monogamy;
- vi) The principle of divorce.

Justifying the departures made in the bill Ambedkar said , The Hindu society is an inert society. It has always believed that law making is the function either of God or the Smritis and that Hindu society has no right to change the law. That being so, the law in Hindu society has remained what it was for generations to come. Society has never accepted its own power and its own responsibility in moulding its social, economic and legal life. It is for the first time that we are persuading the Hindu society to take this big step.

The Hindu Code Bill was later split into four Bills, and the same were put on the Statue Book by Parliament.

- The Hindu Marriage Act, 1955;
- The Hindu Succession Act, 1956;
- The Hindu Minority and Guardianship Act, 1956 and

The Hindu Adoption and Maintenance Act, 1956 are the four enactments which incorporate the ideas and principles of Hindu Code Bill formulated by Dr Ambedkar. They give independent| status to women and endow them with the right of adoption, succession and property, which was completely denied by Manusmriti. Dr. Ambedkar tried an adequate inclusion of womens' right in the political vocabulary and Constitution of India which contains various provisions for equal rights and opportunities for both men and women.

- Article14 - Equal rights and opportunities in political, economic and social spheres.
- Article 15 prohibits discrimination on the ground of sex.
- Article 15[3] empowers the state to make positive discrimination in favour of women and

children;

- Article 16 provides for equality of opportunity in matters of public employment;
- Article 23 prohibits trafficking in human beings and forced labour;
- Article 39 – Equal means of livelihood and equal pay for equal work;
- Article 42 – Human conditions of work and maternity relief;
- Article 46 – The state to promote with special care, the educational and economic interests of weaker section of people and to protect them from social injustice and all forms of exploitation;
- Article 47 – The state to raise the level of nutrition and standard of living of its people and the improvement of public health and so on;
- Article 51 (A) (C) – Fundamental duties to renounce practices, derogatory to the dignity of women;
- Article 243D (3), 243T (3) & 243R (4) provides for not less than 1/3rd of the total number of seats reserved for women in Village Panchayats;
- Article 243 I[3] provides that not less than 1/3rd of the total number of seats reserved for women in Municipal Corporation;

The proposed Women's Reservation Bill to provide 33% reservation for women in the Lok Sabha and State Legislature is now under consideration. In pursuance of the above Constitutional provisions, various legislative enactments have been framed to protect, safeguard and promote interests of women. He said in his speech delivered in the Constituent Assembly on 25th November 1949, "Political democracy cannot last unless there lies at the base of it social democracy." By social democracy he means a way of life, which recognizes liberty, equality and fraternity as principles of life. He further said: "On 26th January 1950, we are going to enter into a life of contradictions. In politics we will have equality and in social and economic life we will have inequality. We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy which this Assembly has so laboriously built up." Prime Minister Jawaharlal Nehru said "Dr. Babasaheb Ambedkar was a symbol of revolt against all oppressive features of Hindu society".

In January 1992, the National Commission for Women was set up by an act of Parliament with the specific mandate to study and monitor all matters relating to the constitutional and legal safeguards provided for women, review the existing legislation, to suggest amendments wherever necessary, and safeguard the rights and entitlements of women. The Commission extends financial support to NGOs and educational institutions to conduct legal awareness programme to enable women to become aware of their rights. His dream of society, based on

gender equality is yet to be realized and therefore his thoughts are important for the social reconstruction that favors women empowerment

Like Ambedkar, The National Policy for the Empowerment of Women 2001, also admits, “The underlying causes of gender inequality are related to social and economic structure... and practices. Consequently, the access of women, particularly those belonging to weaker sections including Scheduled Castes/ Tribes Other Backward Classes and Minorities ... to education, health, and productive resources, among others is inadequate. Therefore, they remain largely marginalized, poor and socially excluded.”

It still remains true that the basic rights of women have yet to be restored to them even after 67 years of the working of the Indian Constitution based on the principle of liberty, equality and justice to all Indian citizens.

REFERENCES:

1. Dr. Babasaheb Ambedkar Writings and Speeches [Mumbai Government of Maharashtra, 1995], Vol. 14, Part one, p.41.
2. V.R. Gupta and Mohini Gupta [eds]: Makers of Modern India, Series II, Dr. B.R. Ambedkar, Ambe Books, New Delhi, 1998.
3. D.C. Ahir, The Legacy of Dr. Ambedkar, B.R. Publishing Corporation, 1990.
4. M.L. Ranga [ed]: B.R. Ambedkar: Life. Work and Relevance, Manohar Publisher, New Delhi, 2000.
5. Kusum Sharma, Ambedkar and Indian Constitution, Ashish Publishing House, New Delhi, 1992.
6. D.R. Jatava, Sociological Thoughts of B.R. Ambedkar, ABD Publishers, Jaipur, 2001.
7. Ramchandra Guha [ed]: Makers of Modern India, Penguins Book India, New Delhi, 2010.
8. W.N. Kuber, Builders of Modern India, B.R. Ambedkar, Publications Division, Ministry of Information and Broadcasting, Government of India, 1990.
9. A.M. Rajashekharaiyah, The Quest for Social Justice, Uppal Publishing House, New Delhi, 1989.
10. Kanta Kataria, Relevance of Ambedkar’s Ideology, Rawat Publications, Jaipur, 1915.